

PROPOSED AGENDA
Pacific Fishery Management Council

Red Lion Hotel Sacramento
1401 Arden Way
Sacramento, CA 95815
(916) 922-8041
March 6-10, 2000

Notice to Public

The actual order and timing of agenda items may vary somewhat from the proposed agenda. Items not completed on the scheduled day will be carried over to the next day. Items may be moved to an earlier time. If you are interested in providing oral testimony, please complete a registration card and specify the agenda item on which you wish to speak. After public comment begins on each agenda item, additional cards will not be accepted on that item. Public comments on items not on the agenda will be accepted at 4 p.m. on Wednesday. Oral testimony is limited to five minutes for individuals and ten minutes for groups or individuals representing organizations.

All written information submitted to the Council by an interested person shall include a statement of the source and date of such information. Any oral or written statement shall include a brief description of the background and interests of the person in the subject of the oral or written statement.

Although other issues not contained in this agenda may come before this Council for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically identified in the agenda.

Financial interest statements for the appointed Council members are available for inspection at the staff table.

TUESDAY, MARCH 7, 2000

GENERAL SESSION
8 A.M.
Martinique Ballroom

A. Call to Order

Jim Lone, Chairman

1. Opening Remarks, Introductions, Roll Call
2. **ACTION** - Approve Agenda
3. **ACTION** - Approve September and November Minutes

B. Salmon Management

1. Review of 1999 Fisheries and Summary of 2000 Stock Abundance Estimates
 - a. Salmon Technical Team (STT) Report Doug Milward
 - b. Agency and Tribal Comments
 - c. Comments of the Scientific and Statistical Committee (SSC),
Salmon Advisory Subpanel (SAS), and Enforcement Consultants (EC)
 - d. Public Comments
 - e. Council Comments

2. Estimation Procedures and Methodologies
 - a. Modifications to the Chinook Fishery Regulation Assessment Model (FRAM) WDFW
 - b. STT Recommendations for Interim Recreational Nonretention Mortality Rates Doug Milward
 - c. Comments of the SSC, STT, SAS, and Public
 - d. **ACTION** - Approve Procedure and Methodology Changes
3. Inseason Management Recommendations for Openings Prior to May 1
 - a. Commercial and Recreational Openings off Oregon ODFW
 - b. Commercial Experimental Fishery off California South of Pillar Point CDFG/NMFS
 - c. Comments of the SSC, STT, SAS, and EC
 - d. Public Comments
 - e. Recommend Inseason Management Changes to NMFS
4. Preliminary Definition of 2000 Management Options
 - a. Endangered Species Act Requirements NMFS
 - b. Pacific Salmon Commission Actions Affecting 2000 Management Participants
 - c. California Fish and Game Commission Action Bob Treanor
 - d. Klamath Fishery Management Council (KFMC) Recommendations Mary Ellen Mueller
 - e. Options Recommended by the SAS (after 1 p.m.) Mark Cedergreen
 - f. Tribal Recommendations Jim Harp, et al.
 - g. Public Comments
 - h. Recommend Options for STT Collation and Description

WEDNESDAY, MARCH 8, 2000

CLOSED SESSION

8 A.M.

(Closed to all except Council members, their designees, and others designated by the Chairman to discuss litigation and personnel matters; including replacement of CDFG member to the Coastal Pelagic Species Management Team [CPSMT] and appointment of two at-large positions to the Highly Migratory Species Advisory Subpanel [HMSAS].)

GENERAL SESSION

8:30 A.M.

Martinique Ballroom

C. Habitat Issues

1. Report of the Habitat Steering Group Michele Robinson
2. Comments of Advisory Entities and Public
3. **ACTION** - Recommendations for Habitat Actions

D. Coastal Pelagic Species Management

1. Update on Limited Entry Program Jim Morgan
 - a. Comments of Coastal Pelagic Species Advisory Subpanel (CPSAS) and Public
 - b. Council Discussion
2. Pacific Sardine
 - a. Biomass Estimate and Harvest Guideline Doyle Hanan
 - b. Comments of Advisory Entities and Public
 - c. **ACTION** - Confirm or Adjust 2000 Harvest Guideline
3. Status of Plan Amendment (Squid Maximum Sustainable Yield and Bycatch)
 - a. Report of the CPSMT Doyle Hanan
 - b. Comments of CPSAS and Public
 - c. Council Direction To CPSMT and Staff

E. Pacific Halibut Management

1. Status of Implementation of Council Recommendations Yvonne deReynier
2. Results of the International Pacific Halibut Commission Annual Meeting Jim Lone
3. Proposed Incidental Catch in the Troll Salmon Fishery for 2000
 - a. SAS Recommendations Mark Cedergreen
 - b. Public comments
 - c. **ACTION** - Adopt Incidental Catch Options for Public Review

B. Salmon Management (continued)

5. Oregon Coastal Natural Coho Management Review - Progress Report ODFW
 - a. Comments of Advisory Entities and Public
 - b. Council Direction
6. Updates on Activities to Restore Natural Stocks Agencies and Tribes
7. Adoption of 2000 Management Options for Analysis
 - a. STT Report Doug Milward
 - b. KFMC Comments Mary Ellen Mueller
 - c. Advisor and Public Comments
 - d. Council Direction

PUBLIC COMMENT PERIOD

4 P.M.

Public comments on fishery issues not on the agenda are accepted at this time.

THURSDAY, MARCH 9, 2000

GENERAL SESSION

8 A.M.

Martinique Ballroom

F. Highly Migratory Species Management

1. Progress Report on the Fishery Management Plan Dale Squires/Steve Crooke
 - a. Comments of Advisory Entities and Public
 - b. Council Guidance to Highly Migratory Species Plan Development Team
2. Report on International Discussions and Actions Svein Fougner
3. Control Date for Limited Entry Larry Six and Dan Waldeck
 - a. Comments of Advisory Entities and Public
 - b. **ACTION** - Recommend a Control Date for Limited Entry

G. Groundfish Management

1. Status of Regulations (Including Implementation of the Emergency Rule),
Exempted Fishing Permit (EFP) Applications, Research Programs, and Other
Activities NMFS
 - a. ODFW Report on Shoreside Whiting Observer Program ODFW Staff

- b. Comments of Advisory Entities and Public
 - c. **ACTION** - Approval of EFP Applications and Council Guidance
- 2. Status Report on Strategic Plan Dave Hanson
 - a. Comments of Advisory Entities and Public
 - b. Council Guidance
- 3. American Fisheries Act Measures Dan Waldeck
 - a. Comments of Advisory Entities and Public
 - b. Council Guidance
- 4. Status of Federal Setnet Regulations Svein Fougner
 - a. Comments of Advisory Entities and Public
 - b. Council Guidance
- 5. Bycatch Mortality for Rockfish Brian Culver
 - a. Groundfish Management Team Report
 - b. Comments of Advisory Entities and Public
 - c. **ACTION** - Recommendations for Rockfish Bycatch Mortality Estimates
- 6. Groundfish Trip Limit for Pink Shrimp Fishery ODFW Staff
 - a. ODFW Report
 - b. Comments of Advisory Entities and Public
 - c. **ACTION** - Recommend Bycatch Allowance
- 7. Progress Report on Plan Amendment for Bycatch and Management Measures Yvonne deReynier
 - a. Comments of Advisors and Public
 - b. Council Direction

FRIDAY, MARCH 10, 2000

H. Administrative and Other Matters

- 1. Council Budget Jim Harp
 - a. Report of the Budget Committee
 - b. **ACTION** - Approve Budget Committee Recommendations
- 2. Legislative Report Dave Hanson
- 3. Appointments Jim Lone
 - a. Comments of Advisory Entities and Public
 - b. **ACTION** - Appoint: (1) CDFG Replacement to HMSPDT and (2) Two, "Commercial at Large", Positions to the HMSAS
- 4. Research and Data Needs and Economic Data Plan Jim Seger
 - a. Proposed Changes to Council Operating Procedure (COP) 12
 - b. Comments of Advisors and Public
 - c. **ACTION** - Approve Proposed Changes to COP 12
- 5. Establishment of a COP for E-Mail Staff
 - a. Comments of Advisors and Public
 - b. **ACTION** - Adopt an E-Mail Policy
- 6. April 2000 Agenda Jim Lone
 - a. Comments of Advisors and Public
 - b. **ACTION** - Adopt Draft April Agenda

B. Salmon Management (continued)

- 8. Schedule of Public Hearings and Appointment of Hearings Officers
- 9. Adoption of 2000 Management Options for Public Review Doug Milward
 - a. STT Analysis

- b. Comments of the Tribes
 - c. Comments of the SAS, EC, and Public
 - d. **ACTION** - Adopt Management Options
- ADJOURN

Jim Harp, et al.

SCHEDULE OF MEETINGS

SUNDAY, MARCH 5, 2000

| | | |
|------------------------------------|--------|------------------|
| Klamath Fishery Management Council | 1 p.m. | Comstock II Room |
| Secretarial Center | 7 p.m. | California Room |

MONDAY, MARCH 6, 2000

| | | |
|--|--------------|-------------------|
| Secretarial Center | 7:30 a.m. | California Room |
| Salmon Advisory Subpanel | 8 a.m. | Sierra A Room |
| Habitat Steering Group | 9 a.m. | Comstock III Room |
| Scientific and Statistical Committee | 1 p.m. | Klamath Room |
| Budget Committee | 1 p.m. | Almanor Room |
| Klamath Fishery Management Council | As necessary | Comstock II Room |
| Salmon Technical Team | As necessary | Sierra B Room |
| Tribal Policy Meetings | As necessary | Oroville Room |
| Washington State Delegation | As necessary | Comstock I Room |
| Tribal and Washington Technical Groups | As necessary | Tahoe Room |

TUESDAY, MARCH 7, 2000

| | | |
|---|--------------|-------------------|
| Secretarial Center | 7 a.m. | California Room |
| California State Delegation | 7 a.m. | Comstock III Room |
| Oregon State Delegation | 7 a.m. | Sierra A Room |
| Washington State Delegation | 7 a.m. | Comstock I Room |
| Scientific and Statistical Committee | 8 a.m. | Klamath Room |
| Coastal Pelagic Species Advisory Subpanel | 1 p.m. | Comstock III Room |
| Klamath Fishery Management Council | As necessary | Comstock II Room |
| Salmon Technical Team | As necessary | Sierra B Room |
| Salmon Advisory Subpanel | As necessary | Sierra A Room |
| Tribal Policy Meetings | As necessary | Oroville Room |
| Tribal and Washington Technical Groups | As necessary | Tahoe Room |
| Enforcement Consultants | 6 p.m. | Almanor Room |

WEDNESDAY, MARCH 8, 2000

| | | |
|--|---------|-------------------|
| Secretarial Center | 7 a.m. | California Room |
| California State Delegation | 7 a.m. | Comstock III Room |
| Oregon State Delegation | 7 a.m. | Sierra A Room |
| Washington State Delegation | 7 a.m. | Comstock I Room |
| Highly Migratory Species Advisory Subpanel | 10 a.m. | Comstock III Room |
| Salmon Technical Team | 1 p.m. | Sierra B Room |

Klamath Fishery Management Council

As necessary

Comstock II Room

SCHEDULE OF MEETINGS (CONTINUED)

Salmon Advisory Subpanel

As necessary

Sierra A Room

Tribal Policy Meetings

As necessary

Oroville Room

Tribal and Washington Technical Groups

As necessary

Tahoe Room

Enforcement Consultants

As necessary

Almanor Room

THURSDAY, MARCH 9, 2000

Secretarial Center

7 a.m.

California Room

California State Delegation

7 a.m.

Comstock III Room

Oregon State Delegation

7 a.m.

Sierra A Room

Washington State Delegation

7 a.m.

Comstock I Room

Klamath Fishery Management Council

As necessary

Comstock II Room

Salmon Technical Team

As necessary

Sierra B Room

Salmon Advisory Subpanel

As necessary

Sierra A Room

Tribal Policy Meetings

As necessary

Oroville Room

Tribal and Washington Technical Groups

As necessary

Tahoe Room

Enforcement Consultants

As necessary

Almanor Room

FRIDAY, MARCH 10, 2000

Secretarial Center

7 a.m.

California Room

California State Delegation

7 a.m.

Comstock III Room

Oregon State Delegation

7 a.m.

Sierra A Room

Washington State Delegation

7 a.m.

Comstock I Room

Salmon Technical Team

As necessary

Sierra B Room

Salmon Advisory Subpanel

As necessary

Sierra A Room

Tribal Policy Meetings

As necessary

Oroville Room

Tribal and Washington Technical Groups

As necessary

Tahoe Room

Enforcement Consultants

As necessary

Almanor Room

PFMC
02/03/00

DRAFT MINUTES

Pacific Fishery Management Council

Doubletree Hotel - Columbia River
1401 North Hayden Island Drive
Portland, OR 97217
(503) 283-2111
September 13-17, 1999

A. Call to Order

A.1. Opening Remarks, Introductions, Roll Call

Chairman Jerry Mallet called the general session of the 150th Pacific Fishery Management Council meeting to order at 8 a.m. on September 14, 1999 in Portland, Oregon. Chairman Mallet announced that the previous day had been a special session to begin development of a strategic plan for groundfish. Ms. Debra Nudelman of RESOLVE, facilitated that discussion. The Council will not be taking final action on a strategic plan at this meeting. Mr. Dave Gaudet was introduced as the new Alaska delegate. Messrs. Jim Lone and Ralph Brown were congratulated on their reappointment.

Roll Call

Mr. Larry Six called the roll.

Voting Members

Mr. Bob Alverson
Mr. Phil Anderson
Mr. Jack Barraclough
Mr. Burnell Bohn
Mr. LB Boydston
Mr. Ralph Brown
Mr. Jim Caito
Mr. Robert Fletcher
Mr. Jim Harp
Mr. Jim Lone
Mr. Jerry Mallet
Dr. Hans Radtke
Mr. William Robinson
Mr. Roger Thomas

Non-Voting Members

Dr. Dave Hanson
Mr. David Gaudet
Mr. Tim Roth
CDR Ted Lindstrom (designee for
RADM Paul Blayney) (late arrival)

Members Absent

Mr. Stetson Tinkham

A.2. Approve Agenda

The Council approved the agenda as shown in EXHIBIT A.2. with the following change: under Agenda Item G.3.b., add a report from the California Department of Fish and Game on bocaccio by Mr. Tom Barnes. (Motion 1)

A.3. Approve April Minutes

The Council approved the April 1999 minutes as shown in Exhibit A.3. with the correction to Mr. Roger Thomas' statement under item "B.1." The correct statement should say "Mr. Thomas was not personally in favor of the proposal, and the Golden Gate Fisherman's Association was also opposed to the proposal". (Motion 2)

B. STRATEGIC PLANNING FOR THE GROUND FISH FISHERY

The Council met with a consultant in a special session to provide direction to the consultant and a Council committee to begin development of a strategic plan for groundfish. The consultant/facilitator also conducted half-day sessions with the Habitat Steering Group, Groundfish Management Team, Scientific and Statistical Committee, Groundfish Advisory Panel and Enforcement Consultants. Public comment opportunities were provided at each of the meetings. Each group was asked to describe the goals, ideas, potential conflicts and proposed solutions for inclusion in a report that will be presented and discussed at the upcoming Committee meeting. Some of the major topics were overcapitalization, regulatory and statutory constraints, laws and mandates, the moratorium on Individual Fishing Quotas (IFQs), habitat protection, Council structure and management, workload and effectiveness, and public relations. The consultant will report the findings at the next meeting.

C. COASTAL PELAGIC SPECIES MANAGEMENT

C.1. Status Report on Implementation of Limited Entry

Mr. Jim Morgan reported on the status of Amendment 8, the Coastal Pelagic Species Fishery Management Plan. The comment period for the proposed rule to implement Amendment 8 ended July 9. Final regulations are under review and should be approved in two or three weeks. Immediate implementation of the administrative procedures will allow applicants time to apply for the required permits, which need to be on board fishing vessels in the limited entry fishery on January 1, 2000.

C.2. Plan Amendment (to Address Disapproved Provisions of Coastal Pelagic Species Plan)

C.2.a. Report of the Coastal Pelagic Species Management Team

Dr. Doyle Hanan gave the report of the CPSMT. The CPSMT met on August 3-4, 1999 to discuss the schedule for setting the annual harvest guideline for Pacific sardine and Pacific mackerel, and the disapproved portions of Amendment 8: MSY for market squid and bycatch in CPS fisheries. The CPSMT presented four alternatives for estimating market squid MSY:

1. Do not define MSY at this time because estimates of biomass, stock structure, and stock-recruitment are unavailable at this time.
2. Following Restrepo et al. (1998), estimate MSY based on recent landings prior to the 1997-98 El Nino event (i.e., 1995-96 and 1996-97; i.e., 82,000 mt to 113,000 mt)
3. Following Restrepo et al. (1998), estimate MSY based on an average of the highest landings for a period of years when squid was apparently not declining (e.g., 1993-94 to 1996-97; i.e., an average annual landing of 76,000 mt.)
4. Remove market squid from the CPS FMP. The CPSMT did not favor this option because of potential adverse effects on existing cooperative research between NMFS and CDFG.

Mr. Boydston asked Dr. Hanan to review the default MSY control rule that sets ABC for market squid equal to 25% of the estimated total biomass and if the FMP provided flexibility to change the MSY control rule. Dr. Hanan stated that the rule could be changed under the *two-meeting rulemaking process* defined in the CPS FMP. Under the FMP, monitored species are considered overfished if ABC is exceeded two years in

a row. At that point, the Council could move a monitored species to actively managed status. Ms. Cooney asked if their intention was to submit a plan amendment as a substitute for the disapproved portions of the FMP. Mr. Fougner clarified that the framework procedures in Amendment 8 were approved by NMFS. The points of concern are MSY specified items.

Mr. Anderson questioned a note in the CPSMT report, under bycatch referring to Oregon's developmental fishery. In the section pertaining to ways to satisfy requirements of the Sustainable Fisheries Act (SFA), item 12 notes that Oregon/Washington could require observers or limit the harvest of Pacific sardine. Mr. Anderson did not see the correlation of a bycatch concern vs. limiting sardine harvest. Dr. Hanan noted that this reference was based on statements made by an Oregon representative that attended the CPSMT meeting.

Dr. Hanan reported the CPSMT recommendations to address concerns about bycatch in CPS fisheries. According to Dr. Hanan, the FMP contains no specific provisions to minimize bycatch, and the CPSMT agrees that bycatch was not well defined in the FMP. The CPSMT believes that bycatch is being addressed, especially in California. Dr. Hanan noted the uncertainty about "what is left in the net," and that information is scarce about activities at sea. He noted that the CPSMT feels that bycatch is not significant in CPS fisheries. Additionally, there are two Exempted Fishing Permits to allow for experimental anchovy reduction fisheries. These permits require at-sea observer coverage, which will provide information on bycatch.

The CPSMT presented five alternatives to analyze requirements to document and minimize bycatch in CPS fisheries:

1. No further action at this time because bycatch, although not well articulated in the FMP, is being adequately addressed.
2. Implement logbooks, either voluntary or mandatory for:
 - the limited entry fishery;
 - the live bait fishery; or
 - the "incidental" fishery (defined in the FMP as vessels landing less than five mt).
3. Require observations, either at-sea observers or expand requirements to monitor dockside landings.
4. Allow landing of all bycatch.
5. Implement an Option Development Team to assess the problem and make recommendations to the CPSMT.

There was a brief discussion the meaning of bycatch and discards in CPS fisheries vs. the definition of bycatch in the SFA.

Mr. Fletcher noted that the California Code of Regulations, Fish and Game Code contains provisions that prohibit retention of certain game fishes (e.g., yellowtail, barracuda, halibut) by vessels using round haul nets. He stated it would be helpful for the CPSMT to note this in their report.

Dr. Hanan responded that these retention prohibitions from the Fish and Game Code have been incorporated into the CPS fishery management plan.

C.2.b. Comments of Advisory Entities and Public

SSC

Dr. Kevin Hill gave the report of the SSC.

The National Marine Fisheries Service (NMFS) has disapproved provisions of Amendment 8 to the Northern Anchovy Fishery Management Plan pertaining to optimum yield (OY) specification for squid and bycatch evaluation.

NMFS' disapproval of the squid OY specification relates to the lack of an maximum sustainable yield (MSY) estimate. Scientific and Statistical Committee (SSC) comments regarding squid MSY estimation are as follows:

1. Market squid is very short-lived, recruitment and availability to the fishery are probably highly susceptible to environmental influences, and its spawning distribution and life history are poorly understood. One option being considered by the Coastal Pelagic Species Management Team (CPSMT) is to specify MSY on the basis of historical landings, an approach suggested by Restrepo et al. for situations in which biological data are lacking. The Restrepo recommendations, however, are best suited for finfish stocks with multiple year classes and may not be appropriate for squid. Another option considered by the CPSMT is to postpone MSY estimation until the results from ongoing aging, genetic, early life history, and other studies become available. These studies have been initiated to provide a scientific basis for a state-mandated squid fishery management plan, which must be completed by April 1, 2001. Given the biology of squid, there is no guarantee that MSY can be meaningfully estimated even after the results of these studies are known. However, the SSC expects these studies to provide a more substantive basis for estimating MSY than a simplistic approach based on landings alone. Landings may be less reflective of biomass than of market conditions and technological changes in the fishery.
2. The SSC recommends the CPSMT consider allowing MSY to vary with environmental conditions rather than using a point estimate. At the same time the CPSMT deliberates on how to estimate squid MSY, it would also be desirable for the CPSMT to revisit the MSY control rule for monitored stocks ($ABC=25\%$ of MSY) as specified in Amendment 8 to ensure it is appropriate for squid.

With regard to evaluation of bycatch, given the nature of purse seine operations in the coastal pelagic fishery, sorting of fish at sea is not practical. Almost all of the fish that are caught are also landed, with the possible exception of fish that are too large to pass through the intake. Although anecdotal information suggests bycatch of larger fish rarely occurs, a reporting system is needed to validate this. An issue in this regard is how to weigh the benefits of quantifying a bycatch problem that is not generally perceived as significant against the costs associated with such quantification. Most of the fish caught in the coastal pelagic fishery are landed and available for observation by port samplers. Rather than initiating potentially costly logbook or observer programs to gather information on presumably rare events in which catch is discarded at sea, another option would be for port samplers to ask each vessel returning to port about the extent of its discards. The CPSMT may be able to validate some of the discard information provided to shoreside samplers by comparison with observer data gathered on board vessels granted exempted fishing permits for anchovy reduction.

CPSAS

Mr. John Royal and Ms. Heather Munro gave the report of the CPSAS.

The Coastal Pelagic Species Advisory Subpanel (Panel) met along with representatives from the Coastal Pelagic Species Management Team (Team) in Long Beach, California on August 24th to discuss plan amendments to address disapproved provisions of Amendment 8. Eight members of the twelve-member panel were present at the meeting.

After listening to the Team report (Attachment C.2.b.) and discussing each topic the following action was taken:

1. **MSY Designation for Squid.** *There was a unanimous decision by the Panel members present to support the Team's preferred option (Option 1). The Panel believes it is premature to designate an MSY for squid at this time because of the paucity of data that currently exists. The Panel believes that this issue should be revisited and that portion of the fishery management plan (FMP) addressed as soon as practicable following the release of the results from the studies currently being conducted by the California Department of Fish & Game (CDF&G). The Panel understands that this portion of the FMP would remain unapproved until that time and the Panel also understands that the studies by CDF&G may not ultimately determine a hard number for MSY. However, the Panel believes that much more information will be available following the CDF&G studies that may be used to make decisions regarding a more accurate MSY designation for squid.*
2. **Bycatch Provisions.** *There was a unanimous decision by the Panel members present to support the Team's preferred option (Option A). The Panel believes that a reworking of this section of the plan which expands on the current activities and regulations in place to determine bycatch will be sufficient in meeting the requirements of documenting and minimizing, to the extent practicable, any bycatch.*

Public

There were no public comments.

C.2.c. Adopt Process and Schedule

Mr. Boydston said that the recommendations of the CPSMT were based on the issues addressed in the letter from NMFS to Chairman Jerry Mallet. He stated that the Council could develop another amendment or write a letter to NMFS, or use the framework to adopt some proposed regulations. Mr. Boydston moved that the Council direct the team and advisors to prepare a regulatory package addressing the two issues rejected as part of Amendment 8. They would develop the various options presented in the CPSMT report, address the 25% MSY for squid, present bycatch data we already have but has not been presented, and incorporate the SSC comments in their deliberations as appropriate. (Motion 3)

Mr. Anderson voiced concerns about the bycatch issue. He stated that, in the near-term, there is some potential for bycatch in Pacific sardine fisheries developing off the Washington coast. Evidence indicates that black rockfish frequent and feed in the same areas as the sardine fisheries. It is unclear, at this time, how extensive the bycatch problem could be in these fisheries. It is possible that if problems arise they could be addressed through Washington state law. However, Mr. Anderson would like the CPSMT to include in their analysis consideration of the potential for bycatch in this fishery.

Mr. Six asked Mr. Boydston about a timeframe. Mr. Boydston amended his own motion (seconder agreed) to include a directive for the CPSMT to provide the Council a report at the March 2000 Council meeting.

Motion 3 passed.

C.3. Annual Management Cycle

C.3.a. Report of the CPSMT

Dr. Hanan continued with the report of the CPSMT. The CPSMT proposed that, since there is a Council meeting in November and not in December, the assessment timetable be moved back this year. The CPSMT recommended that for this year's sardine assessment, CDFG proceed with their assessment, to be completed by November 24. At that time, the assessment documents would be circulated for internal and external review. Review comments would be due by December 1 and incorporated into the assessment. The CPSMT would meet December 9 to review the assessment and recommended harvest guideline. The CPSAS would meet December 14 to review the assessment documents. The CPSMT would complete the SAFE document in time for implementation of Amendment 8 on January 1, 2000.

For Pacific mackerel, the CPSMT recommended that the Council use the specifications set by CDFG. The CPSMT would then review the assessment process, present a new assessment and harvest guideline to the Council in June. The CPSMT recommended that the assessment and first draft of the executive summary be completed by May 5, 2000 and sent out for review. The assessment would be given to Council staff by June 12 for inclusion in the briefing materials for the June 2000 Council meeting and setting of the harvest guideline.

Annually, the SAFE report will be prepared and presented in two sections. The main section will be submitted at the June Council meeting. This portion of the SAFE will include the annual Pacific mackerel assessment, evaluation of the fisheries based on the calendar year, and the status of monitored species. The second (supplemental) section will include the Pacific sardine assessment and status of the sardine fishery. The supplemental section will be presented at the November Council meeting.

The Council endorsed both the interim schedule (for the 1999-2000 Pacific mackerel season) and permanent schedule for Pacific mackerel, jack mackerel, northern anchovy, and market squid.

C.3.b. Comments of Advisory Entities and Public

CPSAS

Mr. Royal gave the comments of the CPSAS.

The Coastal Pelagic Species Advisory Subpanel (Panel) met along with representatives from the Coastal Pelagic Species Management Team (Team) in Long Beach, California on August 24th to discuss plan amendments to address disapproved provisions of Amendment 8. Eight members of the twelve-member panel were present at the meeting.

There was a unanimous decision by the Panel members present to support the Management Team's proposed annual management cycle for coastal pelagics. The Panel believes that the current circumstances dictate that the Regional Administer should announce the year 2000 harvest guidelines for both sardine and Pacific mackerel. However, the Panel strongly recommends that following the first year (2000) every effort is made by the Management Team to meet the deadlines set forth in the Fishery Management Plan.

The Panel also unanimously supported the Management Team's proposal to produce the SAFE document in two parts.

Public

There were no public comments.

C.3.c. Council - ACTION

Mr. Boydstun moved that the Council adopt the CPS interim schedule as presented, and also adopt the permanent schedule presented by the CPSMT. (Motion 4)

Mr. Boydstun spoke for his motion. (The interim schedule for Pacific sardine and Pacific mackerel). Under the permanent schedule (beginning in 2000) harvest guidelines for Pacific mackerel, jack mackerel, northern anchovy, and market squid would be adopted at the June meeting. The harvest guideline for Pacific sardine would be adopted at the November meeting. Motion 4 passed.

Mr. Six noted that the revised annual management cycle would be included in the Council operating procedures.

D. PACIFIC HALIBUT MANAGEMENT

D.1. Status of 1999 Fisheries

Ms. Yvonne deReynier presented the Preliminary Report on the 1999 Pacific Halibut Fisheries in Area 2A (NMFS Report D.1.). The report summarizes the preliminary estimates of harvest by each fishery and the details of the actual seasons. She noted that the final overall harvest would probably be within 5% of the allowable overall catch of 760,000 pounds for 1999. She also noted that the International Pacific Halibut Commission (IPHC) has expressed concern over the number of independent subquotas the Council has established which make it difficult to manage the fishery within the overall quota.

D.2. Status of Bycatch Estimate and Testing of Bycatch Reduction Devices

Ms. Cyreis Schmitt reported that, in agreement with the IPHC, we need to recalculate the trawl bycatch encounter rates that have been utilized up to this time, based on the work done by Dr. Pikitch some years ago, but also utilizing the expanded information available from the voluntary log book data program. The recalculation will not be completed until after the November Council meeting. For the November Council meeting, we should be able to estimate the 1998 trawl effort and apply the encounter rates to estimate bycatch. ODFW does not have the resources to generate these estimates, but WDFW and NWFSC will be providing assistance to accomplish the task. After the November Council meeting, we will be providing the IPHC with the expected reduction in trawl fishing effort for the 2000 season to be included for consideration in their annual meeting in January.

With regard to halibut bycatch reduction devices, there is no ongoing research on the west coast at this time. Mr. Craig Rose of AFSC has just completed testing some halibut bycatch reduction devices on smaller vessels in the Alaska trawl fishery, but has not completely worked up the data. However, based on his observations, he is optimistic that the devices may be quite workable on the vessels he has tested.

Mr. Lone mentioned that there was a commitment at the March meeting from Washington and Oregon to provide bycatch numbers on a timely basis. Ms. Schmitt noted that logbook data from Oregon will be available at the end of the month which should allow estimates to be made as planned.

D.3. Proposed Changes to the Catch Sharing Plan and Regulations

D.3.a. Summary of Proposals

Dr. Coon reported on the proposed regulatory changes for the 2000 season as outlined in Exhibit D.3. He noted that Attachment D.3.a. provides the District Court Stipulation Order that settles the tribal equitable adjustment claim for the loss of halibut to the tribes from 1989-1993. The order provides that 25,000 pounds dressed weight of halibut will be transferred from the non-treaty Area 2A halibut allocation to the treaty allocation in Area 2A-1 each year for eight years commencing in the year 2000 and ending in the year 2007, for a total transfer of 200,000 pounds. To accelerate the total transfer, more than 25,000 pounds may be transferred in any year upon prior written agreement of the parties. Attachment D.3.b. contains the current catch sharing plan with proposed changes to accommodate the court order. The annual reduction would be prorated among the various fishery sectors.

Dr. Coon noted that WDFW has provided four potential regulatory changes (WDFW Report D.3.) which involve redefining of subareas, opening a hot-spot area inseason, allowing halibut caught in open areas to be landed at ports in closed areas, and changes to the possession limit. ODFW has provided two proposed changes in Supplemental ODFW Report D.3. concerning the quota for the 30 fathom fishery and allowing vessels with commercial halibut licenses to be used for private (not for hire) fishing during the recreational season.

Additionally, a recurring issue each year is requests by a small number of fishers that missed the license application deadlines for special consideration due to personal hardships. Neither the Council nor the IPHC has any procedures to handle such cases. Staff believes an appeals process would be very difficult to devise and implement. However, the problem might be reduced somewhat if the deadline for the incidental halibut fishery were delayed until the middle of April.

WDFW

Mr. Phil Anderson reported that WDFW had conducted two public meetings to gather input for the proposed regulatory changes and referred the Council to WDFW Report D.3. as modified by deleting the proposals for a change in port-of-landing management and the possession limit.

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

Section (f) SPORT FISHERIES

(1) Subarea management

(i) Washington inside waters (Puget Sound) subarea

Change the first two sentences to: "This sport fishery subarea is allocated ~~28.0~~ 23.5 percent of the first 130,845 lb (59.4 mt) allocated to the Washington sport fishery and 32 percent of the Washington sport allocation between 130,845 lb (59.4 mt) and 224,110 lb (101.7 mt) (except as provided in section (e)(3) of this Plan. This subarea is defined as all U.S. waters east of the ~~Bonilla-Tatoosh line~~ . . . mouth of the Sekiu River, including Puget Sound."

(ii) Washington north coast subarea

Change the first two sentences to: "This sport fishery subarea is allocated ~~57.7~~ 62.2 percent of the first 130,845 lb (59.4 mt) allocated to the Washington sport fishery and 32 percent of the Washington sport allocation between 130,845 lb (59.4 mt) and 224,110 lb (101.7 mt) (except as provided in section (e)(3) of this Plan. This subarea is defined as all U.S. waters west of the ~~Bonilla-Tatoosh line~~ . . . Sekiu River and north of the Queets River (47°31'42"N lat.)."

(iii) Washington south coast subarea

Add a sentence at the end of the paragraph: "This area [rectangular closed area--"hotspot"] may be opened through the in-season management process."

In addition to the catch sharing plan changes proposed above, Mr. Anderson noted that to implement an inseason opening of the "hot spot" in a timely manner, section (f)(5)(ii) would need to be modified to provide for the inseason opening and section (f)(iv) modified to make the opening effective upon announcement by the regional administrator of the Northwest Region of NMFS.

ODFW

Mr. Don Bodenmiller presented ODFW's recommended changes in Pacific halibut regulations as provided below (Supplemental ODFW Report D.3.). He noted that the all-depth sport season was becoming so short (seven days in 1998) that safety could become a significant issue. An alternative to the derby type fishery that has been mentioned at public meetings is the possibility of a controlled hunt approach where fishers would draw tags for the available harvest (i.e., individual quotas).

The Oregon Department of Fish and Wildlife held a public meeting on September 7, 1999 to discuss proposed changes to the Pacific Halibut Catch Sharing Plan for the Oregon fisheries. Several issues were discussed and Oregon recommends considering the following for adoption:

- 1. Management of the 30-fathom Cape Falcon to Humbug Mt. Fishery*

Oregon proposes the inside 30-fathom curve fishery from Cape Falcon to Humbug Mt. be managed under one quota rather than the present management of two sub-areas, split at the Florence north jetty, each with a separate quota.

Management actions in 1999 resulted in the closure of the sub-area south of Florence, while the area north of Florence is projected to remain open through the scheduled September 30 closure with quota poundage remaining. Fisheries in both sub-areas are similar, mostly of an incidental nature with some targeting by small boats. No change in allocation between the all-depth and 30-fathom fishery are recommended. The May Cape Falcon to Humbug Mt. all-depth fishery will continue to be managed as two sub-areas split at the Florence north jetty, each under separate quotas based on the adopted allocation sharing.

2. Participation of commercial vessels in Pacific halibut fisheries

Oregon proposes allowing commercial vessels participate in both commercial and recreational Pacific halibut fisheries during the same year. Vessels may not participate in both fisheries on the same trip. Vessels participating in the commercial fishery, directed or incidental, may not 'charter' or operate as a vessel for hire in the recreational fishery.

The Pacific halibut fishery is the only Oregon fishery where a vessel may not be used for both commercial and private recreational fishing, as long as the vessel does not participate in both fisheries on the same trip. Participants in the original allocation process which prohibited using a vessel for both commercial and 'charter' fishing claim the intent was not to prohibit the use of the commercial vessel for 'private' (not for hire) recreational fishing.

Several other issues were discussed that Oregon does not recommend adopting. Many of these issues were considered for 1999. These include:

- 1. Revising the recreational bag limit to allow a second fish 50 inches or longer*
- 2. Shifting the all-depth allocation between the May and August fisheries*
- 3. Increasing the allocation north of Cape Falcon*
- 4. Allowing vessels to fish closed areas as long as they land into open ports*

Several participants indicated a desire to revise the recreational bag limit to allow a second fish 50 inches or longer, the restrictions in place for 1998. The charter industry identified marketing as the rationale. Oregon does not support this bag limit because of concerns over mortality from hook-and-released fish in pursuing the second 50-inch fish.

Mr. Anderson expressed concern for removing the prohibition against private recreational angling for halibut from vessels participating in the commercial halibut fishery. He noted that in years prior to the prohibition, some fishers off Washington had taken advantage of this allowance by continuing to fish for halibut with rod and reel in the commercial season after the recreational season was closed ("double dipping").

D.3.b. Tribal Comments

Mr. Mel Moon, Quileute Tribe, provided tribal comments as follows.

Chairman and Council members, I am Mel Moon, Director of Quileute Tribe Department of Natural Resources, I am testifying today concerning the Federal Catch Sharing Plan and the need to properly allocate adult halibut bycatch occurring in Area 2A.

Since the Federal Court decision, in U.S. v Washington, sub-proceeding 92-1, the Tribes have testified before this council about the legal requirements concerning the allocation of the halibut resource. The law requires that all removals from the resource be accounted for and that the Tribes be provided the opportunity to 50% of the harvestable surplus.

Currently, there is no "official" allocation of adult bycatch mortality in area 2A, even though the mortality is exclusive to the non-Indian fishery. Because this bycatch mortality is removed from the available harvest, prior to allocating between Indian and non-Indian fisheries, it is in effect an allocation to the non-Indian fisheries. If adult bycatch mortality were not occurring in Area 2A, those fish would be available for harvest since they make up a portion of the CEY. Furthermore, they would be allocated to treaty and non-treaty fisheries according to the existing catch sharing formula: 35% to treaty fisheries, 65% to non-treaty fisheries. This "unofficial" allocation is a violation of the Tribes' treaty guaranteed rights to 50% of the harvestable halibut occurring within the Tribes' usual and accustomed fishing areas.

Prior to the Council adopting a Federal Catch Sharing Plan, we anticipate meetings with the National Marine Fisheries Service to address this issue.

Mr. Harp made the following comments.

The tribes support the language in Attachment D.3.b. dealing with the Stipulation and Order on equitable adjustment. This language reflects the District Court Order.

Further, for a number of years tribes have brought to the attention of this Council as well as the IPHC, that the large quantity of adult bycatch in area 2A both reduces the quantity of halibut available for directed harvests and is not properly allocated as primarily non-treaty fishery mortality.

You have just heard testimony from the Quileute Tribe in regard to their views on the proper allocation of adult bycatch mortality in Area 2A. While it would be appropriate for the Council to support proper allocation of adult bycatch mortality, I do not imagine that the Council will be ready to take action on this at this time. Given this situation, the tribes will continue to work with NMFS on this issue to ensure adult bycatch mortality in Area 2A is properly allocated at the earliest possible date in the future.

Therefore, for the purposes of today's discussion, the tribes propose to continue the same catch sharing plan for the treaty fishery as outlined in Attachment D.3.b. with 35% of the Area 2A TAC set by the IPHC allocated to the twelve treaty halibut tribes. The tribes will continue to implement their commercial and C&S fisheries in a manner similar to recent years.

IPHC

Mr. Craig Williams, IPHC staff, referred the Council to the comments of the IPHC on the regulatory changes proposed by WDFW (WDFW Report D.3.). The IPHC has no comment on Proposal 1 (modification of the boundary between Puget Sound and the north coast subarea). Proposal 2 appears to be primarily an enforcement measure which should not affect meeting the harvest quotas. Proposal 3 (changing the possession limit) could increase the harvest rate and potentially create more of a derby mentality.

Because the Area 2A fisheries have exceeded the aggregate quota over a number of years, the IPHC staff has been instructed by its Commission to keep the 1999 harvest within the overall quota. With numerous independent subarea quotas and not much flexibility in moving quota from one subarea to another, it is likely that some of the aggregate quota will not be harvested. The IPHC encourages the Council to consider approaches in its subarea management that allow flexibility to transfer quotas and ensure full utilization of the available harvest.

D.3.c. Public Comments

Mr. Gordon Bentler and Mr. Alvin D. Seda, Area 4 recreational fishers, Neah Bay, Washington
Mr. Wayne Butler, Oregon Coast Charterboat Association, Bandon, Oregon
Mr. Ron Lethin, charterboat owner/operator, Hammond, Oregon
Mr. Mark Cedergreen, Westport Charterboat Association, Westport, Washington

D.3.d. Adopt Proposals for Public Review

For the Pacific halibut fisheries north of Cape Falcon, the Council adopted, for public consideration, the following changes to the catch sharing plan: (1) the proposed changes to section (f)(1) contained in WDFW Report D.3. as modified by deleting the proposals for changes in port-of-landing management and the possession limit, (2) addition of a flexible inseason management provision, section (f)(5)(ii)(F), to allow opening of closed areas (e.g., the "hot spot" area in the Washington South Coast subarea), (3) addition to section (f)(5)(iv) [effective dates] to make the inseason opening of a closed area effective upon approval and announcement by the regional administrator of the Northwest Region of NMFS (announced on the NMFS halibut hotline), and (4) deletion of the last sentence in section (f)(2) to make it consistent with the proposed change in the boundary between the Puget Sound and Washington South Coast subareas in section (f)(1). (Motion 5)

For the recreational fishery off Oregon, the Council adopted Proposal 1 (one quota for the inside 30 fathom fishery between Cape Falcon and Humbug Mountain) as presented in Supplemental ODFW Report D.3. Additionally, for all non-treaty fisheries in Area 2A, the Council adopted: (1) Proposal 2 in Supplemental ODFW Report D.3. which would allow vessels participating in the commercial halibut fishery to also be used for private, not for hire, recreational halibut fishing; and (2) a proportional reduction of all non-treaty fishery subquotas to meet the federal court stipulation reducing the overall non-treaty quota to meet the agreed to equitable adjustment for treaty Indian fisheries. (Motions 6 and 7)

E. HABITAT ISSUES

E.1. Report of the Habitat Steering Group

Mr. Paul Heikkila gave the report of the Habitat Steering Group.

