

# COUNCIL DECISIONS AT THE NOVEMBER 2002 MEETING

## Habitat Issues

### Essential Fish Habitat (EFH) Issues

The Council approved sending a letter on Klamath River flows to the Department of Interior and Department of Commerce. The Council also approved re-submitting its May 13, 2002 letter to the Federal Energy Regulatory Commission (FERC) as part of the FERC re-licensing rulemaking process. In addition, the Council approved inviting Dr. Jane Lubchenco to speak about marine reserves at the March 2003 Council meeting.

## Salmon Management

### Salmon Management 2003 Option Hearing Sites and Preseason Schedule

The Council adopted Council-sponsored hearing locations and dates: Westport, Washington – March 31; Coos Bay, Oregon – March 31; and Eureka, California – April 1. Other state-sponsored meetings will be confirmed at the March 2003 Council meeting. The Council also approved the schedule and process for developing 2003 ocean salmon management measures as described in Exhibit C.3, Attachment 1.

### SSC Methodology Review Report

The Council adopted three motions regarding salmon management methodologies:

1. The Council established a Model Evaluation Workgroup consisting of state, federal, and tribal representatives. The workgroup will establish goals for review and validation of changes to the chinook and coho Fishery Regulation Assessment Models (FRAM) and report back to the Council at the June 2003 Council meeting.
2. The Council approved the use of the modified chinook FRAM for use in evaluating non-mark selective chinook fisheries in 2003 pending completion and review of model interfaces with the terminal area management modules prior to the March 2003 Council meeting.
3. No later than the April 2003 Council meeting, the Council will determine the significance of mark selective fisheries within Puget Sound, proposed in the 2003 North of Falcon process, on Council stocks of concern. The determination is predicated on successful review in the Pacific Salmon Commission forum, approval of the relevant treaty tribes, and concurrence from NMFS on the compatibility with the Puget Sound chinook management plan. If the impacts are determined to be

non-significant, proposed mark selective chinook fisheries could proceed as planned; absent such a determination, the Council would object to the proposed fisheries.

## **Highly Migratory Species Management**

### **Adoption of Final HMS Fishery Management Plan (FMP)**

The Council adopted a fishery management plan (FMP) for West Coast highly migratory species (HMS) fisheries. The adoption motion included the selection of specific alternatives to 23 different management actions. Key provisions include:

- Prohibiting the use of pelagic longline gear within the U.S. Exclusive Economic Zone (EEZ);
- Defining legal drift gillnet gear as having a minimum stretched mesh size of 14 inches;
- Applying certain restrictions on West Coast-based longline fishing vessels operating outside the U.S. EEZ;
- Requiring permits for commercial and commercial passenger fishing vessels.

The HMS FMP will be submitted to NMFS for review and approval.

## **Pacific Halibut Management**

### **Proposed Changes to the 2003 Catch Sharing Plan and Annual Regulations**

The Council adopted the following changes to the Area 2A Pacific halibut catchsharing plan affecting Oregon and Washington sport fisheries and the Washington commercial directed fixed gear sablefish fishery.

1. Develop framework language allowing inseason action to transfer quotas between the Columbia River and Central Oregon Coast sport subareas.
2. Develop framework language allowing preseason transfer of quotas between the north central and south central Oregon coast sport subarea May (spring) seasons to meet the plan's objective of setting equal number of fixed fishing days for the two subareas.
3. Extend the recreational season for all subareas south of Cape Falcon from September 30 to October 31.
4. Change language defining the central Oregon recreational fisheries to spring and summer seasons rather than May and August seasons, and include the months of May to July in the spring season and the months of August to September (or October) in the summer

season.

5. Remove the provision that transfer of quotas to recreational areas north of Cape Falcon be restricted to the subarea projected to have the fewest number of fishing days.
6. Allocate 72% of the Washington north coast recreational subarea quota to the season opening May 1 and 28% to the season opening the third Wednesday in June.
7. Establish a "C-shaped" yelloweye rockfish conservation area in the Washington north coast subarea, which is closed to recreational groundfish and halibut fishing is described by the following coordinates:
  - 48°18' N latitude, 125°18' W longitude
  - 48°18' N latitude, 124°59' W longitude
  - 48°11' N latitude, 125°11' W longitude
  - 48°11' N latitude, 124°59' W longitude
  - 48°04' N latitude, 125°11' W longitude
  - 48°04' N latitude, 124°59' W longitude
  - 48°00' N latitude, 125°18' W longitude
  - 48°00' N latitude, 124°59' W longitude
8. Remove the existing Halibut Hotspot closure from the recreational Washington north coast subarea.
9. Currently, any Washington sport allocation over 218,110 pounds is to be allocated to incidental catch in the directed fixed gear sablefish fishery north of Point Chehalis, Washington. The Council specified the maximum allocation of halibut in the directed fixed gear sablefish fishery as 70,000 pounds, with any remaining allocation over 284,110 pounds to be returned to the Washington sport allocation.

