

**PROPOSED AGENDA**  
**Pacific Fishery Management Council**  
Red Lion Hotel Sacramento  
1401 Arden Way  
Sacramento, CA 95815  
(916) 922-8041  
September 11-15, 2000

**SEPTEMBER COUNCIL MEETING AGENDA SUMMARY**

Monday (September 11)	Tuesday (September 12)	Wednesday (September 13)	Thursday (September 14)	Friday (September 15)
No Council Session	Closed Executive Session	Groundfish Management	Groundfish Management	Coastal Pelagic Species Management
	Marine Reserves			Administrative Matters
	Habitat Issues			
	Halibut Management			Adjourn
	Salmon Management			
	4 p.m. Public Comment Period (For Items <u>Not</u> on the Agenda)	Highly Migratory Species Management		
Ancillary meetings of advisory panels, technical teams, subcommittees, etc. begin Sunday and Monday (see last page of detailed Council agenda daily schedule)				

***Notice to Public***

Please note the actual order and timing of agenda items may vary somewhat from the proposed agenda. For example, items not completed on the scheduled day will be carried over to the next day. Items may be moved to an earlier time than shown on this proposed agenda. In accordance with the Magnuson-Stevens Fishery Conservation and Management Act, issues not contained in this agenda may come before this Council for discussion. However, such issues may not be the subject of formal Council action during this meeting unless they are emergency in nature. Formal Council action will be restricted to those non-emergency issues specifically identified as **action items** in the agenda. Public comments on items not on the agenda will be accepted at 4 p.m. on Tuesday.

**To present verbal testimony at this meeting**, please complete a registration card and specify the agenda item on which you wish to speak. Cards are available at the entry desk inside the Council meeting room. After public comment begins on each agenda item, additional cards will not be accepted on that item. Verbal testimony is limited to five minutes for individuals and ten minutes for groups or individuals representing organizations. Please identify yourself and whom you represent at the beginning of your testimony.

**Written comments or materials received at the Council Office by September 5, 2000** will be included in the materials distributed to the Council for consideration at this meeting. Comments received by August 23 will be mailed to Council members prior to the meeting. **After September 5 it is the submitter's responsibility to provide Council staff with an adequate number of copies to assure coverage of the Council (a minimum of 35 copies).**

Financial interest statements for the appointed Council members are available for inspection at the documents table in the Martinique Room.

# DETAILED COUNCIL MEETING AGENDA

MONDAY, SEPTEMBER 11 THROUGH FRIDAY, SEPTEMBER 15

## ANCILLARY SESSIONS

Various technical and administrative committees, advisory entities, work groups, and State delegations will meet throughout the week. See the ANCILLARY MEETING schedule at the end of this agenda for a complete listing of these meetings.

TUESDAY, SEPTEMBER 12, 2000

8 A.M.

### CLOSED SESSION

(Closed to all except Council members, their designees, and others designated by the Chair to discuss litigation and personnel matters.)

*Martinique Ballroom*

9 A.M.

### GENERAL SESSION

*Martinique Ballroom*

#### A. Call to Order

- |   |                 |
|---|-----------------|
| 1. Opening Remarks, Introductions                             | Jim Lone, Chair |
| 2. Council Member Appointments                                | NMFS            |
| 3. Roll Call  |                 |
| 4. Executive Director's Report                                | Don McIsaac     |
| 5. Status of Federal Regulation Implementation                | Bill Robinson   |
| 6. <b>Council Action:</b> Approve Agenda                      |                 |
| 7. <b>Council Action:</b> Approve April and June 2000 Minutes | Jim Lone, Chair |

#### B. Marine Reserves

- |   |           |
|---|-----------|
| 1. Marine Reserves Phase I Considerations Report  |           |
| a. Agendum Overview   | Jim Seger |
| b. Report and Comments of Advisory Bodies   |           |
| c. Public Comment   |           |
| d. <b>Council Action:</b> Finding on Application as a Management Tool                     |           |
| 2. Marine Reserves Phase II Considerations  |           |
| a. Agendum Overview   | Jim Seger |
| b. Report and Comments of Advisory Bodies   |           |
| c. Public Comment   |           |
| d. <b>Council Action:</b> Decide If and How to Proceed with Marine Reserve Implementation |           |

#### C. Habitat Issues

Overview by Fran Recht

- |  |                  |
|--|------------------|
| 1. Endangered Species Act and Essential Fish Habitat Requirements in Regard to Klamath River Flows | NMFS SW          |
| 2. Report of the Habitat Steering Group (HSG)  | Michele Robinson |
| a. Report and Comments of Advisory Bodies  |                  |
| b. Public Comment  |                  |
| c. <b>Council Action:</b> Consider HSG Recommendations   |                  |

#### **D. Pacific Halibut Management**

1. Status of 2000 Fisheries Yvonne DeReynier
  - a. Report and Comments of Advisory Bodies
  - b. Public Comment
2. Status of Bycatch Estimate Cyreis Schmitt
  - a. Report and Comments of Advisory Bodies
  - b. Public Comment
  - c. Council Guidance
3. Proposed Changes to the Catch Sharing Plan and Annual Regulations John Coon  
WDFW ODFW
  - a. Agendum Overview
  - b. State Proposals
  - c. Tribal Comments
  - d. Report and Comments of Advisory Bodies
  - e. Public Comment
  - f. **Council Action:** Adopt Proposed Changes for Public Review

#### **E. Salmon Management**

1. Sequence of Events and Status of Fisheries John Coon, Doug Milward
  - a. Public Comment
  - b. Council Discussion
2. Preliminary Report of the Oregon Coastal Natural Coho Work Group John Coon  
Sam Sharr
  - a. Agendum Overview
  - b. Report by Work Group Leader
  - c. Report and Comments of Advisory Bodies
  - d. Public Comment
  - e. Council Discussion and Guidance on Development of Final Report
3. Scientific and Statistical Committee Methodology Review Priorities John Coon
  - a. Agendum Overview
  - b. Report and Comment of Advisory Bodies
  - c. Public Comment
  - d. Council Guidance

<p><b>PUBLIC COMMENT PERIOD</b> <b>4 P.M.</b> Public comments on fishery issues <u>not</u> on the agenda are accepted at this time.</p>
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#### **F. Administrative and Other Matters**

1. Research and Data Needs Jim Seger
2. Status of Legislation Dave Hanson



WEDNESDAY, SEPTEMBER 13, 2000

8 A.M.  
GENERAL SESSION  
Martinique Ballroom

**A. Call to Order and Daily Agenda Overview (Reconvene)**

Jim Lone/Don McIsaac

**G. Groundfish Management**

1. Status of Federal Groundfish Activities
  - a. NMFS Report
  - b. Report and Comments of Advisory Bodies
  - c. Public Comment
  - d. Council Discussion
2. Groundfish Strategic Plan
  - a. Agendum Overview
  - b. Ad-Hoc Groundfish Strategic Plan Development Committee Final Report
  - c. Hearing Summaries
  - d. Report and Comments of Advisory Bodies
  - e. Public Comments
  - f. **Council Action:** Consider Final Adoption of Plan
3. Exempted Fishing Permit Applications
  - a. Agendum Overview
  - b. NMFS Research Permit
  - c. Public Comment
  - d. Report and Comments of Advisory Bodies
  - e. **Council Action:** Recommendations to NMFS on Research and Other Exempted Fishing Permit Applications
4. Rebuilding Programs for Canary Rockfish and Cowcod
  - a. Agendum Overview
  - b. Ad-Hoc Allocation Committee Report
  - c. Report and Comments of Advisory Bodies
  - d. Public Comment
  - e. **Council Action:** Adopt for Public Review Draft and Public Hearing Schedule
5. New Stock Assessments for Lingcod and Pacific Ocean Perch
  - a. Agendum Overview
  - b. Report and Comments of Advisory Bodies
  - c. Public Comment
  - d. **Council Action:** Consider Rebuilding Plan and Season Adjustments
6. Preliminary Harvest Levels and Other Specifications for 2001
  - a. Agendum Overview
  - b. Preliminary Estimates of Acceptable Biological Catch, Optimum Yield, and Economic Analysis
  - c. Proposed Treaty Indian Harvest Levels
  - d. Preliminary Estimates of Domestic Annual Processing, Joint Venture Processing, and Total Allowable Level of Foreign Fishing
  - e. Report and Comments of Advisory Bodies
  - f. Public Comment
  - g. **Council Action:** Adopt Specifications for Public Review

Bill Robinson

*Dan Waldeck*  
~~Jim Glock~~

Jim Glock  
Cyreis Schmitt

Jim Glock  
Phil Anderson

Jim Glock

Jim Glock

GMT  
Jim Harp

Kate King



## **H. Highly Migratory Species Management**

1. Update on Fishery Management Plan (FMP) Development
  - a. Agendum Overview
  - b. Report and Comments of Advisory Bodies
  - c. Public Comment
  - d. Council Guidance

Dan Waldeck

THURSDAY, SEPTEMBER 14, 2000

8 A.M.  
GENERAL SESSION  
*Martinique Ballroom*

## **A. Call to Order and Agenda Overview (Reconvene)**

Jim Lone/Don McIsaac

## **G. Groundfish Management (continued)**

7. Sablefish Permit Stacking Concept
  - a. Report and Comments of Advisory Bodies
  - b. Public Comment
  - c. **Council Action:** Consider Adoption for Public Review
8. Permit Transfer Regulations
  - a. Agendum Overview
  - b. Report and Comments of Advisory Bodies
  - c. Public Comment
  - d. **Council Action:** Initiate Process to Revise Permit Transfer Regulations
9. Stocks to be Assessed in 2001 and Agency Commitments
  - a. Report and Comments of Advisory Bodies
  - b. Public Comment
  - c. Council Discussion
10. Proposed Management Measures for 2001
  - a. Agendum Overview
  - b. Report and Comments of Advisory Bodies
  - c. Public Comment
  - d. **Council Action:** Adopt for Public Review
11. Status of Fisheries and Inseason Adjustments
  - a. Agendum Overview
  - b. Report and Comments of Advisory Bodies
  - c. Public Comment
  - d. **Council Action:** Consider Adjustments in Management Measures

Jim Seger/Jim Hastie

Jim Glock

Cyreis Schmitt

Jim Glock

Jim Glock

FRIDAY, SEPTEMBER 15, 2000

8 A.M.  
GENERAL SESSION  
*Martinique Ballroom*

**A. Call to Order and Agenda Overview (Reconvene)**

Jim Lone/Don McIsaac

**I. Coastal Pelagic Species Management**

1. Coastal Pelagic Species FMP Amendment 9: Bycatch, Squid  
Maximum Sustainable Yield, Tribal Fishing Rights
  - a. Agendum Overview
  - b. Report and Comments of Advisory Bodies
  - c. Public Comment
  - d. **Council Action:** Consider Final Adoption of Plan

Dan Waldeck

**F. Administrative and Other Matters (continued)**

3. Proposed Change in Terms for Council Advisory Body Members - **ACTION**
4. Appointments to Advisory Groups (CPS, Highly Migratory Species,  
and Salmon Technical Team) - **ACTION**
5. Report of the Budget Committee - **ACTION**
6. Council Workload Priorities
7. Draft Agenda for November 2000 - **ACTION**

John Coon

Jim Lone  
Jim Harp  
Don McIsaac  
Don McIsaac

ADJOURN

PFMC  
08/04/00

## SCHEDULE OF MEETINGS

### SUNDAY, SEPTEMBER 10, 2000

Groundfish Management Team	1 p.m.	Shasta Room
Groundfish Advisory Subpanel	1 p.m.	Sierra A Room

### MONDAY, SEPTEMBER 11, 2000

Council Secretariat	7 a.m.	California Room
Groundfish Management Team	8 a.m.	Shasta Room
Scientific and Statistical Committee	8 a.m.	Sierra B Room
Groundfish Advisory Subpanel	8 a.m.	Sierra A Room
Habitat Steering Group	9 a.m.	Oroville Room
Highly Migratory Species Advisory Subpanel	1 p.m.	Klamath Room
Budget Committee	2 p.m.	Almanor Room
Briefing on Stock Assessments	2:30 p.m.	Sierra A Room

### TUESDAY, SEPTEMBER 12, 2000

Council Secretariat	7 a.m.	California Room
California State Delegation	7 a.m.	Almanor Room
Oregon State Delegation	7 a.m.	Sierra A Room
Washington State Delegation	7 a.m.	Sierra B Room
Groundfish Advisory Subpanel	8 a.m.	Sierra A Room
Scientific and Statistical Committee	8 a.m.	Sierra B Room
Highly Migratory Species Advisory Subpanel	8 a.m.	Klamath Room
Enforcement Consultants	5:30 p.m.	Almanor Room
Groundfish Management Team	As Necessary	Shasta Room

### WEDNESDAY, SEPTEMBER 13, 2000

Council Secretariat	7 a.m.	California Room
California State Delegation	7 a.m.	Almanor Room
Oregon State Delegation	7 a.m.	Sierra A Room
Washington State Delegation	7 a.m.	Sierra B Room
Groundfish Advisory Subpanel	8 a.m.	Sierra A Room
Salmon Technical Team and Scientific and Statistical Committee Joint Workshop	8 a.m.	Sierra B Room
Enforcement Consultants	As Necessary	Almanor Room
Groundfish Management Team	As Necessary	Shasta Room



## SCHEDULE OF MEETINGS (CONTINUED)

### THURSDAY, SEPTEMBER 14, 2000

Council Secretariat	7 a.m.	California Room
California State Delegation	7 a.m.	Almanor Room
Oregon State Delegation	7 a.m.	Sierra A Room
Washington State Delegation	7 a.m.	Sierra B Room
Coastal Pelagic Species Advisory Subpanel	1 p.m.	Sierra B Room
Enforcement Consultants	As necessary	Almanor Room
Groundfish Advisory Subpanel	As Necessary	Sierra A Room
Groundfish Management Team	As Necessary	Shasta Room

### FRIDAY, SEPTEMBER 15, 2000

Council Secretariat	7 a.m.	California Room
California State Delegation	7 a.m.	Almanor Room
Oregon State Delegation	7 a.m.	Sierra A Room
Washington State Delegation	7 a.m.	Sierra B Room

**DRAFT MINUTES**  
**Pacific Fishery Management Council**

Doubletree Hotel - Columbia River  
1401 N Hayden Island Drive  
Portland, OR 97217  
April 3 -7, 2000

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**A. CALL TO ORDER**

**A.1. Opening Remarks, Introductions**

Chairman Jim Lone opened the 153rd meeting of the Pacific Fishery Management Council in Portland, Oregon.

**A.2. Roll Call, Executive Director's Report**

Dr. Don McIsaac called the roll.

Voting Members

Mr. Bob Alverson  
Mr. Phil Anderson  
Mr. Jack Barracough  
Mr. Burnell Bohn  
Mr. LB Boydston  
Mr. Ralph Brown  
Mr. Jim Calto  
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 Ted Lindstrom

Members Absent

Mr. Stetson Tinkham

**A.3. Approve Agenda**

Dr. McIsaac reported that his meetings with constituents, Council members, and advisory entities have been very productive. He will continue to meet with others. By the time the Council meets in June, he will have those ideas in the form of a report for Council member distribution.

He also noted that there will be a daily agenda overview by the Executive Director. The Council staff officer will give a more specific overview of certain agenda items which will help facilitate the meeting. The intent is for a more efficient meeting.

Dr. McIsaac noted that groundfish inseason adjustments have been broken down by fishery. By mistake, the sablefish three-tier system inseason adjustment was left off. He suggested that the Council add an agenda item to sablefish inseason adjustments (between B.7. and B.8.) as an informational item only. The agenda was approved with that addition. (Motion 1).

**B. GROUNDFISH MANAGEMENT**

**B.1. Groundfish Management Agenda Overview**

Mr. Jim Glock gave the Council a brief overview of the groundfish items for the entire week.

**B.2. Status of Federal Regulations, Research Programs, and Other Activities**

Mr. Robinson referred the Council to NMFS Report B.2., enforcement report. He reported the National Marine Fisheries Service (NMFS) has initiated formal review of the three rebuilding plans the Council submitted. Upon approval, NMFS will notify the Council by letter and in the FR. Exempted fishing permits for the shoreside whiting fishery have been issued, and the Council's recommended trip limit adjustments for

groundfish taken in the pink shrimp fishery were implemented April 1. NMFS intends to implement mandatory observer requirements in the at-sea whiting fishery before the fishery opens May 15. Also, NMFS has completed the inseason action for the salmon fishery (April 1 openings in Oregon).

Ms. Cyreis Schmitt reported on the Northwest Fisheries Science Center (NWFS) research activities. NMFS held a public meeting on its draft groundfish research plan and will hold one or two more meetings, probably one in California. Written comments, e-mail comments, and telephone comments will also be accepted. The slope trawl survey will be done using chartered vessels. She described two projects that will be conducted using contracts: the whiting pre-recruit survey (age zero whiting) being done in combination with the rockfish survey off central California; and a survey of depth distribution of Dover sole, shortspine/longspine thornyheads, and sablefish.

The Alaska Fisheries Science Center (AFSC) is reviewing their trawl survey programs (gear towing speed on trawl performance) and re-evaluating the effects of "mud" tows and other tows with no catch. They have also been looking at the effects of untrawable areas on abundance estimations of rockfish. The Oregon Department of Fish and Wildlife (ODFW), Sea Grant, International Pacific Halibut Commission (IPHC) and the AFSC are looking at mortality of various capture methods of halibut.

Mr. Fletcher asked about research plans for the area south of Point Conception. Ms. Schmitt said the Southwest Fisheries Science Center (SWFSC) is planning some research efforts there and agreed the lack of information is a concern to them too. Mr. Fletcher also asked about a longline survey of shark. She spoke to the type of survey that will be taking place this June and July.

Mr. Brown asked if the AFSC and NWFS has ever evaluated the daytime/nighttime differences in catch per unit effort (CPUE) in areas deeper than 200 fathoms. She was unsure whether survey bottom trawl tows are made at night. Mr. Brown thought they were 24 hour surveys.

### B.3. Harvest Rate Policy

#### B.3.a. Agenda Overview

Mr. Glock provided a brief introduction and overview.

#### B.3.b. Report on Harvest Rate Policy Workshop

Dr. Steve Ralston summarized the workshop results and conclusions, reporting it appears clear that groundfish populations have not come into equilibrium but continue to decline under current harvest rates. The information presented and reviewed at the workshop indicates West Coast groundfish species are less productive than marine species in other parts of the world. Harvest rates that would achieve maximum sustainable yield (MSY) for our stocks must be lower than rates for other stocks, and the workshop participants recommend harvest rates for many species be reduced. Dr. Ralston and Mr. Brown discussed the different uses of the term "F" and exploitation rates, and the relationships between the two. Mr. Brown understands the current exploitation rates for groundfish are something around 5% or 6% and he has heard they will be going from 5% down to 4%. Dr. Ralston said that going from a 5% to a 4% exploitation rate would result in a 20-25% reduction in ABC.

Mr. Alverson asked if discards would negate our fishing strategy. Dr. Ralston explained that if there is substantial highgrading by size, and large amounts of small fish being killed (the smallest 30%) and not recorded, this would have a serious affect on productivity estimates. Poor accounting of discards is a major source of uncertainty.

Mr. Anderson asked for guidance about what types of risk avoidance should the Council consider, and how should we implement a risk-neutral or risk-averse harvest policy? Dr. Ralston said the most sensible is reducing the optimum yield (OY).

### B.3.c. Comments of Technical Committees

#### GMT

Dr. Jim Hastie read Supplemental GMT Report B.3.

The Groundfish Management Team (GMT) discussed the draft panel report of the ad-hoc West Coast Groundfish Harvest Policy Review Workshop Panel (Panel) (Supplemental Attachment B.3.a.), and believes the Panel has given the subject a thorough review resulting in useful recommendations. The GMT concurs with the Panel that available information suggests default harvest policies of  $F_{40\%}$  for rockfish and  $F_{35\%}$  for all other groundfish are too aggressive. Less aggressive default rates should be adopted in accordance with information presented at the March 2000 and previous workshops. Further, the GMT agrees with the Panel that it is appropriate to adopt the suggested default  $F_{MSY}$  proxy rates for 1) whiting,  $F_{40\%}$ ; 2) Sebastes/Sebastes,  $F_{50\%}$ ; 3) flatfish,  $F_{40\%}$ ; and 4) other groundfish,  $F_{45\%}$ . These are practical groupings that include all groundfish, while recognizing different life histories and population dynamics among species.

It is important for managers to have flexibility in estimating  $F_{MSY}$  for individual species, so risk of over harvest or under harvest may be minimized. While use of an unbiased default rate may be risk-neutral for a group of related species as a whole, it nevertheless involves risk; because actual stock productivity for some species will be higher than the default, while for others it will be lower. In particular, this concern applies to the "other groundfish" category, where more dissimilar species are grouped together. Likewise, more than 50 species of Sebastes display a range of productivity that is difficult to capture with a single  $F_{MSY}$  proxy. Thus, use of a default will result in harvest of some species in excess of maximum sustainable yield (MSY), based on variability in life history and productivity among species. Unfortunately, biological information is often inadequate to reliably estimate spawner-recruit relationships, which are needed to directly calculate  $F_{MSY}$  and  $F_{MSY}$  for individual species. In order for managers to address the tradeoffs between use of defaults and direct estimates of  $F_{MSY}$ , the GMT believes it is desirable for the Stock Assessment Review Team's terms of reference to request assessment authors routinely investigate  $F_{MSY}$  and  $F_{MSY}$  as part of the stock assessments for individual species, with appropriate treatment of associated uncertainty.

For many species, information is lacking to even allow use of default values of  $F_{MSY}$  and  $F_{MSY}$ . In the case of "remaining rockfish", Panel recommendations support  $F=0.75M$  as a risk-neutral policy. However, these species have previously been classified as data-moderate with respect to stock status. Thus, the GMT thinks further reductions in harvest rate should be considered if a "precautionary adjustment" is intended to be applied in response to greater uncertainty in the status of these stocks.

The Panel addressed issues concerning the current 40:10 policy and estimation of  $B_0$ . In addition, it may be appropriate to examine the default biomass level ( $0.25*B_0$ ) that is used to determine whether or not a stock is formally classified as over fished. Since an over fished stock may be defined as one where current biomass is  $<0.5*F_{MSY}$ , the over fished threshold may be expected to vary among species or species groups as the  $F_{MSY}$  varies. Accordingly, it would be useful for the Scientific and Statistical Committee (SSC) to provide  $F_{MSY}$  values associated with the recommended SPR rates for each species group, which may be used to better estimate over fished biomass levels for each species group. Also, the GMT is concerned unproductive stocks may have equilibrium biomass considerably lower than the SPR rate that gives  $MSY$ , which may bring equilibrium biomass close to the current over fished definition level of  $0.25*B_0$ .

#### SSC

Dr. Ray Censer read the report of the SSC.

The Scientific and Statistical Committee (SSC) commends the Groundfish Harvest Rate Policy Workshop Panel (Panel) for the high caliber of technical review it has brought to bear on the question of West Coast groundfish productivity. Through written papers, presentations, and a robust interactive



dialog, the workshop comprehensively reviewed the best available scientific information on appropriate "risk-neutral" proxies of  $F_{MSY}$ . The twelve written contributions to the workshop will be submitted for publication in the primary scientific literature.

The draft Panel report (1) summarized the scientific and management background of the harvest proxy issue, (2) concisely explained some areas of common confusion, and (3) recommended default groundfish  $F_{SPR}$  harvest rates for Pacific whiting ( $F_{40\%}$ ), Sebastes and Sebastolobus ( $F_{50\%}$ ), flatfish ( $F_{40\%}$ ), and other groundfish ( $F_{45\%}$ ). The report notes these recommendations were not developed as precautionary changes, but instead they attempt to correct previous estimates of productivity.

The SSC notes that qualitatively different levels of uncertainty are associated with the Panel's proxy estimates. Further, the SSC recommends the Council develop precautionary adjustments that reflect these varying levels of uncertainty when developing target  $F$  values for the fishery. Precaution is warranted, because (1) while the proxy values were recommended as "risk-neutral" values for the groups, some individual species in the aggregations are less productive than the average and may be over fished if the group proxy is applied, and (2) estimation and process error result in the chance of exceeding the true  $F_{MSY}$  value for any individual species, even if the "best estimate" proxy is applied.