- I. Columbia River Dredging: We had a presentation regarding the Columbia River Channel deepening project from Ben Meyer, NMFS; Laura Hicks, Corps of Engineers; and Kathy Taylor, Columbia River Estuary Study Task Force. We were given background information on the project from NMFS and the Corps, including potential impacts to Council managed fish species. Concerns expressed by CREST and others regarding the current dredging final environmental impact statement (FEIS) include:*

- 1. The project proposes year-round dredging.*
- 2. Exposing ESA listed and other fish species to contaminated sediments from dredging activities.*
- 3. Impacts to important forage species such as sand lance.*
- 4. Ship wakes from larger ships and bankside erosion causing increased turbidity in shallower areas.*
- 5. Mitigation: no mitigation offered in FEIS for impacts to aquatic resources (avoidance and minimization provisions only).*

Based on the information received at our meeting, we will draft comments on the FEIS for Council consideration. The comment period on the FEIS (October 25, 1999) falls before our next Council meeting (November), so we will use the Council's fast response mechanism to comment and provide the draft letter to all Council members. Oregon and Washington's input are obviously critical, and their input will go into the letter.

Also, we will coordinate our comments with the National Marine Fisheries Service under the EFH mandate.

- II. *CALFED: CALFED recently released a draft environmental impact statement. Mr. Steve Richie, Deputy Director of CALFED, gave an overview of the program.*

ACTION: *We have a consensus letter drafted for Council consideration. This letter includes input for California Department of Fish and Game and NMFS.*

- III. *Joint Meeting of the Habitat Steering Group, Groundfish Advisory Subpanel, and Groundfish Management Team Fishing Gear Impacts on Essential Fish Habitat: see attached draft Supplemental HSG Report E.1.(1).*

E.2. Report of the Joint Meeting of HSG/GAP/GMT on Fishing Gear Impacts to Essential Fish Habitat

Mr. Heikkila presented Supplemental HSG Report E.1.(1).

At its last meeting the Council directed the Habitat Steering Group (HSG), Groundfish Management Team (GMT), and Groundfish Advisory Subpanel (GAP) to begin the development of a work plan to address the impacts of fish gear on essential fish habitat (EFH). The potential impact of fish gear on habitat is also addressed in the Sustainable Fisheries Act, and also the subject of litigation against the council.

We had a civil discussion of this contentious issue. We had general agreement on the following:

Habitat Data (Bottom Habitat): *We need better habitat information. What habitat areas are "important"? Better habitat typing is needed including resolution of habitat areas of particular concern (HACP's). A better understanding of the sensitivity to fishing impacts on habitat types is needed. Incorporation of habitat work being undertaken by Ms. Mary Yoklavich (NMFS) was suggested, plus developing work by NMFS and others.*

Research: *Look at issues around how research should be developed and produced. Is it okay to use commercial vessels for research? Should we look into setting up control areas (i.e., closed areas)?*

Ralph Brown Matrix: *Mr. Ralph Brown drew a matrix to suggest a starting place (base layer) for looking at this complex issue. For example, on y axis is low energy at origin and increasing to high energy as you move up y axis. On the x axis origin you go from low complexity to high complexity. On this layer, you rate habitats, and on layers on this base, you look at where fishing is being conducted, the ability of the habitat to withstand stress, and intensity of use of gears. Then apply this to the coast: where along the coast do these habitats exist, where are the different gear types used, at what level and in what seasons?*

In conclusion, it was suggested a fishing gear impact work plan include:

- 1. Better information on what gear types are fishing where along the coast, and with what frequency. This information could be collected by:*

Use or better utility of current log book information.

Other logbook data besides trawl (pot, longline, recreational, etc.).

Incorporation of anecdotal fishing industry information.

Mineral Management Service survey information.

Dr. Rod Fujita mentioned the need for immediate practicable measures (i.e., closed areas) to proactively protect habitat and gather information.

The Council will need to decide on the next steps.

E.3. Comments of Advisory Entities and Public

Dr. Joshua Sladek Nowlis read the statement of the GAP.

The Groundfish Advisory Subpanel (GAP) met with the Habitat Steering Group and the Groundfish Management Team on September 13, 1999. The meeting was organized to develop a work plan to address fishing gear impacts on essential fish habitat (EFH). Attendees generally agreed that two exercises would be beneficial: comprehensively listing the types of fishing gear used to catch groundfish and the habitat types where each is used; and categorizing habitat types by their complexity and the amount of natural physical disturbance they experience.

The GAP supports these exercises. The GAP also believes the primary focus of any EFH work should be minimizing adverse impacts on fish productivity. However, the GAP also acknowledges this focus is made difficult by information gaps about the role of species, water column, and physical structure in marine ecosystems along the West Coast.

Public Comment

Ms. Tracy Ullman and Mr. John Davis, Project Neptune (University of Washington), Seattle, Washington

E.4. Council Action

Mr. Boydstun moved that the Council ask the Chairman to sign the CalFED letter (Supplemental Revised Attachment E.1.a.) with the following changes: second paragraph, fourth line that begins with "additional Central Valley fall run chinook (delete that line); under the subsection "Water quality and flow patterns" add a sentence that reads "The CalFED objective should be to remove hydrodynamic function as a limiting factor to the recovery of salmon." (Motion 8)

Mr. Boydstun and Mr. Heikkila had a discussion on whether to include coastal pelagic species and groundfish in the letter. Mr. Boydstun amended his motion to add a sentence to encompass the other species in the Council's purview. The seconder concurred. Motion 8 passed.

Mr. Rich Lincoln from WDFW asked that the HSG take steps on the dredging issue (fast track process of commenting on the draft FEIS). It was Council consensus that the HSG chair would give the letter to the Council, have the executive director distribute it to Council members for comments and then forward the letter.

Mr. Lincoln had comments on the HSG's presentation at the joint meeting.

Mr. Brown suggested that perhaps a small group of HSG and GAP members could meet in November to discuss the gear list issue. Mr. Robinson felt that there should be a review of other studies and literature which would have a bearing on this issue.

F. SALMON MANAGEMENT

F.1. Sequence of Events and Status of Fisheries

Dr. Coon referred the Council to the sequence of salmon fishery management events in Attachment F.1.a. He noted that there have been eight inseason management conferences since the June Council meeting.

Dr. Robert Kope, Salmon Technical Team (STT) Chairman, summarized the ocean salmon landings through the end of August (Supplemental STT Report F.1.). Compared to 1998: troll effort is down significantly off California, somewhat decreased off Oregon, and up off Washington; troll chinook harvest is up significantly off California and Washington, and down very significantly off Oregon; recreational effort is up significantly

off Washington and Oregon and unchanged off California; recreational chinook harvest is greatly decreased off California and increased for both Washington and Oregon; recreational coho catches off Oregon and Washington are up; tribal commercial troll effort and harvest of both chinook and coho are up.

Mr. Robinson noted that NMFS has two new Endangered Species Act (ESA) listings for chinook populations. California Central Valley spring and California coastal chinook from Redwood Creek south through the Russian River have been listed as threatened. California coastal chinook comprise a new evolutionarily significant unit (ESU) created by dividing the former southern Oregon/California coastal ESU into two parts. NMFS determined that the Central Valley fall chinook ESU does not warrant listing at this time, but will remain a candidate species for reevaluation if new information becomes available that warrants review. Also not warranting listing is the southern Oregon chinook ESU and a proposal to include the Deschutes fall chinook with the Snake River fall chinook ESU has been determined to be unfounded. The Upper Klamath/Trinity Rivers ESU will not be split and remains separate from the California coastal ESU. Mr. Robinson noted that NMFS will reinitiate ESA consultation on the biological opinion for Council fisheries, especially in regard to Central Valley spring and California coastal chinook, and provide management guidance for these stocks at the November Council meeting. At that time, as noted in the 1999 salmon fishery regulations, the Council will reconsider the opening dates of the California recreational fisheries which are scheduled to open prior to May 1, 2000 and delay the openings as necessary to meet the guidance of the updated biological opinion.

F.2. State Reports on Selective Fisheries in 1999

Mr. Pat Patillo, WDFW, delivered a preliminary progress report on the selective sport fisheries north of Cape Falcon (Supplemental WDFW Report F.2.). He reported that preliminary data indicate the marked to unmarked ratio of coho in the Columbia River area recreational fishery is consistent with preseason expectations (3:1). However, the ratio in the Neah Bay area fishery appears to be somewhat lower than the preseason expectation of 1:3.

Sgt. Mike Cenci, WDFW, gave the Council some insights on the enforcement aspects of the selective fishery. He estimated angler compliance rate with releasing unmarked fish at about 95% in Areas 1, 2, and 3; and about 90% in Area 4. Anglers had some difficulty with misidentification of species and this accounted for about half of the violation contacts. Use of barbed hooks also accounted for several violations. He personally believes the compliance rate is high and the estimates of noncompliance may be artificially inflated due to the fact that contacts are not completely random and tend to zero in on "known" violators.

Mr. Sam Sharr, ODFW, presented a summary of the July selective sport fishery off Oregon between Cape Falcon and Humbug Mountain and from Cape Falcon to Leadbetter Point (Supplemental ODFW Report F.2.). For the central Oregon fishery, he reported that approximately 60% of the effort and catch was sampled dockside; onboard observers sampled 15% of the charter boat effort and catch. The observed mark rate on charter vessels was 62.2% of the handled fish (close to the preseason expectation) with the lowest clip rate observed from Florence south. Compliance with the regulations was higher than expected and 98% of the anglers used trolling as opposed to other fishing methods. The projected impacts on Oregon coastal natural (OCN) coho were about 30% of the preseason expectation as only 38% of the 15,000 marked coho quota was harvested.

Dr. Radtke requested that the states clarify the impact of noncompliance with the selective regulation.

F.3. Status of Plan Amendment 14

Dr. Coon presented Supplemental Staff Report F.3.

Extensive editing and modification of Amendment 14 has been underway since May to incorporate the final Council recommendations, update the management information, respond to comments, clarify the plan's consistency with the Magnuson-Stevens Fishery Conservation and Management Act and the National Standard Guidelines, and ensure accuracy and readability of the final

document. The complete amendment package should be ready for submission for a final check by the National Marine Fisheries Service (NMFS) Regional Office by the end of September. A summary of the progress on the amendment at the time of the September Council meeting follows.

1. Appendix A

Except for final secretarial proofing of the bibliography, Appendix A (Essential Fish Habitat [EFH]) is complete at this time and ready for submission. Work included final editing and in particular (1) several small modifications to incorporate Council changes defined at the March meeting (including impact of activities above impassable barriers), (2) extensive revision of maps to accurately reflect salmon distribution and EFH, (3) extensive improvements and standardization in format and headings to assist readability, and (4) extensive proofing of the bibliography.

2. Appendix B

Complete and ready for submission pending final secretarial proofing.

3. Proposed Pacific Coast Salmon Plan

The amended salmon fishery management plan (FMP) has been revised to reflect Council intent from the March meeting and is ready for final secretarial proofing. Table 3-1 has been extensively annotated and edited to document the basis for the conservation objectives for each stock or stock complex and to update those stocks recently listed under the Endangered Species Act. The conservation alert section has been modified to reflect the Council's choice of Suboption A with minor editorial changes. The bycatch section has been clarified in response to NMFS comments. Details of the conservation objective for Oregon coastal natural coho have been expanded and clarified. The fishery and harvest objectives have been clarified in response to NMFS comments and Council intent. The allocation section has been edited and updated to reflect Council intent from March and to reflect changes due to Amendment 13. The selective fishery section has been moved into Chapter 6 as recommended by the Council and cross-referenced in Chapter 5 (harvest). The bibliography has been expanded and corrected.

4. Main Amendment 14 Document

The main amendment document has been revised to reflect Council intent, to clarify the issues, and to document the Council's adopted options. Significant additions and corrections have been made for Option B-4 (overfishing and conservation objectives). Revisions are complete except for Option B-8 (selective fisheries). Completion of an appendix of public comments and response to comments is pending and is the largest single piece of work remaining prior to submission.

Mr. Robinson commented that trying to review an amendment during the preseason process is difficult, and encouraged the staff to get the amendment done soon enough to avoid that conflict.

Mr. Brown asked if the staff expected the bycatch section would be approved by NMFS. Dr. Coon answered that he believes it is approvable. Preliminary comments on the draft amendment from NMFS headquarters did not indicate a fatal flaw and he has made minor edits to respond to their concerns.

F.4. Test Fishery Protocol

F.4.a. Staff Report

Dr. Coon reviewed Attachment F.4.a. (Recommendations for Research Fishery Proposals) and noted that it had not changed since the Council saw it in June. Mr. Brown asked for an editorial change -- replace the word "research" with the word "test". Dr. Coon concurred and noted that it would be helpful to define test fishery more clearly in the protocol and that he had begun working on a definition.

F.4.b. Comments of Advisory Entities and Public

SSC

Dr. Peter Lawson gave the report of the SSC.

The Scientific and Statistical Committee (SSC) discussed the proposed protocol for establishing test fisheries for collecting research data. The SSC supports the establishment of a protocol for test fisheries. However, before adopting this policy the Council should consider how it relates to the Exempted Fishing Permits and Scientific Research Policy of the National Marine Fisheries Service. The protocol should include a policy statement that clearly defines a test fishery. Any proposed test fisheries should address the Council's Research and Data Needs to help focus projects on Council priorities.

All proposals would be reviewed by the SSC, Salmon Technical Team, and Salmon Advisory Subpanel and a written evaluation of each proposal provided to the Council. The evaluation processes would increase the work load of each committee.

Public

Mr. Duncan MacLean, troller, El Granada, California

F.4.c. Council - ACTION

Mr. Boydston agreed with the SSC comments that the protocol should more clearly define a test fishery and address coordination with meeting the Council and NMFS research and data priorities. He clarified that the protocol had been established for industry sponsored test fisheries as opposed to those conducted by a state, tribal, or federal agency. Since the protocol requires proposals for the 2000 salmon season to be submitted at the next (November) Council meeting, he asked the Council to tentatively adopt the protocol, with his clarifications, and have the staff notify the public that the protocol should be followed to implement any test fishery for the 2000 season. Final adoption of the protocol as a Council operating procedure would occur at the November meeting. This would also provide for further review and public comment. The Council concurred. (Motion 9)

F.5. Nonretention Mortality in Ocean Salmon Fisheries

F.5.a. Ad-Hoc Salmon Nonretention Mortality Committee Report

Mr. Boydston reported on the results of the August 20, 1999 teleconference (Ad-Hoc Committee Report F.5.). The committee developed the following conclusions and recommendations during the teleconference:

Based on the report of its technical workgroup, the committee concluded there is sufficient hook-and-release mortality information for the ocean sport fishery to indicate that one coast wide mortality rate is not appropriate for Council fisheries. More studies are needed to fully clarify the likely differences in hook-and-release mortality rate in ocean sport fisheries by gear, area, species, and size. However, the preliminary summary of hook wound location and mortality data appears to confirm that the current sport rate used off Washington and Oregon (8%) is toward the low end of the range of current research results. Given the increasing importance of selective fisheries and the need to minimize risk to the resource, the committee recommends:

The Council request the Salmon Technical Team (STT), with assistance from the salmon subcommittee of the Scientific and Statistical Committee, to review current mortality rates used by the Council in ocean sport fisheries and provide its recommendations for interim rates to be used in the year 2000 sport fishery. The STT should provide its recommendations for

consideration at the November 1999 Council meeting to facilitate implementation of any new rates in 2000, including necessary modifications of the chinook and coho Fishery Regulation Assessment Models.

F.5.b. Comments of Advisory Entities and Public

SSC

Dr. Lawson read the report of the SSC.

Dr. Robert Kope of the Salmon Technical Team (STT) updated the Scientific and Statistical Committee (SSC) on the status of the review of nonretention mortality in ocean salmon fisheries. The Ad-Hoc Salmon Nonretention Mortality Committee met on June 21, 1999 and held a teleconference call on August 20, 1999. This group has focused much of its effort on determining appropriate hook-and-release mortality rates for chinook and coho salmon in recreational ocean salmon fisheries. The results of recent (1985 and later) studies conducted in British Columbia, Washington, Oregon, and California have been quite variable. Fish size, gear used, environmental conditions, and other factors all seem to influence the mortality rate. The most serious problem with past hooking mortality studies, and any studies that will be conducted in the future, is the difficulty of holding salmon for extended periods of time after capture.

The SSC recognizes the importance of hook-and-release mortality rates for fishery management, especially with selective fisheries. The rates currently used appear to be in the lower end of the range for recent studies; more conservative rates may be warranted. The SSC supports the proposal for the STT, with input from the SSC, to review current hooking mortality rates used by the Council in recreational ocean fisheries. Recommendations for interim rates to be used in the year 2000 could be presented to the Council at the November 1999 meeting. The SSC also suggests the uncertainty associated with hooking mortality rates for ocean salmon fisheries be clearly described and presented to the Council in the future. Recognizing that precise estimates of hook-and-release mortality may not be forthcoming, some discussion of ways to incorporate risk into management when using these rates is needed.

STT

Dr. Kope stated the STT has not met since the ad-hoc teleconference and thus had no formal comments on the committee report. He noted that if the Council directed the STT to schedule a meeting to review hook-and-release mortality, they would do so.

Public

Mr. Duncan MacLean, troller, El Granada, California

F.5.c. Council - ACTION

The Council directed the STT, with assistance from the technical work group of the Ad-Hoc Salmon Nonretention Mortality Committee, review the recent information on nonretention mortality in the recreational ocean salmon fishery and provide recommendations as to appropriate interim rates to use for the 2000 recreational salmon season. (Motion 10)

Dr. Kope stated that the STT could confer and try to have recommendations by November. Mr. Boydston, Mr. Bohn, and Mr. Harp indicated that they would provide support to facilitate the STT effort (e.g., through funding of STT member travel or a teleconference).

4 P.M. PUBLIC COMMENT PERIOD for comments on fishery issues not on the agenda are accepted at this time.

Dr. Coon summarized a letter from Mr. John Lachlan Brown, Ventura, California, requesting that the Council consider legalizing the take of salmon by freedive spearfishing. He suggested the Council place this issue on a future meeting agenda.

G. GROUND FISH MANAGEMENT

G.1. Staff Overview of Groundfish Agenda, Including Priorities and Schedules

Mr. Glock provided an overview of the Council's groundfish agenda, describing the schedule of discussions, the issues that are included or likely to arise, and the decisions that need to be made under each agenda item. Mr. Glock reviewed the Council work plan for the remainder of 1999 (Attachment G.12.a.) and explained that the bycatch amendment had been included in the priorities. He explained that as the Council addresses management for the year 2000, it is probably best not to worry about limitations on the Council's authority or how measures might be implemented. He expects some management measures will likely require emergency action by the Secretary.

Mr. Anderson asked about legal issues are involved in the process. Ms. Cooney replied we may have to use abbreviated rulemaking or emergency rulemaking this year. She believed some possible management solutions may be outside the standard FMP framework. Mr. Brown asked if emergency regulations supersede the FMP. Ms. Cooney explained that an emergency action acts as a plan amendment until the emergency action expires. She explained that an emergency should not take place year after year; if you find something that works, you will need to come up with a plan or regulatory amendment so you can keep doing it down the road.

G.2. Status of Regulations, NMFS Activities, and Exempted Fishing Permits

G.2.a. NMFS Report

Mr. Robinson reported on several inseason actions in response to Council recommendations relating to rockfish. His office issued EFP's for survey work by the whiting cooperative and for compensation fishing by vessels participating in the slope trawl survey. The final rule for Amendment 11 was published September 10 and will take effect October 12. The sablefish regular season was completed, and a conference call was held with the states and Council to discuss the trip limit and duration of the mop-up fishery. That fishery will run from noon September 20 through noon September 25.

A meeting between Canada and U.S. whiting fishery managers will be held in Seattle on September 28-29 to discuss the sharing of the whiting harvest. The Canadian fishery managers were also asked to discuss information on lingcod management at that meeting. NMFS is preparing letters to invite a small industry advisory group of those involved with the whiting fishery to observe the meeting and will be sending invitations to state representatives as well.

Mr. Fougner reported about the Huntington Flats regulation, stating he submitted the proposed rule to the regulatory agenda that is filed with the Office of Management and Budget. A draft of the proposed regulations will be discussed with enforcement and the State of California. Assuming no problems, the proposed rule will be published in the *Federal Register* in October. A progress report was available to the Council in Supplemental NMFS Report G.2.(1).

Ms. Cyreis Schmitt reported on a groundfish research plan (Supplemental NMFS Report G.2.). NMFS has recognized the need to develop and implement a strategic plan. The Alaska Fisheries Science Center is testing how trawling speed affects survey net performance. She also referenced the review of seven species of marine fish in Puget Sound that may be listed under the ESA.

G.2.b. Comments of Advisory Entities and Public

None.

G.2.c. Council - ACTION

Mr. Boydston encouraged the Council to support the groundfish research plan as shown in Supplemental NMFS Report G.2. He envisions the Council's strategic plan and this research plan be tied together to show what is necessary to do groundfish business.

G.3. Fishery Management Plan Amendment for Stock Rebuilding and Specific Rebuilding Programs for Lingcod, Bocaccio, and Pacific Ocean Perch

G.3.a. Staff and GMT Reports

Staff

Mr. Glock summarized the Magnuson-Act requirements and referred to Supplemental Attachment G.3.f., which is the Council staff proposal for moving through this agenda item, suggesting preliminary action on the FMP amendment and public hearing schedule, and then on the proposed rebuilding programs for bocaccio, lingcod and POP. In response to his suggestion, the Council decided to delay discussion of specific management measures until later in the meeting so that all proposals for year 2000 could be addressed at the same time.

NMFS

Mr. Robinson advised the Council that rebuilding plans should be based on the best available science the Council has at this time and to follow the Magnuson-Stevens Act and NOAA guidelines. With respect to the rebuilding time and probability of success, the rebuilding target is the MSY biomass. Stocks must be rebuilt as quickly as possible within the parameters specified in the NOAA guidelines. The inherent productivity of the stocks is a major factor. The probability of achieving the specified schedule should be 50% or higher within the targeted time period, 90% probability of achieving within the maximum target time period. The guidelines are general and not meant to be followed exactly to the letter; the biology of the stock should be factored in. For lingcod, a shorter time frame would be more appropriate. Bocaccio and POP will undoubtedly take longer, and a lower probability of achieving the schedule may be appropriate.

Mr. Anderson and Mr. Robinson discussed the guidance about the 90% probability of meeting the maximum time period - is that what NMFS would be requiring, or would something between 60-80% be acceptable? Mr. Robinson said the technical guidance is not built for any one particular stock. He did not feel that each and every plan needs to be formed with the exact definitions in the guidance.

GMT

Dr. Alec MacCall presented Supplemental Attachment G.3.e. (Summary of the rebuilding plan for bocaccio).

G.3.b. Ad-Hoc Allocation Committee Report

Mr. Anderson summarized the report of the ad-hoc allocation committee.

Mr. Brown asked about "probability of rebuilding", in each case of the four options, all of those runs projected in the model show that it will take, in most cases, more than ten years. Mr. Brown asked for a distinction of the "probability of rebuilding" it just takes twenty years, instead of ten years in some cases. Mr. Anderson noted that there is a table in the package Dr. Hastie prepared, it explains that.

G.3.c. Comments of Advisory Entities and Public

GMT

Dr. Alec MacCall presented Attachment G.3.c. and G.3.d. (rebuilding plans).

Dr. Jim Hastie presented Attachment G.3.b. (overview of the rebuilding plan analysis for lingcod in the U.S.-Vancouver-Columbia areas and preliminary assessment of management measures capable of achieving harvest targets).

SSC

Dr. Steve Ralston read the report of the SSC.

The Scientific and Statistical Committee (SSC) reviewed all available documents relating to this issue (including our statements from the April and June 1999 meetings).

Dr. Ray Conser reviewed general conclusions of the August 1999 SSC Groundfish Subcommittee meeting with the rebuilding analysis authors. The major recommendation was that all rebuilding analyses include a baseline exercise that has the following elements:

A determination of B_0 (virgin biomass) as the product of SSB/R under no fishing and recruitment during the earliest part of the record for the stock. When possible this should be spawning biomass (SSB_0).

A determination of $B_{MSY} = 0.4 B_0$ (based on Fig 11.2 and 11.5 in Ricker's handbook).

A forward projection using recruitment based on Monte Carlo sampling from a recent time series of recruitment estimates.

The SSC then reviewed the three current rebuilding analyses with their authors. All three of these analyses employed the methods specified above.

Lingcod (T. Jagielo) – Lingcod is a relatively productive species and should rebuild within a 10-year horizon. Depending on the expected percentage of successful rebuilding to target biomass within 10 years (ranging from 60% - 100%), Jagielo estimates the 2000 optimum yield (OY) would have to be reduced to 42% – 86% of the 1999 OY for the northern stock and 56% – 89% of the 1999 OY for the southern stock. This rebuilding assessment assumes that Canada takes the same management measures as the U.S. for the northern stock.

Bocaccio (A. MacCall) – Bocaccio clearly will take longer than 10 years to rebuild. The rebuilding target was SSB_{40} as recommended above. The major stock assessment issue was how to estimate 1999 recruitment. Early indications are that the 1999 year-class is strong. However the SSC recommends that we use MacCall's "Medium strength" for the 1999 R/SSB (The San Onofre impingement data argued against "Low strength" and the "High strength" had a R/S higher than ever observed). Projections are based on subsampling the 1977 – 1999 R/SSB time series. In addition, the SSC recommends that the target rebuilding trajectory be designed to achieve rebuilding in T_{target} years with 50% probability, or higher, as specified in the NMFS Checklist for fishery management plan amendments Document (3 August 1998).

Pacific Ocean Perch (POP) (A. MacCall) – The POP rebuilding analysis was similar to that for bocaccio. Clearly this stock will take more than 10 years to rebuild. The major stock assessment issue here was what recruitment time series to resample for the forward projections. The SSC recommends that the "1980 – on" time series be used since it is more contemporary than the "1970 – on" time series and, if proven wrong, can be subsequently adjusted for. We also recommend that target rebuilding trajectory be designed to achieve rebuilding in T_{target} years with 50% probability, or higher, as specified in the NMFS Checklist For FMP Amendments Document (3 August 1998).

The SSC recommends that rebuilding plans be updated within the stock assessment cycle (3 years).

Finally, the SSC recommends that stocks should be rebuilt to conditions where the 40-10 OY policy could be applied as quickly as possible.

GAP

Mr. Pete Leipzig read the statement of the GAP.

The Groundfish Advisory Subpanel (GAP) discussed the proposed rebuilding plan process and supports Alternative 3 identified in Attachment G.3.a. We believe a framework process to address rebuilding plan is a far superior way to proceed. Contained within this Alternative are a number of proposed actions. The majority of the GAP recommends removing point number 4 from consideration. We do not see the benefit of prohibiting limited entry boats from fishing in the open access fishery in the event the limited entry fishery was closed.

Although the GAP has no specific comments on the rebuilding plans for bocaccio, lingcod, or Pacific ocean perch, we are very concerned the state of data collection and fishery independent surveys are not adequate to monitor the recovery of any of these stocks. We have been informed that funding and vessel time for the next triennial survey is in doubt. If the fishery is further constrained and this survey is not conducted, then there will be no information available to detect changes in these stocks. This situation would not be acceptable.

The GAP insists NMFS provide adequate funding to collect the necessary data to monitor further changes in these stocks.

Public

Ms. Jennifer Bloeser, Pacific Marine Conservation Council, Astoria, Oregon

Mr. Joe Easley, Oregon Trawl Commission, Astoria, Oregon

Ms. Karen Reyna, Pacific Ocean Conservation Network, San Francisco, California

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

Mr. Wayne Butler, Prowler Charters, Bandon, Oregon

Mr. Ono Husing, Oregon Coastal Zone Management Association, Newport, Oregon

G.3.d. Adopt for Public Review - ACTION

Mr. Anderson moved to put out for public review alternative 1 (status quo) in Attachment G.3.a. and alternative 3 (excluding point #4). (Motion 11)

Mr. Anderson excluded alternative 2 (a plan amendment for every rebuilding plan and amendment) because it is extremely burdensome on the Council process and NMFS review. Excluding point #4 from alternative 3 would help limit the open access effort. He said it might make some sense, but not until the Council gets to the point of limiting the open access.

Mr. Brown agreed with the motion, except for the statement on the limited entry issue. Mr. Brown believes the Council should provide the possibility of adding point 4, but not using that tool at this time. The Council should not require it, but leave it as a framework tool for use at a later date if appropriate. Mr. Anderson and the seconder agreed with Mr. Brown and accepted that as a friendly amendment. Motion 11 passed.

Mr. Glock said the next Council meeting would be adequate for a public hearing on the plan amendment. The Council concurred, and the hearing on this issue will be held at the next Council meeting.

Mr. Anderson moved that we put out for public review the rebuilding plans for lingcod, bocaccio and POP as presented in Attachment G.3.b., Supplemental Attachment G.3.e., and Attachment G.3.d.; and in addition, that we identify as the preferred alternative harvest levels for 2000: for lingcod the target and yields in option 5; for bocaccio, 40 mt based on the recommendations in Supplemental SSC Report G.3. (using the medium

strength 1999 yearclass that would provide a 57% chance of success to rebuild within the timeframe of the 37 years); for POP - identify as a preferred alternative consistent with the recommendations of the SSC (using a 50 % probability - and utilizing a 1980 on time series). Mr. Bob Alverson seconded the motion. (Motion 12)

Mr. Boydston asked Mr. Anderson for clarification regarding the different recruitment scenarios and asked that the medium recruitment OY be identified as the SSC's preferred alternative rather than the Council's preferred alternative. Mr. Anderson noted the Council would have the entire schedule, but his motion identified the medium recruitment expectation as the direction the Council is leaning. Mr. Boydston asked for a friendly amendment that the medium recruitment scenario be identified as the SSC's recommendation as opposed as the "Council's preferred option". Mr. Alverson rejected the proposed amendment. Mr. Fletcher moved to amend the motion by including the language "SSC's recommendations as the 1999 yearclass" and not the "Council's preferred option". Mr. Boydston seconded the amendment. Mr. Anderson explained there would be substantially different management measures under the different harvest levels and wanted to provide clearer guidance by stating an initial Council preference. Mr. Boydston argued that the analysis should be expanded to evaluate alternatives such as slightly higher initial harvests and limited future harvests, that is reducing the immediate impacts but forgoing some of the future benefits. He would like Dr. MacCall to look at fixed harvests too. The idea of fixing this particular approach to analysis is limiting our options and would like to leave it open.

Mr. Alverson believed all of the options Mr. Boydston is concerned about are included in the original motion and he wants to support the SSC and give the public a clear idea of which direction the Council is leaning.

Mr. Fletcher made reference to the lack of information south of the Mexican border and said he believes recruitment is above the medium end of the range. He explained the intent of his motion is to be silent on the Council's stand but to make it clear the SSC believes the Council should adopt the medium recruitment scenario. Mr. Fletcher then said the original motion would have made it the Council's preferred option, the amendment to the motion makes it the SSC's preferred option. The public needs to know it is the SSC's preferred option.

Mr. Robinson's said he was trying to relate what we're adopting here today as the range of what we have to deal with tomorrow, and would like to narrow the range of what the GMT needs to analyze. For bocaccio, we ruled out the low recruit scenario. For lingcod, do we really want to put out all five options, and are we going to do analysis on all five options? He would prefer to see the options narrowed further. He did support the amendment.

Ms. Cooney replied that if this amendment is passed, it is saying there is no Council preference discussed in this package; it may help if there was some guidance or clarification or narrowing of what is being focused on.

Mr. Lone, asked for clarification, when the original motion was made, Mr. Anderson had narrowed the options for lingcod. Mr. Anderson indicated that in his original motion, for lingcod, option 5 is preferred but all the rebuilding and OY alternatives would go out for review.

Mr. Boydston restated his amendment: for bocaccio, table 1 the rebuilding schedules identify the medium yearclass as the recommended rebuilding schedule by the SSC and that would not indicate that the Council will have a preferred option for bocaccio. The amendment to Motion 12 failed on a roll call vote with 5 yes, 8 no.

Mr. Anderson explained the motion: for lingcod, identify option 5 as our preferred alternative, but we would look at management measures for options 1,4, and 5. He also clarified that we would have management measures for bocaccio at 40 mt and 90 mt which would incorporate the range of the medium yearclass strength with a 57% probability and the high yearclass assumption for 1999 with a 54% probability of a range of management options. For POP, we would develop management measures using the OY based on recruitments since 1980 on as our preferred alternative utilizing the 50% probability and develop measures using the 79% probability - a range of OYs for the year 2000 of 270 mt and 294 mt.

Mr. Brown said he supports the motion. It has two purposes: 1) for public review; and 2) it will be used by the groups here to develop recommendations for next year's regulations. By narrowing those, we have opened up the possibility of developing recommendations.

In response to Mr. Robinson's question, Mr. Anderson said we should focus on option 5 (for lingcod). Dr. Radtke asked why the ranges were not narrowed down more for lingcod. Mr. Anderson said that one alternative would be to drop option 1, and he would modify his clarification of the motion to do that if Dr. Radtke requested it; Dr. Radtke did not ask for a change in the motion. Motion 12 passed.

Mr. Boydston indicated he would like to consider other approaches to rebuilding. For example, the standard approach is to set very small quotas early and then allow much bigger catches in later years. Instead, it may be possible to allow slightly higher catch levels in the early years and then forego bigger catches near the end of the rebuilding program. He wants to discuss this with Dr. MacCall and CDFG, and he urged others to think of other ways that might work.

G.3.e. Adopt Public Hearing Schedule - ACTION

The hearing will be held during the next regularly scheduled Council meeting (November 1-5, 1999).

G.4. Preliminary Harvest Levels and Other Specifications for 2000

G.4.a. Staff Report

Mr. Glock provided a brief overview, noting the Council needed to address tribal allocations, identification of allocation between limited entry and open access (which species), foreign fishing opportunity, and the ABCs/OYs.

G.4.b. Status of Harvest Policy Review

Prior to their discussion on next year's harvest levels, the GMT received a presentation by Dr. Ralston regarding recent studies of the productivity of various West Coast groundfish species and appropriate harvest levels to maintain stocks near their MSY levels. The GMT asked to have Dr. Ralston give his report to the Council. Dr. Ralston presented a series of slides that showed several West Coast stocks appear to have low productivity compared to many other species around the world. The implication is that the MSY proxy harvest rates we are currently using are too aggressive and, in the long run, would result in many groundfish stocks falling below their optimum levels and perhaps into an overfished condition.

G.4.c. GMT Report on Rockfish Groups and Line Changes

Dr. Hastie presented Supplemental GMT Report G.4.(1). This report highlighted major areas of change from 1999: use of lower exploitation rates in the recommendations for many OYs; relocation of the line dividing ABC/OY areas for most *Sebastes* species; establishment of new *Sebastes* subgroups; and canary rockfish management.

G.4.d. Preliminary Estimates of Acceptable Biological Catch and Optimum Yield

Preliminary recommendations were presented to the Council under Attachments G.4.a., G.4.b., and G.4.c.

G.4.e. Proposed Treaty Indian Harvest Levels

Mr. Harp gave the following statement (Supplemental Tribal Report G.4.[1]):

Mr. Chairman:

The tribes are proposing essentially status quo harvest limits for 2000 tribal fisheries and will refer you to Supplemental Tribal Report G.4.(2). as a supporting document indicating this proposal will produce very moderate harvests.

The Council should adopt for public review the following options for 2000 tribal fisheries:

Black Rockfish - The 2000 tribal harvest guidelines will be set at 20,000 pounds for the management area between Cape Alava and the US/Canada border, and 10,000 pounds for the management area located between Destruction Island and Leadbetter Point. As with the non-treaty regulations, no tribal harvest restrictions are proposed for the management area between Cape Alava and Destruction Island.

Sablefish - The 2000 tribal set aside for sablefish will be set at 10 percent of the Monterey through Vancouver area OY.

Thornyheads Rockfish - Tribal fisheries will be restricted to a 300 pound per trip limit for all fisheries. This trip limit will be for short and longspine thornyheads combined.

Lingcod - Tribal fisheries will be restricted to a 300 pound per trip limit for all fisheries.

Sebastes Complex and other Rockfish Species - The 2000 tribal longline and trawl harvest restrictions regarding the landing of the Sebastes Complex and other rockfish species will operate under trip and cumulative limits. For Canary rockfish, tribal fisheries will be restricted to a 300 per trip limit. For other rockfish, tribal fisheries will operate under the same trip limits as the limited entry fishery provided that any time restrictions imposed on the nontreaty limited entry fisheries might not be imposed on treaty fisheries in the same manner. However, because of the relatively small expected catches of the treaty fisheries, the trip limits established at the beginning of the year will not be adjusted downward unless the harvest guidelines are achieved or unless inseason catch statistics demonstrate that the tribes have taken 50% of the harvest in the tribal area.

To further clarify the above statement, Mr. Harp also made the following statement (Supplemental Tribal Report G.4.(2):

Black Rockfish

- For black rockfish, the tribes are proposing an identical management framework that has been in place for the last seven years.
- This framework coincides with the management approach and management areas that the state of Washington has taken with this species.
- The harvest guidelines are structured to control fishery impacts in the areas of heaviest pressure off the Olympic Peninsula.

Sablefish

- The four coastal tribes; Quinault, Hoh, Quileute, and Makah, propose the continuation of the same management approach that has been in place for the past several years - 10 percent of the Monterey through Vancouver area harvest guideline.
- This set aside is necessary to achieve an equal sharing of the total harvest of sablefish within the usual and accustomed fishing grounds of the coastal tribes.

Thornyheads, Lingcod and Canary Rockfish

- While on paper it may not seem as if the tribes are responding to the conservation needs of these species, we would point out that these harvest limits have the effect of producing very small harvests relative to the likely OY's for these species.
- Specifically, we feel that the proposed tribal harvest limit for lingcod should fit well with any likely rebuilding plan for this species.

- *These proposed regulations seek to provide tribal fishers an opportunity to land similar harvest totals of these species as have been landed in recent years*

Sebastes Complex and other Rockfish Species

- *The tribes are proposing following the limited entry trip limits for all other rockfish besides canary rockfish as they did last year. However, not knowing the limited entry limits this year or any potential time restrictions that may be imposed, the tribes would want flexibility to allow retention of the Sebastes complex during the tribal halibut and sablefish fisheries.*
- *The tribes anticipate that the total harvest of rockfish will be relatively small in comparison to either the total OY's or the non-treaty harvest in the tribal areas. We believe that status quo tribal groundfish harvests are completely compatible with the rebuilding and conservation needs for our groundfish stocks.*
- *The tribes feel that the proposed harvest limits offer the tribes the flexibility to retain virtually all of the rockfish and lingcod they incidentally encounter in their primary fisheries for halibut, sablefish, and salmon. This plan balances moderating harvest and minimizing wastage.*
- *For the Council's information, along with a written copy of the tribal proposal, catches for the past two years for groundfish other than sablefish and whiting are presented in Supplemental Tribal Report G.4.(2) The category of mixed rockfish includes a variety of species such as black, yelloweye, yellowtail, canary, widow, and rough eye rockfish as well as any other rockfish species that are harvested in the tribal area.*
- *For 2000, the tribes are seeking opportunity and equal access to all rockfish species found within the tribes' usual and accustomed fishing grounds.*
- *Again, this proposal represents an interim measure and does not reflect the tribes view of their full treaty entitlement for these species.*

He also notified the Council of Supplemental Tribal Report G.4. which contained various tribal provision requests for harvest of groundfish species submitted to the Northwest Regional Administrator of NMFS.

Mr. Alvin Penn and Mr. Richard Ralston gave more detail to their request of the Hoh Tribe for a "whiting set-aside" beginning the summer of 2000. Dr. Radtke asked where the fish were going to be processed. Dr. Ralston replied the fish were going to be processed in Westport, Washington.

G.4.f. Preliminary Estimates of Domestic Annual Processing, Joint Venture Processing and Total Allowable Level of Foreign Fishing

Mr. Robinson reported the entire groundfish OY would be utilized by domestic fishers and fish processors, and there will be no opportunity for foreign participation in the fishery in 2000.

G.4.g. Comments of Advisory Entities and Public

SSC

Dr. Ray Conser gave the report of the SSC.

The Scientific and Statistical Committee (SSC) reviewed the preliminary Groundfish Management Team (GMT) recommendations for 2000 acceptable biological catches (ABCs) and optimum yields (OYs). The Sebastes complex management units have changed in two ways since last year, (1) the management line used to delineate the northern and southern Sebastes groups has been moved south to fully include the Eureka area into the northern management area, and (2) six multispecies strata have been created, dividing the complex into north/south and nearshore/shelf/slope assemblages. Survey data were used to apportion the complex into the shelf and slope categories

and catch data were used to apportion into the nearshore strata. This approach appeared to be reasonable, but the SSC notes that the individual species catch data available for apportionment were poor for some strata, particularly for nearshore rockfish in California.

