

SUMMARY MINUTES
Ad-Hoc Groundfish Strategic Plan
Implementation Oversight Committee

Pacific Fishery Management Council
Pacific States Marine Fisheries Commission
Large Conference Room
45 SE 82nd Drive, Suite 100
Gladstone, OR 97027
January 10 - 11, 2001

Call to Order

The Strategic Plan Implementation Oversight Committee (SPOC) meeting was called to order by Dr. David Hanson, Chair. Mr. Jim Lone, Council Chair, provided introductory remarks, noting reducing capacity in the groundfish fishery was a principal objective of his tenure as Chair. He emphasized implementation of the Strategic Plan as fundamental to this objective and the long-term goal of a viable, sustainable fishery.

After introductions, Dr. Hanson outlined the meeting goals, which entailed prioritization of Strategic Plan issues and initiating implementation development teams. An overarching goal is to ensure the Strategic Plan works for all stakeholders and ensures resource conservation. Public input to the implementation process will be critical to its success.

The agenda was reviewed and approved. Time for a brief presentation by Mr. Brock Bernstein, National Fisheries Conservation Center (NFCC) and a review of legal matters by Ms. Eileen Cooney, General Counsel, National Oceanographic and Atmospheric Administration (NOAA) were added.

Mr. Dan Waldeck reviewed meeting materials for the Committee.

Members in Attendance

Mr. Phil Anderson, Washington Department of Fish and Wildlife
Mr. LB Boydston, California Department of Fish and Game
Mr. Ralph Brown, Pacific Fishery Management Council
Mr. Jim Caito, Pacific Fishery Management Council
Dr. David Hanson, Chair, Pacific States Marine Fisheries Commission
Mr. Bill Robinson, National Marine Fisheries Service

Others in Attendance

Mr. Brock Bernstein, National Fisheries Conservation Center
Mr. Steve Bodnar, Coos Bay Trawler's Association
Ms. Eileen Cooney, National Oceanographic and Atmospheric Administration - General Counsel
Dr. John Coon, staff, Pacific Fishery Management Council
Mr. Brian Culver, Washington Department of Fish and Wildlife
Mr. Joe Easley, Oregon Trawl Commission
Mr. Bob Eaton, Pacific Marine Conservation Council
Mr. Doug Fricke, Washington Troller's Association
Dr. Rod Fujita, Environmental Defense
Mr. Jim Glock, staff, Pacific Fishery Management Council
Mr. Jim Golden, Oregon Department of Fish and Wildlife, designee for Mr. Burnell Bohn
Dr. Jim Hastie, National Marine Fisheries Service
Mr. Rob Jones, Northwest Indian Fisheries Commission

Cmdr. Ted Lindstrom, US Coast Guard
Mr. Jim Lone, Chair, Pacific Fishery Management Council
Dr. Donald McIsaac, Executive Director, Pacific Fishery Management Council
Mr. Jim Seger, staff, Pacific Fishery Management Council
Ms. Cyreis Schmitt, National Marine Fisheries Service
Mr. Chuck Tracy, staff, Pacific Fishery Management Council
Mr. Dan Waldeck, staff, Pacific Fishery Management Council

Meeting Summary

General Discussion

Dr. McIsaac discussed Council budget and staff workload. Given the level funded budget and no change in workload priorities, he stressed staff will be able assist at a limited level, e.g., tracking strategic plan consistency relevant to briefing book situation papers, acting as an information base, staffing meetings of the SPOC. Dr. McIsaac provided a table outlining staff workload to illustrate his point. Significant activity implementing the Strategic Plan would displace other current workload priorities assigned by the Council. Creation of workload to implement the Plan would need to be balanced by commensurate deletions from current staff workload. He suggested performing a workload management check each time a new implementation task is considered, e.g., (1) what is current workload?, (2) how much time will the new task take?, (3) how does the task fit into the context of existing priorities?

An opportunity was provided for public comment. Mr. Eaton stated the Council needs to identify the amount of money needed to implement the plan and where the money would come from (internal or external sources). He suggested the Council needs to define priorities, where public funds should come from, where private funds should come from; this will help others in lobbying Congress on the Council's behalf. Mr. Easley noted the tremendous amount of work it will require to implement the plan.