## **Coastal Pelagic Species Management**

### **Pacific Sardine Stock Assessment and Harvest Guideline for 2003**

The Council adopted a harvest guideline of 110,908 mt for the 2003 Pacific sardine fishery. If approved by NMFS, this harvest guideline will be allocated 1/3 to the northern and 2/3 to the southern subareas. A 45% incidental allowance will be employed in the event a subarea achieves their portion of the harvest guideline.

The Council directed staff to send a letter to NMFS stressing the priority need for sardine research identified by the Coastal Pelagic Species Management Team (CPSMT) and to request sufficient, long-term federal support for this research and the funding needed for Council-related activities for sardine fishery management.

## **Consideration of Long-Term Sardine Harvest Allocation**

The Council reviewed information from the CPSMT and NMFS relative to alternatives for allocation of the Pacific sardine harvest guideline. The Council directed the CPSMT to analyze several allocation alternatives for the purpose of developing a regulatory amendment to the CPS FMP:

1. Status quo.
2. No allocation – coastwide harvest guideline.
3. Move northern boundary of southern subarea from 35°40' to 39° N latitude, change reallocation date from October 1 to September 1 or August 1, and provide for December 1 reallocation to a coast wide harvest guideline.
4. Change reallocation date from October 1 to September 1 or August 1, and provide for December 1 reallocation to a coastwide harvest guideline.

Alternatives 3 and 4 would contain sub-alternatives for the allocation percentages –

- a. 33% to the north, 66% to the south; and
- b. 50% to the north, 50% to the south.

The analysis will include the FMP allocation considerations; with the addition of consideration of incidental catch. The Council requested the CPSMT to prioritize analysis of changing the reallocation date from October 1 to an earlier date and stressed that in conducting the analysis, the CPSMT has the flexibility to craft additional alternatives that would be beneficial to Council consideration of allocation issues.

## **Groundfish Management**

### **Status of Fisheries and Inseason Adjustments**

The Council adopted two changes in the 2002 groundfish management measures for the balance of the year (1) a landing limit of 500 pounds of widow rockfish per month and 300 pounds of nearshore rockfish per month for small footrope limited entry trawls north of 40°10' N latitude, and (2) a landing limit of 100-300 pounds of flatfish species per day provided flatfish poundage does not exceed California halibut poundage, except up to 100 pounds of flatfish species per day with at least one California halibut in possession.

### **Status of Vessel Monitoring System (VMS) Plans**

The Council passed a motion recommending NMFS prepare, in consultation with the Ad Hoc VMS Committee, a proposed rule for a pilot VMS program for implementation at some point in 2003.

The recommendation included:

1. A requirement for federal limited entry groundfish vessels to carry VMS devices.
2. Declaration requirements for federal limited entry, exempted trawl and tribal trawl vessels actively fishing on the West Coast; open access line-gear vessels would not be subject to declaration requirements.
3. Miscellaneous gear type and gear stowage requirements.
4. Pursuing federal funding to implement VMS requirements.

### **Amendment 17 – Multi-Year Management**

The Council adopted a biennial management cycle for groundfish that would begin with the 2005-2006 fishing years; a three-Council-meeting (November-March/April-June) process was adopted to prepare biennial management measures. The Council expressed the intent to use a June-September-November 2003 Council meeting process to develop management measures for the transition year of 2004, contingent on stock assessments and bycatch assessments available to the Council prior to June 2003.

### **Exempted Fishing Permits (EFPs): Update and New Proposals**

The Council recommended the following EFPs to NMFS for 2003:

Shoreside whiting to allow suspension of at-sea sorting requirements in this fishery; a selective flatfish trawl EFP sponsored by Oregon Dept. of Fish and Wildlife; and dogfish longline, midwater Pollock trawl, and arrowtooth/petrale sole trawl EFPs sponsored by Washington Dept. of Fish and Wildlife.

All of these EFPs seek to test experimental gears and fishing strategies to more cleanly target healthy groundfish stocks.

### **Groundfish Strategic Plan Two-Year Review**

The Council reviewed the Strategic Plan implementation progress in general, and the status of capacity reduction-related initiatives (i.e., permit stacking and limiting the open access fishery). The following decisions were predicated on the availability of further funding and staff workload capabilities:

- The Council concurred with the Groundfish Advisory Subpanel (GAP) recommendation for the fixed gear fleet to engage in further discussions of Amendment 14 issues, ideally with the assistance of a Council-appointed facilitator and Council staff, and return to the Council in April 2003 with a suite of suggestions for refinements on Amendment 14, with final action if needed in June.
- The Council also supported continued work on development of permits for capping participation in the groundfish open access fishery. Specifically,

the Council requested the Open Access Permitting Development Team draft options for a “moratorium permit” for the open access fishery that directly targets groundfish.

- Capacity reduction in the groundfish trawl fishery remains a high priority. The Council supported industry efforts to continue to work on permit buyback, permit stacking and/or individual fishing quotas for the trawl fishery, with further Council involvement as dictated by available funding.