The SSC is particularly concerned that comprehensive, reliable recreational catch statistics are not available for groundfish stock assessment and management. Marine Recreational Fisheries Statics Survey data, in particular, are controversial and may not be suitable for generating catch distributions by area. This will be a problem of increasing concern as overfished stocks are considered with respect to recreational/commercial allocation.

With regard to the challenges of rebuilding overfished stocks in the context of multispecies management, the SSC raised the following questions:

1. Do the proposed multispecies assemblages make sense with respect to rockfish biology, fisheries, and rebuilding plans?
2. Should OYs be adjusted to reflect bycatch issues that will arise during rebuilding (for example, to account for the expected bycatch of bocaccio in directed fisheries for chilipepper rockfish)?
3. What specific mechanism(s) will be used to protect the individual overfished stocks while harvesting the *Sebastes* multispecies complex?
4. Can management measures established for the nearshore/shelf/slope assemblages be effectively enforced?
5. Are the existing data systems adequate for managing under the new system? How will total mortality be accounted for, given the occurrence of undocumented discards?
6. Are the present sorting requirements adequate to meet the new multispecies management categories?

The SSC notes that recently compiled evidence supports a revised view of West Coast groundfish productivity. The GMT proposal for modifying the F_{msy} harvest proxy by 5% in a precautionary direction for all groundfish species except whiting and flatfish in 2000 is reasonable. A comprehensive workshop is planned for next year which will provide guidance to refine this change.

STATUS OF HARVEST POLICY REVIEW

The SSC is moving forward on plans for a groundfish harvest rate policy workshop. The objective of the workshop will be to evaluate the Council's default F_{msy} proxy. The workshop will include an evaluation of a variety of alternative hypotheses for the apparently low productivity of some West Coast groundfish relative to other groundfish stocks worldwide. The workshop findings will be made available to the Council in time for the 2000 groundfish management cycle.

The workshop will be scheduled for one week in March 2000, and will be chaired by Dr. Ralston. In addition to SSC representatives, participants will include members of the GMT and Groundfish Advisory Subpanel and two outside reviewers. Individuals who have done analyses relevant to the issue will be invited to present and discuss their findings. Travel costs may be significant. The SSC will provide the Council with terms of reference for the workshop at the upcoming November Council meeting.

GAP

Mr. Rod Moore read the report of the GAP.

The Groundfish Advisory Panel (GAP) met with the Groundfish Management Team (GMT) to discuss preliminary harvest specifications and makes the following comments and recommendations:

1. *Harvest Policy / Fishing Mortality Rates* - The GAP is very concerned about the method used by the GMT to establish harvest policy (F) rates for several species, especially since these rates in some cases apply a precautionary reduction in harvest on top of precautionary reductions already taken. Advocacy of an arbitrary 5% increase in F% rates by the GMT ignores the peer review process established by the Council, which the Scientific and Statistical Committee has already announced will be followed in recommending changes in harvest policy.

In the case of yellowtail rockfish, both the last STAR Panel reviewed assessment and the most recent surveys - not to mention empirical observations by fishers - indicate a healthy, if not increasing, stock. In fact, for 1999 the Council abolished a 10% "precautionary" reduction in harvest that was in place in 1998. To arbitrarily recommend an upward change in F% rate when all biomass data indicates otherwise is ridiculous.

In the case of widow rockfish, the Council is already following the precautionary 40-10 policy and has instituted a precautionary increase in F% rate for 1999. The GMT recommendation calls for an additional 5% increase in F% rate, again with no new data and no reviewed analysis.

Sablefish is probably the most extreme example. Several conservative assumptions were made in deciding an appropriate ABC level in the last stock assessment - an assessment that was the product of two assessment teams and was reviewed by a STAR panel. Although the default harvest rate for sablefish is F35%, the Council in 1999 used a more cautious rate - on top of the conservative assumptions mentioned - of F40%. The GMT recommendation is a rate of F45%, a rate that the GAP believes is unnecessary and unwarranted.

The GAP comment on this issue is not unanimous. A minority believes the increased F percentages were called for based on the best available science.

2. *Stock Assessments* - The STAR panel reports on this year's - and previous year's - stock assessments are replete with concerns over lack of data. The GAP strongly shares those concerns. We need to address data gaps in order to reduce uncertainty and effectively monitor changes in stocks.

Among other things, the GAP believes that the Council needs to look at frequency and scope of surveys; alternative survey methods (such as using fixed gear); using observers to look not just at total catch and discards but also to collect other data such as length / age / sex data; and using low-cost data sets such as CPUE indices. The GAP is very concerned that we are unable to improve research when we spend all time, personnel, and funds on management. Without research, we will be unable to monitor and respond to changes, leading to additional overfished / rebuilding crises.

3. *Sebastes Complex Restructuring* - The GAP fully supports the GMT's proposal to partition the Sebastes complex among near-shore, shelf, and slope groupings. The GAP is concerned that management based on the new groupings will require fishermen and processors to change their fishing and catch-sorting methods and recommends that the States help to educate fishermen and processors on the new groupings, including if possible by conducting fish identification seminars.
4. *Location of Mendocino Line* - The GAP recommends that the line be moved south to 40 degrees, 10 minutes to more accurately reflect current fishing practices. The GAP is concerned that a partial movement may encourage discards of slope rockfish by the fixed gear fleet. Vessel operators have also expressed concern about crowding on the grounds. The GAP notes that it made the same recommendation at the June Council meeting.

Public

Mr. Joe Easley, Oregon Trawl Commission, Astoria, Oregon
Mr. Brad Pettinger, trawler, Brookings, Oregon

Mr. Steve Bodnar, Coos Bay Trawlers Association, Coos Bay, Oregon
Ms. Cindy Thompson, Institute of Marine Sciences, Santa Cruz, California
Captain R. Barry Fisher, Midwater Trawlers Association, Newport, Oregon
Mr. Russell Porter, Chairman RecFIN, Pacific States Marine Fisheries Commission, Seattle, Washington
Mr. Jim Ponts, longliner, Fort Bragg, California

G.4.h. Adopt Specifications for Public Review - ACTION

Mr. Glock pointed out some minor editorial changes in GMT Report G.4. He also reminded the Council they had already set the preliminary OY ranges for the three rebuilding stocks.

Mr. Fletcher asked about the ABC identified in Monterey/Conception areas for bocaccio. The footnote says this is from Dr. MacCall's new document. Mr. Glock said that POP, bocaccio and lingcod were taken care of this morning. Mr. Boydstun asked if there would be separate OYs for lingcod north and south. Mr. Glock said the current proposal is for a single coastwide OY. Dr. Hastie explained the GMT report considered separate harvest levels so people could look at impacts separately in the two stock assessment areas. Mr. Boydstun asked if it was possible to divide lingcod into two management areas - meaning two separate OYs, and was told this is possible.

Mr. Anderson moved that the Council adopt preliminary ABC and OY values as represented in GMT Report G.4. with the following changes:

for lingcod: set the OY range as 335 to 378 mt;

sablefish: OY = 7,719 mt

POP: set the OY range as 270 mt to 294 mt

canary - set the coastwide ABC at 287 to 356 mt, and the coastwide OY at 0 to 102 mt

bocaccio: set the OY range of 40 to 90 mt

The motion was seconded by Mr. Jim Harp. (Motion 13)

Mr. Anderson noted if this motion is adopted, this would move the F value up 5% as suggested by the GMT.

Mr. Brown moved to amend the motion to reflect the Supplemental GAP statement to reflect their current $F_{40\%}$ levels. Mr. Bohn seconded the amendment.

Mr. Anderson opposed the amendment, agreeing with the GMT that an additional 5% increase is needed, even though the SSC has not completed its analysis.

Mr. Brown supported the amendment, noting he had attended the STAR panel meetings. He said the new harvest policy information has not been adequately reviewed and there is no scientific consensus about appropriate harvest rates at this time.

Mr. Bohn was curious about the proposed sablefish OY. Mr. Anderson said our policy right now is $F_{35\%}$ for sablefish. His proposal would set OY at $F_{40\%}$.

Dr. Radtke said he is inclined to vote in favor of $F_{45\%}$, and the Council will probably come back here next year with stocks in worse shape.

Mr. Brown restated his amendment, referring to the values recommended by the GAP. He expanded his amendment to move the Cape Mendocino line to $40^{\circ}10'$, with concurrence of the seconder of the motion.

Mr. Brown's amendment to Motion 13 passed on a roll call vote with 7 yes, 5 no. The main motion as amended passed.

The Council adopted for public review the harvest proposals described in Supplemental Tribal Report G.4.(1). Mr. Anderson seconded the motion. (Motion 14)

Mr. Harp moved to adopt a whiting set-aside for the Makah Tribe equivalent to the status quo limits used in 1999; also include for public review the Hoh Tribes proposal of a whiting set-aside for the summer of 2000. (Motion 15) Seconded by: Mr. Anderson

Mr. Harp said the Hoh tribe is in the process of working on a proposal. At this time there is not a concrete proposed fishery to include in the motion. The Hoh Tribe anticipates a plan in October. Mr. Anderson offered an amendment to motion 15 to adopt a range of 25,000 mt to 34,500 mt for the tribal whiting set-aside. Seconded by Burnie Bohn (amendment to motion 15). The main motion passes as amended (Motion 15).

Mr. Robinson moved that all of the OY specifications be set equal to domestic annual processing and that joint venture processing and the total allowable level of foreign fishing be set at zero. (Motion 16) The motion passed.

The Council directed Council staff (with the help of Mr. Russell Porter) to send a letter to the MRFSS requesting the completion, coordination, and analysis of the recreational catch data. (Motion 17)

The Council adopted the rockfish sub-categories as described in table 1 of Supplemental GMT Report G.4.(1). (Motion 18)

G.5. Status Reports

G.5.a. Stocks to be Assessed in 2000 and Agency Commitments

Ms. Cyreis Schmitt reported no new information.

G.5.b. Community Description

Mr. Seger summarized the status of the draft communities description document. He noted development of the document had benefitted from Kate Sullivan's work on demographic information, Dr. Sam Herrick's work on processor descriptions, and Mr. Wade Van Buskirk's work on recreational data. Summary tables and introductory materials for appendices were provided. The first three appendices had been completed and were available for inspection at tables at the back of the Council chamber (appendices on: community demographics; exvessel value and personal income impacts by fishing port; and fishing fleets)

G.5.c. Update on RecFIN Evaluation

Evaluation of the RecFIN data system is stalled. The next step in the process is for the GMT to identify specific data elements needed for management of the groundfish fishery. While the item was on their August agenda there was not time to address the issue.

G.6. Measures Required by American Fisheries Act

G.6.a. Requirements of the Legislation

Mr. Kent Lind (North Pacific Fishery Management Council staff) presented key elements of the AFA and provided details about how the NPFMC is implementing its provisions.

The American Fisheries Act:

1. Rearranged pollock allocations in the Bering Sea.
2. Required a factory trawler buyout (through a \$75 million loan program).
3. Established an inshore fee program (fee equals 6/10ths of 1% for each pound round weight of pollock harvested by the inshore sector, funds used to repay \$75 million loan).

4. Named specific vessels and processors that are eligible (authorized) to participate in the pollock fishery.
5. Increased observer coverage for factor trawlers (two observers are now required), and created requirement for onboard scales.
6. Established criteria for fishery cooperatives in the catcher-processor, mother-ship, and inshore sectors.
7. Required Councils to set up protective measures ("sideboards") for other fisheries.
8. Established inshore cooperative allocations, inshore cooperatives that form around a specific inshore processor (*i.e.*, deliver 90% of catch to the processor) receive pollock allocations.

Mr. Lind described the rationale for creating sideboards to restricting activity in pollock and other fisheries:

1. Operational advantages of AFA eligible vessels -- (a.) because they can schedule participation in pollock fisheries, AFA eligible vessels can increase participation in non-pollock fisheries; (b.) AFA eligible vessels are able to lease out pollock shares while they participate in other fisheries.
2. "Stranded capital" created potential for "spillover of effort" into non-pollock fisheries.

Mr. Lind described the sideboards developed by the NPFMC:

- harvest limits on AFA catcher vessels;
- AFA catcher vessels prohibited from participating in crab fisheries; and
- AFA endorsements are not transferable.

Mr. Lind then discussed the approach the NPFMC is using to implement AFA provisions. Essentially it is based on a permit system and relies on electronic reporting for [real-time] in-season management.

Finally, Mr. Lind discussed issues that have complicated implementation:

- vessel monitoring requirements;
- observer coverage requirements; and
- aggregate or cooperative level "caps."

Mr. Fletcher asked how much the moratorium on IFQs gets in the way of implementing the Act. Mr. Lind noted that this is not an IFQ management system. The catch and harvest limits created by the sideboards are not IFQs. Mr. Lind did note that the AFA cooperative program is in itself a form of an IFQ.

Dr. Radtke stated that this is an IFQ system.

G.6.b. Comments of Advisory Entities and Public

GAP

Mr. Frank Warrens read the report of the GAP.

The Groundfish Advisory Subpanel (GAP) received two proposals for restricting vessels under the American Fisheries Act (AFA) (one from Midwater Trawlers Cooperative and a modification from Dave Fraser) and one proposal for restricting processors under the AFA from the West Coast Seafood Processors Association (WCSA). The GAP makes the following comments and recommendations:

1. *The GAP notes that it previously made comments in regard to Amendment 11 of the Pacific Groundfish Fishery Management Plan in which it opposed any new permits.*

2. *The GAP suggests the Council establish control dates (if necessary) and/or dates AFA vessels qualify for participation in the West Coast groundfish and/or whiting fisheries.*
3. *Several GAP members expressed concern with the WCSPA proposal.*
4. *The GAP consensus was to forward all proposals as submitted for public comment and analysis.*

Public

Group comment of David Jincks, Frank Bohannon, Barry Fisher, and Dave Fraser
Ms. Heather Munro, West Coast Seafood Processors Association, Portland, Oregon
Mr. Joe Easley, Oregon Trawl Commission, Astoria, Oregon

G.6.c. Direction to Staff and GMT - ACTION

Mr. Six stated that the Council needed to give guidance on the options to analyze.

Mr. Alverson moved that the Council develop an amendment to the FMP based on the Midwater Trawlers Cooperative's proposal with one modification (adding the word "whiting" under point #2) to address the AFA issues. Seconded by Mr. Anderson (Motion 19).

Mr. Anderson asked for clarification, did the motion include establishment of the control date of September 16, 1999. Mr. Alverson said yes.

Ms. Cooney addressed the issue of the control date and process, stating that other alternatives need to be considered. The control date could be included in an advance notice of proposed rulemaking. Ms. Cooney noted that if this is what the Council is considering the control date should be noted in the Council Newsletter and NMFS will consider publishing a *Federal Register* notice.

Mr. Six asked if the motion precludes analysis of other options. Mr. Alverson said the motion is as it stands. Mr. Caito asked for a friendly amendment to include the West Coast Seafood Processors Association proposal in the analysis. Mr. Alverson did not accept this as a friendly amendment. Mr. Caito then asked for a formal amendment to the motion to send the WCSPA's proposal out for analysis and public review. Mr. Boydston seconded the amendment.

Mr. Caito said if we're going to send something out for the vessels, the processors have also made a big investment in this fishery and their views should also be analyzed.

Mr. Brown spoke in favor of Mr. Caito's amendment but did not want to jump into it until more of the proposal is discussed. Mr. Brown noted that the analysis should include processors, but hoped that the proposals could be further developed. Mr. Alverson voted against the amendment.

Mr. Alverson moved to amend motion 19 for the processor sector that the restrictions apply only to those processors that received benefit from the AFA. (Amendment #2 to motion 19) Mr. Anderson seconded the amendment.

Ms. Cooney noted that the proposals need to be worked on to make sure that this is an adequate way to meet the requirements of the AFA.

Mr. Lone asked if Mr. Robinson's concerns would be addressed by the analysis. Mr. Robinson said yes.

Mr. Fletcher asked Mr. Alverson to clarify the motion, stating, we adopt the proposed language from the WCSPA proposal, require only those on the list identified as participants in the past as able to continue, but your amendment would? Mr. Alverson explained that restrictions would be limited to those (five) processors that benefitted from the AFA. Mr. Anderson, speaking on amendment #1, noted that the proposal seems to come in with a limited entry proposal for the processors and Mr. Alverson's amendment focuses the adverse impacts on the processors who were affected by the AFA.

Mr. Boydston senses this amendment seeks to preclude those five processors [that benefitted from the AFA] from doing business in the WA, OR, CA, but it would still provide for new processors to enter the fishery. Mr. Brown stated that the Council is supposed to address effects of the AFA, and that the proposals would provide for something much broader than the AFA, and that the restrictions in the proposals could go beyond those five plants.

Mr. Fletcher agreed that it could be broader than five processors. Mr. Alverson hopes the analysis would show who will benefit and who will not benefit.

Mr. Lone says that the amendment does not specifically say five processors, but all processors. Mr. Boydston asked for a friendly amendment to include Mr. Caito's proposal. Mr. Alverson was not in favor of Mr. Caito's amendment. Mr. Alverson does not like the idea of the limited entry for processors, because it is too broadly focused.

Mr. Robinson said the real issue is does the Council want to move forward with a limited-entry for processors? Ms. Cooney noted that, the Magnuson-Stevens Act is not broad enough to set limited-entry for processors, but the current action responds to the requirements of the AFA.

Mr. Lone called for a vote on the second amendment. Mr. Boydston voted against the amendment. Main motion vote passed (Motion 19).

Mr. Brown noted that there should be a place-holder on the November agenda where individuals could bring proposals for other fisheries. Mr. Lone said that this issue could be brought up under the discussion regarding the November agenda.

G.7. Plan Amendment to Address Bycatch

G.7.a. Staff Report

Mr. Glock summarized Supplemental Attachment G.7.a., noting that he is the one responsible for the ideas in the proposed amendment. This issue is still before the Council because the bycatch provisions of Amendment 11 were disapproved. The proposed amendment provides an option that clearly addresses the spirit and letter of the Magnuson-Stevens Act by taking immediate concrete actions to measure, report and reduce bycatch in the groundfish fisheries. He explained it would be difficult and expensive to accomplish these mandates but that the Council and public should have an example of how it might be done.

G.7.b. Comments of Advisory Entities and Public

SSC

Dr. Lawson read the report of the SSC.

The Scientific and Statistical Committee (SSC) reviewed the Draft Groundfish Bycatch Amendment (Supplemental Attachment G.7.a.). Mr. Jim Glock briefed the SSC on the bycatch provisions that were submitted as part of Amendment 11 to the groundfish fishery management plan (FMP); the NMFS disapproval of those bycatch provisions (March 1999); and progress to date on a revised amendment structured to address the NMFS concerns.

The Magnuson-Stevens Act requires every FMP to:

- 1. Assess the amount of bycatch currently occurring in the fishery.*
- 2. Implement management measures that minimize bycatch (to the extent practicable).*

In revising the amendment to satisfy NMFS concerns, the Council may be able to use the proposed observer program for West Coast groundfish to address the first of these requirements. If the Council adopts closed seasons to achieve the reduced 2000 harvest levels associated with

rebuilding, bycatch may be reduced from the 1999 level. However, it appears unlikely that the various alternatives, delineated in the current Draft Groundfish Bycatch Amendment, will fully address the second Magnuson-Stevens requirement (i.e., to minimize bycatch to the extent practicable).

Given the steady reductions in total allowable catches (TACs) to date and the further reductions that are likely in the future, the historical Council management practice of modifying the time period over which trip limits are applied (e.g., monthly to bimonthly to quarterly) has reached a point of diminishing returns with respect to its effectiveness in minimizing bycatch. This may be an opportune time for the Council to take a broader view with regard to bycatch minimization. Such an approach would integrate proposed management measures with fleet configuration and TAC levels, while accounting for the information costs associated with any respective management measure (e.g., the cost of an observer program needed in order to maintain the year-round fishery objective). Capacity reduction, abandonment of the year-round fishery objective, and/or other innovative measures will flow naturally from a more comprehensive analysis of the bycatch issue. The Council's strategic planning process should dovetail nicely with a systems approach to bycatch minimization, and the SSC encourages the merging of these two processes.

GAP

Mr. Moore read the report of the GAP.

The Groundfish Advisory Subpanel (GAP) discussed Council document "Supplemental Attachment G.7.a.," the Draft Groundfish Bycatch Amendment. Because the document was not provided to the GAP until after the beginning of the GAP meeting, the GAP did not have time to prepare a detailed analysis. However, the GAP has the following comments in regard to the alternatives presented on page 2.

The GAP agreed that the Status Quo alternative will not meet NMFS requirements and did not give it any consideration.

The GAP strongly opposed Alternative 2. The provisions of this alternative cannot be achieved by any of the harvest sectors, recreational or commercial. For example, if a recreational fisherman catches 2 lingcod under a one fish bag limit and releases one of the fish, in order to decrease bycatch by 50% on future trips he will have to catch only 1 ½ lingcod. If whiting harvests increase and whiting vessels incidentally take salmon at the same rate, they will have to take 50% fewer salmon, even if they are well below the Endangered Species Act level currently in effect. The GAP believes that adoption of Alternative 2 is an automatic prescription for failure, and thus supports Alternative 1 as the only practical alternative.

The GAP also notes that bycatch rises as restrictions on fisheries increase. Further, as we achieve stability in the fisheries, we also achieve stability in bycatch rates.

Public

Ms. Karen Reyna, Pacific Ocean Marine Conservation Network, San Francisco, California
Ms. Jennifer Bloeser, Center for Marine Conservation Council, Astoria, Oregon
Captain R. Barry Fisher, Midwater Trawlers Cooperative, Newport, Oregon

G.7.c. Adopt for Public Review

Mr. Anderson recommended that the Council modify alternative 2 by deleting the second paragraph and changing words in the first paragraph "schedule to achieve.." bycatch limits and replace with "may be required in the future"; and where it says "bycatch reduction standards would be established" and add in "as appropriate" or some other description to make clear that in some cases bycatch may already be as low as practicable. The status quo should also be included as presented.

Mr. Robinson said that Alternative 2 is closer to what NMFS is looking for, and the concepts all have possible application in this fishery and should be examined. If there is the possibility any of these measures would be implemented, the costs and provisions need to be laid out. Amendment 11 did not explain why bycatch is an issue in the groundfish fishery, or how bycatch is accounted for, what the difficulties are in accounting for bycatch; and what the Council is doing about it. Those issues were not addressed in the initial bycatch amendment. Mr. Robinson believes that alternative 2 is a step in the right direction but may go farther than necessary.

Ms. Cooney explained it is necessary to describe why there is bycatch in this fishery, why we need a year-round fishery, and what are the benefits and costs of maintaining a year-round fishery. This issue is being watched carefully by people who are not in direct contact with the fishery or the Council, so clear explanations are especially important. The analysis should explain the current system and identify the costs and benefits of changing this system.

Mr. Bohn asked Mr. Robinson for examples of other regional FMPs we could use as examples. Mr. Robinson said he was not familiar with them all but noted other Council's are also struggling with this issue. For example, the WPFMC's bycatch amendment was also disapproved.

Mr. Anderson said he does not believe the amendment is ready for public review at this time. Mr. Robinson said the timing is an issue; right now, management for next year is the most important issue. He thinks the Council should wait till that is finished so we can take the time necessary to do a really good job dealing with bycatch, and do it right so it won't be disapproved again. By delaying the amendment until March or April, we could capture some of the management measures passed by the Council in November.

G.7.d. Adopt Public Hearing Schedule

The Council concurred with Messrs. Anderson and Robinson and directed staff to delay further development until after the annual specification process is completed. This will be rescheduled for March or April 2000.

G.8. Observer Program

G.8.a. Report of the Ad-Hoc Observer Program Implementation Committee

Mr. Glock introduced the issue, and informed the Council that Mr. Dan Waldeck would be taking the staff lead on this issue. Mr. Robinson summarized Supplemental NMFS Report G.8. Ms. Cooney informed the Council that Ms. Beth Mitchell of NOAA General Counsel office will be working with the ad hoc observer program implementation committee in drafting regulations and other matters.

G.8.b. Comments of Advisory Entities and Public

GAP

Mr. Rod Moore read the report of the GAP.

The Groundfish Advisory Subpanel (GAP) received a briefing on the report of the Ad-Hoc Observer Program Implementation Committee. The GAP recommends the Council move forward with its analysis and with an observer program.

Public

Mr. Bob Eaton, Pacific Marine Conservation Council, Astoria, Oregon
Mr. Harold Hoem, Fishing Vessel Owners Association, Seattle, Washington
Ms. Karen Reyna, Pacific Ocean Conservation Network, San Francisco, California
Mr. Steve Bodnar, Coos Bay Trawlers Association, Coos Bay, Oregon

G.8.c. Adopt for Public Review - ACTION

Mr. Alverson moved that the Council adopt for public review the three options reviewed by the ad hoc committee as outlined in Supplemental Attachment G.8.a., and that the recommended priorities are developed into a regulatory amendment to the groundfish fishery management plan. Seconded by: Mr. Anderson (Motion 20) (Motion withdrawn and not voted on).

Mr. Glock noted final action on this issue is scheduled for November. He suggested the options in the document are not designed as management alternatives for Council consideration, noting that the committee did not view these options as action items. The committee is confused about the Council's role in implementing an observer program; at the meeting, NMFS advised the committee that NMFS is responsible for program design, sample design, protocols, etc. The committee believes the Council's role may be only to provide guidance to NMFS regarding goals and objectives and to describe the necessary data qualities. Is the committee responsible for developing a regulatory package? The committee also still has questions about administration and what role the Council will play.

Mr. Robinson noted the Committee's report provides three different approaches to sampling. The report does not include information about the likelihood of the critical issues involved in implementing the options. The NWFSC scientists developing the program will go through some of that information and provide a basis for the Council to make their decisions. In the meantime, the Council should send out the committee's report for review, and prepare to comment on these issues. The Council can take another look at each of the options in November. At that time, the Council would make a preliminary decision, with the final decision scheduled for the April Council meeting. Under this schedule, the program could be in place for next year's groundfish season. Mr. Brown said it does sound like a reasonable program and that there may be reasons to keep all three options. He did not feel like we are locked into choosing one option. Mr. Robinson said that after we recommend management measures in November, one or more of the options may complement the observer program. Both NMFS and PSMFC staff will work during the winter to develop sampling program options. Mr. Glock explained that part of the question is "what effects will carrying an observer on board have on the vessel?" That is the some of feedback we need, such as what are the costs, *i.e.*, insurance, food, board, *etc.* Mr. Brown said that different provisions are made depending on the size of the vessel and amount of time the observer is onboard.

G.9. Proposed Management Measures for 2000

G.9.a. Staff and GMT Reports

Mr. Glock described the supporting documents.

Mr. Anderson requested there be an opportunity for comments from the enforcement consultants because some of the elements of the GAP report may not be feasible from an enforcement perspective.

GMT

Dr. Hastie read Supplemental GMT Report G.9.

In June, the Allocation Committee received initial reports on rebuilding timeframes and mortality limits for three species under consideration for rebuilding plans. They also provided guidance to the GMT regarding the types of management alternatives that should be explored in our attempt to develop recommendations for achieving mortality objectives. While the GMT is committed to providing the best possible advice to the Council, we feel it is important to emphasize the tremendous amount of uncertainty that will characterize our attempts. The options are likely to include the possibility of time/area closures. Not only does this management approach fall outside the range of our current groundfish management practices, but the available information is unlikely to provide highly accurate quantification of the mortality tradeoffs associated with various closure alternatives.

This uncertainty begins with the documentation of current catches, not only of species targeted for rebuilding, but of other species with which they are caught. Within the commercial fishery we are presently able to monitor landings, with little ability to discern the potential magnitude of discards.

Within a season, landings of rockfish species can only be monitored to the extent that they are required to be sorted and reported independently on fish tickets. Currently, these species are limited to those for which individual trip limits or OYS are set. Information on the landings of other rockfish species must normally wait until port sampling data on species composition can be assembled and combined with fishticket data. The current level of port sampling is not sufficient to distribute all poundage from generic market categories into individual species for all fleets and areas in a statistically valid manner. Furthermore, the reliance on port sailing for identification of individual rockfish species creates tremendous obstacles for observing whether various species are caught together, identifying the locations of coincident catch, and quantifying how those relationships may vary within a fleet, or among fleets.

Trawl logbook information can provide some useful information on areas of highest trawl catches of lingcod and POP, and some indication of species caught with them. However, bacchic are not identified in logbooks, nor are most other individual species within the *Sebastes* complex. Comparable information on the locations where other commercial gears tend to intercept any of the "rebuilding" species are not available. Another problem with reliance on identifying areas with high logbook CPUEs relates to our recent history of management. These species have already been placed under management that is designed to discourage targeting. With recent low limits, it is reasonable to expect that most vessels have already shifted away from areas where their catch of these species has traditionally been highest. If recent CPUEs are relied upon as the sole criterion for identifying candidate closure areas, we may inadvertently redirect fishing effort to locations that fishers have already moved away from because of bycatch concerns.

The GMT has begun to review trawl survey data, and evaluate their potential value in identifying areas in which closures might yield mortality benefits. But it is important to remember that a primary factor in the determination that these species have been overfished is their lack of abundance in recent trawl surveys. To illustrate, from 1977-89, there were 8 survey hauls with more than 300 kg of bacchic. From 1992-98, there have only been 8 hauls with more than 10 kg of bacchic, and only one of those had more than 300 kg. Additionally, the shelf survey has only been conducted every 3 years. It is impossible to know whether specific locations that may have evidenced somewhat higher recent survey catch rates are representative of species distributions in non-survey years. Also, to varying degrees, each of these species can exhibit somewhat mobile behavior, meaning that the locations with highest densities of these species may drift from year to year. Finally, successful trawl survey hauls typically do not occur in very rock habitat. Therefore, the scope of the locations sampled by the trawl survey may be insufficient for identifying key aggregations of bacchic or lingcod that may be vulnerable to some fishery participants.

While there is an immediate need to reduce fishing mortality imposed on these stocks, it is also not apparent that areas of highest survey or fishery CPUE in recent years correspond to the areas of highest abundance during earlier survey years, when much larger amounts of fish were encountered. Although we may find areas where closures meet short-term mortality-reduction objectives, we should also keep in mind that these areas may not always coincide with locations that might represent the best alternatives for accelerated stock rebuilding.

Development and analysis of management options for the recreational fisheries for these species are subject to a similar list of problems. While there is limited information from charter-boat logbooks regarding locations of catch, this information is entirely lacking for the private-boat fleet. Reliable quantification of the degree to which "rebuilding" species are caught in association with other specific species by recreational fishers is also apt to prove extremely difficult within the time available. If recreational fisheries are closed for a portion of the year, it is also not clear to what extent that would otherwise have occurred in closed months will be redirected towards months that remain open.

The GMT continues to have serious reservations about relying on the RecFIN database for purposes other than estimating annual removals. Analyses of projected outcomes of alternatives that the GMT frequently develops for the commercial fishery are not reliably supported by the data available from RecFIN. Where PacFIN contained information for every commercial landing of

groundfish for which fishticket is submitted to the appropriate state agency, RecFIN compiles data from creel and phone surveys that directly cover only a small fraction of all recreational angler trips. Data from these surveys are then expanded, with the use of statistical techniques, for the purpose of estimating annual catch summaries at a regional (Southern California, Northern California, Oregon, and Washington) level of aggregation. Since the sampling protocol was not designed to produce reliable estimates of overall bag distributions, for example, it is likely that the proportions of fish caught in sampled bags of various sizes would have very wide confidence intervals when applied to the total coastwide, or regional, recreational trips/poundage. Similar concerns exist for analyzing alternative minimum fish-size limits, or period in which the fishery might be completely closed.

The RecFIN data system was also not designed to provide reliable inseason fishery catch information. It is anticipated that considerable effort would be required to establish procedures for reliable use of these data for this purpose. Even if methods can be established for effective inseason monitoring of recreational data, it is not clear what mechanisms the Council would use to alter or suspend recreational catch rates inseason.

Ultimately, there are not guarantees that management measures which would constrain mortality within rebuilding targets will be correctly identified and implemented. There will be a continuing need for review and adjustment of management measures in order to ensure that rebuilding remains on track. This type of adaptive management will be hampered by the fact that recreational catches, in particular, for a given year will not be known until well after specifications for the next year's fishery must be set in November. Thus, by the time we can evaluate what effect our actions may have had on recreational catch, our first opportunity to use that information to revise management is likely to be two years removed from the initial action. It is not clear what repercussions, with regard to a continued "overfishing" status, might result from the combined uncertainty of our projections and our inability to know if rebuilding targets are being met until well after the fact.

G.9.b. Comments of Advisory Entities and Public

CDFG

Mr. Boydston presented Supplemental CDFG Report G.3. and Attachment G.9.a., which is the California Department of Fish and Game's request to consider a special meeting of the California Fish and Game Commission to tentatively adopt groundfish regulations. The final decision for California recreational fisheries will be made by the commission. Mr. Tom Barnes summarized the CDFG report and the preliminary set of regulatory options aimed at meeting allocation and conservation needs for southern bocaccio, southern lingcod, and cowcod.

GAP

Mr. Rod Moore read the report of the GAP.

The Groundfish Advisory Subpanel (GAP) met in an effort to design management options for the 2000 groundfish fishery which take into account the need to severely reduce harvest on several stocks that have been designated as overfished. Although we were constrained by the absence of some members representing certain sectors, we developed the following options for Council consideration:

1. *Washington/Northern Oregon Recreational Fishery - The GAP recommends the following management measures be considered for recreational groundfish in 2000:*

Lingcod

- A. *Bag limit reduction from 2 fish to 1 fish.*
- B. *Increase in minimum size limit.*
- C. *Imposition of a maximum size limit.*
- D. *Season length reduction.*

Rockfish

- A. Closed areas.
- B. Sub-limits on canary and yelloweye rockfish.

Diversity of catch composition and type of recreational participants (i.e., private vs. charter fisheries) in coastal ports should be considered in crafting regulations.

2. *Trawl Fishery - The GAP considered four general types of "tools" for harvest reduction: gear restrictions (such as limits on footrope diameter); area restrictions by depth; time restrictions; and quota restrictions. Using these tools, three possible options are presented:*
 - A. *An option presented by the Fishermen's Marketing Association and the West Coast Seafood Processors Association (attached - Appendix A).*
 - B. *An option presented by Mr. Harold Hoem (attached - Appendix B) with an addition stipulating that the time closures would also apply to the limited entry fixed gear fleet.*
 - C. *An option that would include time closures and would allow fishing by all trawl gears in all areas, but would only allow landing of shelf and near-shore *Sebastes* complex species during the open period chosen by the vessel.*

If the Council chose a "time off the water" approach to management, each vessel would have the opportunity to choose which periods to fish or not fish for groundfish, within the time constraints imposed by the Council.

The GAP also discussed proposals regarding retention of trip limit overages. The GAP reminds the Council that a "sale of overages" program has already been approved by the Council, but nothing further has been done to implement the program. The GAP re-affirms its support for that program and believes the Council and NMFS need to implement it as soon as possible.

3. *Open Access - The GAP proposes that open access gear be allowed to land near-shore *Sebastes* species and yellowtail rockfish, widow rockfish, and chilipepper rockfish, along with incidental amounts of canary rockfish, lingcod, bocaccio rockfish, and cowcod. The Council may wish to consider varying open access seasons, keeping in mind that open access gear such as shrimp trawls, which incidentally take groundfish, may have different season requirements than hook-and-line gear used to target on rockfish.*

The GAP also discussed concerns relating to the incidental catch of yellowtail rockfish and other species in the whiting fishery. The GAP agrees that additional measures are needed to keep incidental catch within reasonable levels. The GAP recommends the Council and the states do the following:

1. *Announce at this meeting or at the November meeting that additional management measures or permit restrictions may be put into place prior to the start of the 2000 whiting season. These may involve industry agreements, restrictions on permits, or state and federal regulations.*
2. *Following the November Council meeting, ask NMFS and state managers to convene a series of meetings with whiting harvesters and processors to develop proposals to reduce incidental catch. Attendance at such meetings should be a requirement for obtaining an exempted fishing permit in 2000. Separate meetings should be considered for the onshore and offshore sectors.*
3. *Adopt final regulations, permit restrictions, or other necessary measures at the March Council meeting.*

EC

Sgt. Dave Cleary commented that the enforcement officers prefer time closures. Regulations that are simple are better. Enforcement appreciates assistance from biologists help in identifying species. An area management line makes more sense than a "depth" line. They also asked to keep the five-inch footrope.

He also suggested having one type of gear on board at a time.

Public

Mr. Steve Bodnar, Coos Bay Trawlers Association, Coos Bay, Oregon
Ms. Karen Reyna, Pacific Marine Conservation Network, San Francisco, California
Mr. Joe Easley, Oregon Trawl Commission, Astoria, Oregon
Mr. Terry Thompson, commercial fisherman, Oregon
Mr. Pete Leipzig, Fisherman's Marketing Association, Eureka, California
Mr. Rod Moore, West Coast Seafood Processors Association, Portland, Oregon
Mr. Mark Cedergreen, Westport Charterboat Association, Westport, Washington

G.9.c. Adopt for Public Review - ACTION

Mr. Alverson asked about the proposal by Harold Hoem. Mr. Moore representing the GAP said the addendum to that proposal for fixed gear was in terms of *Sebastes*. Neither the issue of fixed-gear sablefish, nor the whiting fishery were discussed by the GAP.

Mr. Anderson asked to deviate and made a motion to amend the action previously taken regarding the rebuilding plan for bocaccio. (Motion 21) -motion to amend something previously adopted). Seconded by: LB Boydstun Motion 21 passed.

Mr. Anderson moved to remove the designation of the "preferred alternative" for bocaccio contained in Motion 12 (the seconder of the original motion agreed). Mr. Anderson explained his motion -- that Dr. MacCall is currently working on a strategy to look at a constant OY over a multi year period and that time period is five years and he is working with numbers more closely associated with 80 to 100 mt. (Motion 22) Motion passed.

Mr. Boydstun moved the Council adopt the following for further analysis, using CDFG Report G.9.: option 1P with amendment of 40 tons for bocaccio and the lingcod season would be extended May thru September; an analysis of options 1-O -- extend the recreational season forward to account for overall 50 mt impact and same for the lingcod - extend the season length. Option 5P - lingcod extend the season length forward and adjust the commercial to come up to 90 mt - also on option 5 O - add additional season length to the end of the year in order to get to 90 mt. Leave open flexibility for modifications and subarea adjustments in southern California. (Motion 23) Motion passed.

Mr. Fletcher asked if the GMT can estimate the savings from increasing the lingcod size limit to 26 inches. Dr. Hastie was unsure, but said the GMT would do what they could.

The Council adopted the proposals shown in pages 3 and 4 of CDFG Report G.9. (Motion 24)

Mr. Anderson moved to adopt the option identified in the lingcod rebuilding plan with the following exceptions: under Option 4 - add an April through September fishery with a one fish bag limit. Regarding rockfish in Washington, maintain a 10 fish bag limit, but no more than two of which could be canary. Seconded by: Bob Alverson. Motion passed. (Motion 25)

Mr. Bohn moved that the GMT use the Oregon data and MRFSS data available to them. Mr. Brown seconded the motion. (Motion 26) Motion passed.

Mr. Brown moved that for commercial trawl adopt the proposal as presented in Supplemental GAP Report G.9.; the footrope must be exposed, and add a description of the monthly catches associated with the nearshore fishery. (Motion 27)

Mr. Alverson said it is hard to separate fixed gear from trawl when you have all "A" permits. Mr. Brown said that discussion will be taking place in November on how we allocate at this time -- he said it will be difficult to achieve a one size fits all regulation.

Mr. Anderson asked how to estimate the amount of rockfish needed for bycatch in the market fish fishery? Mr. Brown said the Oregon logbook data would be one source. He suggested we could tie it to English sole and sanddabs. Mr. Brown asked to add to his motion an option to include slope rockfish as prohibited species when using large gear. Mr. Brown also pointed out that if the footrope restriction is adopted, he would like to make sure the footrope is unprotected behind the net.

Mr. Alverson believed it is inevitable that the trawl trip limits be tied to the fixed gear trip limits. However, if closures are needed, he wants an option to allow fixed gear types to be allowed to continue. Mr. Brown took this as a friendly amendment to his motion.

Mr. Anderson asked that the GMT try to quantify bycatch in the market fishery then develop alternatives to provide certainty that we will not go over our OYs for the critical species. He also indicated that if the GMT discovers there is not enough OY to allow for incidental catch, the next step is to close the shelf for some period of time, perhaps at 150 fathoms. He asked for development of such an alternative. Mr. Brown said he does not necessarily suggest a line, but perhaps a zero trip limit for those species instead. Mr. Brown said you get the most bang for your buck during the summer time period than in the winter time period. Mr. Anderson said maybe a more effective way to do it is prohibit certain species that would close the fishery rather than draw a line.

Mr. Glock asked if the proposal implies that if a vessel fishes using small footrope gear the vessel must fish only with that gear for the entire period? Is this going to be a per trip limit? Mr. Brown said both a landing limit and a possession limit. Vessels could switch gears between trips, so a lot of the enforcement would have to be at the dock to make sure vessels are actually using the gear they say. They would have only one type of gear on board, and cannot change gear before unloading. Enforcement suggested the footrope be exposed prior to unloading.

