

# MINUTES

## Pacific Fishery Management Council

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 October 29 - November 2, 2001

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## A. Call to Order

### A.1. Opening Remarks, Introductions

Chairman Jim Lone called the 161<sup>st</sup> meeting of the Pacific Fishery Management Council (Council) to order at 3:05 p.m. Mr. Lone noted there are no Council member appointments for discussion.

### A.2. Council Member Appointments

None.

### A.3. Roll Call

Dr. McIsaac introduced Lt. CDR. Jeff Jackson of the Coast Guard during this time.

### A.4. Executive Director's Report

Dr. McIsaac reported there would be an honorary banquet for outgoing Council member Jack Barraclough.

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

Chairman Lone, under A.6., the September 2001 minutes have not been prepared and have been deferred due to the workload on the groundfish EIS. Under Pacific halibut management between I.d and e. there will be a presentation by Heather Gilroy of the International Pacific Halibut Commission (IPHC). Under Salmon Management there will be a presentation on Klamath Council issues by Dan Viele. On Thursday, under HMS Plan, after Agenda Item 2.b., there will be a presentation by Dr. McIsaac on the "Report to the Western Pacific Fishery Management Council (WPFMC)" on the Pacific Council's draft HMS plan.

Dr. McIsaac noted the Council deferred two components of C.3 to be taken up under C.4. These two matters are (1) bycatch and discard rates and (2) final allocations. Advisory body statements and public comment on these two matters will be taken up under C.4. Mr. Harp requested a tribal comment on Agenda item C.4. (Both the pre-discussions and the final action).

The Council approved the agenda with the changes as discussed above. Mr. Alverson made the motion and Mr. Ralph Brown seconded the motion. (Motion 1)

## B. Pacific Halibut Management

### B.1. Proposed Changes to the Recreational Catch Sharing Plan and Annual Regulations for 2002 (October 29, 3:25 p.m.)

#### B.1.a. Agendum Overview

Mr. Chuck Tracy provided the agendum overview.

#### B.1.b. 2001 Halibut Fisheries Report

Mr. Tracy informed the Council that Exhibit B.1.b, 2001 Halibut Fishery Report, was for informational purposes. He noted that 2001 is the first year of an incidental halibut catch in the primary directed sablefish fishery, the catch to date is approximately 27,000 pounds on a quota of 49,000 pounds, and the quota should not be exceeded by the end of the season.

B.1.c. State Proposals

Mr. Anderson presented Exhibit B.1.c, Supplemental WDFW Proposal, as follows:

*The Washington Department of Fish and Wildlife recommends that the following changes to the Pacific Halibut Catch Sharing Plan for Area 2A to be distributed for public review:*

*(f) SPORT FISHERIES*

*(1) Subarea management*

*(i) Washington inside waters (Puget Sound) subarea.*

*“...The structuring objective for this subarea is to provide a stable sport fishing opportunity and maximize the season length. **To that end, the Puget Sound subarea may be divided into two regions with separate seasons to achieve a fair harvest opportunity within the subarea.** Due to inability to monitor the catch in this area inseason, a fixed **seasons, which may vary and apply to different regions within the subarea,** will be established preseason based on projected catch per day and number of days to achievement of the quota. ~~No~~ inseason adjustments ~~will~~ **may** be made, and estimates of actual catch will be made postseason. The fishery will open in **April or** May and continue ~~at least through July 4, or until a~~ **dates** established preseason (and published in the sport fishery regulations) when the quota is predicted to be taken, or until September 30, whichever is earlier...”*

Mr. Anderson noted that the intent of the proposed change is to allow management flexibility to separate the Puget Sound subarea into two regions with different season dates. Halibut in Puget Sound migrate from the eastern Sound to the western Sound and Straits of Juan de Fuca during the spring, reducing access to halibut by East Sound anglers later in the year. The current opening date in May precludes access to halibut by East Sound anglers. By dividing the Puget Sound subarea into east and west regions and providing an earlier opening date for the East Sound region, East Sound anglers should have increased opportunity to harvest a portion of the subarea allocation.

Mr. Anderson noted that based on comments received at public meetings, no changes to the Columbia River area recreational regulations are recommended.

Mr. Burnie Bohn referred the Council to Exhibit B.1.c, Supplemental Oregon Department of Fish and Wildlife (ODFW) Proposal. Mr. Bohn noted that the proposals were aired at three public hearings and an Oregon Fish and Wildlife Commission (OFWC) meeting. The only change recommended by the state of Oregon is to increase the on-shore possession limit from one to two halibut, consistent with the state of Washington regulations.

B.1.d. Tribal Comments

Mr. Jim Harp presented Exhibit B.1.d., Supplemental Tribal Comments, as follows:

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

*The tribes propose no changes be made to the catch sharing plan as it relates to the Treaty Indian allocation of halibut for 2002. That allocation would remain at 35% of the Area 2A TAC, plus the 25,000 lb. adjustment be transferred from the non-Treaty Area 2A halibut allocation, as specified in the Stipulation and Order of the U.S. District Court, Subproceeding No. 92-1.*

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

**IPHC**

Ms. Heather Gilroy discussed the third issue referenced in Exhibit B.1.c, Supplemental ODFW Proposal, regarding allocation of the central Oregon recreational quota between charter and private vessels. She indicated that the IPHC issues licenses to charter vessels, but does not verify those licenses. The IPHC does not issue licenses to private vessels. The IPHC does not support using the IPHC charter licenses as an allocation tool. (See Exhibit B.1.f, Supplemental Public Comment 2). The IPHC desires to work with the states on any modification of the current sampling program.

Mr. Alverson inquired about preliminary results of the longline survey. Ms. Gilroy indicated that no results were available, and that the survey went as far south as southern Oregon.

**SAS**

Mr. Mark Cedergreen presented the Salmon Advisory Subpanel (SAS) report, Exhibit B.1.e, Supplemental SAS Report. Mr. Cedergreen indicated that Mr. Ron Lethin did not support the recommendations of the SAS.

B.1.f. Public Comment

None.

B.1.g. **Council Action:** Adopt Proposed Changes to Recreational Regulations

Mr. Anderson moved to adopt the WDFW (B.1.c) and ODFW (B.1.c, issue 1) proposals to the Pacific halibut recreational regulations for public review (Motion 2). Mr. Alverson seconded the motion.

By adopting the motion, the Council approved the following two changes to the catch sharing plan for Area2A. The first allows separation of the Puget Sound sub-area into two regions with different season dates; this action provides an earlier opening date for the East Sound region and thus increased opportunity to harvest a portion of the sub-area allocation. The second adopted a change in the Oregon on-land possession limit from one halibut to two halibut; this action was to achieve consistency with possession limits for most other species in Oregon and with the Pacific halibut possession limit in Washington.

Mr. Bohn indicated that ODFW will try to increase sampling to further investigate division of the Columbia River quota into Oregon and Washington shares.

**C. Groundfish Management**

C.1. National Marine Fisheries Service (NMFS) Report (October 30, 8:10 am)

C.1.a. Council Discussion on National Marine Fisheries Service Report

Mr. Bill Robinson updated the Council on regulatory activities and scientific research issues since the last Council meeting.

Ms. Yvonne deReynier explained implementation of the second phase of permit stacking (Amendment 14). She noted that after conferring with the Northwest, Southwest, and Alaska Regions, and between the management and enforcement branches of the agency, NMFS did not believe that the six hour hail-in requirement in the amendment had merit. Council members were concerned that NMFS proposed to make adjustments to this enforcement measure and inquired as to what input the Council could provide at this time. Ms. Cooney noted that the Council would have to wait until the March meeting to take formal action because the issue is not on the November agenda. The change is a regulatory amendment. Mr. Robinson said we need to proceed with the rulemaking and not wait until March since we need to have the full structure available to us next year. Chairman Lone asked if it was Council consensus for NMFS to proceed without the hail-in

requirement? There were no dissenting comments. Mr. Robinson said NMFS will proceed without the six hour hail-in notification requirement.

Dr. Liz Clarke, from the Northwest Fisheries Science Center reported the activities of the science center and gave an update on the observer program. NMFS has contracted with (Pacific States Marine Fisheries Commission (PSMFC) for observers, and NMFS has trained them.

Dr. Gary Stauffer and Dr. Kevin Piner gave an update on the triennial survey.

## C.2. Marine Recreational Fisheries Statistics Survey Update (October 30, 9:43 am)

### C.2.a. Agendum Overview

Mr. Jim Seger provided the agendum overview.

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

Mr. Russell Porter asked the Council for guidance on the precision needed in the estimates of recreational groundfish harvest. He suggested that the Council set up a small group to address this question. NMFS generally considers a percent standard error of 20% or less to be adequate.

Mr. Roger Thomas expressed appreciation for the new charter vessel sampling program in California and asked about the survey for private vessels. Mr. Porter indicated that they were very concerned about the sampling program for the private vessels. Meetings will be held to look at alternative ways to collect this information. The charter vessel program is funded through June 2002. They are hoping that NMFS will cover the extra costs of the program so that it can continue in the next grant cycle (July 2002 through June 2003).

Mr. Don Hansen expressed concern that it seemed like estimates of recreational harvest changed substantially every time a new report is issued.

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

## **GAP**

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

*The Groundfish Advisory Subpanel (GAP) continues to express its concern about several aspects of the Marine Recreational Fisheries Statistics Survey (MRFSS). Both commercial and recreational fishermen, whose fisheries are affected by management actions based on MRFSS data, have complaints about the accuracy of that data and its use for inseason adjustments, especially since use of the data can lead - and has led - to fisheries closures. Since recreational data is used for some stock assessments, GAP members question the reliability of those assessments (yelloweye rockfish is frequently cited as one example). The GAP believes the California Department of Fish and Game needs to continue to encourage the use of recreational logbooks and follow up with extensive sampling. Further, sampling times need to be based on the realities of the recreational fishery. Sampling when a fishery is closed makes little sense.*

### C.2.d. Public Comment

Mr. Darby Neil, sportfisherman, Morro Bay, California  
Mr. Bill Jencks, Newport, Oregon  
Mr. Kurt Solomon, fisherman, Moss Landing, California  
Mr. Allen Chin, Emeryville Sportfishing, Emeryville, California  
Mr. William Smith, Riptide Sportfishing, Half Moon Bay, California  
Mr. Kenyon Hensel, Crescent City hook-and -line Fisherman, Crescent City, California  
Mr. Richard Powers, Golden Gate Fishermen's Association, Bodega Bay, California  
Mr. Bob Ingles, Golden Gate Fishermen's Association, Half Moon Bay, California

Mr. Josh Churchman, fisherman, Bolinas, California  
Ms. Kathy Fosmark, open access, Pebble Beach, California  
Mr. Quang Vo, charterboat operator, Berkeley, California  
Mr. Trung Vo, sportfishing boat operator, Berkeley, California

C.2.e. Council Discussion on the Marine Recreational Fisheries Statistics Survey (MRFSS) Update

Dr. McIsaac recommended that the Council follow the recommendations of Mr. Porter and provide guidance to PSMFC on the level of precision needed in recreational catch and effort estimates, perhaps putting together a side group to address the issue.

Mr. Anderson reviewed the meetings with Dr. Hogarth on the issues that had occurred since last April. As a result of these discussions, Dr. Hogarth had made available the funds needed for sampling in every wave (2 month period) in the current year and had committed to a review to meet the challenges and needs for recreational data for the West Coast. Given that many Council members will be involved in a December 2001 meeting to address the issue with PSMFC, he questioned the need for a separate Council committee. Messrs. Bohn, Boydston, and Thomas concurred.

Mr. Seger recapped the question of the need for an answer on the level of precision required from MRFSS and suggested that background information on the effects of imprecision needed to be developed in order to answer the question. Mr. Jerry Mallet commented that there needed to be a focus on both precision and accuracy. After further discussion it was decided that, prior to the December 2001 meeting, the Council would coordinate the meeting of a small technical group to outline some of the implications of levels of precision with respect to impacts on management of the fishery.

C.3. Final Harvest Levels for 2002 (October 30, 11:21 am)

C.3.a. Agendum Overview

Mr. John DeVore gave the agendum overview and noted that on Exhibit C.3, Attachment 1, under Sablefish Alternative 1, the 2001 acceptable biological catches (ABCs) and optimum yields (OYs) should read: 7,895 ABC and 7,011 OY.

C.3.b. Bycatch and Discard Rate Committee Report

This information was discussed under Agenda Item C.4.

C.3.c. Reports and Comments of Advisory Bodies (October 30, 1 p.m.)

**GMT**

Dr. Hastie gave the Groundfish Management Team (GMT) report and commented on Exhibit C.3, Attachment 1. He reported that the GMT recommended the Council-preferred harvest level alternatives and the high ABC/OY alternative for shortspine thornyheads. Dr. Hastie explained the area boundary implications of the survey boundary at Point Conception (34°27' N. lat.) and the management boundary at the Conception/Monterey line (36°00' N. lat.). The GMT-recommended ABCs/OYs for sablefish and shortspine thornyheads reflect the area from the U.S./Canada border to the survey boundary at Pt. Conception. Since there would have to be a fishery management plan (FMP) amendment to change the management boundary for sablefish (due to the Amendment 14 provisions for permit stacking in the fixed gear (FG) sablefish fishery), Dr. Hastie recalculated the GMT harvest level recommendations consistently with the established management area boundary at 36°00' N. lat.

Mr. Alverson asked Dr. Hastie if the sablefish biomass has been reduced to the same extent the recommended ABCs have? Dr. Hastie replied that the recommended harvest levels reflect new stock assessments and the recruitment failures of the 1990s. The biomass has declined significantly. Mr. Alverson asked if the GMT took into account the 2001 shelf survey results? Dr. Hastie stated that environmental conditions have much to do with sablefish recruitment as evidenced by the fact that recruits were high with

a low spawning stock size. Mr. Alverson asked if recommended ABCs were generally set by past recruits? Dr. Hastie replied yes. Mr. Anderson asked for the basis of the high OY GMT recommendation for shortspine thornyhead. Dr. Hastie said the GMT heard the comment from the stock assessment author that the stock assessment was barely sufficient for setting the shortspine OY. Therefore, the GMT looked at an F=M approach with a precautionary reduction of 25% ( $F=0.75M$ ), which approximates  $F_{45\%}$  and the GMT recommendation. Mr. Brown asked if the Dover sole stock assessment author recommended  $F_{40\%}$  and an ABC and OY of 8,510 mt and 7,440 mt, respectively? Dr. Hastie replied that the ABC was based on  $F_{40\%}$  but the total catch OY was calculated using the precautionary 40/10 adjustment and doesn't reflect discard. The recommendation is based on the fact that few stock-recruitment points are above the  $F_{40\%}$  replacement line. Mr. Brown asked whether the SSC had previously decided that  $F_{40\%}$  was a reasonable proxy for Dover? Dr. Hastie replied yes, but new information resulted in a recommendation for further precaution. The SSC review of proxy MSY harvest rates mostly concerned rockfish. Mr. Brown replied that Jon Brodziak wrote a Dover sole paper that the SSC reviewed to make their harvest rate recommendation. Was there any further GMT analysis than the graphical portrayal of stock-recruitment? Dr. Hastie said the determination of a recommended proxy harvest rate was done with SSC input. Mr. Brown asked if the  $F_{40\%}$  replacement line figure did not have the 40-10 adjusted OY? Dr. Hastie replied correct, it did not.

## **SSC**

Mr. Tom Jagiello read into the record Exhibit C.3.c, Supplemental SSC Report. Mr. Anderson stated the SSC supported the low OY option for sablefish at the September Council meeting. Is that recommendation still pertinent? Mr. Jagiello said the November SSC statement was silent on the sablefish specifications except to caution the use of 2001 shelf survey results for a decision on sablefish harvest levels in 2002. Mr. Anderson asked if the SSC was recommending the low OY option for Dover sole as they did in September? Mr. Jagiello said that was correct. The poor recruitments of Dover sole in the 1990s cannot, in the judgement of the SSC, sustain the current high harvest rates. Mr. Alverson asked if the 2001 sablefish stock assessment estimated a much lower biomass than the 1998 assessment? Mr. Jagiello said the lack of recruits led to lower recommended OYs. Mr. Alverson asked what exactly led to the recommendation for a 40% reduction in OY? Mr. Jagiello answered that a risk assessment for avoiding the  $B_{25\%}$  overfishing threshold, given the dire biomass and recruitment projections, led to the recommendation. Mr. Alverson asked if assumptions other than the survey index were used in the biomass projection? Mr. Jagiello stated that there are assumptions made in the projections but age composition data does inform us of future recruitment. It was evidenced in the past that even large pulses of juvenile fish don't pan out by the time they are recruited into the fishery. This underscores the need to be careful about using 2001 shelf survey results. Mr. Brown stated that the SSC advised that current harvest rates for Dover sole are not sustainable; however, biomass projections show an increase. Dr. Brodziak indicated in his document that  $F_{40\%}$  was probably correct. Mr. Jagiello said that was correct but the stock-recruitment points below the  $F_{40\%}$  replacement line were a flag. This could stand further review for Dover since the Harvest Rate Policy Workshop was directed at rockfish.

## **GAP**

Mr. Rod Moore read into the record Exhibit C.3.c, Supplemental GAP Report.

### C.3.d. Public Comment

Mr. Peter Leipzig, Fisherman's Marketing Association, Eureka, California  
Mr. Bud Femling, F/V Lucky Strike, Neah Bay, Washington  
Mr. Steve Bodnar, Coos Bay Trawlers Association, Coos Bay, Oregon  
Mr. Josh Churchman, Bolinas, California  
Mr. Rick Powers, Golden Gate Fisherman's Association, Bodega Bay, California  
Mr. Dennis Burke, crab, trawl, FG sablefish, and shrimp fisherman, Newport, Oregon  
Mr. Mike Pettis, F/V Challenge, Newport, Oregon  
Mr. Terry Thompson, F/V Olympic, Newport, Oregon  
Mr. Rod Moore, West Coast Seafood Processors Association, Portland, Oregon

C.3.e. **Council Action:** Adopt Final Harvest Levels for 2002

Mr. Anderson moved and Mr. Harp seconded the motion to adopt the preferred ABCs and OYs under alternative 4, as identified in Exhibit C.3, Attachment 1 with the following modifications (Motion 3):

Shortspine: OY 955 mt

Dover sole: ABC/OY 8510 mt and 7440 mt, respectively

Mr. Anderson said he was reluctant to go with the high OY option for sablefish. Catch projections for 2002 range from about 3,900 mt to 4,600 mt under density-dependent and regime shift states of nature (with the NMFS model). The risk is we could see sablefish overfished by 2004. We could reassess sablefish using the slope survey results next year before the fishery kicks in. Otherwise we are putting at risk one of the most important species that we have. He favors the 4,000 mt harvest level for 2002 as a reasonable risk averse OY. The Pacific ocean perch recommendation of 350 mt represents a 70% probability of rebuilding the stock within the specified timeframe. He recognizes that the widow is slightly below our overfished definition and the harvest recommendation represents a huge decrease from the 2001 OY. Although there is a lot of uncertainty in the shortspine assessment, the recommended harvest level stems from the best information available. The discussion in using the precautionary approach for shortspine, where  $F=0.75M$ , results in the recommendation of 955 mt. This approach gave him comfort since it seemed sufficiently precautionary. Darkblotched is at 168 mt (70% rebuilding probability). He was troubled by the discussions on Dover sole. He ended up with the 8,510 mt ABC and 7,440 mt OY values by looking at the STAR panel reports under the section of uncertainty and the recommendation to review the proxy harvest rate. He knows that  $F_{40\%}$  may be too aggressive, but he feels going with his numbers is consistent with the 40/10 policy and precautionary approach.

Mr. Bohn moved and Mr. Brown seconded the amendment (amendment to Motin 3) to set the sablefish OY at 4,500 mt instead of 4,000 mt. Mr. Bohn said the information on sablefish is very overpowering in terms of the incidence of juvenile sablefish on the shelf. Based on conversations with various advisory bodies and the GAP, it seems that developing a ramping down policy could be done easily starting at 4,500 mt as well as 4,000 mt.

Mr. Brown hesitantly supports the amendment. This is reminiscent of Dr. Hilborn's statement on whether we should shoot the industry in the head now or in the future. It appears we are still in that position. It is clear that the uncertain data point (2001 shelf survey) gives us no new information on the spawning biomass of sablefish. Perhaps the future looks a little better. It seems that this is the first time that industry/scientists agree on something (abundance of juvenile sablefish). This does not solve any problems, however. The ocean changes and larger abundance of salmon and sardines this year support the environmental hypothesis of regime shifts affecting sablefish recruitment. Regarding Dr. Hilborn's statement, we are going to cut the industry in half but what measures are we going to take?

Mr. Anderson was not in favor the amendment because, according to the summary of the stock assesement review (STAR) report, during the next few years spawning biomass will approach or drop below 25% of the virgin spawning biomass under the density-dependent biomass hypothesis and decline or remain above 30% under the environmental hypothesis. He believes there has been a huge change in the ocean environment and he was compelled to look at the environmentally driven recruitment scenario. Given the uncertainty about the strength of recent recruitment and the importance of the sablefish resource to the industry, he is not sure he could support the 4,500 mt harvest level. He is not interested in driving the stock down. If this recruitment comes in, he hopes to put the numbers back up in the next few years. The 4,500 mt harvest level is at the top of the most liberal assumption. He feels 4,000 mt is a more prudent approach.