The SSC's preliminary review supports the Panel's consensus findings. The SSC will complete its review of the  $F_{MSY}$  proxy issue in June.

### B.3.d. Comments of Advisory Entities

#### GAP

Mr. Rod Moore read the report of the Groundfish Advisory Subpanel (GAP).

The Groundfish Advisory Subpanel (GAP) met jointly with the Groundfish Management Team and the Scientific and Statistical Committee (SSC) to receive a presentation on the results of the Harvest Rate Policy Workshop conducted by the SSC. The GAP has the following comments on the workshop report:

#### 1. Precautionary Approach

As recommended in the report, the GAP believes any precautionary reductions in harvest should be made as part of the annual specifications establishing optimum yields. The harvest rates recommended in the report are risk-neutral; variations from those rates should follow the normal management process.

#### 2. Phase-In of Harvest Rates

The report suggests new harvest rates be phased in to prevent sudden adverse social and economic effects. The GAP agrees and suggests that stock assessment authors be asked to calculate  $F_{MSY}$  rates when completing new stock assessments or updates. These rates would then be applied to the species/complexes in question. Since stock assessments are conducted on a rotating basis, this allows the new harvest rates to come into effect with the adoption of the new assessments.

#### 3. Further Research

Papers were presented at the workshop which discussed regime shifts and predator/prey relationships. The workshop report also raised questions about the calculation of  $B_0$ . The GAP believes all of these topics deserve additional research scrutiny.

**B.3.e. Public Comment**

Mr. Joe Easley, Oregon Trawl Commission, Astoria, Oregon  
 Dr. Josh Sladek Nowlis, Center for Marine Conservation, San Francisco, California  
 Ms. Jennifer Bloeser, Pacific Marine Conservation Council, Arcata, California

**B.3.f. Council - ACTION**

Mr. Brown agreed the workshop paper needs to be finished. He wants to consider the options of immediately reducing harvest rates across the board and more deliberate approaches. The GAP approach should be explored. The economic and social implications should also be evaluated. Industry is facing an additional 30% reduction for rockfish and thornyheads and 15% for flatfish. Those are some big hits on top of what has already taken place. He believes the new values are probably proper and assumes the numbers are not going to change, but there may be some room for discussion on flatfish (soles). Mr. Anderson asked if he was suggesting a step approach, i.e., 40 to 45. Mr. Brown said yes, but a short phase-in, saying two or three years would be too long.

Dr. Hanson noted the SSC recommended the Council also make precautionary adjustments, but did not give specific guidance. He suggested the SSC advise the Council about how much reduction would be appropriate. Mr. Alverson asked that the SSC advise the Council if they agree with these numbers and if they could be implemented in the 2001 season. Mr. Bohn asked that they include a short list of definitions of terms. Mr. Boydstun said this policy could be applied to recent stock assessments and almost immediately implemented for those species that do have stock assessments. Dr. Ralston believed it would be possible. Mr. Boydstun asked the SSC to list the previous assessments that have the necessary information for making adjustments for 2001, so we do not have to wait until the stock assessments are done.

Dr. McIsaac said the Council staff would put together the list of questions and give them to the SSC to address (before their June meeting).

**B.4. Exempted Fishing Permits: Research Efforts**

Mr. Glock gave a quick overview. Originally it appeared there would be three EFP applications, but there is only one (for the 2000 slope survey). Ms. Cyreis Schmitt discussed Supplemental NMFS Report B.4. (Compensation Fish for NWFSC Slope Trawl Survey). Mr. Alverson asked about compensation. Ms. Schmitt said they do not know what the vessels will be paid, or what species they would choose.

**B.4.a. Comments of Technical Committees**

None.

**B.4.b. Comments of Advisory Entities**

GAP

Mr. Jim Glock read the report of the GAP.

*The Groundfish Advisory Subpanel (GAP) was asked to comment on issuing exempted permits for continuation of the slope trawl survey. The GAP fully supports the survey and recommends the permits be issued.*

**B.4.c. Public Comment**

None.

#### B.4.d. Council - ACTION

Mr. Fletcher moved for approval of the EFP. (Motion 13) Mr. Bohn seconded the motion. No further discussions took place. Motion 13 passed.

#### B.5. Canary Rockfish Allocation and Inseason Adjustment in the Pink Shrimp and Other Fisheries

##### B.5.a. Agenda Overview

Mr. Jim Glock summarized Exhibit B.5. Mr. Neal Coenen presented Supplemental ODFW Report B.5., expressing concern that there are such small amounts of canary rockfish available that incidental fisheries such as the pink shrimp fishery could take the entire amount or might have to be shut down to prevent that.

The report offered two options:

1. Allocate between gears based on historical share - primarily, 60% to shrimp.
  - a. Close hook and line fishery when allocation is reached. Require excluders when shrimp fishery allocation is reached, or
  - b. When allocations are reached, implement a "full retention" program in the shrimp fishery to eliminate any targeting (all fish landed are confiscated by the respective state) and close the hook and line fishery.
2. No action until a tri-state plan for shrimp is developed or an observer program is in place, and until rebuilding plans are in place for canary and possibly widow rockfish.

Mr. Fletcher asked if Oregon is considering observers in the shrimp fishery to document bycatch. Mr. Coenen responded no, but Oregon has conducted a fairly active research program on excluder devices. He added that he would take that topic up with the industry; this reinforces at some point that the Council needs an observer program.

Mr. Alverson and Mr. Coenen discussed observers and finfish excluders for the shrimp and prawn trawl fisheries, and whether the legal gear committee and the states should move forward on this. Mr. Coenen said the Council should ask the strategic plan committee for advice on how to deal with developing legal gears. He noted this is not just an open access issue, but affects limited entry as well. He wants to find out how to use the limited amount of canary rockfish to get the biggest value possible.

##### B.5.b. Comments of Technical Committees

#### GMT

Mr. Brian Culver presented Supplemental GMT Report B.5.

The Groundfish Management Team (GMT) discussed the proposal for an inseason allocation of canary rockfish between pink shrimp trawl and line gears to avoid the potential situation where the bycatch of canary rockfish in the shrimp fishery reaches a level that could cause curtailment of the open access line fishery. The GMT feels that such an action this year is unlikely to achieve the intent of the allocation and would cause considerable complication of trip limit management which currently includes no rigid allocation among open access gear types.

Present canary limits in the shrimp fishery have been established to accommodate, to the degree possible, incidental catches of canary rockfish occurring during targeted shrimp fishing. Such catch would occur in the shrimp fishery whether or not an achieved allocation resulted in prohibiting canary landings by the shrimp fleet. The prohibition would not eliminate the catch nor avoid the need to continue to account for it in harvest calculations. That is, since the assumption is that canary currently taken in the shrimp fishery is an unavoidable bycatch, catch needs to be deducted from the optimum yield, irrespective of any allocation which may prohibit its landing.



Therefore, reducing canary bycatch in the shrimp fishery to remain within any given allocation can only be achieved by control of the shrimp fishery itself, such as reduction of the target shrimp fishery, area closures, or requirement of finfish excluders. Since the Council does not manage the shrimp fishery, any such action would need to be taken by the states. The GMT feels this is unlikely to occur during the 2000 season. The Council may wish to consider encouraging a tri-state process to address this issue.

#### **B.5.c. Comments of Advisory Entities**

##### **GAP**

Mr. Rod Moore read the report of the GAP.

The Groundfish Advisory Subpanel (GAP) met jointly with the Groundfish Management Team (GMT) to discuss canary rockfish catches in the pink shrimp fishery.

The GMT pointed out that, since full mortality of canary rockfish needs to be accounted for, allocation among open access gears will not solve potential problems; because it will simply convert landings to discards.

The GAP agrees and notes further, no data yet exists on the extent of canary rockfish incidental catch, because the shrimp fishery has just opened.

Because the shrimp fishery is regulated by the states, rather than the Council, the GAP recommends the states take necessary and appropriate steps to address any incidental catch problems that may occur. In this regard, the GAP suggests the states develop a tri-state approach, similar to the successful effort that has been made in Dungeness crab management. No particular management measures were recommended by the GAP.

#### **B.5.d. Public Comment**

Mr. Jeff Boardman, commercial fisherman, Newport, Oregon  
Mr. Brian Peterson, shrimp fisherman, Toledo, Oregon

#### **B.5.e. Council - ACTION**

Mr. Boydstun reminded the Council that at the previous meeting we recommended increasing the canary limit in the pink shrimp fishery to 300 pounds per month per vessel May through October. He suggested we track canary landings in the pink shrimp fishery but not make adjustments right now. He understands the canary bycatch in 1999 was much higher than usual and might naturally fall back to typical levels. The GMT and GAP did not support the allocation route; we need to take a broader look at this. Excluders may lose shrimp, but they are excluding finfish, including canary. Mr. Alverson said the states should gather any designs of excluders that have been examined so we can pass those on to the legal gear committee.

Mr. Anderson said he thinks the current trip limits for the pink shrimp fishery accommodate the incidental encounters which normally take place. Changing the trip limit would just turn landed catch into discards. He noted that excluders are required in the Washington spot prawn fishery. Rather than going to the legal gear committee, he suggested the Pacific States Marine Fisheries Commission (PSMFC) should be the vehicle to further explore excluders. He would like PSMFC to put that on their agenda for their annual meeting and then have the states explore the possibility of using excluders based on that information. Mr. Bohn agreed.

Mr. Anderson said we are looking at this issue in our strategic plan process.

Dr. Hanson agrees to put this issue on the PSMFC's annual agenda, and asked for ODFW help prepare a presentation.

**B.6. Adoption of Rockfish Bycatch Estimate and Inseason Adjustments in Relevant Fisheries**

**B.6.a. Agenda Overview**

Mr. Glock summarized Exhibit B.6, explaining that for some rockfish, OYs did not take into account any discard adjustment. The Council had requested this be discussed at this meeting.

**B.6.b. Comments of Technical Committees**

None.

**B.6.c. Comments of Advisory Entities**

Mr. Rod Moore presented the GAP report.

The Groundfish Advisory Subpanel (GAP) solicited anecdotal information on rockfish bycatch from its members and others in the audience. Discussions provided the following:

- Regulations adopted for 2000 are causing major changes in fishing strategies.
- The new regulations have compounded problems in estimating bycatch.
- Limited entry vessels are not bumping up against trip limits, indicating bycatch is minimal.
- Some limited entry vessels are encountering occasional overages, but these vary by area and depth fished and cannot be rationally spread across the entire fishery in a "one-size-fits-all" pattern.
- Processors report low landings of rockfish, indicating lack of targeting.
- Open access vessels have largely converted to the live fish market; since dead fish tend to be discarded, it is impossible to estimate the level of bycatch.
- Recreational vessels encounter occasional undersize fish, which are discarded, but the recreational fleet has also developed new strategies (including changes in fishing depth) to comply with more restrictive regulations.

In summary, the GAP believes the combination of new regulations (including closures and emphasis on deep water fishing during the first two months of the year) and the lack of hard data on landings makes it impossible to estimate bycatch levels at this time. The Council should reconsider this issue in June when more data are available.

**B.6.d. Public Comment**

None.

**B.6.e. Council - ACTION**

Mr. Anderson reflected on the management changes made last November for the year 2000, in particular the minor slope, minor nearshore, and minor shelf rockfish and how the Council had decided to postpone making discard adjustments. He talked about the trip limits for those species groups. Coming from previous years trip limit regimes, does it make sense to say there are zero discards? He argued that we do not have observer information available, and it doesn't make sense to have no discard mortality adjustment. He moved the Council apply the same 16% discard rate currently used for widow rockfish, to the minor rockfish species. Mr. Alverson seconded the motion (Motion 14). Mr. Boydstun asked about the basis for that 16%. Mr. Anderson said the only basis we have for the 16% is the information that came from the Pikitch study and was for widow rockfish. Absent any information that suggests a better number, we use that same information for other species. Mr. Boydstun did not support the motion, suggesting the Council look at more options like making the seasons shorter with a higher limit. He did not think it makes sense making the fishery open for twelve months with smaller trip limits. Mr. Anderson noted the Council decided last November on the management structure, including year round season, and questioned changing direction mid-season. He believed the Council has no other option than to apply a discard factor.

Mr. Boydston appreciated Mr. Anderson's concerns, but did not feel comfortable supporting the motion without GMT analysis to support it.

Mr. Brown also complained about the lack of incidental catch and discard information. Even though the Pikitch study results are shaky, we should not assume zero.

Mr. Bohn wanted a GMT analysis before the Council action. Mr. Anderson reiterated that when the Council took action in November, the GMT did not have a recommendation about what to do with these species. We asked the GMT for a recommendation, and in March they reported they did not have any data to base the recommendation on. We asked them to consult with the GAP and again we did not receive a recommendation. Now it's up to the Council. The intent of his motion is it apply the 16% to the limited entry fishery in the same manner it is applied to widow, POP, and canary, but not open access or recreational. It would include bocaccio.

Mr. Brown said the management regime is so different this year that some vessels must be bumping up against the trip limits, and therefore we have to assume discards are not zero.

Mr. Boydston requested action be postponed until the June meeting. He wanted to consider alternatives such as a shorter season, and wanted more public input on this. Mr. Anderson countered that this was on our agenda in March and April, and the GAP and GMT have talked about it. He clarified this change would apply to those rockfish species with the assumed discard rate of zero. Mr. Boydston wanted to talk to the industry about a shorter season this year instead of a reduced harvest. Mr. Bohn concurred with Mr. Anderson and said he likes the idea of having a better accounting system for discards. Absent anything better, he said he would support the motion.

Mr. Anderson explained that what were attempting to do is account for the mortalities occurring in the fisheries. If we were to shorten the season in June, he is not sure how that would do a better job of accounting for total mortalities - unless trip limits were increased dramatically.

Chairman Lone requested a roll call vote on Motion 13: 2 no, 12 yes. Motion 13 passed.

Messrs. Fletcher, Glock, and Anderson discussed the role of discard rates in the rebuilding plans and if the previous action would change them or require the Council to make adjustments. If under our rebuilding plan there is new information, we would change the rate at that time. We are not modifying the rebuilding programs at this time, only accounting for discards.

## **B.7. Inseason Adjustments including English Sole and Redbanded Rockfish Retention Regulations**

### **B.7.a. Agenda Overview**

Mr. Glock walked the Council through Exhibit B.7.

### **B.7.b. Comments of Technical Committees**

Dr. Jim Hastie gave the report of the GMT.

Early reports from the 2000 fishery have identified several issues requiring minor adjustments to the management framework initiated this year. Regarding the assignment of *Sebastes* species to the minor rockfish sub-groups, industry has requested that rebanding rockfish be shifted from the shelf to the slope sub-group, in order to reduce discard associated with large footrope fishing for slope species. The GMT supports this adjustment. The GMT and GAP also discussed the appropriate sub-group assignment for flag rockfish. Reports of incidental catch of flag rockfish were reported in slope fisheries as far north as Oregon. Further investigation by the GMT has lead us to believe that the primary range of flag rockfish is from Baja to Ft. Bragg, and between 15 and 100 fathoms. As a result, the GMT does not support re-assignment of flag rockfish from the shelf to slope sub-group at

this time. Additionally, while POP was assigned to the minor slope rockfish subgroup in the area south of 40°10', the individual cumulative limit for POP was specified as a coastwide limit. The GMT recommends that this limit be restated to apply only to the area north of 40°10'.

The last issue involves incidental catch of English sole when fishing with large footropes for slope species. The GMT and GAP worked together last fall to try and identify and accommodate these kinds of cases, and recommended special provisions for petrale and Rex soles. English sole was not specifically addressed at that time, however, and there have been reports of small amounts of English that have had to be discarded when they have been caught with large footropes while fishing for slope species. At this time, the GMT feels that the safest way to reduce this discard, without creating an allowance when large footrope gear is onboard of 400 lb per trip of all flatfish species where retention is not specifically allowed with large footrope gear.

### **Inseason progress**

Through February this year, the only fishery with landings approximates last year's rate is the DTS fishery. Landings through February were slightly higher than last year for all four species, and it appears as though landings through March will be very close to last year. Widow rockfish is the only other species with significant landings and those are running about 30-40% of 1999. However, the 3-month first period in the 1999 fishery stimulated much higher widow landings in 1999 than in previous years.

The QSM system reports very little tonnage of near-shore rockfish has been landed through March, in either limited entry or open access. And although these commercial non-trawl fisheries have always been subject to a high degree of seasonality, it appears unlikely that the current limits will encourage sufficient participation to fully utilize these commercial allocations. When the current limits were recommended in November, there was a clear need to reduce landings significantly. Those recommendations were based on the conservative assumption that the number of participants fishing for the new smaller limits would remain the same. Obviously, there is a relationship between the amount of limit that is offered and the number of participants that will be drawn to that opportunity. However, we are not in a position to quantify that relationship at this time. It does appear that current limits have shut down effort, to a significant degree. What is not clear is how quickly that effort would be drawn back into the fishery with higher limits.

The GMT recommends implementing cautious increases in near-shore limits beginning in May. The fishery response to the increases will be evaluated in June, and provided that participation remains below the level modeled last fall, further increases would be recommended beginning in July. Recommended nearshore-rockfish limits beginning in May are shown in the table below, acknowledging that black rockfish limits are the focus of agenda item B.8. Any of these increases runs some risk of accelerating the fisheries to the point where they would need to be closed before the end of the year. But this risk may be preferable to continuing limits which provide very little opportunity for profitable trips. Higher limits could be implemented in May, but with the understanding that the likelihood of early closure would increase.

The daily-trip-limit (DTL) fisheries for sablefish also appear to be running a bit behind. Higher rockfish limits may stimulate more trips on which sablefish would also be landed. However, it is probably reasonable to consider increasing the monthly caps in both the LE and OA fisheries, as shown below, beginning in May, with evaluation in June.

Mr. Brown, Dr. Hastie, and Mr. Moore discussed the differences between the GMT and GAP recommendations for English sole. Dr. Hastie said a 400 pound allowance for large footrope gear would

B.7.e. Council - ACTION

None.

B.7.d. Public Comment

The GAP believes these minor modifications will reduce discarding.

- Classify redbanded rockfish as a slope rockfish species.
- Classify flag rockfish as a slope rockfish species.
- Modify regulations to allow English sole to be taken with large footrope gear during the time that petrale sole can be taken with that gear (November and December 2000).
- Modify regulations to provide an incidental limit for flatfish included in the "all other flatfish" category of 400 pounds per trip when large footrope gear is used, effective May 1 through October 31, 2000.

The Groundfish Advisory Subpanel (GAP) discussed with the Groundfish Management Team proposed changes in classification of rockfish in management categories and means to avoid discarding incidentally caught flatfish. The GAP makes the following recommendations:

Mr. Rod Moore gave the report of the GAP.

GAP

B.7.c. Comments of Advisory Entities

QSM also suggests that the current limited-entry limits for the shelf rockfish sub-group will result in landings that are well below the current allocation. However, the purpose of the shelf sub-group limits was to accommodate rockfish bycatch in the shelf flatfish fisheries without encouraging targeting that could undermine rebuilding efforts for bocaccio, canary, and lingcod. If the current landings pattern continues the GMT will explore available mechanisms for providing higher bycatch allowances of shelf rockfish when vessels are fishing for flatfish.

Fishery	Area	Old limit	Proposed new limit, May 1
Limited entry Near-shore rockfish (fixed-gear)	North	2,400 lb / 2 months	3,000 lb / 2 months
	South	(max 1,200 non-black/blue) 1,000 lb / 2 months	(max 1,400 non-black/blue) 1,300 lb / 2 months
	Open access Near-shore rockfish		1,500 lb / 2 months
	North	1,000 lb / 2 months	1,500 lb / 2 months
LE + OA Daily-Trip-Limit sablefish N of 36	South	(max 500 non-black/blue) 550 lb / 2 months	(max 700 non-black/blue) 800 lb / 2 months
	2,100 lb / 2 months		2,400 lb / 2 months

GMT recommendations for May 1 cumulative limit changes.

accommodate incidental landings for vessels fishing petrale in winter. Mr. Moore said the GAP agreed with the 400 pound per trip limit in some cases but believed it must be higher during the winter fishery. Dr. Hastie suggested the Council consider adopting the 400 pound recommendation for the late spring and summer period, and at the June meeting, reconsider the need to increase it later in the year.

Mr. Brown moved to reclassify redband rockfish from shelf to slope and revise the trip limit of all other flatfish to 400 pounds when large footrope gear is used. (Motion 15) Dr. Radtke seconded the motion.

Mr. Boydstun asked for a friendly amendment to completely remove flag rockfish from the list of shelf species in the area north of Cape Mendocino, which is the northern edge of the population. If this species is removed from that list, and if one happened to be caught, that would not be an issue. The maker and seconder agreed. Motion 15 passed with friendly amendment.

Mr. Brown moved that POP limits north of 40°10' be adjusted as recommended by the GMT in Supplemental GMT Report B.7. Dr. Radtke seconded the motion. (Motion 16) Motion 16 passed.

#### **B.7.5. Sabelfish Informational Item**

##### **B.7.5.a. Agendum Overview**

Mr. Glock explained that the sabelfish season and tier limit should have been included on the April meeting agenda in order to give the industry more time to plan. However, this issue is not on the agenda, so the Council may not take action on it. The industry would benefit from a preliminary discussion by the Council and identification of the range of season lengths and tier limits Dr. Hastie has calculated. No action would be taken until the June meeting.

##### **B.7.5.b. Comments of Technical Committees**

#### **GMT**

Dr. Jim Hastie presented Supplemental GMT Report B.7.5.

The 1999 3-tiered fishery had a 9-day opening with limits around 85,000 lb, 38,000 lb, and 22,000 lb for Tiers 1 through 3, respectively. The projected landings during this phase of the fishery were just over 4.5 million lb. The preliminary tally of poundage conducted shortly after the close of the fishery indicated that nearly 4.6 million lb had been taken. This estimate proved to be almost 300,000 lb too high, though 125,000 lb were landed during the fishery by vessels that could not be linked to limited-entry permits. In order to differentiate this fishery from an individual quota program, it is managed with the intent that not all permits with tier endorsements will be able to take their entire limits. The difference between what could have been caught and what was actually caught is referred to as "overhead", with the desired level of overhead being greater than 20%. Projected overhead with last year's season length and limits was 31%, however the 4.3 million lb taken by authorized participants resulted in an overhead of 37%.

Participation and landings in the 1999 fishery are summarized in Table 1, by tier, gear, and state. It had been anticipated that increased limits for the 1999 fishery would reduce the absenteeism observed among Tier-3 permits in 1998. However, 21 of 94 permits in this tier did not participate in 1999. Figure 1 illustrates the accuracy of projections used for the 1999 fishery. Although projections for some individual permits were highly inaccurate, the purpose of the projections is to estimate the fleet's landings, and not any individual's. Importantly, this scatter plot shows a good balance of projections that were too high and too low. Average landings within the tiers had been expected to be roughly 65,000 lb, 29,000 lb, and 17,000 lb. Actual averages, over all permits, within each of Tier 1 and Tier 2 were within 4% of the expected amounts. Despite the fact that Tier-3 participants averaged just over the projection of 17,000 lb, the high rate of absenteeism produced an average of only 13,200 lb for all permits in that tier.



Mr. Jim Ponts read Supplemental GAP Report B.7.5.

## GAP

### B.7.5.c. Comments of Advisory Entities

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The bottom panel presents a rudimentary decision table showing possible consequences of applying the limits from one of the options under the two alternative sets of assumptions used in modeling fleet participation. In particular, if the highest limits, from Option 3, were used, and participation reflects the modeling assumptions of Option 2, the expected landings would be 777,178, which is about 65,000 lb greater than the poundage allocated to the primary fishery (including mop-up). The highest limits where the expected catch under the Option 2 assumptions would not exceed this allocation would be 81,000 lb for Tier 1, 37,000 lb for Tier 2, and 21,000 lb for Tier 3.

Options 1 and 2 were designed to provide the longest possible season lengths where expected and worst-case overhead meet the desired objectives. Following discussions with the Groundfish Advisory Panel, Option 3 was developed, which identifies tier limits associated with assumptions underlying Option 1, but using a 9-day season, instead of a 10-day season. The Option 3 limits are very similar to those employed in the 1999 fishery. Expected overhead in Option 3 is considerably higher than the other two options.