Mr. Anderson asked if this is a flaw? Sgt. Cleary said they would have the enforcability at sea and onshore. He did say it may be difficult to get witnesses to reconstruct what happened in order to prosecute. He said this opens up a crack, and will require a high level of enforcement for success. He also brought up the idea of having a 12-hour window for unloading. Mr. Bohn said maybe some sort of call in procedure would help, and Sgt. Cleary agreed.

Mr. Anderson said we could potentially require trawl vessels to record the footrope size they used in the logbook thru state law. Sgt. Cleary said yes, we could do it. The penalty for falsification varies from state to state. Mr. Brown said he assures he would commit the makers of the proposal to work with enforcement to address this satisfactorily -- maybe come up with a declaration or logbook. Motion 27 passed.

Mr. Boydston said we did not address the canary and asked the GMT to analyze a reduced bag limit on canary for California.

Dr. Hastie had concerns that all of the fisheries are going to be complicated and some fine-tuning may be necessary in November. He is very concerned about the Council developing new proposals "on the fly" during the November meeting, because we won't be able to analyze them.

Mr. Ralph Brown asked that, regarding the open access fisheries, the GMT evaluate truly incidental catches and see if there will be any left over for a directed open access fishery. Dr. Hastie replied it cannot be done in time. (Motion 28, not seconded.)

Mr. Anderson wants the Council to have the ability to require vessels that are fishing for whiting to forfeit all non-whiting groundfish species they catch. He wants to address the possibility that some whiting vessels may target on rockfish during the whiting fishery, even though they currently must forfeit all overages. He wants to prohibit targeting rockfish on whiting trips. The Council should consider the GAP's alternatives also. Seconded by: Bob Alverson. Motion 29 passed.

Mr. Boydston proposed that in California, open access fishers targeting rockfish and lingcod with hook-and-line or setnet gear may be prohibited from fishing except during the recreational fishery season. Seconded by Bob Fletcher (Motion 30).

Mr. Boydston moved that the Council adopt the recommendations for the daily trip limit for sablefish fishery restricting it to the use of pot and longline gear as shown in Supplemental GMT Report G.9. (Motion 31)

G.10. Status of Fisheries and Inseason Adjustments

G.10.a. Staff and GMT Reports

Mr. Glock noted the intention is to have the close to final adjustments made now and have a placeholder on the November agenda.

GMT

Dr. Hastie presented Supplemental GMT Report G.10., inseason fishery status and GMT recommendations for management changes.

G.10.b. Comments of Advisory Entities and Public

GAP

Mr. Moore read the report of the GAP.

The Groundfish Advisory Subpanel (GAP) met with the Groundfish Management Team (GMT) to discuss inseason adjustments. The GAP agrees with the GMT recommendations with one exception.

The GAP is concerned the GMT proposal to allow a widow rockfish fishery limited to midwater trawl gear cannot legally be accomplished as an inseason adjustment, so the widow rockfish fishery will be drastically reduced. Testimony from harvesters noted that widow rockfish begin schooling during fall and winter months, making them easier to harvest cleanly (i.e., without bycatch of yellowtail rockfish). Further, the reduced amounts of canary and yellowtail rockfish provide no economic incentive for vessels to use bottom gear to harvest those species as part of a widow rockfish strategy. Therefore, the GAP recommends the widow rockfish cumulative limit be set at the higher level proposed by the GMT (30,000 pounds per month) regardless of whether the proposed gear restriction can be put into effect.

EC

Sgt. Dave Cleary advised that under current regulations we would not be able to distinguish at the dock if more than one type of gear is used. Industry has approached us with the difference in limits at the Mendocino line there have been mixes and that this is a problem. Sgt. Cleary said if we go to the Sebastes complex at 500 pounds on both sides (the GMT recommendations) it would work.

Mr. Boydston noted you could require midwater gear onboard the vessel, or is that not an option. Sgt. Cleary said depending on if both gears have some sort of limit -- it would be difficult to make the determination of the correct gear was used how much discarding was going on. It does become an honor system. Enforcement would not have tools in place to distinguish what gear was used.

Mr. Anderson asked NMFS if we could require that midwater gear needs to be onboard if certain species are landed. Ms. Cooney said that is not a routine measure. Mr. Anderson asked the other states, if state regulations could require widow landings using midwater gear. Mr. Bohn replied Oregon could. Cpt. Gaskins answered for CDFG that state law would override federal law if state law was more restrictive. Mr. Anderson said he believes widow rockfish can be effectively targeted with midwater gear and have very little bycatch of yellowtail and other rockfish. He wanted to know if we could require the use of midwater gear through state regulations; he is willing to trust the industry they would use midwater gear. Mr. Boydston

said the California state legislature has to adopt the regulations for commercial fishing, but the yellowtail issue off California is not a factor. This is mostly an northern issue. Mr. Anderson agreed, and if the states of Oregon and Washington could do this, it addresses the problem of yellowtail bycatch in the widow rockfish fishery.

Public

Mr. Terry Thompson, commercial fisherman, Newport, Oregon
Mr. Joe Easley, Oregon Trawl Commission, Astoria, Oregon

G.10.c. Council Action

Mr. Bohn moved the Council adopt the recommendations as indicated in Supplemental GMT Report G.10., table 3 for limited entry with the following modification: everything south of Cape Mendocino as described in the GMT report; canary coastwide the same; area north of Cape Mendocino adopt the top part of the widow under "otherwise" (30,000 per month) with the understanding in Oregon/Washington may adopt emergency regulations requiring that midwater trawl gear be onboard the boats when the fish are landed at port. Also include - trawl sablefish go to 7,000 per month effective October 1. Mr. Anderson seconded the motion. For the open access fishery, adopt all but the last option (Motion 32).

Mr. Boydstun clarified he would like the widow trip limit applied coastwide.

Mr. Anderson clarified the intent is that if a vessel does not have midwater gear on board, the trip limit would be 500 pounds per month for widow. Motion 32 passed.

Mr. Six asked if these changes were thru the end of the year. Mr. Anderson said it is our intent that they will be in effect thru December 31, with a placeholder on the November agenda in case something needs to be addressed.

G.11. Rockfish Allocation

G.11.a. NMFS Report on Requirements for Buyback Implementation

Mr. Robinson reported whether or not rockfish allocations were necessary in order to implement the buyback program. The trawl industry feels that rockfish allocations are necessary in order to implement a successful buyback program. However, all of the allocations proposed by the ad-hoc buyback committee do not have to be implemented. Mr. Robinson noted that the guidelines are now in review and almost ready to be published in the *Federal Register*. One change to the final rule is a requirement for a pre-bidding referendum early in the process which is similar to the survey sent out by the Fisherman's Marketing Association. The bottom line that is seems like a waste of time to pursue an FMP amendment to address only a portion of the fishery. We have heard testimony that given lower harvest levels and new management regimes which are going to be in place for long time, the buyback plan is a dead issue. The Council should ask the participants if they still want to go through with this. Is there enough industry support?

G.11.b. Comments of Advisory Entities and Public

Advisory Entities

No advisory entities had comments on this issue.

Public

Captain R. Barry Fisher, Midwater Trawlers Cooperative, Newport, Oregon

G.11.c. Council - ACTION

Mr. Brown said he knows very well the feelings of the proponents. We started working on this in 1987, and we need it more now than ever, but we literally cannot afford it. He believes there is more support for buyback than ever. He suggested the Council needs to write a letter to each of the state governors about the impending disaster. He believes if the Council letterhead is used, the letter will have more clout, it will really drive the point home. As far as rockfish allocation, we cannot drop rockfish allocations based on our earlier actions. He is not comfortable what those allocations would be. We are going to have to be creative to allow as much fishing as possible without jeopardizing the rebuilding plans. He talked about the allocations between recreational and commercial folks in the salmon industry and how civil they are now.

Mr. Brown made a motion to have the Council write a letter to the state governors of Oregon, Washington, and California, and include those respective states congressional reps and senators to warn them of an impending fishery disaster. Mr. Bohn seconded the motion. (Motion 33) Motion passed.

Mr. Anderson noted that regarding this issue, he has thought it would be more prudent to take up rockfish allocation once we have our strategic plan completed (the target is to have it completed in June). He felt trying to have a discussion that runs parallel with the strategic plan discussions does not make any sense.

Ms. Cooney said this may apply to differential trip limits.

Mr. Brown said do we need to set something in place today in order to make management recommendations we need to set in November for next years fishery. He also agreed with Mr. Anderson's statement. Mr. Brown said he understood that we could set that up through emergency regulations.

Mr. Alverson said you cannot discuss this if you have no idea what the differential trip limits might be. Ms. Cooney asked how does that apply to the line gear? Mr. Alverson answered it may or not be a problem.

Mr. Anderson on the structuring of the trip limits, that is going to lead us in determining allocations between limited entry fixed gear and limited entry trawl. At this point we have not made any decision on how we will be determining those allocations in the future if allocations are needed. What guidance do we give to the GMT to make those determinations?

Mr. Brown said for next year only, I can see a few different ways to proceed: the way you just described (pick a basis, craft our options around that) or we could in November get a suite of analysis that have come out and make our determinations then. Some of those determinations are going to be tough, but for the commercial, we may just start with strictly going by the economic values (communities). To some degree, some of this will fall out of the analysis as we start looking at the options. Those may not be based on any historical kind of basis. He feels to a large degree, they will be based on needs of next year to provide as much income to communities as possible.

Mr. Alverson said that some gear groups will be allowed to fish and some will be shut down. He is not sure you can do that at a single meeting.

Mr. Anderson said the problem is one of that people will not want to give up their allocation. If the GMT does not have guidance from the Council, we are laying that problem in the GMT's backyard.

Mr. Brown replied that it is unfortunate we do not have the types of economic analysis needed to start making these allocations. He believes the community impact standards really says that our decisions need to be figured into each individual fleet.

Mr. Bohn said that two years ago when the lingcod combat got started, there was a lot of discussion if we have done some de facto allocation since it was not based on history. Today we are taking that to a new level. Honestly he does not know if we can come up with definitive guidelines.

Mr. Robinson noted Dr. Hastie has already had thoughts as to what those questions are.

Dr. Hastie proposed at least one way of viewing the gear issue within limited entry. He suggests that for the analysis in the nearshore species available to limited entry (after recreational), he proposes we provide a priority to target fixed gear within those species recognizing the day fisheries for sanddabs and other species that occur in shallow areas. He understands there is an agreement there is no opportunity for bottom rockfish. In the slope areas, we still have a lot of uncertainty as to what the nature of the POP catch is (targeted or bycatch). Within the constraints of what we can do with POP, we have to make some cutbacks to reduce bycatch. Other issues mentioned are lingcod in the salmon fisheries. We could prohibit lingcod retention in the salmon fisheries. That is a possibility. In the shrimp fishery, canary has not been typically a large bycatch, and there is about 6 mt coming up in the shrimp fishery, but as we work through all the recreational implications and what we have left for commercial, that 6 mt might represent more than what would be allocated to open access for canary. The Council does not have the authority to require groundfish excluders on shrimp vessels. People then could continue to fish for shrimp and discard the groundfish which is not an appropriate step. State regulations could provide for groundfish excluders in the shrimp fisheries; he feels that those might be directions that might need more serious consideration than they have in the past.

Mr. Brown agrees we will not be able to provide definitive direction at this meeting, but are not precluded from using emergency regulations at a later time. Mr. Brown also had thoughts on the canary bycatch in shrimp fisheries. Dr. Hastie said it is important that some of the shrimp fishers are limited entry. Dr. Hastie said we will have to determine if those people are open access or limited entry.

Mr. Alverson feels we are leaving the rockfish allocation with the strategic plan program? Council concurred.

Mr. Glock noted the recreational motion by Mr. Boydston from the actions taken yesterday.

G.12. Groundfish Priorities and Schedules

G.12.a. Staff Report

Mr. Glock paraphrased Exhibit G.12. and Attachment G.12.a. The GMT consensus was that it is going to be a full court press to do all the actions required for the annual management process and rebuilding. The GMT is booked solid through the rest of the year. Please note that bycatch amendment is not included, it will be picked up once some of these other items are finished. Mr. Glock said that given we're looking at emergency rules can we let the rebuilding plan amendment slide or do we need to go forward with that.

Mr. Robinson said if we proceed with developing a rebuilding plan (adopted in November), keep in mind we will have a plan developed for the three species which is part of the plan. Given the discussion we have had regarding the types of inseason changes, it might be wise to include in the FMP amendment for rebuilding, building in more flexibility in the routine management measures (a wider range). For example, setting differential trip limits, and gear issues.

Mr. Six said that the work committed to satisfy the legal requirement of the AFA should also be added to this list (deadline is next year [2000]).

G.12.b. Comments of Advisory Entities and Public

Mr. Dan Waldeck presented the report of the SSC.

The Scientific and Statistical Committee (SSC) discussed groundfish priorities and schedules and reviewed the Council work plan for the remainder of 1999. The SSC noted that most of the high priority items for 1999 will remain significant issues in 2000 and beyond. For example, the technical basis for developing default F_{MSY} proxies will be under review during most of 2000. Because of the long term nature and workload associated with many of these items, it is unclear when "lower priority" items will become "high priority" issues. In addition, many of the lower priority items could be significant elements in implementing a groundfish strategic plan. Work plans need to be developed within the framework of a three to five year strategic plan in order to establish priorities and schedules consistent with short and long run needs.

GAP

Mr. Moore read the report of the GAP.

The Groundfish Advisory Subpanel (GAP) examined the proposed list of priorities and makes the following recommendations:

- 1. Implementing a "sale of overages" program continues to be important, especially as a means of reducing bycatch and potentially increasing scientific knowledge. The program has been supported by the Assistant Administrator for Fisheries, members of the U.S. Senate, and the industry; has been subjected to public and Council review; and has been approved by the Council. Action needs to be taken on this program.*
- 2. Both the trawl groundfish fleet and the fixed gear sablefish fleet have been working on individual quota (IQ) proposals, although the fixed gear sablefish proposal is more advanced. Although the Council cannot implement an IQ program, it is not prohibited from developing programs. These proposals need to be given a higher priority.*

Public

There were no public comments.

G.12.c. Council Action

Mr. Anderson did not have any proposed changes to workload priorities and suspects the Council will develop a schedule for the year 2000 pretty soon.

Mr. Bohn said we added the bycatch amendment too. Mr. Glock said he believed the action was to put it on the back burner -- under observer program implementation for final adoption in November.

The AFA issue will be on the Council's April meeting agenda. Mr. Boydston on the issue of limited entry for open access recommended that we take it off the list. Council concurred.

Regarding buyback, should we take it off asked Mr. Lone? Mr. Lone felt if we can take it off the list, we should.

Mr. Anderson said on the strategic plan action, are we scheduled to take action in June of 2000 - when do we expect to complete those issues. Mr. Lone asked staff to update that column as necessary. Mr. Glock noted that we will be taking off California rockfish consistency. Mr. Six said this can be updated.

Mr. Anderson said take the California rockfish consistency off the list. Dr. Radtke asked about IQs for both fixed gear and trawl gear as one approach. Mr. Brown suggested that we don't get too hung up on the lower end of this chart because a lot of those things can be rolled into one big plan amendment.

Mr. Robinson made some comments regarding groundfish about the earlier adoption of harvest specifications, the Council decided not to proceed with the interim 5% adjustment of the MSY for a whole suite of rockfish species. He said that 5% is really the right thing to do, although there is a level of disagreement; and feels not to raise the issue or ask for a recount. He is still concerned about the Fmsy proxy for shortspine thornyheads. He noted his letter of last year to the Council after the November action. There is a substantial amount of uncertainty, and given the uncertainty, this calls for a very precautionary approach. He is concerned about going through another year using the Fmsy 35%, thinks it is too aggressive, especially for shortspine thornyhead. The starting point for making these adjustments is the Fmsy proxy. When we get to November, I will indicate that NMFS feels that at the very least a precautionary move to F40% on thornyheads will be advisable.

H. MARINE RESERVES

H.1. Ad-Hoc Marine Reserve Committee Report

Mr. Jim Seger explained the two Marine Reserve Committee (MRC) reports labeled as MRC Report H. and Supplemental MRC Report H.(1). He also provided a summary of Attachment H.1.a.

Mr. Fletcher asked the Gulf Council had been contacted about marine reserves and enforceability issues. Mr. Seger said he had spoken with the Gulf Council about the degree of restrictions on fishing in reserves and council authority to impose those restrictions but not specifically about enforcement issues. He noted the Pacific Council's Enforcement Consultants had stated that they would provide comments to help design enforceable reserves and would work to enforce whatever type of marine reserve the Council designed. Mr. Fletcher noted an overlap between cowcod fishing and albacore fishing areas and expressed concern that recreational and commercial fishing opportunities for albacore might be lost if a no fishing reserve were created to protect cowcod. Mr. Seger indicated Enforcement Consultants had expressed a willingness to enforce reserves in which fishing by some gears was allowed but not others. Dr. Hansen, MRC chair, commented that it is important to remember that we are just in the process of identifying alternatives.

Mr. Fletcher asked about the permanence of the marine reserves. Given the goal of rebuilding overfished stocks, if it were properly demonstrated that the reserve had successfully rebuilt overfished stocks would it be necessary to continue to prohibit fishing in the area? Mr. Seger responded, the committee is not recommending planned reopenings but is recommending a review of reserve performance. If the rebuilding is successful, there would be nothing to preclude changing the restrictions in the reserve or eliminating the reserve in the future through a plan amendment. Dr. Hanson commented that with the large number of questions about effectiveness of reserves and the continual disruption in coastal communities that might be caused by opening and closing reserves, the committee was looking at reserves staying in place.

Mr. Boydstun asked if the MRC discussed criteria or procedures for deciding on marine reserve locations. Dr. Hanson responded that this is a two-step process, and that such criteria would likely be developed in the second step. Guidance is needed from the Council before focus is narrowed.

Mr. Brown expressed concern that the size of the marine reserve needed to meet the stated goals (which are to be determined) and that there must be a rationale basis for the specification of the size and location of marine reserves. Dr. Hanson responded that NMFS staff and Mr. Jim Seger from the Council staff were attempting to produce the needed analysis.

Mr. Anderson asked if it was realistic that an analysis would be available in April. Mr. Six said NMFS Southwest Region and Southwest Fisheries Science Center have identified some people who potentially may do the analysis, but have not been able to "free up" the time to the extent that we had hoped because of budget limitations and other work that they are doing. The intent is to get the work accomplished and presented in April. A complete answer will have to await the results of an October meeting among the scientists slated to work on the project. Dr. Hanson cautioned the Council that there had not been much empirical research on marine reserves on the West Coast and consequently there would not be much "hard" science available to guide the Council.

Following up on his earlier comments, Mr. Brown emphasized that if harvest outside a reserve had to be reduced in conjunction with the creation of marine reserves, we need to be able to distinguish whether rebuilding was achieved by harvest reduction or by the reduced catches. Part of the design of the program needs to include how the causes and effects will be evaluated to determine the effectiveness of marine reserves.

Dr. Radtke asked the degree to which the work of others on marine reserves is being considered by the MRC. Dr. Hanson replied that Ms. Mary Yoklavich is on the committee and has experience with marine reserves off California, Al Didier had developed a report for the Council on existing marine reserves, and that the committee had received one day of presentations by researchers involved in marine reserves. If others have information he is not aware of it.

H.2. Comments of Advisory Entities and Public

SSC

Dr. Peter Lawson read the report of the SSC.

The Scientific and Statistical Committee (SSC) reviewed the report of the Ad-Hoc Marine Reserve Committee (MRC Report H.) and the Marine Reserves and Harvest Management Policy (Attachment H.1.). The report addresses general considerations related to the use of marine reserves in West Coast fishery management. The policy paper discusses the potential role of marine reserves in rebuilding overfished stocks.

During an active discussion of the issues surrounding marine reserves the SSC identified many critical questions not addressed in the report that demand further discussion and exploration.

What is the overarching goal for marine reserves? What is the primary objective for marine reserves -- what problem would they be designed to address? Stock rebuilding is one possible objective, but it is a narrow one. Broader objectives such as ensuring ecosystem function and promoting sustainable fisheries would represent a more holistic approach that would provide opportunities for experimentation and the potential for multiple benefits.

In considering the experimental value and other potential benefits of marine reserves, the question is at what scale and at what cost would these be achieved? The funding environment is now zero-sum -- there are many competing uses of funds, and money that is used for one activity is not available for another activity. This indicates the need to take a strategic and systematic approach to the question of marine reserves.

A systematic evaluation should address the biological, economic, allocation, enforcement, social, and institutional questions related to the scale, design, location, and management of marine reserves. Once the overall goal is specified, alternative approaches to achieving that goal need to be assessed and compared in terms of their cost-effectiveness. The costs and benefits of marine reserves should be compared to the costs and benefits of alternative uses of funds. For example, if the goal is to reduce fishing mortality, a vessel buyback program to reduce capacity could also be considered.

There are several questions related to the design of marine reserves. Do the dynamics of West Coast fish populations lend themselves to recovery in marine reserves? How large would the reserves area have to be to achieve the desired results? What information is needed to design a system of marine reserves that would cover more than 80 groundfish species?

There are also questions related to the use of marine reserves in conjunction with other tools of fishery management. It is not clear how marine reserves would affect the amount of information needed for management. Would marine reserves decrease or increase the requirements for stock assessment? Would they simplify or complicate management outside the marine reserves?

The SSC also noted in its discussion that the consideration of marine reserves is in part an outcome of the current approach to management. Overcapacity and increasingly restrictive trip limits have pushed vessels into areas -- such as rocky outcroppings and coral areas -- that formerly served as natural reserves. Accordingly, consideration of the use of marine reserves should be done in concert with the entire system of management. Coastwide capacity reduction will enhance the effectiveness of other management measures.

The SSC looks forward to the presentation of the conceptual paper "Developing the Theory of Marine Reserves" by researchers from the National Center for Ecosystem Analysis and Synthesis at the November Council meeting and to continued involvement in the discussion of the important issues surrounding this subject.

In response to a question from Dr. Radtke, Dr. Lawson indicated there had been a discussion of whether or not the Council is the most appropriate body to implement marine reserves and the possibility that an entity with a broader authority might be more appropriate for implementing marine reserves. The SSC reached no conclusion on this question. Mr. Brown noted that some marine reserve designs might preclude the ability to do stock assessments as they are currently conducted. One would not be able to determine whether a large fish in a sample had been living in a fishing area but survived to grow to the large size or had just moved out of the reserve. Mr. Anderson asked about the SSC statement on a correlation between restrictive trip limits and pushing vessels into coral areas and rocky outcroppings. Dr. Lawson stated that sentence may not have been worded well but the intent was that as opportunity on trip limit species are reduced vessels may explore seeking other fish from areas they might not otherwise fish. Mr. Anderson stated that he would expect vessels to go into the coral areas and rocky outcroppings when trip limits were higher rather than lower. Mr. Brown stated that restrictions in the salmon fishery had encouraged more vessels to hook-and-line fish in these habitat areas. These coral reef and rocky areas had previously been natural refuges from trawl gear.

Public

Mr. Duncan MacLean, troller, El Granada, California
Ms. Jennifer Bloeser, Pacific Marine Conservation Council, Astoria, Oregon
Mr. Doug O'Beiggi, Center for Marine Conservation, San Francisco, California
Ms. Karen Reyna, Pacific Ocean Conservation Network, San Francisco, California
Mr. Peter Flournoy, representing Western Fish Boat Owners Association, San Diego, California

H.3. Council Direction to Committee - ACTION

During public comment Mr. MacLean expressed concern that the MRC was not looking at management options other than marine reserves. Dr. Hansen responded that the MRC is tasked with defining marine reserves and that other types of management measures are well defined. He also commented that the analysis needs to include an assessment of the costs of determining the biological effects of marine reserves. Mr. Brown asked that the final analysis look at the impact of marine reserves on ability to do stock assessments and that ways around any adverse impacts be explored.

Mr. Boydston stated that it is critical that the marine reserve concept be balanced against standard fishery management procedures and that the costs of marine reserves as opposed to other forms of management be assessed.

Given the probability that no analysis would be available in November, the Council agreed to delay until April 2000 the decision on appropriateness of marine reserves as a fishery management tool.

I. HIGHLY MIGRATORY SPECIES MANAGEMENT

I.1. Report of the Multilateral High-Level Conference

Mr. Peter Flournoy spoke from Supplemental HMSAS Report I.1. Mr. Chuck Janisse who also attended the conference commented on the conference.

Report from Peter H. Flournoy, Highly Migratory Species (HMS) Advisory Subpanel Chairman, on the Fifth Session of the Multilateral High Level Conference, Honolulu, Hawaii, September 5-15, 1999.

Twenty-eight MHL C5 participants and several national observers, as well as observers from various international organizations such as the Inter-American Tropical Tuna Commission (IATTC), South Pacific Community, FAO, Forum Fisheries Agency, etc., met in Honolulu for the better part of ten days. The next meeting has been set for early March 2000, in Honolulu, Hawaii. This is expected by Chairman, Ambassador Satya N. Nandan to be the next to the last plenary meeting before the draft Convention is readied for signature in June 2000.

The primary goal of the Convention is to give a concrete structure to the "Agreement to Implement the Provisions of the United Nations Convention on Law of the Sea (UNCLOS) of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks" (known as UNIA, or, the U. N. Implementing Agreement).

There has been substantial discussion of the area to be covered by this Regional Commission, and while it has yet to be finalized, the area could extend from 60 degrees South latitude to 50 degrees North latitude, and from the eastern boundary of the Indian Ocean Tuna Commission to 20 degrees east of the western boundary of the IATTC, i.e., 130 degrees west longitude.

The species covered may be defined as broadly as those highly migratory species appearing in Annex I to the 1982 UNCLOS, or as narrowly as "tuna and tuna like species, and billfish including swordfish.

All the major conservation and management principles which are attempted to be articulated in the MHLC have been previewed in UNIA. These include, inter alia, the precautionary approach, transparency in decision making, boarding and inspection of vessels by enforcement vessels of nations other than the flag of the vessel being inspected, independent and regional vessel monitoring systems, regional observer programs, transshipment restrictions, special needs of small developing island states, compatibility of conservation and management regimes within EEZs with those on the high seas, biodiversity.

The present draft Convention would establish a secretariat, a scientific committee and science services, and a compliance and enforcement committee. Presently, decisions on allocations (if and when necessary) are to be made by consensus (as are decisions on the budget, financial regulations, budget, new members, and amendments), while other decisions would be made by a 4/5ths majority vote. At the moment there is no true "opt-out" provision, but rather a complex system which would use a review tribunal to test a party's objections or opt outs to various matters.

Tuna (yellowfin, bigeye, skipjack, and albacore) troll, purse seine, and long line U.S. commercial fishermen were represented, as were drift swordfish vessels.

It should also be noted that the IATTC will have a working group meeting in October 1999 to begin redrafting the text of that Agreement. Since it is unclear under which regime northern albacore will be conserved and managed, a Council or HMS Advisory Subpanel member should attend these meetings.

Mr. Fletcher said it would be appropriate that Mr. Flournoy attend the next meeting of the IATTC and report back to the Council in November.

I.2. Coordination with Western Pacific and North Pacific Councils

Mr. Six gave the update (Attachment I.2.a. and I.2.b.). The North Pacific Fishery Management is willing to work with the Pacific Council to prepare an FMP for HMS fisheries. The Western Pacific Fishery Management Council is reluctant at this time, but did indicate an interest in following our process and attending meetings regarding HMS.

I.3. Review of Issue Paper and Schedule of Scoping Sessions

I.3.a. NMFS Report

Mr. Svein Fougner summarized the following report.

Situation: *At the June meeting, the Southwest Region indicated an intent to work with the "White Paper" team to prepare a scoping paper and initiate the scoping process for the HMS Fishery Management Plan. It was anticipated that the scoping process could be completed in time for the Council meeting in September.*

After discussions among the team, it was agreed that the likelihood of good participation by constituents at scoping meetings in the summer was low. It was agreed that scoping meetings should be scheduled for the fall, when fishers are more likely to be able to attend. Scoping meetings are now scheduled for October 12 and 13 in California, October 18 in Washington, and October 19 in Oregon. The Southwest Region will file a Federal Register notice when the specific times and places are set (which should be by September 20).

The Southwest Region is preparing a draft of the scoping document for team review and Council staff clearance. It is based on the White Paper but with more focus on specific issues for which public input is especially important. The scoping document will be distributed prior to the scoping sessions to mailing lists prepared by team members in consultation with Council staff. The draft should be available by September 24, 1999.

I.3.b. Comments of Advisory Entities and Public

HMSAS

Mr. Flournoy noted the HMSAS has not met for sometime. He feels it is critical that the Council ask the HMSAS to convene before or at the November meeting. He suggested that a member of the HMSAS should be part of the HMS Plan Development Team. He thinks it is important for the Team to work as closely as possible with the panel.

WDFW

Mr. Anderson referred the Council to Supplemental WDFW Report I.3. which suggests goals and objectives for management of highly migratory species.

The Washington Department of Fish and Wildlife reviewed Supplemental NMFS Report I.3. (1.) which lists the issues which would be considered in the development of the HMS FMP and distributed for public review. Included in this document is a list of possible goals and objectives for management. After reviewing the goals and objectives in the Pacific Fishery Management Council's Groundfish FMP, we recommend that the following statements be added to the HMS list of issues to be distributed for public review:

At the beginning of the document, add the following:

- *The Council is committed to developing long-term plans for managing the Washington, Oregon, and California highly migratory species fisheries that will promote a stable planning environment for the seafood industry, including marine recreation interests, and will maintain the health of the resource and environment. The following goals and objectives have been developed to be considered in conjunction with national standards of the Magnuson-Stevens Fishery Conservation and Management Act.*

Under the heading of "Goals and Objectives for Management," add the following:

- *Maintain an information flow on the status of the fishery and the fishery resource which allows for informed management decisions as the fishery occurs*
- *Attempt to achieve the greatest possible net economic benefit to the nation from the managed fisheries*
- *Use gear restrictions to minimize the necessity for other management measures whenever practicable*
- *When considering alternative management measures to resolve an issue, choose the measure that best accomplishes the change with the least disruption of current domestic fishing practices, marketing procedures, and environment.*

Public

Mr. Chuck Janisse, Western Fishboat Owners Association, Ventura, California

Mr. Six also summarized the public written comment package from the World Wildlife Fund.

I.3.c. Council Action

Mr. Lone asked how we could address the issue of having the HMSAS meet soon. Mr. Six said that since we had a new Highly Migratory Species Plan Development Team, they need to convene. These meetings are going to have to be funded by NMFS if they are going to occur. Mr. Fougner answered NMFS did agree to the funding and will be checking on Team member availability to convene and use that opportunity to have the HMSAS members convene at that time also.

J. ADMINISTRATIVE AND OTHER MATTERS

J.1. Report of the Budget Committee

Mr. Harp gave the report of the Budget Committee.

The Budget Committee (Committee) reviewed the status of current year 1999 Council expenditures through August, calendar year 1999 budget projection, status of appropriations for 2000, and the draft budget request for 2000.

Expenditures for the eight-month period ending August 31, 1999 are on budget.

Projected expenditures through December 31, 1999 are estimated to provide a small surplus. The surplus has accrued from lower than expected travel costs for the first three Council meetings and will provide travel expense reimbursement for unbudgeted Strategic Planning meetings to be held later this year. Any additional surplus shall be distributed to state contracts.

Congressional appropriations for 2000 are not known at this time. The best case scenario is for a small increase in Federal funding; however, funding may drop to the amount appropriated in 1998. If appropriations are not decided by September 30, a continuing resolution with final determination sometime later in 1999 may occur.

The Committee reviewed the draft 2000 budget proposal prepared by Council staff. The Committee struggled to identify sufficient budget reductions to meet best case Federal funding level. Reductions in payroll, printing, postage, and ad-hoc travel were needed to minimize the loss of funds paid to the states for liaison and planning activities. The Committee recommends that the Council authorize staff to prepare and submit the 2000 budget as revised. The Committee also recommends that the annual performance evaluation of the Executive Director be conducted at the November Council meeting.

The Council approved the report of the Budget Committee as shown in Supplemental Budget Committee Report J.1. (Motion 37)

Mr. Lone made a comment that criteria would need to be developed in order to conduct the performance evaluation. The Chairman would appoint a small committee of Council members to develop the criteria. The evaluation would be done during closed session.

J.2. Status of Legislation

Dr. Hanson reported that the budget process has been started. There are no new numbers to report. We may not see a new federal budget in October or November. There may be the possibility of continuing resolutions.

J.3. Report of the Council Chairs' Meeting

Mr. Lone gave the report and spoke from Supplemental EXHIBIT J.3. and highlighted the NMFS 2000 budget issue.

J.4. Appointments to Advisory Groups

Mr. Anderson moved that the Council appoint the list of personnel on Attachment J.4.a. for appointment to the Highly Migratory Species Plan Development Team, including Mr. Steven Crooke from CDFG. (Motion 34) Motion passed.

Mr. Anderson moved that the Council advertise the vacancy for the Oregon charter position on the GAP. Mr. Brown seconded the motion. (Motion 35) The motion passed.

Mr. Boydston moved to appoint Mr. Allen Grover as the California representative on the STT. Mr. Fletcher seconded the motion. (Motion 36) The motion passed.

J.5. Draft Agenda for November 1999

Mr. Six went through Supplemental Exhibit J.5.

Mr. Anderson wanted some understanding what the Council is looking for under the proposed Agenda Item C.2. (Updates on Activities to Restore Natural Stocks of Salmon). Mr. Lone asked what the purpose of the agenda item is for. Mr. Six replied that the Council asked us to put that on there. Mr. Anderson said there is a lot of activity in WDFW regarding salmon recovery and provide the Council a five minute overview. If we were looking for a general overview, that helps. Mr. Lone said the five minute overview from each state is just fine. Mr. Boydston asked us to put this in the salmon cycle (i.e. March or April meetings). He suggested we put it on the March 2000 agenda. Mr. Bohn concurred with Mr. Boydston's suggestion.

Mr. Fletcher said the issue of spearfishing is more appropriate for the California Fish and Game Commission. Mr. Boydston urged removal of this item. Dr. Radtke asked that individual quotas for groundfish be added to the November agenda.

Mr. Fougner asked for an update on implementation of the CPS limited entry program.

Mr. Six, suggested moving the AFA measure to April meeting. Mr. Anderson asked if we were putting it off due to the workload issue? Mr. Six answered yes. Mr. Anderson also asked that representatives of the HSG and the GAP meet in November to discuss fishing gear impacts on EFH.

J.6. Election of Officers

The Council elected Mr. Jim Lone to serve as Council Chairman for the term beginning October 1, 1999 and ending on December 31, 2000. (Motion 38) Dr. Hans Radtke was appointed as the Vice-Chairman. (Motion 39) Mr. Boydston asked for Mr. Ralph Brown to serve as Vice-Chairman. (Amendment to Motion 39 - Jim Caito seconded the motion). The amendment failed and the main motion passed.

ADJOURN

The Council was adjourned at 11:54 a.m., on Friday, September 17, 1999.

Jim Lone, Council Chairman

Date

ADJOURN

DRAFT VOTING LOG
Pacific Fishery Management Council
September 13-17, 1999

MOTION 1: Approve the agenda as shown in EXHIBIT A.2. with the following change: under Agenda Item G.3.b., add a report from the California Department of Fish and Game (CDFG) on bocaccio by Mr. Tom Barnes.

Moved by: Phil Anderson Seconded by: Jim Harp
Motion passed.

MOTION 2: Approve the minutes of the April 1999 meeting as shown in Exhibit A.3. with the correction to Mr. Roger Thomas' statement under item "B.1." The correct statement should say "Mr. Thomas was not personally in favor of the proposal, and that the Golden Gate Fisherman's Association was also opposed to the proposal".

Moved by: Jim Lone Seconded by: Roger Thomas
Motion passed.

MOTION 3: Direct the Coastal Pelagic Species Management Team (CPSMT) and Coastal Pelagic Species Advisory Subpanel (CPSAS) to prepare a regulatory package addressing the two issues rejected as part of Amendment 8. they would develop the various options presented in the CPSMT report; address the 25% msy for squid; present bycatch data we already have but has not been presented; and incorporate the SSC comments in their deliberations as appropriate.

Moved by: LB Boydston Seconded by: Bob Fletcher
Motion passed.

MOTION 4: Adopt the CPS interim schedule as presented, and also adopt the permanent schedule presented by the CPSMT.

Moved by: LB Boydston Seconded by: Jim Caito
Motion passed.

MOTION 5: For the Pacific halibut fisheries north of Cape Falcon, adopt, for public consideration, the following changes to the catch sharing plan: (1) the proposed changes to section (f)(1) contained in WDFW Report D.3. as modified by deleting the proposals for changes in port-of-landing management and the possession limit, (2) addition of a flexible inseason management provision, section (f)(5)(ii)(F), to allow opening of closed areas (e.g., the "hot spot" area in the Washington South Coast subarea), (3) addition to section (f)(5)(iv) [effective dates] to make the inseason opening of a closed area effective upon approval and announcement by the regional administrator of the Northwest Region of the National Marine Fisheries Service (NMFS) (announced on the NMFS halibut hotline), and (4) deletion of the last sentence in section (f)(2) to make it consistent with the proposed change in the boundary between the Puget Sound and Washington South Coast subareas in section (f)(1).

Moved by: Phil Anderson Seconded by: Bob Alverson
Motion passed.

MOTION 6: Adopt the two proposed changes in the Pacific halibut catch sharing plan as shown in Supplemental ODFW Report D.3. (i.e., one quota for the inside 30 fathom fishery from Cape Falcon to Humbug Mountain and to allow commercially licensed boats to be used for private angling in the recreational halibut fishery).

Moved by: Burnie Bohn Seconded by: Hans Radtke
Motion passed.

MOTION 7: Adopt the proposed language in Attachment D.3.b. which modifies the catch sharing plan to provide for a proportional reduction of the non-treaty subquotas to meet the overall reduction in the non-treaty allocation to provide the equitable adjustment to the Area 2A-1 treaty Pacific halibut fishery.

Moved by: Bill Robinson Seconded by: Jim Lone
Motion passed.

MOTION 8: Direct the Council Chairman to sign the CalFED letter (Supplemental Revised Attachment E.1.a.) with the following changes: second paragraph, fourth line that begins with "additional Central Valley fall run chinook (delete that line); under the subsection "Water quality and flow patterns" add a sentence that reads "The CalFED objective should be to remove hydrodynamic function as a limiting factor to the recovery of salmon."

Moved by: LB Boydstun Seconded by: Roger Thomas
Motion passed.

MOTION 9: Adopt, as a guideline for the 2000 season, a protocol for industry sponsored test fishery proposals as provided in Attachment F.4.a., modified to include consideration of Council and NMFS research and data priorities and clarifying that the protocol only applies to industry sponsored test fishery proposals. The guidelines will be announced in the September newsletter and adopted formally at the November Council meeting.

Moved by: LB Boydstun Seconded by: Jim Caito
Motion passed.

MOTION 10: Direct the Salmon Technical Team (STT), with assistance from the technical work group of the Ad-Hoc Salmon Nonretention Mortality Committee, review the recent information on nonretention mortality in the recreational ocean salmon fishery and provide recommendations as to appropriate interim rates to use for the 2000 salmon season.

Moved by: LB Boydstun Seconded by: Jim Lone
Motion passed.

MOTION 11: Regarding the proposed draft amendment for stock rebuilding and specific rebuilding programs for lingcod, bocaccio, and Pacific Ocean perch, put out for public review Alternative 1 and Alternative 3 as shown in Attachment G.3.a., and.

Moved by: Phil Anderson Seconded by: Bob Alverson
Motion passed.

MOTION 12: Put out for public review the rebuilding plans for lingcod, bocaccio, and POP as presented in Attachment G.3.b., Supplemental Attachment G.3.e., and Attachment G.3.d.; and in addition, that we identify as the preferred alternative, for lingcod the target and yields in option 5; for bocaccio, an alternative that utilizes the recommendations of the Scientific and Statistical Committee (SSC) - Supplemental SSC Report G.3. (use the medium strength 1999 yearclass that would provide a 57% chance of success to rebuild w/in the timeframe of the 37 years) for Pacific Ocean perch (POP) - identify as a preferred alternative consistent with the recommendations of the SSC (using a 50 % probability - and utilizing a 1980 on time series).

Moved by: Phil Anderson Seconded by: Bob Alverson

Amendment: Amend the motion by including the language "SSC's recommendations" and not "Council's preferred option".