Mr. Alverson supported the amendment. The large spike in sablefish juveniles contradicts the GMT and SSC observation of reducing the assumed biomass going into this year. The 1999 survey information had squeezed down allowable harvest. However, a huge spike of juveniles has now shown up. The 4,500 mt harvest level is 286 mt under the ABC, which will either give you status quo or rebuilding at some level; that does not bring the resource down. He does not believe that 4,500 mt puts the industry or resource at more risk. Next year, hopefully, the slope survey will show abundance at least equal to the 1999 survey. He does not believe that the resource has dropped as we are being told to this degree.

Mr. Robinson said he is not convinced that we're not putting the industry at risk here. One, we have the lack of recruitment in the 1990s with a small biomass that is getting smaller. He feels we do have a spike of juvenile sablefish; that is something to be optimistic about. Recall that Dr. Stauffer said there is no certainty that the shelf survey accurately depicted sablefish recruitment. The risk we're taking is that the increase in juveniles does not make it to the spawning population. We have enough optimism to reject the low scenarios.

Dr. Radtke was in favor of the amendment, based on Dr. Stauffer's personal comments. He feels that we are in a precautionary mode and should go for the higher alternative.

Mr. Brown addressed the boundary problem in the Conception area. Mr. Bohn assumed that whichever one of these we finally approve would be the one that Dr. Hastie articulated (the ABC/OY calculated for the Monterey to U.S./Canada border).

Chairman Lone asked for a voice vote on the amendment to Motion 3. The amendment passed.

Mr. Bohn asked for a friendly amendment to temporarily set aside the OY on yelloweye for a separate discussion. The maker and seconder of the motion agreed to accept the friendly amendment.

Mr. Anderson clarified that in his motion the shortspine ABC would be 1,004 mt. Mr. Alverson asked if the Conception percentages of sablefish are actual reductions, or will those be added in? It was noted that the amendment was consistent with the GMT statement.

Mr. Anderson noted that the final whiting numbers would be deferred until March.

Chairman Lone asked for the vote on the main motion including the friendly amendment. Motion 3 passed.

Mr. Bohn was concerned about the coastwide allocation of yelloweye and tribal fishery needs. Chairman Lone asked if we could defer a yelloweye decision until agenda C.4? Mr. DeVore said it would be appropriate to take this up under agenda item C.4. Council members concurred.

Mr. Anderson was a little bit uncomfortable setting a yelloweye OY based on what fishery needs are. He noted that we are in the range of 7% (of virgin biomass) and that we have looked at 2-3 mt in the south and 8-9 mt in the north from a 40-10 policy as a step down until rebuilding projections are developed. Are you suggesting we don't make any decisions on this until we scope out what the fishery needs are?

Mr. Bohn was concerned whether the 11 mt recommendation is inviolate or are there other things to take into consideration. Will it affect the recreational options we may be crafting? He just wanted to avoid any roadblocks.

Mr. Harp said that, at the GMT meeting, the tribal catch projection of yelloweye (1.5- 2 mt) was different than what he has (1-1.5 mt). There needs to be some sort of set aside for yelloweye, but that can be done under agenda item C.4.

Chairman Lone addressed the outstanding issue of yelloweye and directed the Council to proceed with the issue under C.3.

Mr. Bohn referred to Exhibit C.3., Attachment 1: there are three areas where yelloweye is addressed (coastwide, Monterey area, and north of Cape Mendocino). Mr. Bohn moved and Mr. Anderson seconded a motion that for preseason planning purposes in developing the management measures, adopt a total catch OY equal to one-half of the ABCs. For the area north of 40°10' N. lat., the OY would be 11 mt and the Monterey area would be 2.5 mt. (Motion 4)

Mr. Robinson asked for the rationale for adopting an OY by cutting the ABC by 50%? Mr. Anderson said it is a precautionary approach while we are waiting for the work to be done on the rebuilding plan.

Chairman Lone asked for voice vote on motion 4. Motion 4 passed.

#### C.4. Management Measures for 2002 and Environmental Assessment - Initial Guidance

##### C.4.a. Agendum Overview (October 30, 2:50 pm)

Mr. DeVore presented the agendum overview. Dr. Hastie explained the bycatch and discard report (Exhibit C.4, Supplemental Attachment 3). Ms. Cooney asked Dr. Hastie to clarify his use of the term bycatch. Dr. Hastie said, within the context of his report, the term bycatch is synonymous with coincident catch. Bycatch rate would therefore be a rate of coincident catch of overfished stocks while prosecuting target fishing strategies for other species. Discard is the amount of bycatch in excess of trip limits. Discard (in his report) only addresses regulatory-induced discard, not market-induced discard, and is estimated using logbook and landings data. Dr. Hastie answered several questions from Council members primarily concerning trawl revenue projections, including calculation of community impacts; how the discard simulation model functions, the vessel participation model, and how model results should be interpreted.

#### **State Comments**

##### Oregon

Mr. Bohn explained Exhibit C.4.b, Supplemental ODFW Report.

##### Washington

Mr. Anderson summarized Exhibit C.4.b, Supplemental WDFW Report.

##### California

Mr. Boydston reported the CDFG objectives for the recreational fishery are to stay within the bocaccio OY of 52 mt and 22 mt for canary. The objective for commercial fisheries is to provide a fishery that we can agree to without totally shutting down the recreational groundfish fishery for at least four months.

#### **Tribal Comments**

Mr. Harp said there was request from the tribal delegation to address the Council. He invited the Quileute tribal delegation to the table. Mr. Mel Moon, Quileute Tribe, made the following points: they had a meeting last Friday with WDFW (the Makahs could not attend that conference call). Further clarifications were made, and they met with the Makah Tribe this morning and feel confident that the outstanding issues will be ironed out this week. The suballocations of blackcod are predicated on the existence of agreements between the tribes. Sometimes the agreements take until March to finalize. They talked about observer programs and will get more information from the Makah Tribe on that issue. They were concerned about the groundfish annual specifications EA. There were several misleading statements which need to be clarified and he will be working with the tribes and NMFS to iron those out. Quileute concern is to preserve the longline fishery with an emphasis on sablefish and halibut. They talked about the mixture of fisheries and assessments the Quileutes are contemplating for the future. They discussed season lengths. They are not pursuing a trawl fishery at this time. They have arrived at some discussions about getting additional information from the Makah tribe. They are looking for details regarding expected catch. They discussed rewriting the language in the proposed regulations to specify trawl and longline gear. The Quileute Tribe hopes to have those items addressed - especially the rewrite of the EA and regulations and an additional meeting to have the Makah tribe present.

Mr. Harp said there are some questions about the way the proposal was captured in September and the way the EA and regulations have been drafted.

Mr. Steve Joner, Makah Tribe, answered some questions for Council members. Mr. Anderson asked if the tribes were going to identify regulatory specifications this week to the Council concerning the tribal proposal for slope, shelf, and nearshore rockfish (no limit on retention of incidental harvest during the fully competitive halibut and sablefish fishery; trip limits on retention of rockfish and other fisheries to be determined based on final harvest levels, expected effort, and other relevant factors). Mr. Joner said they have provided estimated

catch numbers to the GMT and there would just be fine tuning at this point. Likewise, there would be fine tuning of the trip limits once we know what the OY and ABCs are and what the 2002 specifications produce. Mr. Anderson asked about the anticipation of a midwater rockfish trawl fishery with maybe 3 to 4 trawl vessels and, in addition, there would be a bottom trawl evaluation fishery - would those be the same vessels? Mr. Joner said yes, and they would be targeting flatfish and Pacific cod. Council-approved bottom trawl gear would be used.

Mr. Harp also provided comments under Agenda Item C.4.b, Tribal Comments, October 30 2001.

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

##### **Public Comment Period on Fishery Issues Not on the Agenda** (October 30, 4 pm)

Mr. Brian Peterson, shrimp fisherman, Astoria, Oregon. He spoke to having a canary harvest guideline for the shrimp fishery. He supported a voluntary excluder program.

Mr. Jeff Boardman, Newport, Oregon. Asked if the excluder device item could be on the agenda for the March or April meeting. (see paper). Mr. Bohn said that ODFW will probably have winter meetings to talk about excluder use.

Mr. Frank Warrens, Portland, Oregon. Spoke about the Council meeting locations.

#### **SSC**

Mr. Tom Jagielo presented Exhibit C.4.b, Supplemental SSC Report.

#### **GAP**

Mr. Rod Moore presented Exhibit C.4.b, Supplemental GAP Report. In answer to questions, he said the GAP discussion was relative to a host of issues including market glut given a seasonal approach. Seasonal marketing was talked about to some degree. The diverse Pacific Coast fishery is affected differently with a seasonal approach with separate geographic needs for the fishing and processing sectors. Mr. Brown asked if the GAP discussed the relative fishery impacts in 2001 resulting from protecting canary rockfish. Mr. Moore said that was not specifically discussed. There was no one offering any canary but many comments regarding too many canary allocated to other sectors of the fishery.

#### **GMT**

Council members held a question and answer period with Dr. Hastie. (October 30, 4:44 pm).

Mr. Anderson asked about the management alternatives on pages 25 and 26 of the bycatch and discard report. The way the EA is written, there is some general descriptions of alternative management measures in the EA. He thought Dr. Hastie was trying to flesh some of these issues out. Dr. Hastie stated alternative 1 represents the approach for which the GMT provided the Council estimates in September (more or less uniform limits). This particular example used the preferred OYs adopted at the September meeting. The other 3 alternatives address the times and areas of potential bycatch concern for canary and darkblotched. He went on to explain the other three alternatives. The final alternative has even greater segmentation due to lower flatfish limits early and late in the year. In alternative 4 the highest bycatch rates for canary were in period five. The intent was to provide alternative formats for consideration - greater targeting in different times of the year for these individual targeted fisheries. Dr. Hastie, re-explained table 12c.

Mr. Robinson asked how do we get to a product? Don't we have to, at least initially before narrowing the alternatives, choose or emphasize one of the bycatch scenarios out of the range to apply in the analysis? Dr. Hastie gave some guidance. Step one- to identify one of the scenarios to use and then step two- narrow the alternatives beginning with the baseline and then add in recreational, open access, and tribal fisheries.

Then add to those the recreational options and the allocations/assumptions and analyze those in light of the new OYs we adopted. It was not clear to Dr. Hastie whether it makes sense to select one scenario for one species and another scenario for another species. He thinks that trying to narrow the range of bycatch rates we're looking at is important. His intention is to rework it to the baseline approach. The GMT has not talked to the GAP about whether they want to pursue any of these kinds of structures. He talked about frontloading. There are some opportunities to distribute some of these catches throughout the year which should come out of the discussions with the GAP. He would not pursue modeling at this stage. Now that they have the ABC and OY decisions made today, the critical need is for the Council to provide any recommendations about what bycatch rates to focus on.

#### C.4.c. Public Comment

Mr. Mark Powell, Ocean Conservancy, Vashon, Washington  
Mr. Gordon Murray, trawler, Astoria, Oregon  
Mr. Barry Cohen, processor, Grover Beach, California  
Mr. Pete Leipzig, Fisherman's Marketing Association, Eureka, California  
Mr. Jim Potts, longliner, Fort Bragg, California  
Mr. Rick Powers, Golden Gate Fishermen's Association, Bodega Bay, California  
Mr. William Smith, F/V Riptide, San Francisco, California  
Mr. Rod Moore, West Coast Seafood Processors Association, Portland, Oregon  
Mr. Joe Easley, Oregon Trawl Commission, Astoria, Oregon  
Mr. Terry Thompson, F/V Olympic, Newport, Oregon  
Mr. Josh Churchman, fisherman, Bolinas, California  
Mr. Kurt Solomon, fisherman, Moss Landings, California  
Mr. Ed Paasch, fixed gear fisherman, Richmond, California  
Mr. Mark Cedergreen, Westport Charter Boat Association, Westport, Washington  
Mr. Steve Bodnar, Coos Bay Trawlers Association, Coos Bay, Oregon  
Ms. Karen Garrison, Natural Resources Defense Council, San Francisco, California  
Mr. Mike Pettis, F/V Challenge, Newport, Oregon

#### C.4.d. Initial Council Guidance and Direction to the Groundfish Management Team and Groundfish Advisory Subpanel on Management Measures for 2002 and Environmental Assessment

Ms. Cooney talked about the need to use consistent terminology. She asked that the Council start using the term "harvest guideline" instead of target, set-aside, or whatever terminology they were using.

Chairman Lone said that the action now is that we are to adopt bycatch and discard rates and final species allocations as well as a first version of final 2002 management measures for the GMT to work on.

Mr. Anderson felt we have three categories of species that need to be addressed (have different methodologies to come up with bycatch rates): 1) those species where we changed bycatch rates based on the analysis of the EDCP information; 2) a broad category of other species (i.e., sablefish in the directed line fisheries, nearshore rockfish, minor shelf rockfish, widow, yellowtail, chilipepper, yelloweye, line gear slope); and 3) the five species focused on in Dr. Hastie's report. There is also a connection with all of this that we are going to try to make preliminary decisions with guidance and terms for the GMT, and as a result of their work, there may be some revision in those bycatch rates which we adopt today. He talked about alternative 5, the six month season issue (Exhibit C.4.b, Supplemental GMT Report - Table 8f of that document). Given those implicit discard rates for canary, for instance, and then comparing with the range of bycatch rates indicates dramatic differences in bycatch rates depending on seasonal strategies. Some strategies can reduce bycatch and discard depending on seasonality. His point is that when we send the GMT and GAP to look at season structures, they may be looking at seasonal approaches. As they go through the process, they may come back with alternatives, which may result in a decision to use a different discard rate. If it sounded like a reasonable approach to look at those three categories to determine bycatch rates, then he would offer guidance. He was prepared to recommend options with rationale and then address allocation of canary, yelloweye, and bocaccio.

Mr. Brown generally agreed with Mr. Anderson's approach but, for trawl trip limits, the critical issue is using the number on top of the charts, not on the bottom of the chart (page 31 of the document table 8a). It is important to recognize that different strategies have different encounter rates of overfished species.

Mr. Robinson cautioned that, as we go through this, the bycatch scenarios basically determine the total catch of the species. That is separate from the discard rate we are going to apply under the trip limit scenarios. The low scenario for bycatch does not necessarily mean the discard rate is as low as implied. We need to separate the total bycatch of the overfished species from the discard rate and then consider discard rates in an iterative fashion.

Mr. Anderson said there are rates that are developed based on the trip limits specified in alternative 1. If we get into the rate discussion, he is not sure we would ever have anything to give to the GMT/GAP. One way to proceed might be looking at the analysis under alternative 1 (GMT year round alternative) and coming up with a discard quantity taken off the OY so we could have an apples to apples comparison. He is counting on that as they go back and make adjustments to alternative 1, they are going to look at the assumptions for discard rates based on the revisions to the trip limits they may come up with. Then they come back to the Council and, based on the changes which were made, they would recommend adjustments to the discard quantification. If we get into specifying rates, he would have a difficult time. Mr. Robinson said we need to focus on specifying the bycatch rates now. There is a tendency to pick the low bycatch rate and thinking that would result in low discard rate and that may not be true. The GMT can derive discard rates dependent on the management options developed with the GAP.

Mr. Anderson then offered the following guidance:

Slope species covered by EDCP, unless otherwise noted - quantify bycatch with the same methodology used in 2001.

Other species, same as 2001, including bycatch for sablefish in the line gear and tribal fishery (8% and 3%, respectively).

Nearshore rockfish - bycatch rate of 5%. Rationale for using the lower percentage is they are fishing in shallow water with a greater opportunity for live release and reduced mortality. These fish have a reasonable chance for survival.

Minor shelf rockfish, widow, chilipepper - stays the same at 16% of the OY.

Yellowtail - uses new information, and would like to put a range of 16%-20% pending some further clarification or new information which would indicate the discard rate of 16% is not sufficient.

Dover sole, thornyhead, sablefish in the trawl fishery - amounts based on EDCP analysis would stay the same as 2001.

(Specifically did not include yelloweye.)

Canary - the logbook information largely used to do the analysis was at a time prior to the regulation that required the use of the small footrope. The results of the EFP in Washington will be provided later today to document this. They had 250 non-directed tows for arrowtooth, and 285 directed tows for arrowtooth. The overall canary bycatch rate for non-directed tows was 0.28%. The tows directed at arrowtooth had a 0.09% encounter rate of canary. If you look at page 23 of the analysis and look at the targeted fishery for arrowtooth and look under canary rockfish under the low bycatch range for period 4, you would see 0.50%. Our EFP fished one month in period 4 and we had 0.09% for periods 4 and 5 combined. That indicates it is reasonable in the case of canary to look at the lower end of the range. Page 37, Table 9 - the annual mean period under model 7 - discard rate shows 13% (read off the figures in that table). This is the data used for the canary to determine the use of 20% as the quantification for bycatch.

POP - Page 45, mid-range shows a 35% bycatch rate; implicit discard rate shows 5%. On Page 15 Table 1b, POP (from the Pikitch study) the discard rate is 10.56%. Based on those two data points, recommend specifying a 16% discard rate.

Ms. Cooney said she was confused about the bycatch rate (analogous to co-occurrence rate in Dr. Hastie's analysis) and discard rate terms used.

Dr. Hastie explained that Table 12c of Exhibit C.3, Supplemental Attachment 3 indicated the difference between the projected catch using an assumed bycatch rate of 35% and the landings recorded. The importance of the 5% suggested that all but 5% of that total catch could have been landed within the landing limits that were provided. In trying to evaluate whether the 35% (or some other rate) is realistic for that fishery, we looked at the results of the EDCP analysis. The logbook data indicated there was a fair amount of targeting of POP during that period which would have produced a higher discard rate as well. The mid-range bycatch rate probably overstates the total amount of catch. However, that choice appeared to be the closest to a set of rates that made sense given the comparison between the "alternative viewpoints".

Mr. Anderson was trying to explain the factors looked at in order to come up with a recommendation. In his earlier discussion he was referring to "discard" rather than "bycatch". The quantification of discard mortalities would be 16% of the OY for POP.

Mr. Robinson asked Dr. Hastie to confirm his understanding of Table 12c. The low bycatch range of POP didn't make sense because the actual catch exceeded the projected catch. Likewise, the high range wasn't reasonable because it presumed a high level of discard would occur before reaching the landing limits. Ultimately the mid range of bycatch rates seemed most reasonable given the model results. Dr. Hastie agreed with Mr. Robinson's conclusion given the EDCP study results.

Ms. Cooney attempted to clarify the model results. In the past, we have taken the discard rate and used it to back-calculate overall harvest. Here, we're looking at the bycatch ranges and projecting total mortality and the discard rate. Dr. Hastie said the approach he used was to compare the estimated bycatch amounts with the total catch OY/HG's that would be available to the trawl fishery. At the final stage, while we are attempting to minimize bycatch and discard, we are still in a position to say that some of the bycatch may be discard. Mr. Anderson is trying to say the bottom line is there is still the likelihood of discard and we are trying to put some bounds on what we think that would be.

Dr. Hastie was asked by Mr. Brown about his bycatch definition and whether he was referring to discard. Dr. Hastie explained (as he did in his report) that he was using the term to mean "coincident catch". Right now we need a sense of what the Council sees as plausible interpretations of the bycatch ranges in order to craft target species limits that will be sufficiently constrained to the available bycatch species harvest guidelines. We need to identify a bycatch scenario for any or all of these species. Discard rates are a secondary product determined after limits are specified.

Mr. Anderson said what he has been trying to do is give the rationale for a range of bycatch rates, what the bycatch percentage would be in looking at each of the individual fishing strategies, and using that rate to come up with an estimate of what the reduction on OY would be in order to accommodate the discard mortality associated with that rate. He was trying to put it in terms that he felt he could compare to what we have done in previous years. The end of the week product would show the actual discard mortality rates assumed for each target fishery. He reviewed his previous motion for canary and POP and introduced in the motion the bycatch rates to be used, as well as the rationale for his choices, for the other three species as follows:

Canary - low bycatch range of canary shown on page 45.

POP - midrange indicated on page 45 on the top table.

Bocaccio - Referring to page 45, the only plausible bycatch rate is in the high range; otherwise, we are assuming a discard rate of -165% in the low range and -33% in the mid-range. Therefore, the only one that seems to make sense would be the high range, which would lead us to the same place we have been: about 16% of the OY under alternative 1.

Lingcod - Bycatch rate now is 40% with a discard mortality rate of 20%. Referring to Table 8e on page 35, the rationale for this choice of a lingcod bycatch range is: 1) with the implementation of the small footrope restriction, the ability of vessels to go in the rocky grounds is highly unlikely, 2) the trip limits have been so low there is little incentive to take a multi-thousand dollar net to catch a small amount of lingcod, and 3) if you allow fisherman to retain lingcod under that 400 lb/month trip limit regime, the implicit discard rates would drop a whole bunch because you are no longer forcing fishermen to discard during those non-retention periods. Assuming we would make a decision that would provide for retention of the 400 pounds during all periods, we feel there is good reason to reduce the discard rate over what we are currently doing since we are allowing them to retain the fish. That leads to a bycatch rate in the mid-range, with the implicit discard rate of 44%. What we would be doing is decreasing that 44% discard rate since there would be retention during those other three periods. We could turn discards into landed catch under that kind of approach and not affect the bycatch rate at all. The point discard mortality rate would equate to about 10% of the OY. This would be reduced in half from current assumptions due to this change in management strategy because we are allowing retention during the other three periods.