A general discussion followed about how to proceed with the meeting.

It was suggested that in setting priorities, the SPOC needs to consider what projects will provide the most benefit in relation to their cost; the focus should be on projects that provide the most gain. It was also noted that it will be important to identify where a task or priority will lead, and how it fits with other Plan initiatives. For example, marine reserves may be a harder sell if they are prioritized ahead of capacity reduction, whereas, capacity reduction first may facilitate marine reserves as a second priority.

There is an immediate need for conservation, especially rebuilding overfished species; implementation of the plan needs to be in balance with other groundfish priorities. Therefore, it was suggested that rebuilding plans should be the first priority, as there are seven overfished stocks and no approved rebuilding plans. It was agreed all components of groundfish fishery management need to be considered – rebuilding plans, annual management, other groundfish tasks, strategic plan implementation.

Ms. Cooney provided an update on litigation issues. She noted that National Environmental Policy Act (NEPA) compliance for Groundfish Essential Fish Habitat (EFH) had been successfully challenged and a new NEPA analysis for groundfish EFH would need to be completed. She also noted the high risk of litigation on rebuilding plans, both Amendment 12 and the individual rebuilding plans.

The committee discussed delegation of nearshore fisheries to the states. It was suggested that it would be easier for state fish and game commissions to manage nearshore fisheries. Three options were proposed: remove species from the groundfish FMP; or leave species in the FMP, but delegate (or defer) management to states. For California, there are approximately 20 species that could fall under a Nearshore Fishery Management Plan (FMP). Currently, California is developing a Nearshore FMP. It was noted that consistency among state and federal regulations would be a critical issue. Ms. Cooney noted that where fish are captured is critical to who has management authority. In order to determine whether to, and the best way to transfer management authority to the states, you must look at the location of the fishing of different species, e.g., species only caught within 3 miles; caught within 3 miles, but some outside 3 miles in federal waters; or mostly caught in federal waters. Delegation of nearshore

management could also have spill-over effects on the groundfish limited entry fishery or the new “B” permit fishery that could be established under the strategic plan recommendations. That is, if species are removed from the groundfish FMP, it could negatively affect limited entry permit holders.

It was noted that state nearshore management will still require some Council involvement, and, therefore, still place a burden on staff workload. It could also result in increasingly complex management, especially if state limited entry and federal limited entry programs are developed. There is also the likelihood that, when catching fish under a nearshore FMP, federally managed species will also be caught, which would require coordination between state and federal activities, that would vary depending on the amount of interaction.

Priority Setting

The SPOC then discussed the various elements of the Plan and developed a list of priority issues. Four themes were highlighted as high priority:

- Capacity Reduction
- Harvest Policy
- Marine Reserves
- Science

Within each theme the SPOC identified and prioritized various issues. A detailed list is provided below.

Specific to the harvest policy recommendations in the Plan, it was noted that these provisions will, generally, be, implemented through the annual groundfish fishery management process. It was stressed that strong consideration needs to be given to recommendation 2.a under Harvest Policy in the Plan, i.e., “...close fishery when OY is reached... .”

Specific to capacity reduction, consideration will need to be given to the details of reducing capacity(i.e., what sectors, how will it be accomplished?), particularly the details of converting the open access fishery to limited entry. How would state limited entry fit with federal limited entry, would both be necessary? Coordination will be critical.

It was also noted that gear modifications have improved resource conservation. Therefore, in implementing the Plan, the SPOC should look to incentives and other passive measures (rather than regulations).

An overarching concern will always be ensuring conservation and stock rebuilding while allowing harvest of healthier stocks.