Moved by: Bob Fletcher Seconded by: LB Boydston
 Roll call vote. 5 yes, 8 no. Amendment failed.
 Main motion passed.

| Roll Call Vote, Amendment to Motion 12 | | | |
|---|-----|----|---------|
| Council Member | YES | NO | ABSTAIN |
| Alverson, Bob | | X | |
| Anderson, Phil | | X | |
| Barraclough, Jack | X | | |
| Bohn, Burnie | | X | |
| Boydston, LB | X | | |
| Brown, Ralph | | X | |
| Caito, Jim | X | | |
| Fletcher, Robert | X | | |
| Harp, Jim | | X | |
| Lone, Jim | | X | |
| Mallet, Jerry (Chairman) | | | |
| Radtke, Hans | | X | |
| Robinson, Bill | | X | |
| Thomas, Roger | X | | |
| | | | |
| Total: | 5 | 8 | 0 |

MOTION 13: Recommend for preliminary the values represented in GMT Report G.4. with the following changes:

for lingcod: set the optimum yield (OY) range of 335 to 378 mt;

sablefish: OY = 7,719

POP: OY a range of 270 mt to 294 mt

canary - coastwide ABC 287 to 356 mt, and coastwide OY at 0 to 102 mt

bocaccio: set the OY range of 40 to 90 mt

Moved by: Phil Anderson

Seconded by: Jim Harp

Amendment : Amend the motion to reflect the Supplemental GAP statement to reflect their current $F_{40\%}$ levels.

Moved by: Ralph Brown

Seconded by: Burnie Bohn

Roll call vote on amendment: 7 yes, 5 no. Amendment to motion 13 passed.

Main motion as amended passed.

| Roll Call Vote, Amendment to Motion 13 | | | |
|---|-----|----|---------|
| | | | |
| Council Member | YES | NO | ABSTAIN |
| Alverson, Bob | | X | |
| Anderson, Phil | | X | |
| Barraclough, Jack | X | | |
| Bohn, Burnie | X | | |
| Boydston, LB | | X | |
| Brown, Ralph | X | | |
| Caito, Jim | X | | |
| Fletcher, Robert | X | | |
| Harp, Jim | | X | |
| Lone, Jim (Vice-Chairman) | | | |
| Mallet, Jerry (absent during vote) | | | |
| Radtke, Hans | X | | |
| Robinson, Bill | | X | |
| Thomas, Roger | X | | |
| | | | |
| Total: | 7 | 5 | 0 |

MOTION 14: Adopt for public review, the proposal described in Supplemental Tribal Report G.4.(1).

Moved by: Jim Harp

Seconded by: Phil Anderson

Motion passed.

MOTION 15: Adopt a whiting set-aside for the Makah Tribe equivalent to the status quo limits used in 1999. Also include for public review the Hoh Tribes proposal of a whiting set-aside for the summer of 2000.

Moved by: Jim Harp Seconded by: Phil Anderson

Amendment: Adopt a range of 25,000 mt to 34,500 mt for the tribal whiting set-aside.

Moved by: Phil Anderson Seconded by: Burnie Bohn

Amendment passed.

Main motion as amended passed.

MOTION 16: Move that all of the specifications be set equal to domestic annual processing and that joint venture processing and the total allowable level of foreign fishing be set at zero.

Moved by: Bill Robinson Seconded by: Phil Anderson

Motion passed.

MOTION 17: Direct Mr. Russell Porter to work with Council staff to send a letter to the MRFSS requesting the completion, coordination, and analysis of data.

Moved by: Hans Radtke Seconded by: Bob Fletcher

Motion passed.

MOTION 18: Adopt the rockfish sub-categories as described in Table 1 of Supplemental GMT Report G.4.(1).

Moved by: Ralph Brown Seconded by: Jim Caito

Motion passed.

MOTION 19: Develop for the amendment to the groundfish fishery management plan the Midwater Trawlers Commision's proposal with the modifications (of adding the word "whiting" under point #2) to address the American Fisheries Act (AFA) issues.

Moved by: Bob Alverson Seconded by: Phil Anderson

Amendment 1: Include the West Coast Seafood Processors Association's proposal to send out for analysis and public review to address the AFA issues.

Moved by: Jim Caito Seconded by: LB Boydstun

Amendment 2: Amend the motion to say that for the processor sector that the restrictions apply only to those processors that would receive benefit from the AFA.

Moved by: Bob Alverson Seconded by: Phil Anderson

Amendment passed. Mr. Boydstun voted against the amendment.

Main motion as amended passed.

MOTION 20: Adopt for public review the three options reviewed by the Ad-Hoc Observer Program Implementation Committee as outlined in Supplemental Attachment G.8.a. and the recommended priorities listed in that document be developed into a regulatory amendment to the groundfish fishery management plan.

Moved by: Bob Alverson Seconded by: Phil Anderson
Motion withdrawn - not voted on.

MOTION 21: Amend the action previously taken regarding the rebuilding plan for bocaccio (motion to amend something previously adopted).

Moved by: Phil Anderson Seconded by: LB Boydstun
Motion passed.

MOTION 22: Remove the designation of the "preferred alternative" for bocaccio contained in Motion 12 (the seconder of the original motion agreed). Mr. Anderson explained his motion -- that Dr. MacCall is currently working on a strategy to look at a constant OY over a multi year period and that time period is five years and he is working with numbers more closely associated with 80 to 100 mt.

Moved by: Phil Anderson Seconded by: Bob Alverson
Motion passed.

MOTION 23: Move the Council adopt the following for further analysis, using CDFG Report G.9.: option 1P with amendment of 40 tons for bocaccio and the lingcod season would be extended May thru September; an analysis of options 1-O -- extend the recreational season forward to account for overall 50 mt impact and same for the lingcod - extend the season length. Option 5P - lingcod extend the season length forward and adjust the commercial to come up to 90 mt - also on option 5 O - add additional season length to the end of the year in order to get to 90 mt. Leave open flexibility for modifications and subarea adjustments in southern California.

Moved by: LB Boydstun Seconded by: Bob Fletcher
Motion passed.

MOTION 24: Adopt the proposals shown in pages 3 and 4 of CDFG Report G.9.

Moved by: LB Boydstun Seconded by: Roger Thomas
Motion passed.

MOTION 25: Adopt the option identified in the lingcod rebuilding plan with the following exceptions: under Option 4 - add an April through September fishery with a one fish bag limit. Regarding rockfish in Washington, maintain a 10 fish bag limit, but no more than two of which could be canary.

Moved by: Phil Anderson Seconded by: Bob Alverson
Motion passed.

MOTION 26: Move that the Groundfish Management Team (GMT) use the Oregon data and MRFSS data available to them.

Moved by: Burnie Bohn
Motion passed.

Seconded by: Ralph Brown

MOTION 27: For commercial trawl, adopt the proposal as presented in Supplemental GAP Report G.9.; the footrope must be exposed, and add a description of the monthly catches associated with the nearshore fishery.

Moved by: Ralph Brown
Motion passed.

Seconded by: Jim Caito

MOTION 28: Regarding the open access fisheries, ask the GMT to evaluate truly incidental catches and see if there will be any left over for a directed open access fishery, and if so, explore when that can occur.

Moved by: Ralph Brown
Motion not voted on.

Seconded by : (did not get a second)

MOTION 29: For the whiting fishery, have the GMT to consider analyzing the forfeiture of all groundfish species other than whiting as an alternative to look at as a way to have those vessels not target rockfish species and leave as many as those fish for the groundfish fishery targeting on other species.

Moved by: Phil Anderson
Motion passed.

Seconded by: Bob Alverson

MOTION 30: Move that in California, open access fishers targeting rockfish and lingcod with hook-and-line or setnet gear may be prohibited from fishing except during the recreational fishery season.

Moved by: LB Boydston
Motion passed.

Seconded by: Bob Fletcher

MOTION 31: Adopt the recommendations for the daily trip limit for sablefish fishery restricting it to the use of pot and longline gear as shown in Supplemental GMT Report G.9.

Moved by: LB Boydston
Motion passed.

Seconded by: Bob Alverson

MOTION 32: Adopt the recommendations as indicated GMT Report G.10., table 3 with the following modifications for limited entry: south of Cape Mendocino would remain as written; canary coastwide as written; north of Cape Mendocino Sebastes and yellowtail rockfish as written; widow rockfish would be 30,000 per month coastwide, with the understanding

Oregon/Washington may adopt emergency regulations requiring that midwater trawl gear be onboard the boats in order to land that amount; otherwise, only 500 pounds may be landed. Also include - trawl sablefish go to 7,000 per month effective October 1. For open access, adopt all but the last option.

Moved by: Burnie Bohn Seconded by: Mr. Anderson
Motion passed.

MOTION 33: Instruct the Council to write a letter to the state governors of Oregon, Washington, and California, to warn them of an impending fishery disaster.

Moved by: Ralph Brown Seconded by: Burnie Bohn
Motion passed.

MOTION 34: Appoint the list of personnel on Attachment J.4.a. for appointment to the Highly Migratory Species Plan Development Team, including Mr. Steven Crooke from CDFG.

Moved by: Phil Anderson Seconded by: Bob Alverson
Motion passed.

MOTION 35: Advertise the vacancy for the Oregon charter position on the Groundfish Advisory Subpanel.

Moved by: Phil Anderson Seconded by: Ralph Brown
Motion passed.

MOTION 36: Appoint Mr. Allan Grover as the California representative on the STT.

Moved by: LB Boydstun Seconded by: Bob Fletcher
Motion passed.

MOTION 37: Approve the report of the Budget Committee as shown in Supplemental Budget Committee Report J.1.

Moved by: Bob Fletcher Seconded by: Bob Alverson
Motion passed.

MOTION 38: Elect Mr. Jim Lone to serve as Council Chairman for the term beginning October 1, 1999 and ending on December 31, 2000.

Moved by: Phil Anderson Seconded by: Bob Alverson
Motion passed.

MOTION 39: Appoint Dr. Hans Radtke as the Vice-Chairman.

Moved by: Burnie Bohn

Seconded by: Ralph Brown

Amendment: Appoint Mr. Ralph Brown to serve as Vice-Chairman.

Moved by: LB Boydstun

Seconded by: Jim Caito

Amendment failed.

Main motion passed.

DRAFT MINUTES
Pacific Fishery Management Council

Red Lion Hotel Sacramento
1401 Arden Way
Sacramento, CA 95815
(916) 922-8041
November 1-5, 1999

A. Call to Order

A.1. Opening Remarks, Introductions, Roll Call

Chairman Jim Lone called the general session of the 151st Pacific Fishery Management Council meeting to order at 8:06 a.m. on November 1, 1999 in Sacramento, California. Chairman Lone applauded Mr. Jerry Mallet for his effective Chairmanship.

Roll Call

Mr. Larry Six called the roll.

Voting Members

Mr. Bob Alverson
Mr. Phil Anderson
Mr. Jack Barraclough
Mr. Burnell Bohn
Mr. LB Boydston
Mr. Ralph Brown
Mr. Jim Caito
Mr. Robert Fletcher
Mr. Jim Harp
Mr. Jim Lone
Mr. Jerry Mallet
Dr. Hans Radtke
Mr. William Robinson
Mr. Roger Thomas

Non-Voting Members

Mr. Dave Gaudet
Dr. Dave Hanson
Mr. Tim Roth
CDR John Schott (designee for
RADM Paul Blayney)

Members Absent

Mr. Stetson Tinkham

A.2. Approve Agenda

The Council approved the agenda as shown in EXHIBIT A.2. with the following changes: no september meeting minutes. C.6.a. add a WDFW report by Mike Cenci, under D.1. and D.2. a report by the working group for fishing gear impacts. On Groundfish, agenda item G.2., add a report from Dr. Alec McCall, then continue with comments of the advisory entities, summary of written comments, and then proceed with the public hearing. (Motion 1)

A.3. Approve June Meeting Minutes

The Council approved the June 1999 meeting minutes as shown in EXHIBIT A.3. (Motion 2)

B. PACIFIC HALIBUT MANAGEMENT

B.1. Summary of 1999 Fisheries

Ms. Yvonne deReynier, NMFS, reviewed the harvest data in the Preliminary Report on the 1999 Pacific Halibut Fisheries in Area 2A (NMFS Report B.1.). She noted some minor revisions to the data in the table on Page 6 of the report. Overall, the harvest is expected to exceed the total allowable catch by only about 1.3%. This is an improvement over previous recent years.

B.2. Estimate of Bycatch in 1998

Ms. Cyreis Schmitt, NMFS, reported that NMFS and ODFW technical staffs have completed some preliminary estimates of halibut bycatch for 1998 in the groundfish and shrimp trawl fisheries for Area 2A based on the enhanced, voluntary data collection effort off Oregon and Washington in 1995-1997. The joint staffs are in the process of proofing the estimates and comparing them with estimates obtained by the former method which uses data from the studies of Dr. Ellen Pikitch in the late 1980s adjusted by data from the NMFS triennial surveys.

The technical staffs will complete the bycatch estimates over the next few weeks and provide the final information to the International Pacific Halibut Commission (IPHC) for use in calculating the allowable harvest in the 2000 halibut fisheries. The technical staffs will also evaluate the effect of next years groundfish and shrimp regulations on expected fishing effort and provide those estimates to the IPHC.

The estimates of bycatch from the enhanced, voluntary data collection effort are quite preliminary and could change significantly by the time they are finalized. The estimates indicate more and substantially larger halibut are being caught in both the groundfish and shrimp trawl fisheries. The average weight of halibut by the new method is 0.9 kg compared to 0.75 kg by the former method. From preliminary calculations, the new method estimates about twice the pounds of halibut bycatch as that calculated by the previous method.

With regard to the effects of next year's groundfish regulations, Mr. Brown stated that most halibut bycatch occurs over rocky or cobble bottom. Those are the same areas in which the Council will be trying to reduce trawl effort in 2000.

B.3. Changes to Catch Sharing Plan and Regulations for 2000

B.3.a. Summary of Public Meetings

WDFW

Mr. Phil Anderson summarized the results of the two public hearings on halibut regulations held by WDFW in July and August (WDFW Report B.3.). The public attending were generally in support of the currently proposed boundary modification between the Puget Sound and North Coast subareas, and the ability to use inseason action to open the "hotspot" closure in the South Coast Subarea.

ODFW

Mr. Burnie Bohn summarized public input and provided the recommendations of ODFW for changes to the 2000 halibut regulations as provided below in Supplemental ODFW Report B.3.

At its September 1999 meeting, the Pacific Fisheries Management Council (PFMC) adopted two issues for public review that could change the way the Oregon recreational fishery for Pacific halibut is conducted. The Oregon Department of Fish and Wildlife distributed a letter to interested public soliciting comments on the two issues. A description of the proposal, summary of public comment, and Oregon recommendation are presented below for each issue.

Management of the 30-fathom Cape Falcon to Humbug Mt. Fishery

Proposal

The inside 30-fathom curve fishery from Cape Falcon to Humbug Mt. would be managed under one quota rather than the present management of two sub-areas, split at the Florence north jetty, each with a separate quota.

Management actions in 1999 resulted in the closure of the sub-area south of Florence, while the area north of Florence remained open through the scheduled September 30 closure with quota poundage remaining. Fisheries in both sub-areas are similar, mostly of an incidental nature with some targeting by small boats. No change in allocation between the all-depth and 30-fathom fishery are recommended. The May Cape Falcon to Humbug Mt. all-depth fishery will continue to be managed as two sub-areas split at the Florence north jetty, each under separate quotas based on the adopted allocation sharing.

Public Comment

Widespread support was expressed for combining the two inside 30-fathom curve fisheries under one quota.

Recommendation

Oregon recommends managing the inside 30-fathom curve fishery from Cape Falcon to Humbug Mt. under one quota rather than the present management of two sub-areas, split at the Florence north jetty, each with a separate quota. There would be no change in allocation between the all-depth and 30-fathom fishery.

2. Participation of commercial halibut permitted vessels in recreational fisheries for Pacific halibut

Proposal

Allow the use of commercial halibut permitted vessels in both commercial and recreational Pacific halibut fisheries during the same year. Vessels may not participate in both fisheries on the same trip. Vessels participating in the commercial fishery, directed or incidental, may not 'charter' or operate as a vessel for hire in the recreational fishery.

The Pacific halibut fishery is the only Oregon fishery where a vessel may not be used for both commercial and private recreational fishing, as long as the vessel does not participate in both fisheries on the same trip. Several commercial fishers asked that PFMC revisit this issue.

Public Comment

Widespread support was expressed for the status quo of not allowing the use of commercial halibut permitted vessels in recreational fisheries for Pacific halibut.

Recommendation

Oregon recommends the status quo scenario of not allowing the use of commercial halibut permitted vessels in recreational fisheries for Pacific halibut.

B.3.b. Summary of Written Comments

Dr. John Coon, Council staff, reported that five comment letters had been received at the Council office. Three letters supported having only one quota for the inside 30 fathom fishery between Cape Falcon and

Humbug Mountain, one letter objected to allowing vessels to be used in both the recreational and commercial fisheries, one letter supported maintaining the one halibut bag limit, and one letter stated the allowable harvest was not consistent with the large halibut abundance.

B.3.c. Tribal Comments

Mr. Jim Harp delivered the following statement concerning the recommendations of the tribes:

The tribes support the same catch sharing plan for the treaty fishery as outlined in Attachment B.3.b. with 35% of the Area 2A TAC set by the IPHC allocated to the twelve treaty halibut tribes plus an additional 25,000 pounds as outlined in the Stipulation and Order on Equitable Adjustment. The tribes will continue to implement their commercial and C&S fisheries in a manner similar to recent years. This is stated with the understanding that the Quileute Tribe is continuing its work with NMFS seeking proper allocation of adult halibut bycatch in Area 2A.

B.3.d. Public Comments

Mr. Mark Cedergreen, Westport Charterboat Association, Westport, Washington
Mr. Ron Lethin, charterboat operator, Hammond, Oregon

B.3.e. Adopt Final Measures

The Council directed implementation of the following management changes for the 2000 Pacific halibut season in Area 2A:

- 1) Modify sections b(1), b(2), and b(3) of the Pacific Halibut catch sharing plan consistent with the recommendations on page one of Attachment B.3.b. to implement the equitable allocation adjustment agreement among the state, federal, and tribal entities. (Motion 3)
- 2) Adopt the proposed changes found in the first two paragraphs under "Washington Recreational Fishery" in Attachment B.3.a. These changes (a) move the boundary between the Puget Sound and North Coast subareas eastward from the Bonilla-Tatoosh line to the mouth of the Sekiu River while adjusting the subarea harvest quotas to account for the change in areas and (2) allow opening of the "hotspot" area in the South Coast Subarea by inseason action, effective upon notice via the NMFS halibut hotline rather than upon publication in the *Federal Register*. (Motion 4)
- 3) Adopt the recommendation under #1 in Supplemental ODFW Report B.3. which is to manage the inside 30-fathom fishery from Cape Falcon to Humbug Mountain under one quota rather than the present scheme of two subareas split at the Florence north jetty. (Motion 5)

Mr. Fletcher asked for clarification about Mr. Ron Lethin's recommendation for allowing landings in open ports for halibut that are caught in areas adjacent to ports where landings are prohibited. Mr. Bohn noted that Mr. Lethin's proposal has come up over the years and had been noted on the back of Attachment B.3.a. It is true that the catch area is generally not a biological issue with the IPHC, but the subarea boundary lines have been used by the Council primarily for harvest allocation. Mr. Bohn stated he would like to spend some time this next year to more fully consider the proposal. Mr. Anderson said this issue also came up at the Washington state meeting. He noted that it raises some enforcement challenges, but is willing to consider the proposal over the next year.

C. SALMON MANAGEMENT

C.1. Sequence of Events and Status of Fisheries in 1999

Dr. Coon referred the Council to the sequence of management events contained in Attachment C.1.a., the proposed preseason salmon management schedule in Attachment C.1.b., and the hearing attendance and cost information in Attachment C.1.c. The Council proposed no changes to the proposed preseason management schedule and its list of standard management option hearings.

Dr. Robert Kope presented a summary of salmon fishery landings through October 1999 (Supplemental STT Report C.1.). Compared to 1998, commercial effort and landings were both up significantly off Washington and both down significantly off Oregon. Off California, effort was down significantly while catch was markedly higher. Compared to 1998, recreational effort and catch off Washington and Oregon were both up significantly while both were markedly down off California. Dr. Kope noted that the non-Indian chinook and coho harvest north of Cape Falcon was far short of the overall quotas. He also expressed some concern with the emphasis on inseason actions to achieve the quotas.

Mr. Thomas noted that bad weather and small fish early in the season dampened sport fishing in the San Francisco area. Mr. Anderson stated his opinion that the inseason adjustments in the fisheries north of Cape Falcon were appropriate and in accordance with the intent of the salmon FMP.

C.2. Potential Revisions to Methodologies, Including Hook-and-Release Mortality Estimates for Recreational Fisheries

C.2.a. Report of the STT

Dr. Kope provided a computer graphics presentation to the Council which gave a very preliminary assessment of recent hook-and-release mortality studies with regard to the ocean sport fishery. The summary indicated mortality rates likely vary from year to year with changing environmental conditions and may also vary by fish size and species. The available data lack the resolution to statistically distinguish among different fishing methods or gear, with the possible exception of California-style mooching. Determining the effects of nonretention mortality beyond 24 hours is also very difficult as fish survival in the various studies appears to be highly influenced by holding techniques and local environmental conditions.

To put the study results in perspective, the STT eliminated data from small samples and California-style mooching. Then, using a standardized procedure to expand short-term (less than 24 hour) mortality rates to account for long-term effects, the STT ranked the studies by mortality level individually for chinook and coho. The results indicate that the current 8% mortality rate used in nonretention fisheries off Oregon and Washington is well below the median level of the ranked studies for each species (the preliminary rankings indicated a median mortality level of about 14% for chinook and 18-19% for coho).

Following the basic procedures applied in its preliminary work, the STT will refine the data compilation, add new data from Canadian studies completed in 1999, and make a final recommendation to the Council for interim mortality rates to be used in the recreational fisheries off Oregon and Washington in the 2000 season. Based on the preliminary analysis, it is likely the interim recreational mortality rate recommended for the 2000 season will be higher than the current 8%.

The STT recommendations for interim rates will not include recreational fisheries off California and the rate used for commercial fisheries. Mortality rates used by the Council to estimate impacts in the California recreational fishery are considerably higher than 8% and are based on specific studies for that area which take the effect of California-style mooching into consideration. The rate used for commercial fisheries is currently 26%. All rates are for barbless hooks. In addition to the hook-and-release mortality rate, the Council has assessed a 5% drop-off mortality rate to account for fish hooked but escaping prior to landing.

C.2.b. Report of the SSC

Dr. Peter Lawson read the report of the SSC.

Mr. Jim Packer presented two documents to the Scientific and Statistical Committee (SSC) outlining changes to chinook Fishery Regulation Assessment Model (FRAM) and coho FRAM proposed for

the 2000 season. There are major changes proposed for chinook FRAM to allow evaluation of selective fishery proposals. There are no changes proposed for coho FRAM for the 2000 season. Because the documents were not presented until this meeting, the SSC was unable to review them.

With the major changes being made to the FRAM models to accommodate selective fisheries, and the recent addition of six new members to the SSC, the SSC currently lacks a comprehensive understanding of the salmon management and modeling process including the FRAM models. Documentation of the models is not adequate. For these reasons, the SSC is not in a position to critically review proposed changes to these models. It would be helpful if the SSC could meet with members of the Salmon Technical Team (STT) for a day or two for an introductory overview of the process. We suggest this occur in conjunction with the June Council meeting.

Dr. Robert Kope of the STT presented an analysis of hook-and-release mortality rates for chinook and coho salmon caught in marine sport fisheries. The SSC concurs with the STT that the currently used hooking mortality rate for recreationally-caught coho and chinook salmon is too low and that higher rates are appropriate. The SSC supports the methodologies proposed by the STT to arrive at interim rates for the 2000 season. The SSC recommends the use of a median rate from mortality rate studies that have been conducted in West Coast salmon fisheries since 1984. This process involves expanding short-term (within 24 hours) mortality rates to account for delayed (after 36 hour) mortality. The SSC endorses the methods proposed by the STT to determine this expansion. The SSC requests that the current work group prepare a report for the March meeting that documents the data and methods used to arrive at the interim rates proposed.

C.2.c. Comments of Advisory Entities and Public

SAS

Mr. Mark Cedergreen read Supplemental SAS Report C.2.

Hook-and-Release Mortality in Recreational Fisheries

The Salmon Advisory Subpanel (SAS) agrees with the Salmon Technical Team (STT) that currently utilized hook-and-release mortality values are probably lower than what actually occurs. We recommend the following:

1. Test data used in estimating hook-and-release mortality needs to be specific to, and reflect the actual gear types and fishing methods employed in, the fishery to which the data is applied.
2. If a precautionary buffer is to be applied to a hook-and-release mortality percentage, it should be clearly identified and not buried in the scientific estimate itself.
3. Other mortality factors, such as drop-off and predation, should be clarified as to origin and individually quantified.

We encourage the Council to continue to seek the best scientific information including coastwide standardized studies.

Klamath Ocean Harvest Model (KOHM)

The SAS is frustrated with the lack of progress in updating the KOHM and requests that all parties responsible finish their respective tasks.

Public

Mr. Paul Engelmeyer, National Audubon Society, Yachats, Oregon

C.2.d. Council Action

The Council directed the STT to complete its analysis of hook-and-release mortality rates and provide the analysis and recommendations for an interim rate to be used in the 2000 sport fisheries to the SSC prior to the March meeting. Council staff is to use the newsletter to alert the public that, in March, the Council will consider adoption of an interim hook-and-release mortality rate for the 2000 sport fisheries off Oregon and Washington and, based on the preliminary STT analysis, the rate is likely to be higher than the current rate of 8%. (Motion 6)

Mr. Anderson urged the STT to work toward a consensus on its final recommendations to the Council.

The Council also directed the staff to coordinate a joint one-day meeting of the entire SSC and appropriate STT members at the June 2000 Council meeting for the purpose of providing the SSC with an overview of the modeling process as it relates to the chinook and coho FRAMs.

C.3. Revisions to the Preseason Process

C.3.a. Staff Summary

Dr. Coon noted that at the June 1999 Council meeting, the STT provided its recommendations for revisions to the preseason process (STT Report D.2.). The Council indicated its support for the concepts developed by the STT to improve the preseason process and invited public and advisor comments prior to taking action at this meeting. The STT recommendations have been condensed in Attachment C.3.a. as follows:

1. **Preseason Reports:** *The Salmon Technical Team (STT) intends to modify Preseason Report I by adding more detailed information for the impact assessment of the previous year's management measures on current year stock abundance forecasts (status quo option). A table format will be designed to add important model outputs for Klamath River fall chinook, and a fishery-by-fishery breakdown of expected impacts on Sacramento River winter chinook and Oregon coastal natural (OCN) coho. The text of both the Postseason Review and Preseason Report I will be reduced to that necessary for Council deliberations.*
2. **Management Agency and Fishery Constituents Meetings:** *Affirm the importance of preseason meetings of state and tribal managers with fishery constituents and recommend California consider modifying or expanding its meeting in February to more fully discuss management priorities for the season, commercial-recreational allocation, and other key issues that must be resolved prior to final Council action in April. In addition, California should consider having a structured agency and fishery representative meeting between the March and April Council meetings to refine the March options. The meetings would be similar in function to the North of Cape Falcon Forum and should be completed prior to the public hearings.*
3. **March Management Options:** *Developing management options is a complex process which may be assisted by following specific and consistent guidelines. However, the guidelines must have some flexibility to address numerous and changing issues. To aid option assessment, the STT urges pertinent agency and tribal managers to have the chinook Fishery Regulation Assessment Model ready to run no later than the first day of the March Council meeting. The STT suggests the Council consider the following guidance for developing more functional management options during the March meeting:*
 - a. *Work toward identifying a preferred option on Friday of the March Council meeting. Generally, Option I should include the Salmon Advisory Subpanel's (SAS) priority seasons and management measures. Options II and III would be used to show seasons in which one group or the other gets more or less of its priorities, to illustrate the effect of other management measures (e.g., variations in bag limits for recreational fisheries) or to allow for different inside/outside allocations (e.g., options north of Cape Falcon). The final adopted options would be required to meet basic conservation requirements.*

- b. *Provide specific guidance for the allowable level of impacts on OCN coho and priorities for the allocation of impacts on critical stocks (e.g., Klamath River fall chinook, Sacramento River winter chinook, Snake River fall chinook, etc.) on the first day of the March meeting. Council staff can modify the option tables to insure that these objectives are clearly identified and addressed. Each time the Council reviews the options, it should confirm or amend its guidance on the objectives and priorities.*
 - c. *SAS representatives clearly identify their fishery priorities (e.g., first two fish, continuous season between Point X and Y, etc.) and engage in negotiations as necessary to resolve conflicts among gear groups and areas to arrive at cohesive and coordinated options.*
 - d. *Avoid adopting more than three options. The Council should attempt to identify all significant or new management measures that might be considered for final adoption. However, it is not necessary or possible to model each potential option. Many variations can simply be noted in the description of the three main options. Additional options or variations may be provided for Council consideration during the public comment period which follows the March Council meeting. This period ends with completion of public comment on the tentative adoption of final management measures during the first day of the April Council meeting (Tuesday).*
4. **April Meeting:** *Adopt final management measures on Thursday afternoon of the April Council meeting rather than on Friday. This would assure the STT could complete its final assessments, including model runs and impact tables, prior to the end of the Council meeting. Significant last minute errors could be clarified and addressed prior to the end of the meeting and the time required to submit recommendations to the U.S. Secretary of Commerce could be reduced. Such a strategy would work only if the Council were firm and fully committed to the Thursday deadline.*

Dr. Coon noted that the preseason process is extremely dynamic and varies among the major geographical areas and fishery participants. He suggested the Council provide a clear statement of intent to work toward improving the preseason process along the lines recommended by the STT rather than adopting revisions as inflexible operating procedures for the coming year. Further refinements to the procedures may emerge during the actual process. He noted that Item 1 provided the intent of the STT to improve the preseason reports. Unless the Council has specific objections, the STT will implement those changes for the 2000 season.

C.3.b. Comments of Advisory Entities and Public

SAS

Mr. Cedergreen read the report of the SAS.

The Salmon Advisory Subpanel (SAS) agrees with the Salmon Technical Team (STT) regarding the proposed changes and offers the following additional proposals:

- 1. *Per STT Item 3, we propose that the Klamath Ocean Harvest Model should also be ready to run no later than the first day of the March Council meeting.*
- 2. *Provision of impact breakdown, by fishery, on critical chinook stocks similar to what is included now for Oregon coastal natural coho.*
- 3. *California table formats should include all harvest cells and not just those below Point Arena.*

Public

None.

C.3.c. Council Action

Mr. Boydston expressed support for beefing up the state and fishery constituents meetings as presented in Item 2 of Attachment C.3.a. He believes it would be especially helpful if Oregon and California representatives could meet between the March and April meetings to initiate movement toward a final option. Mr. Bohn agreed to pursue the possibilities for such a meeting. With regard to Item 3a, Mr. Anderson and Mr. Harp stated that it would be very difficult to identify a preferred option at the end of the March meeting for their fisheries since that is the process which occurs in the north of Cape Falcon Forum. Mr. Anderson was supportive of the concept of Item 4, but expressed significant reservations about completing negotiations in time to adopt the final measures on Thursday afternoon. In support of assisting more timeliness in the final adoption, Mr. Bohn stated he would make a recommendation that the Oregon Commission meet outside the time frame of the actual Council meetings if they desire to provide specific direction to the preseason process.

Overall, the Council supports the improvements recommended by the STT and will use the document as a guide to work toward in the coming season. Council members have some reservations over being able to identify a preferred option at the end of the March meeting and will delay a decision on scheduling the final adoption in April until the last day of the March Council meeting.

C.4. Changes to 2000 Management Measures to Protect Central Valley Spring Chinook

C.4.a. NMFS Report

Mr. Dan Viele, NMFS Southwest Region, referred the Council to a letter (NMFS Report C.4.) which provides interim guidance regarding anticipated consultation standards for threatened Central Valley spring chinook that could affect seasons opening off California prior to May 1, 2000. Mr. Viele indicated that the 2000 biological opinion should be ready by late February. The letter states that NMFS does not anticipate the biological opinion for spring chinook will require any changes to the recreational seasons opening prior to May 1, 2000. However, the listing makes it difficult for NMFS to support open entry commercial test fisheries south of Pillar Point prior to May 1 since preliminary data from the 1999 test fishery at Half Moon Bay indicate that 31% of the catch were Central Valley spring chinook, mostly of hatchery origin. NMFS could support a test fishery on an exempted permit basis which allowed capture of only the number of fish needed for a species composition determination.

While delays in the opening of recreational fisheries may not be needed to protect Central Valley spring chinook, a delay could be beneficial with regard to endangered Sacramento River winter chinook management. NMFS recommends the Council achieve the necessary reduced harvest impacts in 2000 for winter run as much as possible through delayed recreational openings south of Point Arena rather than through confusing size limit increases as has been done in the past. Such delays would also benefit Central Valley spring chinook.

C.4.b. Report of the STT

None.

C.4.c. Comments of Advisory Entities and Public

There are no advisory entity or public comments.

C.4.d. Council - ACTION

Mr. Boydston stated that CDFG planned to meet with fishery representatives within the next week to discuss delaying recreational openings south of Point Arena to protect listed species. He proposed that if fishers supported delayed openings, the seasons could be modified by an action of the California Fish and Game Commission. NMFS could then make federal regulations consistent through inseason management action. Because of the timing, (season set to open March 18 South of Pigeon Point), any necessary action would have to occur prior to the March Council meeting. The Council concurred and will not make any changes to the opening dates at this time. (Motion 7)

C.5. Test Fishery Protocol

C.5.a. Staff Report

Dr. Coon briefly reviewed the basis of the test fishery protocol (Attachment C.5.a.) tentatively adopted at the September meeting. He also noted the one public comment letter received at the Council office (Public Comment C.5.). The letter stated the protocol was received too late to allow sponsors time to meet the October proposal deadline for this year, was overly complex, and should be accompanied by an example form.

C.5.b. Comments of Advisory Entities and Public

SAS

Mr. Cedergreen read the report of the SAS.

The Salmon Advisory Subpanel (SAS) recognizes the purpose of the proposed test fishery protocol. However, in most cases, the amount of detail required to be provided will be beyond the capabilities of individuals or fishing organizations without help from state agencies. We believe that such proposals should be funneled through state and tribal agencies.

Public

Mr. Bill Maahs, commercial salmon fisherman, Fort Bragg, California
Mr. Duncan MacLean, troller, El Granada, California
Mr. Michael Maahs, Salmon Trollers Marketing Association, Fort Bragg, California

C.5.c. Council - ACTION

Several Council Members expressed concern with the amount of detail required of industry sponsors in completing the protocol and questioned why it only applied to industry sponsored test fisheries. Mr. Anderson suggested striking out the words "industry sponsored" and all references of "industry" to make it more generic. Mr. Brown concurred and recalled the discussion at the September meeting was to change the wording from "research" to "test" fisheries to clarify that it did not apply to all cases of research. He noted that in actual practice the test fisheries would have to be state-sponsored test fisheries because they have the personnel and money to do it. Dr. Coon clarified that the purpose of the protocol was not to set up a generic research review process for all test fisheries. Such a procedure could stifle agency and tribal projects which had already undergone planning and review in other venues. The protocol was aimed at encouraging the timely and efficient development of viable industry sponsored test fisheries that are coordinated with the needs and capabilities of the agencies that will implement them. Such a procedure should also help reduce conflicts and unrealistic expectations during the adoption of salmon fishery management measures in March and April.

The Council adopted the protocol for industry sponsored test fisheries as provided in Attachment C.5.a. with the following modifications:

Add a sentence in A.1 as follows - Due to the lack of prior notice, the Council will accept submission of test fishery proposals for the 2000 season up to the March 2000 Council meeting.

Add an A.3 as follows - Previously approved test fisheries do not need to be resubmitted each year.

Add the following sentence in an appropriate portion of the protocol - Test fishery sponsors are urged to coordinate their proposals through the appropriate management entities.

Under B.3., expand the sentence to say - an explanation will be provided on why a request is denied.

In C.5. - Strike the word "budgeted". (Motion 8)

C.6. Report on Selective Fishery Off Oregon in 1999

C.6.a. State Reports

ODFW

Mr. Sam Sharr presented Supplemental ODFW Report C.6. which summarizes the results of the selective coho sport fishery off Central Oregon in July 1999. He noted that the monitoring program for the fishery, which included both dockside and onboard monitoring, was successful at providing accurate and timely estimates of daily catch for quota management and other data to compare with preseason management assumptions. The inseason estimated mark rate of 62% was close to the preseason estimate of 65%. Illegal retention of marked fish was estimated at 1.1% compared to the preseason assumption of 5%. Estimates of drop-off mortality by the standard preseason method were considerably higher than those calculated by applying an 8% mortality to known drop-offs counted during the onboard monitoring of the fishery.

WDFW

Sgt. Mike Cenci, WDFW, summarized the results of enforcement monitoring in the 1999 Washington selective coho sport fisheries (Supplemental WDFW Report C.6.). He noted that it is difficult to provide unbiased estimates of regulation compliance from enforcement monitoring since anglers may act differently in the presence of a uniformed officer and the contact to violation rate may be a reflection of the effectiveness of an officer at discovering a violation. Based on the enforcement monitoring, the estimated compliance with salmon regulations in the selective fisheries ranged from 80% to 91%, depending on the fishery subarea. Compliance with marked fish retention ranged from about 99% in the Columbia River and Westport subareas down to 95% in Neah Bay where the percentage of marked fish was much lower.

C.6.b. Comments of Advisory Entities and Public

SSC

Dr. Lawson gave the report of the SSC.

The Scientific and Statistical Committee (SSC) met with Mr. Sam Sharr, Oregon Department of Fish and Wildlife, who distributed a draft report summarizing data and observations collected from selective coho fisheries implemented in 1999 off Oregon. The SSC did not have an opportunity to review the report. However, Mr. Sharr did provide a useful overview of the report's contents, highlighting strengths and weaknesses of the program. The SSC commends the report authors for compiling what, at first glance, appears to be a comprehensive summary and analysis of the data. Of particular note was the calculation of variances for fishing effort, catch-per-unit-effort, and drop-off estimates. We encourage the authors to derive variances for hooking mortality rates also. The SSC was pleased to see the report includes gear profiles of the fleet and hook wound location frequencies.

Members of the SSC's salmon subcommittee will review the document by mid-January, prior to the spring management process. The SSC concurs with the authors in cautioning against using Oregon coastal natural (OCN) coho impacts described in this report for management in the 2000 season. Estimation of OCN impacts was not among the goals of the selective fishery program and should not be interpreted as final post-season estimates.

Public

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

C.6.c. Council Comments

None.

C.7. Process for Reviewing Oregon Coastal Natural Coho Salmon Management Program in 2000

C.7.a. ODFW Report

Mr. Sam Sharr provided the Council with a tentative plan and schedule of events (Supplemental ODFW Report C.7.) to accomplish the comprehensive and adaptive year 2000 review of Amendment 13 to the salmon management plan. The review, which is also required under the Oregon Plan, is necessary to assure that the rebuilding plan for Oregon coastal natural (OCN) coho still reflects the best available science. The review will span historical data through brood year 1996 returns and be a cooperative effort among the pertinent Council managers with ODFW as the lead agency. The work group should be composed of ODFW staff, a member from the SSC, STT, and Council staff, and appropriate representatives from the Oregon Production Index Technical Team. Input will also be solicited from the Oregon Independent Multidisciplinary Science Team. An initial meeting of the workgroup should occur in November to identify key issues and make work assignments. Progress reports will be made at the March and June Council meetings. Preliminary recommendations will be reported at the September Council meeting and finalized for November 2000. Mr. Sharr requested the Council to comment and concur in the proposed plan and appoint representatives from the SSC and STT.

C.7.b. Comments of Advisory Entities and Public

SSC

Dr. Lawson read the comments of the SSC.

Mr. Sam Sharr briefed the Scientific and Statistical Committee (SSC) regarding the Oregon Department of Fish and Wildlife (ODFW) proposal for reviewing the Oregon coastal natural coho salmon management program. ODFW will convene a planning and strategy session in late November 1999 to identify key biological and technical issues and will assign work groups to address these issues. A progress report will be made available to the Council family at the March 2000 meeting. The SSC supports ODFW's efforts and looks forward to receiving this report in advance of the March meeting.

Public

There were no comments from the public.

C.7.c. Council - ACTION

Council members concurred with the items set forth in Supplemental ODFW Report C.7. [Following the meeting, the Council chair appointed Dr. Pete Lawson, Dr. Robert Kope, and Dr. John Coon to serve on the review work group.]

D. HABITAT ISSUES

D.1. Report of the Habitat Steering Group

Mr. Paul Heikkila gave the report of the HSG.

Potter Valley Project

Mr. Larry Week of California Department of Fish and Game (CDFG), Mr. Gene Geary of PGE, and Mr. Dick Butler of National Marine Fisheries Service (NMFS) presented information on the Potter Valley Project on the Eel River. The project's license is up for an amendment regarding stream flows. A draft environmental impact statement (DEIS) was released earlier this year. One hundred sixty thousand acre feet of water are diverted annually from the Eel River into the Russian River. Chinook have been impacted the most by project operations. The water diverted to the Russian River is important agriculturally and for municipalities. There is a disagreement between CDFG/PGE and NMFS/Department of the Interior, on summer flows (and pike- minnow predation) in the Eel River as well as other hydrological modeling.

Action: We request that the Council write to the Federal Energy Regulatory Commission asking that the flawed DEIS for the Potter Valley Project be rewritten and reissued by the Federal Energy Regulatory Commission with adequate time for public comment. Numerous entities, including CDFG, have requested a new DEIS. The HSG will draft a letter for the Council Chair's signature by mid-December.