Darkblotched - (reference page 31, Table 8a, alternative 1) The implicit discard rates range from 2-20%; the EDCP had a discard rate of 30% for slope rock. The Pikitch study results on page 15 had a rate of 4%. There are a lot of different indicators there. Looking at the species and the size marketability of slope species and the EDCP discard rate of 30%, there would be a lower discard rate for darkblotched because of their larger size. We are looking at a recommendation of 20% due to the difference in the marketability of darkblotched relative to the other slope rockfish. Based on recommendations from Dr. Hastie, the bycatch range would be the medium range identified on page 31.

Mr. Anderson said, with those recommendations and assuming Council concurrence, we would ask the GMT/GAP to work on those alternatives (referring to the management alternatives on pages 24-25) and, in particular, focus on the concepts Dr. Hastie was getting at in alternatives 3 and 4 (optimizing the timeframe to target species cleanly; maximizing catch of healthy target species while minimizing mortalities of the bycatch species). That would give us the general direction to put together a management regime. Also they should come back to the Council to let us know about any additional considerations that are needed. That would leave us the charge to resolve the remaining allocative issues.

Mr. Moore asked Mr. Anderson about darkblotched and whether the discard rate comes out to 7%? Mr. Anderson said it would result in a 20% reduction of the total catch OY. Mr. Moore also asked whether we are going for year round fisheries to the extent that we can? Mr. Anderson said that we're asking for you to take a look at ways to maximize the opportunity to harvest the available OYs while minimizing discards within the other constraints and concerns relative to markets. Alternatives 3 & 4 appear to represent strategies that maximize harvest of healthy stocks while reducing bycatch. He would like the GMT/GAP to focus on such strategies while recognizing the importance of year round product flow.

Mr. Brown does not see that this approach is fundamentally different then what has happened in the past. The difference is that we now have an analytical tool that allows us to evaluate the result better and, through an interactive process, we can tweak things around until we get to the lowest bycatch rate while ensuring that the total mortality of species of concern stay within the levels we set yesterday in the OY components.

Mr. Anderson said he wanted people to look at the difference between the alternatives to restructure the fisheries to reduce bycatch and discard mortality. That is a fundamental concern. He is urging them to do that while understanding that the industry needs to survive.

With regard to limited entry fixed gear in the primary sablefish season, Mr. Moore asked for guidance on alternatives put out at the September meeting (e.g., length, closures, etc). Mr. Alverson, responded that the GAP could provide input on status quo and if there are some months to shorten the season to save fish. On the 300 pound DTL (daily trip limit), look at whether we need 12 months? Is the DTL going to be less than 300 pounds?

Mr. Brown noted that the options we had last time had intentional closures due to the warm water conditions. He calculated that the temperature they were using is 61 degree water. Where he lives it gets to about 56 degrees; the evidence is not real clear that we would lessen mortality if we had those closures.

Dr. McIsaac noted that we need to talk about the sport fisheries. To the extent the sport options affect modeling the commercial fishing alternatives, he urged the Council to consider a first version of their sport options.

Regarding the 300 pound DTL sablefish fishery specification, Mr. Bohn asked if it makes sense to have a limited entry DTL fishery before the primary season? It seems to make sense to save those sablefish for the primary season. The people who want to fish the DTL fishery during the primary season could do it in open access.

Mr. Boydston stated that the recreational proposal for north of Mendocino is the same season as Oregon, except the yelloweye closure provision would not apply. There would be a yelloweye bag limit of one fish with no more than two per boat; 10 rockfish with 1 canary, 1 yelloweye, and two lingcod with a 24 inch size limit. South of Mendocino (shelf rockfish) - a harvest guideline for bocaccio of 70 mt; canary 22 mt; yelloweye 2 mt. Bag limits for bocaccio and canary would be the same as 2001 and same with cowcod (no retention). Yelloweye, one fish, no more than two per vessel. There will be modeling done for the nearshore fishery inside 25 fathoms and he expects to see a result with the nearshore closed for at least four months. Bag limit for nearshore would be 10 rockfish with not more than 2 shelf or slope. The cowcod conservation area would be same as the adjacent areas within 25 fathoms. Lingcod statewide: 2 fish with a 24 inch size limit. Commercial nearshore, shelf, fixed gear: same seasons as recreational. When the GMT is called up tomorrow, we will provide an overview of the analytical techniques used and we will provide written documentation separately.

Mr. Bohn said the OR recreational fishery would be the same as presented in the situation paper. He did note that when we deal with yelloweye in the 3 states, he would like those referred to harvest guidelines since we have an overall quota for the recreational. Inseason, this could all change (the harvest guidelines for individual states/areas) if someone wasn't catching them and if someone else needed them.

Mr. Anderson addressed the Washington halibut issue. When people catch their halibut, they tend to go rockfish fishing and they catch yelloweye. That is where 70% of their yelloweye is taken. Then they fish for black rockfish inshore. Therefore, for the recreational fishery, they are looking at option 1c in terms of bag limit combined with option 2 (prohibit retention of yelloweye when halibut are on board). Relative to the harvest guidelines, their best estimate of canary rockfish in 2001 is 2-2.5 mt for the recreational fishery. They would like to work with Oregon in designing a harvest guideline for each state as we try to stay within the overall guideline. So far this year, 15 mt of yelloweye have been landed. They need to have an analysis of their recreational package in terms of projected savings in yelloweye for all three states. Take the analyses and see where we are relative to the 2002 yelloweye OY, including the catches taken in the tribal fishery. He does not have a harvest guideline yet, that would be developed over the course of the week. The intent would be to get this down in writing as soon as possible.

Mr. Boydston asked about yelloweye bycatch rates? Mr. Anderson asked Dr. Hastie for guidance. Was there some additional data to look at or should we call Farron Wallace? Dr. Hastie said there were concerns about not having a good sense of the degree which yelloweye are caught in the fixed gear sablefish fishery. They will be trying to pursue that. For trawl, their previous work indicated that, following the implementation of the small footrope, they did not see a yelloweye problem since they are more in the rocks than other species. Mr. Anderson said we will also be discussing the halibut fishery and the yelloweye bycatch associated with it.

#### C.4. Management Measures for 2002 and Environmental Assessment (continued) - Clarification and Guidance (November 1, 9:46 am)

Mr. DeVore stated the GMT and GAP are working on determining commercial fishing structures and need Council guidance on some significant issues in both proposed commercial and recreational fisheries. He recommended the Council call upon Dr. Hastie and Mr. Moore to field their questions and provide guidance.

#### C.4.e. Report of the GMT

Dr. Hastie modeled the GAP's proposed set of trawl limits last night with the result that canary and darkblotched bycatch was too high over the course of the year. He is in the process of making some modifications to their proposed fishery structure to try to make it work and intends to provide that information to the GAP before noon. They should be able to resolve that commercial trawl limit component issue by this afternoon. He hasn't done the fixed gear limits analysis yet and needs more information on the recreational limit structure from California since it affects the line gear windows of fishing opportunity.

#### C.4.f. Report of the GAP

Mr. Moore reported that, following Council guidance, the GAP provided as much direction on fishery structures as they could to the GMT. He felt they were making pretty good progress and that this process was very helpful.

#### C.4.g. Council Guidance and Direction to the Groundfish Management Team (GMT) and Groundfish Advisory Subpanel (GAP) on Management Measures for 2002 and Environmental Assessment

Mr. Anderson asked Mr. Moore to articulate his questions relative to the Oregon/Washington recreational issues. Mr. Moore asked about the effort to try to make the two states' recreational regulations parallel as much as possible. The Washington rockfish bag limit has a sublimit of either 2 canary or 1 canary and 1 yelloweye while the preferred Oregon option has a sublimit of no more than 1 canary and 1 yelloweye. Are the states happy with that? (nod yes). He also asked if there is a desire or need to mention excluders in the pink shrimp section of the report with regard to bycatch and whether use of excluders is voluntary or not?

Mr. Bohn replied ODFW was looking at putting in the same regulations as last year and after the winter meetings coming back in March with an update of the fisheries. ODFW expects to be conducting operations identical to last year (for 2002). He did not know whether or not it is necessary for the report.

Mr. Anderson said WDFW has a proposed rule that would require shrimp excluders in their process as of this moment; however, they are going to be meeting with the pink shrimp fishermen over the course of the next few months and may not be moving forward with that as a recommendation to their commission. The 2001 Washington landings to date are 6.2 million pounds of pink shrimp with only 552 pounds of canary rockfish. The efforts made by the industry last year and the move to use mandatory excluders in August last year worked.

Mr. Brown noted that the term bycatch used here is not the legal definition of the word "bycatch".

#### C.4. Management Measures for 2002 and Environmental Assessment (continued) - Clarification and Guidance (November 1, 4:48 pm)

Mr. DeVore briefed the Council on five documents: Exhibit C.4.e, Supplemental GMT Report 2 (Limited entry trawl trip limits); Exhibit C.4, Supplemental Tentative CDFG Proposal (CA recreational proposal); Exhibit C.4.e, Supplemental GMT Report 3 (recreational catch projections and GMT statement); Exhibit C.4.e, Supplemental GMT Report 4 (tribal catch projections); and Exhibit C.4, Supplemental Treaty Indian Harvest Levels.

#### C.4.e. Report of the GMT

Dr. Hastie and Rod Moore briefed the Council on Exhibit C.4.e, Supplemental GMT Report 2. Dr. Hastie talked about the major areas of concern: the canary and darkblotched rockfish bycatch issues. The trawl trip limits are structured using the vessel participation model, the bycatch/discard constraints adopted in earlier Council action, and the directive to maximize target species harvest within those constraints. The trip limit structure looks unusual, especially the DTS limits. Limits were shifted throughout the year within the construct of the model to maximize DTS catch at times when bycatch was at the lowest. The bycatch limits are depicted in Table M2b2. The one remaining problem was darkblotched bycatch which is still not constrained enough in this draft of Limited entry trawl limits. Dr. Hastie expects less of a darkblotched bycatch in the 2002 at-sea

whiting fishery (due to an expected decrease in OY), but that assumption alone doesn't provide enough constraint. Do we continue to seek avenues for reducing darkblotched bycatch or should we add 2000 logbook data to the analysis after this Council meeting? Dr. Hastie stated that of all the bycatch species analyzed in his new bycatch model, darkblotched had the least definitive data/information to work with. Flatfish catch has been foregone from the initial point of consideration to reduce darkblotched bycatch. That is the primary area where they were looking for more direction. They were not prepared to produce a complete set of Limited entry fixed gear and OA tables at this point, but should be ready first thing in the morning.

#### C.4.f. Report of the GAP

The GAP comments were included with Supplemental Exhibit C.4.e Report of the GMT.

#### C.4.g. Additional Council Guidance and Direction to the GMT and GAP, on Management Measures for 2002 and Environmental Assessment

Mr. Brown asked if the GAP revisions are likely to affect darkblotched? Mr. Moore said there is a possibility that they will because they affect DTS and flatfish. They are trying to craft things to not affect darkblotched. One of the issues is a trade off between potentially affecting the bycatch (co-occurrence) of darkblotched and the discard of substantial amounts of flatfish which are not overfished but are encountered significantly. They are trying to find a way to get around that.

Chairman Lone asked if they were seeking specific guidance? Dr. Hastie replied that the major concern, at this point, is that the revised GMT limited entry trawl trip limit proposal is still about 5 mt over the projected darkblotched harvest guideline. He noted that, since darkblotched has not been identified in the logbooks or the EDCP data, there is a lot of uncertainty in the interpretation and application of the bycatch rates of the data sources we had available. There is opportunity between now and early next year to look at the 2000 logbook data to determine the percentages of darkblotched in the slope rockfish catch and see if the modeling exercises are accurate. Dr. Hastie asked if the Council could live with the 163 mt projection of darkblotched catch and a target harvest guideline of 158 mt (after subtracting projected darkblotched bycatch in the whiting fishery)? If we were to achieve the 158 mt in the modeling exercise, we would have to forego a lot of flatfish or a non-trivial amount of DTS.

Mr. Anderson asked to what extent darkblotched are taken in the whiting fishery? Dr. Hastie said about 7 mt of darkblotched have been taken through September this year. Given the expected decrease in whiting OY in 2002, he has been modeling a projected darkblotched catch of 5 mt. Mr. Anderson asked if it was evenly distributed over time? Dr. Hastie said he did not know, he only had cumulative season numbers. Mr. Anderson asked if we move forward with the 5 mt deficit in darkblotched and we could not come up with any additional information from the year 2000 logbook data by tomorrow and we wait until March to make additional adjustments necessary to stay within the 158 mt, does that mean we're going to make the "hurt worse" by only having 8 or 9 months to make the 5 mt adjustment vs. trying to make it now? Dr. Hastie replied that, from the standpoint of the DTS fishery, the first couple of periods of the year did not have high bycatch rates of darkblotched. However, in the flatfish fishery, period 1 was one of the highest bycatch periods for darkblotched bycatch. The options on how you would address reducing darkblotched bycatch further might be affected by not taking action until March or April. You might be leading toward a DTS answer to the problem rather than flatfish because there are not as many opportunities to save darkblotched later in the year by cutting back on flatfish. There are two issues addressed by further logbook analysis: 1) the degree to which slope rockfish are caught in these other target fisheries; and 2) the composition of the slope rockfish catch.

Mr. Robinson noted the limits for canary and bocaccio in the GMT revised proposal are for two-month periods. We ran out of those species this year and closed fisheries beginning the first of October. Are we in danger in running short of both of those species early again? Dr. Hastie said that was the basis of the modeling exercise. With the limits we have, we could have landed 80-100 mt of canary rockfish. We are relying on setting up a structure of target limits that will allow people to avoid canary rockfish.

Mr. Alverson, in looking at Table m2b2 for the DTS fishery in period 6 - it looks like you are burning up 8.4 mt of darkblotched to catch 352 mt of target species. Is there any way to shift target species limits to another period to catch fewer darkblotched? Dr. Hastie replied that the lower availability of DTS species can be used to generally accommodate bycatch in the flatfish fishery or used in a directed DTS mode. One of the limitations of the model is that it is a lot easier to model the percentage distributions consistent with historical participation. However, it is difficult to predict how shifting limits to this degree will drive fishers to switch strategies seasonally (i.e., switching from a DTS strategy to a flatfish strategy). It's challenging to shift the Dover sole they would catch in a DTS strategy into a flatfish strategy. You could lower the DTS limits from where they are now but, since we are recommending a 50,000 lb flatfish limit because flatfish has very little impact on darkblotched during that period, you would need something close to 14,000 pounds of Dover sole to accommodate the bycatch.

Mr. Brown asked about Table m2b2 and whether we need to represent the 5 mt of darkblotched in the whiting fishery or is that part of the leftover category? Dr. Hastie said the at-sea whiting bycatch of darkblotched is in addition to what's on the table. Mr. Brown asked if the 2.1 mt of darkblotched in period 3 depicted in the table as leftover? Dr. Hastie said the leftover category was nebulous and contained all the species catch not listed in a target strategy. He suspected that dogfish was one of the "leftover" targets, but he was not sure.

Mr. Anderson asked for input on how best to reduce the darkblotched catch. Dr. Hastie said he could run an alternative set of numbers that get the darkblotched catch down towards 160 mt. He could talk to the GAP to discern what target fisheries are the most expendable at this point. Mr. Anderson said if we did that and if we are able to process more information from logbook data analysis, does that position us with the right set of alternatives to choose from tomorrow? Dr. Hastie said he spent about 3 or 4 hours this morning searching for alternatives. In terms of getting logbook summaries, he still has to run them and that data has to be put into the model. We do not have a complete package of fixed gear LE, OA recommendations. There is quite a bit to do this evening.

Mr. Bohn preferred to not send the group back to find the 5 mt, but rather develop further information over the winter and look at it in March or April.

In response to a question by Mr. Boydston, Dr. Hastie reported that to reduce darkblotched by 5 mt translates into about a 250-500 mt reduction of something else. Dr. Hastie emphasized that the model has limitations at this stage, it is new and has not been refined.

Mr. Robinson asked that if we project 5 mt over the Limited entry total OY and consider all the fisheries, are we going to go over the total OY for darkblotched and be in violation of the Magnuson-Stevens Act. Dr. Hastie said it will not exceed the ABC which is the definition of overfishing.

Mr. Culver referred to the recreational table on Exhibit C.4.e, Supplemental GMT Report 3 and noted the coastwide harvest projection for lingcod is 6 mt over the guideline. However, the CA harvest projection is probably high due to the fact that the projection was based on full shelf fishing opportunities which won't be reality in 2002.

C.4. Management Measures for 2002 and Environmental Assessment (continued) - Final Action (November 2, 8:09 am)

#### C.4.h. Agendum Overview

Mr. DeVore noted that the documents that we can work through for Council action are Exhibit C.4.e, Supplemental GMT Report 4 (Tribal harvest projections) and Supplemental GMT Report 3 (recreational harvest projections). There is also a California attachment as well.

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

##### **CDFG**

Mr. Boydston moved to adopt Exhibit C.4, Supplemental Tentative CDFG Proposal with the following corrections: under the Central Area and Southern Area change "*Inside 25 fathoms*" to "*Inside 20 fathoms*". (Motion 19) Mr. Don Hansen seconded the motion. Upon advisement that this is a comment portion of the agenda, Mr. Boydston withdrew his motion. He spoke about the impacts the subject fisheries would generate, as well as the impact of the minor change he proposed.

##### **ODFW**

Mr. Bohn noted that the measures stated in Supplemental Exhibit C.4.b, Option 3 still stand.

##### **WDFW**

Mr. Anderson stated that footnote "a" in Exhibit C.4.e, Supplemental GMT Report 3, is Washington's preferred option. He noted the yelloweye column in that table and that yelloweye represents a bycatch in all of the fisheries being contemplated at this point. If you add up 3 mt from Washington, 4 mt from Oregon, 1.5 mt from tribal, and the 1.5 mt set aside for the commercial fishery in Washington and Oregon (including trawl and the discard mortality in the line fishery), those values total 10 mt. If you add the California recreational fishery in the central (1.5 mt) and north (0.6 mt) areas, you end up with 12.1 mt. The OY was 11 mt in the north, plus 2 mt in the south for a total of 13 mt. As we put this package together, we have a total discard mortality in the commercial fishery of 1.5 mt. As we are looking at the line fishery, let's keep that in mind because the measures will have to fit within the 13 mt.

Mr. Bohn noted for clarification that we specified the total catch OY as half of the ABC for the Monterey area (2.5 mt) and half of the ABC north of 40°10' (11 mt). The total for yelloweye is actually 13.5 mt not 13 mt as Mr. Anderson said.

Mr. Anderson noted that if we look at those values, and the fisheries combined, we are at 10.6 mt. He would like to focus the 0.4 mt we have got to work with - we're talking about something under 2 mt for the commercial north of 40°10' for discard mortality in the line fishery and a minor catch in the trawl. He is looking at the 11 mt total OY north of 40°10' which includes 1.5 mt for commercial.

Mr. Boydston agreed with what Mr. Anderson suggests that we do. He would like to ask Mr. DeVore to extend that type of accounting for all the other overfished species today to make sure we are within our OYs. Mr. Brown said that the accounting for yelloweye may be an error. The commercial guideline of 1.5 mt may be for both north and south. Mr. Anderson thought the 2.5 mt guideline in the south reserved 1 mt for commercial leaving 1.5 mt for commercial in the north. Mr. Brown said he thinks the projections earlier were 1.5 mt for both north and south. Mr. Anderson's point was that we need to have a reality check when looking at Limited entry fixed gear and OA fisheries.

##### **TRIBES**

Mr. Harp read Exhibit C.4, Supplemental Treaty Indian Harvest Levels.

Regarding the tribal proposal, Mr. Anderson noted the tribes restricted their fisheries in ways they don't necessarily have to. Mr. Anderson spoke to Exhibit C.4, Supplemental GMT Report 4.

Mr. Bohn asked if the tribal observer program would provide monitoring information on discard rates or is it mainly to see if the limits are enforced? Mr. Harp said they will monitor catches in the fishery. The tribes do not feel that the discard rates will be significant. If they reach a trip limit for a species, they will have regulations in place for fish beyond the trip limits. They are trying to reduce discards and are discouraging discard at sea (reason for full retention recommendation with forfeiture of fish exceeding trip limits to the tribe). Forfeited catches will be used in a charitable program. Mr. Harp also noted that in the observer program, the tribes are also interested in meeting with WDFW on the sampling program of the catches to identify the

species caught. There is a need to better identify the species in rockfish catches. Also, during 2001 they had copies of species identification guides to help the tribal technical staff better identify species. This will continue in 2002 and beyond. Mr. Anderson noted that WDFW will be meeting with the tribes by the end of November to talk about sampling and how tribal catches can be included in the WDFW data collection system.

#### **STAFF**

Mr. DeVore noted that the Council now has Exhibit C.4, Supplemental Bycatch Discard Rate Report - Council Guidance on Discard Mortality Deductions and Bycatch Rates to be Considered When Framing Management Measures for 2002.