Groundfish Fishery Strategic Plan Implementation Oversight Committee – Recommended List of Priorities

Item (section in Strategic Plan)	Staffing Cost (states/NMFS/Council/tribal)	\$ cost	Rank	Development Team Needed
Buyback – all gears (C. 3.g)	med/med/low ^{5/}	very high	1.a ^{7/}	
Trawl permit stacking (A.3.e) ^{1/}	low - high		1.b ^{7/}	yes
Observers -- develop full program (A.5) ^{2/}	med/high/low	high	2	no ^{8/}
Review and improve groundfish management process (C.8)	low/low/low	low	3	no ^{8/}
Fixed gear permit stacking -- sablefish (A.3.d) ^{1/}	low/high/med		4	no ^{8/}
Open access limited entry (A., C. 3.a,b,c)	high/high/high	high	5	yes
Allocation*	high/high/high	high	6*	yes
Marine reserves (A.6.) ^{3/}	high/high/high/yes	high	7	yes
Nearshore rockfish delegation (A.1.d)	high/med/med/yes		8	yes
Implement harvest policy recommendations (A.2.a-e)	low/low/low	low	9	no ^{8/}
Fixed gear spp endorsements & stacking -- non-sablefish	high/high/high	high	10	yes
Explore regulations to (1) reduce bycatch and (2) access allocations	med/med/med	high	11	yes
Explore regulatory incentives (regs/gear) to minimize impacts on habitat	high/high/high	high	11	yes
Implement Strategic Plan science recommendations (B. 1-11) ^{4/}	high/high/high	very high		
Implement Strategic Plan Council process recommendations (C. 1-7) ^{4/}				

- *Elements of Allocation Category
- Rank w/in 6
- "A" v "B" v "C" v Sport permits (overfished species) 6.a
- Sport v Commercial 6.b
- Limited entry trawl v Fixed gear (rockfish, lingcod) 6.c
- "B" v "C" permits (selected species) Part of 5 above^{6/}

1/ As first step toward IFQ
 2/ \$2.25 million -- federal base funding (annual). "Full" means a comprehensive program with an adequate annual budget
 3/ Tool within the larger context of the Strategic Plan. Adopted as a tool, but no use of the tool scheduled.
 4/ Critical element, not accorded rank -- overrides other topics. Include comment to this effect in introduction.
 5/ Currently, industry lobbying for. Near-term low workload NMFS/Council. If Congress authorizes, NMFS/Council workload will be large.
 6/ Allocation will occur as part of O/A to L/E
 7/ Priority may change depending on Congressional action.
 8/ Program in place, under development, or under review – no development team needed.

Thursday, January 11, 2001

The list of priorities developed on the previous day was reviewed.

It was agreed to form a small subcommittee to develop rough cost estimates for the items in the priority list. It was stressed the cost estimates should be simple, noting who would bear the cost and who would do the majority of the work. This is necessary to provide a realistic view of the level of funding required to fully implement the Strategic Plan. The estimates would represent additional funding needed (above the Council budget) to accomplish implementation of the Plan. It was agreed the draft cost estimates would be reviewed by the SPOC prior to the March Council meeting. The subcommittee is comprised of Dr. McIsaac, Mr. Robinson, and Mr. Golden; and will meet February 14, 2001.

Discussion of the List of Priorities

Buyback and Trawl Permit Stacking

Without Congressional help, a buyback program is unlikely, the Council and/or the industry does not have the means to do it. West Coast industry representatives are actively lobbying Congress for a buyback program. However, if, by the June Council meeting, signs are that Congress will not adopt legislation for a West Coast buyback program, the SPOC agreed that trawl permit stacking should become a high priority.

The rationale for first emphasizing buyback as the preferred means for reducing capacity in the trawl fleet was because a large reduction is needed to rationalize the fleet and industry supports a buyback program. Until there is an indication that Congress will not support a buyback program, trawl permit stacking will be less desirable from the perspective of the industry.

Allocation could also be a critical issue. For example, if buyback is for all sectors of the industry then allocation might be less of an issue, whereas, if buyback is only for trawl, then allocation might be critical. This would also be true for trawl permit stacking.

Finally, it was emphasized that developing a trawl permit stacking program will require an extensive analysis. This must be factored into the workload equation (in balance with other workload), as both the analysis and implementation of trawl permit stacking will be quite intensive.

Observers

A partial program will be implemented by mid-2001. However, there is a strong need for a comprehensive program, which will require secure, long-term funding, i.e., annual commitment in the NMFS budget. The groundfish fishery is extremely diverse, and the current level of funding provides for only a limited program (covering only a small portion of the fleet).