Fishing Gear Impact

As the Council directed the HSG in November 1998, the HSG plans to take the lead on addressing the impact of fishing gear on habitat. Therefore, based on this understanding, the HSG plans to draft goals and objectives for this initiative and will work with the Groundfish Advisory Subpanel members who are a part of the workgroup to develop these. We request that the Groundfish Advisory Subpanel members who are part of the workgroup on Gear Impacts be part of further actions and discussions during Habitat Steering Group meetings.

Action: We request the Council approve the HSG's planned course of action.

Trinity River DEIS

The HSG heard a presentation from Mr. Mike Orcutt of the Hoopa Valley tribe on the Trinity River Mainstem Fishery Restoration DEIS.

Action: The HSG will provide the Council with a letter of comment endorsing the preferred alternative, as a minimum for anadromous salmonid restoration. This letter will come to the Council via the fast response mechanism.

World Trade Organization

We discussed the upcoming World Trade Organization (WTO) meeting in Seattle. Concerns have been raised about subsidies, tariffs, and other issues that the WTO may rule on how these would affect habitat restoration and fishery management efforts.

Action: The HSG recommends that a Council representative interact with the U.S. delegation to the WTO and attend the WTO meeting. If approved, the HSG will ensure that the Council representative will be adequately briefed prior to the meeting.

The HSG also received presentations on the proposed San Francisco airport expansion, the Oregon Forestry MOA Committee efforts, and the impact of gravel mining on salmonids.

D.2. Comments of Advisory Entities and Public

There were no comments from advisory entities or the public.

D.3. Council - ACTION

Mr. Brown noted that he would like to share this work plan for fishing gear impacts with others. He is concerned that we have several groups going off working on EFH. He would like to see coordination; no duplication.

Mr. Anderson noted that we have already confirmed the plan for fishing gear impacts. Do we need a motion to reaffirm all of that?

Mr. Anderson moved that the HSG have the lead for addressing the impact of fishing gear on habitat and that they utilize members of the GAP representing the different gear types and their work; and that we approve the work plan laid out in Supplemental WGI Report D. Mr. Alverson seconded the motion. (Motion 9) Motion passed.

Mr. Boydston moved that the Council direct the HSG to develop letters for the Council on the issue of the Potter Valley FERC project; and the second letter for comments on the Trinity River DEIS, and the Council use the fast response mechanism. (Motion 10) Mr. Fletcher seconded the motion.

Mr. Boydston explained that Mr. Larry Week will work closely with Michele Robinson on drafting that letter. Mr. Harp asked for clarification about the Potter Valley Project DEIS. What is the preferred alternative? Mr. Boydston said he did not know. Motion 10 passed.

Public comment period for fishery issues not on the agenda

Mr. Robert Treanor, Executive Director, California Fish and Game Commission (Commission) presented the Commission's stance on sportfish rockfish bag limits (regulations). A special hearing was held on October 20, 1999 to receive the CDFG recommendations and public comments on those regulations. They also heard reports from various agencies on the status of rockfish populations. The conclusion was that the commission adopted tentative intentions (a range of recommendations for the management of the rockfish populations). He also read a letter to the Council (which was provided to Council members).

Mr. Mark Cedergreen, representing Westport Charterboat Association, Westport, Washington, brought up the subject of the spot prawn trawl fishery. He talked about gear conflicts with that fishery as well as the local pot fishery. That is part of the increase in halibut bycatch. Mr. Cedergreen requested that either the Council consider a management plan for spot shrimp or that this fishery be managed in the same manner as crab so there is some form of process and involvement to solve the problems of gear conflicts with the spot prawn trawl fishery. Mr. Anderson noted that WDFW does have regulations for spot prawn off the Washington coasts. WDFW would be willing to address his concerns.

Mr. Steve Meadows, Assistant Natural Resources Director, Quilleute Tribe, commented on halibut bycatch which was not addressed in the halibut catch sharing plan.

E. COASTAL PELAGIC SPECIES MANAGEMENT

E.1. Update on Implementation of Limited Entry

Mr. Jim Morgan (NMFS/SWR) reported that NMFS is reviewing the final regulations to implement limited entry. It is expected that the final rule will be published in mid-November 1999. Because of the short period between publication of the final rule and implementation of limited entry (January 1, 2000), Mr. Morgan encouraged interested parties to obtain an application and the draft final rule. He suggested that applicants familiarize themselves with this material to expedite the application process.

E.2. Pacific Mackerel Harvest Guideline

E.2.a. Biomass Estimate and Harvest Guideline

Dr. Doyle Hanan and Dr. Kevin Hill presented the Pacific mackerel assessment (Attachment E.2.a.). Dr. Hanan reviewed the Executive Summary; discussed how the assessment model is modified annually to improve biomass estimates; and outlined data sets that are available to assess Pacific mackerel, notably, a suite of fishery independent data. Dr. Hanan then reviewed the 1999 Pacific mackerel biomass estimate, and discussed a revision of the assessment based on new information indicating Mexican harvest of Pacific mackerel was approximately 10,000 mt lower than anticipated. Biomass is estimated to be 239,286 mt; the recommended harvest guideline is 46,428 mt.

Mr. Fletcher asked about the market for market squid, has it created incentives for fishing for Pacific mackerel? Also inquired about the duration of the season? Dr. Hanan said the fishery opens July 1 and ends June 30 the following year. Pacific mackerel landings in California in June 1999 were 2.5 tons, additionally, the Pacific mackerel quota was not taken last year either. The fishery management plan states that demand is not expected to exceed 40,000 mt. The price has not changed from \$120.00 - \$130.00 per mt. To date, about 3,000 mt have been landed. The amount landed prior to December 31, 1999 will be subtracted from the final harvest guideline on January 1, 2000.

Mr. Alverson, was confused by apparent contradictions in the Executive Summary, which indicated 1998-1999 biomass equal to 120, 202 mt versus 193, 503 mt. Ms. Wolf asked if this is the biomass estimate. Dr. Hanan answered that the difference is due to the estimate at the start of the season, versus the actual tons landed based on a calendar year. Dr. Hill explained the difference between a model estimate versus a forecast estimate. Dr. Hanan noted that the model becomes more accurate each year the model is run.

Mr. Fletcher noted that the landings of Pacific mackerel in 1998 and 1999 were limited due to availability of market squid. He inquired about mackerel landings increasing as squid prices are currently declining. Both Drs. Hanan and Hill indicated that, yes, this could happen.

E.2.b. Comments of Advisory Entities and Public

On behalf of John Royal (CPSAS chair), Dr. Hanan noted that the CPSAS is supportive of the CPSMT's efforts.

Public

Ms. Barbara Stickle, Director of PCFFA, Moss Landing, California

E.2.c. Council - ACTION

Ms. Patty Wolf moved that the Council adopt the final harvest guideline for the 1999-2000 Pacific mackerel season of 46,428 mt, and, effective January 1, 2000, subtract the landings from the first three months of the season from that quota. Seconded by: Bob Fletcher. (Motion 11) Motion passed.

Mr. Fletcher moved to Approve inclusion of the annual management cycle for CPS in the Council Operating Procedure for the CPS management cycle as shown in Attachment E.2.b. (Motion 12) Mr. Thomas seconded the motion. Motion 12 passed.

F. Highly Migratory Species Management

F.1. Guidance to Plan Development Team

F.1.a. Summary of Scoping Sessions

Mr. Svein Fougner explained that a scoping document was developed and distributed prior to the scoping sessions, which were held in Westport, Newport, Monterey and Long Beach. Mr. Fougner distributed Supplemental NMFS Report F.1., a provisional list of 19 items of guidance to the HMSPDT.

Ms. Michele Robinson summarized the scoping session held on October 18 in Westport, Washington.

Ms. Jean McCrae summarized the session held in Newport, Oregon, October 19; Dr. Dale Squires presented the results of the Monterey session, October 12, 1999; and Mr. Steve Crooke summarized the session in Long Beach, October 13, 1999.

F.1.b. Comments of Advisory Entities and Public

HMSAS

Mr. Peter Flournoy gave the report of the HMSAS:.

The Highly Migratory Species Advisory Subpanel (HMSAS) met October 22, 1999, in Long Beach, California. Six of the ten members attended, including:

*Dr. Michael Domeier, private recreational
Mr. Pete Dupuy, commercial at-large
Mr. Peter Flournoy, Chairman, commercial purse seine
Dr. Rod Fujita, public at-large
Mr. Donald Hansen, charter boat operator
Mr. Chuck Janisse, commercial gillnet*

The two processor representatives, the commercial troll representative and the other public at-large member were unable to attend. Members of the Highly Migratory Species Plan Development Team (HMSPDT) also attended.

The HMSAS received summaries of the four scoping meetings held to collect public input on issues that should be considered in the development of a fishery management plan, and the HMSAS discussed the principal issues mentioned in the scoping paper.

Scoping Sessions

Some HMSAS members expressed concern that the sessions were held during a period when many commercial fishermen were fishing and therefore unable to attend. They felt there had been a disproportionate attendance by sport and charter boat interests which tended to skew the impression NOAA and other government officials received. Assurances were given that the "scoping sessions" were only one of many sources the government would look at and the public was invited to express their views in writing or in person at Council meetings. It was suggested that in addition to the government increasing its outreach efforts to get more and wider participation in future meetings and scoping sessions, the HMSAS should also increase their outreach efforts.

Objectives of the Fishery Management Plan (FMP)

There was considerable discussion of the "nature" of the FMP - was it to be a "framework" or "bare bones", and if so, what such a framework FMP means. Some HMSAS members believed that even

a framework FMP needed to have various management measures attached to it even if it did not relate directly to the highly migratory species target species.

*The HMSAS recommends that the following objective **not** be included in the FMP: "Use gear restrictions to minimize the necessity for other management measures whenever practicable." Gear restrictions may not be the best way to manage some fisheries.*

Species in the Management Unit

There was considerable discussion and some confusion concerning this issue. The HMSAS discussed a wide range of options, from listing all of the species in the 1982 United Nations Law of the Sea Treaty Annex I to including some general language without listing species. There is uncertainty about the legal ramifications of an all-inclusive list of target and non-target species. Will this require maximum sustainable yield and biomass estimates for all stocks, including non-target species which in the short term cannot be provided? The HMSAS believes that the list of principal stocks of interest in the scoping document is a good starting point, but in addition recommends incorporation of framework language to allow addition of stocks as necessary.

State vs. Federal Regulations

This is a matter of great interest and there were a number of questions about how the Council should proceed. Should all existing state regulations be incorporated into federal regulations implementing the FMP? To what extent are the regulations in Washington, Oregon and California inconsistent with each other? Could and should any inconsistencies be removed by the federal regulations? As an initial step, the HMSAS recommends that the HMSPDT document all of the existing state regulations and evaluate them for consistency with each other and with any existing federal regulations.

Need for Management Measures

There is no consensus at this time on the need for management measures. Limited entry in the albacore fishery was raised during the scoping meetings, but the HMSAS is not prepared to recommend any new limited entry programs at this time. It was noted that the California swordfish fishery is limited by the state. The HMSAS recommends that the albacore industry discuss this issue and make recommendations directly to the Council. There may also be other developing HMS fisheries not presently represented for the Council.

There was one member of the public present who began a discussion of shark finning. Some HMSAS members thought it was inappropriate to single out shark finning as a management measure. It was recommended the term "utilization" be used as a more general description.

Research and Monitoring

All recognize the need for expanded research and data collection for highly migratory species in the Pacific.

International Concerns

The HMSAS is keenly interested in ongoing international discussions in the Pacific as they affect West Coast-based fishermen and processors. Individual HMSAS members continue to monitor the meetings of the Inter-American Tropical Tuna Commission and Multilateral High-Level Conference. The HMSAS agreed we need to include a strong international focus in the management process, while addressing any domestic issues as appropriate. The key to conservation and management of these stocks is international agreement and cooperation.

Plan Development Schedule

The target FMP completion date is October 2000. NMFS anticipates there will be enough funding for HMSPDT and HMSAS meetings necessary to complete the FMP. The exact number and dates of meetings are yet to be determined. The first HMSPDT meeting to begin FMP development is set for December 8-10, 1999, at the NMFS Southwest Fisheries Science Center in La Jolla, California.

Public

Mr. Chuck Janisse, Federation of Independent Seafood Harvesters, Ventura, California
Ms. Andy Oliver, World Wildlife Fund, Washington, DC
Mr. Wayne Heikkila, Western Fishboat Owners Association, Eureka, California
Ms. Tana McHale, Western Fishboat Owners Association, Eureka, California
Mr. Peter Flournoy, representing the American Fisheries Foundation, San Diego, California
Mr. Ron Gahl, Recreational Fishing Alliance, Oakland, California

F.1.c. Council Direction - ACTION

In response to public comment, the Council discussed the merits and process of setting a control date for any future limited access program. Ms. Cooney said that the action of setting a control date needs to be announced on a future agenda first. This issue is not on the agenda for this meeting.

Dr. Radtke asked if the Council could set the control date for all highly migratory species, or certain species. Mr. Fougner said you can set it for whatever fishery sectors or species you would like to have under a limited entry program in the future. Ms. Cooney said you should be realistic about what you are doing in the distant future. The control date is really an advanced notice of proposed rulemaking, sort of a "heads up".

Mr. Fletcher moved that the Council notify the public that it may set a control date for all HMS at its March 2000 meeting. (Motion 13). Ms. Wolf asked if the control date would be the date at the March meeting, or can we set a date now? Ms. Cooney clarified that it would be the date of the March meeting at the earliest. Motion 13 passed.

Mr. Anderson asked Mr. Fougner if the initial guidance to the plan development team includes a timeline. Mr. Fougner replied that a timeline is not included, but the guidance does include a progress report from the team in March.

Ms. Wolf suggested adding to the list a direction to insure that there is communication between the HMSAS and HMSPDT on development of the FMP. Mr. Anderson said he would like the team to develop a timeline and potential schedule of meetings in developing the FMP. Mr. Bohn moved to adopt guidance to the HMSPDT as shown in Supplemental NMFS Report F.1., with the addition of suggestions by Ms. Wolf and Mr. Anderson. (Motion 15) Motion 15 passed.

Mr. Anderson brought up the composition of the advisory subpanel. He is concerned that the Subpanel needs more representation of the commercial albacore fleet, particularly in the north. Mr. Fletcher noted that we should turn to NMFS since they are funding the development of this plan. Mr. Fougner replied that funding should not be a problem, depending on how many meetings they want to hold. Mr. Anderson moved to add two commercial at-large seats to the HMSAS (Motion 14). Mr. Brown said we need to keep in mind that there are a couple of fleets that fish albacore, one is the fleet represented by the WFOA; there is also a fresh market category selling right off the dock - those people need to be identified. Mr. Fougner noted that the new members would not be appointed until the March meeting and would not be attending the next Subpanel meeting prior to the Council meeting. Motion 14 passed.

G. GROUND FISH MANAGEMENT

G.1. Status of Regulations, Exempted Fishing Permit Applications, Research Programs, and Other Activities

G.1.a. NMFS Report

Mr. Bill Robinson reported on two regulatory actions taken by NMFS since September: 1) publication and implementation of trip limit adjustments put in place on October 1; and 2) the control date notice for future participation of AFA qualified vessels (that notice is under review at the headquarters office, and will be published shortly). Applications for Exempted Fishing Permits (EFPs) for the shoreside Pacific whiting fishery have been received. Oregon Department of Fish and Wildlife (ODFW) and Pacific whiting fishery participants are developing plans to address bycatch in this year's whiting fishery. See supplemental ODFW Report G.1.

Mr. Robinson also discussed the reopening of the comment period on the interim final rule for Essential Fish Habitat (EFH). See Supplemental NMFS Report G.1.

Request for Comments

In light of the comments received on the interim final rule and NMFS' experience implementing the EFH provisions of the Magnuson-Stevens Act under the interim final rule for approximately 20 months, NMFS has identified four issues that warrant additional public input prior to the development of a final rule. Commenters on the interim final rule need not resubmit their previous comments. When developing the final rule, NMFS will consider all comments received on the interim final rule as well as comments received in response to this document.

NMFS requests comments on the following issues:

(1) Given the statutory definition of EFH in section 3(10) of the Magnuson-Stevens Act (16 U.S.C. 1802(10)), what suggestions do you have for improving the regulatory guidance regarding the description and identification of EFH, including the breadth of EFH designations, in Secs. 600.815(a)(1) and (2) of the interim final rule?

(2) Section 600.815(a)(3) of the interim final rule addresses fishing activities that may adversely affect EFH. What additional guidance, if any, should the final rule contain on how Councils should document their efforts to minimize the effects of fishing on EFH, to the extent practicable, as required by section 303(a)(7) of the Magnuson-Stevens Act (16 U.S.C. 1853(a)(7))?

(3) Has the use of existing environmental review procedures as described in Sec. 600.920(e) of the interim rule been an effective way to handle EFH consultations? What additional guidance, if any, should the final rule provide on how to use existing environmental reviews to satisfy EFH consultation requirements?

(4) Federal action agencies are required by Sec. 600.920(g) of the interim rule to prepare an EFH Assessment as part of the consultation process. How, if at all, should the EFH Assessment requirement be revised in the final rule?

NMFS will publish a *Federal Register* notice in early November requesting comment on these issues within 45 days from the publication date. Mr. Robinson noted that if the Council wants the Habitat Committee to take this up, then they should direct the committee accordingly.

Mr. Brown stated that, in regard to the control date for AFA qualified vessels, the AFA specifies that Councils will mitigate adverse impacts relative to AFA. The cutoff date corresponds to the September meeting, rather than the date of AFA passage/implementation. In publishing that cutoff date, is that the date the Council is fixed with, are we bound by that date?

Mr. Robinson said the control date was the date corresponding of the September Council meeting. He stated that the date does not limit the Council in the development of management measures to address adverse impacts resulting from the AFA. Ms. Cooney replied it takes more justification to go back.

Ms. Cyreis Schmitt reported the NMFS/Alaska Fisheries Science Center's (AFSC) bottom trawl survey has been completed. The NOAA research vessel Miller Freeman is currently performing the West Coast bottom trawl survey and will be out until mid-November to measure abundance of upper-shelf species. NMFS is also evaluating the NWFSC two-year survey off the continental slope and making comparisons with AFSC work. Two graduate students have been funded to gather and summarize existing information on 60 species that have not been assessed. This information will be used to assess their status. Regarding EFH, the AFSC met with others on a project to map sediment size on the shelf. Finally, Dr. James Hastie (NMFS) will be joining the NWFSC, and Ms. Schmitt is exploring the possibility of hiring an assessment assistant.

Mr. Alverson asked about the reference to a shallow water trawl survey to look at sablefish and Dover sole. Ms. Schmitt replied that the survey was for the upper slope.

Mr. Neal Coenen presented Supplemental ODFW Report G.1., detailing the ODFW/whiting industry effort to address rockfish bycatch in the shoreside Pacific whiting fishery.

G.1.b. Comments of Advisory Entities and Public

No comments from advisory entities.

Public

Mr. Joe Easley, Oregon Trawl Commission, Newport, Oregon
Mr. David Jincks, Newport, Oregon
Mr. Dale Myer, Arctic Storm, Seattle, Washington
Mr. Neal Coenen, Newport, Oregon
Mr. Bob Eaton, Pacific Marine Conservation Council, Astoria, Oregon

G.1.c. Council - ACTION

Mr. Bohn indicated EFP applications for the shorebased whiting fishery will be presented by ODFW in the March/April time frame. There is good information that the rockfish bycatch problem can be contained. Mr. Bohn believes the Council should let the industry come forward with these solutions.

G.2. Fishery Management Plan Amendment for Stock Rebuilding and Specific Rebuilding Programs for Lingcod, Bocaccio, and Pacific Ocean Perch

Mr. Glock reviewed all of the documents the Council will be using, and what action items need to be dealt with.

G.2.a. Rebuilding Plan Briefings

Mr. Glock discussed Attachment G.2.a., the draft FMP amendment 12 - stock rebuilding plans.

Mr. Boydston referred to Section 5.6.5.3. that indicates allocation proposals require three Council meetings and asked if we intend for that to be the case? He noted we anticipated taking final action at this meeting, but this is only the second. Mr. Brown expressed the same concern. Ms. Cooney explained we are operating with the understanding the Council's recommendations will require emergency rule and therefore not constrained by that provision. In the future the Council will need to schedule three meetings if allocation measures are included in the rebuilding plan. Mr. Brown was also concerned that bycatch, harvest sharing, and some other parts in the current rebuilding plans, would be incomplete if adopted today. Mr. Robinson agreed the rebuilding plans are missing the description of the management measures and how they will

work to achieve the goals of the rebuilding plan. After the rebuilding goals are decided at this meeting, they will be added to each plan. Mr. Robinson said there has not been time to deal with everything, and the economic analysis has not been done. The adoption of the amendment may shift to the April meeting. In the future, the Council would approve a rebuilding plan and adopt regulations at the same time. Ms. Cooney said if the Council delays adoption until the April meeting, we could develop more frameworks to deal with this issue.

Mr. Fletcher asked whether the Council needs to address canary and cowcod. Mr. Robinson said they are not yet listed as overfished, but NMFS will notify the Council around the end of this year that canary and cowcod are overfished.

Mr. Glock suggested that when a stock assessment analyst does an assessment and the conclusion is that the stock is overfished, that they also be tasked with identifying the basic information we need (the current status, minimum rebuilding time, mean generation, etc.). We could use that information to get a head start on the rebuilding plans. As for allocations, the Council will need to develop strategies. In order to meet the three-meeting process, we need to start in June 2000 based on the information we have now. This year we did not get started early enough, and we are learning as we go along.

Mr. Brown asked about using the STAR panel process to review the initial stock rebuilding plan development. Rebuilding plans require a lot of technical work in developing them and require some assumptions and data interpretation. We are relying too heavily on one person doing all of the work, but these plans should receive a high degree of scrutiny and a lot more assistance from others. Mr. Glock noted that if the STAT team calculated the minimum rebuilding time period, MSY level and current biomass, we could proceed more quickly to develop the management strategies to get there.

POP

Mr. Glock and Dr. MacCall summarized the POP rebuilding plan (Attachment G.2.d.).

The Council broke from the agenda briefly so Mr. Robert Hight, Director, CDFG could describe the California legislative activities regarding rockfish. Mr. Boydstun noted the expedited response from the Governor of California to the CDFG.

Bocaccio

Dr. MacCall presented Attachment G.2.c., regarding bocaccio. He noted that the probability of successful rebuilding in the projected time under the Table 1 approach is related directly with the size of the 1999 yearclass and the 2000 catch. An alternative approach could include a phase-in period, during which fishing effort is reduced progressively. This would allow higher initial catches but might decrease the chances of achieving the schedule. Under this approach, catches could be held near 100 mt for four years and still achieve a 34 year rebuilding.

Mr. Boydstun noted that in September the Council discussed an OY range of 40 to 90 mt. Table 1 is very close to that. Table 2 is a response to his suggestion for higher initial catches followed by ramping down the harvest rate later. The size of the 1999 year class is critical, and if it is large, we will have trouble reducing the harvest rate as those fish mature and enter the fishing grounds. We will have to reevaluate the rebuilding and effort reduction regularly for many years. And it will take us a few years to figure out what we're doing. Meanwhile, the Council will just have to bite the bullet.

Mr. Anderson asked how catch rates would be reduced in 2003 and beyond so that we do not just increase discards. Mr. Boydstun noted this question will apply not only to bocaccio, but with all stocks that need to be rebuilt. He noted the effort index benchmark in Table 2 is based on 1998, and in 1999 we are already below the 1999 index. The question on how we go from an effort index of .5 to .3 is one we are going to have to struggle with. We should have a better idea of the 1999 yearclass strength in 2001, and then we will need to carefully evaluate where we are and what to do next.

Mr. Anderson agreed, stressing it will be difficult for the Council to hold mortalities down to a certain level without an observer program to measure bycatch.

Dr. MacCall noted that every time we do a stock assessment, the Council will have to repeat this entire exercise. Mr. Glock referred to the figure on the front of Attachment G.2.c., and noted the little upturn in abundance for the year 2000. Even under the highest abundance estimate for the 1999 year class, we have a very long way to go.

Lingcod

Mr. Glock then summarized Attachment G.2.b., indicating the stock must be rebuilt within 10 years. He reminded the Council that next year we will have a coastwide stock assessment for lingcod and will have to reevaluate the situation at that time.

Mr. Bohn asked if the Oregon and California recreational information on page one has been adjusted or if it is based on the MRFSS data. Mr. Glock explained it has not been adjusted, but the adjusted data was used in the projections.

Dr. Radtke concurred the Oregon recreational information shown on page one had not yet been adjusted. He also asked about tribal catches and if they were included in the SAFE document. Mr. Glock said the tribal catch of lingcod has been very small, about 1 mt per year, and is included in the Washington commercial catch data. There is no allocation of lingcod for tribal fisheries.

G.2.b. Comments of Advisory Entities

SSC

Dr. Ray Conser gave the report of the SSC.

The Scientific and Statistical Committee (SSC) reviewed all briefing materials on this subject and concluded that, since the conclusion of the September Council meeting, no substantive changes have occurred to the specific rebuilding plans of lingcod, bocaccio, and Pacific ocean perch. At its last meeting the SSC made a number of general comments and recommendations about the construction of rebuilding plans, as well as the specific rebuilding projections for the three overfished stocks.

There is a requirement in the proposed framework fishery management plan (FMP) amendment that all rebuilding plans must be reviewed at least once every two years. There are certain to be instances where a full analysis of stock population dynamics that incorporates significant new sources of information will not be possible every two years. The SSC concluded that in those cases a simple review of landings in the context of rebuilding projections, along with a summarization of existing trend information, may suffice to meet the requirement of a biennial review. This type of simple review, however, will not eliminate the need for full and detailed stock assessments to be conducted on a periodic basis, with a frequency dictated by the availability of new data, the dynamics of the stock, and the needs of management.

The SSC was not presented with any proposed regulatory options designed to meet specific rebuilding targets. Nonetheless, such management measures are an integral part of stock rebuilding plans, as specified in the framework FMP amendment. Therefore, at the time the SSC reviewed these rebuilding plans they were not yet complete. The SSC also recommends that all rebuilding plans should include an explicit statement of the expected yield after rebuilding is completed, i.e., the maximum sustainable yield (MSY) of the stock.

Under the national guidelines for implementation of the Sustainable Fisheries Act, stocks are rebuilt when they recover to a biomass level equal to B_{msy} , which is the stock size that produces MSY when fished at a rate equal to F_{msy} . Under the 40-10 harvest policy currently in use by the Council, a

biomass equal to 40% of the unexploited biomass is a proxy estimate of B_{MSY} . The SSC recommends that improved methods of accurately estimating B_{msy} be developed to reduce reliance on generic proxy estimates, at least in situations where the data warrant.

GAP

Mr. Rod Moore read the report of the GAP.

The Groundfish Advisory Subpanel (GAP) discussed proposed rebuilding plans for certain overfished stocks. In regard to rebuilding plans in general, the GAP again urges the Council, the States, and NMFS to establish an adequate data collection, analysis, and monitoring system to ensure rebuilding is occurring according to plan. In particular, the GAP believes that new stock assessments for overfished species need to be conducted prior to 2003, and adequate funding and personnel need to be assigned to data collection and analysis. The consistent failure of NMFS to secure adequate funding for fisheries research leave the entire fishery in jeopardy.

In regard to bocaccio, the majority of the GAP, with two dissenting votes, supports the phase-in strategy developed by the rebuilding plan author, using a starting point of 120 mt and an F rate index of .04. Further, the GAP recommends examination of historical correlations between water temperature and power plant impingement of juvenile bocaccio to determine whether this will be a useful tool in determining productivity and recruitment.

Two members of the GAP believe that a bocaccio starting point of 120 mt is too high and relies too heavily on uncertain future events. These two members believe the bocaccio optimum yield should not exceed 100 mt in 2000.

HSG

Mr. Glock read the report of the HSG.

Please refer to the essential fish habitat appendix of the West Coast groundfish fishery management plan (June 1998). Information includes range, fishery, habitat, movements and migrations, reproduction, growth and development, and trophic interactions. Figures include distribution in National Marine Fisheries Service (NMFS) Triennial and Slope Surveys; National Oceanic and Atmospheric Administration West Coast Atlas, Invertebrate and Fish Volume (lingcod, Pacific ocean perch [POP]); NMFS and CalCOFI Ichthyoplankton Survey (lingcod, Bocaccio); and Trawl Logbook (lingcod, POP).

- 1. The Habitat Steering Group (HSG) requests that this information be part of the rebuilding plan.*
- 2. The HSG requests that additional habitat information be added to the plan when it is reviewed in 2001-2002.*
- 3. The HSG requests that rebuilding plans incorporate the use of management tools based on habitat requirements of overfished stocks and the ecological functions provided by those habitats.*

G.2.c. Summary of Written Comments

Written public comments suggested spatial management (closed areas) might be appropriate for lingcod and POP because they tend not to move around much as adults. It might also be appropriate to consider area closures for adult bocaccio. Suggestions for size, shape, location and duration were provided.

G.2.d. PUBLIC HEARING ON PLAN AMENDMENT

Mr. Steve Bodnar, Coos Bay Trawlers Association, Coos Bay, Oregon
Mr. Joe Easley, Oregon Trawl Commission, Newport, Oregon
Dr. Joshua Knowlis, Center for Marine Conservation, San Francisco, California
Ms. Jennifer Bloeser, Pacific Marine Conservation Council, Arcata, California
Ms. Karen Garrison, Natural Resources Defense Council, San Francisco, California
Mr. Rod Fujita, Environmental Defense Fund, Oakland, California
Mr. John Shawstak, longliner, Arcata, California
Mr. Bill Smith, commercial vessel owner, Half Moon Bay, California
Mr. Ron Gahl, Recreational Fishing Alliance, Oakland, California

G.2.e. Adopt Final Amendment and Programs - ACTION

Mr. Glock mentioned the Council could delay action on the plan amendment itself (as recommended by NMFS) but must take final action on the rebuilding plans at this meeting. Mr. Robinson explained the Council must submit the rebuilding plans by March 3. The amendment is separate from the rebuilding plans; it just sets up the process that the Council would go through to develop rebuilding plans.

Mr. Glock explained the original NMFS position was an amendment for each rebuilding plan, but they agreed to accept a framework instead. They want something they can review and accept or reject. Based on our suggested framework amendment, it is our understanding they were willing to accept rebuilding plans that are basically Council policy statements. The framework will require the Council to follow the rebuilding plan process.

Mr. Anderson said he believed there was consensus to delay action on the amendment and offered a motion to that effect. Mr. Anderson moved that the Council delay action on groundfish Amendment 12 until the April Council meeting. Mr. Harp seconded the motion. (Motion 16)

Mr. Bohn then said he assumed the two species were adding would follow the new framework process or would it be done ad-hoc since NMFS would not have submitted the final rule? Mr. Robinson said the approval of the amendment would probably be done in early summer, and the next 2 rebuilding plans would be done according to the amendment and due by January 2001.

Mr. Anderson moved to adopt the lingcod rebuilding plan as presented in Attachment G.2.b. (November 1999) utilizing Option 5 for the purposes of establishing rebuilding yields (OYs) in Council managed fisheries. Mr. Harp seconded the motion. (Motion 17) Motion 17 passed.

Mr. Anderson then made a motion that the Council adopt the Pacific Ocean perch rebuilding plan as presented in Attachment G.2.d. Rebuilding yields (OYs) shall be determined utilizing the reproductive success reflected from 1980-on coupled with an "F" value of 0.035. Mr. Harp seconded the motion. Motion 18). Motion 18 passed.

Mr. Boydston moved to adopt the bocaccio rebuilding plan as presented in Attachment G.2.c. utilizing medium recruitment for 1999, $F = 0.03$, and $OY = 100$ mt. Mr. Fletcher seconded the motion. (Motion 19) Motion 19 passed. Mr. Bohn noted that he supported the motion because it allowed for flexibility.

G.3. Final Harvest Levels for 2000

G.3.a. Summary of Written Comments

Most public testimony stressed the need to protect groundfish stocks from overharvest by applying risk-averse harvest rates, bycatch accounting methods, and other measures. Other testimony addressed the need for funds to reduce the size of the fleet, and to avoid catch reductions that would seriously impact the industry and coastal communities.

G.3.b. GMT Recommendations and Impact Analysis

Dr. Jim Hastie presented the GMT's final ABC and OY recommendations and explained how the GMT had estimated recreational catch in 2000. He described the new minor rockfish categories and how the GMT apportioned the allowable harvest between recreational and commercial sectors, and between limited entry and open access sectors. (GMT Reports G.3.[1]. thru G.3.[5].). Dr. Hastie explained that in recent years, *Sebastes* species without assessments and those with less rigorous assessments have generally been managed under generic *Sebastes* Complex trip limits. The GMT has expressed concern for several years over the opportunity for lower-abundance, higher-valued species to be harvested at unsustainable rates within this framework. In response to some of these concerns, the Council separated the ABCs/OYs for the more abundant chilipepper and splitnose rockfishes from the remainder of the Southern *Sebastes* complex for the 1999 fishery. In addition to issues of this nature, pending rebuilding plans for several shelf species led to concerns that harvest targets for "rebuilding" species could require much more severe restrictions for *Sebastes* than would be the case if sub-groups of these species could be developed.

In consultation with the GAP and industry attendees at the October and November meetings, the GMT developed species lists for three *Sebastes* sub-groups--Near-shore, Shelf, and Slope--for the Northern and Southern areas, using Cape Mendocino as the boundary between north and south. Because of the distribution of many of these species, it was not possible for these lists to reflect well-defined depth/habitat strata. Instead, emphasis was placed on organizing species into groups based on the most common associations in catch. Following the assignment of species to sub-groups, OYs for each of the sub-groups were estimated using the approaches outlined above for moving the ABC line.

All species lacking rigorous individual assessments were included in Minor Rockfish groups within each of the new management areas. OYs associated with species which had less rigorous assessments ("remaining rockfish") were assigned to the appropriate sub-group. As for the 1999 fishery, OYs for these species were set at 75% of the computed ABC to address uncertainty in abundance. Trawl survey data were used to establish baseline ratios for the abundance of unassessed species ("other rockfish") belonging to the Shelf and Slope sub-groups. Individual species landings for each area were identified, to the extent possible, from the commercial and recreational fishery data. With the commercial data, assumptions were made regarding the distribution of landings among sub-groups, for poundage where the species remained unidentified. With the recreational data, assumptions were made regarding the percentage of landings within the Northern California statistical area that had occurred in the Eureka management area. For the "other rockfish" component of Minor rockfish, OYs were set at 50% of the estimated historical landings, as was done in 1999. This 50% reduction reflects the greater uncertainty about the status of these species, where ABCs are typically based only on historical landings data. The resulting ratios of landings among all three sub-groups were then blended with the ratios of biomasses from trawl surveys for shelf and slope species. These percentages were then multiplied by the "other rockfish" OYs, for each area, and added to those of the "remaining rockfish" species within each sub-group, to arrive at the Minor Rockfish targets for each sub-group.

Allocations between limited entry and open access are based, in principle, on the distribution of landings of a species during the limited-entry qualifying window. Landings by vessels that qualified for permits (or any groundfish trawl vessels) count towards the limited-entry share of those landings. Because species identification is insufficient to determine shares for most individual rockfish species, the Council has previously utilized the shares of all *Sebastes* landed during the qualifying window as representative shares for most individual or species-group allocations of *Sebastes* species. While this approach has been adequate for dealing with the single generic *Sebastes* Complex structure in recent years, it is less well suited for the individual sub-groups proposed for 2000. The GMT proposed to maintain the window-period *Sebastes* shares for the summation of all Minor Rockfish allocations within each of the Northern and Southern areas, but to adjust the percentage allocations within each area's sub-group to better reflect traditional target species of each fleet. With the lack of complete species identification in even recent years, the eventual percentages were based on each fleet's distribution of identifiable species among the sub-groups and assumptions regarding the distribution of their landings where species could not be identified.

The anticipated amounts for recreational fisheries, which most directly impact the nearshore commercial harvest guidelines, are shown in Supplemental GMT Attachment G.3.(4) and Revised Supplemental GMT Attachment G.3.(4). These tables illustrate the alternative estimates of recreational catch and the effects on open access and limited entry harvest levels.

G.3.c. Treaty Indian Harvest Guidelines

Mr. Steve Joner and Mr. Russ Svec offered comments from the Makah Tribe.

The Tribes are concerned about the GMT recommendation for a more conservative harvest regime for sablefish in 2000.

While the tribes are fully supportive of taking needed conservation measures to protect stocks, we do not do not believe the situation with sablefish warrants taking such a conservative action this year.

The latest sablefish biomass may be less than 40% of its unfished level, but that does not mean that we are facing an immediate crisis with sablefish. We are not aware of any scientists or managers that believe sablefish is in a crisis that warrants extreme action.

The Council should keep in mind that sablefish are not in the same situation as many rockfish and lingcod. They have very different life histories, biology, and behavior.

We experienced severe social and economic impacts in 1998 due to the reduction in the sablefish harvest guideline which was subsequently corrected to pre 1998 levels following the two independent assessments in 1998. We do not want to make a down payment on future reductions absent thorough scientific review of the need to reduce the harvest level for sablefish.

A harvest rate policy workshop was convened a year ago.

For yellowtail rockfish, we believe that sufficient evidence exists that the biomass is increasing and the OY should remain at the F40 level until the harvest rate workshop is completed next year.

The tribes believe that the most appropriate action for the Council to take at this time is to follow through with the recommendation that the Council made at the September meeting for an OY of 7,919 metric tons. Then at the harvest rate workshop planned for next spring, the scientists can work on determining the most appropriate harvest rate for sablefish. If it is scientifically warranted, then action can be taken for 2001 fisheries. We do not feel that this delay will pose any risk to the sablefish stock.

Mr. Harp presented the following statement:

The tribes (the four ocean coastal tribes) are proposing essentially status quo harvest limits for 2000 tribal fisheries and at the September Council meeting provided a supporting document indicating this proposal will produce very moderate harvests. This document is again being provided to the Council. We have made very minor wording changes in our proposal to reflect the GMT's recommendation to discontinue the use of the Sebastes Complex as a management grouping. Otherwise, the tribal proposal is the same as was accepted by the Council in September.

The Council should adopt the following options for 2000 tribal fisheries:

Black Rockfish - *The 2000 tribal harvest guidelines will be set at 20,000 pounds for the management area between Cape Alava and the US/Canada border, and 10,000 pounds for the management area located between Destruction Island and Leadbetter Point. As with the non-treaty regulations, no tribal harvest restrictions are proposed for the management area between Cape Alava and Destruction Island.*

Sablefish - The 2000 tribal set aside for sablefish will be set at 10 percent of the Monterey through Vancouver area OY.

Thornyheads Rockfish - Tribal fisheries will be restricted to a 300 pound per trip limit for all fisheries. This trip limit will be for short and longspine thornyheads combined.

Lingcod - Tribal fisheries will be restricted to a 300 pound per trip limit for all fisheries.

Canary rockfish - Tribal fisheries will be restricted to a 300 per trip limit for all fisheries.

Other Rockfish Species - The 2000 tribal longline and trawl harvest restrictions regarding the landing other rockfish species will operate under trip and cumulative limits. For other rockfish, tribal fisheries will operate under the same trip limits as the limited entry fishery provided that any time restrictions imposed on the nontreaty limited entry fisheries might not be imposed on treaty fisheries in the same manner. However, because of the relatively small expected catches of the treaty fisheries, the trip limits established at the beginning of the year will not be adjusted downward unless the harvest guidelines are achieved or unless in season catch statistics demonstrate that the tribes have taken $\frac{1}{2}$ of the harvest in the tribal area.

The back of the handout gives preliminary landings of the tribal groundfish fishery with the exception of whiting and sablefish in both tables.

G.3.d. Other Specifications

Mr. Robinson reported domestic fishers and processors will utilize all the fish available in 2000, noting that since jack mackerel has been removed from the FMP, only shortbelly rockfish could be available for foreign processors. However, that stock is also fully utilized and therefore there will be no allocation for joint venture processing or total allowable level of foreign fishing (TALFF). He also reported no designated species "B" permits will be issued. He suggested that the Council consider designating all species as fully utilized in the next groundfish FMP amendment, and that the Council consider dropping the designated species "B" permit provision. Mr. Robinson also referenced the letter from the two NMFS regional administrators supporting the GMT's proposal to increase the F^{msy} by five percentage points (e.g., from $F_{35\%}$ to $F_{40\%}$).

G.3.e. Comments of Advisory Entities and Public

SSC

Dr. Conser read the report of the SSC.

The Scientific and Statistical Committee (SSC) reviewed the Groundfish Management Team (GMT) final optimum yield (OY) recommendations for groundfish in 2000, with a focus on species where the GMT final OY differed from the preliminary Council OY. In most cases, the difference is due to the GMT recommendation to reduce OY's for all species except flatfish and whiting, because of revised F_{msy} proxies for these species. This change would increase the spawning potential per recruit (SPR) values used in calculating the OY's by 5% (e.g. from $F_{40\%}$ to $F_{45\%}$ for Sebastes). The SSC supports this recommendation, because the best available data indicate these West Coast groundfish species are less productive than previously estimated. This change should not be viewed as a precautionary adjustment, but rather as an improvement in our understanding of West Coast groundfish productivity.