#### **STAFF**

Mr. DeVore alerted the Council to the following new exhibits: Exhibit C.4.i, Supplemental GMT Report 5 (Limited entry and OA trip limits with bycatch information), Exhibit C.4, Supplemental Economic Tables 11/02/01, 10:15 am, Exhibit C.4.i, Supplemental EC Report (Enforcement Consultants report), and Exhibit C.4.i, Supplemental GAP Report 2.

#### **GMT**

Dr. Hastie referred to and explained the values shown on Exhibit C.4.i, Supplemental GMT Report 5.

##### *Limited Entry Trawl limits*

Mr. Brown asked about the limited entry trawl rex sole issue. There is a proposed specification of no limit for rex sole using small footropes. Most of the fishery targets petrale and Dover sole using large footropes. This would result in a large discard of rex sole- why is that in there? Dr. Hastie replied that the 1,000 lb trip limit for "other flatfish" would include rex sole.

Mr. Anderson asked about the midwater opportunity for widow and yellowtail in the October timeframe? Dr. Hastie stated that is only as whiting bycatch. There is no directed fishery proposed for these species.

##### *Limited entry Fixed Gear*

Mr. Alverson asked if the GMT looked at a shorter season for the 300 lb DTL sablefish fishery for Limited entry or OA and was there any additional savings of yelloweye? Dr. Hastie said they could not estimate the yelloweye numbers resulting from the different seasonal options since they don't know where people fish in the DTL fishery. There is some evidence in Washington that DTL fishers are fishing close to the shelf break where they can encounter yelloweye. Mr. Alverson asked whether the reduction to 5,000 pounds and the 1,000 pounds between January and March addressed the GMT's concern about some of the overfished species on the shelf in the north? Dr. Hastie said that was a slope limit. The idea was to put in a precautionary placeholder and then evaluate the implications of a directed hook and line slope rockfish fishery on darkblotched.

Mr. Boydston asked for clarification on the Limited entry fixed gear proposal for the central CA chilipepper fishery. During the shelf openings there is a 500 lb limit during January, February, July and August. During the shelf openings in the south it is 2,500 pounds - is there a reason for that difference? Dr. Hastie said that the shelf opportunities are driven by concerns over yelloweye primarily as there was a fair amount of yelloweye that showed up in the line gear fishery in central CA during 2000. Higher limits in the south reflected lack of early attainment of the bocaccio OY (unlike in central CA).

In reply to Mr. Anderson, Dr. Hastie confirmed that the Limited entry Fixed gear fishery north of Mendocino for the minor slope rockfish complex includes shortraker and roughey rockfish. The proposed north of Mendocino limit on the minor shelf is 200 pounds with no retention of yelloweye. Mr. Anderson noted that in 2001 we had hook and line vessels fishing on the 100 fathom break trying to catch shortraker and roughey rockfish with a fair showing of yelloweye in those catches. What is the rationale for the 1,000 lb/month slope limit at the beginning of the year transitioning into a 5,000 lb monthly limit? Dr. Hastie replied that there were

numerous reports of considerable slope rockfish discard in the primary sablefish fishery after lowering slope rockfish limits in the north. Initially the small slope rockfish limits applied to the Limited entry trawl fleet were also applied to the Limited entry fixed gear fleet. The increase in the Limited entry fixed gear limits beginning in April were designed to coincide with the primary sablefish fishery and a desire to better evaluate the potential slope rockfish and yelloweye bycatch in this fishery. Mr. Anderson asked if we move the 1,000 lb monthly limit and have it go through the end of April instead of March, would we have the opportunity to do a more thorough review and would that be a problem? Dr. Hastie said that we have a seven month window for the Limited entry fixed gear sablefish primary season. There must be a desire to fish sablefish in April or we wouldn't have set the primary season to start then. Fishermen would have to figure out the best timing for the primary sablefish season based on the relative economic value of available slope rockfish in April relative to other opportunities during the rest of the season. We did not have much time to structure the slope rockfish limits due to lack of review of relevant information. The issue of yelloweye came forward after we went through our trip limit and season discussions with the GAP. He assumed delaying the increased slope rockfish limit would not have a significant impact on the fleet.

#### *Open Access*

Mr. Anderson noted the recommendation to limit the OA DTL trip limit of minor slope rockfish at 25% of the sablefish trip limit? If fishers elected to land 800 pounds of sablefish/week would that mean they could land 200 pounds/week of slope rockfish? Dr. Hastie explained that they are constrained to 2,400 pounds of sablefish/2 months which would equate to 600 pounds of slope rockfish/2 months. Mr. Anderson asked whether a Limited entry fixed gear fisher without a sablefish endorsement who elected to fish the DTL strategy would be able to land 5,000 pounds/2 months of slope rockfish? Dr. Hastie said yes.

Dr. Hastie then went through the back two pages of the report. He noted some corrections for yelloweye: the 1.5 mt tribal amount needs to be added and the 7.6 mt for recreational fisheries north of 40°10'. There is an additional 0.47 mt associated with expected recreational fishery discard which leaves a total of 1.9 mt total catch for the non-tribal commercial fishery.

Chairman Lone asked if the total coastwide catch would be higher than 13.5 mt? Dr. Hastie said the 1.9 mt does not include the discard amount either, it would drop commercial down to about 1.4 mt. Dr. McIsaac asked for clarification on the yelloweye numbers and asked if the total would exceed 11 mt in the north. Dr. Hastie said this wasn't a commercial catch projection. This is simply the residual OY left for the commercial fishery.

#### **STAFF**

Mr. Seger explained Exhibit C.4, Supplemental Economic Tables 11/02/01; 10:15 am. The economic effect estimates are based on the GMT Reports handed out on November 1, not on November 2, and do not include whiting.

#### **TRIBAL**

Mr. Harp noted that he made the tribal presentation earlier this morning

#### **GAP**

Mr. Rod Moore read Exhibit C.4.i, Supplemental GAP Report 2.

#### **EC**

Lt. Dave Cleary summarized Exhibit C.4.i, Supplemental EC Report.

#### C.4.j. Public Comment

Mr. Joe Easley, Oregon Trawl Commission, Astoria, Oregon  
Mr. Jim Bassler, Salmon Trollers Marketing Association, Ft. Bragg, California  
Mr. Tom Ghio, fixed gear fisherman and GAP member, Moss Landing, California  
Mr. Bill James, open access fisherman, Pismo Beach, California  
Mr. William Smith, CPFV Riptide, San Francisco, California  
Mr. Richard Powers, Golden Gate Fisherman's Association, Bodega Bay, California  
Ms. Donna Solomon, commercial fish buyer, Moss Landing, California  
Mr. Bob Engles, Golden Gate Fisherman's Association, Hayward, California  
Mr. Kurt Solomon, West Coast Shallow Water Alliance, Moss Landing, California  
Mr. Mike Harbarth, charter boat owner, Bodega Bay, California

C.4.k. **Council Action:** Adopt Final Proposed Groundfish Regulations for 2002 (November 2, 1:06 pm)

#### **Commercial Presentation by GMT/GAP**

Dr. Hastie noted some corrections to Exhibit C.4.i, Supplemental GMT Report 5. Rex sole should be specified with no limit and strike the reference to small footropes (therefore, no footrope restriction either). The Limited entry fixed gear limit for minor slope rockfish has 1,000 pounds/2 months for the first three months (problem with an odd number of months). He suggested specifying 1,000 pounds/2 months through April. The minor nearshore rockfish OA options for the north should specify 3,000 pounds/2 months beginning in November, not October (same problem of an odd number of months for a two month limit). Retention of yelloweye for Limited entry fixed gear and OA is not allowed. However, it shows up on the chart with the minor shelf fishery. NMFS and the states need to make it clear in their notices that there is no yelloweye retention.

#### **Recreational Presentation by GMT/GAP**

Mr. Tom Barnes referred to Exhibit C.4.e, Supplemental GMT Report 3. Under footnote "e" the revised impacts driven by slight modifications to the CA recreational proposal need to be recorded. He noted two recreational catch revisions: bocaccio in southern California should be changed from 27 mt to 42 mt and minor nearshore rockfish in southern California should be changed from 75 mt to 71 mt.

In response to questions, Mr. Barnes stated that California would, at a later time, address the fact that the total catch projection for bocaccio is 56 mt compared to a 48 mt guideline.

Mr. Boydston noted that the recreational catch projection of yelloweye in central California is 1.5 mt. He was not sure if he can believe that given recent years' catches. Recent years' catches, even without the closures, have been at least 2 mt or so. With the season structure we have, we only have 4 months total of fishing on the shelf. During our preliminary analysis of contemplated shelf closures, we showed only 0.5 mt of yelloweye. He asked the GMT to take a look at this because this is a very important issue before we leave here.

Mr. Culver continued with the presentation by reading the GMT Statement on the reverse side of Exhibit C.4.e, Supplemental GMT Report 3. He noted the problem areas are bocaccio and the 6 mt excess in the harvest guideline for lingcod. The GMT agrees that the projected lingcod catch is probably high.

Mr. Culver also referenced Exhibit C.4, Supplemental Yelloweye Worksheet 11/01/01 12:50 pm. The worksheet shows the best estimates of recreational catches with some estimate of discard mortality factored in and the anticipated tribal catch factored in. Mr. Culver asked Council to disregard the "with commercial allocation targets in spreadsheet" since these are residuals reserved for the commercial fishery not projections. There would be 2.69 mt of yelloweye available for non-tribal commercial bycatch.

Dr. Hastie noted that the 2000 trawl fishery took about 1.1 mt of yelloweye and the projected target species catches on the shelf represent about a 27% reduction in shelf target opportunities. Therefore, he expects a yelloweye bycatch of about 0.7-1.0 mt of yelloweye discard mortality in the 2002 trawl bycatch which would leave about 1.8-2 mt of yelloweye for Limited entry, fixed gear, and OA. He also noted that the fixed gear fisheries combined catch estimate of yelloweye in 2000 was about 8 mt. However, that was with around 500-

1,000 pounds of minor shelf rockfish per trip with probable targeting of valuable yelloweye. More significantly, target opportunities for other shelf rockfish such as yellowtail and widow won't be available in 2002 providing even less reason to fish on the shelf with fixed gear. All of this will reduce fixed gear encounters with yelloweye.

Chairman Lone asked whether we were ready to approve the recreational, tribal, and commercial specifications with particular attention to resolve the bocaccio and yelloweye problems? Mr. DeVore agreed that was the task left for the Council.

Mr. Anderson felt that if we look at the worksheet (without non-tribal commercial), we have 2.69 mt for commercial mortalities. The first thing he noted was that if you take 2.69 mt and Mr. Boydston's comments about the 1.5 for the southern CA recreational fishery, it seems reasonable we would have a reduction of 0.5 mt or so. The tribes had 1-1.5 mt but, in their representation, 1.5 mt was the high end. Therefore you may have another 0.5 mt. In the trawl fishery we had 1.1 mt in 2000 and with the changes that have been made, there might be about 0.7 mt needed there. In the fixed gear fisheries we had about 8 mt in 2000. The question is where are we going to be in 2002. If we go down to 200 pounds on the shelf with no yelloweye retention, there is an expectation that between 2.5-3 mt would take care of the bycatch mortality in the fixed gear fisheries with the much lower limits on slope rockfish. Looking at 0.7 mt for trawl and 2-2.5 mt for fixed gear keeps us within the range of the 2.69-3.69 mt to cover the discard mortalities in the commercial fishery. Dr. Hastie said it seems like a sensible conclusion.

Mr. Brown noted that in the material handed out that included the trawl trip limits, the expected impact from the trawl fishery on bocaccio is about 13.8 mt. Comparing that with the preliminary proposed ABC/OY for 2002, it shows a bocaccio ABC of 122 mt and a total catch OY of 100 mt. Given the 56 mt projected recreational catch, do we have a problem? Dr. Hastie said there would be a problem if the total commercial catch went over 44 mt. The trawl fishery is expected to catch about 14 mt of bocaccio. That would leave us 7 mt for Limited entry fixed gear and another 16 mt for OA. He did not know what the totals were from this year's fishery, but he could get those.

Mr. Brown noted that the proposals for Limited entry Fixed gear and OA trip limits include quite a few closures. There are far more closures this year than last year--how do those regulations compare? Mr. Barnes replied that with nearshore fishing only in the central part of the state during waves 3 and 5 and the closure during wave 6, there is less opportunity to catch bocaccio in 2002 than in recent years. Mr. Brown asked if the closures he was talking about referred also to the commercial fishery? Mr. Barnes replied the commercial fishery is scheduled to have the same open seasons as the recreational. Dr. Hastie volunteered that through September 2001 the OA bocaccio catch was about 6 mt. That provides an indication that we won't run into a bind with a 44 mt commercial guideline in 2002.

Dr. Hastie said that the OA table does not have recommendations for the pink shrimp fishery. The intent is to continue with the same limits as last year.

Mr. Anderson moved that we adopt the limited entry trawl trip limits for 2002 as presented on Exhibit C.4.i, Supplemental GMT Report 5 with the exception that, under rex sole, all references to the small footrope in November and December be removed. (Motion 27) Mr. Brown seconded the motion.

With confirmation and clarification by Mr. Moore, Mr. Hastie, and Mr. Brown, Mr. Anderson accepted a friendly amendment from Mr. Bohn that the motion include a footnote under minor nearshore rockfish saying no yelloweye retention (except in the Limited entry trawl). It was noted that unlike fixed gear where yelloweye was a target species on the shelf, the trawl fishery rarely encounters yelloweye since the small footrope restriction and it is truly an incidental bycatch. Allowing retention in the Limited entry trawl fishery would not increase targeting of yelloweye but could provide some fishery-dependent biological sampling of yelloweye. Lack of biological sampling of cowcod due to no retention is currently a problem. Mr. Anderson also stated that the small footrope restriction for rex sole during January-April be struck in all four places on the trawl trip limit table. Mr. Brown accepted the friendly amendments.

Mr. Caito stated that last year there was no limit on rex sole for the whole year south of Cape Mendocino. He proposed a friendly amendment to have no limit for rex sole with large footrope south of Cape Mendocino.

Mr. Brown asked if there is a limit for other soles south of Cape Mendocino? Dr. Hastie said this year there was no limit in the south throughout the entire year on rex sole although there was no limit on all other flatfish through the end of September. We have moved into a different regime here (with the fall closures on Dover sole). Mr. Caito said his rationale for the amendment is that when the boats are fishing on the slope for Dover, there is a 1,000 lb limit using large footropes and they would be discarding a lot of rex sole. He has a hard time with discarding rex sole with no need.

Mr. Robinson asked if it makes an impact on other species if we make Mr. Caito's change? Dr. Hastie said it might make some difference in the modeling. It would depend on where they are fishing with large footropes. He has some concerns about the lack of ability to restrict where large footrope fishing is going on.

Mr. Anderson did not accept it as a friendly amendment since it seems to be a delicate package we have here, it has been modeled for discard rates and so forth and is really uncomfortable not knowing what the result might be. The no limit extends through April and, if the Council wanted, they could request Dr. Hastie to look at this "no limit" proposal and come to us in April with the results of his analysis.

Mr. Caito decided to let it go until April. He did not believe there would be a problem since they would be fishing on the slope and would therefore not encounter yelloweye or canary.

Mr. Anderson said given the estimate of 0.7-1.1 mt of yelloweye in the trawl fishery that Dr. Hastie referred to, the significant trip limit changes for trawl, and the significant changes to other fisheries where yelloweye might be encountered, we think the encounters of yelloweye will be less. We are not gaining one thing by specifying "no retention". It is just a question as to whether the yelloweye is left at sea or brought to the dock. Mortalities are going to happen anyway and we would lose our capacity to collect data (i.e., otoliths for ageing).

Mr. Brown agreed with Mr. Anderson that no one in the trawl fishery is or will be targeting yelloweye and that the catches will be truly incidental and rare. They are a species that probably will not survive discarding.

Mr. Boydston asked if yelloweye are part of the minor shelf or do they have a separate OY? Dr. Hastie said they do have a separate OY but they have been managed as part of the minor shelf complex and there is no reason not to continue to do so. The same is true for darkblotched where they have a separate OY but are managed as part of the minor slope complex without a separate trip limit.

Chairman Lone called for a vote on motion 27. Motion 27 passed.

Mr. Anderson referred to Exhibit C.4.i, Supplemental GMT Report 5 and moved to adopt the limited entry fixed gear trip limits and the OA trip limits for 2002 as presented in the table with the following corrections: 1) the Limited entry Fixed gear minor slope rockfish limit of 1,000 pounds/month extends through April after which it would go to 5,000 pounds/2 months through the end of October, then drop back to 2,000 pounds/ 2 months in November and December; 2) for OA under minor nearshore rockfish, the timeframe in the summer period with a 4,000 pounds/2 month limit would be extended through the month of October (instead of through September); 3) for exempted trawl, specify the pink shrimp trip limits that are recommended under Exhibit C.4.i, Supplemental GAP report 2; and 4) exclude from the motion the recommended minor nearshore rockfish limit/time period change discussed earlier for OA. (Motion 28) Mr. Alverson seconded motion 28.

Mr. Brown asked about his exclusion of the OA minor nearshore rockfish specification since there are several area specifications for minor nearshore rockfish? Mr. Anderson said it is the specification for north of Cape Mendocino with two different alternatives. Dr. Hastie said those are not two different alternatives on the OA table. The second line for minor nearshore rockfish in the north refers to a specified sublimit for species other than black or blue rockfish. He apologized for the confusing table format. Both of the lines for minor nearshore rockfish north (the base limit and the sublimit) could be moved to the end of October (i.e., the summer limit would then apply for the May-October period, not May-September). With the clarification, Mr. Anderson included minor nearshore rockfish in the north (with the base limit and sublimit) in the motion with the revision of the time frame as stated by Dr. Hastie. Mr. Alverson agreed to the clarification and the inclusion of these limits in the motion.

Mr. Brown stated that there does not appear to be a bocaccio problem and he believes commercial fisheries will not catch 44 mt of bocaccio.

Chairman Lone called for a vote on motion 28. Motion 28 passed.

Referring to Exhibit C.4., Supplemental CDFG Proposal, Mr. Boydston moved to adopt the recreational fisheries as shown in that document, but with the clarification that 25 fathoms should be changed to 20 fathoms where it occurs in the proposal. Also add verbage as follows: Council will consider at its September, 2002 meeting to open the recreational fishery for minor nearshore rockfish and lingcod in the central California area during November and December based on overall landings of minor nearshore rockfish and lingcod using data from MRFSS through wave 4. (Motion 29) Mr. Thomas seconded the motion.

Mr. Brown asked the intent of Mr. Boydston's last statement. He asked whether both recreational and commercial seasons would remain the same? Mr. Boydston said his intention is to consider opening the November and December nearshore recreational fishery in the central coast area within 20 fathoms using the preseason harvest guidelines that we have in the documents. We could also consider at the time opening the commercial fisheries if there is harvest guideline remaining for those.

Chairman Lone called for a vote on motion 29. Motion 29 passed.

Referring to Exhibit C.4.i, Supplemental GAP Report 2, Mr. Bohn moved to adopt the recreational fisheries as shown in that document but also insert for the inseason adjustment "fishing outside of 20 fathoms or 25 fathoms as determined by inseason evaluation based on EC concerns. (Motion 30) Mr. Brown seconded the motion.

Chairman Lone called for a vote on motion 30. Motion 30 passed.

Mr. Anderson, referring to Exhibit C.4.i, Supplemental GAP Report 2, moved to adopt the Washington recreational fisheries as described. (Motion 31) Mr. Harp seconded the motion.

Chairman Lone called for a vote on motion 31. Motion 31 passed.

Mr. Robinson noted that the EC recommended two options on the DTL fishery and the GAP recommended the second option. Mr. Robinson moved and Mr. Alverson seconded a motion to adopt the 24-hour period recommended by the GAP. (Motion 32) Motion 32 passed.

Mr. Harp moved and Mr. Alverson seconded a motion (Motion 33) to adopt the tribal fisheries as shown in Exhibit C.4, Supplemental Treaty Indian Harvest Levels with a sablefish OY of 423 mt for 2002. Motion 33 passed.

#### C.5. Groundfish Strategic Plan Implementation (October 31, 2:02 pm)

##### C.5.a. Agendum Overview

Mr. Dan Waldeck provided the agendum overview and stated the three matters for Council consideration:

1. Consider Executive Director recommendations to establish ad hoc committee and schedule for scoping a multi-year management cycle for the groundfish fishery.
2. Discuss applicability of *The Groundfish Fleet Reduction Information and Analysis Project*.
3. Consider the invitation for Mr. Jim Seger to participate in a meeting to finalize plans for an assessment related to the network of Marine Protected Areas on the West Coast. (Exhibit C.5, Supplemental Marine Reserves Communique).

#### C.5.b. Multi-year Groundfish Management Cycle

Dr. McIsaac gave an explanation on his ad hoc committee and schedule recommendations.

Mr. Robinson, in terms of the purpose of the committee, noted the committee was originally conceived to consider how to move from annual management to a multi-year cycle. He emphasized that the ad hoc committee consider federal notice and comment requirements in their recommendations for a revised groundfish management process.

Dr. McIsaac noted that the objectives statement, as recommended, contains reference to consideration of federal notice and comment requirements.

Ms. Cooney noted that while consideration of multi-year management is useful in the long-term, compliance with notice and comment requirements will be necessary in 2002. Therefore, it would be prudent for this committee to develop recommendations for addressing notice and comment requirements in the short-term.