The differences between the first two options reflect differing assumptions regarding the degree to which permits in a particular tier will tend to achieve their highest observed catch rate, and the degree to which expected landings are reduced for recent non-participants. The more conservative approach shown in Option 2 uses the same reductions in catching ability employed in last year's preferred model. Catching capacities are reduced by 5%, 15%, and 25% for Tiers 1-3, respectively, before they are constrained by the limits. The projected landings of a Tier 1 permit, for instance, would be unaffected by this adjustment as long as the original expected catch was more than 5% greater than the limit. Based on comparison of projected and actual landings in the 1999 fishery, the upper panel uses more aggressive reductions of 8%, 20%, and 40% for Tiers 1-3, respectively. This approach is riskier, in that it assumes a high degree of continuing non-participation among Tier 3 permits. Option 2 also uses a more conservative approach in discounting expected landings by recent non-participants. After a permit's modified catching capacity is constrained by the limit (with the 2% reduction mentioned), expected landings are reduced by up to 40%, for a permit that did not participate at all from 1997 to 1999. Twenty percent is deducted for missing 1999 and 10% for each of the preceding years. Option 1 uses more aggressive discounts of 30% and 20% for missing 1999 and 1998, respectively, yielding a maximum possible reduction of 60% from the original projected landings.

Three sets of parameter options for the 2000 fishery are presented in Table 2. It should be noted that since last year's analysis, an additional permit has applied for and received a Tier 1 endorsement, making a total of 164. Additionally, another permit's assignment has been corrected from Tier 3 to Tier 2. The projected increase in landings attributable to these permits, as well as other permits where highest catch rates were observed in 1999, results in somewhat lower limit recommendations for 2000, despite modeling efforts to reduce the likelihood of realizing excessive overhead. As with the model which last year's fishery was based upon, worst-case scenarios for 2000 were constructed using one additional day of fishing for all permits, up to the specified limits. So for a 10-day fishery, the worst-case scenario is based on the fleet landing amounts that would be projected for an 11-day fishery. Limits are set so that the total poundage allocated to this fishery would be achieved under the worst case scenario. Basing the worst case scenario on only one additional day of fishing allows the minimum 15% overhead to be achieved with more liberal season length/limits than prior to 1999, when a 2-day buffer was used. After permits' catching abilities are constrained by the appropriate limits, their landings are reduced by 2%, reflecting the fact that not everyone will fish fully up to their limit.

The Groundfish Advisory Subpanel (GAP) received information from the Groundfish Management Team (GMT) regarding proposals for cumulative limits for the 2000 sablefish derby fishery.

The GAP recommends the Council release for public comment the GMT options with the "92/80/60" option identified as preferred. The GAP believes this option provides a higher overhead for a mop-up fishery.

The GAP favors August 6, 2000 as the opening date for the derby fishery. This date provides the best advantages due to tide, weather, and the timing of a September mop-up fishery.

#### **B.7.5.d. Public Comments**

Ms. Michelle Longo Eder, F/V Nesika, Newport, Oregon  
Mr. John Warner, West Coast Fishermen's Alliance, Charleston, Oregon  
Mr. Jim Potts, Longliner, Fort Bragg, California

#### **B.7.5.e. Council Discussion**

Mr. Alverson moved the Council adopt the GAP recommendations for public review, as shown in Supplemental GAP Report B.7.5. and put this item on the June agenda. Seconded by Mr. Neal Coenen. (Motion 18)

Mr. Glock reminded the Council that when Dr. Hastie presented the report he would be doing recalculations based on the new numbers, and suggested the new calculations go in the Council Newsletter. Mr. Alverson withdrew Motion 18.

Mr. Coenen asked the council to direct to the staff to send out the three options in the Council Newsletter, with a tentative preferred option and a statement that some of the numbers would change. Mr. Brown asked that opening date options also be included in the Council Newsletter (Motion 19) Motion 19 passed.

#### **B.8. Inseason Adjustment of Black Rockfish Trip Limits**

##### **B.8.a. Agenda Overview**

Mr. Jim Glock reviewed Exhibit B.8.

##### **B.8.b. Comments of Technical Committees**

##### **GMT**

See statement under B.7.

##### **B.8.c. Comments of Advisory Entities**

##### **GAP**

Mr. Rod 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 following cumulative and trip limit recommendations made by the GMT:

##### Limited Entry Fixed Gear

Nearshore Rockfish in the North: 3,000 pounds/2 months, with a maximum of 1,400 pounds of species other than black/blue rockfish.

Nearshore Rockfish in the South: 1,300 pounds/2 months.

Open Access Gear

Nearshore Rockfish in the North: 1,500 pounds/2 months, with a maximum of 700 pounds of species other than black/blue rockfish.

Near Shore Rockfish in the South: 800 pounds/2 months.

Limited Entry and Open Access Daily-Trip-Limit Sablefish

2,400 pounds/2 months. All new limits to be in effect May 1 through June 30, 2000.

In addition to the increase in open access limits noted above, the GAP supports the recommendation of the GMT for an increase for vessels landing black and blue rockfish in Pacific City, Oregon, with the limits on time and area proposed by the GMT. The GAP is aware of the unique nature of this fishery and the extra hardship imposed by this year's regulations. The GAP agrees a limited exception is appropriate.

**B.8.d. Public Comment**

Ms. Jennifer Bloeser, Pacific Marine Conservation Council, Arcata, California  
Mr. Ray Monroe, Pacific City Dory Fleet, Pacific City, Oregon  
Mr. Craig Wernick, Pacific City Dory Fleet, Pacific City, Oregon

**B.8.e. Council - ACTION**

Mr. Glock reviewed the actions to take place under this agenda item.

Mr. Bohn moved that adoption of the trip limits recommended by the GAP for limited entry fixed gear, open access gear, the limited entry and open access sablefish trip limits, and the Pacific City recommendations for the area from Cascade Head to Cape Lookout, for May 1 through September 30. He included Option 2c, the motion (Motion 17), stressing that these folks need some assistance. He said he understands that other areas have problems as well and may use this action as a precedent for their requests, but he thinks the Council has done a pretty good job of trying to accommodate folks. He suggested that the Council consider a specific allocation process next year, with fish allocated to the States and then relying on state management of those fisheries.

Mr. Boydstun and Dr. Radtke supported the motion but expressed some concern about the allocative effects and the possibility of many more requests of this type.

Mr. Robinson supports the motion but was concerned about the principle of how the Council handles these things. He asked for clarification about what happens after September 30 (it should not revert back to the regular trip limit).

Mr. Saelens explained about state management of open zones. Vessels are required to notify ODFW when they transit a closed area. Ms. Cooney said the trip limit could be specific to Pacific City, and then after a certain date (September 30) further landings would be prohibited. Mr. Bohn said this is for this year only, and we would have to rethink this situation for 2001. Chairman Lone called the roll on Motion 17. Motion 17 passed.

**B.9. Plan Amendment for Stock Rebuilding**

**B.9.a. Agenda Overview**

Mr. Glock explained the agenda calls for final action on this amendment at this time. He summarized the provisions and explained the process the Council would follow in developing future rebuilding plans.

Mr. Brown asked about the provision regarding changing allocations between limited entry and open access; Mr. Glock explained the FMP now specifies allocation shares can be modified only by amending the FMP. This plan amendment would provide the authority and process for modifying allocation shares for over fished stocks without future plan amendments. Ms. Cooney suggested different wording to clarify the intent and process. Mr. Glock said the intention is to provide authority and flexibility to modify allocations if necessary to achieve the rebuilding, and once the stock is rebuilt the original allocation shares return automatically.

**B.9.b. Comments of Technical Committees**

None.

**B.9.c. Comments of Advisory Entities**

GAP

Mr. Rod Moore read the report of the GAP.

The Groundfish Advisory Subpanel (GAP) discussed with Council staff Draft Amendment 12 to the Pacific Coast Groundfish Fishery Management Plan. The GAP agrees a framework process for rebuilding plans is the most practical option and supports Alternative 2.

However, the GAP is concerned that adequate monitoring of the rebuilding process not be ignored. The GAP notes that NMFS recently convened a meeting to develop such a monitoring process, at which all of the Council advisory bodies were represented, and a draft monitoring process was established. The GAP understands that objections from the Scientific and Statistical Committee have now delayed further work on putting a monitoring process in place. Failure to adequately monitor rebuilding progress violates the law, jeopardizes stocks that are not rebuilding as expected, and penalizes harvesters and processors who accept drastically reduced harvests over the term of a rebuilding program. Monitoring of rebuilding is essential.

**B.9.d. Public Comment**

None.

**B.9.e. Council - FINAL ACTION ON PLAN AMENDMENT**

Mr. Robinson said NMFS prefers alternative 2 and the three part process laid out: management measures, rebuilding plans and the amendment. This addresses NMFS' concerns about relying on annual management measures in the absence of an amendment. NMFS needs assurance that the regulations (annual specs) implemented are consistent with the plans that are approved.

Mr. Coenen moved to adopt Option 2 of the plan amendment for stock rebuilding. (Motion 20) Mr. Brown seconded. He asked about the percentage shares to limited entry and open access, mentioned that the minor rockfish groups all have an 8.3% as the open access share, and reflected on the earlier discussions about canary rockfish catch in the pink shrimp fishery. He believes the Council will probably want to adjust that sharing.

Mr. Robinson asked if he was proposing that for allocation shares be suspended for those stocks declared as overfished, and the allocation provisions be modified as necessary during the rebuilding period? Mr. Coenen said yes, this would be a framework process and may need to apply to associated species also.

Ms. Cooney asked for confirmation the amendment incorporates the editing of the language on page 2, point #4. Motion 20 passed.

## B.10. Rebuilding Plans for Canary Rockfish and Cowcod

### B.10.a. Agenda Overview

Mr. Glock presented Supplemental Attachment B.10.a. He suggested that in order to avoid the use of emergency regulations or late implementation, the Council should consider starting allocation discussions as soon as possible. Mr. Coenen asked about geographic distribution of the canary stock. Mr. Glock said we had two different stock assessments (north and south) and the GMT combined the results. There may be some distribution information in those assessments that the GMT could look at.

Mr. Boydston talked about how CDFG proceeded in 1999, noting they could not make any progress until the draft rebuilding analysis was available. Until then, CDFG could not really get together with the groups and stakeholders. He believed it would be premature to hold stakeholders meetings until we know the numbers. He thought it was helpful for the allocation committee to meet to talk about these issues. They got together in June, prior to the Council meeting and scoped out recommendations for the Council. With regard to other stock assessments concurrently taking place, last year canary and cowcod came up; if there are other species being assessed, we should include those as well.

Mr. Glock explained that the GMT, staff, and NMFS have discussed a general schedule process for technical analyses and technical review of the plans. We are in the second year, and still in transition. Last year the canary rebuilding plans in June. When stock assessments are prepared in the future, starting this year, the authors need to immediately prepare the rebuilding plan analysis if the stock appears overfished. If the authors have a suspicion that it would fall into the overfished category, they need to give that to the SSC prior to the September meeting. If it goes into the overfished category, NMFS won't tell us until January - but the Council would already have the necessary pieces to move forward.

### B.10.b. Comments of Technical Committees

#### SSC

Ms. Cindy Thomson gave the report of the SSC.

*The Scientific and Statistical Committee (SSC) discussed the proposed schedule for development of rebuilding plans for canary rockfish and cowcod. Supplemental Attachment B.10.a. was not available for review, but Mr. Jim Glock was present to brief the SSC on this schedule.*

*The canary rockfish and cowcod rebuilding plan authors will be performing the analyses and drafting technical reports for review at the June Council meeting. Since the Council will need to take final action on these rebuilding plans in September, the SSC emphasizes these draft plans should be completed in time for adequate review prior to the June meeting. The SSC's Groundfish Subcommittee would like an opportunity to review the draft rebuilding plans prior to the June meeting, with inclusion in the June Council meeting Briefing Book as an absolute deadline. In addition, the SSC would like the authors to present their analyses to the committee at the June meeting.*

*The SSC also discussed the status and schedules for lingcod, Pacific ocean perch, and any other species that may fall into the overfished category and require a rebuilding plan. Results from new assessments should be incorporated into rebuilding projections, and any modifications to rebuilding plans for these species should be reviewed by the SSC either at the June or September Council meetings.*

## B.10.c. Comments of Advisory Entities

GAP

Mr. Rod Moore read the report of the GAP.

The Scientific and Statistical Committee (SSC) discussed the proposed schedule for development of rebuilding plans for canary rockfish and cowcod. Supplemental Attachment B.10.a. was not available for review, but Mr. Jim Glock was present to brief the SSC on this schedule.

The canary rockfish and cowcod rebuilding plan authors will be performing the analyses and drafting technical reports for review at the June Council meeting. Since the Council will need to take final action on these rebuilding plans in September, the SSC emphasizes these draft plans should be completed in time for adequate review prior to the June meeting. The SSC's Groundfish Subcommittee would like an opportunity to review the draft rebuilding plans prior to the June meeting, with inclusion in the June Council meeting Briefing Book as an absolute deadline. In addition, the SSC would like the authors to present their analyses to the committee at the June meeting.

The SSC also discussed the status and schedules for lingcod, Pacific ocean perch, and any other species that may fall into the over fished category and require a rebuilding plan. Results from new assessments should be incorporated into rebuilding projections, and any modifications to rebuilding plans for these species should be reviewed by the SSC either at the June or September Council meetings.

## B.10.d. Public Comment

Mr. Steve Bodnar, Coos Bay Trawler's Association, Coos Bay, Oregon  
Mr. Terry Thompson, F/V Olympic, Newport, Oregon

## B.10.e. Council - ACTION

Mr. Coenen asked Mr. Robinson about the schedule. Four months is not enough time to prepare the canary rebuilding plan. He thinks we should deliberate longer. Mr. Robinson responded the proposed schedule anticipates the Council adopting final recommendations in September in order to avoid emergency rules. If final action is delayed to November, there are two options: adopt as emergency regulations as we did last year, or go through the standard regulatory process, which would not be completed until early 2001.

Mr. Boydston suggested state meetings would be more appropriate in June when the analyses are ready. Feedback on the state meetings would need to be delayed from the June meeting to the September meeting. During July-September, CDFG would hold the constituent meetings. Also in June, the allocation committee gets together prior to the Council meeting. He proposed to continue the constituent meetings with final Council action in November.

Mr. Glock noted that the Council would take final action on regulations in November, and that NMFS should prepare for emergency regulations unless there is some way to avoid it.

## B.11. Status of Groundfish Strategic Plan

### B.11.a. Committee Report

Ms. Debra Nudelmann summarized the committee's progress to date and the schedule through November. She said the committee is addressing a lot of very complex issues, and mapping a strategy in this environment is a challenging task. The committee has been focusing on a number of questions: What are the critical issues, the range of problems and how do we identify the issues? What are the key questions we have to answer in order to be strategic in our thinking? They have been looking at the barriers and trying to identify the strategies. The committee is also looking at a range of options.

The list of topics includes developing an observer program, harvest policies, habitat issues, overall Council process (organization, roles of advisory entities, public involvement and credibility), science (dealing with uncertainty, complex fishery issues), allocation, fishery management, and building a range of techniques to address overcapacity. The committee has focused its attention on overcapacity and developed a range of options to try to address these issues. Some topics have needed further analysis and the committee has drawn on the resources of the SSC and GMT for additional data and analysis. They asked the SSC to look at the specific problems that have led up to the problems we have, and asked for their suggestions on solutions. The committee asked for help identifying the benefits and alternatives that will help the Council work through the hard choices related to permit stacking, fleet size, the IFQ moratorium, etc., as ways to reduce overcapacity. They also asked the GMT to analyze whether or not the different approaches can make a significant difference.

The committee is frustrated it could not have the full report ready at the next meeting; they believe it is more important to do it well, rather than quickly. They will bring forward a more complete report that includes a background section, range of issues discussed, and list of strategies (potential solutions). No one single item will solve the problems, and matching pieces may not work. The committee expects full public involvement in reviewing the draft report, and would like full opportunity for input and revisions before the document comes back to the Council in September. She encouraged Council members to engage in discussions with each other and their constituents about the committee report.

#### B.11.b. Comments of Technical Committees

#### SSC

Ms. Cindy Thomson gave the report of the SSC.

*Ms. Debra Nudelmann from Resolve, Inc. gave the Scientific and Statistical Committee (SSC) an update on the status of the groundfish strategic plan. The SSC is encouraged by the progress the Ad-Hoc Groundfish Strategic Plan Committee has made on the plan. The SSC recognizes the importance of this report and looks forward to the draft report in June.*

Ms. Thomson reminded the Council that the SSC's Economic Sub-committee volunteered to draft a report on overcapitalization in the West Coast Groundfish fishery. This is a starting point to stimulate discussion on this issue. Mr. Anderson thanked the SSC for its very useful report to the committee, stressing that effort reduction is one of the major themes we're dealing with. He suggested Ms. Thomson summarize the report at this time, and make a more detailed presentation in June when the final draft is available. Mr. Robinson urged Council members to read the draft report and complimented them on their excellent job.

Ms. Thomson presented overheads on:

- groundfish landings/revenues
- LE permits by sector and gear
- estimated capitalization utilization rates, by fishery sector
- Monthly cumulative landings limits as a result of overcapitalization
- monthly equivalent landings limits for *Sebastes* in the open access fishery
- length of fixed gear sablefish season, by year (regular vs. mop-up)
- effects of overcapitalization (reduced effectiveness of management measures, increase discard, economic hardships, time consuming/controversial management)

Dr. Radtke urged the SSC sub-committee to work with the Strategic Plan committee to prepare specific alternatives and to describe which ones may be more effective or easier to implement.

#### B.11.c. Comments of Advisory Entities

Ms. Michele Robinson read Supplemental GAP, GMT, HSG Report B.11.

*The Groundfish Advisory Subpanel, Groundfish Management Team, and Habitat Steering Group would like to receive a briefing on the groundfish strategic plan. To that end, we would recommend*



Mr. Robinson indicated that NMFS is prepared to go forward if the Council desires to take option 3.

Council comments to be provided to NMFS as part of the public comment process.

3. move forward and publish the proposed regulations in the *Federal Register*, which would provide opportunity for formal public comment. In addition, the Council could revisit this topic in June and develop delay final action until the June meeting. This could also delay implementation.
2. put the proposed regulations out for informal (i.e., not published in the *Federal Register*) public review and implementation.
1. do not adopt until there are funds in the budget. This could cause a six to nine month delay in implementation.

Mr. Robinson described three possible options for Council action:

the draft regulations are ready for publication in the *Federal Register*.

Mr. Robinson referred the Council to Supplemental NMFS Attachment B.12.a. and Supplemental NMFS Attachment B.12.b. Mr. Robinson read through the preamble of the proposed regulations and briefed the Council on development, contents, and purpose of the regulatory package. In sum, NMFS has prepared the draft regulations to have a regulatory structure in place so that, when funding for implementation becomes available, NMFS could act immediately to place observers aboard vessels. At the discretion of the Council, the draft regulations are ready for publication in the *Federal Register*.

#### B.12.a. Summary of Program

#### B.12. Observer Program

Chairman Lone and Mr. Anderson discussed the need for another committee to work on implementing the Strategic Plan Committee's recommendations. Mr. Brown agreed that marine reserves, habitat areas of particular concern, etc, will all fall into another committee's lap.

Mr. Alverson suggested the Council consider use the June meeting as a "kick off" for discussion of stacking for the fixed gear and/or the trawl fleet. Permit stacking addresses at least one of the components to overcapacity, and in June he would like to start the three meeting process to implement the stacking component.

Mr. Brown said he believed a different committee would take over during the actual implementation phase of the plan. Mr. Fletcher supported Ms. Robinson's comments regarding an evening session at the June meeting to discuss the package and get into the details.

Mr. Anderson was concerned about avoiding conflicting reports between the Strategic Plan Committee and the SSC subcommittee. He wanted the Strategic Plan committee to have the lead for developing alternatives for capacity reduction, and that they would include the SSC's material in their report for June. He wants to make sure that efforts are not duplicated and to avoid separate recommendations being presented to the Council. SSC and other reports and comments should be funneled through the Strategic Plan committee, especially those related to overcapacity.

#### B.11.e. Council Guidance

Ms. Michele Longo Eder, F/V Nesika, Newport, Oregon

#### B.11.d. Public Comment

*In addition, we would appreciate receiving copies of the draft plan prior to the June meeting to allow adequate time for review.*

*a joint meeting of the Council's advisory entities; perhaps an evening session at the June Council meeting, so all the advisory entities can receive the same presentation at the one time.*

#### B.12.b. Progress Report on Sampling Design

Ms. Cyreis Schmitt provided a progress report on an observer coverage analysis being conducted by the NMFS, Northwest Fisheries Science Center. This analysis assesses various sampling and observer coverage approaches for an at-sea observer program. This analysis, based on data from Oregon's Enhanced Data Collection Project, examines trip limit induced discard patterns of bycatch that occur in groundfish fisheries. Results from this analysis will be used to demonstrate the types of information and levels of detail at-sea observer coverage can be expected to provide. The analysis provides insight into the differences between observer coverage approaches. For example, the pros and cons of monitoring a small number of vessels over an entire cumulative trip limit period versus a random sampling of individual trips over a larger number of vessels throughout the cumulative limit period.

Mr. Alverson wanted to know if there was a way to distinguish whether the bycatch came from "topping off" at end of fishing trip, or from targeted fishing (i.e., the normal mix of fish in a normal fishing strategy). Ms. Schmitt indicated that the data was from a variety of fisheries targeted on different species. One trip could be sablefish, another could be mixed species, so it would be difficult to discern. The next stage of the analysis will go further into the target by tows.

#### B.12.c. Comments of Technical Committees

Dr. Jim Hastie commented that the GMT supports the observer program, and given the uncertain funding status they strongly support Council adoption of a program for implementation when funds become available.

#### B.12.d. Comments of Advisory Entities

##### GAP

Mr. Rod Moore gave the report of the GAP.

The Groundfish Advisory Subpanel (GAP) spent a considerable amount of time in debate on observer programs, their design, their coverage, their cost, how they are paid for, and what objectives they seek to achieve. A wide variety of opinions were expressed. Ultimately, the GAP agreed the draft observer program package should be adopted for public review.

The key to establishing a West Coast observer program is adequate funding to pay for it. Given the current state of affairs, the industry simply cannot afford to pay the entire cost of an observer program. The GAP was influenced in their decision on the observer program package by their understanding that this package constitutes the report to Congress on observers which was required by the Fiscal Year 2000 Commerce Appropriations Bill. Absence of that report has had a serious adverse impact on efforts to obtain funding for an observer program. Better communication between NMFS and the industry on this issue would have greatly facilitated work on getting the necessary funding to begin implementing an observer program.

Considering the costs of an observer program, the GAP strongly suggests that additional - or if necessary, alternative - means be used to provide better information on total fisheries mortality. In particular, the GAP recommends that displaced fishermen be trained and hired to serve as observers. The practical knowledge available to such men and women will be of great use in an observer program.

The GAP also again urges the Council and NMFS to move forward with a program involving landing of trip limit overages. The GAP has recommended this several times and the Council has already approved - but never implemented - a voluntary pilot project. Given the difficulty in obtaining funding for an observer program, a requirement to land overages may be the best interim means to get better information.

Mr. Brown asked if the GAP talked about the specific language in the regulations, particularly the notification provisions for notifying NMFS when the vessel is leaving and returning from the trip.

Mr. Moore stated that he was uncertain of the specific provisions discussed by the GAP, but the consensus of the GAP was to get this document out for public review.

Mr. Robinson commented on the report to Congress, which Congress had asked for as part of their consideration of providing funds for a West Coast observer program, that Mr. Moore referred to. NMFS did send a report to Congress to look at funding options. NMFS has been working with headquarters and drafted the report to Congress. The report analyzes the pros/cons for different funding options. The final report will go to OMB as early as next week. In that report NMFS has boiled the funding options down to:

1. no action;
2. direct payment - vessel pays a contractor for the cost of the observer;
3. resource funded - allocation set-asides, differential trip limits;
4. fee based funding - dock the whole fleet to fund the program;
5. federal funding - short term that is probably the only way to get this up and running.

Alternatives one through four would be long-term options.

Mr. Alverson asked Mr. Robinson, when Congress acted on the budget, there was an additional request from NMFS on how other observer programs have been funded throughout the country. Mr. Robinson said that is part of the same report he referred to.