The SSC also discussed the issue of whether there has been "double" application of the precautionary principle in GMT groundfish management recommendations. The precautionary approach is evident in three areas, (1) the 40-10 policy used to reduce exploitation rates below the routine F_{msy} harvest rate when stock biomass falls below a "precautionary threshold" of $B_{40\%}$, (2) the 50% reduction which is applied to unassessed rockfish species where historical catch is used as a proxy for acceptable biological catch (ABC), and (3) the 25% reduction that is applied to rockfish

when the $F=M$ approach is used to obtain ABC. The SSC does not find duplicative application of the precautionary principle by the GMT. The SSC also reaffirmed that stock assessment authors have been directed to produce assessments that are risk-neutral. This policy has been applied as a routine part of the Stock Assessment Review Team (STAT)/Stock Assessment Review (STAR) Panel process, and is an integral component of the stock assessment terms of reference.

Comments on specific species are as follows:

The SSC supports the GMT recommendation for shortbelly rockfish. Evidence of poor recruitment since 1989 supports the reduction of this OY to 13,900 mt coastwide.

The SSC supports the chilipepper OY of 2000 mt, derived from recent average landings (1992-1997). This management measure will help to reduce unintended bycatch of other groundfish, which are subject to severe reductions as part of a stock rebuilding plan.

The SSC recommends that the OY of shortspine thornyhead be established based on an SPR rate of $F_{45\%}$, rather than the GMT recommendation of $F_{40\%}$. It appears to be inconsistent to recommend higher exploitation rates for this slow growing species when the F_{msy} harvest proxy of $F_{45\%}$ has been recommended for other rockfish species.

GAP

Mr. Rod Moore read the report of the GAP.

The Groundfish Advisory Subpanel (GAP) discussed the harvest levels for the 2000 groundfish fishery as proposed by the Council and the recommendations made by the Groundfish Management Team (GMT). As it did in September, the GAP - with one dissenting vote - strongly disagreed with the GMT recommendations.

In our September statement, the GAP specifically mentioned problems with an across-the-board increase in F percentage in regard to yellowtail rockfish, widow rockfish, and sablefish. For yellowtail, survey and anecdotal data indicate an increase in biomass, a situation the Council has recognized by rejecting additional "precautionary" reductions in optimum yield (OY). If the biomass is increasing under existing F percentages, we fail to see any rationale for raising F percentages.

In the case of widow rockfish, the GAP noted that a precautionary increase in F percentage has already been imposed, and we fail to see any rationale for a further precautionary increase absent more thorough scientific review.

In the case of sablefish, conservative assumptions were used to establish an acceptable biological catch (ABC), based on two stock assessments reviewed by a Stock Assessment Review (STAR) Panel. The Council added additional precaution by using an $F_{40\%}$ rate instead of the default harvest rate. Again, there is no reason to further increase the F percentage absent scientific review.

Further, the GAP emphasizes that changing the F percentage across the board prior to the scheduled scientific review by the Scientific and Statistical Committee ignores scientific advice provided by the National Academy of Sciences (NAS), among others, that such major scientific decisions be subject to proper peer review. In this regard, the GAP is surprised at the advice contained in the letter sent to the Council by the NMFS regional administrators advocating an immediate increase in the F percentage. The standard in the law is to use the best scientific information available. While the regional administrators used some science, they certainly did not examine all of the information available, including information that was presented at the referenced harvest policy workshops. They also ignored the NAS' advice on peer review.

For these reasons, along with those provided in our September statement, the GAP strongly disagrees with the GMT proposal advocating an across-the-board increase rather than a species by species increase based on sound scientific review. The GAP recommends that the Council adopt the harvest level proposal it made in September.

The dissenting member reminds the Council that the law requires the use of best available science and prohibits knowingly overfishing a stock. Although there isn't consensus on the most appropriate default fishing rates, there is concern that the current default fishing rates ($F_{35\%}/F_{40\%}$) are generally too aggressive. Thus, the Council should adopt more precautionary rates for 2000.

Tribal

Mr. Harp referenced the Hoh Indian Tribe intention to fish for whiting in 2000 (Supplemental Tribal Comment G.3.). The Makah's request is for 32,500 mt and the Hoh's request is for 2,000 mt.

Public

Mr. Tom Ghio, Ghio Fish Company, Salinas, California
Ms. Andy Oliver, World Wildlife Fund, Washington, DC
Mr. Bill Cameron, sport fisherman, Sacramento, California
Mr. Michael Hunter, charterboat operator, Whitehorn, California
Mr. Steve Bodnar, Coos Bay Trawlers Association, Coos Bay, Oregon
Ms. Karen Garrison, Natural Resources Defense Council, San Francisco, California
Ms. Barbara Stickel, PCFFA, Moss Beach, California
Mr. Kenyon Hensel, fisherman, Crescent City, California
Mr. Rod Moore, West Coast Seafood Processors Association, Portland, Oregon
Ms. Jennifer Bloeser, Pacific Marine Conservation Council, Arcata, California
Mr. Joe Easley, Oregon Trawl Commission, Newport, Oregon
Dr. Joshua Nowlis, Center for Marine Conservation, San Francisco, California
Mr. Dan Parker, trawler, Astoria, Oregon

G.3.f. Council - ACTION

Mr. Brown asked for clarification about the process for adopting OYs and management measures, noting the Council had already set harvest levels for rebuilding species. He was concerned about canary rockfish. If there are no allocations between north and south and between different gears, one sector could shut down the entire coast. He wanted to know if the Council could establish allocations in the emergency rule to prevent that. Mr. Robinson indicated that if allocations are necessary to prevent overfishing or to achieve the rebuilding plan, they could be done as part of the emergency rule.

Mr. Boydstun suggested the OYs and management measures to achieve them are tightly linked and must be considered together. The Council should tentatively adopt OYs at this time, and then revisit them under the management measures. The choices may be clearer after we deal with the management measures.

Mr. Bohn made a motion to adopt the ABCs as identified in Attachment G.3.a. Mr. Brown seconded the motion. (Motion 20)

Mr. Boydstun questioned whether the 5,693 mt ABC for minor rockfish was correct. Mr. Glock explained that 5,693 mt is correct, due to the adjustment for black rock in the northern area. The GMT agreed.

Mr. Anderson asked about the ABC range for canary rockfish of 287-356, and Mr. Boydstun suggested 287 mt as a friendly correction. The Council concurred with that number. Dr. Hastie clarified this is the $F_{40\%}$ value.

Motion 20 passed.

Mr. Anderson asked Dr. Hastie about the GMT's recommendation of $F_{40\%}$ for shortspine thornyhead and whether the GMT had discussed the SSC's suggestion for $F_{45\%}$. Dr. Hastie said no. Mr. Anderson moved adoption of the OYs as shown in Attachment G.3.a. with the following clarifications: for lingcod, 378 mt; whiting 232,000 mt; sablefish 7,919 mt (472 mt in the Conception area); POP 270 mt; shortbelly 13,900 mt; widow 4,333 mt; canary 200 mt; chilipepper 2,000 mt; bocaccio 100 mt; splitnose 615 mt; yellowtail 3,539 mt; shortspine 970 mt (179 mt in the Conception area); longspine 4,102 mt (429 mt in the Conception Area); cowcod under 5 mt; minor rockfish (north 3,664 mt and south 1,899 mt); and Dover sole 9,426 mt. Mr. Harp seconded the motion. (Motion 21) Mr. Anderson explained rationale for the motion.

Mr. Brown moved to amend the motion to set shortspine at 1,150 mt. Mr. Bohn seconded the amendment.

Mr. Brown talked about the need to balance the health of the resource and survival of the industry. Shortspine trip limits as low as they can reasonably be and further reductions can only be achieved by taking boats off the water for some period, and it would reduce Dover sole and sablefish by 15%. There is too much uncertainty in the information to support deeper cuts. From Coos Bay south, half of the income from groundfish comes from the DTS complex. The 970 mt OY would take another 7.5% out of the income to the plant and the fleet. We already will have major economic problems with rebuilding, and from the point of view and health of the coastal communities, we don't need more reductions this year.

Mr. Robinson opposed the motion, noting that the scientific papers and discussions to date indicate $F_{35\%}$ is too aggressive and the productivity of west coast stocks is lower than we assumed. The current F rates cannot sustain groundfish stocks at their MSY levels, and that is why we moved to $F_{40\%}$. That is the GMT and SSC advice. Mr. Anderson agreed with Mr. Brown about the uncertainty in the assessments, but believed it has been clearly demonstrated productivity of our stocks is low. Everything we have indicates this stock is in a state of decline and is not replacing itself. This would be the third year in a row we failed to step up to the shortspine thornyhead issue, and have been adopting OYs which have been higher than what the SSC and GMT have been recommending.

Dr. Radkte supported the amendment, based on the economics for Oregon. This sector of the industry went from \$80 million to \$40 million and will probably go down \$7 million. With the F_{msy} review taking place in March, he will stay with his decision, even if he takes heat for it later.

Mr. Caito supported the amendment. Being a processor, we are looking at keeping the processors going and the communities. We know we are going to look at the F factors this next year. Until better times, hopefully this will keep the fisherman going a little longer.

The amendment to Motion 21 failed; 8 no, 6 yes on a roll call vote.

Mr. Boydston asked about the OY for minor rockfish in the north. Dr. Hastie said the GMT supports going with 3,814 mt at this time. Mr. Boydston offered a friendly amendment to set the OY for minor rockfish in the north at 3,814 mt. Motion 21 passed.

Mr. Boydston asked whether the new minor rockfish subcategories should also have OYs. Mr. Glock explained that the GMT suggested they have harvest guidelines rather than an OYs.

Mr. Glock reported that he and the GMT had completed a new table with all the Council's ABC and OY recommendations, referring to Revised Supplemental GMT Attachment G.3.(4).

Mr. Harp proposed that for Tribal groundfish fisheries other than whiting and halibut, the Council adopt the limits as outlined in Tribal Comment G.3.(2). (Motion 22) Mr. Anderson seconded the motion. Motion passed.

Mr. Harp proposed for Tribal Pacific whiting fisheries, that the Council adopt a set aside of 34,500 mt. Mr. Anderson seconded the motion. (Motion 23). Mr. Harp explained the Makah tribe harvest would be 32,500 mt and the Hoh Tribe would be authorized to harvest 2,000 mt. Mr. Harp said that if the Hoh Tribe does not harvest the 2,000 mt in 2000, the Makah Tribe would not increase its harvest above 32,500 mt.

Mr. Brown argued that there must be a justification for the whiting set-aside, not just based on the tribes' asking. Mr. Brown opposed the motion because he did not see where the quantification was. Ms. Cooney and Mr. Robinson both noted that the tribal set-aside is being litigated in court cases.

Mr. Steve Joner was asked to provide the quantification. He reviewed the history of the allocation. Mr. Robinson said that each party involved has its own ideas about what they feel they believe is "quantification." Mr. Anderson spoke about the history, the court orders, and how each party has in the past come together to discuss quantification. There have been no meetings between the parties since August 1998. Since no further negotiations have taken place, and based on the idea that the federal government did not want to get into the business of allocation between tribal entities, Mr. Anderson did not support the motion. He did support the idea of restarting the negotiations again and coming to agreement outside of the legal arena. He would support a smaller number than 34,500 mt.

Mr. Bohn opposed the motion for the same reasons provided by Mr. Brown regarding the lack of quantification and justification.

Motion 23 failed; 12 no, 2 yes on a roll call vote.

Mr. Anderson moved to establish a 32,500 mt set aside for the tribal whiting fisheries for the year 2000. (Motion 24) Mr. Alverson seconded the motion. The motion passed. Mr. Caito opposed the motion.

Mr. Robinson moved to designate shortbelly rockfish as fully utilized by domestic harvesting and processing for 2000; therefore TALFF and JVP are set equal to zero. (Motion 25) Mr. Fletcher seconded the motion. Motion passed.

G.4. Regulatory Amendment to Establish an Observer Program

G.4.a. Summary of Proposed Amendment

Mr. Robinson briefly discussed the draft proposed regulations to implement a West Coast groundfish observer program. The current draft regulations are generic, minimal regulations. At this time, the sampling design has not been completed. The idea is to allow operational flexibility when the sampling design is complete. NMFS will complete the regulatory package, including draft EA/RIR, for final Council action in April.

Dr. Rick Methot described the sampling design, which is being developed in concert with an analysis of observer coverage alternatives and a review of Oregon's Experimental Data Collection (EDC) project. Dr. Methot explained that the way discard occurs in the fishery influences the observer coverage. Management with cumulative limits also influences how observers should be deployed. A question to be answered is – should observers be deployed randomly or assigned to a vessel to observe its operations throughout the cumulative period? The latter option provides data about total discard for a given vessel, the former provides an overview of fleet operations throughout a cumulative period. Both have significant differences in terms of logistical needs and statistical sampling.

Dr. Methot explained the diversity of overfished species, and how and where they are caught, prevents focusing observer effort on collecting data on overfished stocks. The program will need to focus on do-able subcomponents. The Council may want to consider a smaller program, focused on specific areas or gear types for a year, and switching focus to another area/sector in subsequent years. This approach ("staged coverage"), over several years, would provide complete data by fishery by area by year. However, Dr. Methot noted that because we lack "area registration," logistics are not suited to focusing on one small area; we may need to focus on one gear type over a broad geographic area. Focusing efforts will refine statistics.

Dr. Methot also discussed the differences between deploying an observer to a vessel for a single trip versus for the entire cumulative period. Preliminary analysis of the EDC data indicates that discard occurs infrequently. Therefore, accurate estimates of discard will require greater flexibility in terms of how

observers are deployed to increase the likelihood that observers are onboard when discard occurs. A low level of coverage (i.e., single trip) will decrease likelihood of collecting discard data. Cumulative limits may also affect discard activities, as a vessel nears its limit, there is a greater likelihood that discard will increase. Because of these two factors, random deployment, focused on single trips, may not be appropriate for collecting robust data on groundfish discards.

Mr. Robinson said it was highly unlikely there would be FY 2000 funding for an observer program, but some of the Council's management measures presume we have more discard information than we do. Accounting for total mortality will be critical for management and rebuilding success, therefore, the Council should still push for an observer program. If we can't get an observer program, the Council needs to explore other ways to obtain the necessary information.

In response to Mr. Fletcher's questions about cost estimates in the draft regulations, Mr. Robinson explained that contractor training and deployment costs would be funded by the observer program, but vessels would pay for an observer's food, lodging, etc. These costs would be relatively small, but would accumulate over time. The cost estimates in the draft regulations were high-end projections. That will be refined in the RFA, RIR, and EA analyses.

Dr. Radtke asked about the possibility of requiring total catch retention by smaller vessels as an alternative to carrying observers because costs to a vessel would vary depending on vessel size. His impression was that this was the case in the shoreside whiting fishery. Dr. Methot responded that this was a possibility and could be explored as an alternative in the coverage analysis. However, total retention in the shoreside whiting fishery works because there is no sorting at sea, but other fisheries may sort at sea.

Mr. Alverson asked what role the Council would have in determining observer deployment. He did not see language in the draft proposed regulations that provided for Council input on an annual basis or on an even broader scale. He also noted that the PSMFC is not mentioned in the process outlined in the draft proposed regulations. Mr. Robinson said the draft proposed regulations do not presume who will run the observer program. The generic nature of the draft regulations is to allow for flexibility in developing an observer operating plan. They do not preclude Council participation. The Council will provide guidance to the observer program about priorities and what information is needed, as well as equity considerations. However, he did not expect the Council to be involved in the specifics of observer deployment.

Mr. Brown expressed concern about the 24 hour pre-departure and 48 hour pre-cease fishing notification requirements in the draft proposed regulations. Sometimes boats that must make quick decisions to cease operations, e.g., due to weather. Mr. Robinson responded: 1) the purpose was to get an observers to vessels, and some advance notice is needed; 2) the notice requirement, as written, may need some modification; and 3) he expects public comments in response to the proposed regulations to address these types of concerns.

G.4.b. Comments of Advisory Entities and Public

No comments of the advisory entities.

Public

Ms. Karen Reyna, Conservation Ocean Network, San Francisco, California
Mr. Bob Eaton, Pacific Marine Conservation Council, Astoria, Oregon
Mr. Jack Crowley, Fishing Vessel Owners Association, Seattle, Washington

G.4.c. Adopt Proposed Amendment for Public Review - ACTION

Mr. Alverson moved that the Council adopt and send out for public review, the draft proposed regulations (Supplemental Attachment G.4.b.). (Motion 26) Mr. Ralph Brown seconded the motion.

Mr. Brown spoke in favor of the motion. In terms of funding, he is not sure if the Council is at the point where it can wait for funding from other sources. The Council may no longer be able to justify fishing without observers. However, there is no authority to impose fees at this time. He suggests a "fleet insurance pool" to help cover observer costs. Vessels would incur a small periodic fee, which would be used to cover the large cost for carrying an observer. His opinion is that the Council may want to consider imposing a fee on fishermen, rather than wait for federal funds to be made available.

Motion 26 passed.

G.5. Review of Stock Assessment Process and Stocks to be Assessed in 2000

G.5.a. Report of the Stock Assessment Coordinator

Ms. Cyreis Schmitt presented details from the joint meeting to review the 1999 stock assessment process and initiate the process for 2000. See Supplemental Attachment G.5.b.

The GAP, SSC, and GMT met jointly to review the STAR process for 1999 and to comment on the plans for 2000. The meeting was well attended.

We first discussed the plans for 2000. There was agreement among the group to modify the list of species to be assessed. An assessment of black rockfish in the south would replace the assessment of splitnose rockfish. This change was recommended because the 1999 black rockfish assessment, as all previous assessments, only covered northern areas and it is difficult to use the results coastwide.

Otherwise, the group did not recommend changes to the plans for 2000. The list of panels, dates, and locations are attached. I will develop the STAR process calendar to reflect this plan by mid-December.

There were relatively few concerns about the process in 1999, and they centered mainly around the difficulty of recruiting sufficient reviewers, both external ones and ones from the Council family. Participants at this review session did not recommend departing from the current terms of reference regarding STAR panel composition, although they seemed to regard it more as a goal than a strict requirement.

An ongoing concern is the timeliness of STAT team reports prior to the STAR panel meetings.

There was general agreement to discontinue soliciting anonymous reviews of past assessments, which have been provided to STAT teams for their use while doing the assessment. This practice did not seem necessary any longer because all of the species we assess have had their most recent assessment reviewed by a STAR panel.

The group also discussed the issue of rebuilding analyses and monitoring requirements and their relationship to the STAR process. The group agreed that the terms of reference should be modified to require additional values, such as B_{msy} , be tabulated in the STAT team report when the assessment relates to an overfished species. There seemed to be general agreement that the STAR process should review assessments of overfished species, which are still likely to be on a 3-year cycle, but the STAR process is not the appropriate process for the monitoring reports (required every 2 years), when they differ from an assessment.

In addition, we agreed that certain additional values should be consistently tabulated in the STAT team report in order to build a long-term computerized database of key parameters. This requirement typically would not impose additional calculations upon the STAT team but would simply require them to be reported in like manner.

It was recommended that we have a half-day meeting in January or February to develop these changes to the terms of reference.

Mr. Brown asked about meshing rebuilding plans with the STAR process. Do we need a STAT Team and STAR Panel review process for rebuilding plans? He asked the Council to consider establishing a STAT Team process for review of rebuilding plans. He noted that, in 1999 only one person did the assessments for some species. Ms. Schmitt said that the SSC would provide comment on this in their statement and probably ask the Council for guidance on this issue.

Mr. Boydston inquired about the nearshore rockfish workshop scheduled for Portland, Oregon. He requested that the workshop be held in Monterey, California. Ms. Schmitt noted that travel costs to Monterey, California might be too high for some participants. She also has had difficulty in finding affordable public venues. Mr. Boydston asked if Ms. Schmitt would be willing to keep her options open. Ms. Schmitt answered that she would investigate venues in California.

G.5.b. Comments of Advisory Entities and Public

SSC

Ms. Cynthia Thomson read the report of the SSC.

Following the joint session on the groundfish stock assessment process, the Scientific and Statistical Committee (SSC) discussed issues on the process with Ms. Cyreis Schmitt from the National Marine Fisheries Service (NMFS) who coordinates annual West Coast groundfish stock assessments and reviews. Several new issues arose during this discussion. First, any stock assessment analyses commissioned by private groups must be included in the stock assessment review (STAR) process to be used by the Groundfish Management Team (GMT) and Council in establishing annual harvest specifications. In addition, it is critical that any assessment documents produced by private entities must be completed following the STAR meeting and be incorporated into the Council's annual stock assessment and fishery evaluation (SAFE) document. The coordinator has started to update the annual assessment calendar; the final calendar will be completed once the dates for the three STAR panel meetings are final. The SSC partnership with the coordinator has worked very well. However, one improvement would be to have the coordinator convene the presentation of the stock assessment reports to the Council. In the past three years, the SSC has arranged for independent anonymous reviews of prior stock assessment reports which have not been subjected to the STAR review process. There will be no need for any anonymous reviews this coming year. For new stocks which are projected by the Stock Assessment Review Team (STAT) to fall below overfishing thresholds, the STAT teams need to be instructed to estimate the SSC's baseline rebuilding parameters, specifically:

- *Determine B_0 as the product of SPR in unfished state multiplied by the average recruitment during early years of fishery.*
- *Recruitment during the earliest part of the record for the stock.*
- *$B_{msy} = 0.4 B_0$.*
- *Mean generation time.*
- *A forward projection using recruitment based on Monte Carlo sampling from a recent time series of recruitment estimates.*

We recommend that the terms of reference and the Outline for Groundfish Stock Assessment Documents for 2000 be modified to include all of the above items.

By December 1, the SSC Groundfish Subcommittee chairman will assign members to the three proposed STAR panels and notify the Council and NMFS.

The STAR process was specifically developed after a long and involved negotiation among the Council's groundfish entities, SSC, and NMFS to resolve the problem of providing independent and comprehensive review of stock assessment reports. The STAR process, as currently structured, is not designed to review rebuilding plans or monitor rebuilding progress. The Council's Ad-Hoc Groundfish Allocation Committee took the lead in initiating the preparation of the Council's three rebuilding plans. The SSC took the initiative to develop guidance and standard procedures for these plans. The Council needs to establish procedures to initiate and review rebuilding plans and monitor and report on rebuilding progress of overfished stocks.

Public

Mr. Don Standley, Humboldt Fisherman's Marketing Association, Eureka, California
Mr. Bruce Adams, open access fisherman, Half Moon Bay, California

G.5.c. Council - ACTION

Mr. Brown asked Ms. Thomson to clarify the passage in the SSC statement regarding assessments commissioned by private groups. Ms. Thomson responded that these assessments would still be part of the STAR process, but, to be included in the SAFE report, would need to be finalized by their authors subsequent to the STAR Panel meetings.

Mr. Brown asked that the SSC be directed to address how the rebuilding issue, relative to the STAR process, could be dealt with.

Mr. Lone inquired about what action the Council needed to take. Mr. Waldeck noted that the SSC asked for items to be added to the terms of reference and also the decision to approve the preassessment workshop.

Mr. Bohn moved to incorporate in the terms of reference the five bullets from the SSC statement (revised supplemental SSC report G.5.) for new stocks which are projected to go over the overfishing threshold. The five bullets were: 1) determine B_0 as the product of SPR in unfished state multiplied by the average recruitment during early years of fishery; 2) recruitment during the earliest part of the record for the stock; 3) $B_{msy} = 0.4 B_0$; 4) mean generation time; and 5) a forward projection using recruitment based on Monte Carlo sampling from a recent time series of recruitment estimates. (Motion 27) Mr. Anderson seconded the motion. Mr. Brown made a friendly amendment to include the following paragraph in the terms of reference (supplemental attachment G.5.b.) "In addition, we agreed that certain additional values should be consistently tabulated in the STAT team report in order to build a long-term computerized database of key parameters. This requirement typically would not impose additional calculations upon the STAT team but would simply require them to be reported in like manner". Both the maker of the motion and the seconder agreed. Motion passed.

Mr. Brown moved that the STAR Panels hold a half-day workshop in January or February to develop the terms of reference for 2000 (as noted in Supplemental Attachment G.5.b.). (Motion 28) Mr. Jim Caito seconded the motion. Motion passed.

Mr. Anderson also noted the unresolved issues of 1) designing and 2) reviewing and monitoring the rebuilding plans. He inquired whether the Council could make an assignment or a proposal on how to draft terms of reference for developing the initial rebuilding plans and monitoring rebuilding progress.

Ms. Schmitt said she would be happy to work with the GMT, SSC, and GAP to achieve this objective. She said that there is a large role for the GMT in terms of the rebuilding plans and that she would be happy to coordinate this activity with participation from the other entities.

Mr. Brown asked about the process that led to the development of the STAR process and the terms of reference. Ms. Schmitt said that former SSC member Larry Jacobson took a large role in coordinating those meetings.

Mr. Bohn noted that some of these short sentences say a lot. There are several jobs here review of rebuilding plans, monitoring, and recording. He would like to see the SSC and Ms. Schmitt develop some sort of process. Mr. Bohn was referring to a sentence in the SSC statement (Revised Supplemental SSC Report G.5.):

The Council needs to establish procedures to initiate and review rebuilding plans and monitor and report on rebuilding progress of overfished stocks.

Mr. Brown requested that the panels should be put on the next available slot for the GMT and SSC to get together. Ms. Schmitt replied you can expect a product back to you maybe during the regular STAR/STAT process.

G.6. Terms of Reference for Harvest Policy Workshop

G.6.a. Report of the SSC

Ms. Thomson read the report of the SSC.

An estimate of the fishing mortality rate associated with maximum sustainable yield (F_{msy}) is an intrinsic element of all fishery management plans (FMP) developed under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). For the Council's groundfish FMP, a reliable F_{msy} estimate is especially important since it forms the baseline for implementation of the "40-10" harvest policy control law used to determine acceptable biological catch (ABC) levels for all species covered by the FMP.

*There are significant conceptual and statistical difficulties in directly estimating an F_{msy} level for many West Coast groundfish stocks. To circumvent these difficulties, the Council has employed a proxy for F_{msy} based on spawning potential per recruit (SPR) concepts (e.g., $F_{35\%}$), which is the instantaneous fishing mortality rate that reduces lifetime reproductive output of a typical female in the population to 35% of what it would be in the absence of fishing. The primary advantage of a SPR-based proxy for F_{msy} is that it is relatively easy to calculate from the basic life history information that is commonly presented in stock assessment documents. The current Council proxies for West Coast groundfish are $F_{40\%}$ for *Sebastes* species and $F_{35\%}$ for other groundfish.*

Recent scientific studies have suggested that the proxies currently used for West Coast groundfish may overestimate the true F_{msy} for these species. The Scientific and Statistical Committee (SSC) will convene a Harvest Rate Policy Review Workshop to address this issue. The review will be chaired by Dr. Steve Ralston of the SSC. It will be held at the National Marine Fisheries Service (NMFS) Alaska Fisheries Science Center (Seattle, Washington) during March 20-24, 2000.

The formal review panel will consist of five scientists (in addition to the Chairman): (1) two additional SSC members; (2) two external experts; and (3) one expert from within the West Coast groundfish scientific community. In addition, the Groundfish Management Team (GMT) and Groundfish Advisory Subpanel (GAP) will each designate one representative to contribute to the review, but the GMT and GAP representatives will not serve as formal panel members. The principal investigators involved in recent scientific studies on this issue will be invited to present their work to the review panel. The process will also be open for other scientists to present relevant work to the review panel (at the discretion of the Chairman).

The terms of reference for the review panel are:

- 1. Review the current body of existing scientific work and any additional (relevant) work presented during the review panel meeting. All scientific contributions must be well documented with draft papers provided to the review panel well in advance of the meeting.*

2. *Evaluate the appropriateness of the current Council Fmsy proxies (i.e., $F_{40\%}$) for Sebastes species and $F_{35\%}$ for other groundfish.*
3. *If the current proxies are not appropriate, suggest alternative harvest rate policies consistent with the requirements of the Magnuson-Stevens Act and the Council groundfish FMP objectives. Such alternatives may include, but are not limited to, alternative F_{msy} proxies (such as $F_{50\%}$ or some other level). Review panel suggestions on closely related management reference points are encouraged (e.g., on the direct estimation of B_{msy} or its proxy).*
4. *Suggest procedures for incorporating uncertainty, risk, and the precautionary approach in establishing harvest rate policies.*
5. *Provide a comprehensive report to the SSC and the Council that clearly documents the findings and recommendations of the review panel.*

Significant funding will be required to support the Harvest Rate Policy Review. As with the Stock Assessment Review (STAR) Panel process, the Council should anticipate the need to cover travel costs for the non-federal SSC, GMT, and GAP participants. Additional funding sources will need to be identified for the three non-SSC Review Panel members.

G.6.b. Comments of Advisory Entities and Public

There were no comments from the advisory entities or the public.

G.6.c. Council - ACTION

Mr. Anderson moved the Council adopt the terms of reference for the harvest policy workshop as identified in Supplemental Attachment G.6.a. (Motion 29) Dr. Radtke seconded the motion. The motion passed.

G.7. Management Measures for 2000

G.7.a. Staff and GMT Reports

Mr. Jim Glock summarized the materials and needed action.

Dr. Hastie presented the GMT's recommendations for management of the commercial fisheries in 2000 as provided in Revised Supplemental GMT Report G.7.(1). He reported the GMT and GAP had held numerous discussions throughout the week and had reached consensus on nearly all the proposals. He described the difficulties and assumptions used in estimating fishing effort in 2000, and the difficulty in estimating appropriate trip limits. He explained how expected recreational catches were estimated and their effects on commercial harvests. He described the intention to intensify fishing for some species in areas at times when they are aggregated and can be captured with less bycatch. Dr. Hastie and the Council members discussed the proposal for larger trawl trip limits for vessels using pelagic gear, and whether other gear could be onboard at the same time. Mr. Anderson asked about discard assumptions with Dover sole in the summer, and the assumed discard rates of bocaccio and other rockfish. They discussed whether there would be different trip limits for fixed gear and trawl vessels for nearshore and shelf rockfish, and limits for open access fishers, including setnets in California.

CDFG

Mr. Tom Barnes explained how CDFG came up with the recreational catch estimates and limits (Attachment G.7.c.). He indicated on October 20, 1999 the California Fish Commission met and tentatively adopted the limits.

G.7.b. Comments of Advisory Entities and Public

GAP

Mr. Rod Moore gave the GAP statement.

The Groundfish Advisory Subpanel (GAP) met jointly with the Groundfish Management Team (GMT) in an attempt to reach agreement on proposed management measures for the 2000 fishery. Although we were able to reach consensus in many areas, there are still some places where we disagree. The charts presented by the GMT identify both the areas of agreement and the areas of disagreement. This statement provides the rationale the GAP used to make its proposal and lays out the GAP's proposals for the recreational fishery.

As a general statement, the GAP continues to support the Pacific groundfish fishery management plan (FMP) goal of maintaining a year-round fishery for all sectors.

Recreational Fishery

Regarding the recreational fishery in general, the GAP notes that inconsistent regulations can cause effort shifts, especially in border areas. The GAP urges the Council and the states to keep this point in mind when setting regulations.

*For **California**, the GAP proposes the following recreational measures:*

- 1. Reduce the rockfish bag limit from 15 fish to 12 fish.*
- 2. Reduce the rockfish fishing season from 12 months to 10 months, as follows:*
 - a. March 1 to December 31 from the Mexican border to Piedras Blancas (Southern area).*
 - b. January 1 to February 29 and May 1 to December 31 from Piedras Blancas to the Oregon border (Northern area).*
- 3. Set the bocaccio bag limit at 2 fish.*
- 4. Reduce the canary bag limit to 3 fish in the Northern area and to 2 fish in the Southern area.*
- 5. Reduce the cowcod limit to 1 fish, with a 1-fish-limit per boat.*
- 6. Limit the rockfish fishery to the use of 3 hooks.*
- 7. For the California Northern area to the Washington border, a lingcod fishery from January 1 to February 29 and May 1 to December 31 with a 2-fish bag limit and a minimum size of 26" and no maximum size.*

California recreational fishermen believe this combination of time closures, reduced bag limits, and hook limits will achieve savings for those species of primary concern.

*For **Oregon**, the GAP proposes the following recreational measures:*

- 1. Set the lingcod season at 12 months with a minimum size of 24" and a maximum size of 34" and a bag limit of 1 fish.*
- 2. Set the rockfish season at 12 months with a bag limit of 10 fish.*

The GAP notes that, in regard to canary rockfish, encounter rate data indicate that near shore the ratio of other rockfish to canary is 20:1. Offshore, the ratio of other rockfish to canary is 4:1. There is no proposed sub-limit of canary rockfish within the 10-fish bag limit in order to avoid wastage associated with the discard of canary rockfish.

*For **Washington** the GAP recommends the following:*

- 1. For lingcod, fishing from April 1 to October 31 with a 1-fish bag limit, a 24" minimum size, and no maximum size.*
- 2. For rockfish, a 12-month fishery with a 10-fish bag limit.*

Regarding lingcod, the GAP believes the 1-fish bag limit will cause a drastic reduction in the number of anglers and will, therefore, significantly reduce catch. Very few large lingcod are caught, but the perceived ability to catch a trophy fish is important in selling trips.

Regarding rockfish, the GAP believes education on avoiding canary rockfish rather than targeting them will reduce canary catch. If more restrictive measures are needed, sublimits would be preferable to time closures. Washington charter vessel operators believe they can target healthy stocks without discarding canary rockfish through fishing methods and avoiding specific areas.

Open Access

The vertical line and troll open access fishermen believe they can fish in a way that eliminates their canary catch. By trolling gear higher in the water column, troll fishers can interact with yellowtail and widow rockfish without catching canary rockfish. Vertical lines can be fished without being lowered into the canary biomass; this can be done at first drop and result in no canary catch. The few fishermen now fishing in the outer reaches of the open access fishery are big-boat fishermen with just this kind of expertise.

All open access fishermen are confident in their ability to fish without affecting canary rockfish. With a zero retention policy on canary, there will be no reason to fish in areas where canary rockfish are found. They are interested in demonstrating the selectivity of their gear and how that might help management.

In the same way, troll and vertical jig gear can be used to take chilipepper rockfish without interaction with bocaccio and to execute a widow rockfish fishery with yellowtail rockfish as a bycatch.

Limited Entry Fixed Gear

With the exception of shortspine thornyheads, sablefish, and near shore rockfish, the limited entry fixed gear measures proposed by the GAP consist of a set of cumulative limits which mirror the limits proposed by the GAP for the limited entry trawl fishery.

For shortspine thornyheads, the cumulative limits vary from the trawl limits, but the total possible amount of annual thornyhead catch per vessel is the same as the possible trawl catch. The variation is designed to reflect a constant value of incidental catch.

For sablefish, the GAP notes that a separate allocation and management regime already exists for fixed gear. For the daily-trip-limit fishery, the GAP proposes two options: a 300-pound daily limit with a 2,100-pound two-month cumulative; and an option similar to one suggested by the GMT which allows a weekly landing of up to 900 pounds, with a cap of 1,800 pounds every two months. The GAP proposes that this second option be in effect on an experimental basis for the first two cumulative periods (January - February and March - April), after which the fishery will revert to a 300-pound daily limit with a 2,100-pound two-month cumulative, while the results of the weekly limit experiment are evaluated for possible reinstatement at the June Council meeting.

For nearshore rockfish, cumulative limits are different for trawl and fixed gear fisheries, because this is almost exclusively a nontrawl fishery.

For all other fisheries, fixed gear limits are the same as trawl limits, because the limits make no difference in terms of bycatch of overfished species. Fixed gear representatives on the GAP also expressed concern that - except as noted above - establishing different limits between the two gear types could constitute an allocation without establishing a clear basis or need for such allocation.

Limited Entry Trawl

The most significant differences between the GAP and GMT recommendations are found in the trawl proposals. The primary reason for these differences is a disagreement between the GAP and the GMT on the effect restrictions in gear use will have on avoiding harvest of species designated as overfished or approaching an overfished condition.

Other gear sectors have emphasized the savings that can be achieved when proper use of their gear is combined with avoidance of sensitive species and education of fishers. This was the same rationale used by the trawl and processing sectors in presenting a proposal to the Council in September.

After receiving a preliminary proposal from the GMT, the trawl and processor sectors of the GAP modified their proposal in several ways in an effort to reflect GMT concerns. These included:

- Defining a "small footrope" as a footrope with a single string of discs with a disc size no larger than 8", to be measured by examining each disc.*
- Allowing certain species to be retained only by vessels using small footropes, including shelf rockfish species, near shore rockfish species, arrowtooth flounder during the primary fishing season of June 1 to September 30, and petrale sole during the months of March through October.*
- Allowing vessels to carry gear of more than one type, but only allowing landing of the most restrictive limit associated with the types of gear on board.*
-
- Establishing differential cumulative limits for widow rockfish and yellowtail rockfish, with the higher limit only available to vessels using midwater gear.*
- Prohibiting retention of lingcod during several periods suggested by the GMT and cowcod at any time.*
- Reducing cumulative limits on chilipepper rockfish and requiring that small footrope gear be used to harvest them.*
- Establishing trip limits on arrowtooth flounder outside the primary fishing season in order to avoid targeting on Pacific ocean perch.*

All sectors of the GAP believe their proposals reflect a conscientious effort to support Council rebuilding goals and compliance with the requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Each sector has suggested a combination of gear modifications, changes in fishing strategy, avoidance of sensitive species, disincentives for targeting such species, and education of sector members as a way of achieving these goals. While some differences still exist between GAP and GMT proposals, the GAP is confident they have made an honest attempt to maintain a fishery that is as economically viable as possible under the conditions that exist. They note, even with their efforts, there will be a tremendous economic and social effect on those involved in the fishery and the coastal communities in which they live and work. However, adoption of the GAP recommendations will allow some fishing and processing to continue while stocks are rebuilt. The GAP strongly urges the Council to adopt their recommendations.

Enforcement Consultants

Sgt. Dave Cleary gave the report of the Enforcement Consultants.

The Enforcement Consultants have the following comments on management measures for the year 2000.

Recreational Options

- A. The change in bag limits and sub-bag limits are not new, so we see no major problems.*

- B. *The addition of possible season length/closures in recreational groundfish fisheries is new. We have had these type of regulations in other fisheries, and its use as a measure to restrict fisheries has been enforceable. We do see difficulty if part of the bag limit has one season and a sub-bag limit has a different season.*

*ex: Attachment G.7.a. option 1-P
Rockfish season May-August
Lingcod May to July*

Enforceable yes, but large education effort necessary by all to make clear to the fisherman.

- C. *Possible slot limit for lingcod. The addition of an upper size limit should not be an enforcement problem. If we are measuring a fish, we can make two measurements as well as one.*

How well the public accepts this will relate to the effectiveness. We have slot sizes on Sturgeon fisheries, and this has not been a major problem.

Trawl Gear

- A: *Small Footrope- will be defined as any footrope with no individual disk, roller, bobbins, or any other device that exceeds 8" in diameter.*

The footrope will be measured in a straight line from the outside edge to the opposite outside edge at the widest part on any individual part.

Small footrope nets will under 8" will not be allowed to have any chaffing gear on the body of the net.

- B: *Would ask that a declaration must be made and the form signed by both the operator of the vessel and a plant employee certifying what type of footrope was used. This form would have to be attached to the fishticket/unloading slip as a permanent record.*

- C: *In regards to which gear type may be on board a vessel; if the vessel is restricted to the most restrictive trip limit that applies to the different gear, there should not be a problem.*

However, if there are differential in trip limits based on gear type and the above does not apply, then enforcement would ask only on-gear type be carried on board.

Public

Mr. Mark Cedergreen, Westport Charterboat Association, Westport, Washington
Mr. Ken Culver, Westport Charterboat Association, Westport, Washington
Mr. Kelly Smotherman, fisherman, Hammond, Oregon
Mr. Steve Bodnar, Coos Bay Trawlers Association, Coos Bay, Oregon
Mr. Marion Larkin, fisherman, Mt. Vernon, Washington
Mr. Tom Morrison, F/V Pacific Queen, Warrenton, Oregon
Dr. Joshua Sladek Nowlis, Center for Marine Conservation, San Francisco, California
Mr. Joe Easley, Oregon Trawl Commission, Newport, Oregon
Mr. Dan Parker, trawler, Astoria, Oregon
Ms. Jennifer Bloeser, Pacific Marine Conservation Council, Arcata, California
Mr. Don Crisp, charterboat operator, Brookings, Oregon
Ms. Karen Garrison, Natural Resources Defense Council, San Francisco, California
Ms. Francesca Crow, longliner, Moss Landing, California
Mr. Terry Thompson, F/V Olympic, Newport, Oregon

Mr. Tommy Ancona, Fisherman's Marketing Association, Fort Bragg, California
 Mr. Rod Moore, West Coast Seafood Processors Association, Portland, Oregon
 Mr. Stephen Culbreth, open access longliner, Half Moon Bay, California
 Mr. Pete Leipzig, Fisherman's Marketing Association, Eureka, California
 Dr. Richard Young, sportfisherman, Crescent City, California
 Ms. Peggy Beckett, Huckfinn Sportfishing Center, Half Moon Bay, California
 Mr. Robert Ingles, sportfisherman, Half Moon Bay, California
 Ms. Barbara Stickle, PCFFA, Moss Landings, California
 Mr. Josh Churchman, fisherman, Bolinas, California
 Mr. Tom Jones, Monterey Bay Sportfishing Association, Moss Landing, California
 Mr. William Smith, F/V Riptide, San Francisco, California
 Mr. Tom Ghio, Ghio Fish Company, Moss Landing, California
 Mr. Wayne Garman, F/V Pisces, Crescent City, California
 Mr. Jim Bassler, Salmon Trollers Marketing Association, Fort Bragg, California
 Mr. Michael Hunter, sportfisherman, California
 Mr. Ray Monroe, Pacific City, Oregon
 Mr. Craig Warnick, Pacific City, Oregon
 Mr. Bruce Adams, F/V Madeline II, Half Moon Bay, California
 Mr. B.J. Johnson, Port Commercial Fisherman's Association, California
 Mr. Kenyon Hensel, Crescent City, California
 Mr. Don Standley, Humboldt Fisherman's Marketing Association, Eureka, California
 Mr. Lou Ferrari, longline fisherman, Greenbrae, California
 Mr. Steve Moore, Avila Beach, California

G.7.c. Adopt Final Measures - ACTION

Mr. Fletcher commented about the California Keeley Bill and whether state groundfish regulations must undergo a consistency determination.