### **Further Refinement of Amendment 16 – Rebuilding Plans**

The Council reviewed the set of options described in the amendment package and forwarded all of them for further analysis. It also chose the following options as part of its preferred alternative:

#### **The Form and Required Elements of Rebuilding Plans**

- Option 1c. Specified elements of rebuilding plans are incorporated into regulations at 50 CFR 660. However, the Council deferred consideration of which elements would be identified as required and whether they would have to be incorporated into regulations as numerical values, formulas, or algorithms.

#### **The Process For Periodically Reviewing Rebuilding Plans**

- Option 2b. The Council reviews rebuilding plan goals every 2-5 years, but goal 1 (achieve the population size and structure that will support maximum sustainable yield within the specified time period) is reviewed only when a new stock assessment for the overfished species in question is completed.

#### **Amending Rebuilding Plans and Adequacy of Progress**

- Option 3e. A specific standard for determining when progress towards rebuilding is adequate and is established in each rebuilding plan.

#### **Species Listed Under the Endangered Species Act**

- Option 4a. There are no special provisions for rebuilding plans for species listed under the Endangered Species Act.

### **Planning for Bycatch and B<sub>0</sub> Workshops**

The Council recommended the Scientific and Statistical Committee (SSC) and Northwest Fisheries Science Center (NWFSC) proceed with a bycatch workshop in the last week of January in Seattle, Washington. The objectives of this workshop are to review the methodological aspects of the bycatch model currently developed by Dr. Jim Hastie and how the new observer data will be applied in the model. The chair of the SSC Economic Subcommittee will chair the workshop and coordinate with NWFSC to develop the terms of

reference. The NWFSC and the Council will work closely in identifying panel members intended to include representatives from the SSC, Groundfish Management Team, and GAP, as well as independent experts.

The Council agreed to reconsider at the April 2003 Council meeting the need for and timing of a workshop to explore the concepts of unfished biomass ( $B_0$ ) and maximum sustainable yield.

## **Administrative and Other Matters**

### **Legislative Matters**

The Council requested the Executive Director draft a letter in response to congressional inquiry. The letter will express continued strong support for the ability to use IFQs in West Coast fisheries, that there is no express need for IFQ program standards, and to continue strong support for congressionally supported West Coast buyback.

The Council also directed staff to continue to track fisheries-related legislation and provide input to congressional staff, as appropriate. Finally, the Council directed staff to invite California congressional staff and state legislative staff to attend the next Legislative Committee meeting at the March 2003 Council meeting.

### **Financial Matters**

The Council approved the Budget Committee Report (Exhibit H.2, Supplemental Budget Committee Report), including the limited recommendations for budget priorities in 2003.

### **Appointments to Advisory Bodies, Standing Committees, and Other Forums**

The Council appointed the following nominees to vacant advisory body positions to complete the 2001 through 2003 term (effective January through December 2003):

- Mr. Calvin S. Frank, Quinault Indian Nation, to the Washington Coastal Tribal position on the Salmon Advisory Subpanel (SAS).
- Mr. Michael Osmond, World Wildlife Fund, to the Conservation Representative position on the Habitat Committee (HC).

The Council also noted the appointment of Mr. Curt Melcher, ODFW, to temporarily fill the ODFW position on the Salmon Technical Team after the resignation of Mr. Mike Burner.

Regarding resolution of the Klamath tribal representation on the advisory

bodies, the Council opted to not add additional seats on the SAS and HC. For the 2001 through 2003 term, the current representatives to the SAS and HC will remain unchanged (one position on each subpanel currently held by the Yurok and Hoopa Valley tribes, respectively). At the appropriate time, the Council will solicit nominees for the existing Klamath tribal position on the SAS and HC to serve for the 2004 through 2006 term. The Council intends to select the new members from among the qualified nominees without a predetermined plan of rotation among eligible tribes.

After reviewing the composition of the GAP with the primary concern of adequate sport representation, the Council declined to take any action. The Council noted further consideration of this question will occur during the review of the composition of all subpanels next September prior to selecting members for the 2004 through 2006 term.

The Council directed the staff to solicit nominees to fill the remainder of the 2001-2003 term for the following subpanel positions which will be vacant on January 1, 2003:

Groundfish

- One at-large member representing the fixed-gear fishery.
- One member representing California charter boat operators.

Highly Migratory Species

- One member representing processors north of Cape Mendocino.

**Election of Council Chair and Vice Chair**

The Council unanimously elected Dr. Hans Radtke and Mr. Don Hansen to a second one-year term as Council Chair and Vice Chair, respectively.

**March 2003 Council Meeting Draft Agenda**

The Council approved a preliminary draft of the March 2003 Council meeting agenda as presented by staff. The meeting will be held March 10-14, 2003 in Sacramento, California. The meeting agenda primarily includes preseason management for the 2003 salmon and halibut fisheries and consideration of sardine allocation for the coastal pelagic fishery. A complete, detailed agenda will be available to the public about one month prior to the actual meeting.