#### B.12.e. Public Comment

Mr. Joe Easley, Oregon Trawl Commission, Astoria, Oregon  
Ms. Jennifer Bloeser, Pacific Marine Conservation Council, Arcata, California  
Ms. Karen Reyna, Pacific Ocean Conservation Network, San Francisco, California

#### B.12.f. Council - ACTION

Mr. Waldeck framed the options for Council action. He reiterated Mr. Robinson's three options: no action, delay final action until June, or take final action today.

Mr. Alverson moved that the Council adopt for public review and for publication in the *Federal Register* the language for an observer program as shown in NMFS Attachment B.12.a. and Supplemental NMFS Attachment B.12.b. (Motion 21) Mr. Bohn seconded the motion.

Mr. Alverson said that it is his understanding that under this option, the June meeting could allow for the Council to bring additional collective comments under the NMFS public comment period. Mr. Alverson noted this would also provide additional comment from the GAP and the industry.

Mr. Brown not supported the motion, but that the notification requirements may be impossible for some folks to adhere to. Specifically, the requirement of calling 24 hours prior to leaving may not work because sometimes people do not know if they will fish within the 24 hour time period.

Mr. Fletcher spoke in favor of the motion, noting that observers are a high priority to the Strategic Planning Committee. He supports the idea of differential coverage on the various sectors of the fishery. If it is not possible to place observers on every vessel, the Council needs to determine where the greatest need is and focus observer coverage on those vessels.

Mr. Robinson commented that there is a mistake on page 16, "not less than 24 hours" should have read "no more than 24 hours".

Chairman Lone asked for voice vote, Motion 21 passed.

## **B.13. Plan Amendment to Address Bycatch and Management Measure Issues - Review First Draft**

### **B.13.a. Staff Report**

Ms. Yvonne deReynier presented the draft amendment report Supplemental Attachment B.13.a.

Mr. Brown asked whether the current FMP provisions relating to issuance of designated species "B" permits require NMFS staff work, and she responded yes, even if no permits are issued they have to go through some steps.

Dr. Radtke, referring to page 24, issue 3 was concerned about the provision that "(at-sea processor) vessels could not receive compensation or otherwise benefit from any overage amount...unless converted to meal..." He thought this would send a message we don't want to have value added, but value negative. We should leave room for some flexibility.

Mr. Robinson, on the issue of designated species "B" permits: we passed a motion to remove designated "B" species permits, but he noted the scheduled action is to adopt the alternatives in the analysis, possible a preferred alternative to go out for public review with final adoption in June.

Mr. Boydston asked for clarification on page 2, issue 2, alternative 1: "at sea whiting". Ms. deReynier said it should say "shoreside whiting". Also, referring to page 4, after alternative 3, there is a paragraph that talks about the process of designating measures as "routine", and he asked is this for both commercial and recreational? Ms. DeReynier explained there are routine management measures for both. This would broaden both recreational and limited entry to the same level for the open access sector. Mr. Boydston was concerned about routine season and bag limit changes, closures, etc, for the recreational fishery because this would not mesh with the California state process that takes 45 days.

Ms. Cooney responded to Mr. Brown's questions regarding provision "A" endorsements. There is a provision for an endorsement "A" for banned gear, but other than that all other "A" and "B" endorsements are obsolete. Responding to Mr. Boydston's comment, she explained that rockfish bag limits are already routine, but the Council has never modified recreational measures in season.

### **B.13.b. Comments of Technical Committees**

#### **SSC**

Ms. Cindy Thomson gave the comments of the SSC.

Ms. Yvonne de Reynier presented a review of highlights of the draft amendment 13 to the groundfish fishery management plan (FMP).

There is little scientific confirmation of the effectiveness of current measures which have been implemented to reduce bycatch. In the future, bycatch reduction provisions should be accompanied by appropriate monitoring activities to determine their effectiveness. The alternatives chosen under issue 3 (Bycatch Reduction Provisions) should reference which reporting methodologies under issue 2 (Standardized Reporting Methodologies) would be appropriate.

The Scientific and Statistical Committee questioned the potential efficacy of certain alternatives listed in the draft FMP amendment. Specifically, Alternative 2 under issue 2, a stand-alone mandatory logbook program, is unlikely to be an acceptable reporting methodology, because it would not provide verifiable estimates of bycatch. Alternatives 3 and 4 include provisions for verifying bycatch through onboard observation. Under issue 3, it is unclear how alternative 2 would provide adequate bycatch reduction, because it relies on a groundfish strategic plan which has not yet been completed.

**B.13.c. Comments of Advisory Entities**

**GAP**

Mr. Rod Moore gave the report of the GAP.

The Groundfish Advisory Subpanel (GAP) reviewed the draft environmental assessment for Amendment 13 to the Pacific Coast Groundfish Fishery Management Plan and offers the following comments:

- Issue 1 - Definition of Bycatch  
The GAP supports Alternative 1 (status quo).
- Issue 2 - Standardized Reporting Methodologies  
The GAP supports Alternative 3, but believes it should be expanded to allow the Council to make use of future new technologies and techniques that might be appropriate.
- Issue 3 - Bycatch Reduction  
The GAP supports Alternative 4, but believes it should be expanded to include appropriately monitored landing of trip limit overages, a proposal strongly supported by the GAP on several previous occasions.
- Issue 4 - Management Measures Frameworking  
The GAP supports Alternative 3, because it provides the greatest flexibility to the Council while allowing for greater public participation.
- Issue 5 - Housekeeping Measures  
The GAP supports Alternative 2.

**B.13.d. Public Comment**

Mr. Mark Powell, Center for Marine Conservation, San Francisco, California  
Ms. Karen Garrison, Natural Resources Defense Council, San Francisco, California  
Ms. Jennifer Bloeser, Pacific Marine Conservation Council, Arcata, California  
Mr. Craig Barbre, PCFFA, Los Osos, California

**B.13.e. Council - ACTION**

Mr. Brown moved to release the draft for public review with the alternatives identified in the GAP statement, excluding issue 5. Dr. Radtke seconded the motion. (Motion 22)

Mr. Boydston asked for friendly amendments, suggesting to include: Issue 1, alternative 2 and Issue 3, alternative 3 - this is in support of and encompasses the GAP recommendations. Also insert a) full retention of incidental catch in the whiting fleet; and b) full retention of overages in shoreside landings with appropriate monitoring. (eg, observers, cameras, etc.). Mr. Brown and Dr. Radtke agreed to the amendments. Mr. Boydston said he would pass editorial suggestions to Ms. deReynier separately.

Chairman Lone asked for a vote on Motion 22. Motion 22 passed.

Ms. deReynier asked Council members to phone her if they had editorial comments on the draft.

**B.14. Renewal of Emergency Rule for 2000 Management Measures**

**B.14.a. Comments of Technical Committees**

None.

**B.14.b. Comments of Advisory Entities**

**NMFS**

Mr. Robinson said NMFS will be doing a Regulatory Flexibility Analysis on this when the current rule expires in June.

No other comments on this agenda item.

**B.14.c. Public Comment**

None.

**B.14.d. Council - ACTION**

Mr. Brown requested that NMFS extend the emergency rule. (Motion 24) Mr. Bohn seconded the motion. Motion 24 passed.

**B.15. American Fisheries Act**

**B.15.a. Staff Report**

Mr. Dan Waldeck reviewed the briefing book material for this agenda item. He then reviewed for the Council the options generated at the March Council meeting for management measures to protect West Coast groundfish fisheries from harm caused by the American Fisheries Act (AFA) (Staff Report -- Supplemental Attachment B.15.a). He also detailed the purpose of Council action -- clarify the alternative management measures to protect West Coast groundfish fisheries, notably, determine criteria (and the accompanying rationale) that will be developed into management recommendations for excluding vessels and processors from West Coast groundfish fisheries.

Mr. Anderson asked for clarification about "establish criteria to exclude AFA beneficiaries" He asked, does the "restrictions must be linked to protecting against harm caused by the AFA" translate into "excluding AFA beneficiaries?" Mr. Waldeck said it could depend on how the Council defines harm and how the Council decides to prevent harm. Mr. Anderson asked if the Council could produce management measures that protect against harm without, necessarily, excluding AFA beneficiaries? Mr. Waldeck stated yes, Council action could be to protect against harm while preserving status quo.

**B.15.b. Comments of Technical Committees**

None.

**B.15.c. Comments of Advisory Entities**

Mr. Dale Myer read the report of the GAP:

*Objective Statement: To avoid adverse impact caused by the American Fisheries Act (AFA) by maintaining status quo capacity and maintaining permit value for AFA and non-AFA permit holders. To ease in the analysis, the Groundfish Advisory Subpanel (GAP) suggests the Council limit the analysis to the following options:*

*The proposed options are based on the following criteria:*

*Catch history based on:*

- a. minimum tonnage requirements, i.e., 50, 100, 500 metric tons in any one of the qualifying years; or*
- b. number of deliveries, i.e., 10 deliveries in any one of the qualifying year.*

- Qualifying years (window periods):
- a. [1994,] 1995, 1996, 1997;
  - b. [1994,] 1995, 1996, 1997, 1998, 1999 through 9/16/1999.
- Definition: An AFA catcher vessel is a vessel that holds an AFA permit and was fishing pollock during the AFA's qualifying years.
- Process: The Groundfish Advisory Subpanel suggest the following:
- 1) Set participation criteria for AFA catcher vessels in the:
    - a) mothership whiting fishery,
    - b) shore-side whiting fishery,
    - c) groundfish other than whiting.
  - 2) Analyze the following participation option:
    - A. Mothership Whiting Fishery:
      - A.i. Harvested (50, 100 or 500) mt whiting during any one of the following:
        - a. [1994,] 1995, 1996, 1997; or
        - b. [1994,] 1995, 1996, 1997, 1998, 1999 through 9/16/1999.
      - A.ii. Made 10 deliveries during any one of the following
        - a. [1994,] 1995, 1996, 1997; or
        - b. [1994,] 1995, 1996, 1997, 1998, 1999 through 9/16/1999.
    - B. Shorebased Whiting Fishery:
      - B.i. Harvested (50, 100, 500) mt whiting during any one of the following:
        - a. [1994,] 1995, 1996, 1997; or
        - b. [1994,] 1995, 1996, 1997, 1998, 1999 through 9/16/1999.
      - B.ii. Made 10 deliveries during any one of the following:
        - a. [1994,] 1995, 1996, 1997; or
        - b. [1994,] 1995, 1996, 1997, 1998, 1999 through 9/16/1999.
    - C. Groundfish other than whiting:
      - C.i. Harvested (50, 100, 500) mt groundfish other than whiting and cannot be based on bycatch landed in the whiting fishery, during any one of the following:
        - a. [1994,] 1995, 1996, 1997; or
        - b. [1994,] 1995, 1996, 1997, 1998, 1999 through 9/16/1999.
      - C.ii. Made 10 deliveries of groundfish other than whiting and cannot be based on bycatch landed in the whiting fishery, during any one of the following.
        - a. [1994,] 1995, 1996, 1997; or
        - b. [1994,] 1995, 1996, 1997, 1998, 1999 through 9/16/1999.
- 3) Issue AFA catcher vessels a Pacific Coast Groundfish eligibility endorsement based upon meeting the eligibility criteria.



4) Non-AFA catcher vessels may participate in all Pacific Coast groundfish fisheries as per their limited entry (LE) permit and do not need an eligibility endorsement to do so. AFA catcher vessels which do not meet the selected minimum landing criteria are precluded from participation in such fisheries unless substituting for another AFA catcher vessel of similar or greater size (i.e., downsizing).

5) If an AFA catcher vessel meets the Council's selected participation criteria, then the vessel is eligible to use or obtain (lease or purchase) a limited entry trawl A permit and use it only in a fishery that the vessel qualified for under the above criteria.

6) AFA catcher vessels not meeting requirements:

Any limited entry (LE) trawl permit assigned to an AFA catcher vessel not meeting the minimum landing requirements will be revoked. The GAP suggests setting a control date to provide notice to potential purchasers of any LE permits held by AFA vessel owners which do not meet the selected minimum landing criteria will be revoked. The GAP suggest setting the control date as of April 7, 2000.

The topic of AFA as it relates to catcher-processors, motherhips, and shoreside processors was not addressed by the GAP, and there is no new comments on these sectors. The GAP suggest you refer to staff's briefing Supplemental Attachment B.15.a.

Mr. Brown asked Mr. Myer about substitution provisions in the GAP proposal, "do the normal transfer restrictions apply?" Mr. Myer answered yes.

Mr. Alverson asked if the GAP discussed the duration of restrictions. The GAP had no recommendation. Mr. Alverson asked about catcher processors, motherhips, and processors. Mr. Myer responded that the GAP did not come to an opinion on sectors other than catcher vessels.

Dr. Radtke asked about the catch history portions of the GAP proposal, and if the intent was for the analysis to focus on the numbers in the GAP proposal (e.g., 50, 100, 500 mt). Mr. Myer answered yes.

Mr. Brown asked if the catcher vessel criteria could also apply to catcher processors. Mr. Myers reiterated that the GAP report focused on catcher vessels.

Ms. Cooney asked for clarification on permits. Is the intent to "get at" permits registered to an AFA vessel or "anything" held by an entity that owns an AFA vessel? Mr. Myer responded that only AFA vessels are the focus of these restrictions, not non-AFA vessels.

Mr. Alverson asked if "takings" (under the Fifth Amendment to the U.S. Constitution) was discussed, i.e., if fishing privileges are revoked, does that cause a "taking?" Mr. Myer responded that the GAP discussed the issue, but no agreement was reached.

Mr. Alverson asked about the original Midwater Trawlers Cooperative proposal put forward in September 1999, are those recommendations accounted for in the GAP proposal? Mr. Myer answered, generally, yes, with some minor changes.

Ms. Cooney asked for a clarification about groundfish other than whiting and the provision that catch history would not include bycatch of non-whiting groundfish in the whiting fishery. Mr. Myer answered that, under the GAP proposal, non-whiting groundfish landed as part of whiting fishery landings would not be included as catch history.

Mr. Anderson asked about the rationale for not including non-whiting groundfish. Mr. Myer did not recall the exact rationale other than that the two fisheries are distinct and catch in each should be considered separately.

- For catcher vessels in whiting and non-whiting groundfish fisheries – qualifying criteria being considered are catch history (minimum tonnage, i.e., 50, 100, 500 mt; and/or number of deliveries, i.e., 10 deliveries in any one year during the qualifying period) during the years 1994, 1995, 1996, 1997 or 1994, 1995, 1996, 1997, 1998, 1999 through September 16, 1999. The proposed options for catcher vessels also includes provisions for revoking limited entry permits of AFA catcher vessels that do not meet the adopted criteria. The Groundfish Advisory Subpanel suggested a control date of April 7, 2000 to provide notice to potential purchasers of limited entry permits from AFA vessels not meeting the qualifying criteria that these permits might become invalid. The Council may consider adopting this (or some other) control date at the June meeting.

The proposed alternatives for qualifying criteria include:

Synopsis: At the April meeting, the Council reviewed various alternatives for providing protection to West Coast groundfish fisheries. The Council is considering whether to restrict participation in groundfish fisheries by excluding AFA qualified vessels and processors that do not meet specified levels of past participation in West Coast groundfish fisheries. In addition, the Council is considering whether to restrict, suspend, or void permits registered to AFA qualified vessels as of April 7, 2000 if the AFA vessels did not meet the adopted criteria. After hearing public comment and the advice of the Groundfish Advisory Subpanel, the Council requested analysis of several qualifying criteria that would be used to exclude AFA vessels and processors from the groundfish fishery if those vessels did not meet the criteria. Essentially, the Council heeded the recommendations of the GAP and asked for analysis of their proposed catcher vessels provisions. For motherhips and catcher processors, the options were unchanged from those presented previously. For shorebased processors, the Council accepted the language recommended by the Westcoast Seafood Processors Association.

#### B.15.e. Council - ACTION

- Mr. Brent Payne, United Catcher Boats, Seattle, Washington  
Mr. Vidar Wespestad, Pacific Whiting Conservation Cooperative, Seattle, Washington
- 1) Define "AFA processor" as any company that is part of an on-shore cooperative in Alaska under the American Fisheries Act.
  - 2) Require that, in order to process Pacific groundfish (including whiting), a processing facility must obtain a permit from NMFS. [Permits will not be required for facilities who process less than 10,000 pounds per year.]
  - 3) No permit may be issued to a [facility or] company identified as an AFA processor unless that [facility or] company has engaged in processing any species of Pacific groundfish (including whiting) prior to April 7, 2000.
  4. The permit requirement will continue until changed by the Council. The prohibition on AFA processors will expire on December 31, 2004, unless the Congress extends the life of the on-shore processor cooperatives, in which case the prohibition will be automatically extended.

Supplemental Public Comment B.15 (April 2000)

Mr. Dave Fraser, Muir Milach, Port Townsend, Washington  
Mr. Rod Moore, West Coast Seafood Processors Association, Portland, Oregon

#### B.15.d. Public Comment

- For catcher processors – qualifying criteria being considered are whether or not an AFA qualified catcher processor was licensed to harvest groundfish in the years 1997, 1998, or 1999 through September 16, 1999.

- For motherhips – qualifying criteria being considered are whether or not an AFA qualified motherhip received at least 1000 mt of Pacific whiting during the regular whiting season in 1998 or 1999.

- For shorebased processors – the Council is considering whether to require West Coast groundfish processing facilities to obtain a permit to process West Coast groundfish. A facility owned by an AFA qualified processor would be ineligible for a processing permit unless that facility processed West Coast groundfish prior to April 7, 2000.

At the June Council meeting, the Council may consider adopting April 7, 2000 (or some other date) as a control date for participation as a West Coast groundfish processing facility.

The analysis of protective measures will also include consideration of whether restrictions would be applied to an AFA qualified vessel (i.e., catcher vessels and catcher processors), the limited entry permit of an AFA qualified vessels, or both the vessel and its permit. In recommending management measures to the Secretary, the Council will also recommend whether restrictions should be permanent or only in effect for the duration of the AFA (i.e., December 31, 2004). The Council will take preliminary action on these measures at the June 2000 meeting, final action is scheduled for September 2000.

Mr. Waldeck prefaced for the Council the necessary action, noting that the Council was not taking formal action on these options, rather, discussing and clarifying the options. The Council could, at there discretion, highlight preferred options.

Mr. Anderson said he is not ready to select a preferred alternative at this time.

Mr. Waldeck then went forward with his presentation of the alternatives that had been put forward by the Council.

I. Mr. Waldeck discussed the question of whether protective management measures should exclude AFA vessels or limited entry permits held by AFA vessels.

Mr. Brown said he preferred "vessel excluded and permit retired." Mr. Anderson agreed with Mr. Brown. Mr. Anderson said that if the Council were to express a preferred alternative, he would suggest the third alternative in the Staff Report (Supplemental Attachment B.15.a.) –

3. Combination – restrict both vessel and permit. An AFA vessel that does not qualify is excluded from the fishery. Any permit the vessel possesses is subject to the restrictions described in (2) above. The vessel would not be allowed to purchase another limited entry permit.

Dr. McIsaac asked for clarification about the choice of a preferred alternative. Mr. Brown said he is not sure what the Council preference is here; but he said he did not know how we could use the first two points here. Ms. Cooney said at least all three options need to be discussed. Ms. Cooney said you need to discuss the possibilities and what the effects are from each. Mr. Bohn said we should just leave them all in, and show the third as the preferred option.

II. Mr. Waldeck discussed the options for excluding spill-over catcher vessels.

Mr. Brown clarified a point under the qualifying criteria -- two filters, e.g., 50 mt during the qualifying period, or 30 deliveries total or 10 deliveries in any one year. In terms of going out for analysis, Mr. Brown asked that we use the provisions in the GAF proposal. His personal preference is number of deliveries versus tonnage.

Mr. Waldeck again asked for the Council to discuss the rationale for the criteria, especially why they were the appropriate criteria (i.e., do they accomplish the goal). Mr. Brown said in terms of the catcher processors, the AFA states that the Council should protect against harm and that clearly, without protective measures, current whiting catcher processor cooperatives could be harmed by entry of additional (spill-over) AFA vessels.

Mr. Anderson asked for clarification on page 5 of Supplemental Attachment B.15.a., is this the same issue as on the slide. Mr. Waldeck said yes it is. Mr. Anderson said there seems to be an inconsistency between catcher processors and motherhips. Mr. Waldeck clarified the issue for the Council – and noted that the words "and motherhips" in the parenthetical phrase of the option under Catcher Processors in Supplemental Attachment B.15.a should be deleted.

III. Mr. Waldeck reviewed the options for excluding spill-over catcher processors and motherhips. Mr. Brown, on Mr. Alverson's question, the catch history in the GAP proposal is intended to be the same across the board, and analyzed for each sector, rather than the fishery as a whole. Mr. Myer agreed. Mr. Myer clarified that the September 16, 1999 control date was to close the qualifying period as of the September Council meeting.

Mr. Alverson asked about the catch history and qualifying years, what is the purpose of the qualifications at the top versus those in the body of the text. Mr. Myer stated this was an attempt to make the report simpler, and that the same criteria would be used across all three sectors. Mr. Alverson then asked about the difference between 25 mt and 50 mt in terms of dependence on the fishery (i.e., full-time participation). Mr. Myer said it depends on the fishery and the boat, and that it would be different for different boats and sectors, dependence has yet to be figured out.

Mr. Brown spoke to the issue of qualifying years (the referenced Supplemental GAP Report B.15 – April 2000), noting that 1997 was picked because that corresponded to the enactment of the AFA. He is not sure how the industry justified 1999. In terms of the catch history requirements, he suggested that they are a "filter" to show true dependence on the fishery versus speculative participation.

Mr. Waldeck asked to clarify Council guidance. He reiterated that the Council was changing the criteria for catcher vessels to correspond to the GAP proposal (Supplemental GAP Report B.15 – April 2000), with the addition of including 1994. Mr. Waldeck then asked the Council if they would speak to the rationale behind the criteria, notably, why are they the most appropriate.

Chairman Lone asked Mr. Dale Myer to come back to the head table (Mr. Rod Moore joined him). Mr. Moore said that as far as the GAP is concerned, the original discussion back in September was held by the same folks who helped write April 2000 statement. Mr. Myer noted that the April 7, 2000 control date was related to revoking permits as well as retiring permits.

Mr. Anderson asked to add 1994 to be consistent with the industry proposal which was brought to them in September 1999. Dr. Hanson said he thought he heard that industry in public comment said they agreed with the GAP recommendations. Mr. Anderson did not want the industry who was not present at the April meeting to not be represented, therefore, prudent to include 1994, which was in the original proposal.

Ms. Cooney asked for clarification of Mr. Brown's recommendation for going with the GAP proposal. For "A" there are the three qualifying tonnages, for "B" are you suggesting using 30 deliveries or 10 deliveries? Are you going with the 10 deliveries or the 30? Mr. Brown said 10 deliveries would be sufficient. Ms. Cooney asked you then asking for two options, either tonnage or delivery? Mr. Brown said he sees this as going out with two separate qualifiers for public comment.

Dr. Hanson asked about the control dates. Mr. Brown clarified that it was his understanding that the April 7, 2000 control date [suggested in the GAP Report (Supplemental GAP Report B.15 – April 2000)] would apply to permit transfers, not to determining qualified catch history.

IV. Mr. Waldeck discussed the options for processors.

Mr. Catito stated that Mr. Moore's public comments (Supplemental Public Comment b.15 - April 2000) should be analyzed in lieu of the earlier options put forward for the processing sector (from September 1999 and March 2000), with the exception of under number three of adding "facility".

Dr. Radtke urged that as part of the analysis we need to understand how many processors and facilities will need a license and what kind of fiscal impact this additional burden might have on those facilities and NMFS. Mr. Brown said if we include what was suggested by Mr. Moore under number four ("permit requirement will continue until changed by the Council"). Mr. Brown did not see how the Council could tie that to protecting against harm caused by the AFA, especially because [certain eligibility provisions of] the AFA expire in 2004; unless the AFA is reauthorized by Congress. Ms. Cooney said that her understanding is that the permit requirement is that the processor must get a federal permit, but there is no limit on the number of permits that could be issued (i.e., not limiting the number of processors, but limiting who is eligible for a permit). If there are other reasons for permits, the permit requirement could stay in. She asked if there is might be another way to do this without instituting a permit requirement. Mr. Brown noted that there may be other reasons for permits, but they do not apply to AFA.