It was noted that pursuing observer funds should be done in the context of other strategic plan initiatives. For example, the groundfish fishery only generates about \$50 million per year, it may be hard to justify spending large amounts of money for a small net gain. If the fleet were rationalized (made smaller), it would require a smaller program to cover the entire fleet. Moreover, with a rationalized fleet it may be possible to move to a system where the industry funds management.

Management Process

A comprehensive review of the groundfish management process is underway, the SPOC will need the results of this review before taking action to implement the management process recommendations in the

Strategic Plan. The Groundfish Management Process Committee will report to the Council in March, with the aim of initiating action for review at the April Council meeting. The goal is to implement an improved process for the 2002/2003 cycle, with phase-in of certain parts as soon as possible.

Fixed Gear Permit Stacking

It was reported that Council staff is completing the analytical work for the FMP amendment (or regulatory amendment depending on NOAA-GC determination). NMFS will draft the regulations, which could be quite complex when all the permit stacking provisions are factored in.

As it will be difficult to complete all of the above (analyses, Council review, regulations) in time for implementation in fall 2001, it may be necessary to phase-in certain aspects. One possibility is to implement in 2001 the extended fishing season and stacking permits (i.e., the basic objectives). The more complicated issues, e.g., ownership, owner-onboard, will require substantial analysis and a longer regulatory process under the Paperwork Reduction Act, and may need to be implemented later. The SPOC noted partitioning the analysis and review could, ultimately, create more workload (i.e., doing things twice); but there was general agreement that we should move forward.

Open Access to Limited Entry

This has the potential of being a highly contentious issue, and may require consideration of the net benefit to the fishery as a whole versus the cost to individuals in the open access fishery.

It was agreed that a group would develop a scoping document to outline what needs to be done, this will include consideration of delegation or deferral of nearshore management to states. The group will also explore linkages with other Strategic Plan issues, e.g., allocation, delegation of nearshore management, etc. The states will take the lead on developing the scoping document. In addition, the document will include definitions of "B" and "C" categories and the fleet involved, and consideration of the importance to coastal communities. It was suggested that they use outside mediation/facilitation (e.g., the Environmental Conflict Resolution Institute) to aid in development of an implementation strategy.

The possible schedule is to be included as part of scoping document. The document will be reviewed by SPOC at their March meeting.

Allocation

The issue of allocation is strongly entwined with many other strategic plan issues, and may be necessary before implementation of other components of the Strategic Plan. Currently, allocation is an annual necessity as part of routine fishery management, especially for overfished species. May not be able to improve from current process until after GMPC review.

Marine Reserves

Implementation will require substantial funding (in excess of Council budget), especially for developing siting criteria. It will also require substantial public participation, which will add to the overall cost. Therefore, the issue will require substantial commitment of new funds. *The SPOC recommends continuing with Phase II, under the aegis of strategic plan implementation, to begin with establishing an Implementation Development Team assigned the sole task of developing a complete proposal (with the Council as lead authority): a proposed process and proposed budget.* The SPOC also recommends the proposal include outside assistance, in the form of non-governmental organization funding and/or facilitation services of NFCC. Opportunities with the Pacific Ocean Conservation Network should also be pursued.

Nearshore Rockfish

It was agreed that this would be included as part of scoping document for conversion of Open Access to Limited Entry (discussed above).

Implement Harvest Policy Recommendations

Implementing the recommendations in the Strategic Plan will require development and adoption of management policies for closing fisheries when OY is reached. It will be necessary to distinguish between closure of a single fishery that harvests the stock and closure of all fishing for the stock. *The SPOC recommends the Council initiate discussion of this topic in April 2001.*

Fixed Gear Species Endorsements/Stacking (non-sablefish)

It was suggested that this issue could be taken up in conjunction with the Open Access to Limited Entry work.

Explore Regulations – to Reduce Bycatch / for Access Allocations

“Access allocation” refers to, for example, management measures that solve the problem of not harvesting the allowable sablefish OY year after year. Recently the trawl fleet has not been able to harvest its entire allocation because of protections for thornyheads. Therefore, there is a desire to allow the trawl fleet to possibly access sablefish with a different gear that does not affect the restricted species.

The SPOC recommends the development of a work plan (in the near future). It was suggested that this work could be supported/funded with disaster relief money (or other outside funding source).