Mr. Brown said this committee would perhaps have two charges, developing options for groundfish management in the longer term (e.g., multi-year management) and options for meeting notice and comment requirements in 2002.

#### C.5.c. EcoTrust/Pacific Marine Conservation Council Capacity Reduction Analysis Proposal

Mr. Waldeck gave a brief overview. Highlighted it was an effort to collect and analyze community and fleet profile information.

#### C.5.d. Reports and Comments of Advisory Bodies

### SSC

Ms. Cindy Thomson provided Exhibit C.5.d, Supplemental SSC Report.

*Dr. Astrid Scholz briefed the Scientific and Statistical Committee (SSC) on the Groundfish Fleet Reduction and Analysis (GFR) Project. The GFR project is a joint effort of Ecotrust and the Pacific Marine Conservation Council (PMCC). The goal of the project is to provide databases and policy tools that will facilitate Council deliberations regarding groundfish capacity reduction. The project expects to receive \$150,000 in funding, largely from foundations, and has a stated completion date of September 2002.*

*The SSC has the following comments regarding the GFR project:*

- The project will involve creating databases of existing fishery and community information from a variety of sources, providing spatial depictions and analyses of such data, and developing policy tools that allow the Council to evaluate capacity reduction options in a way that considers fishery, ecosystem and community effects. The analyses will range from descriptive summaries to models that predict industry response to regulatory changes. The project description is not specific enough to allow the SSC to comment on its technical merit. Even given this non-specificity, it is clear the scope of the project is much too ambitious to be accomplished with the available funding or within the stated time frame. The SSC recommends that Ecotrust focus on one or more aspects of the project that will allow them to provide a tangible and useful product by the stated deadline.*
- The SSC commends Ecotrust/PMCC for attempting to develop their project in concert with the Council and the fishing industry. Continuing consultation with the Council family will be important for determining how their databases and analyses should be customized to ensure the results are meaningful and useful for management. Continuing consultations with Council entities, particularly the Groundfish Advisory Subpanel, as well as other members of the fishing community, will also be important for encouraging trust. Without such trust, it will be very difficult for Ecotrust to obtain cooperation or to instill confidence in the results of their project.*

- *It is important for Ecotrust to recognize that the willingness of individual members of the Council family to provide input to their project should not necessarily be construed as endorsement of the project. If Ecotrust is seeking endorsement, they should be careful to obtain permission from individuals before using their names or their organizations in that manner.*

**GAP**

Mr. Dan Waldeck read Exhibit C.5.d, Supplemental GAP Report.

**GROUND FISH ADVISORY SUBPANEL STATEMENT ON  
GROUND FISH STRATEGIC PLAN IMPLEMENTATION**

*The Groundfish Advisory Subpanel (GAP) received a presentation from Ecotrust on their Groundfish Fleet Reduction Information and Analysis Project.*

*While the project generated interest and several questions, GAP members are alarmed at the fact that Ecotrust - as a private organization - is receiving confidential data from PacFIN. The fishing industry provides data to PacFIN for use in management with the understanding that such data is confidential and will be used only in aggregate form that prevents identification of individual operations. If data is able to be released in raw or unaggregated form to a private organization, many of those present believe they will not provide such data in the future. The GAP strongly recommends no unaggregated or confidential data be released by PacFIN to any private organization, and the Council should instruct PacFIN not to release confidential data to private organizations unless the Council approves the release. The GAP also requests a copy of PacFIN's protocol on release of data to private organizations.*

*The GAP also discussed a Council proposal to establish a scoping committee to examine multi-year management. The GAP supports the proposal and the list of members proposed in Exhibit C.5 - Situation Summary.*

C.5.e. Public Comment

Mr. Bob Eaton, Pacific Marine Conservation Council, Astoria, Oregon

C.5.f. **Council Action:** Establish Ad Hoc Committee, Timeline, and Schedule for Review of the Groundfish Management Cycle (Groundfish Strategic Plan Implementation)

Dr. Hanson explained the protocols and process that PacFIN follows when confidential data is requested. He noted there was no breach of protocol or policy in this case. He recognized there is some concern, and has initiated a review of the policy and the implementation guidelines. He noted that PacFIN is a cooperative initiative of the PSMFC and the states. Thus, it probably is not necessary for the Council to review requests for data.

Mr. Brown moved (Motion 10) that the Council form an ad hoc committee, under the Ad Hoc Groundfish Strategic Plan Implementation Oversight Committee (SPOC), for scoping multi-year management of the groundfish fishery.

Those members are:

Mr. Phil Anderson	Dr. Jim Hastie
Mr. Burnie Bohn	Mr. Jim Lone
Mr. LB Boydston	Dr. Rick Methot
Mr. Ralph Brown	Mr. Rod Moore
Ms. Eileen Cooney	Dr. Steve Ralston
Mr. Bob Eaton	Mr. Bill Robinson

The objective would be to scope multi-year management approaches, synchronized with a multi-year stock assessment schedule and with full accommodation of federal notice and comment requirements. He added that the committee should also provide recommendations to the Council relative to the 2002 management cycle (notably, accommodating notice and comment requirements). Mr. Bohn seconded the motion.

Mr. Bohn commented on the proposed schedule and noted there may be conflicts with other meetings. Mr. Brown suggested that the schedule be removed from the motion and the meeting schedule be left up to the committee. The maker of the motion and seconder agreed.

Motion 10 passed.

Chairman Lone made some general comments on the GFR project, notably relative to the strategic plan. He was concerned that the project may be much more complicated than is necessary at present.

Mr. Brown discussed his concern with the release of the PacFIN information relative to other projects that were not granted access, specifically the buyback proposal developed by Mr. Pete Leipzig. He was concerned that industry was not granted access whereas non-industry groups did receive access.

Mr. Robinson noted that the project is going to go forward and the Council is not being asked to participate or provide resources. Thus, there is nothing we need to do. He believes the project might produce some useful information. He suggests the Council wish them well and review the results when available.

Mr. Brown concurred with Mr. Robinson and noted the project's results would be reviewed by the SSC prior to any Council use of the information.

Mr. Waldeck noted that this was a chance for them to initiate a dialogue with the Council. In the GAP statement there was issues on the PacFIN use, Dr. Hanson commented on that issue. He also noted the SSC had several specific comments as well and suggested the Council consider forwarding those comments to the EcoTrust/Pacific Marine Conservation Council (PMCC) group.

Mr. Anderson, following on Mr. Waldeck's comments, suggested a letter from the Chairman or executive director be sent to the project, forwarding the SSC's comments. It is not sure if this project is directly useful to the Council relative to fleet reduction. However, information about coastal communities and the role of fisheries in those communities is usually useful. He hopes the study will be of value.

Mr. Anderson, on the PacFIN data, if it is a policy issue we need to make sure we address policy questions to the policy makers. If there is a policy issue the representatives to the data-confidentiality committee need to inform to the policy managers before decisions are made.

Mr. Bohn said that he looked forward to seeing the results of the project, and suggested a formal letter might not be necessary. Mr. Waldeck said he would take the initiative that the comments from the SSC and GAP are forwarded to the EcoTrust/PMCC group.

Mr. Waldeck said that the third item is just for information only and does not require Council discussion or action.

Mr. Brown provided a brief update on status of buyback legislation. Additional cosponsors are forthcoming and there is a hope that the legislation will move forward.

Dr. Hanson, in response to Mr. Anderson's comments relative to PacFIN data. It is assumed that NMFS and state employees are in contact with their supervisors when the data-confidentiality committee is considering data requests. Moreover, there are a process and protocols the states have agreed to.

C.6. Rebuilding Plans (October 31, 3:04 pm)

C.6.a. Agendum Overview

Dr. McIsaac provided the agendum overview.

C.6.b. NMFS Report

Mr. Robinson briefed the Council on Exhibit C.6.b, Supplemental NMFS Report. He asked that a workshop be formed and have the current set of rebuilding plans wrapped up in an FMP amendment. The amendment would revise the Amendment 12 to remove the frameworking provisions. The new amendments would include the rebuilding plans. We would like to see and commit to work with the Council staff to complete the rebuilding plans for Council consideration and public review by April 2002. Some of these plans are almost complete, and given the lateness, we think we need to get them transformed into amendments. After the first of the year, we need to meet with Council staff to figure out the structure, whether it is one or multiple amendments.

Mr. Bohn asked Mr. Robinson, if the idea is to have one plan amendment that has several sections for the several rebuilding plans and done in a way that yelloweye could be added to it? Mr. Robinson said there is certainly some logic into what you are proposing. It makes sense to structure it to take an additional rebuilding plan and plug it into the amendment without having to rewrite the amendment.

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

**GAP**

Mr. Frank Warrens read Exhibit C.6.c, Supplemental GAP Report.

*The Groundfish Advisory Subpanel (GAP) briefly discussed guidance to be given for the completion of rebuilding plans. The GAP believes the following comments, which were provided to the Council in September, need to be considered.*

*First, rebuilding plans need to contain complete social and economic data, including data on the economic impact of the plan alternatives on coastal communities, along with the environmental and biological data already scheduled to be included.*

*Second, rebuilding plans must be flexible enough to accommodate new information as it becomes available. The Council should not lock itself into a rebuilding strategy such as a constant catch plan that later analysis demonstrates won't work.*

*Third, a clear strategy for monitoring the progress of rebuilding and responding to that monitoring must be developed.*

C.6.d. Public Comment

None.

C.6.e. Council Guidance and Planning on Rebuilding Plans

Mr. Brown noted the concern of the GAP on the monitoring of progress on rebuilding plans. If we don't have the ability to incorporate new science into the rebuilding plan we would be in violation of the MSFCMA. Mr. Robinson said the act requires review of the rebuilding plans every two years. We need to figure out what parts of the rebuilding plans could remain the same in the amendment and what parts will need to change as part of the two-year review process.

C.7. Groundfish Fishery Management Plan Environmental Impact Statement

C.7.a. NMFS Report

Mr. Robinson gave a brief update, noting that NMFS has hired a NEPA expert and they have had an extensive discussion regarding the issue of doing a programmatic EIS and also talked about the lawsuit. The intent was to satisfy both the court order and the ongoing management needs by doing the programmatic EIS. The scope of the alternatives on a programmatic level don't match up well with the alternatives in the court order EFH EIS. Therefore, they made a decision to separate the two somewhat and continue with the programmatic EIS, but not try to satisfy the court order through that document. However, much of the same work for the programmatic EIS would be used for the court order EFH piece. They have a project manager for the Groundfish FMP EIS (Mr. Jim Glock). They have a separate project manager for the EFH EIS who will work with Mr. Glock to coordinate efforts, Mr. Steve Cops who will start on Monday. They look forward to getting together with a Council committee and put together an outline of the programmatic EIS.

C.7.b. Reports and Comments of Advisory Bodies

None.

C.7.c. Public Comment

None.

C.7.d. Council Guidance on Environmental Impact Statement Content and Process

Mr. Anderson asked if there will be a notice for the meeting of the Council's ad hoc group. Mr. Robinson assumed Dr. Mclsaac would be setting up the meeting and the Council would be providing the notification. Dr. Mclsaac agreed.

C.8. Exempted Fishing Permits (November 1, 8:08 am)

C.8.a. Agendum Overview

Dr. Mclsaac provided the agendum overview.

C.8.b. Status of Ongoing EFPs

C.8.b.i. Arrowtooth Flounder and Rockfish Permit

Mr. Anderson made some comments about how much work, training, and effort went into this EFP. Mr. Culver presented his powerpoint presentation.

C.8.b.ii. Chilipepper Rockfish and Bocaccio Permit

Mr. Boydston stated CDFG is just in the administrative and contracting phase of the project right now. Until that process is completed, they will solicit individuals that qualify under the proposed EFP and secure observers through PSMFC.

C.8.b.iii. Vertical Line Gear Selectivity Permit

Mr. Boydston noted this also needed a funding mechanism in order to secure observers.

C.8.c. New EFP Applications

Mr. Anderson noted they are developing a draft of two new EFP's (Supplemental WDFW Proposal 1 and 2).

The goals of the first EFP (Supplemental WDFW Proposal 1) is to:

- Measure bycatch rates for canary and other rockfish associated with the arrowtooth flounder fishery through an at-sea observer program,
- Measure bycatch rates for widow and other rockfish associated with the midwater yellowtail fishery through an at-sea observer program, and
- Augment the NMFS groundfish observer program.

The goals of the second EFP (Supplemental WDFW Proposal 2) is to:

- Measure bycatch rates for widow and other rockfish associated with the midwater yellowtail fishery through an at-sea observer program, and
- Augment the NMFS groundfish observer program.

Mr. Bohn noted that ODFW supports both of the EFP proposals presented by WDFW. ODFW is also developing a proposed EFP.

Mr. Mark Saelens reported that the EFP (Exhibit C.8.c, Supplemental ODFW Proposal) implements an observation program to enumerate the bycatch in whiting harvests delivered to shoreside processing plants for 10 to 15% of all deliveries. The purpose of the EFP is to allow delayed sorting from mid-water trawl catches of Pacific whiting until the catch is unloaded at a shoreside processing plant. Although this EFP has been listed under the "new" category under this agenda item, ODFW has been operating this EFP on an annual renewal basis for the last 10 years.

Mr. Don Hansen asked how many EFPs can you possibly have? Mr. Robinson said there is no limit on the number we can handle. The real time crunch would depend on how much lead time we have to work with the applicants on the details.

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

### **GAP**

Mr. Frank Warrens presented Exhibit C.8.d, Supplemental GAP Report.

#### C.8.e. Public Comment

Mr. Mike Pettis, longliner, Newport, Oregon  
Mr. Marion Larkin, F/V Larkin, Mt. Vernon, Washington

#### C.8.f. **Council Action:** Recommendations to NMFS on EFPs

Mr. Anderson asked that the two EFP applications be put on the agenda for March 2002. Due to workload issues, Dr. McIsaac asked if the EFP's could be put on the April agenda. Mr. Anderson said he would ask Mr. Robinson if the NMFS process could be expedited in order to accommodate the implementation of the EFPs.

Mr. Boydston thought that since the ODFW EFP has been going on for ten years, it should be put into a plan amendment. Ms Cooney said there was a plan amendment to get this done. However, the rulemaking never got done due to workload and we just keep on doing the EFP. Mr. Anderson and Mr. Bohn cautioned that making the programs permanent could entail a great deal of work and staff time.

Mr. Boydston requested that we put consideration of a permanent sampling program on the agenda as a workload issue (on Friday's list of workload items).

Mr. Bohn moved to approve the EFP by ODFW as shown in Exhibit C.8.c, Supplemental ODFW Proposal. Mr. Brown seconded the motion. (Motion 12)

Mr. Brown stated that if the arrowtooth flounder EFP is the same as last year we could just go ahead and approve it right now.

Mr. Anderson replied he anticipates that the time period will possibly begin in May, and he would propose to eliminate the limitation that directed tows on arrowtooth be limited to north of 48° N latitude. The other change that needs to be worked out is the addition of the experiment relative to yellowtail and widow. Those are the changes they are requesting and including in their applications to NMFS.

Mr. Brown asked for a friendly amendment to go ahead and approve both of the WDFW EFPs (Exhibit C.8.c, Supplemental WDFW Proposal 1, and Supplemental WDFW Proposal 2, with the conditions that they satisfy NMFS conditions in completing the application process. The maker of the motion agreed to accept the friendly amendment.

Dr. Radtke asked for a vote and Motion 12 passed. [The Council approved the EFP by ODFW as shown in Exhibit C.8.c, Supplemental ODFW Proposal, and the EFPs by WDFW as shown in Exhibit C.8.c, Supplemental WDFW Proposal 1, and Supplemental WDFW Proposal 2, with the conditions that they satisfy NMFS conditions in completing the application process.]

#### C.9. Status of Fisheries and Inseason Adjustments (November 2, 2:13 pm)

##### C.9.a. Agendum Overview

John DeVore provided the agendum overview and Dr. Hastie and Mr. Moore presented further details of the issue.

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

#### **GAP**

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

##### C.9.c. Public Comment

None.

##### C.9.d. **Council Action:** Consider Inseason Adjustments for Groundfish Management Measures

Mr. Brown moved that we authorize the landing of 1,000 pounds per trip of Dover sole in the month of December. Dr. Radtke seconded the motion. (Motion 34)

Mr Brown believes there is no need for concern that we will exceed the Dover sole limit

Mr. Harp asked when would this take effect? Mr. Brown said in December.

Motion 34 passed.

#### **D. Salmon Management**

##### D.1. NMFS Report (October 31, 10:35 am)

##### D.1.a. Miscellaneous Matters

Mr. Bill Robinson indicated that there have been no significant regulatory actions taken since the last Council Meeting.

Mr. Dan Viele gave an update on the KFMC membership. Eight of the 11 members have either no current appointment letters on file or letters from inappropriate bodies. Mr. Viele said the Council representatives are two such positions. The Council representatives needs to be appointed by the Secretary of Commerce. The KFMC hopes to get those resolved before the February, 2002 KFMC meeting. One possibility would be to appoint the Chair of the PFMC as the official designee, and allow the Chair to designate an alternate as appropriate. Mr. Viele indicated that no action is necessary at this time, but should be brought up as a matter of discussion under appointments.

D.1.b. Council Discussion

None.

D.2. Update of Ongoing Fisheries (October 31, 10:39 am)

D.2.a. Agendum Overview

Mr. Chuck Tracy provided the agendum overview.

D.2.b. Sequence of Events

Mr. Tracy reviewed the sequence of events provided in Exhibit D.2.b.

D.2.c. Salmon Technical Team (STT) Report

Mr. Tracy notified the Council that the STT report was provided as Exhibit D.2.c, Supplemental STT Report.

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

None.

D.2.e. Public Comment

None.

D.2.f. Council Discussion on Update of Ongoing Salmon Fisheries

None.

D.3. Salmon Option Hearing Sites

D.3.a. Agendum Overview

Mr. Chuck Tracy provided the agendum overview.

D.3.b. 2002 Management Schedule

Mr. Tracy summarized Exhibit D.3.d, 2002 Management Schedule.

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

**SAS**

Mr. Mark Cedergreen presented Exhibit D.3.c, Supplemental SAS Report.

D.3.d. Public Comment

Mr. Mark Cedergreen, Wesport Charterboat Association, Westport, Washington

D.3.e. **Council Action:** Approve 2002 Hearing Schedule and Hearing Sites

Mr. Boydston announced a tentative date for the state sponsored Moss Landing hearing during the last week of March, 2002.

Mr. Bohn indicated Oregon will have a state sponsored meeting in Tillamook, but was unsure of the exact date. Regarding the Coos Bay location, he recommend leaving it as is since there was not agreement among Oregon SAS representatives to change the location.

Mr. Anderson moved, and Mr. Alverson seconded, a motion to adopt the Council sponsored salmon hearing sites as shown in Exhibit D.3, Situation Summary, November 2001. (Motion 5) Those hearing sites would be:

April 1, 2002 Westport, Washington and North Bend, Oregon  
April 2, 2002 Eureka, California

Motion 5 passed.

By consensus, the Council state representatives noted the following tentative state sponsored hearings:

Week of April 1 in Tillamook, OR  
Week of April 1 in Moss Landing, CA

D.4. Sacramento Winter Run Chinook Management (October 31, 10:47 am)

D.4.a. Agendum Overview

Mr. Chuck Tracy provided the agendum overview.

D.4.b. NMFS Report

Mr. Dan Viele presented Exhibit D.4.b, NMFS Report, and Exhibit D.4.b, Supplemental NMFS Power-Point Presentation.

Mr. Boydston, regarding the interim period between 2002 and the completion of the proposed FMP amendment, asked if current commercial size limits would continue, and if early season commercial fishery south of Pt. Sur would have a different opening date. Mr. Viele indicated that NMFS would prefer an opening date of no earlier than May 1 south of Point Sur, and that current size and gear restrictions continue.

Mr. Roth inquired about rationale of the suspension of the 31% increase in cohort replacement rate requirement in the interim period. Mr. Viele indicated that the change in assessment methodology would require development of a new standard. Because most impacts are associated with early season recreational fisheries, maintaining the later opening date should provide adequate protection during the interim period.

Mr. Brown asked where the majority of the commercial impacts occur. Mr Viele indicated that most impacts in both recreational and commercial fisheries occur in the Monterey and San Francisco area.

D.4.c. Reports and Comments of Advisory Bodies

**SAS**

Mr. Mark Cedergreen presented the SAS report, Exhibit D.4.c, Supplemental SAS Report.

D.4.d. Public Comment

Mr. Mark Cedergreen, Westport Charterboat Association, Westport, Washington

D.4.e. **Council Action:** Comments on Recovery Plan Revisions and Inseason Fishery Management for Sacramento Winter Run Chinook

**Potential FMP Amendment:**

Mr. Boydston asked about the process of developing an FMP amendment. Dr. McIsaac said that there is a formal Council process on salmon FMP amendments which would be initiated by a motion, and believes that it is a one year process.

Mr. Boydston suggested the Council delay formal action until the March, 2002 meeting. Between now and then he proposed an ad hoc committee to set preliminary goals/objectives and the FMP amendment team composition. The ad hoc committee would include NMFS, CDFG, USFWS, representatives from the three major fishing sectors, and CalFED. This committee would put together a straw-man proposal for the March Council meeting. Mr. Viele agreed with the ad hoc committee concept. By March an interim BO should be completed, and an FMP amendment package should be ready.