Mr. Alverson asked what are we doing with the proposed language? He asked, are we substituting the new proposed language for that put forward previously? Mr. Brown said that other than 1,000 mt whiting provision, he does not see the two proposals as exclusive, but the difference is in how they are implemented.

Ms. Cooney said noted that one of the differences between the proposals was that Staff Report (Supplemental Attachment b.15.a.) addressed AFA processors buying existing West Coast processors. But in the language put forward today (in Mr. Moore's public comment), AFA processors could not buy existing processors, that is a major difference between the two proposals.

Mr. Anderson said another the significant difference was in number three in Mr. Moore's public comment, i.e., "engaged in processing Pacific groundfish (including whiting)." He noted that this could be a significant difference. Ms. Cooney asked for a clarification about what fish was processed. Mr. Moore noted that the new proposal treated all groundfish together, not making a distinction between whiting and non-whiting groundfish processors.

Mr. Waldeck clarified Council guidance. The language in Supplemental Public comment B.15. will be substituted for the proposals from the September 1999 and March 2000 Council meetings, with the addition of the words "facility owned by an AFA processor" under number three, i.e., "no permit may be issued to a facility owned by an AFA processor unless that facility has engaged in processing any West Coast groundfish prior to April 7, 2000."

Mr. Robinson asked for a clarification about whether the requirement would be for a facility or a company to possess a permit. Mr. Catito noted the requirement would apply to facilities, i.e., sites where groundfish are bought or processed.

Mr. Brown stated that this is consistent with the package, the permit is going to the facility, not the company. He pointed out that, because this would apply to facilities, this could require a great number sites to possess permits. Noting, also, that it would need to be clarified if this would apply to the "white van fleet," which could result in a significant number of permits. Mr. Catito noted that not everyone would need a license, we would need criteria to narrow down who this would apply to, focusing on major processors, but not excluding anyone else from buying a plant. The point is were not excluding anyone from buying in.

Mr. Robinson noted that what is lacking is definition of "facility," and that will have to be developed. Mr. Alverson stated that the processor permit should be attached to the AFA entity and the Council should not establish permit requirements for all West Coast processors. He asked, is every site going to be required to have a permit?

Ms. Cooney stated instead of permitting all facilities, AFA processors could be identified and regulations promulgated such that these processors could not purchase West Coast groundfish or purchase facilities that process West Coast groundfish. She suggested using this approach.

Dr. Radtke asked for Mr. Moore to clarify the intent of his proposal, does it include all facilities or limit it to a tonnage history. If it is left covering all facilities it could have a significant impact on the groundfish fishery. Mr. Moore noted that Ms. Cooney's suggestion would create enforcement problems. He also stated in reference to small and/or mobile receiving/buying stations (e.g., "the white van fleet"), perhaps the Council could put some minimum poundage threshold, below that a facility would not need a permit (e.g., 5,000 pounds per year). He suggested that Council staff be directed to establish a poundage floor.

Mr. Waldeck clarified again that for processors, the four points in Mr. Moore's proposal would go out for analysis, not qualified by Ms. Cooney's suggestion about identifying AFA processors, and focus on restricting their activity in West Coast groundfish fisheries. The Council concurred.

Dr. Hanson suggested adding an additional sentence to Mr. Moore's proposal, "permits will not be required for facilities who process less than 10,000 pounds per year." The Council concurred that this should be added to point number two in Mr. Moore's public comments statement.

Mr. Waldeck asked the Council for help in clarifying the rationale behind restricting AFA processors.

It was suggested that the rationale Mr. Moore spoke to previously under public comment in response to a question from Mr. Robinson:

*Mr. Robinson asked for clarification as to what harm is caused by an AFA processor versus any other well-capitalized U.S. corporation that purchases the operations of a West Coast processor who wanted to sell their operations, or that same corporation bringing economic opportunity to a community by building a new processing facility.*

*Mr. Moore responded that the AFA provides for the Council to recommend management measures to protect against harm caused by the AFA because the framers of the AFA presumed that the AFA would provide advantages to certain entities. In exchange for that advantage, the AFA seeks to protect other fisheries. The goal is to prevent AFA entities from using market advantage from disrupting (harming) other fisheries. For example, an AFA processor could establish a processing presence on the West Coast, because of their market advantage (provided by the AFA) they could undercut existing processors, either by luring catcher vessels by offering a better price for fish delivered or by offering product on the market at a lower price. In either case, current markets are disrupted and current participants could be harmed.*

V. Mr. Waldeck discussed duration of the protective measures.

Mr. Bohn noted that there are two duration alternatives in the staff report. He suggested using these.

The Council completed discussion of the American Fisheries Act.

## **B.16. Efforts to Reduce Yellowtail Rockfish Catch in the Whiting Fishery: Review of Exempted Fishing Permits**

### **B.16.a. Shoreside Industry Report**

Messrs. David Jinks and Rod Moore presented the shoreside industry report.

The industry met twice as a result of the concerns about incidental catch of yellowtail rockfish expressed at the September 1999 meeting. Mr. Jinks said there has been a change in participants in the fishery, with more traditional groundfish boats participating recently. It became obvious at the meetings there was a lot of misunderstanding about the EFP, and those misunderstandings were cleared up at the meetings. Next, they started developing a plan to eliminate overages. There will be more and faster communication among

the fleet and with processors, especially the location and time bycatch occurred. There will also be signed agreements between processors and vessels, and between the states and processors. ODFW will hold another meeting and will include the points of education. Mr. Jinks said the fleet wants to avoid caps and limits, but he feels strongly that this fishery needs to be conducted in a responsible manner. The best way is through education and agreements. Mr. Moore said all the participating processors will work closely with the fleet and ODFW to develop a plan. There was a question raised on applying this to California. The GMT report in March indicated the rockfish bycatch limit in California was minimal and not much to worry about.

#### **B.16.b. Offshore Industry Report**

Mr. Dale Myer and Dr. Vidar Wespestad reported the at-sea sector has put together a list and chart of areas that have higher bycatch.

#### **B.16.c. Comments of Technical Committees**

None.

#### **B.16.d. Comments of Advisory Entities**

#### **GAP**

Mr. Rod Moore read the report of the GAP

The Groundfish Advisory Subpanel (GAP) received a presentation from representatives of onshore and off-shore whiting fishermen and processors regarding actions proposed for 2000 to reduce rockfish bycatch in the whiting fishery. The proposals would require a number of industry initiatives, in conjunction with state permit requirements, to avoid and minimize rockfish bycatch, as required by law. The GAP believes this program should be allowed to proceed and then analyzed at the end of the year to determine its success.

The GAP notes the program will not apply to the early California whiting fishery, as that fishery has already begun. Further, as noted by the Groundfish Management Team at the March 2000, Council meeting, rockfish bycatch does not appear to be a significant problem in California. Finally, the GAP notes comments made in March regarding operational difficulties with establishing this particular program in California.

However, the GAP wishes to express its strong concern over the reported high levels of salmon and rockfish bycatch in the tribal whiting fishery. These numbers are masked by NMFS' insistence on combining them with non-tribal motherhip catches, which are much lower. The GAP urges the Council to take whatever steps it can to reduce salmon and rockfish bycatch in the tribal whiting fishery.

Mr. Harp asked Mr. Moore about the comment "masked" tribal bycatch. He responded that tribal salmon bycatch rates have been higher than the non-tribal motherhip sector, but when the two are combined and averaged, that fact does not show. The GAP suggests if the tribal fishery is a separate entity, then the tribes' catch data should be listed separately.

Mr. Robinson pointed out that NMFS has provided the information separately for tribal and non-tribal sectors. Mr. Harp agreed, referring to Supplemental NMFS Report B.16.(1).

Mr. Anderson asked where the tribal fishery takes place and if they have looked at other ways to reduce rockfish bycatch.

#### **TRIBAL**

Mr. Steve Joner, Makah Tribe biologist and Mr. Gordon Smith, Makah Tribal Councilman responded. The statement made by Mr. Joner contained the following points:

#### 1999 Season

In 1999, the Makah Tribe required that whenever feasible, all rockfish be retained and processed aboard the Excellence and forfeited to the tribe for non-commercial use.

To implement this, all rockfish bycatch was sorted by species, hand tallied, average weights determined, and the fish were headed and gutted and frozen in 24 kg bags. Any fish not of food grade quality was discarded (ie: undersized or poor quality fish).

The processed rockfish were then delivered to cold storage and later distributed to food banks by "Northwest Harvest". A total of 119,976 kg were delivered to cold storage.

By retaining and counting the rockfish bycatch, we estimate a total bycatch of yellowtail rockfish in 1999 of 204 mt compared to the 451 mt estimate generated from the observer data.

We have been unable to reconcile the two estimates, so in 2000, we plan to periodically monitor the observer activities and more closely coordinate with NMFS Regional Office and the observer program to correct this problem.

#### 2000 Season

We plan to continue the retention of rockfish in 2000 and will implement additional measures aimed at reducing the rockfish bycatch.

These include:

1) Reporting to the catcher vessel the amount of rockfish in a tow as soon as possible after the delivery.

2) Providing the vessels with daily tow reports on the amount of whiting, rockfish, and salmon in the catch.

3) Coordinating weekly catch reviews with the tribe, the processor, and catcher vessels.

Our objective in these activities is to respond to high levels of bycatch in a timely manner and to correlate bycatch with the time, area, depth, or other variables in the fishery.

Mr. Joner would like to see a tribal representative on the GAP. Had there been one, there could have been a better explanation for what they said.

Mr. Brown asked if observer techniques are the same as those used in non-tribal fisheries; is it likely the discrepancy you found be applied to the other sectors? Mr. Joner said yes that could be possible.

Mr. Robinson also responded in asking the same question, noting there is a lot of variability in making estimates.

#### **B.16.e. Public Comment**

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

Mr. Dave Fraser, Muir Millich, Port Townsend, Washington

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

#### **B.16.f. Council - ACTION**

Mr. Bohn said he believes the package is a step in the right direction and will accomplish our goals. He urged the Council to move this forward. Mr. Anderson was impressed by the industry's response and their search for solutions to this problem. He thanked Mr. Coenen and his staff in putting the meetings together. Referring



to the ODFW document, he asked about the suggestion for a cap of 12 kg of yellowtail per mt of whiting. He said a cap is the least effective piece of the program; the other measures (communication, education, monitoring of the bycatch rates) are what will make this work. The difference between 10 mt or 12 mt won't make the difference.

Mr. Brown pointed out that using an industry-wide figure to compare those rates in the north as pointed out by the offshore sector is not quite fair; this certainly puts more burden for boats in the north than in the south. He agreed with Mr. Anderson's comments. He recalled the discussions about salmon bycatch in the whiting fishery issue of years ago and stress how well the industry meetings and improved communication worked; they have done a great job to take care of this.

## C. SALMON MANAGEMENT

### C.1. Salmon Management Agenda Overview

Dr. Coon gave the agenda overview. He noted that the Council will have to give timely and explicit direction to the STT in order to complete adoption of the final salmon management recommendations by Thursday afternoon.

### C.2. Identification of Stocks Not Meeting Escapement Goals for Three Consecutive Years

#### C.2.a. Comments of Technical Committees

Mr. Doug Milward, STT Chairman, referred the Council to Supplemental STT Report C.2., a table containing the Council's stock conservation objectives and the achieved spawner escapements or other pertinent criteria for the previous five years. He noted that the only stock which had failed to meet its objective for three consecutive years that was not an exception to the overfishing criteria was Queets coho. While Queets coho had not met its maximum sustainable yield (MSY) objective in three consecutive years, it had met the annual target agreed to by WDFW and the tribes in 1998 and 1999, as corroborated in a letter from the Quinalt Indian Nation (Supplemental Tribal Comment C.2.).

#### SSC

Dr. Peter Lawson read the report of the SSC.

Mr. Doug Milward of the Salmon Technical Team (STT) identified stocks that failed to meet their escapement goals for the past three years. All stocks that failed to meet escapement goals, with the exception of Queets River fall coho, were exempted from the overfishing criteria. Exempted stocks are either harvested at rates less than 5% in Council-managed fisheries or listed as threatened or endangered under the Endangered Species Act.

The Queets River fall coho escapement has been less than the 5,800 floor the past three years. During this time period Washington Department of Fish and Wildlife and the Quinalt Indian Nation agreed on yearly escapement targets that were less than 5,800 fish. In one of the three years the coho escapement met the target. It is our understanding this stock would not be considered overfished under the current plan; however, under Amendment 14 it would qualify as overfished.

In general, setting the escapement goal equal to the escapement floor is a strategy with a high risk of falling beneath the floor. The mandatory overfishing reviews and rebuilding plans are an expensive consequence of such management. The Scientific and Statistical Committee recommends the Council manage fisheries with buffers above the floors. This principle also applies to groundfish and other fisheries.

Mr. Anderson noted that the table contained in Supplemental Tribal Comment C.2. indicated the agreed upon annual target for wild Queets coho had been achieved in two out of the last three years (1998 and 1999).

## C.2.b. Comments of Advisory Entities and Tribes

### Tribal

Mr. Ed Johnstone referred the Council to the letter contained in Supplemental Tribal Comment C.2. The letter acknowledges that the Queets coho stock has not met its maximum sustainable yield escapement goal range over the past three years. However, the stock does not meet the Council's definition of over fished since the stock has met its agreed to annual target under Hoh v. Baldrige and subsequent court orders in both 1998 and 1999.

Mr. Anderson noted that the letter cites FMP language found in Amendment 14 which has not yet been implemented. Any assessment of overfishing would have to be made under our current FMP.

### SAS

Mr. Mark Cedergreen, Salmon Advisory Subpanel (SAS) Chairman, stated that the SAS believes the low abundance of the Queets River coho stock is related to habitat problems which are beyond the control of the tribes and fishery management entities.

### C.2.c. Public Comment

None.

### C.2.d. Council - ACTION

Mr. Anderson stated, and the Council confirmed, that under the current FMP, no stocks trigger an overfishing review at this time. However, under Amendment 14, an overfishing concern is triggered when a stock fails for three consecutive years to meet its MSY, maximum sustainable production, or rebuilding objective. Therefore, it appears that when Amendment 14 is implemented, the Council will need to instruct the STT to begin a review of the Queets coho stock and recommend measures for recovery.

Mr. Anderson expressed concern with the lack of flexibility in Amendment 14 to allow very low impact levels on critical stocks while fisheries target healthy stocks. Mr. Harp noted that the MSY spawner objectives for Washington coastal stocks had been established many years ago and he suggested it may be appropriate to review them to assure they are still appropriate.

## C.3. Methodology Reviews for 2000

### C.3.a. Report of the Scientific and Statistical Committee

Dr. Lawson read the report of the SSC.

Mr. Bill Twit of Washington Department of Fish and Wildlife (WDFW) reviewed the current status of the coho cohort analysis project. This is a cooperative project between WDFW, Oregon Department of Fish and Wildlife, U.S. Fish and Wildlife Service, Northwest Indian Fish Commission, and Treaty Tribes of Western Washington. The objective of this project is to reconstruct coho salmon cohorts for the 1986 through 1991 time period. One important product of this project will be estimates of exploitation rates which should be less biased than those currently used by the coho fishery regulatory assessment model (FRAAM). This project is ongoing and has no projected completion date. The Scientific and Statistical Committee (SSC) identifies this as a very important project that requires completion. The database produced by the project should be the basis for any new models developed to address fishery management, including coho FRAAM. The SSC recommends this project be given the highest priority by the agencies involved and completed as soon as possible. The SSC looks forward to reviewing the results of this project in the near future.

There has been no recent progress on the new Klamath Ocean Harvest Model (KOHM). This new model is badly needed and should receive the highest priority for completion. The SSC expects to see documentation of the new KOHM in September, prior to the October Council meeting.

In November, the SSC was informed that changes to the chinook FRAAM to accommodate selective fisheries were not complete. The SSC needs a demonstration of the performance of the new chinook FRAAM as part of its review process. Review of the new chinook FRAAM needs to occur in October if the model is to be used for management in the 2001 season.

Three specific areas of possible bias related to the data used in the current chinook FRAAM were brought to the attention of the SSC. These were:

- Coded wire tags used to represent Lower Columbia River wild chinook stocks.
- Spring chinook stock composition in the non-treaty troll fishery.
- Encounter and shaker mortality rates in the treaty troll summer chinook fishery.

The demonstration of the performance of the new chinook FRAAM should address these issues, but should not be limited to these three items. It should be much broader and include a demonstration of the robustness of the model to changes in the data and other model parameters.

Documentation of changes to methodologies proposed for the 2001 salmon management season should be submitted to the Council office no later than September 29, 2000. This will ensure the SSC has adequate time for proper review.

It has been at least eight years since the SSC last reviewed the methodologies used for preseason salmon abundance forecasts. Methodologies and data used for many of these forecasts have changed substantially since that time. The SSC recognizes that formal documentation of the forecast methodologies is a significant project for the agencies involved. The SSC anticipates conducting reviews of coast-wide forecast methodologies for coho and chinook salmon in October 2001 and requests that affected agencies plan accordingly.

Dr. Lawson clarified that the coded wire tag issue listed in item one of the SSC report refers to the Lewis River stocks. With respect to the KOHM, a completely new model is expected by September 2000. With respect to changes in the chinook FRAAM to allow for selective chinook fisheries, Dr. Lawson elaborated that the model code had been updated but that additional data needed to be added to the model. These changes were aimed primarily at allowing future consideration of selective chinook fisheries in Puget Sound.

#### C.3.b. Comments of Technical Committees

None.

#### C.3.c. Comments of Advisory Entities

SAS

Mr. Cedergreen stated that the SAS did not have a written statement, but is eagerly anticipating completion and release of the new improved KOHM. The SAS is also interested in a review of the coded-wire tags used to represent lower Columbia River wild (LRW) chinook in the chinook FRAAM model.

#### C.3.d. Public Comment

None.

### C.3.e. Council - ACTION

The Council discussed the priority for modifying the chinook FRAAM to handle selective fisheries. Dr. Lawson clarified that the need to revise the chinook FRAAM model to handle selective fisheries was based on the possibility that chinook selective fisheries may be implemented in southern Puget Sound in the year 2001. The current chinook FRAAM estimates impacts for both inside and outside fisheries. During SSC discussion, WDFW staff had expressed concern that inside and outside fisheries should continue to be assessed using a single model.

In response to questions by Mr. Anderson, Dr. Lawson stated that the standard schedule for completing reviews required materials to be given to the SSC by early October in order to receive full review by the salmon subcommittee prior to the SSC meeting. The suggested review of the coastwide forecast methodologies for coho and chinook salmon could be completed in batches so that not all materials need be delivered for October of 2001. Dr. Lawson's priority would be to review models that have not yet been reviewed by the SSC, but he pointed out that members of the SSC may have different priorities, particularly those SSC members new to the process.

Mr. Bohn urged completion and SSC review of the KOHM on time for the 2001 salmon process. There has been substantial testimony on the inadequacies of the current model. Mr. Boydston stated that CDFG and NMFS staff are now working on the model, however, he cautioned the Council not to expect that the new model will eliminate all of the problems of the current model. The main improvement will be the incorporation of a more complete database. He said that it is his expectation that the September 29, 2000 deadline would be met, but he could not be certain.

Mr. Anderson, expressed his desire to see the coho cohort analysis project brought to a conclusion. This project will be an important update to the way fisheries are modeled. Finishing work on this model will be a high priority for WDFW. Mr. Anderson expressed uncertainty regarding the link between the coho cohort project and the comprehensive coho project. The comprehensive coho project is another high priority project being conducted jointly with the tribes. The target date for completing the comprehensive coho project is December 2000.

Mr. Anderson requested the Council write a letter notifying the state agencies of the Council's desire to review forecast methodologies for coho and chinook salmon and request information be provided to the SSC by October 2001. He would like some priority specified on the stocks to be reviewed. The state agencies would then respond to the Council letter with information on the work that might reasonably be accomplished by October 2001. Mr. Bohn asked that the letter include a generalized list of the forecasts currently done and the responsible agencies. Mr. Lawson said that such a list would assist the SSC as well and might help the SSC rethink what kind of a review it wants to conduct.

Dr. McIsaac reviewed the action items he had identified based on the Council discussion. These items included a letter to the states that would ask the states which forecast methodologies might benefit most from SSC review and a request to the SSC for the specifics of their concerns with respect to areas of potential bias in the chinook FRAAM. Further, he suggested that a progress report on the revised KOHM and coho cohort analysis project be scheduled for September 2000.

### C.4. Tentative Adoption of 2000 Ocean Salmon Management Measures for Analysis

#### C.4.a. Summary of Public Hearings

The appointed hearings officers summarized the public comments from the hearings as provided in Supplemental Public Hearings Reports C.4.(1-6). The officers were Mr. Jim Lone at Westport, Washington; Mr. Burnie Bohn at Tillamook, Oregon; Dr. Hans Radtke at North Bend, Oregon; Mr. Jim Caito at Eureka, California; Mr. Roger Thomas at Santa Rosa, California; and Mr. LB Boydston at Moss Landing, California (hearing conducted by CDFG).

#### **C.4.b. Summary of Written Public Comments**

Dr. Coon referred the Council to 19 public comment letters contained in the briefing package that had been received at the Council office between March 15 and March 30, 2000. He reviewed a summary of the comments as contained in Supplemental Public Comment C.4.

#### **C.4.c. Recommendations of the U.S. Section of the Pacific Salmon Commission**

Mr. Bohn stated that there was no new information to provide the Council beyond that provided at the March Council meeting. Mr. Harp noted that the Tulalip tribal staff had met with the Canadian Department of Fisheries and Oceans on March 14, 2000. He and Mr. David Gaudet reported that there will be another Pacific Salmon Commission meeting at the end of April which will review all of the fisheries, especially those based on individual stock management (ISBM fisheries).

#### **C.4.d. Endangered Species Act Requirements**

Mr. Robinson referred the Council to the Endangered Species Act (ESA) guidance provided by NMFS in its March 2000 letter. He noted that the ESA guidance had been incorporated and met in the three options contained in Preseason Report II. He reiterated his position from the March Council meeting that the impact of the final management measures on Oregon coastal natural (OCN) coho should not exceed the 8.73% preseason level adopted in 1999. With regard to Rogue/Klamath coho, he noted that the estimated impacts are significantly lower than those for OCN coho, that coho retention is not allowed off California, and that the methodology for estimating impacts was not as good as for OCN coho. NMFS would like to keep the impact low and close to that of the previous season (4.9%). He encouraged the managers to explore ways of reducing the coho encounter rates in fisheries affecting the listed coho.

#### **C.4.e. Recommendations of the North of Cape Falcon Forum**

Mr. Harp provided the recommendations of the North of Cape Falcon Forum.

Mr. Chairman, I'd like to give a brief report on this year's North of Cape Falcon (NCF) meetings. As you know, each year the managers representing the states of Oregon and Washington and the treaty tribes of the Washington Coast, Puget Sound, and the Columbia River meet with the affected constituents to consider the condition of the resource and determine allowable fisheries that are possible under the circumstances. This year, we met on March 15 and 16 in Portland and again on March 28, 29 and 30 in Tukwila.

This year the tribal and state co-managers also held a meeting with Canadian fisheries managers on March 14 to exchange information on our respective forecasts of abundance and expected fisheries plans. This exchange provided the co-managers much more certainty than in past years upon which to base assumptions concerning Canadian fisheries in our modeling of impacts during our NCF process. This improved pre-season planning relationship with Canada is a direct result of the 1999 PST agreement, and the commitment of the parties to more closely mesh their respective fisheries planning processes.

Under the best of conditions, this is a difficult process to shape the Treaty Indian and Non-Treaty fisheries for areas from the ocean to in-river for the various stocks of concern. This year's process has been particularly difficult because of the very low forecasted abundance for most coho and some chinook stocks, and because of the additional species that have been listed under the ESA this past year.

For 2000, the forecast for most wild coho and some hatchery coho stocks is for run sizes below desired optimum escapement levels. Of particular concern on the Washington coast is the Queets River and in Puget Sound the Skagit, Stillaguamish and Snohomish Rivers. In addition, the

None.

#### C.4.h. Comments of Technical Committees

Mr. Milward, STT Chairman, stated there were no revisions to the estimated impacts presented in Preseason Report II. He noted that impacts on Snake River fall chinook, which had not been available at the March meeting were presented in Table 4 and were well within the ESA requirements.