The SPOC recommends an industry group be formed to develop ideas related to access allocation, especially sablefish – possibly including: Mr. Steve Bodnar, Mr. Marion Larkin, Mr. Joe Easley.

No due date was discussed for this work plan.

Explore Regulatory Incentives (regulations/gear) to Minimize Impacts on Habitat

Similarly, the SPOC recommends development of a work plan in the near future. The SPOC recommends incorporation of this issue into the Council’s Research and Data Needs document with a high priority.

No due date was discussed for this work plan.

Implementation Development Teams

The SPOC discussed the need for development teams for each of the issues identified on the Priority List. Generally, most issues will require development teams; several issues are either completed or in progress, and, thus, development teams will not be required. At this meeting, the SPOC approved the formation of two Implementation Development Teams (marine reserves and allocation) and a subgroup to develop cost estimates.

Marine Reserves

Development Team: Mr. Jim Seger (staff), Ms. Jennifer Bloeser, Mr. Dave Fox, Dr. Rod Fujita, Mr. Mark Helvey, Ms. Michele Robinson, Mr. Bob Lee, Mr. Barry Cohen, Mr. John Crowley, Mr. Kelley Smotherman, Mr. Mark Cedergreen, Ms. Fran Recht. Also, the SPOC asked that Mr. Brock Bernstein and Ms. Suzanne Iudicello (NFCC) be invited to participate in a facilitation role.

For the time being, the team was tasked only with developing a detailed proposal – based on the proposal submitted by the Pacific Ocean Conservation Network. The proposal would be for a project to address remaining marine reserve recommendations contained in the Strategic Plan. The detailed proposal would address the complete process to implement marine reserves as described in Strategic Plan, consistent with the objectives already adopted by the Council.

The Team will meet February 13, 2001, Portland, OR

Allocation

The SPOC recommends use of the current Ad-Hoc Allocation Committee to develop further recommendations at his point.

The SPOC anticipates adding to the prior allocation committee process industry representatives at some point in the future to deal with allocation issues directly related to implementation of the Strategic Plan.

As a first step, the SPOC recommends the Allocation Committee develop allocation priorities relative to implementing the strategic initiatives in the Plan.

Next Meeting

The SPOC will meet Monday, March 5, 2001 in Portland, Oregon.

Other Topics Discussed

IFQ

It was noted that the Council will eventually need a committee to scope out an IFQ program.

National Fisheries Conservation Center (NFCC)

Mr. Brock Bernstein from the NFCC presented information about his organization and the facilitation role they could play in implementation of the Plan. For example, with marine reserves, they could build bridges behind the scenes; facilitate public processes/meetings toward agreement. Also could provide dispute resolution. He noted their role would not be to set up meetings or an organizational structure, rather they would act as facilitators.

PROPOSED AGENDA
Ad-Hoc Groundfish Strategic Plan
Implementation Oversight Committee

Pacific Fishery Management Council
Pacific States Marine Fisheries Commission
45 SE 82nd Drive, Suite 100
Gladstone, Oregon 97027
(503) 650-5400
January 10-11, 2001

WEDNESDAY, JANUARY 10, 2001 – 10 A.M.

- | | |
|--|--------------------|
| A. <i>Introductory Remarks</i> | Jim Lone |
| B. <i>Meeting Purpose and Approval of Agenda</i> | Dave Hansen, chair |
| C. <i>Review of Meeting Materials</i> | Dan Waldeck |
| D. <i>Funding and Staffing Capabilities</i> | Don McIsaac |
| E. <i>Public Comment</i> | |
| F. <i>Review of Legal Matters</i> | Eileen Cooney |
| G. <i>National Fisheries Conservation Center</i> | Brock Bernstein |
| H. <i>Prioritization of Implementation Efforts</i> | SPOC |
| I. <i>Establishment of Implementation Development Teams</i> | SPOC |

THURSDAY, JANUARY 11, 2001 – 8 A.M.

- | | |
|---|-------------|
| J. <i>Public Comment</i> | |
| K. <i>Schedule of Near Future Events</i> | Dave Hansen |
| L. <i>Next Meeting Agenda</i> | Dave Hansen |

ADJOURN

PFMC
01/10/01