Mr. Robinson indicated that the March Council meeting would constitute a scoping session to decide what would go into the FMP amendment, and then the Council would decide whether to proceed with the FMP amendment at that point.

Mr. Roth asked about the involvement of the technical recovery team. Mr. Viele said the members have been appointed, but was unsure if they started working yet. He thought that the KRTAT chair should be included in the ad hoc committee.

**Inseason recommendations:**

Mr. Roger Thomas moved and Mr. Boydston seconded a motion (Motion 6) to maintain status quo for the 2002 recreational salmon season opening dates: March 30 below Pigeon Pt.; April 13 between Pigeon Pt. and Pt. Arena . Motion 6 passed.

**Options for the Interim Biological Opinion:**

Mr. Boydston moved and Mr. Thomas seconded a motion (Motion 7) to recommend proceeding with the interim biological opinion (BO) as presented by Mr. Viele. Motion 7 passed.

**FMP Amendment Process:**

Dr. McIsaac said that the COP indicate the process is from November to November. He went through a quick explanation of the process. The extended process is orderly as proposed by Mr. Boydston's motion. For the amendment to be in effect for the 2004 fishing season, the scoping would not need to begin until after November 2002.

Mr. Boydston said that the Council should start the formal process in March and complete it by the following March; he was not aware of the November/November time frame.

Ms. Cooney said the schedule in the COPS is set up for the fastest way to do it if you want it for that year. If you do it from March to March, the amendment would be adopted, but not implemented until the following year.

Mr. Robinson indicated there is no reason not to do the scoping in March 2002 and complete the process in November 2002.

Mr. Bohn indicated that Amendment 13 was completed fairly quickly, and that he agreed with Mr. Robinson.

Mr. Boydston indicated that he preferred to initiate the process in March 2002 with the objective of implementation for the 2003 management season.

D.5. Results of Scientific and Statistical Committee (SSC) Methodology Review (October 31, 11:28 am)

D.5.a. Agendum Overview

Mr. Chuck Tracy provided the agendum overview.

D.5.b. SSC Report

Dr. Pete Lawson read Exhibit D.5.b, Supplemental SSC Report.

Mr. Gaudet inquired about the effect of Canadian fisheries on the updated coho FRAM. Dr. Lawson indicated that the effects would be minor since Canadian stocks realized little impacts from Council area fisheries.

Mr. Boydston observed that the final review of the two models is in January and February, and that a decision point that close to implementation could risk delay. Dr. Lawson indicated that the momentum for implementation should not be lost.

Mr. Roth observed that the Model Evaluation Subgroup would be important for continuity as current expertise left.

D.5.c. Reports and Comments of Advisory Bodies

**STT**

Mr. Dell Simmons provided Exhibit D.5.c, Supplemental STT Report.

Mr. Anderson asked if there were any inconsistencies between the STT and SSC reports. Mr. Simmons indicated that there were not.

Mr. Bohn asked if selective coho fisheries would be more accurately assessed, and if there were fewer time/area strata without data. Mr. Simmons indicated that there may be some incremental improvement in assessment of selective fisheries.

Mr. Roth asked if the addition of stocks in the model will delay implementation. Mr. Simmons indicated that it may be challenging, but achievable.

**SAS**

Mr. Mark Cedergreen read Exhibit D.5.c, Supplemental SAS Report. (October 31, 1:15 pm)

D.5.d. Public Comment

None.

D.5.e. **Council Action:** Adopt Proposed Changes to Methodology Used

Mr. Anderson noted that WDFW will be holding a user group meeting on November 28, 2001. There will also be a meeting on January 3, 2002 between the STT, SSC and WDFW to explain the details of the new coho FRAM.

Mr. Boydston indicated that the KOHM is 95% complete; however, he was reluctant to recommend approval for 2002 management without review by the KFMC.

Mr. Bohn noted there was a letter from Washington Trollers Association (Exhibit D.5.b, supplemental public comment 2), and inquired if the issues in that letter would be addressed by the coho FRAM revisions. Mr. Tracy indicated that the new cohort analysis does address the issues brought forth in that letter.

Mr. Anderson moved that the Council approve the revised coho FRAM contingent upon completion of the remaining tasks identified by the STT and the SSC. Mr. Jim Lone seconded the motion. - Motion 8

Dr. McIsaac explained the COP on the use of methodology changes.

Mr. Bohn requested to add to the motion, if problems arise with the revised model, the default is to use the old model.

Mr. Roth supported the motion to get the revised models in place.

Mr. Anderson noted that the tribes/states have the North of Falcon meeting process to address preseason forecast issues.

Mr. Boydston asked for a friendly amendment to include approval of the revised KOHM in the motion based on the recommendation from the KFMC included in Exhibit D.5.d, Supplemental Public Comment 1. The maker and the seconder agreed.

Mr. Brown, asked if the coho FRAM caveats apply to the KOHM regarding resolution of remaining technical issues and use of the old KOHM if those issues are not adequately addressed. Mr. Boydston responded affirmatively.

Vice-Chair Radtke asked for vote, Motion 8 passed.

D.6. Queets River Coho Status Review (October 31, 1:31 pm)

D.6.a. Agendum Overview

Mr. Chuck Tracy provided the agendum overview.

D.6.b. STT Report

Mr. Dell Simmons provided a brief summary of the STT Report (Exhibit D.6.b, STT Report).

D.6.c. Reports and Comments of Advisory Bodies

#### **SSC**

Dr. Pete Lawson read Exhibit D.6.c, Supplemental SSC Report.

#### **HSG**

Ms. Michele Robinson read Exhibit D.6.c, Supplemental HSG Report.

#### **SAS**

Mr. Mark Cedergreen read Exhibit D.6.c, Supplemental SAS Report.

D.6.d. Public Comment

None.

D.6.e. **Council Action:** Adopt Actions to Prevent Overfishing of Queets River Coho

Mr. Tracy noted that after hearing the recommendations from the advisory bodies, should the Council agree, there would be no action required regarding requiring development of a formal rebuilding plan, or to adopt management measures to end the overfishing concern. The Council may wish to give direction to the HSG to investigate habitat concerns, although habitat and freshwater production were not identified as significant

factors in failure of the stock to meet the escapement objective. The HSG did request a presentation of habitat issues from the comanagers.

Mr. Robinson reviewed the history of the decision to require a stock assessment under the overfishing concern in Amendment 14, and the details the Council required in that assessment. He indicated that the STT met the Council's criteria with this report, and agreed with their conclusions and recommendations. He stated that the standard has been met regarding the necessity of developing a rebuilding plan under Amendment 14.

Mr. Harp noted that during 1997-1999, the Council was operating under Amendment 12, and Queets coho were not overfished. During that time WDFW and the Quinault Indian Nation agreed to escapement goals which met conservation constraints. When Amendment 14 was approved, the retroactive application resulted in triggering the overfishing concern. He recommended that the Council accept the report of the STT.

Mr. Gaudet indicated that the STT, HSG, and SSC recommended examination of the lower end of the escapement goal. He thought this would be a comanager responsibility and asked if the Council wished to act on that recommendation.

Mr. Anderson noted relative to the recommendations of the current escapement range, WDFW is prepared to talk with the policy representatives of the Quinault Indian Nation and recognized that the Quinaults compiled the majority of the data in the Queets River system. Regarding the letter from WDFW, the STT was able to address the majority of the concerns raised in that letter in the final report. Regarding the request of the HSG for a presentation of habitat issues, he committed to talk with the Quinault Indian Nation about having them make a presentation to the HSG in April, 2002.

Mr. Harp, in response to Mr. Gaudet's question, indicated that to change the MSY escapement goal range for Queets coho would involve the comanagers at WDFW and the Quinault Indian Nation. Neither of the two agencies can presently commit the manpower to take on those tasks. He stated that in his personal opinion, it is time to review the range for MSY and to narrow that range. The lead people to take on that task is the Quinault Indian Nation, NMFS, WDFW, and USFWS as was done in the early 80's.

Mr. Tracy summarized the discussion: the Council has accepted the STT report; Mr. Anderson will discuss with the comanagers the possibility of a presentation to the HSG on habitat issues; Mr. Anderson and Mr. Harp noted that a review of the MSY escapement range objective would also be discussed by the comanagers.

Mr. Anderson moved to formally accept the STT Report as shown in Exhibit D.6.b, STT Report, November 2001 for Queets River coho; and to concur with the STT conclusions that Queets coho are not currently overfished, not likely to become overfished in near future, that a rebuilding plan is not required, and that no changes in management measures are required to achieve the management objectives for Queets coho. (Motion 9) Mr. Alverson seconded the motion. Motion 9 passed.

## **E. Habitat Issues**

E.1. Essential Fish Habitat Issues (November 1, 9:02 am)

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

Ms. Jennifer Bloeser read the HSG report (Exhibit E.1.a, Supplemental HSG Report).

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

None.

E.1.c. Public Comment

None.

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

Mr. Anderson inquired as to the type of assistance Dr. Clarke was requesting from the HSG on updating the HAPC process document and the time line. Ms. Bloeser replied that she was asking the HSG to determine if the document was consistent with current Council policy relative to rebuilding plans and the Groundfish EIS. Ms. Bloeser proposed that the groundfish subgroup of the HSG meet through conference call to work on reviewing the document, and bring it to the Council in March 2002 with the goal of final approval in April 2002.

Mr. Brown asked if the Council has seen the document. Ms. Bloeser said no, the document was only given to the HSG and GAP.

Mr. Bohn inquired about the nature of the FERC programmatic letter scheduled for March 2002 approval by the Council. He noted that letters on that subject require coordination of agencies other than ODFW, and that requires considerable lead time. Ms. Bloeser noted that the HSG protocols require letters for Council approval to be in the briefing book, and asked if that was enough time. Mr. Bohn indicated that more time would be desirable.

Mr. Robinson indicated that the groundfish EIS documents will be considering HAPC in the structure of the alternatives, and how they fit into management. It would be helpful for the Council if such guidelines be established when considering those alternatives. He stated his desire for Dr. Clarke to schedule a presentation by to the Council on that issue in March or April, 2002.

Mr. Boydston asked that Mr. Rhode provide input on Klamath flow issues at the March HSG meeting and whether or not the Council would need to provide comments pursuant to EFH on that situation.

Mr. Anderson indicated that he favored the HSG proceeding with review of the HAPC document, and having Dr. Clarke provide a presentation to the Council in March or April, 2002.

## F. Marine Reserves

F.1. Status of Marine Reserves Proposals for Channel Island National Marine Sanctuary (CINMS)  
(October 31, 3:24 pm)

F.1.a. Agendum Overview

Mr. Jim Seger briefed the Council on the briefing book documents. He noted the following possible topics for Council action: consider the SSC report and provide guidance, if needed; decide on a response to the California Fish and Game Commission (CFGC) marine reserve alternatives; and respond to the CINMS staff report on procedures for federal consideration of marine reserves in the CINMS, if appropriate.

F.1.b. Agency Reports and Recommendations

### CDFG

Ms. Marija Vojkovich provided an oral report which outlined CDFG's procedures and process for holding hearings and accepting public comments before the regulations are adopted. The notice on the draft regulations and purpose of action provides for a 30 day comment period. This is followed by the publication of a state environmental analysis for which the comment period is a minimum of 45 days.

Lt. CDr. Matt Pickett, Ms. Stephanie Campbell from NOAA NOS General Counsel, and Mr. Sean Hastings, CINMS, provided a report. Referring to page two of Exhibit F.1.c, Supplemental Attachment 2, Lt. CDr. Matt Pickett announced that it was the National Marine Sanctuary (NMS) program intent to pursue establishment

of marine reserves under the National Marine Sanctuary Act for Federal waters in the CINMS. The NMS program will initiate the NEPA process after the state process is completed. They will draft the DEIS and provide the Council opportunity to review and comment on the document during the drafting process. Additionally, they will be working closely with the state during the state process.

Mr. Fougner asked how the CINMS designation document and master plan relate to each other. Ms. Cambell responded that the designation document, or "charter" would have to be amended to allow regulation of fishing by the sanctuary. The NMSA requires that the designation document list the activities that may be subject to regulation. The sanctuary management plan is a separate document. What can be included in the sanctuary management plan is determined by the designation document.

Mr. Boydston, asked whether the CINMS staff would move to amend the designation document before completion of the CFGC process and whether the designation document applied to both state and federal waters. LCDR Pickett replied "Yes," as part of their overall review of the entire sanctuary management plan programs and regulations, they are amending the designation document to allow for "zonal management". Zonal management could include marine reserves. Mr. Boydston, asked whether marine reserves could be created under the designation document without the Council or the CFGC. Ms. Campbell replied that they could not abrogate their responsibility under the NMSA to allow the Council the opportunity to draft fishing regulations for the EEZ portion of the reserve. For the state waters, the governors have an opportunity to voice disapproval of any changes to the terms of the designation document.

Mr. Brown asked for clarification about who would approve the amendment. Ms. Campbell replied that the Secretary of Commerce had the statutory authority but had delegated that authority to the Office of Ocean and Coastal Resource Management within the National Ocean Service, a NMFS sister agency.

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

##### **SSC**

Ms. Cindy Thomson read Exhibit F.1.c, Supplemental SSC Report.

##### **GAP**

Mr. Frank Warrens read Exhibit F.1.d, Supplemental GAP Report.

*The Groundfish Advisory Subpanel (GAP) discussed information presented by Council staff on the Channel Islands National Marine Sanctuary (CINMS) marine reserves process. The GAP also reviewed a draft of the Scientific and Statistical Committee's report on its subcommittee analysis of CINMS scientific data. The GAP appreciates the Scientific and Statistical Committee (SSC) sharing their draft report.*

*After reviewing the SSC report, the majority of the GAP interprets it to mean there is no scientific rationale for establishing a marine protected area in the CINMS comprising 30% to 50% of the CINMS area.*

*A minority of the GAP supports the full SSC report as drafted.*

#### F.1.d. Public Comment

Mr. Joe Geerer, American Oceans Campaign, Los Angeles, California  
Ms. Beth Owen, concerned citizen, Oakland, California  
Ms. Kate Wing, Natural Resources Defense Council, San Francisco, California  
Ms. Kathy Fosmark, Alliance for Sustainable Fisheries, Pebble Beach, California  
Ms. Janice Green, Recreational Fishery Alliance, Umpqua, Oregon  
Mr. Tom Raftican, United Anglers of Southern California  
Mr. Bob Fletcher, Sportfishing Association of California, San Diego, California

F.1.e. **Council Action:** Response to Proposals and Recommendations for Channel Island National Marine Sanctuary

Mr. Anderson and Mr. Alverson asked Ms. Cooney about the Council's role under the National Marine Sanctuary Act (NMSA). Ms. Cooney said the Council will make a recommendation, the Secretary of Commerce determines if it meets the needs of the sanctuaries and could change the Council recommendations if the need is not met.

In response to a question, Mr. Seger identified three possible courses of actions for the Council with respect to the state process: (1) opt out, let the state process go and take no action; (2) take no action now but look at the documents in the spring if the process is ongoing at that time; or (3) explicitly ask the CFGC to keep their process open long enough for the Council to review the documents and provide comment to the CFGC. With respect to the CINMS process for developing regulations in the Federal waters of the sanctuary, he noted there is no specific action needed at this time. The Council will have an opportunity to participate or opt out in the future. For the CINMS process there appear to be two steps that will occur: (1) amend the CINMS designation document to regulate fisheries and (2) actual development of fishery regulations. Under each step the Council could participate or opt out.

Mr. Boydston moved (Motion 11) the following: write a letter to the CDFC that (1) requests an opportunity to provide input on the alternatives they are considering and accompanying environmental analyses, (2) requests that the Council be given sufficient lead time to distribute and analyze the document, (3) provides a schedule of the Council meeting meetings; (4) clarify our strategy of providing input to the CINMS pursuant to the Council's National Marine Sanctuary Act responsibilities; (5) provides the GAP/SSC reports. Mr. Boydston suggested that Cindy Thomson from the SSC be a contact person in case the CFGC has questions about the SSC Report. The motion was seconded by Don Hansen.

Mr. Anderson stated that deciding whether the Council would assume a leadership role or advisory role in designing fishery regulations that go along with sanctuaries would be a key call. He expressed concern about setting a precedent that might be applied to proposals for other sanctuaries along the coast. For example, he would not be comfortable with the Council only taking an advisory role in developing management measures for the Olympic Coast National Marine Sanctuary. Mr. Brown and Mr. Harp concurred. Mr. Fougner recognized the concerns and spoke to a middle ground. He noted that the sanctuary will be doing a full analysis with public comment process and will be coming to the Council for advice; that does not abdicate Council responsibility. The Council has indicated it does not have the staff to work on reserves in any significant way. The sanctuary would like to work in partnership with the Council. Mr. Boydston proposed to amend the motion to reflect that there may be two possible courses of action for establishing no fishing areas in Federal waters of the sanctuary to complement areas established by the state (one under the Magnuson-Stevens Act authority and the other under the authority of the National Marine Sanctuaries Act) and that the Council would choose among those paths at a later time. The seconder agreed. Motion 11 passed.

Mr. Anderson asked whether given the location of the Channel Islands, could the fishing restrictions necessary to implement marine reserves be accomplished by adoption of rules under CDFG authority pertaining to California licensed vessels. Mr. Boydston said CDFG has code and regulations which control fishing activity in Federal waters for state managed species and that given how far south the area is he did not believe that there were many vessels that came from out of state. Ms. Cooney indicated that if this were done for state managed fisheries, and the result affected Federally managed fisheries, the Council would likely need to make a consistency determination on the issue. Mr. Fougner indicated that the issue would be similar to Huntington Flats.

Mr. Fougner suggested the Council accept the CINMS offer to keep us advised of the development of their documents and any other information. Ms. Cooney said she assumed the Council would want to be involved in the process and exercise their authority under the NMSA, if the CINMS proceeds to amend its designation document to create no fishing zones. The MS Act authority around the Channel Island would be more fragmented. You would have to look at the goals.

Dr. McIsaac noted that based on Mr. Fougner and Ms. Cooney's comments, the Council should write a letter to the CINMS to ask them for continued communication between the entities even though the Council has not made a decision on how it would prefer to proceed.

## **G. Highly Migratory Species Management**

### **G.1. NMFS Report (November 1, 10:02 am)**

Mr. Svein Fougner briefed the Council on recent domestic and international events related to West Coast highly migratory species fisheries (Exhibit G.1, NMFS Report)

#### **RECENT INTERNATIONAL HMS ACTIONS AND ACTIVITIES**

*Eastern Pacific - on September 27, 2001, NMFS published the final rule to implement certain recommendations of the Inter-American Tropical Tuna Commission made at its June 2000 meeting. The rule has two components. The first requires fishers to provide information to the SWR for a regional register of all vessels that fish commercially for HMS in the eastern Pacific. We are now mailing out a form to 944 vessel owners who landed HMS in 1999 or 2000 into a West Coast port according to PacFIN records. The form has been partially completed by NMFS using available information sources (U.S. Coast Guard documentation records, High Seas Fishing Compliance Act permit applications, etc.). Vessel owners are to confirm the information filled in and to fill in missing pieces of information. The vessel owner then will submit the form with a picture of the vessel. The second component is regulations to implement the IATTC pilot program to reduce bycatch in the purse seine fishery. This program was originally for 2001 only but was extended through 2002 by resolution in June 2001. Basically, all tuna brought on board would have to be retained, and all non-tuna would have to be released as quickly and harmlessly as practicable. Special handling and release procedures for sea turtles would be required as well. The intent is to provide a disincentive for completing sets on schools of fish that are so small that their market value is negligible. As there are observers on all large vessels, there should be good monitoring of compliance and effectiveness. The pilot program (and results of IATTC research on alternative means to reduce bycatch such as grids that retain only large fish) will be evaluated in April 2002.*

*Yellowfin Tuna Closure - On October 28, 2001, the directed purse seine fishery for yellowfin tuna in the IATTC Commission Yellowfin Regulatory Area was closed. From that date through the end of the year, vessels may retain yellowfin tuna taken in purse seine up to 15% by weight of all fish retained from sets made in that period.*

*U.S.-Canada Albacore Treaty - There have been two negotiating sessions in which the United States is seeking agreement on changes in the Treaty to establish limits on reciprocal fishing under the Treaty. The past 3 years have seen a huge expansion of Canadian fishing in the EEZ and this generated a large amount of concern among the U.S. fleet about crowding or preemption on the fishing grounds and even gear conflicts and fish interception. The Western Fishboat Owners Association has recommended suspension of the Treaty unless Canada agrees to limit its vessels. Canada recently countered a United States proposal, but the counter is clearly not responsive to U.S. industry concerns. No new negotiating sessions are currently planned and the Department of State is considering options including the potential for notifying Canada of intent to terminate the Treaty.*

*Multilateral High Level Conference for Western Pacific - There is no new activity to report. The United States continues to work with some of the nations that signed the new treaty text to determine if there are ways to accommodate Japanese concerns (Japan has not signed the treaty) without reopening the treaty itself.*

*Interim Scientific Committee - As indicated at the last meeting, the ISC is scheduled to meet in Japan early next year. The Southwest Fisheries Science Center will be well represented so the scientific results will be readily available for incorporation into the HMS FMP to the extent appropriate.*

## RECENT DOMESTIC HMS FISHERIES ACTIONS

*Shark Finning Prohibition Act - The comment period for the proposed rule to implement this Act ended July 30, 2001. NMFS has been considering the comments made on the proposed rule and is close to publishing a final rule. At this time, it appears that there will not be major changes from the proposed rule. The prohibitions would not apply to activities undertaken in State waters under State jurisdiction. A State could also have more stringent controls than the Federal controls.*

*Drift Gillnet - No new Federal regulations have been implemented since the last Council meeting. The current regulations are among the alternatives in the Regulatory Document for the HMS FMP.*

*Hawaii Longline - No new Federal regulations have been implemented since the last Council meeting. The Southwest Region and Western Pacific Council are coordinating in the development of regulations under the Pelagics FMP to take the place of the emergency regulations published by NMFS as described in the Regulatory Document for the HMS FMP.*

### G.1.a. Council Discussion on NMFS Report for Highly Migratory Species

None.