#### C.4.g. Update on Estimated Impacts of March Options

In response to a budgetary question from Dr. Radtke, Mr. Kirk stated there would be no cost to the PFM or the KFM for having a KFM member formally present at the salmon option hearings. In response to a question from Mr. Brown, he acknowledged that the KOHM was likely to overestimate the impacts from the fishery during the two fish bag limit.

The KFM recommends to the PFM that a member of the KFM be recognized at PFM salmon fishery public meetings regarding salmon regulations when they occur in the southern Oregon/northern California area.

The KFM recommends to the PFM, for all salmon except coho, the following season for the KMZ sport fishery Humboldt Mountain to Horse Mountain: an opening from May 27 to July 6, with 1 fish/day, no more than 4 fish/7 consecutive days, and an opening from July 29 to September 10, with 2 fish/day, no more than 4 fish/7 consecutive days. Other restrictions listed in Preseason Report II, Table 2, Option 2, page 14, apply.

Mr. Paul Kirk, Vice Chairman of the KFM, reported on the motions passed by the KFM on April 3, 2000

#### C.4.f. Recommendations of the Klamath Fishery Management Council (KFM)

Mr. Anderson concurred with Mr. Harp's comments. He noted that WDFW and the tribes have been working together to significantly cut the Puget Sound chinook and coho impacts. Mr. Harp noted that WDFW and the Quinault Indian Nation had agreed upon an annual spawner escapement target for Queets coho which will prevent complete closure of the ocean fishery north of Cape Falcon. Mr. Anderson stated that the agreement would result in less than a 5% impact on the abundance of Queets coho available to fisheries north of Cape Falcon.

Our NCF work is not yet completed. The tribes and WDFW will be working throughout this week to complete a package of agreed fisheries plans. We are confident that an agreement will be reached that meets the needs of the resource and provides some level of fishing opportunity for all fishing interest.

As part of this pre-season planning process, the tribes and WDFW have developed a Puget Sound chinook fishing strategy to meet the requirements of the ESA. The implementation of this plan through the NCF process is expected to result in a Section 7 "no jeopardy" determination by NMFS. Similarly, ocean fishery plans are expected to meet the ESA standards that have been established by NMFS for listed Columbia River stocks.

hatchery run to South Puget Sound, a normally strong contributor to our fisheries, is forecasted to be weak. This situation has necessitated the need to develop very restrictive fishery plans in both the ocean and inside areas to achieve acceptable escapement levels.

#### C.4.I. Comments of Advisory Entities

#### SAS

Mr. Cedergreen noted that in the current situation, the SAS believes the harvest impact rate for OCN coho should be 10% or less. Last year's rate of 8.73% is not unreasonable to use as a target. However, the SAS is concerned that if a significantly lower rate is used this year, the fishery will be held to that lower rate the following year and the rate would be scaled lower and lower each season.

Mr. Cedergreen introduced the SAS recommendations for final management measures as provided in Supplemental SAS Report C.4. The specific recommendations by area and fishery were provided by Messrs. Mark Cedergreen, Jim Olson, Don Stevens, Ron Lethin, Jim Welter, Kurt Hochberg, and Duncan MacLean.

Mr. Anderson noted that our current FMP does not allow for the coho allocation recommended by the SAS for the recreational fishery in the La Push area. It would have to be reduced by 250 fish. The preseason allocation recommended by the SAS is not possible until Amendment 14 is implemented. He also clarified with Mr. Olson that 1,000 chinook in quota for the non-Indian troll fishery in May and June were modeled in the July-August time frame. In this way they could be transferred on a one-to-one basis to the later fishery if they were not harvested prior to June 15.

Mr. Don Stevens noted a mistake in Supplemental SAS Report C.4. On page 1, the troll season between Cape Falcon and Humbug Mountain should also be open from August 1 through August 29. The proposed Oregon troll season is a compromise between Options I and II of the March options and is intended to result in a 55:45 sharing of Klamath River fall chinook impacts between California and Oregon. Mr. MacLean stated that the California troll season was intended to maintain the same California/Oregon sharing of Klamath River fall chinook as Option II in March (59:41).

Mr. Caito questioned why the proposed closure in the Fort Bragg sport fishery extended to July 29 rather than July 25. Mr. Hochberg thought it was changed for enforcement purposes, but it may not be necessary to keep it closed that long with regard to reducing coho impacts.

#### C.4.I. Tribal Comments

Mr. Mike Orcutt, Hoopa Valley Tribe, noted that Option I has the potential to impact Klamath-Trinity spring chinook. The KFM/C is trying to develop methodologies to predict impacts on this stock. Spring chinook must be managed conservatively and be included in allocation considerations. Mr. Orcutt also expressed concern with the potential impacts of the two fish bag limit in the KMZ. He supports the option that has the highest harvest opportunity for tribal fisheries as well as the highest conservation factor.

Mr. Raphael Bill, representing the four Columbia River tribes, stated that they prefer Option III and had concern about the impacts of the selective fisheries for marked hatchery coho.

Mr. Harp presented a statement for the Northwest Indian tribes on the proposed management measures for 2000. He stated that impacts on Queets wild coho provide the primary constraint to ocean fisheries this year. Low abundance of South Sound hatchery coho also acts to exacerbate impacts on wild stocks. The management measures adopted by the Council must meet the U.S. District Court order and stipulations with regard to selective fisheries. He also noted that all of the options considered meet the 1988 agreement among the tribes not to increase impacts on Columbia River chinook stocks of concern. With these constraints in mind, the Northwest treaty tribes propose the following chinook and coho quotas for commercial treaty troll fisheries: 25,500 chinook, of which 20,000 are reserved for the chinook-directed May/June season; and 20,000 coho for the August/September, all-salmon season.

South of Cape Falcon, the Council considered two different allocations of Klamath River fall chinook between the Oregon and California fisheries. Mr. Bohn proposed a 57/43 split between California and Oregon (Motion 7), while CDFG proposed a 59/41 split (amendment to Motion 7). Mr. Bohn noted that the

For the area north of Cape Falcon, the Council tentatively adopted (Motion 6) commercial fisheries as identified in Supplemental SAS Report C.4. with the following modification: for the area from Queets to Cape Falcon, insert "If the remaining chinook quota is 500 or fewer fish, each vessel may land and deliver no more than 50 chinook per open period."

#### **Tentative Commercial Management Measures**

For the area from Horse Mountain to the U.S.-Mexico border, the Council tentatively adopted (Motion 5) recreational fisheries as identified in Supplemental SAS Report C.4. with the following modification: for the Fort Bragg area (Horse Mountain to Point Arena) the July closure should be adjusted to provide overall season OCN coho impacts South of Horse Mountain that are the same as in 1999.

For the area south of Cape Falcon to Horse Mountain, the Council tentatively adopted (Motion 4) the management measures identified on page 5 of Supplemental SAS Report C.4. with the following modification: the impact table for the OCN coho Central Oregon selective fishery area should assess the impacts of a 15,000 and 25,000 quota to see the range of OCN coho impacts for these fisheries.

For recreational fisheries north of Cape Falcon, the Council tentatively adopted (Motion 3) the management measures as presented in Supplemental SAS Report C.4. with one modification: define the coho subarea quotas north of Leadbetter Point to be consistent with the existing framework management plan (results in 300 additional coho to Neah Bay, 250 less to La Push, and 50 less to Westport).

#### **Tentative Recreational Management Measures**

##### **C.4.m. Council Direction**

Mr. Duncan MacLean, troller, El Granada, California  
 Mr. Dave Bits, PCFFA/HBFMA, Eureka, California  
 Mr. Joel Kawahara, Washington Trollers Association, Quilcene, Washington  
 Mr. Butch Smith, Ilwaco Charter Boat Association, Ilwaco, Washington  
 Mr. Larry Swanson, Southwest Washington Anglers Association, Vancouver, Washington  
 Mr. Steve Watrous, Columbia Pacific Anglers Association, Vancouver, Washington  
 Mr. Ron Lethin, sport fisherman, Hammond, Oregon  
 Mr. Pietro Parravano, PCFFA, Half Moon Bay, California  
 Mr. Doug Fricke, Washington Trollers Association, Hoquiam, Washington  
 Mr. Don Stevens, troller, Newburg, Oregon  
 Mr. Jerry Reinholdt, processor, St. Helens, Oregon

Mr. Lone reminded the commenters about the green light, and the time limits.

##### **C.4.l. Public Comments**

Mr. Anderson, WDFW, had no additional comments. Mr. Bohn, ODFW, reported that the guidance of the Oregon Fish and Wildlife Commission was consistent with that provided by NMFS earlier in the day. Namely, that the impacts should be equal to or less than the preseason estimate for 1999 (8.73) and that selective fisheries are a viable management tool. Mr. Boydstun, CDFG, stated that three major issues arose from the March options: (1) the impact of a two-fish bag limit for the KMZ sport fishery; (2) how to meet OCN coho management objectives; and (3) the allocation of Klamath River fall chinook between the Oregon and California commercial fisheries. He noted that all but the third issue seems to have been resolved in the SAS management measures.

##### **C.4.k. Agency Comments**



California allocation has ranged between 52% and 58% in recent years. He thought the difference between the two options was about 7-8 days of fishing off the central Oregon coast. Mr. Boydston stated that the reduced allocation to California resulted in closures over a huge chunk of California and a lot more than 8 days. Council members noted that the higher allocation to California resulted in lower OCN coho impacts, but higher Rogue/Klamath impacts. The Council tabled the motion and proceeded with other portions of the tentative adoption of management measures and a meeting break while the STT analyzed the difference in number of days for the fisheries under the two proposals. (Motion 8)

Following the STT analysis, Mr. Curt Melcher reported on the estimates of fishing days for Oregon and California commercial fisheries under various allocations of Klamath River fall chinook (Supplemental STT Report C.4). Based on the STT report, Mr. Boydston noted that the 59/41 split results in two or three days less fishing time in July in Oregon when compared to the 57/43 split. In the San Francisco area the 59/41 split provides an additional 15 days of fishing over the lower California allocation. Mr. Bohn noted that the San Francisco area spanned a distance of about 30 miles of coast while the Oregon closure covers about 200 miles. He also noted that in comparing options, the Council should compare the Oregon losses with Option 1, the 51/49 split. On that basis, Oregon loses 11 to 12 days.

For south of Cape Falcon commercial fisheries, the Council rejected the 59/41 split and tentatively adopted (Motion 7) commercial fisheries as identified in Supplemental SAS Report C.4, with the following modification: adjust the season structures to allocate Klamath River fall chinook (age-4) to California and Oregon fisheries (outside the KMZ recreational fishery) in a ratio of 57% to California and 43% to Oregon (same as last year).

Mr. Boydston directed the STT to make the following adjustments in Supplemental SAS Report C.4. (Motion 12): on page 2 from Point Reyes to Point San Pedro, add fishing days in June to make it a continuous season from the opening until September 30; with regard to winter run - adjust the closing date for Point San Pedro to Pigeon Point to meet winter run harvest constraints; if closing all of September does not do it, then close the entire area south of Pigeon Point backwards from August 31; reassess the KMZ sport fishery in the context of the adopted sharing.

For the ocean treaty troll fishery, the Council tentatively adopted (Motion 9) the following management measures for analysis by the STT: a treaty troll coho quota of 20,000 and a chinook quota of 25,500; seasons to consist of a May/June chinook only fishery and an August/September all species fishery; gear restrictions, size limits and other appropriate regulations would be as stated in the 1999 regulations. Based on his review of the halibut catch sharing plan and records of incidental harvest in past seasons, Mr. Anderson proposed the Council adopt the same incidental halibut harvest restrictions as in 1999 (i.e., one halibut per five chinook except for one halibut may be landed without meeting the ratio requirement and no more than 30 halibut per trip). He was concerned that a more liberal restriction could encourage targeting on halibut. Mr. Bohn spoke in favor of Option 1 in Supplemental SAS Report C.4, which allows one halibut for each two chinook and a maximum of 50 halibut per trip. He noted that the troll fishery has rarely taken much over 50% of its 15% allocation, except in one year. The Council tentatively adopted (Motion 10) the same incidental landing restrictions as used in 1999.

## **C.5. Clarify Council Direction on 2000 Management Measures, If Necessary**

### **C.5.a. Salmon Technical Team Report**

Mr. Doug Millward reported on the preliminary results of the STT analysis of the management measures tentatively adopted by the Council. The analysis of OCN and RK coho impacts provides a total impact of 8.41 and 5.99, respectively (Supplemental STT Report C.5). The 1999 preseason impact estimates were 8.73 for OCN coho and 4.90 for RK coho. The Queets wild coho ocean escapement is estimated at about 2,500 adults. South of Cape Falcon, the allocation of Klamath River fall chinook between California and Oregon fisheries (outside the KMZ sport fishery) is 57% and 43%, respectively. The proposed seasons

achieve the 35,000 floor for natural Klamath River fall chinook spawners and all other critical criteria. The proposed seasons also achieve impacts below the maximum allowed for Snake River fall chinook (an index exploitation rate of 0.58 compared to the maximum allowable of 0.70).

#### **C.5.b. Council Direction**

In response to questions about the projected reduction from 1999 impacts on OCN coho, Mr. Robinson stated that the level of impacts adopted by the Council does not automatically become the new standard for the following year. NMFS will continue to use a biologically derived standard for OCN coho stocks. He hopes the Amendment 13 review will provide better guidance for the jeopardy standard when parental stock abundance is at a level that allows no more than a 10-13% harvest level.

#### **C.6. Final Action on 2000 Measures**

##### **C.6.a. Agenda Overview**

Dr. Coon referred the Council to the STT's analysis of tentatively adopted management measures (Supplemental STT Report C.6.) and noted the proposed measures meet the Council's stipulated requirements.

##### **C.6.b. Analysis of Impacts**

STT chairman Doug Millward confirmed that the management measures appeared to meet all the critical stock and allocation requirements as summarized in Table 5 on page 9 of STT Supplemental Report C.6.

##### **C.6.c. Comments of the KPMC**

None.

##### **C.6.d. Comments of Technical Committees**

None.

##### **C.6.e. Comments of Advisory Entities**

None.

##### **C.6.f. Tribal Comments**

Mr. George Kautsky, Hoopa Valley Tribe, commented that the proposed measures appear to be acceptable to the tribe. He went on to talk about the habitat restoration needs in the Klamath-Trinity Basin and encouraged the states and other entities to support action to resolve these issues.

Mr. Terry Courtney, Jr., representing the Columbia River tribes gave the following testimony:

Good afternoon Mr. Chairman and members of the Council. My name is Terry Courtney. I am a member of the Warm Spring Fish and Wildlife Committee. I am here today to present comments on behalf of the four Columbia River treaty tribes: the Nez Perce, Yakama, Warm Springs, and Umatilla tribes.

The PPMC chinook option meet the Snake River wild fall chinook criteria. The Columbia River tribes would have preferred a lower chinook option to maximize chinook escapement back to the river. The Columbia River tribes face a difficult fall season because the current analysis shows that the tribes cannot achieve 50% of the total harvestable fall chinook due to ESA constraints.

Regarding coho fisheries, the total package of Columbia River fisheries is still being discussed. The tribes will be evaluating the combination of ocean fisheries and the states' planned in-river fisheries for consistency with the requirement to pass 50% of the upriver coho upstream of Bonneville Dam.

The tribes continue to question the mass marking and selective fisheries programs that are funded by the federal agencies. Although these types of programs provide some fishing opportunity, our experience with Columbia River steelhead proves that they do not restore natural stocks. Unless basic wild fish survival problems are corrected, mass marking and selective fisheries programs will only be a temporary fix. Our experience indicates that mass marking and selective programs create allocation imbalances between gear types. In addition, the long-term effects on wild stocks are unknown, yet the pressure to expand selective fisheries programs increases.

As long as the fish are managed consistent with the five conservation principles of U.S. v. Oregon, the tribes do not oppose non-Indian fisheries. All fisheries are paying the price for years of mismanagement of the fish and their environment to provide short-term economic gain to other industries. So often, fishery reductions are targeted as the primary method to achieve restoration. However, substantial progress can be made in other areas, such as the hydro-system, habitat and hatcheries. The current reliance on transporting smolt around dams has not been successful. The Columbia River tribes support breaching of the lower Snake River dams, drawdowns, and additional spill during the summer months as actions necessary to restore the runs of wild fish. The Columbia River tribes also advocate identifying habitat problems and working with land managers and owners to find appropriate solutions related to irrigation and timber harvest.

The Snake River fall chinook supplementation program is a recent example of success. This year's projected return of supplementation fish is substantial. The tribes' supplementation efforts are designed for natural stock rebuilding and to benefit all fisheries. This program was implemented at the insistence of the tribes and with major opposition from state and federal parties. The National Marine Fisheries Service has proposed additional monitoring requirements that may inhibit the supplementation program. It appears to us that the federal government is concerned that the supplementation program may be "too successful". Tribal supplementation programs in the Clearwater, Umatilla, Yakima, and Hood rivers are also demonstrating success in returning fish to naturally spawning areas. In our view, there are no surplus fish. Each returning fish is valuable for spawning.

While improvements are needed throughout the entire life cycle of the salmon, it is too easy to just blame hydro-system or habitat management. State and federal fishery agencies do have control over hatcheries and can immediately begin reforming these hatchery programs to assist in natural stock rebuilding.

The tribal vision for the future is for a healthy sustainable environment that produces fish populations that can support viable fisheries for both tribal and non-Indian fishermen. Salmon are the lifeblood of tribal culture. We hope that other share our vision and will work to do what is necessary to make that vision come true. This concludes my statement. Thank you.

Mr. Jim Harp provided the following comments for the Northwest Indian tribes.

Mr. Chairman,

As I indicated in my previous statements, the treaty tribes have been working on a package of fishery restrictions that meets this year's resource constraints and fairly distributes the burden of conservation.

- The fisheries that the tribes have proposed thus far I believe are consistent with this year's resource conditions, and take into account the need for each tribe to have some fishing opportunity in its area.

Mr. Anderson stated that, with a few exceptions for last minute changes to Washington state inside fisheries, the proposed management measures meet all of the requirements and agreements between the tribes and the state. Based on his recommendation, the Council adopted (Motion 26) the non-Indian commercial troll salmon fisheries for north of Cape Falcon as supplied in Supplemental STT Report C.6., with one modification: on page 1, Queen's River to Cape Falcon, clarify that no possession or landing restrictions will "initially" apply for chinook if the chinook harvest guideline is at least 2,500 and that the landing restrictions may be modified inseason as necessary. In the same motion, the Council adopted the recreational management measures north of Cape Falcon as shown on page 4 (same document) with the following

#### C.6.h. Adopt Final Measures (Including Incidental Halibut Catch) - ACTION

Mr. Dave Bits, PCFFA, Eureka, California  
 Mr. Ron Lettin, charterboat owner/operator, Hammond, Oregon  
 Mr. Don Stevens, salmon troll, Newberg, Oregon  
 Mr. Jim Olson, salmon troll, Vancouver, Washington  
 Mr. Doug Fricke, salmon troll, Hoquiam, Washington  
 Mr. Jim Weller, recreational fisherman, Brookings, Oregon  
 Mr. Joel Kawahara, Washington Trollers Association, Quilcene, Washington

#### C.6.g. Public Comments

- At the appropriate time, I will offer a motion for treaty troll quotas of 20,000 coho and 25,500 chinook.
- This year the tribes have put forth a proposal for treaty troll quotas that, while not the preference of any tribe, provide some reasonable opportunity for all of the affected parties and meet the conservation needs for Queen's coho. The treaty troll quotas represent a balance of the treaty rights of the Makah, Quinault, and other coastal tribes, as well as the four Columbia River Tribes and the Puget Sound tribes given the conservation constraints of the many salmon stocks in 2000.
- The proposed quotas for the ocean treaty Indian troll fishery along with the rest of the ocean fishery package meets the ESA considerations for Snake River chinook, OCN coho, and Puget Sound Chinook.
- The chinook quota meets the commitment by the ocean tribes to the Columbia River Tribes in 1988 to not increase impacts on stocks of concern.
- The quota levels also meet the coho management objectives for 2000 for the Washington coastal stocks.
- The proposed quotas also meet the commitments made under the Pacific Salmon Treaty.
- The quota levels have been significantly reduced from Option 1. (Chinook is 15% less and coho is 48% less)
- The impacts from the proposed treaty troll quotas are for the 2000 fishery and should not become a "standard" for future years.
- This proposal for the treaty troll fishery is part of an evolving, comprehensive package that includes in-river and Puget Sound fisheries.
- The ocean treaty troll fishery presents a constructive opportunity for the tribes to exercise our treaty rights in the ocean this year. One must remember, the treaty tribes must exercise their treaty rights in their established U & A's, so the treaty troll tribes cannot simply move their fisheries to alternative locations in order to reduce impacts.

modifications: (1) under projections and assumptions, item #4, Area 4B add-on fishery, change the 8,000 coho to 6,000 coho; and (2) adjust the ocean subarea coho quotas north of Leadbetter Point to account for this reduction in the Area 4B fishery. In addition, the Council asked that the latitude and longitude readings be included in the description of the closed area in the Westport area.

For the area from Cape Falcon to Horse Mountain, the Council adopted (Motion 27 as amended) commercial troll and recreational salmon management measures as shown in Supplemental STT Report C.6, with one change in the recreational fishery: reduce the 25,000 marked coho quota between Cape Falcon and Humbug Mountain to 20,000. Mr. Bohn originally proposed reducing the quota to 15,000 marked hatchery coho. His proposed reduction was in response to concerns of the Oregon Governor's office that adopting a higher quota than in 1999 would send the wrong message about conserving the OCN coho stock. However, an amendment proposed by Mr. Fletcher raised the quota to 20,000. Council members noted that the suite of fisheries proposed in the tentative adoption (including a 25,000 marked coho quota) met both the NMFS guidelines and the Oregon Fish and Wildlife Commission guidance. The 25,000 marked coho quota was supported at public meetings as well as by the SAS and STT, and would provide a beneficial recreational opportunity for Oregon coastal communities in July. Escapements for OCN coho under the 25,000 quota were projected to be about 2,000 higher than for 1999.

For the remaining commercial and recreational fisheries from Horse Mountain to the U.S.-Mexico Border, the Council adopted (Motion 28) the management measures provided in Supplemental STT Report C.6, without change.

For the treaty Indian fishery, the Council adopted (Motion 29) the following measures as provided by Mr. Harp:

*For the 2000 salmon fishery in the area from the U.S./Canada border to Cape Falcon, Oregon, I move the following management structure be adopted by the Council for the Treaty Indian ocean troll fisheries:*

*The Treaty Indian ocean troll fishery would have a quota of 25,500 chinook and 20,000 coho. The overall chinook quota would be divided into a 20,000 chinook sub-quota for May 1 through June 30, and a 5,000 chinook sub-quota for the all species fishery in the time period of August 1 through September 15. If the chinook quota for the May-June fishery is not fully utilized, the remaining fish would not be rolled over into the all species fishery. The treaty troll fishery would close upon the projected attainment of either of the chinook or coho quota. Other applicable regulations are shown in Table 3 of Supplemental STT Report C.6.*

The Council adopted (Motion 30) the commercial and recreational gear definitions as shown in Attachment C.4.a, which are identical to the previous two years.

For the incidental halibut fishery, the Council adopted (Motion 31) the regulation as provided on page 3 of Supplemental STT Report C.6 with one change: the halibut to chinook ratio will be one halibut for each three chinook. This is slightly more liberal than the 1999 ratio of 1:5. Mr. Anderson said he has talked with the Washington state troll representatives and is convinced that a 1:3 ratio maintains the retention of halibut as an incidental catch and will not result in a directed fishery.

The Council authorized Council staff, NMFS, and the STT to draft and revise the necessary documents to allow implementation of the recommendations in accordance with Council intent. (Motion 32)

## D. ADMINISTRATIVE AND OTHER MATTERS

### D.1. Agenda Overview

Mr. Rhoton reviewed the agenda items which required Council action.