Mr. Anderson stated that WDFW is opposed to ratcheting down trip limits due to increased discards and unmeasured mortality. He stressed that the Council and NMFS need to come up with more realistic accounting of discards. We need to find a means to reduce effort, quantify and reduce discard, and provide reasonable trip limits. He does not believe we can achieve these objectives while continuing to pursue a year-round fishery. He wants the strategic planning process to resolve those issues.

Mr. Anderson moved the Washington recreational lingcod season be April 1-October 31 with a one fish bag limit, minimum size 24 inches, and a 10 rockfish bag limit including not more than two canary and two yelloweye rockfishes. Mr. Harp seconded the motion. (Motion 30) Motion passed.

Mr. Bohn moved that Oregon have a 12-month sport lingcod season with a daily bag limit of one fish, minimum size 24 inches and maximum size 34 inches, and a 10-rockfish bag limit including not more than three canary rockfish. Mr. Brown seconded the motion. (Motion 31) Motion passed.

Mr. Boydston moved to establish a rockfish bag limit of 10 per day, including not more than 3 bocaccio, 3 canary, and not more than one cowcod per boat; and 2 lingcod per day, with lingcod not less than 26 inches in length. Seconded by Mr. Caito. (Motion 32) Mr. Fletcher moved to amend Motion 32 to increase the rockfish bag limit to 12. Seconded by Mr. Thomas. Chairman Lone took a roll call vote: on the amendment: 3 yes, 10 no. Amendment to Motion 32 failed. Main motion passed.

Mr. Anderson moved and Mr. Boydston seconded the following motion (Motion 33):

Adopt the management measures as presented in "revised Supplemental GMT Report G.7.(1) November 1999" for yellowtail north trip limits for trawl when using gear other than mid-water gear would be 1,500 lb/month.

Regarding the trawl gear that may be on-board, a vessel may have multiple gears on-board however, the vessel will be governed by the most restrictive trip limit that applies to the gear on-board.

Prior to unloading, a "declaration form" must be completed and signed by both the vessel operator and the employee of the facility that is off-loading the catch. The form must be attached to the fish receiving ticket.

A "small footrope" will be defined as any footrope with no individual disk, roller, bobbins, or any other device that exceeds 8". Small footrope nets will not be allowed to have any chaffing gear on the body of the net.

Regarding limited entry fixed gear, the widow rockfish trip limit be 3,000 lbs/month, the yellowtail north trip limit would be 1,500 lbs/month, and the chilipepper south trip limit would be 2,000 lbs/month

Trip limits for minor nearshore rockfish would be 2,400 lbs/2-months, no more than 50% of which can be species other than black or blue.

Regarding the open access fishery, the motion does not include the limits relative to spot/ridgeback prawn, California halibut, sea cucumber, or pink shrimp fisheries.

Minor nearshore rockfish south 550 lbs/2-months

*Minor nearshore rockfish north 800 lbs/2-months
no more than 50% of which can be species other than black or blue.*

Conception area sablefish daily trip limit of 350 pounds for open access, with the option of a single landing up to 600 lb weekly, not to exceed 1,800 lb per two months

For cowcod, not more than one fish per landing

South of Cape Mendocino close the commercial fixed gear fishery (limited entry and open access, including setnet) for nearshore and shelf rockfish during the recreational fishery closures; the fishery for minor slope rockfish and sablefish will remain open with a 500 lb trip limit of slope rockfish.

North of Cape Mendocino, the open access minor nearshore rockfish limit will be 1,000 lbs per two months (no more than 50% of which can be species other than black or blue rockfish)

Motion 33 passed.

Mr. Boydston moved that the Council direct the GMT to analyze the setnet rockfish species composition data relative to address rockfish concerns, and consolidate our OY management line and trip limit management line at 40 10". Mr. Fletcher seconded the motion. (Motion 34) Mr. Anderson asked for a friendly amendment as to whether or not we should assign a bycatch mortality rate - recognize mortality for minor rockfish, nearshore minor rockfish and something south. Both Messrs. Boydston and Fletcher agreed.

Mr. Bohn then asked about the issue of the appropriate trip limit in the pink shrimp fishery. Mr. Bohn said we need the appropriate number for the pink shrimp fishery. Mr. Bohn's request was taken as a friendly amendment. Motion 34 passed.

Mr. Robinson talked about the 10,000 pound trip limit both before and after the whiting season. We adopted the 20,000 pound trip limit outside of the regular season, but did not concurrently adopt the 10,000 pound per month trip limit inside the 30 fathom Eureka area, thus Mr. Robinson moved that the Council adopt a 10,000 pound per month trip limit inside the 30 fathom Eureka area. Mr. Boydston seconded the motion. (Motion 35). Motion passed. Mr. Brown abstained from the vote.

Mr. Fletcher moved to reconsider the main motion passed for Motion 35. Mr. Boydston seconded the motion. Motion 36 passed.

Mr. Fletcher then moved that Motion 35 be amended to use 36° N Latitude instead of using Piedras Blancas. Mr. Thomas seconded the motion. (Motion 37) Motion passed.

Mr. Glock presented the GMT and staff understanding of the Council's actions of the previous evening and asked for Council confirmation (Final Supplemental GMT Report G.7.(1).)

Mr. Boydston asked about clarification on the declaration statement in the motion. He clarified that the states (California) will require the reporting of gear type used in the bottom trawl fishery thru its existing fish ticket system and no declaration or new action is needed there; and with regard to the fixed gear open access limited entry minimum size limit on lingcod increase it from 24 inches to 26 inches south of Cape Mendocino.

Mr. Fletcher moved to reconsider Motion 33. (Motion 38) Second by Mr. Thomas. Motion 38 passed.

Mr. Boydston moved, (Mr. Brown seconded the motion) to amend Motion 33 as follows: (Motion 39)

With regard to fixed gear open access and limited entry fixed gear fisheries south of Cape Mendocino, that the minimum lingcod size limit increase from 24 to 26 inches.

With regard to the closure of the open access and limited entry fixed gear fisheries south of Cape Mendocino during the closed periods for recreational. The closure applies to nearshore rockfish and shelf rockfish and lingcod.

The states will require gear types used in trawl fisheries to be reported on state fish receipts or other state reporting documents.

With regard to exempted trawl, excluding pink shrimp, 300 pounds groundfish per trip not to exceed the poundage of targeted species or any other open access species limit. Spiny dogfish can exceed target poundage but not more than 300 pounds per trip.

Include Item #3 on Supplemental GMT Report G.7.(3)., (page 2 regarding trip limits).

Motion 39 passed.

Ms. Cooney advised the Council there should be a trip limit established for the pink shrimp fishery, at least as a placeholder that may be modified later if necessary.

Mr. Bohn moved that as a placeholder, the Council use last year's 500 pounds per day, 2,000 pounds per trip (status quo). Mr. Brown seconded the motion. Motion 40 passed.

The Council then voted on the main motion of Motion 39 (to vote on the main motion, since the amendment had passed). (Motion 41) Motion 41 passed.

G.8. Status of Fisheries and Inseason Adjustments (If Necessary)

G.8.a. GMT Report

Mr Glock reported the GMT did not propose any adjustments.

G.8.b. Comments of Advisory Entities and Public

There were no comments from advisory entities or the public.

G.8.c. Council - ACTION

None.

G.9. Control Date for Groundfish Limited Entry

G.9.a. Staff Report

Mr. Dan Waldeck gave a brief report and characterized the issue before the Council as one of whether the April 9, 1998 control date is sufficient to dampen effort that may occur in anticipation of individual quota programs or does the Council need to adopt a new control date at this time.

G.9.b. Comments of Advisory Entities and Public

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

G.9.c. Council

Mr. Brown noted that the original intent for the agenda item was to address "portfolio" fishing, under which people fish primarily to develop catch history in order to qualify for future ITQ programs. However, for many years capacity has been a priority issue that has not really been addressed. The issue is broader than just a limited entry ITQ program. Ms. Cooney responded to a question from Mr. Brown and noted that a control date is a "heads up" to the public and not a controlling legal document. She stated the April control date (Attachment G.9.a) was primarily aimed at harvest allocation between limited entry gear groups, commercial and recreational fisheries and further limiting access to certain species within the Pacific coast groundfish complex. It seems focused on the limited entry segment of the fishery. Mr. Fletcher noted that in June 1999 the Council specifically voted down a control date for the open access fishery, sending a very clear message that should be reversed by additional action by the Council, if that is the Council's desire.

Mr. Brown moved that the Council adopt November 5, 1999 as a control date for future capacity control measures and various types of limited entry that might be considered for the open access fleet. Mr. Caito seconded the motion. (Motion 42)

This would essentially provide notice to the open access fleet similar to that which was provided to the limited entry fleet on April 9, 1998 date. The April 9, 1998 date would still be used for the segments of the fleet covered by that control date so that the capacity issue can be addressed in a comprehensive fashion for the entire groundfish fishery. These control dates provide notice that landings during the year 2000 and later may not be considered in a quota share development program. The dates are intended to discourage vessels for which the primary incentive to fish might be to develop additional catch history in order to qualify for individual quotas or other forms of limited entry access rights (e.g. permits). Elimination of this incentive is considered particularly important for the coming year since fishing opportunities are expected to be very restricted. Motion 42 passed.

G.10. Strategic Plan for Groundfish

G.10.a. Report on Proposed Framework

Dr. Dave Hanson gave an update on strategic plan development. The Ad-Hoc Groundfish Strategic Plan Development Committee (GSPDC) met October 18-19, 1999 to review the materials resulting from the strategic planning sessions at the September Council meeting. The GSPDC is moving forward on developing the framework and outlining issues. Generally, the process is working well.

Ms. Deborah Nudelman gave a presentation summarizing material presented in Attachment G.10.a. and supplemental GSPDC report G.10. Ms. Nudelman provided an overview of where we have been, where we are, and where we will be six months from now.

Mr. Neal Coenen detailed a number of issues that he had heard at the strategic planning sessions, but did not see in the GSPDC report: 1) year round fishery is connected to an infrastructure that includes processing plants, ports, and communities, which should be considered in the strategic plan; 2) other fisheries (e.g., crab, shrimp) may be harmed by lower groundfish OYs as effort moves out of groundfish and into other fisheries; 3) species diversity, spatial arrangements (North-South, onshore-offshore), and seasonal shifts in effort highlight the need to consider some type of area management; 4) distrust and stereotyping among advisory entities often hinders the Council process, need to consider ways to modify Council structure to improve relationships between advisory entities and provide more time for these bodies to do their work.

Dr. Hanson stated that while Mr. Coenen raised some very good points, the report is a summary of what happened at the strategic planning sessions. And that the issues raised by Mr. Coenen will be addressed at future GSPDC meetings. Mr. Coenen responded that the points he raised were discussed at the strategic planning meetings in September, he did not see them in the report and believed that they should be part of the record. Mr. Coenen will provide his comments in writing for consideration by the GSPDC.

Mr. Fletcher noted that he agreed with Dr. Hansen's comments that this only a beginning, and added that he believed it has been a good start to a difficult process.

G.10.b. Comments of Advisory Entities and Public

There were not comments from the advisory entities or the public.

G.10.c. Council Guidance - ACTION

None.

G.11. Groundfish Priorities and Schedules

G.11.a. Staff Review

Mr. Jim Glock reviewed the groundfish priorities and schedules as outlined in attachment G.11.a. Highest priority items include: required analyses and emergency rule to implement 2000 management measures, finish rebuilding plans, and initiate rebuilding process for canary and cowcod rockfish.

G.11.b. Comments of Advisory Entities and Public

SSC

Mr. Waldeck read the report of the SSC.

Mr. Jim Glock reviewed the Council's groundfish priorities and schedules.

The Scientific and Statistical Committee (SSC) encourages the Council to avoid formalizing its groundfish priorities (especially for issues below the line in Attachment G.11.a.) until the Council's strategic planning process has been completed.

Capacity reduction has been a high priority issue for the SSC and other Council advisory entities for several years and should be included as a high priority issue (above the line) in the Council Work Plan (Attachment G.11.a.). The SSC Economic Subcommittee is willing to prepare a discussion paper documenting the overcapacity problem and outlining potential ways the Council may want to proceed on this issue.

Public

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

G.11.c. Council - ACTION

The first action related to combining several issues on the priorities table (Attachment G.11.a.) into a "capacity reduction" category. Mr. Brown suggested directing the SSC to produce the capacity reduction discussion paper. He recommended against tasking the GAP with developing capacity reduction measures at this time, as the Council needs to articulate its priorities before directing work to develop specific measures.

Second, Mr. Brown suggested combining the sale of overages and salmon donation into a more general category (i.e., bycatch/discard), but to leave it below the line as some of the causes will be addressed through capacity reduction. Bycatch and discard are issues that need to be dealt with as a comprehensive package to be addressed eventually.

Mr. Six gave an update on the issue of marine reserves. He noted that work is proceeding and that analytical assistance is now dedicated to the marine reserves issue. He anticipates a decision at the April meeting on whether the Council will proceed with siting marine reserves. The amount of work involved will depend on the Council's directives.

Dr. Radtke recommended the Council accept Mr. Moore's suggestion about including the sale of overages issue as part of full retention.

Mr. Anderson stated that combining issues may be useful, but his more immediate concern was evaluating the 2000 management measures the Council had adopted. He asked, how does the Council know if the management measures will constrain total catch within OY for the rebuilding species? He suggested that the GMT develop tools by the March 2000 meeting to help evaluate the management measures. He finished by stating that combining categories and shuffling priorities are all well and good, but the broader and comprehensive picture needs to be developed through the strategic plan. The strategic plan will make these decisions more deliberate.

Chairman Lone noted that the workplan (Attachment G.11.a.) is a helpful document for planning and prioritizing, which shows staff time and what the goals are for the Council. He thinks the original intent was to simply identify planned work and prioritize it.

Mr. Brown said that was his intention on combining those issues. He assumed the Council had told the GMT that our management measures need to be monitored. He stated that capacity reduction is the paramount issue, much of the Council's discussion in the strategic planning sessions centered around capacity issues; and he is certain the strategic planning process will identify capacity as the number one problem. By highlighting the issue the Council directs the SSC subcommittee to develop their report and indicate that capacity reduction is the Council's first priority.

Dr. Radtke moved that the Council accept the SSC's offer to produce a report on capacity reduction. Seconded by: Mr. Ralph Brown. (Motion 43)

Mr. Alverson stated that he was not sure what the SSC intended to do, and was concerned that their efforts were not in sync with the GSPDC. He was not sure what the SSC report was intended to be, is it a capacity reduction report – with goals and measures?

Dr. Hanson stated that the GSPDC was planning to produce the draft strategic plan by the March 2000 meeting, and was concerned about the SSC working on a parallel effort unless it could be incorporated into the GSPDC effort. If the SSC's report won't be ready until March, it won't be very useful. Other Council members supported the SSC offer and wanted to make sure the SSC report would be presented to the committee as soon as possible, preferably by the December GSPDC meeting (December 14, 1999). This was accepted as a friendly amendment.

Motion 43 passed.

Mr. Glock summarized the activities that need to take place before the April Council meeting: 1) SSC's capacity reduction report; 2) F_{msy} Workshop; 3) evaluating year 2000 management measures; 4) finish rebuilding plans for lingcod, bocaccio, and POP, and initiate rebuilding plans for canary and cowcod rockfish; 5) evaluate effectiveness of current inseason management; and 7) finish the bycatch amendment to the FMP.

H. Administrative and Other Matters

H.1. Report of the Budget Committee - ACTION

Mr. Harp read the report of the Budget Committee.

The Budget Committee (Committee) reviewed the status of current year 1999 Council expenditures through September, calendar year 1999 budget projection, distribution of calendar year 1999 surplus funds, status of appropriations for 2000, the revised budget request for 2000, and 2003 meeting site proposals.

Expenditures for the nine-month period ending September 30, 1999 are about two percent under budget.

Projected expenditures through December 31, 1999 are estimated to provide a surplus of \$42,471. The surplus has accrued from lower than expected travel costs for the first four Council meetings and the loss of one staff member for the remainder of 1999. All of the estimated surplus is to be distributed to the three state planning contracts using the established allocation percentage.

Congressional appropriations for 2000 are still not known at this time. A \$150,000 increase in federal funding over the 1999 level, to be shared by all eight Councils, is expected. This increase is one-half of the increase anticipated in September.

The Committee reviewed the revised draft 2000 budget proposal prepared by Council staff. Due to the reduction in expected federal funding, professional recording of hearings was eliminated, and ad-hoc travel was decreased. The Committee recommends that the Council authorize staff to prepare and submit the 2000 budget as revised.

The Committee directed staff to continue to search for low cost alternate meeting sites for 2003. Suggested locations include Seattle, Washington; and Orange County, San Diego, and Burlingame, California.

The Council adopted the report of the Budget Committee as shown in Supplemental Budget Committee Report H.1. (Motion 44) Moved by Mr. Caito, seconded by Mr. Thomas.

Mr. Anderson asked for a discussion on the meeting locations. He realizes there is a concern about getting closer to the coast. He finds the Sacramento Inn to be a decent facility, and it is economical for the Council to meet here.

Mr. Bohn noted that the Budget Committee report should just say "other alternative sites".

Mr. Harp noted that the intent was to have some Council meetings on the coast where fisherman could attend the meetings, but not to exclude Sacramento, California. We are looking at the year 2003, which is almost four years from now. Things change, and we were trying to give staff some guidance to look at other locations. This was just for guidance.

Mr. Brown said that some of the towns are easier for fisherman to get to, but not others. Fishermen from Westport have an equally hard time getting to some of these locations.

H.2. Status of Legislation

Dr. Dave Hanson gave the report. Major issues holding up the budget have been resolved. The gridlock is breaking down. We should see a Commerce budget sometime early next week. The states of Washington and Oregon may see an increase in salmon funds compared to the last draft of the budget.

Mr. Brown mentioned that the last time we met, there was discussion on the NOAA research budget. Some Senators felt that NOAA had a line item for the trawl survey. Has there been any attempt to straighten that out? Dr. Hanson said he was not aware of any.

H.3. Appointments - ACTION

Mr. Bohn nominated Mr. Wayne Butler to replace Dick Overfield on the GAP for the remainder of the term. Seconded by: Hans Radtke. Motion passed. (45)

Mr. Harp moved to nominate Mr. Dave Hillemeier to replace Troy Fletcher on the Salmon Advisory Subpanel for the duration of the term. Mr. Boydston seconded the motion. Motion passed. (46) The Hoopa tribe agreed to this and would like the Council to consider the rotation between the tribes the next time this position comes up. Mr. Harp noted it was his understanding that there was an agreement they would rotate their terms. That is why I put in this motion for the remainder of Troy's term.

Mr. Bohn moved appointment of Ms. Jean McCrae on the Highly Migratory Species Plan Development Team and Coastal Pelagic Species Management Team. Seconded by: Ralph Brown (Motion 47). Motion passed.

H.4. Draft Agenda for March 2000 - ACTION

Mr. Six presented Supplemental EXHIBIT H.4, a draft list of March 2000 agenda items. He said we need to add the pink shrimp fishery (bycatch). He also noted we need to consider having a HMSAS meeting in conjunction with the March meeting.

Mr. Anderson asked Dr. Hanson about the current marine reserves schedule. Is there a need for a Marine Reserve Committee meeting in March and will there be options for the public to review prior to the meeting? Dr. Hanson said the committee is waiting on staff work and he will work with Jim Seger in scheduling the next committee meeting.

Mr Six asked about G.3., did you want that in March or April? Mr. Robinson replied "in April".

Mr. Robinson requested the Council add (1) a CPS report on the status of the limited entry program and (2) under HMS, F.1., "and guidance to the plan development team". Under groundfish management for setnet fisheries, he requested the item be changed to say "setnet fishery review".

With regard to CPS, Mr. Boydston asked Mr. Six if the squid MSY issue is for March or April? Mr. Six said to add it as a placeholder on the March agenda - including the bycatch issue. For G.6., also add bocaccio, canary (the whole suite) and take out the word minor).

With respect to the March meeting, Mr. Glock noted it has not been a groundfish meeting in the past. The Council may want to get some thought on how to get advice from the groundfish industry.

Mr. Brown noted that for G.6. we need the groundfish advisors at the meeting. Mr. Anderson said he appreciates the concern, but that getting a report back from the GMT is very important to our overall management strategy for 2000. Whether we took actions to modify our management regimes is another question. We could delay action to April with regard to looking at alternatives in terms of altering the fishing regimes. In March, the Council would get an update, discuss some potential actions, and put it out to the public.

Mr. Brown questioned if we would have enough landing information in March. It is likely we would only have January landing data. Mr. Anderson said he thinks the GMT may have other information to draw on. Mr. Brown noted that most of the information they have to look at will not be applicable since things have changed so much. The fishermen have changed their patterns and their gear, so old data is not applicable. We have a new world which starts in the new year. Mr. Anderson said he just views this as a update from the GMT to give to the GAP to look at in April.

Mr. Lone met with each of the panels here this week and conducted a consensus on who the chairs would be for the advisory entities.

SAS - Mark Cedergreen/Duncan MacLean
HSG - Michele Robinson/Jennifer Bloeser
GAP - Don Hanson/Rod Moore
HMSAS - not available
CPS - not available

Mr. Anderson spoke to the draft March agenda. In response to his question, the Council clarified that the Update on Activities to Restore Natural Stocks was about habitat actions by the states and tribes that had previously been scheduled during November meetings. Mr. Anderson also noted that the Council had some input from the scoping sessions on HMS for having some broader representation on that advisory group. He moved to add two commercial at large positions to the HMSAS and direct staff to solicit nominations. The Council agreed. Mr. Alverson seconded the motion. (Motion 48)

Mr. Anderson added that there may be some changes to the FRAM chinook model prior to March and to add a review of those changes to the March agenda.

ADJOURN

The Council was adjourned at 10:34 a.m., on Friday, November 5, 1999.

Jim Lone, Council Chairman

Date

DRAFT VOTING LOG
Pacific Fishery Management Council
November 1-5, 1999

MOTION 1: Adopt the agenda as shown in EXHIBIT A.2. with the following changes: drop the September meeting minutes, under Agenda Item C.6.a. add a WDFW report by Sgt. Mike Cenci; under Agenda Items D.1. and D.2. add a report by the working group for fishing gear impacts. Under Agenda Item G.2., alter the order slightly to include a report from Dr. Alec MacCall, receive the reports from the advisory entities, receive the summary of written public comments then hold the public hearing.

Moved by: Jim Harp
Motion passed.

Seconded by: Hans Radtke

MOTION 2: Approve the June 1999 Council meeting minutes as shown in EXHIBIT A.3..

Moved by: LB Boydston
Motion passed.

Seconded by: Jerry Mallet

MOTION 3: Modify sections b(1), (2), and (3) of the Pacific Halibut catch sharing plan consistent with the recommendations on page one of Attachment B.3.b. to implement the equitable allocation adjustment agreement among the state, federal, and tribal entities.

Moved by: Phil Anderson
Motion passed.

Seconded by: Jim Harp

MOTION 4: Adopt the proposed changes in the first two paragraphs under "Washington Recreational Fishery" in Attachment B.3.a. These changes (a) move the boundary between the Puget Sound and North Coast subareas eastward from the Bonilla-Tatoosh line to the mouth of the Sekiu River while adjusting the subarea harvest quotas to account for the change in areas and (2) allow opening of the "hotspot" area in the South Coast Subarea by inseason action, effective upon notice via the NMFS halibut hotline rather than upon publication in the *Federal Register*.

Moved by: Phil Anderson
Motion passed.

Seconded by: Jim Harp

MOTION 5: Adopt the recommendation under #1 in Supplemental ODFW Report B.3. to manage the inside 30-fathom fishery from Cape Falcon to Humbug Mountain under one quota rather than the present scheme of two subareas split at the Florence north jetty.

Moved by: Burnie Bohn
Motion passed.

Seconded by: Ralph Brown

MOTION 6: Direct the STT to complete its report on hooking mortality studies and provide that report and recommendations for an interim rate for the sport fishery to the SSC prior to the March meeting. Alert the public that, at its March meeting, based on the STT recommendations, the Council will formally consider adopting a new interim rate for the year 2000 ocean sport fisheries off Washington and Oregon and that preliminary analyses indicate the rate will likely be increased.

Moved by: LB Boydston
Motion passed.

Seconded by: Jim Caito

MOTION 7: Open the recreational fishery off California as scheduled with a provision for an inseason action by NMFS delaying the opening south of Pt. Arena with the intent of conserving listed species.

Moved by: LB Boydston
Motion passed.

Seconded by: Roger Thomas

MOTION 8: Adopt Attachment C.5.a. with the following modifications: (1) in A.1 for 2000, allow submission of proposals up to the March meeting; (2) add item A.3. that states previously approved test fisheries do not need to be resubmitted each year; (3) add somewhere in the document that fishery sponsors are urged to coordinate their proposals through the appropriate management entities; (4) under B.3., expand the sentence to say an explanation would be provided if a request is denied; and (5) deleted the word "budgeted" in C.5.

Moved by: LB Boydston
Motion passed.

Seconded by: Bob Fletcher

MOTION 9: Instruct the Habitat Steering Group (HSG) to take the lead on addressing the impact of fishing gear on habitat and that they utilize members of the GAP representing the different gear types and their work; and that we approve of the workplan shown in Supplemental WGI Report D.

Moved by: Phil Anderson
Motion passed.

Seconded by: Bob Alverson

MOTION 10: Direct the HSG to develop letters for the Council on the issue of the Potter Valley FERC project; and the second letter for comments on the Trinity River DEIS, and the have the Council use the fast response mechanism.

Moved by: LB Boydston
Motion passed.

Seconded by: Bob Fletcher

MOTION 11: Adopt a final harvest guideline for the 1999-2000 pacific mackerel season of 46,428 mt, and effective January 1, 2000 subtract the landings of the season (three months) from that quota.

Moved by: Patty Wolf
Motion passed.

Seconded by: Bob Fletcher

- MOTION 12: For coastal pelagics, adopt the Council Operating Procedure as shown in Attachment E.2.b.
Moved by: Bob Fletcher Seconded by: Roger Thomas
Motion passed.
- MOTION 13: Direct the Highly Migratory Species Plan Development Team (HMSPDT) to give the Council information on the control date at the March meeting.
Moved by: Bob Fletcher Seconded by: Phil Anderson
Motion passed.
- MOTION 14: Add two commercial at-large seats to the Highly Migratory Species Advisory Subpanel.
Moved by: Phil Anderson Seconded by: Bob Alverson
Motion passed.
- MOTION 15: Adopt guidance to the HMSPDT as shown in Supplemental NMFS Report F.1., with the addition of suggestions by Ms. Wolf and Mr. Anderson.
Moved by: Burnie Bohn Seconded by: Bob Alverson
Motion passed.
- MOTION 16: Delay action on Amendment 12 to the groundfish fishery management plan until the April meeting.
Moved by: Phil Anderson Seconded by: Jim Harp
Motion passed.
- MOTION 17: Adopt the lingcod rebuilding plan as presented in Attachment G.2.b. utilizing Option 5 for the purposes of establishing rebuilding yields (OYs) in Council managed fisheries.
Moved by: Phil Anderson Seconded by: Jim Harp
Motion passed.
- MOTION 18: Adopt the Pacific Ocean perch rebuilding plan as presented in Attachment G.2.d. Rebuilding yields (OYs) shall be determined utilizing the reproductive success reflected from 1980-on coupled with an "F" value of 0.035.
Moved by: Phil Anderson Seconded by: Jim Harp
Motion passed.
- MOTION 19: Adopt the Bocaccio rebuilding plan as presented in Attachment G.2.c. utilizing medium recruitment for 1999, F 0.03, 100 mt option.
Moved by: LB Boydston Seconded by: Bob Fletcher
Motion passed.

MOTION 20: Adopt the ABCs as identified in Attachment G.3.a.

Moved by: Burnie Bohn
Motion passed.

Seconded by: Ralph Brown

MOTION 21: Adopt the OYs as shown in Attachment G.3.a. with the following clarifications: for lingcod, 378 mt; whiting 232,000 mt; sablefish 7,919 mt (472 mt in the Conception area); POP 270 mt; shortbelly 13,900 mt; widow 4,333 mt; canary 200 mt; chilipepper 2,000 mt; bocaccio 100 mt; splitnose 615 mt; yellowtail 3,539 mt; shortspine 970 mt (179 mt in the Conception area); longspine 4,102 mt (429 mt in the Conception Area); cowcod under 5 mt; minor rockfish (north 3,664 mt and south 1,899 mt); and Dover sole 9,426 mt.

Moved by: Phil Anderson

Seconded by: Jim Harp

Amendment: Set shortspine at 1,150 mt.

Moved by: Ralph Brown
Roll call vote on amendment: 6 yes, 8 no.
Amendment failed.
Main motion passed.

| Roll Call Vote, Amendment to Motion 21 | | | |
|---|-----|----|---------|
| | | | |
| Council Member | YES | NO | ABSTAIN |
| Alverson, Bob | | X | |
| Anderson, Phil | X | | |
| Barracough, Jack | X | | |
| Bohn, Burnie | X | | |
| Boydston, LB | | X | |
| Brown, Ralph | X | | |
| Caito, Jim | X | | |
| Fletcher, Robert | | X | |
| Harp, Jim | | X | |
| Lone, Jim (Chairman) | | X | |
| Mallet, Jerry | | X | |
| Radtke, Hans | X | | |
| Robinson, Bill | | X | |
| Thomas, Roger | | X | |
| | | | |
| Total: | 6 | 8 | 0 |

MOTION 22: For Tribal groundfish fisheries other than whiting and halibut, adopt the limits as outlined in Tribal Comment G.3.(2).

Moved by: Jim Harp
Motion passed.

Seconded by: Phil Anderson

MOTION 23: For Tribal Pacific whiting fisheries, adopt a tribal set aside of 34,500 metric tons.

Moved by: Jim Harp Seconded by: Phil Anderson
Chairman Lone called the roll, 2 yes and 12 no.
Motion failed.

| Roll Call Vote, Motion 23 | | | |
|----------------------------------|-----|--------------|---------|
| Council Member | YES | NO | ABSTAIN |
| Alverson, Bob | | X | |
| Anderson, Phil | | X | |
| Barracough, Jack | | X | |
| Bohn, Burnie | | X | |
| Boydston, LB | | X | |
| Brown, Ralph | | X | |
| Caito, Jim | | X | |
| Fletcher, Robert | | X | |
| Harp, Jim | X | X | |
| Lone, Jim (Chairman) | | X | |
| Mallet, Jerry | | X | |
| Radtke, Hans | | X | |
| Robinson, Bill | X | | |
| Thomas, Roger | | X | |
| | | | |
| Total: | 2 | 12 | |

MOTION 24: Establish a 32,500 mt set-aside for the tribal whiting fishery for the year 2000.

Moved by: Phil Anderson Seconded by: Bob Alverson
Motion passed. Mr. Caito opposed the motion.

MOTION 25: Designate shortbelly rockfish as fully utilized by domestic harvesting and processing for 2000; therefore TALFF and JVP are set equal to zero.

Moved by: Bill Robinson Seconded by: Bob Fletcher
Motion passed.

MOTION 26: Adopt and send out for public review, the draft proposed regulations for an observer program as described in Supplemental Attachment G.4.b.

Moved by: Bob Alverson Seconded by: Mr. Ralph Brown
Motion passed.

MOTION 27: Incorporate in the terms of reference the five bullets in revised Supplemental SSC Report G.5. for new stocks which are projected to go over the overfishing threshold. The five bullets were: 1) determine B_0 , as the product of SPR in unfished state multiplied by the average recruitment during early years of fishery; 2) recruitment during the earliest part of the record for the stock; 3) $B_{msy} = 0.4 B_0$; 4) mean generation time; and 5) a forward projection using recruitment based on Monte Carlo sampling from a recent time series of recruitment estimates. Also include the following paragraph in the terms of reference (as shown in Supplemental Attachment G.5.b.) "In addition, we agreed that certain additional values should be consistently tabulated in the STAT team report in order to build a long-term computerized database of key parameters. This requirement typically would not impose additional calculations upon the STAT team but would simply require them to be reported in like manner".

Moved by: Burnie Bohn
Motion passed.

Seconded by: Phil Anderson

MOTION 28: Instruct the STAR panels meet to have a half-day workshop in January or February to develop the changes to the terms of reference (as noted in Supplemental Attachment G.5.b.).

Moved by: Ralph Brown
Motion passed.

Seconded by: Jim Caito

MOTION 29: Adopt the terms of reference the harvest policy workshop as identified in Supplemental Attachment G.6.a.

Moved by: Phil Anderson
Motion passed.

Seconded by: Hans Radtke

MOTION 30: Move that the Washington recreational lingcod season be April 1-October 31 with a one fish bag limit, minimum size 24 inches, and a 10 rockfish bag limit including not more than two canary and two yelloweye rockfishes.

Moved by: Phil Anderson
Motion passed.

Seconded by: Jim Harp

MOTION 31: Move that Oregon have a 12-month sport lingcod season with a daily bag limit of one fish, minimum size 24 inches and maximum size 34 inches, and a 10-rockfish bag limit including not more than three canary rockfish.

Moved by: Burnie Bohn
Motion passed.

Seconded by: Ralph Brown

MOTION 32: Establish a rockfish bag limit of 10 per day, including not more than 3 bocaccio, 3 canary, and not more than one cowcod per boat; and 2 lingcod per day, with lingcod not less than 26 inches in length.

Moved by: LB Boydstun

Seconded by: Jim Caito

Amendment: Mr. Fletcher moved to amend Motion 32 to increase the rockfish bag limit to 12.

Moved by: Bob Fletcher Seconded by: Roger Thomas
Roll call vote on the amendment: 3 yes, 10 no.
Amendment to Motion 32 failed.
Main motion passed.

| Roll Call Vote, Amendment to Motion 32 | | | |
|---|-----|----|---------|
| | | | |
| Council Member | YES | NO | ABSTAIN |
| | | | |
| Alverson, Bob | | X | |
| Anderson, Phil | | X | |
| Barraclough, Jack | X | | |
| Bohn, Burnie | | X | |
| Boydston, LB | | X | |
| Brown, Ralph | | X | |
| Caito, Jim | | X | |
| Fletcher, Robert | X | | |
| Harp, Jim | | X | |
| Lone, Jim (Chairman) | | X | |
| Mallet, Jerry | | | Absent |
| Radtke, Hans | | X | |
| Robinson, Bill | | X | |
| Thomas, Roger | X | | |
| | | | |
| Total: | 3 | 10 | |

MOTION 33: Adopt the management measures as presented in "revised Supplemental GMT Report G.7.(1) November 1999" for yellowtail north trip limits for trawl when using gear other than mid-water gear would be 1,500 lb/month. Regarding the trawl gear that may be on-board, a vessel may have multiple gears on-board however, the vessel will be governed by the most restrictive trip limit that applies to the gear on-board. Prior to unloading, a "declaration form" must be completed and signed by both the vessel operator and the employee of the facility that is off-loading the catch. The form must be attached to the fish receiving ticket.

A "small footrope" will be defined as any footrope with no individual disk, roller, bobbins, or any other device that exceeds 8". Small footrope nets will not be allowed to have any chaffing gear on the body of the net. Regarding limited entry fixed gear, the widow rockfish trip limit be 3,000 pounds per month, the yellowtail north trip limit would be 1,500 pounds per month, and the chilipepper south trip limit would be 2,000 pounds per month. Trip limits for minor nearshore rockfish would be 2,400 pounds/2-months, no more than 50% of which can be species other than black or blue. Regarding the open access fishery, the motion does not include the limits relative to spot/ridgeback prawn, California halibut, sea cucumber, or pink shrimp fisheries.

Minor nearshore rockfish south 550 pounds/2-months

Minor nearshore rockfish north 800 pounds/2-months, (no more than 50% of which can be species other than black or blue).

Conception area sablefish daily trip limit of 350 pounds for open access, with the option of a single landing up to 600 pounds weekly, not to exceed 1,800 pounds per two months.

For cowcod, not more than one fish per landing

South of Cape Mendocino close the commercial fixed gear fishery (limited entry and open access, including setnet) for nearshore and shelf rockfish during the recreational fishery closures; the fishery for minor slope rockfish and sablefish will remain open with a 500 pound trip limit of slope rockfish.

North of Cape Mendocino, the open access minor nearshore rockfish limit will be 1,000 pounds per two months (no more than 50% of which can be species other than black or blue rockfish).

Moved by: Phil Anderson
Motion passed.

Seconded by: LB Boydstun

MOTION 34: Direct the GMT to analyze the setnet rockfish species composition data relative to address rockfish concerns, and consolidate our OY management line and trip limit management line at 40 10". Include Mr. Anderson's friendly amendment as to whether or not we should assign a bycatch mortality rate - recognize mortality for minor rockfish, nearshore minor rockfish and something south.

Moved by: LB Boydstun
Motion passed.

Seconded by: Bob Fletcher

MOTION 35: Adopt a 10,000 pound per month trip limit inside the 30 fathom Eureka area.

Moved by: Bill Robinson
Motion passed.
Mr. Brown abstained from the vote.

Seconded by: LB Boydstun

MOTION 36: Reconsider the main motion passed for Motion 35.

Moved by: Bob Fletcher
Motion passed.

Seconded by: LB Boydstun

MOTION 37: Move that Motion 35 be amended to use 36° N Latitude instead of using Piedras Blancas.

Moved by: Bob Fletcher
Motion passed.

Seconded by: Roger Thomas

MOTION 38: Moved to reconsider Motion 33.

Moved by: Bob Fletcher
Motion passed.

Seconded by: Roger Thomas

MOTION 39: Amend Motion 33 to reflect the following: With regard to fixed gear open access and limited entry fixed gear fisheries south of Cape Mendocino, that the minimum lingcod size limit increase from 24 to 26 inches. With regard to the closure of the open access and limited entry fixed gear fisheries south of Cape Mendocino during the closed periods for recreational. The closure applies to nearshore rockfish and shelf rockfish and lingcod. The states will require gear types used in trawl fisheries to be reported on state fish receipts or other state reporting documents. With regard to exempted trawl, excluding pink shrimp, 300 pounds groundfish per trip not to exceed the poundage of targeted species or any other open access species limit. Spiny dogfish can exceed target poundage but not more than 300 pounds per trip. Include Item #3 on Supplemental GMT Report G.7.(3)., (page 2 regarding trip limits).

Moved by: LB Boydston
Amendment passed.

Seconded by: Ralph Brown

MOTION 40: As a placeholder, (for pink shrimp) have the Council use last year's 500 pounds per day, 2,000 pounds per trip (status quo).

Moved by: Burnie Bohn
Motion passed.

Seconded by: Ralph Brown

MOTION 41: Adopt Motion 39 as amended (the vote on the main motion).

Moved by: Mr. Boydston
Motion passed.

Seconded by: Ralph Brown

MOTION 42: Move that the Council adopt November 5, 1999 as a control date for future capacity control measures and various types of limited entry that might be considered for the open access fleet.

Moved by: Ralph Brown
Motion passed.

Seconded by: Jim Caito

MOTION 43: Move that the Council accept the SSC's offer to produce a report on capacity reduction.

Moved by: Hans Radtke
Motion passed.

Seconded by: Ralph Brown

MOTION 44: Adopt the report of the Budget Committee as shown in Supplemental Budget Committee Report H.1.

Moved by: Jim Caito
Motion passed.

Seconded by: Roger Thomas

MOTION 45: Appoint Mr. Wayne Butler to replace Dick Overfield on the GAP for the remainder of the term.

Moved by: Burnie Bohn
Motion passed.

Seconded by: Hans Radtke

MOTION 46: Appoint Mr. Dave Hillemeier to replace Troy Fletcher on the Salmon Advisory Subpanel for the duration of the term.

Moved by: Jim Harp
Motion passed.

Seconded by: LB Boydstun

MOTION 47: Appoint Ms. Jean McCrae to the Highly Migratory Species Plan Development Team and the Coastal Pelagic Species Management Team.

Moved by: Burnie Bohn
Motion passed.

Seconded by: Ralph Brown

MOTION 48: Add two commercial at large positions to the HMSAS and direct staff to solicit nominations to fill those positions.

Moved by: Phil Anderson
Motion passed.

Seconded by: Bob Alverson