### G.2. Draft Highly Migratory Species Fishery Management Plan (FMP) (November 1, 10:12 am)

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

Mr. Waldeck provided an overview of the agendum topic and briefing book materials.

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

Dr. Dale Squires reviewed the organization, contents, and scope of the HMS FMP.

Mr. Anderson enquired about the treaty Indian fishing rights options in the current draft. He wondered if this was the most recent language. It was noted that the treaty Indian fishing rights language in Amendment 9 to the Coastal Pelagic Species FMP is the most current language. Dr. Squires noted that the most current language will be incorporated into the draft before it goes out for public review.

Mr. Fougner, with respect to the option added relative to longlining within the EEZ, the NMFS-SWR added that option without consulting the Team. Dr. Squires noted this alternative would be discussed at the Team meeting next week.

Dr. McIsaac then briefed the Council on a presentation made by the Executive Director to the WPFMC. The presentation briefly discussed the scope and purpose of the FMP, and highlighted the coordination procedures outlined in the FMP. See Exhibit G.2., Supplemental Report on WPFMC Coordination.

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

### SSC

Ms. Cindy Thomson read Exhibit G.2.c, Supplemental SSC Report.

## SCIENTIFIC AND STATISTICAL COMMITTEE STATEMENT ON DRAFT HIGHLY MIGRATORY SPECIES FISHERY MANAGEMENT PLAN

*Dr. Dale Squires, co-chair of the Highly Migratory Species Plan Development Team (HMSPDT), gave the Scientific and Statistical Committee (SSC) a brief overview on the development of the current draft of the Highly Migratory Species (HMS) Fishery Management Plan (FMP) and its supporting appendices. Dr. David Au, HMSPDT member, then presented to the SSC a description of the methods used to develop the productivity estimates for sharks that are presented in Chapter 3 of the*

*FMP. He also addressed specific comments that the HMS Subcommittee of the SSC had made on an earlier draft of the FMP. The SSC discussion of the current draft FMP focused on two issues.*

- The exploitation rates presented in Chapter 3 (for example in Table 3-4) are expressed as a fraction of the total population, not as a fraction of the exploitable population as is commonly used. Dr. Au will work with Dr. Andre Punt to revise this.*
- A harvest guideline for common thresher sharks is presented in Chapter 3. This guideline was developed using an innovative approach that expresses the guideline as a local maximum sustainable yield ( $L_{MSY}$ ). The methods used to develop the guideline should be described in the text of Chapter 3. The SSC recommends that a range for the harvest guideline rather than a single value be included in the draft FMP. An  $L_{MSY}$  within that range could then be specified and reviewed periodically.*

*The SSC will use the comprehensive list of research and data needs contained in Section 8.5 when we revise the Council's Research and Data Needs and Economic Data Plan next year. The SSC notes that the development of abundance indices for tunas is an important item that needs to be added to that section of the draft FMP.*

*Finally, the SSC appreciates the efforts of the HMSPDT in preparing the current draft document. The HMSPDT has been responsive to SSC comments on previous drafts of the FMP. The current draft is substantially improved from previous versions and is ready for public comment.*

## **HMSAS**

Mr. Bob Fletcher read Exhibit G.2.c, Supplemental HMSAS Report.

### **HIGHLY MIGRATORY SPECIES ADVISORY SUBPANEL STATEMENT ON DRAFT HIGHLY MIGRATORY SPECIES FISHERY MANAGEMENT PLAN**

*The Highly Migratory Species Advisory Subpanel (HMSAS) met October 31 to review the third draft of the highly migratory species (HMS) fishery management plan (FMP) and the first draft of the initial regulatory measures. The HMSAS has a number of recommendations for improving the draft documents, which are identified below. We believe that most of these improvements can be made prior to release of the documents for the formal public review process, without delaying the plan development schedule. Recommendations are by consensus unless otherwise noted.*

*Suggested improvements include:*

- Addition of available historical and economic information on recreational HMS fisheries to FMP Chapter 2, including Orange County information. This information should be included prior to adoption of the final FMP. In addition, for the long term, the Council should get a commitment from NMFS to allocate funds for the collection of economic and biological data on recreational fisheries for HMS.*
- Addition of a new option to part B, section 1.4.2.6, which clearly prohibits longlining in the exclusive economic zone (EEZ), and is not tied to any specific research program or exempted fishing permit (EFP).*
- Addition of a new longline option which is less restrictive than the existing industry proposal (option 1, section 1.4.2.6, part B), but does not allow wide open longlining in the EEZ (vote: 6 yes, 2 no, 2 abstain).*
- Modification of the recreational catch and release program to include all HMS, not just striped marlin (part B, section 1.6).*

- *Deletion of the fourth bullet in FMP section 8.2, p. 8-3: "If the stock is overfished and the international fishery organization takes no action, the required rebuilding would be unilateral." (vote: 6 yes, 2 no).*
- *Include in the analysis of the options for management authority of the drift gillnet fishery (1.4.1.2, part B) a discussion of how each of the options satisfies the fundamental reasons why the FMP is needed, as described in section 1.5 of the FMP.*
- *Some HMSAS members feel that the regulatory document should be part of the FMP and combined into one document, although there was no consensus on this point. Possibly NMFS or NOAA General Counsel can advise the Council on the best approach.*

*The HMSAS notes that the HMS Plan Development Team (HMSPDT) has identified certain preferred options in the draft documents for the benefit of the Council at this meeting, but we assume that HMSPDT preferences will be removed from the documents that go out to public review. While the HMSAS did not have time to identify preferred options at this meeting, several members expressed concern about some of the HMSPDT preferred options.*

*The Council should be aware that some vessels are targeting albacore with small-mesh gillnets, which is currently legal in California. The FMP as currently drafted would define legal drift gillnet gear as having a minimum stretched mesh of 14 inches. This would preclude use of small mesh gillnets to target HMS, although some amount of incidental landing would be allowed under the incidental catch provision.*

*Finally, the HMSAS recommends that hearings be held in Eureka, California and San Diego, California in addition to the locations recommended in the briefing document. Also, the HMSAS recommends that northern hearings be held in late January and California hearings be held in February, since the drift gillnet fishery operates in January.*

Mr. Brown asked Mr. Fletcher about the HMSAS remarks about the Team's preferred options, are you saying we should not go out for public review with preferred options? Mr. Fletcher said the document should note the Council's preferred alternatives rather than the Team's.

Mr. Anderson asked about the HMSAS statement's reference to addition of a new longline option which is less restrictive, was that option specified as to what exactly that would be in terms of how less restrictive? Mr. Fletcher said no, there was not time to truly develop this option and analyze it. However, one member of the HMSAS felt it was important to include a less restrictive option to balance what is seen as a more restrictive option.

Ms. Vojkovich asked Mr. Fletcher about the targeting of albacore with small mesh gillnets, were there recommendations whether this should be added to the FMP. Mr. Fletcher said there was much discussion of the issue, but this was the first chance the HMSAS had to discuss the topic of a small fish gillnet albacore fishery. Several on the HMSAS have heard concerns about the possibility this fishery could expand. There was no consensus from the HMSAS on how to proceed.

Dr. McIsaac noted that the fisheries included in the draft FMP currently exist. Is this a new fishery that should be incorporated into the FMP? Mr. Fletcher responded that reports indicate this is an existing fishery, but had not been regulated or known to regulators. But there is concern that the fishery should be monitored.

#### G.2.d. Public Comment

Mr. Russell Nelson, The Billfish Foundation, Ft. Lauderdale, Florida  
 Mr. Pete Dupuy, Federation of Independent Seafood Harvesters, Tarzana, California  
 Mr. Bob Osborne, United Anglers of Southern California, Lakewood, California  
 Mr. Tom Raftican, United Anglers of Southern California, Huntington Beach, California  
 Mr. Bob Fletcher, Sportfishing Association of Southern California, San Diego, California  
 Ms. Beth Babcock, Wildlife Conservation Society, Bronx, New York

Mr. David Wilmot, Ocean Wildlife Campaign, Soquel, California  
Mr. David Clutts, Richmond Pelican SkinDivers, Fairfield, California  
Ms. Kate Wing, Natural Resources Defense Council, San Francisco, California  
Mr. Peter Flournoy, American Fisheries Research Foundation, San Diego, California  
Mr. Doug Fricke, Washington Trollers Association, Hoquiam, Washington  
Mr. August Felando, fisherman, San Diego, California  
Mr. Chuck Janisse, Federation of Independent Seafood Harvesters, Bridgewater Corners, Vermont  
Mr. Ron Gaul, Sea Turtle Restoration Project, Forest Knolls, California

G.2.e. **Council Action:** Adopt Draft Highly Migratory Species FMP for Public Review

Mr. Fougner asked the H MSPDT if they intend to merge the two FMP documents into a single document to with proposed actions, including framework procedures and regulatory actions. Dr. Squires said if the Council desires, they would do that. Mr. Fougner asked about the concept of "local MSY" and how it fits with MSY control rules relative to a stock as a whole. Dr. Au replied that MSY and OY are defined in terms of sustainable yield. For some shark species, catch from entire stock is unknown. Thus, data from local fisheries (West Coast fisheries) is used to define a "local MSY," which is a subset of stock-wide MSY. Local MSY is used to determine OY for west coast management. Mr. Fougner asked if the local MSY was derived from historic catches and changes in size composition over the years (in the local fishery)? Dr. Au replied yes.

Mr. Fletcher interjected to note that on chapter 8, page 11, the HMSAS asked that we add to a word to the definition of "drift gillnet." They suggest it should read "minimum stretch mesh" as this is how mesh size is measured.

Ms. Vojkovich moved (Motion 13) as shown in Exhibit G.2.e, Supplemental CDFG Motion in Writing.

*Page 3-5: Management Unit Species - Option 2  
5 tunas, 5 sharks, swordfish, striped marlin, dorado*

*Page 3-7: Prohibited Species - Both Option 1 and 2  
white, basking, and megamouth sharks; Pacific halibut and salmon*

*Page 8-7: Framework Process (for Rulemaking Actions) - Option 2  
Option 1 plus "Points of Concern" process*

*Page 8-8: Management Cycle - Option 3  
biennial management cycle*

*Page 8-21: Treaty Indian Fishing - Option 1  
include framework process similar to Treaty Indian Fishery under the CPS Plan*

*Page 3-14: Management Control Rule - Default Control Rule  
MSY and MSY Proxies; OY for Vulnerable Species - sharks*

*Page 4-11: Essential Fish Habitat - Management Species*

*Page 8-10: Legal Commercial Gears; harpoon, surface hook and line, drift gillnet and purse seine*

*Page 8-12: Legal Recreational Gear; rod and reel (pole and line), spear, hook and line*

*Page 8-15: Reporting and Monitoring Requirements; Mandatory logbooks for selected fisheries;  
surface hook and line, drift gillnet, pelagic longline, small vessel tuna purse seine, harpoon and charter/party*

Mr. Donald Hansen seconded the motion.

Mr. Brown asked for clarification on legal gear options described in the motion, is pelagic longline included?. Ms. Vojkovich responded that longline gear is handled under a separate option. Legal gears would be those listed on page 8-10 as well as pelagic longline.

Mr. Lone asked for clarification about preferred alternatives. Are the options identified in the motion intended to be the Council's preferred alternatives? Ms. Vojkovich responded, yes.

Mr. Brown asked about unilateral action in response to overfished stocks. Mr. Fougner described two potential scenarios to determine overfishing: (1) is overfishing occurring, i.e., is fishing at a level that would cause a stock to be overfished in two years; or (2) if a stock is determined to be overfished. If overfishing is occurring the Council would document it and provide the information to NMFS and the Department of State (DOS), which would be used by the U.S. in international fora to promote actions to prevent further overfishing. NMFS and DOS would report back to the Council and the Council would determine what actions were needed.

If a stock is determined to be overfished, the Council would assemble the record, present this information and relevant recommendations to DOS/NMFS for use in international fora. The Council would also prepare a rebuilding analysis and plan consistent with the Magnuson-Stevens Act. NMFS and DOS would be expected to promote the Council's recommendations at the international level. As with overfishing, international bodies would notify DOS and NMFS of their intentions, NMFS and DOS would in turn notify the Council of the international agencies proposed actions.

Mr. Fougner offered to work with the HMSPDT to include this language (relevant to the scenarios described above) in the public review draft. The Council concurred.

Mr. Anderson asked if the regulatory options were included in the motion? Ms. Vojkovich responded, no.

Mr. Anderson offered a friendly amendment relative to treaty Indian fishing (Chapter 8, page 8-21, and Chapter 1, page 1-18). On page 1-18, the second paragraph that begins with "NMFS recognizes the areas set forth..." would be restated on page 8-21, under "c" as substitute language. Also, on page 8-22 under option 2, the sentence that begins "The initial proposed regulations..." strike "as set out in the framework as described above" and replace it with "modeled on CPS regulations at 50 CFR 660.518" and indicate option 2 as revised as the preferred alternative.

The maker and the seconder of the motion accepted the friendly amendment.

Mr. Fougner asked for clarification as to how the motion dealt with small mesh gillnet gear. Even if the gear is not considered legal gear, it will still be necessary to describe the fishery. Moreover, if it is not a legal gear, then the impacts of curtailing an existing fishery will need to be described.

Ms. Vojkovich expected that the small mesh gillnet fishery would be described in the document. Legal drift gillnet gear would be defined as written in the draft FMP, i.e., 14 inches. The FMP provides for incidental catch allowances for gears not defined as legal.

Mr. Fougner asked if two options could be included in the definition for drift gillnet: (1) specify 14 inch stretch mesh, or (2) do not specify a minimum or maximum mesh size. He asked if this was acceptable as a friendly amendment. Mr. Fougner's suggestion was not incorporated into the motion. It was dealt with later (see motion 16, below).

Mr. Alverson asked for clarification on the use of pelagic longline gear. As he understood the motion, the gear would be included as legal gear, but its use would be restricted within the U.S. EEZ. The U.S. of longline gear outside of the EEZ would be allowed and landings into U.S. ports of caught outside the EEZ would be allowed.

Ms. Vojkovich said it was her understanding that her motion, which applies to the FMP portion of the document, speaks to defining legal gears. Regulating the use of fishing gears is dealt with in the regulatory portion of the FMP, which will be taken up in a separate motion.

Chairman Lone asked for vote on motion 13. Motion 13 passed.

Ms. Vojkovich moved (Motion 14) and Jim Caito seconded the following motion:

*Part B Page 1: Commercial Permits - Option 2  
commercial permit with gear endorsement*

*Part B Page 2: Recreational Permits - No Action*

*Part B Page 3: Far Offshore Commercial Fisheries Declarations - Option 3  
exempt all trollers from offshore declaration*

*Part B Page 5: Drift Gillnet Fishery, Management Authority - Option 3  
federalize selected state regulations and laws under FMP*

*Part B Page 24: Longline Fishery, Management Process - Option 3  
includes longlines as actively managed gear and propose initial regulations*

*Part B Page 28: Longline Fishery, Management on High Seas - Option 2  
include all management measures included in Western Pacific Pelagics FMP*

*Part B Page 47: Longline Fishery, Management in EEZ - No Longlining in EEZ (new option)*

*Part B Page 51: Coastal Purse Seine Closure - Both Options 1 & 2  
closures off Oregon and Washington*

*Part B Page 54: Sale of Striped Marlin - Option 1  
prohibit commercial landing or sale of striped marlin*

*Part B Page 17: Drift Gillnet Fishery Restrictions - Protected Species  
implement modified take reduction restrictions*

Mr. Brown, relative to options for coastal purse seine closures, if option 2 is selected (closure North of .44 degrees North) option 1 (closure of the waters adjacent to Washington) would not be necessary.

Mr. Brown also asked about reference to the recreational catch-and-release program. He was unclear as to why it is included in the motion as there are not options to choose from. Ms. Vojkovich said it is included in the regulatory package as is.

Mr. Anderson asked for another friendly amendment to the motion. Relative to drift gillnet fishery management authority, the recommended option (Option 3) does not include some of the elements he would like to see. He asked that the three options inadvertently omitted are to be included (these are identified on Exhibit G.2.b, Supplemental HMSPDT Report, Attachment 2), and all three are to be identified as "Council Preferred" options. Specifically, these options are: 1) federalize existing state closures off CA, OR, and WA; 2) close EEZ north of 45 degrees north latitude; and 3) close EEZ off WA east of 126 degrees, and off OR east of 125 degrees, 30 minutes.

The maker and the seconder agreed to the friendly amendment to motion 14.

Mr. Fougner noted that the management issues relative to Hawaiian fisheries are from June 2001 regulations and there are several additional regulations that may also apply. Ms. Vojkovich responded that her intention was to use the most recent versions of the relevant Hawaiian fishery regulations.

Ms. Cooney asked for clarification on option 3 at page 5 in the "part B" Regulatory document. There are several suboptions, is the intent to federalize all of those?. Ms. Vojkovich agreed that in the public review draft the options that are to be federalized should be clearly stated.

Mr. Fougner, relative to the same option, option 3.a – incorporating the California limited entry program could be problematic as the Council has not established a limited entry program. He recommended that 3.a not be included in the motion.

Chairman Lone asked for a vote on Motion 14. Motion 14 passed.

Mr. Bohn asked for clarification on the motion relative to the FMP document (motion 13), how was the question of mesh size resolved?

Dr. McIsaac stated that motion 13 identified a preferred alternative, but left open the question of whether other alternatives would be identified. As it stands, there is the preferred alternative (14 inch stretch mesh), but no other alternatives were identified (e.g., small mesh gillnet).

Mr. Anderson spoke to the recommendations on the HMSAS Report as well as the issue of the addition of the word “stretch” under drift gillnet page 11 section 8. Referring to Exhibit G.2.b, Supplemental HMSAS Report, Mr. Anderson moved (Motion 15) that the public review draft include the first bullet (i.e., additional historic and economic data) and second bullet. He noted that the previous motions and discussion dealt with several of the HMSAS suggestions. The public review draft will indicate Council preferred alternatives (where appropriate), rather the HMSPDT preferred alternatives. An option for a recreational catch-and-release that covers all HMS in the FMP was added. (Motion 15) Seconded by Mr. Harp.

Mr. Bohn asked if the recommendations in the SSC report (Exhibit G.2.b, Supplemental SSC Report) were also to be included as direction to the HMSPDT. Mr. Anderson said, yes.

Chairman Lone asked for vote on motion 15 - Motion 15 passed.

Mr. Fougner asked the HMSPDT, relative to “Reporting and Monitoring Requirements,” he did not see reference to observer or vessel monitoring system (VMS) requirements.

Ms. Robinson replied that the ability to take regulatory action relative to observer programs and/or VMS falls under the framework process in the FMP. Specific options for requiring observers or VMS are not in the document.

Mr. Fougner suggested two additions: (1) on page 8-11, include a second option for defining drift gillnet gear that does not specify a minimum or maximum mesh size; (2) authorize placement of observers contingent on development of an observer program sampling design. (Motion 16) Seconded by Mr. Brown. Motion 16 passed.

Mr. Fougner moved that we add an option for “longline fishing under an EFP only”. (Motion 17) motion dropped due to lack of seconder.

Mr. Fougner offered to work with the HMSPDT to develop “baseline conditions,” which would be used to compare effect of the alternatives. These will be included in the review draft. He also posited that the two FMP documents should be combined into a single draft environmental impact statement (DEIS). With the Council’s concurrence, he would commit to work with all parties to come up with a structured single document to comply with the National Environmental Policy Act and other requirements.

The Council concurred (tacitly) with Mr. Fougner’s suggestion.

### G.3. Draft FMP Public Hearing Schedule and Sites

#### G.3.a. Agendum Overview

Mr. Waldeck gave the agendum overview.

G.3.b. Reports and Comments of Advisory Bodies

**HMSAS Report**

See statement under G.2 (above).

G.3.c. Public Comment

Mr. Doug Fricke, Washington Trollers Association

G.3.d. **Council Action:** Approve Draft HMS FMP Public Hearing Schedule and Sites

Council discussion of when and where the hearing should be held focused on choosing a schedule that would best suit the needs of the interested public.