## **D.2. Report of the Budget Committee**

Mr. Jim Harp read the report of the Budget Committee

*The Budget Committee (Committee) discussed three items: a report from the Executive Director, Dr. Donald McIsaac, a presentation on the Council Budget process, and a legislative update. Dr. McIsaac, presented an overview report on items to be discussed. The Council Administrative Officer, Mr. John Rhodon, delivered a Powerpoint presentation on the Council budget process.*

*The legislative update indicates that supplemental groundfish disaster relief funding did not clear the House Rules Committee and could not be brought to the floor as proposed by Representative Wu (OR). It will be discussed in the supplemental conference after the Senate takes final action. The Senate committee is taking up the supplemental requests on April 4. Federal funding levels for fiscal year 2001 are not available yet.*

## **D.3. Legislative Report**

Dr. Hanson referred the Council Members to the Budget Committee report.

## **D.4. Establishment of a Council Operating Procedure for e-Mail**

### **D.4.a. Agenda Overview**

Mr. Rhodon gave the agenda overview. Dr. McIsaac went over COP 1, page 3. Dr. McIsaac said that as we move into the future, there will be more need to be able to accept e-mail. Some of our advisory entities are looking for more information on our website. While this agenda item only deals with e-mail, it seems awkward to move toward a more informative website without being able to accept e-mail as testimony. Dr. Radtke asked what other Council's are doing. Mr. Rhodon replied that none of the other Council's have adopted an e-mail policy. Dr. McIsaac said that the South Atlantic Fishery Management Council (SAFMC) accepted e-mail, but did not have a formal policy. Mr. Harp asked if our server is equipped to implement this. Mr. Rhodon said we are on the NMFS/NOAA e-mail system and capacity should not be an issue.

Mr. Alverson asked about the directions on page 3 of the COP with regard to the disposition of the e-mail comments, especially under #3. He questioned how comments could be part of the Council record if they are not read prior to a decision being made. Ms. Cooney noted that the language clearly indicated the Council may not see comments if they are not sent in a timely manner. Dr. McIsaac commented that the e-mail language mirrors the written testimony language already in effect. Mr. Brown asked about format for the comments. Mr. Rhodon stated that a fill-in form is the goal and a separate header would be required. Mr. Brown suggested that those who do not use the fill-in form be required to use a subject header that would help identify the subject of the comment.

### **D.4.b. Comments of Technical Committees**

None.

**D.4.c. Comments of Advisory Entities**

**SAS**

Mr. Cedergreen reported the SAS is unanimously opposed to using this procedure. Although there have been things brought up in the Council comments that may make accepting e-mail comments reasonable in the future, we are concerned about the volume and the possible impacts that are not foreseen. The SAS does not support the proposed procedure as it is written. The SAS feels that a "web page" where you have to fill in certain criteria would be acceptable. The SAS has concern about the staff receiving volumes and volumes of comments that may be difficult to handle.

**D.4.d. Public Comment**

None.

**D.4.e. Council - ACTION**

Mr. Fletcher said we could tinker with the procedure forever and that we could always return to amend it. He moved that the Council approve COP 1 as shown in Attachment D.4.a. Dr. Radtke seconded the motion. (Motion 2) Motion 2 passed.

**D.5. Appointments to and Composition of Council Advisory Entities**

Chairman Lone explained that there are three considerations under this agenda item. First, the Salmon Advisory Subpanel (SAS) has requested there be a designated SAS seat on the Habitat Steering Group (HSG), and further, that Paul Engelmeier be appointed to that seat. Second, the Oregon Department of Fish and Wildlife has asked that consideration be given to initiating a pink shrimp trawler seat on the GAP. Finally, subsequent to the distribution of the briefing book, the Council received a letter from Dr. Joshua Nowlis resigning from the conservation representative seat on the GAP.

**D.5.a. Salmon Advisory Subpanel Position on Habitat Steering Group**

See Council discussion under D.5.f.

**D.5.b. Shrimp Position on Groundfish Advisory Subpanel**

See Council discussion under D.5.f.

**D.5.c. Comments of Technical Committees**

None.

**D.5.d. Comments of Advisory Entities**

**SAS**

Mr. Cedergreen reported that the SAS supports having an SAS member on the HSG. The SAS was instrumental in originating a habitat steering group in the early 80's. If this is a budgetary issue, we are willing to relinquish someone from the marine reserves committee. Our view of the mechanics of the position is that it is an SAS seat, not that of some individual person. The SAS would submit a name or names and the Council could choose or ratify that selection or selections. SAS would like to continue to be officially involved in the process.

**D.5.e. Public Comment**

Mr. Joe Easley, Oregon Trawl Commission, Astoria, Oregon  
Mr. Rod Moore, West Coast Seafood Processors Association, Portland, Oregon

**D.5.f. Council - ACTION**

Mr. Fletcher recognized the interest of the SAS, and sees problems with complying with their request. We have a number of different advisory groups from a number of different fisheries who would at some time have an interest in having a member on the HSG. For that reason he is not supportive of adding a representative of the SAS to the HSG. Looking at the makeup of the HSG, he noted there is already a broad spectrum among its members.

Mr. Bohn noted that the Council will request nominations for all of the advisory subpanel seats in September and that the position would be financially neutral if there is a reduction of one less person on the marine reserves committee. Given those facts, he recommended the Council delay final consideration of the membership to the September meeting. Council Chairman Lone concurred.

Mr. Brown said it is fairly apparent the current Open Access seat on the GAP does not represent shrimpers. He suggested that the Council hold off on discussing that seat until the September meeting when the advisory entity composition will be on the agenda. Chairman Lone concurred.

Dr. McIsaac gave some comments on Dr. Nowlis' resignation from the GAP. He suggested the Council go ahead and initiate the nomination and recruitment process. The Council concurred.

**D.6. Groundfish Work Load Issues**

**D.6.a. Agenda Overview**

Mr. Jim Glock briefly went over the groundfish workload matrix. He noted changes from groundfish actions which stemmed from this meeting. Mr. Glock noted that the next time this is presented, there will be an overlay of HMS, CPS, and Salmon management in conjunction with the groundfish workload.

**D.6.b. Comments of Technical Committees**

None.

**D.6.c. Comments of Advisory Entities**

None.

**D.6.d. Public Comment**

None.

**D.6.e. Council - ACTION**

Mr. Robinson reminded the Council that the work loads will increase with canary and cowcod rebuilding plans. His office will be reviewing and approving the rebuilding plans for lingcod, POP, and bocaccio; reviewing Salmon Amendment 14; filling the groundfish generic observer regulations; implementing inseason trip limit changes; preparing and implementing the salmon regulations, including the biological opinion on them; completing the analysis for the groundfish bycatch amendment; and managing the at-sea whiting fishery beginning May 15. Relative to the Council staff work, he thinks it is very important that Council staff get a good start on the cowcod and canary rebuilding plans and complete the AFA work by the June Council meeting.

Dr. Radtke and Mr. Alverson requested the Council add a discussion at the June Council meeting of permit stacking in the three tier sable fish fishery.

Mr. Brown stated his hope that completion and implementation of the strategic plan would ease staff workload in the future.



Dr. McIsaac emphasized that the workload matrix is for groundfish only. The Council can anticipate that salmon and other aspects will be included in this workload issue from now on. Marine reserves for example is one issue that the public does not expect to drop in September.

#### **D.7. June 2000 Draft Agenda**

##### **D.7.a. Council - ACTION**

Dr. McIsaac noted a few editorial changes on the agenda, such as adding "Council action" and an SSC report on salmon methodologies; and an update on salmon Amendment 14 from NMFS.

For groundfish, complementary to the PSMFC consideration of the use of excluders for the pink shrimp catch at its annual meeting, Mr. Boydston requested the Council discuss this issue under G.5. He asked that the GAP review the letter from Mr. Larry Dimeret in regard to changing the permit transfer process from a calendar year to once a year and also cover this under Agenda Item G.5.

Dr. McIsaac took input from Council members on other agenda items and noted the request from the standing committees asking for a joint committee briefing on the strategic plan. An evening briefing session will be held early in the week. Council members discussed the splitting and lumping of various agenda items and encouraged Dr. McIsaac to not schedule the most complex issues late in the day.

#### **4 P.M. Public Comment Period**

Ms. Heather Munro, West Coast Seafood Processors Association, Portland, Oregon. Ms. Munro asked the Council to consider funding a joint meeting of the CPSMT, CPSSA, and other interested parties to discuss the recommended goal for the cps fishery. She felt it would be more beneficial for all parties to be involved from the beginning of the process, in hopes of continuing open communication between fishery managers and industry.

Ms. Ginny Goblirsch, Women's Coalition for Pacific Fisheries. Talked about important communication needs that need to be addressed by the Council, NMFS, and fishing community. They talked to folks about what steps could be taken to help families during the transition. Ms. Goblirsch spoke to the importance of getting the word out about the devastation the fisheries disaster has on families and communities. She spoke to the problems of families and businesses that are in crisis; and that not enough has been done to improve. She also commented about Mr. Will Stolle's letter declaring a fishery disaster along the West Coast. Ms. Goblirsch asked everyone to get the word out to Congress about the status of West Coast fishing.

### **E. MARINE RESERVES**

#### **E.1. Staff Report on Phase I Considerations of Marine Reserves as a Management Measure**

Mr. Jim Seger, Council staff, and Dr. Mary Yoklavich, NMFS Tiburon Lab, presented a summary of the main findings of the Phase I technical analysis of no-take marine reserves (Supplemental Overheads E.1.). The Council staff recommended a revised schedule with a draft of the Phase I technical analysis to be approved for public distribution at the June meeting and a final Phase I decision in September. Phase I is the conceptual consideration of marine reserves as a Council management tool. Phase II would involve the specific siting of marine reserves.

##### **E.1.a. Comments of Technical Committees**

None.

## E.1.b. Comments of Advisory Entities

### GAP

Mr. Rod Moore gave testimony on behalf of the GAP. The GAP did not have a written statement since they did not have a chance to review the information.

### Ad-Hoc Marine Reserve Committee

Mr. Jim Seger read the report of the ad hoc marine reserve committee:

*The Ad-Hoc Marine Reserve Committee (Committee) met April 4, 2000 and received a summary presentation of the preliminary draft technical analysis for Phase I. The Committee believes the analysis is generally moving in the right direction and will provide comments to the authors of the document by April 21. The Committee endorses the proposed decision schedule with Council approval of a public review draft in June and a final Phase I decision in September. Another meeting of the Ad-Hoc Marine Reserve Committee will be scheduled prior to the June Council meeting.*

He added that the Ad Hoc MRC would like to invite someone to the June Council meeting from the New England and Council staff to present information on the Georges Bank closure.

### E.1.c. Public Comment

Ms. Karen Garrison, Natural Resources Defense Council,

Representative Terry Thompson, Newport, Oregon

Mr. Joel Kawahara, troller, Quincene, Washington

Dr. Joshua Sladek Nowlis, Center for Marine Conservation, San Francisco, California

### E.1.d. Council Direction

Mr. Coenen commented on the need for a summary presentation that better showed the linkage between the options and objectives achieved. In particular, Mr. Coenen expressed concern that the options presented were not mutually exclusive across time, i.e. the options could be implemented in a serial process. He stated that given the Council's highest priority is reduction in capacity, the near term strategy may emphasize the substitute of management actions for reserve actions. Mr. Brown, Dr. Radtke and Mr. Lincoln concurred. Mr. Brown expressed concern that much of the area is already untrawable (30%) and hence already a refuge with respect to trawl gear.

Chairman Lone noted that once again the Council is taking up an extremely complex issue. In response to a question from Mr. Lone, Mr. Seger stated that a preliminary draft has been completed and distributed to some of the technical committees for a preliminary review. The information presented in the draft document is similar to what was presented today. The request for a better display of the linkage between options and objectives could be provided in the executive summary, which has yet to be drafted. The executive summary will concisely go through each of the objectives with respect to the options and also summarize other impacts and concerns. Chairman Lone asked how the marine reserve process would interface with the strategic plan and improvement on the stock assessments? Mr. Seger responded that he is aware that the strategic plan group is considering marine reserves and that with both processes culminating in September information from the marine reserve process should be available for consideration of the strategic plan. Mr. Richard Lincoln stated that public participation and scoping will help the Council make good decisions on marine reserves in the context of the strategic plan process.

Dr. Radtke expressed concern that all national benefits be addressed in the marine reserve analysis, including benefits accruing to general public beyond those benefits usually affiliated with recreational and commercial fishing activities.

Mr. Alverson expressed concern that if some areas were set aside as marine reserves crowding on the grounds could increase during the primary fixed gear sablefish fishery. Placing reserves in some areas would

have a greater impact in generating crowding than placing them in other areas. He commented that the more area taken away for reserves the greater the need to balance the reserves with the fleet rationalization process. Mr. Brown followed-up commenting that creation of reserves might change the target fleet size with respect to fleet rationalization.

## F. HABITAT ISSUES

### F.1. Report of the Habitat Steering Group

Ms. Michele Robinson gave the report of the HSG. In its report, the HSG discussed the following issues:

1. The San Francisco Airport Expansion.
2. Klamath River Flow Rates.
3. Oregon and Washington Salmon Recovery Efforts.
4. EFH Interim Final Rule and Salmon Plan Amendment 14.
5. Highly Migratory Species EFH.
6. Fishing Gear Impacts.
7. Process for Designating Habitat Areas of Particular Concern.
8. Columbia River Dredge Disposal Sites.
9. Housekeeping issues (related to Council Agendas).

The HSG asked that the Council approve sending a letter to the Federal Aviation Administration (FAA) regarding the San Francisco Airport expansion. Both Messrs. Thomas and Boydston had concerns over the language in the letter.

Mr. Bohn said this issue seems to fall under a consultation process under the ESA, to find out if there is a jeopardy - no jeopardy situation.

Chairman Lone remarked that the HSG will make some changes to the airport expansion letter based on Council member input. Mr. Bohn said that he feels this is beyond sending a letter. Ms. Cooney responded that there are some cases where NMFS would do a consultation. And in conjunction, the Council could still send a letter. Ms. Robinson was not aware if NMFS planned to do a consultation. The Council could still consult with NMFS and send a letter on a parallel track.

Mr. Robinson said as a matter of policy we have tried to not duplicate processes. Chairman Lone said we should take final action on this on Friday, with Mr. Boydston providing input to the committee and coming back to the Council with it.

#### F.1.a. Comments of Technical Committees

None.

#### F.1.b. Comments of Advisory Entities

SAS

Dr. Don McIsaac read the report of the SAS.

*The Salmon Advisory Subpanel welcomes the opportunity to work with the Habitat Steering Group HSG on identifying significant habitat issues that effect natural production.*  
*We urge the Council and the HSG to track and attempt to influence the following:*

1. Highest priority - emergency action letter concerning the Bureau of Reclamation (BOR) water operation plan for 2000. This is a significant issue for coastal communities and fishermen. Fish need water and the BOR needs to follow the best available science - The Hardy Recommendation Report concerning minimum stream flows.

2. Superfund site designation in Willamette River/Portland area.

3. The upcoming Western Oregon Habitat Conservation Plan and Interior Columbia Basin Ecosystem Management Plan.

#### F.1.c. Public Comment

None.

#### F.1.d. Council - ACTION

Council reconvened with a revised Supplemental HSG Report F.(2). Ms. Robinson briefly went over the changes that were made. Chairman Lone gave his approval for signature.

Dr. Radtke moved that the Council send the letter to the BOR regarding Klamath River flow rates (using the Council's fast-track process). (Motion 23) Mr. Richard Lincoln seconded the motion. Motion 23 passed.

Mr. Brown moved that the Council send the revised letter as shown in Supplemental HSG Report F.(2)., and Dr. Radtke seconded the motion. (Motion 25) Motion passed.

#### ADJOURN

The Council was adjourned on Friday, April 7, 2000.

**DRAFT**

Jim Lone, Council Chairman

**DRAFT**

Date

**DRAFT VOTING LOG**  
**Pacific Fishery Management Council**  
April 3-7, 2000

MOTION 1: Approve the agenda as shown in Exhibit A.3, with the addition of the sablefish three tier non-trawl fishery season as an informational item only.  
Moved by: Burnie Bohn  
Seconded by: Ralph Brown  
Motion 1 passed.

MOTION 2: Approve COP 1 as shown in Attachment D.4.a.  
Moved by: Bob Fletcher  
Seconded by: Hans Radtke  
Motion 2 passed.

MOTION 3: Tentatively adopt recreational fisheries north of Cape Falcon for STT analysis as presented in Supplemental SAS Report C.4, with one modification: define the coho subarea quotas north of Leadbetter Point to be consistent with the existing framework management plan (results in 300 additional coho to Neah Bay, 250 less to La Push, and 50 less to Westport).  
Moved by: Phil Anderson  
Seconded by: Jim Harp  
Motion 3 passed.

MOTION 4: Tentatively adopt recreational fisheries for the area south of Cape Falcon to Horse Mountain as identified on page 5 of Supplemental SAS Report C.4, with the following modification: the impact table for the OCN coho Central Oregon selective fishery area should assess the impacts of a 15,000 and 25,000 quota to see the range of OCN impacts for these fisheries.  
Moved by: Burnie Bohn  
Seconded by: Dr. Radtke  
Motion 4 passed.

MOTION 5: Tentatively adopt recreational fisheries for the area from Horse Mountain to the U.S.-Mexico border as identified in Supplemental SAS Report C.4, with the following modification: for the Fort Bragg area (Horse Mountain to Point Arena) the July closure should be adjusted to provide overall season OCN coho impacts South of Horse Mountain that are the same as in 1999.  
Moved by: LB Boydstun  
Seconded by: Bob Fletcher  
Motion 5 passed.

MOTION 6: Tentatively adopt commercial fisheries for the area north of Cape Falcon as identified in Supplemental SAS Report C.4, with the following modification: for the area from Queets to Cape Falcon, insert "If the remaining chinook quota is 500 or fewer fish, each vessel may land and deliver no more than 50 chinook per open period."  
Moved by: Phil Anderson  
Seconded by: Jim Harp  
Motion 6 passed.

MOTION 7:

Tentatively adopt commercial fisheries for the area south of Cape Falcon as identified in Supplemental SAS Report C.4. with the following modification: set the allocation of Klamath River fall chinook (age-4) between California and Oregon fisheries (outside the KMZ recreational fishery) to allow for a split of 57% to California and 43% to Oregon (same as last year). The Klamath allocation is not intended to set a precedent for future years.

Moved by: Burnie Bohn

Seconded by: Hans Radtke

Amendment:

Use a Klamath River fall chinook allocation of 59% for California and 41% for Oregon, the sharing ratio which went out for public review under Option II (in Presseason Report II).

Moved by: LB Boydstun

Seconded by: Jim Calto

Roll call vote, amendment failed.

Main motion 7 passed.

Roll Call Vote, Amendment to Motion 7			
Council Member	YES	NO	ABSTAIN
Alverson, Bob	X		
Anderson, Phil		X	
Barracough, Jack	X		
Bohn, Burnie		X	
Boydstun, LB	X		
Brown, Ralph		X	
Calto, 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:	7	7	0

MOTION 8:

Table Motion 7 until the STT provides the information asked for by the Council.

Moved by: Bob Alverson

Seconded by: Phil Anderson

Motion 8 passed.

MOTION 9:

For the ocean treaty troll fishery, tentatively adopt the following management measures for analysis by the Salmon Technical Team: treaty troll coho quota of 20,000 and a chinook quota of 25,500; seasons to consist of a May/June chinook only fishery and an August/September all species fishery; gear restrictions, size limits and other appropriate regulations would be as stated in the 1999 regulations.

Moved by: Jim Harp

Seconded by: Phil Anderson

Motion 9 passed.

MOTION 10: For the incidental halibut catch in the salmon commercial troll fishery, adopt Option II as shown on page 11 of Preseason Report II (status quo).

Moved by: Phil Anderson  
 Roll call on vote.  
 Motion 10 passed.  
 Seconded by: Bob Alverson

Roll Call Vote on Motion 10			
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		
Long, Jim (Chairman)	X		
Mallet, Jerry	X		
Radtke, Hans		X	
Robinson, Bill	X		
Thomas, Roger	X		
Total:	11	3	0

MOTION 11: Resurrect Motion 7 for Council vote.  
 Moved by: Bob Alverson  
 Motion 11 passed.  
 Seconded by: Phil Anderson

MOTION 12: Make the following adjustments in Supplemental SAS Report C.4.: on page 2 from Point Reyes to Point San Pedro, add fishing days in June to make it a continuous season from the opening until September 30; with regard to winter run - adjust the closing date for Point San Pedro to Pigeon Point to meet winter run harvest constraints; if closing all of September does not do it, then close the entire area south of Pigeon Point backwards from August 31; reassess the K&MZ sport fishery in the context of the adopted sharing.  
 Moved by Mr. Boydston  
 Motion 12 passed.  
 Seconded by: Bob Fletcher

MOTION 13: Approve the EFP (for groundfish research efforts).  
 Moved by: Bob Fletcher  
 Motion 13 passed.  
 Seconded by: Burnie Bohn

**MOTION 14:**

Apply the same 16% discard rate that we currently use for widow rockfish, to the minor rockfish species.

Moved by: Phil Anderson  
 Seconded by: Bob Alverson  
 Roll call vote.  
 Motion 14 passed.

Roll Call Vote on Motion 14			
Council Member	YES	NO	ABSTAIN
Alverson, Bob	X		
Anderson, Phil	X		
Barracough, Jack	X		
Bohn, Burnie	X		
Boydston, LB		X	
Brown, Ralph	X		
Catto, Jim		X	
Fletcher, Robert	X		
Harp, Jim	X		
Lone, Jim (Chairman)	X		
Mallet, Jerry	X		
Radtko, Hans	X		
Robinson, Bill	X		
Thomas, Roger	X		
Total:	12	2	0

**MOTION 15:**

Reclassify redbanded from shelf to slope and revise the trip limit of all other flatfish to 400 pounds when large footrop gear is used. Remove flag rockfish from our list in the shelf species in the area above Cape Mendocino, which is out of its range.

Moved by: Ralph Brown  
 Seconded by: Hans Radtko  
 Motion 15 passed.

**MOTION 16:**

Move that the POP limits north of 40°10' be adjusted as recommended by the GMT in Supplemental GMT Report B.7.

Moved by: Ralph Brown  
 Seconded by: Hans Radtko  
 Motion 16 passed.



MOTION 17: Adopt the trip limits recommended by the GAP for limited entry fixed gear, open access gear, the limited entry and open access sablefish trip limits, and the Pacific City recommendations for the area from Cascade Head to Cape Lookout, for May 1 through September 30. Include Option 2c, with the addition that no more than 700 pounds may be other than black/blue rockfish.

Moved by: Burnie Bohn  
Seconded by: Ralph Brown  
Motion 17 passed.

MOTION 18: Adopt the GAP recommendations for public review, as shown in Supplemental GAP Report B.7.5. and put this item on the June agenda.

Moved by: Bob Alverson  
Seconded by: Neal Coenen  
Motion 18 withdrawn, not voted on.

MOTION 19: Direct the Council staff to send out the three options in the Council Newsletter, with a tentative preferred option and a statement that some of the numbers would change; also include the opening date options in the Council Newsletter as well.

Moved by: Neal Coenen  
Seconded by: Bob Alverson  
Motion 19 passed.

MOTION 20: Adopt the groundfish amendment for stock rebuilding with (Option 2) as the preferred option.

Moved by: Neal Coenen  
Seconded by: Ralph Brown  
Motion 20 passed.

MOTION 21: Adopt for public review and for publication in the *Federal Register* the language for an observer program as shown in NMFS Attachment B.12.a. and Supplemental NMFS Attachment B.12.b.

Moved by: Bob Alverson  
Seconded by: Burnie Bohn  
Motion 21 passed.

MOTION 22: Release the draft Plan Amendment to Address Bycatch and Management Measure Issues for public review with the alternatives identified in Supplemental GAP Report B.13. - except issue #5. Also insert a) full retention of incidental catch in the whiting fleet; and b) full retention of overages in shoreside landings with appropriate monitoring. (eg, observers, cameras, etc.).

Moved by: Ralph Brown  
Seconded by: Hans Radtke  
Motion 22 passed.

MOTION 23: Send the letter to the BOR regarding Klamath River flow rates (using the Council's fast-track process).

Moved by: Hans Radtke  
Seconded by: Richard Lincoln  
Motion 23 passed.