Based on input from the advisory entities, public and Council member discussion, the Council and Chairman agreed to the following public hearing schedule matrix (start time and dates approximate):

Date	Time	Hearing Officer/Council Member	Place
January 28, 2002	4 or 7 pm	Bob Alverson/ Phil Anderson	Olympia, WA
January 29, 2002	7 pm	Hans Radtke/ Phil Anderson	Astoria, OR
January 30, 2002	7 pm	Ralph Brown	Coos Bay, OR
January 31, 2002	7 pm	Jim Caito	Eureka, CA
February 1, 2002	7 pm	Roger Thomas	Monterey, CA
February 2, 2002	10 am	Marija Vojkovich	Long Beach, CA
February 4, 2002	7 pm	Don Hansen	San Diego, CA

**H. Coastal Pelagic Species Management**

H.1. NMFS Report (November 1, 3:02 pm)

Mr. Fougner asked Mr. Jim Morgan to present the NMFS report. Per the Council recommendation and in accordance with the Coastal Pelagic Species FMP, reallocation of sardine harvest between the northern and southern subareas was effective October 26, 2001.

H.1.a. Council Discussion on NMFS Coastal Pelagic Species Report

None.

H.2. Amendment 10 to the Coastal Pelagic Species FMP

H.2.a. Agendum Overview

Mr. Waldeck provided an overview of the matters at hand.

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

### **CPSMT**

Dr. Ray Conser presented the market squid Stock Assessment Review (STAR) Panel report (Exhibit H.2.b, Final Workshop Report).

Dr. Paul Crone reviewed the Coastal Pelagic Species Management Team (CPSMT) recommendations for market squid alternatives (Exhibit H.2.b, CPSMT Report; and Exhibit H.2.b, Supplemental CPSMT Report 2).

Ms. Vojkovich asked if the CPSMT discussed the impacts of the recommended approach on the current monitoring and sampling program (which is run by CDFG with cooperation from NMFS). Dr. Crone answered, yes. He noted that, as long as the fishery continued to operate in the same manner, the current sampling program would suffice.

Dr. Kevin Hill reviewed issues related to capacity and permit transferability (Exhibit H.2.b, Supplemental CPSMT Report 3).

### **SSC**

Ms. Cindy Thomson read Exhibit H.2.b, Supplemental SSC Report.

#### SCIENTIFIC AND STATISTICAL COMMITTEE REPORT ON FINAL REPORT ON MARKET SQUID MAXIMUM SUSTAINABLE YIELD METHODOLOGY WORKSHOP

*At the Council's request, the Scientific and Statistical Committee (SSC), in conjunction with the California Department of Fish and Game (CDFG) and the National Marine Fisheries Service (NMFS), held a market squid maximum sustainable yield (MSY) methodology workshop in May of 2001. Dr. Paul Crone of the Coastal Pelagic Species Management Team (CPSMT) presented an overview of the various modeling approaches, and provided considerable detail on the egg escapement approach to assessing the market squid resource. SSC member Dr. Raymond Conser, co-chair of the squid Stock Assessment Review (STAR) Panel, briefed the SSC on the panel's report.*

*The squid MSY workshop was a highly successful collaboration among CDFG, NMFS, and the SSC. This collaboration was essential to the assembly and analysis of all available biological and fishery data. The panel provided a thorough review of the data and alternative approaches to the squid MSY problem. All of these efforts resulted in productive and timely completion of the review.*

*The STAT Team and STAR Panel worked together in refining a yield-per-recruit approach based on egg escapement, and both groups recommend this policy for monitoring status of the squid stocks. There are two parts to the egg escapement approach, 1) eggs produced per female in the catch, and 2) recruitment to the spawning grounds. Squid recruitment is highly variable and probably environmentally driven. The egg escapement approach requires an estimate of remaining eggs per female at the time of capture by the fishery. CDFG port samplers are collecting the specimens needed to make this estimate on a seasonal basis. It will be important to provide continuing support for this sampling and for the laboratory work needed to count the eggs.*

*The egg escapement approach developed by the STAT Team and further refined during the STAR Panel process provides a sound basis for developing a harvest control rule that is based on biological principles. However, there is a continuing need to address uncertainties in the science that were identified during the workshop. To this end, the SSC supports the idea of a STAR Panel review in 2004. It will also be important that the CPSMT develop precautionary management options that reflect uncertainties in the science. The SSC looks forward to reviewing this work as it is incorporated into Amendment 10 of the CPS Fishery Management Plan.*

## CPSAS

Mr. John Royal read Exhibit H.2.b, Supplemental CPSAS Report.

### COASTAL PELAGIC SPECIES ADVISORY SUBPANEL REPORT ON AMENDMENT 10 TO THE COASTAL PELAGIC SPECIES FISHERY MANAGEMENT PLAN

*The Coastal Pelagic Species Advisory Subpanel (CPSAS) met Wednesday to discuss portions of Amendment 10 to the Coastal Pelagic Species (CPS) Fishery Management Plan (FMP). There were two issues to consider: 1) options for a market squid maximum sustainable yield (MSY) proxy, and 2) options for limited entry permit transfer and issuance. The CPSAS support the following:*

#### 1. Market Squid MSY Proxy

*The CPSAS voted unanimously that the suite of four options presented by the CPS Management Team (CPSMT) to determine an MSY proxy for market squid is sufficient to proceed for public review.*

*The majority of the CPSAS (7 of 8) voted to accept and support the Egg Escapement Approach presented by the CPSMT in its entirety as the CPSAS's preferred option. A minority of the CPSAS supports all aspects of the Egg Escapement Approach, but is concerned that the 30% threshold identified by the CPSMT may not be appropriate and should be higher.*

#### 2. Limited entry Permit Transfer and Issuance

*The CPSAS heard a presentation from the CPSMT on the options being considered for limited entry permit transfers. The CPSMT agreed to consider two additional options for permit transfer presented by the CPSAS. The CPSAS voted unanimously to support the suite of options moving forward for public review.*

*The CPSAS also heard options for issuing new permits in the limited entry fishery if the situation becomes necessary in the future. The CPSAS voted unanimously to support the suite of all three options moving forward for public review. The CPSAS voted to support Alternative 2 as their preferred option.*

#### H.2.c. Public Comment

None.

#### H.2.d. Council Guidance on Content and Process for Amendment 10 to the Coastal Pelagic Species FMP

Mr. Waldeck noted for the Council that no specific action was required. The goal of this agenda item was to review the suite of alternatives in Amendment 10. If these alternatives are sufficient the CPSMT will go forward with developing the analysis and a public review draft for Council consideration in March 2002. Mr. Waldeck noted the options were found under Exhibit H.2.b, Supplemental CPSMT Report 3. The CPSAS also provided recommendations for the Council to consider.

Mr. Alverson asked what was the timeline for final action? Mr. Waldeck noted that the final adoption, at the earliest, would be June 2002.

Mr. Anderson supported the two additional options by the CPSAS to the document for analysis.

Ms. Cooney, on the procedures for issuing new limited entry permits. She noted that in alternative 1 we may not have the authority to do an auction. A lottery may be possible, but would need to be tied to the limited entry standards in the Magnuson-Stevens Act. For alternatives 2 and 3, both would need to be thought through and analyzed in the context of the Magnuson-Stevens Act limited entry criteria.

### H.3. Pacific Sardine Harvest Guideline for 2002

#### H.3.a. Agendum Overview

Mr. Waldeck provided the agendum overview.

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

### **CPSMT**

Dr. Ray Conser highlighted the Pacific sardine stock assessment as shown in Exhibit H.3, Attachment 1.

### **SSC**

Ms. Cindy Thomson read Exhibit H.3.b, Supplemental SSC Report.

#### SCIENTIFIC AND STATISTICAL COMMITTEE STATEMENT ON PACIFIC SARDINE HARVEST GUIDELINE FOR 2002

*Dr. Ray Conser briefed the Scientific and Statistical Committee (SSC) on the stock assessment results for Pacific sardine and the 2002 U.S. harvest guideline. The assessment model and data analysis are identical to those used in previous years. The analysis incorporates the most recent fishery and survey data.*

*The data shortcomings identified last year have not been rectified. The First Trinational Sardine Forum (U.S.A., Mexico, and Canada), which was convened in 2000, was not successful in building the coastwide database (British Columbia through Baja, California) needed for sardine stock assessment. Thus the only option available to the Coastal Pelagic Species Management Team (CPSMT) for 2002 was to update the previous assessment model, which is based on that portion of the sardine population off the southern half of California, and extrapolate the results to include Mexico and the northern areas. The Second Trinational Sardine Forum will be convened in San Diego during November 29-30, 2001. If successful, the data thus obtained will provide a basis for developing a new coastwide assessment in 2003. The SSC views the Forum as the most promising venue for the Trinational collaboration needed to improve the assessment, and encourages the U.S. state agencies (Washington, Oregon, and California), federal agencies, and the Council family (CPSMT, Coastal Pelagic Species Advisory Subpanel (CPSAS), SSC, and Council staff) to fully participate in the Forum. For now, the SSC recommends the current assessment be accepted, as it is based on the best available information.*

*A year ago the SSC recommended that a peer review (similar to the groundfish Stock Assessment Review (STAR) process) be scheduled for Pacific mackerel and Pacific sardine in early 2002. The CPSMT is optimistic that the upcoming Second Trinational Sardine Forum will be more successful than the 2000 Forum in assembling a coastwide data base. If progress is made, the SSC recommends the peer review that we requested last year be rescheduled for spring of 2003, so the new coastwide sardine assessment can be reviewed, in addition to the Pacific mackerel assessment.*

*The SSC notes that Pacific sardine is now, along with Pacific whiting, the most abundant fish resource off the West Coast; at one time sardine was the largest single-species fishery in the world. Yet the research program for supporting sardine assessment is seriously underfunded. The current fishery independent surveys are restricted to the southern half of California and only provide indices of sardine egg abundance and daily egg production. The aerial fish spotter index only covers the nearshore areas of the southern California Bight. The adult parameters used in recent biomass estimates are computed on the basis of biological data collected in 1994, at a time when the population was one-tenth of the 2002 biomass. The SSC strongly urges the National Marine*

*Fisheries Service at both the regional and national levels to develop and fund a resource survey plan and budget with a specific time line, including ship time that will sample the sardine population over its range, with the objective of estimating spawning biomass and age composition of the sardine population.*

#### **CPSMT**

Dr. Kevin Hill read Exhibit H.3.b, Supplemental CPSMT Report.

#### **COASTAL PELAGIC SPECIES MANAGEMENT TEAM STATEMENT ON PACIFIC SARDINE HARVEST GUIDELINE FOR 2002**

*The Coastal Pelagic Species Management Team (CPSMT) and Coastal Pelagic Species Advisory Subpanel (CPSAS) recently met to review results from the latest Pacific sardine stock assessment which will be used to set a harvest guideline (HG) for the 2002 season. The CPSMT concurs with the stock assessment team's analyses and recommends that the Council adopt a harvest guideline of 118,442 metric tons (mt) for the upcoming season.*

*The CPSMT discussed questions related to the temperature component of the harvest control rule and identified a need to reevaluate research areas related to this issue. The CPSMT will discuss this issue at their next scheduled meeting, will develop a work schedule, and can provide the Council with an update at the March meeting.*

*As communicated by the Scientific and Statistical Committee (SSC), it is critical that both industry and management bodies actively pursue additional research funds, which will be necessary to improve future assessments of the sardine population off North America.*

*Finally, the CPSMT concurs with the SSC regarding a revised stock assessment review schedule for sardine and Pacific mackerel for spring 2003.*

#### **CPSAS**

Mr. Waldeck read Exhibit H.3.b, Supplemental CPSAS Report.

#### **COASTAL PELAGIC SPECIES ADVISORY SUBPANEL STATEMENT ON PACIFIC SARDINE HARVEST GUIDELINE FOR 2002**

*The Coastal Pelagic Species Advisory Subpanel (CPSAS) met in Los Alamitos, California, on October 10 to review the latest stock assessment for Pacific sardine and the proposed harvest guideline of 118,442 metric tons for the 2002 season.*

*The CPSAS appreciates the work done by the Coastal Pelagic Species Management Team (CPSMT) and supports the proposed 2002 harvest guideline. However, the CPSAS still continues to voice concerns about the scope of the stock assessment; for example, the fishery-dependent data collected in the Washington and Oregon fisheries are not currently incorporated into the assessment. The CPSMT and stock assessment authors assure the CPSAS that these efforts will be considered in future efforts as the current model is refined to include coastwide information. The CPSAS will continue to support any of these efforts as we feel it is imperative to achieve an accurate coast-wide biomass estimate.*

*Lastly, the CPSAS would like to encourage the state agencies to send representatives to the Tri-National Sardine Forum in San Diego beginning November 29th. This is an important meeting that includes needed input from both Mexico and Canada. It is critical representatives from the northern states are able to participate in the meeting, so they are able to contribute vital regional information.*

H.3.c. Public Comment

None.

H.3.d. **Council Action:** Adopt Pacific Sardine Harvest Guideline for 2002

Ms. Vojkovich moved to adopt a harvest guideline for Pacific sardine for 2002 of 118,442 mt and that FMP subarea allocation ratios be used. (Motion 18) Mr. Anderson seconded the motion. Motion 18 passed.

Ms. Vojkovich suggested the CPSMT be encouraged to continue development of the CPS stock assessment review process, focusing on the areas identified in their report.

Mr. Brown asked about the Tri-National Sardine Forum and if Council advisors would attend. Mr. Fougner explained the scope and purpose of the Forum. It was noted that representatives from the CPSMT and CPSAS will attend.

## I. Administrative and Other Matters

### I.1. Status of Legislation (November 2, 10:03 am)

#### I.1.a. Current Legislation

The legislative update is shown in Exhibit I.3, Supplemental Budget Committee Report. The report notes that the Congressional conference committees to resolve fiscal year 2002 appropriations (including the Council's calendar year budget) are expected to meet in the next two weeks. However, it now appears final budget approval will likely come in an omnibus bill after Thanksgiving.

#### I.1.b. Council Discussion on Current Legislation

None.

### I.2. Elections and Appointments to Advisory Bodies (10:04 am)

#### I.2.a. Appointments to Advisory Bodies

##### I.2.a.i. Coastal Pelagic Species Advisory Subpanel

There were no names submitted for nomination to the northern California charter position on the CPSAS, therefore the Council concurred that this vacancy would be readvertised and nominees considered at the March 2002 Council meeting.

##### I.2.a.ii. Habitat Steering Group

Council members expressed a desire to postpone filling this position. Mr. Anderson moved (Motion 21) to ask the Executive Director to readvertise the recreational fisher vacancy on the HSG. Mr. Harp seconded the motion. Motion 21 passed.

##### I.2.a.iii. Highly Migratory Species Advisory Subpanel

Mr. Boydston moved to appoint (Motion 20) Dr. Doyle Hanan to the public at -large seat on the HMSAS. Mr. Caito seconded the motion. Motion 20 passed.

I.2.b. Elect Council Chair and Vice Chair

Mr. Bohn moved to appoint Dr. Hans Radtke to Council Chair for 2002 (Motion 23), seconded by Mr. Brown. Motion 23 passed. Mr. Boydston moved to appoint Mr. Don Hansen Council Vice Chair 2002 (Motion 24), seconded by Mr. Thomas. Motion 24 passed.

I.2.c. Other Appointments

**Groundfish Advisory Subpanel Membership**

Chairman Lone noted there was a recommendation by Ms. Janice Green at the last meeting that an additional sport fisher position be added to the GAP.

Mr. Anderson noted that we have two sport fishers on the GAP as well as a charter representative from each of the three states and he believes that provides enough representation. The recreational fisheries are more "place oriented" and the states have processes within their geographical areas to bring the recreational fishers together to address their concerns before Council meetings. The commercial fisheries are highly mobile, have more sectors and strategies among the states, and it is imperative to have those sectors represented on the GAP since they often don't have the state meetings. He recommended no changes be made to the GAP membership. The Council concurred.

**Consideration of Criteria for the Public-At-Large Positions**

Mr. Anderson spoke to Exhibit I.2, Attachment 2, which provides the proposed criteria for public-at-large positions on Council advisory bodies. The proposed criteria were developed at the September meeting to help guide selection of the public-at-large position on the HMSAS. Mr. Anderson moved (Motion 22) that the criteria for public-at-large positions on the subpanels identified in Attachment 2 apply to all those subpanels covered under COP 2; seconded by Mr. Boydston. It would not include the HSG or the SSC which are covered under COP 3. Motion 22 passed.

I.3. Report of the Budget Committee (November 2, 10:14 am)

Mr. Jim Harp read Exhibit I.3, Supplemental Budget Committee Report.

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

Mr. Bohn moved and Mr. Mallet seconded a motion (Motion 25) to adopt the report of the Budget Committee absent the meeting location issue. Motion 25 passed.

Mr. Harp addressed the selection of 2003 Council meeting sites. He would like the Council to consider alternative sites to those in the Budget Committee report and allow the Council staff flexibility to get the best possible meeting locations over the broadest area within Council jurisdiction. Mr. Harp moved (Motion 26) and Mr. Bohn seconded a motion to allow Council staff to negotiate contracts for 2003 in the following locations, with the provision that costs be held essentially neutral with the bids for 2003 by the Hotels used in 2001: Sacramento in March, Portland/Vancouver in April, San Francisco area in June, Seattle in September, and San Diego or the southern California area in November. In the event near budget neutrality could not be achieved, staff are to use the Budget Committee report selections.

Mr. Boydston noted that groundfish management could be on a three meeting cycle in 2003 and we would be in southern California during the groundfish adoptions. Mr. Harp agreed, but noted the Budget Committee had discussed this issue and determined there was also a need to have meetings in southern California for the benefit of highly migratory species management. Mr. Robinson stated there is some uncertainty with regard to the implementation of a new groundfish management cycle and action could occur in September in Seattle.

Chairman Lone, who made the motion in the Budget Committee, stated his purpose was to establish a simple routine of alternating meetings between Portland/Vancouver and Sacramento on a constant basis. From the information he saw, it didn't seem cost effective to hold meetings in Seattle.

Mr. Anderson questioned the objectives for considering alternate locations. He didn't believe they would provide any better access to the Council process.

Dr. McIsaac noted that the Council SOPPs provide for meetings to be held throughout the Council area. While we have not done a formal survey on meeting locations, we have heard complaints and requests from advisors and the public for other meeting sites in different areas. Also, it is currently a buyer's market as hotels are hungry for business. This gives us more opportunities to select other locations and more adequate meeting facilities without increasing costs.

Mr. Bohn reminded Council members that the operative words were "essentially neutral in costs". The default position is the paragraph in the budget report. Mr. Harp agreed with Mr. Bohn's comments and stated he is confident the Executive Director could negotiate a good site while keeping budget neutrality. He also noted the problem with limited flights in and out of Sacramento.

On a roll call vote, Motion 26 passed (Mr. Brown abstained).

#### I.4. Council Staff Work Load Priorities (November 2, 10:37 am)

Dr. McIsaac referred the Council to Exhibit I.4, Supplemental Staff Workload Report. The report covers the work time from November 5, 2001 through April 12, 2002. Dr. McIsaac stated that it has been very difficult to address the Council's priorities without exceeding the staff capability during this time period and the report shows significant overtime for each staff member. The projection is especially difficult because our total 2002 budget is not known at this time and will affect when and how many new employees we might be able to hire. He was open to suggestions from the Council.

Mr. Don Hansen questioned how accurate the workload estimates were. Dr. McIsaac noted that he and the Council Chair had considered having the staff formally track the estimates and may do so in the future. He noted that staff generally have found the estimates to be on the low side, especially of the big projects like the rebuilding plans and environmental assessments. Council members recommended the workload assessment be refined in January when more budget details are available and total staff capacity can be clarified.

#### I.5. March 2002 Council Meeting Draft Agenda (November 2, 10:46 am)

##### I.5.a. Consider Agenda Options

Council members held a discussion with the Executive Director regarding agenda items. Dr. McIsaac stated that the proposed draft agenda will be sent to the Council members in late January.

##### I.5.b. **Council Action:** Adopt Draft Agenda for the March 2002 Meeting

The Council generally approved the preliminary draft agenda with comments as provided below.

Mr. Brown stated that the March agenda should include Pacific whiting management specifications and there may be a need to cover a pink shrimp issue as well.

Mr. Boydston recommended that unless we expect to receive the regulations and environmental document by the Briefing Book deadline, that we not put marine reserves on the agenda. He also asked that a report from the Open Access Permitting Committee be included under E.2.

Mr. Bohn asked about trying to have a report on Columbia River flow issues which has been postponed from earlier meetings. Dr. Coon stated that it would be on the Council's April agenda since we are in Portland. Mr. Roth agreed.

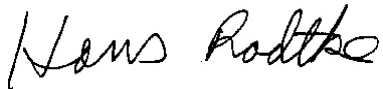
I.5.c. Identify Priorities for Advisory Body Consideration

Dr. McIsaac noted the priorities for the SSC are listed in the draft agenda and the HSG's recommendations for issues to present to the Council are contained in their report.

Mr. Boydston asked how and when the review would take place of Dr. Hastie's discard document using logbook data for 2000? Dr. McIsaac and Mr. Robinson indicated there would be a workshop type meeting put together. The Council would see the issue again in April since the GAP and GMT meet then. Mr. Anderson said the analysis is a significant workload issue for his staff. Mr. Boydston noted that California logbooks need to be included as well. He recommended the NMFS staff report at the April Council meeting on the log book analysis.

**ADJOURN**

The Council meeting was adjourned at 2:19 p.m. on Friday, November 2, 2001.



April 12, 2002

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**Hans Radtke, Council Chairman**

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**Date**