- MOTION 24: Request that NMFS extend the emergency rule.  
 Moved by: Ralph Brown  
 Seconded by: Burnie Bohn
- MOTION 25: Move that the Council send the revised letters as shown in Supplemental HSG Report F.(2).  
 Moved by: Ralph Brown  
 Seconded by: Hans Radtke
- MOTION 26: Adopt non-Indian commercial troll salmon fisheries as supplied in Supplemental STT Report C.6, dated April 6, 2000, for North of Cape Falcon with one modification: on Page 1, Queets River to Cape Falcon, clarify that no possession or landing restrictions will "initially" apply for chinook if the chinook harvest guideline is at least 2,500 and that the landing restrictions may be modified in season as necessary. In addition, adopt the recreational management measures north of Cape Falcon as shown on page 4 (same document) with the following modifications: (1) under projections and assumptions, item #4, Area 4B add-on fishery, change the 8,000 coho to 6,000 coho; and (2) adjust the ocean subarea coho quotas north of Leadbetter Point to account for this reduction in the Area 4B fishery.  
 Moved by: Phil Anderson  
 Seconded by: Jim Harp
- MOTION 27: Using the same document Mr. Bohn moved for adoption the commercial troll salmon management measures as shown for the area Cape Falcon through and including the area of the KMZ. For recreational fisheries, adopt the measures on page 5, Cape Falcon through and including the area of the KMZ, with one change for the selective fishery: change the 25,000 coho quota to 15,000.  
 Moved by: Burnie Bohn  
 Seconded by: Ralph Brown
- Amendment: Adopt a 20,000 coho quota for the selective fishery.  
 Moved by: Bob Fletcher  
 Seconded by: Roger Thomas  
 Roll call vote on the amendment: 7 yes, 5 no, 1 abstention, 1 absence.  
 Motion 27 passed as amended.
- Voting table on next page.

## MOTION 30:

Adopt the gear definitions as shown in Attachment C.4.a.

Moved by: Phil Anderson

Seconded by: Jim Harp

Motion 30 passed.

## MOTION 29:

For the 2000 salmon fishery in the area from the U.S./Canada border to Cape Falcon, Oregon, I move the following management structure be adopted by the Council for the Treaty Indian ocean troll fisheries:

The Treaty Indian ocean troll fishery would have a quota of 25,500 chinook and 20,000 coho. The overall chinook quota would be divided into a 20,000 chinook sub-quota for May 1 through June 30, and a 5,000 chinook sub-quota for the May-June time period of August 1 through September 15. If the chinook quota for the May-June fishery is not fully utilized, the remaining fish would not be rolled over into the all species fishery. The treaty troll fishery would close upon the projected attainment of either of the chinook or coho quota. Other applicable regulations are shown in Table 3 of Supplemental STT Report C.6.

Moved by: Jim Harp

Seconded by: Phil Anderson

Motion 29 passed.

## MOTION 28:

Adopt the management measures as shown in Supplemental STT Report C.6. for both commercial and recreational fisheries for the area Horse Mt. to U.S. Mexico Border.

Moved by: LB Boydstun

Seconded by: Jim Caito

Motion 28 passed.

Roll Call Vote, Amendment to Motion 27			
Council Member	YES	NO	ABSTAIN
Alverson, Bob		X	
Anderson, Phil			X
Barracough, Jack			(Absent)
Bohn, Burnie		X	
Bowler, Bert	X		
Boydstun, LB	X		
Brown, Ralph		X	
Caito, Jim	X		
Fletcher, Robert	X		
Harp, Jim	X		
Lone, Jim (Chairman)	X		
Radtke, Hans		X	
Robinson, Bill		X	
Thomas, Roger	X		
Total:		5	1 Absention, 1 Absence

MOTION 31: Adopt for incidental halibut catch in the salmon troll fishery a halibut to chinook ratio of 3:1.

Moved by: Hans Radtke

Seconded by: Burnie Bohn

Motion 31 passed.

MOTION 32: Authorize the Council staff, NMFS, and STT to draft and revise the necessary documents to allow implementation of the recommendations in accordance with Council intent.

Moved by: Phil Anderson

Seconded by: Jim Harp

Motion 32 passed.

**DRAFT MINUTES**  
**Pacific Fishery Management Council**

DoubleTree Hotel - Columbia River  
1401 N Hayden Island Drive  
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(503) 283-2111  
June 26-30, 2000

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## **A. Call to Order**

### **A.1. Opening Remarks, Introductions**

Chairman Jim Lone opened the 154th meeting of the Pacific Fishery Management Council in Portland, Oregon. He invited all Council members, standing committees, and interested public to attend the groundfish strategic plan briefing being held that evening.

### **A.2. Roll Call**

Dr. Don McIsaac 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 Ted Lindstrom

#### Members Absent

Mr. Stetson Tinkham

### **A.3. Executive Director's Report**

Dr. McIsaac introduced Ms. Carolyn Porter who is the new Executive Assistant. Dr. McIsaac then noted that Council staff has launched a new procedure to track the supplemental handouts. He also informed the Council and public that daily Council actions/decisions will be posted in the back of the room.

### **A.4. Status of Federal Regulation Implementation**

Mr. Bill Robinson, National Marine Fisheries Service, reported that the National Marine Fisheries Service (NMFS) formally transmitted Amendment 14 to the Salmon Fishery Management Plan to NMFS D.C. staff, with a notice of availability published today. The comment period will end August 28. The date for the decision regarding approval will be September 27. The observer program draft Federal Register (FR) notice was not filed due to heavy workload. There will be a FR notice to approve the rebuilding plans for Pacific Ocean perch (POP), Lingcod and bocaccio.

On May 19, NMFS published proposed rule for state regulations of setnet gear in Huntington Flats area. That comment period has been extended to early August. On May 31, a control date for the highly migratory species fisheries was filed in the FR (March 9, 2000 was the control date published).

He also added that on June 19, NMFS published the final 4(d) rule under the Endangered species Act (ESA) for both steelhead and chinook. The final rule for steelhead is effective 60 days from publication. Chinook final rule is effective 145 days after published.

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

The agenda was approved with the following changes: Agenda items H.1. through H.4. will be moved to Tuesday, June 27, 2000 after Agenda Item C.1. Agenda Items G.1. and G.2. will be moved to Tuesday after

H.1. through H.4. On Wednesday, after Agenda Items D.16., D.10., and D.14. will be addressed after Agenda item D.8. The GAP requested that D.2. be moved after agenda item D.5. in order to allow more time for them to draft their comments. Mr. Ralph Brown asked that after D.13., a short discussion be added to talk about next year's groundfish management strategies. He would like to ask the GMT to put together a brief report after that discussion and present it to the Council at their September meeting. Mr. Boydston noted that where it says "squid" permit transferability, it should be changed to "finfish" permit transferability. (Motion 1)

**A.6. Council Action: Approve March 2000 Minutes**

The Council approved the March 2000 minutes with the following clarification, on Page 14, the California Department of Fish and Game (CDFG ) representative be identified as "Mr. Harvey Reading". (Motion 2)

**B. Salmon Management**

**B.1. Salmon Management Agenda Overview**

Dr. John Coon provided the Council with a brief overview of the salmon agenda.

**B.2. Sequence of Events and Status of Fisheries**

Mr. Doug Milward, Salmon Technical Team (STT) chairman, reported on ocean salmon landings for the early part of the season (Supplemental STT Report B.2.). In response to questions from the Council, he noted that 1,000 chinook of the May/June guideline for the non-Indian commercial fishery north of Cape Falcon would be transferred into the late, all-salmon season. During the preseason process, the impacts for these 1,000 fish were modeled as if they were caught in the late season and then transferred to the early fishery. Transferring the remainder of the May/June chinook guideline (now estimated at less than 1,000 fish) to the late season would require a complex remodeling of impacts for these fish (originally modeled in the May/June season) which would significantly reduce the number transferred. Since the quota for the late, all-salmon season of 2,500 chinook is likely to be more than enough to access the coho quota, Mr. Milward indicated he would not request the Washington Department of Fish and Wildlife (WDFW) staff to calculate any additional transfer of chinook from the early season to the late season unless it becomes necessary.

Mr. Dave Gaudet, Alaska representative, reported the Chinook Technical Committee of the Pacific Salmon Commission has completed a revised calibration for the northern fisheries which resulted in increased abundance indexes and an increase in the allowable harvest for the abundance-based Alaska fisheries.

**B.2.a. Public Comment**

Mr. Don Stevens, troller, Newberg, Oregon

**B.2.b. Council Discussion**

Mr. Roger Thomas commented that there have been healthy salmon recreational fisheries in the Monterey and San Francisco Bay areas which have been helped by great weather conditions this year. Mr. Jim Caito noted that the commercial fishery north of Point San Pedro had only opened on May 29 and that most of the landings reported by the STT were likely to have come from south of Point San Pedro.

**B.3. Salmon Methodology Reviews**

**B.3.a. Agendum Overview**

Mr. Jim Seger highlighted the actions expected of the Council to guide the methodology review as outlined in Exhibit B.3.



### **B.3.b. Scientific and Statistical Committee (SSC) Clarification of Methodological Bias**

Dr. Gary Stauffer presented SSC Report B.3.

*At the Council's April meeting, the Scientific and Statistical Committee (SSC) informed the Council it had received comment on possible biases in the new chinook Fishery Regulation Assessment Model. During comment, three specific areas of concern were identified, and the SSC noted these areas in its report to the Council. The purpose of noting the specific areas of concern was to ensure that when the model is reviewed the concerns are evaluated. To this point, the SSC has not received enough information to evaluate whether or not the concerns are warranted. In its comments to the Council, the SSC noted a review of the new model should include, but not be limited to, these items. The SSC is aware the Council deals regularly with issues of both the actual performance of scientific models and the public perception of the performance of the models. The SSC's comments were intended to ensure both these aspects of model performance are addressed.*

### **B.3.c. Agency and Tribal Response to Abundance Forecast Request**

#### **States**

Mr. Anderson presented a letter to the Council (Supplemental WDFW Report B.3.) in which WDFW proposes that the Puget Sound and Washington coastal coho stocks have the highest priority for a review of abundance estimators. WDFW and the tribes will provide the necessary documentation for the SSC to review the Strait of Juan de Fuca and Hood Canal coho stock abundance estimators well in advance of the next SSC scheduled review of methodologies beginning in October 2001. Mr. Anderson stated the tribes and WDFW are also in the middle of developing a comprehensive coho plan (related to item one in Exhibit B.3.) which would implement new management regimes for Puget Sound coho. This should be completed by December 31, 2000 and will provide something for the SSC to review, but not in time to complete in the current review cycle.

With regard to item two of Exhibit B.3., Mr. Boydston confirmed that CDFG and NMFS staff are working to revise the Klamath Ocean Harvest Model (KOHM) and are reviewing and updating the model's database. It should be a more accurate model for analyzing ocean fisheries. The revision may require some changes in abundance estimation methods. CDFG and NMFS are working to meet the documentation deadline of September 29, 2000. Mr. Boydston also noted that the winter chinook model has been unchanged since the beginning of its existence and should eventually be put on the list of models to review.

Mr. Bohn stated that the Oregon Department of Fish and Wildlife (ODFW) is not prepared to provide more documentation relative to OCN predictions. The most recent changes have been incorporated into Preseason Report I and are reviewed annually.

#### **Tribes**

Mr. Harp concurred with the WDFW letter. He also commented that he appreciated the letter mailed out from Dr. McIsaac in early June. Mr. Harp said he would encourage the tribal staff to send the Council a written response. He then presented the following testimony:

*The tribes believe that substantial reviews by the SSC of the Coho Cohort Analysis Project and the Chinook FRAM model, revised to model Selective Fisheries, are necessary steps and ones that should be undertaken in a thorough manner. We support the SSC beginning this work as soon as possible this year. However, we do not believe the information necessary to undertake this review will be available to the SSC by the September meeting and it is unlikely that the SSC will be able to complete these reviews in time for the 2001 regulation cycle. The SSC should be instructed to begin these reviews as soon as possible but should be provided sufficient time to do an adequate job.*

*Review of forecast methodologies by the SSC is a good idea, and an assignment which can begin immediately and have an impact for the 2001 season planning. In Western Washington the highest priority for review would be for coho salmon forecast methods. These forecasts have a significant*

*impact on the Council's annual decision making. Puget Sound and Washington coastal chinook do not contribute significantly to Council fisheries and these forecasts are not of great concern to the Council.*

## **NMFS**

Mr. Robinson referred the Council to a NMFS letter (Supplemental NMFS Report B.3.) which contained suggestions for prioritizing the SSC review of estimation methods with regard to the following five stocks: lower Columbia River wild chinook, Klamath River fall chinook, lower Columbia River and Spring Creek Hatchery chinook stocks, Oregon coastal natural (OCN) coho, and Washington coastal coho stocks. NMFS suggested that the stocks chosen should be those most critical to ocean management decisions and those stocks for which recent forecasts are believed to be the least accurate or reliable. NMFS also suggested that the SSC do thorough reviews of a limited number of methodologies rather than spread themselves too thinly.

### **B.3.d. SSC Update on Proposed Review Schedule**

Dr. Stauffer presented Supplemental SSC Report B.3.(1).

*During the April 2000 Council meeting, the Scientific and Statistical Committee (SSC) identified a list of harvest and abundance predictor models for potential review. The SSC is prepared to begin reviewing models this fall, as prioritized by the Council. The documentation of the models selected for initial review should be received by September 29, 2000 to ensure the results of the review are available to the Council at the November 2000 meeting.*

*The Council sent a letter on June 2, 2000 to tribal, state, and federal agencies asking them to prioritize the preseason salmon abundance forecast methodologies for SSC review. The SSC encourages agencies to respond to this letter. The response from Mr. William Robinson, National Marine Fisheries Service, contained the type of information requested by the Council.*

### **B.3.e. Comments of Advisory Bodies**

## **SAS**

Mr. Mark Cedergreen noted that the SAS agreed with Mr. Robinson's letter regarding the choice of forecast methodologies to review. It makes a lot of sense to direct the most time and effort to the most critical stocks.

### **B.3.f. Public Comment**

#### **Public**

Mr. Don Stevens, troller, Newberg, Oregon

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

### **B.3.g. Council Guidance**

Based on the statements of the pertinent agencies and tribes, the Council anticipates that the SSC will be provided the necessary documentation by September 29, 2000 to begin review of the new KOHM and some portion of the Coho Cohort Analysis Project. Complete documentation of changes resulting from completion of the comprehensive coho plan by WDFW and the tribes will not be available until 2001. Documentation for the Selective Chinook Fishery Regulation Assessment Model will not be available for review this year. This model will be implemented no earlier than the 2002 salmon season. Priorities and scheduling for future reviews of abundance forecast methodologies should be discussed at a joint meeting of the SSC and STT in September. Documentation of abundance forecasts for Hood Canal and Strait of Juan de Fuca coho should be available in ample time for the next review cycle beginning October 2001.

## **B.4. Status of Amendment 14 and Implications for 2001 Overfishing Concerns**

### **B.4.a. Agendum Overview**

Dr. Coon noted that, in April, the Council had identified that wild Queets coho did not trigger an overfishing review under the current salmon fishery management plan (FMP), but could when Amendment 14 is implemented. Council staff advised that an overfishing concern is triggered under Amendment 14 if the Queets coho stock fails to meet its maximum sustainable yield (MSY) spawner escapement in three consecutive years. Under the current FMP, an overfishing concern would not be triggered for Queets coho unless the stock failed to meet the annual target agreed to by WDFW and the tribes for three consecutive years. The annual target has been below the MSY objective for the past three years.

It now appears Amendment 14 will be implemented about the end of September 2000. If Queets coho trigger an overfishing concern at that time, the Council would have a maximum of one year in which to develop and submit a stock rebuilding program. The Council needs to confirm its April position that Queets coho will trigger an overfishing concern under Amendment 14. Given that finding, the Council may wish to get an early start on the review process rather than waiting until notification from NMFS in September.

Dr. Coon reviewed Supplemental Attachments B.4.a. and B.4.b. which provide the criteria in Amendment 14 that trigger an overfishing review and also the recent spawner escapements for Queets coho. He noted that the Quinault Indian Nation contends Amendment 14 does not clearly identify the MSY objective as the basis for initiating an overfishing concern for Washington coastal coho (see Supplemental Tribal Comment B.4.). Dr. Coon stated that Council staff have analyzed Amendment 14 impacts on the basis of an overfishing concern being triggered by a failure to meet the MSY objectives. In response to questions, Dr. Coon reported the Council had made it clear that Washington salmon stocks managed under U.S. District Court orders were granted an exception from the MSY objectives under the conservation alert procedures. However, no such exception was specified for the overfishing concern.

### **B.4.b. Comments of Tribes and Agencies**

#### **NMFS**

Mr. Robinson stated that at this late date in the final review of Amendment 14, it would be a mistake to interpret the amendment differently than it has been characterized by staff. Council and NMFS staff have made a strong point that the overfishing criteria of Amendment 14, while somewhat different than those proposed under the National Standard Guidelines (NSGs), are actually more conservative. Amendment 14 has minimum stock size thresholds that are equivalent to the MSY ranges. This conservatism would be in question if WDFW and the tribes could agree on a "separate, lower threshold" for certain stocks. There is opportunity between now and September 2001 for the Council, WDFW, and the tribes to use the existing information and regimes available to not only comply with the overfishing review, but to complete a more comprehensive review of the critical coho stocks driving management north of Cape Falcon.

#### **WDFW**

Mr. Anderson, requested further clarification on the Council's decision for establishing the conservation alert and overfishing criteria. In addition, he questioned how much of a chore the overfishing concern would entail, given the detail of management data already available from WDFW and the tribes. Dr. Coon provided additional details of the requirements of the Sustainable Fisheries Act with regard to managing for MSY and reminded the Council of the early drafts of Amendment 14 which rejected using a criteria of 50% of MSY in any one year as proposed by the NSGs. In regard to the second question, he noted that there was already significant management criteria and data utilized by WDFW and the tribes in their co-management of coastal coho. Making the existing long-term management objectives more visible may already provide much of the basis for a satisfactory rebuilding plan.

Mr. Anderson commented that, particularly in view of Mr. Robinson's comments, we need to stay the course. He believes Queets does meet the criteria for triggering an overfishing concern under Amendment 14.

Recognizing that there is a lot of information about the Queets stock, this information can be used to explain the stock dynamics and clarify the management plan aimed at the stock recovery.

## **Tribes**

Mr. Harp noted the comments of the Quinault Indian Nation in Supplemental Tribal Comment B.4. and read the additional comments of Supplemental Tribal Comment B.4.(1) as provided below.

*Even though Amendment 14 has been transmitted to the Secretary of Commerce, there are still some ambiguities in the proposed language pertaining to overfishing and the relationship between two columns in Table 3-1. The column entitled "conservation objective" is referenced in section 3.2.3.1 as the criteria that the Council is to use to judge if a stock is overfished. However, in some instances, these criteria are inconsistent with the information contained in the column entitled "subject to Council Actions to Prevent Overfishing" (e.g., Washington coastal coho stocks). There are obviously different interpretations of these conflicts and the Council needs to clarify its intentions. In addition to these inconsistencies, the Council needs to clarify its intentions as to when and how to apply the proposed changes in overfishing procedures. Does the Council wish to assess management actions and subsequent spawning escapements from this time forward or immediately utilize the new criteria to assess past spawning escapements and associated management actions?*

*The tribes question the appropriateness of the latter choice. It is unfair to assess past management decisions based, in part, on the Council's previous standards and overfishing guidelines by newly modified criteria. In essence, this is changing the rules in the middle of the game. Such an assessment would unfairly shift focus onto past management decisions, away from other, perhaps more significant, contributing factors to the low stock abundance.*

*The tribal preference is to utilize the new overfishing criteria to assess management actions and associated spawning escapement from this time forward.*

*In the transition period to the new assessment procedure, the spirit and intent of the revamped overfishing criteria still could be maintained with a Council letter. Notification should be sent to the management entities with jurisdiction over stocks that would trigger a review with the immediate application of the new overfishing criteria. The letter should clarify change in criteria and encourage the entities to begin evaluating the relevant factors surrounding the stocks in question. This may involve re-evaluating a stock's conservation objective, a task that would represent a major undertaking. Consequently, early notification by the Council would be appropriate.*

*Perhaps a good example of this is Queets River coho. The existing conservation objective was originally established in 1981. Recently, production of this stock has been depressed and escapements have fallen below the lower end of the current spawning escapement range even with minimal ocean and in-river fishery impacts. Re-evaluation of the existing conservation objective against current environmental conditions and stock productivity parameters would be a major undertaking by the co-managers. Similar re-evaluation of the conservation objective for Oregon Coastal natural coho stocks (OCN) took several years.*

## **CDFG**

Mr. Boydston noted that the overfishing review conducted for Klamath River fall chinook had identified inadequate flows below Iron Gate Dam as one of the major problems reducing salmon abundance. That problem is still unresolved. He requested NMFS use the habitat consultation process of Amendment 14 to become more involved in resolving the inadequate flow problem.

#### **B.4.c. Comments of Advisory Bodies**

##### **SAS**

Mr. Mark Cedergreen commented that the Queets coho stock may trigger an overfishing review. This stock is stringently managed every year and is probably managed more rigorously than any other stock along the coast. Impacts on Queets stock by the ocean fisheries has only been 5% in recent years while there are major negative habitat impacts.

#### **B.4.d. Public Comment**

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

#### **B.4.e. Council Action: Address Any 2001 Overfishing Concerns Resulting from Implementation of Amendment 14**

Recognizing that Queets wild coho will trigger an overfishing concern under Amendment 14, Mr. Anderson moved (Motion 3) the Council request the Quinault Indian Nation and WDFW to begin assembling data to assist the STT in completing an overfishing review for the Queets wild coho stock by September 1, 2001. Motion 3, seconded by Mr. Alverson, passed.

Mr. Boydston also requested that NMFS provide an update at the September meeting on the essential fish habitat consultation process with regard to adequate flows for Klamath River salmon stocks. Mr. Robinson agreed.

#### **B.5. Update on Review of Oregon Coastal Natural Coho Management Criteria**

##### **B.5.a. Agendum Overview**

Dr. Coon briefly reviewed the formation and purpose of the OCN Review Work Group as outlined in Exhibit B.5.

##### **B.5.b. Report by Review Team Leader**

Mr. Sam Sharr summarized the status of the OCN coho management review and preliminary recommendations of the work group as presented in Supplemental OCN Work Group Report B.5. In particular, Table 4 of the report displays concepts for some structural changes to the fishery impact matrix that the work group is considering. These changes are aimed primarily at providing better biological guidance to the Council in establishing the annual maximum allowable fishery impact rates when dealing with very low population sizes and extremely low marine survival. This area of the matrix in Amendment 13 generally prescribes an allowable impact rate of 10 to 13% or less with the final impact level dependent on the Council's balancing of biological and socio-economic impacts. The work group's review is limited to biological criteria and will not include assessing the socio-economic aspects of the fishery at these low levels. Mr. Sharr agreed with a suggestion from Dr. Hans Radtke to insert "short-term economic concerns" in the footnote to Table 4. Responding to a question by Mr. Alverson, Mr. Sharr stated that the work group has not examined the effect of habitat changes. However, ODFW has a habitat monitoring program which will allow this assessment over the long-term.

Mr. Robinson noted that he supports the committee's work. The direction of the review matches the concerns expressed by NMFS (Supplemental Attachment B.5.b.), the Independent Multidisciplinary Science Team, and the SSC.

#### **B.5.c. Comments of Advisory Bodies**

None.

#### **B.5.d. Public Comment**

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

#### **B.5.e. Council Guidance**

Council members complimented the work group on their progress to date and expressed support for the proposed approach to the review. Mr. Bohn encouraged the committee to include a sensitivity analysis of the changes in the final work group recommendations.

### **C. Marine Reserves**

#### **C.1. Staff Report on Phase I Considerations of Marine Reserves as a Management Measure**

##### **C.1.a. Agenda Overview and Analysis Summary**

Mr. Jim Seger walked the Council through the documents and talked about the options.

##### **C.1.b. Ad-Hoc Marine Reserve Committee Report**

Mr. Seger summarized the MRC Report (MRC Report C.1.). Dr. Hanson noted that point six of the MRC report was a very contentious issue that needed to be thoroughly discussed.

Mr. Anderson asked if, given the high cost and stated importance of the baseline information, thought had been given to obtaining the needed funds. Mr. Seger identified the related discussion beginning on page 26 of the draft document and commented that exact costs would have to wait until more specific siting options had been developed. Additionally, one of the things that will be struggled with is that the level of aggregation of the fisheries information is too large compared to the probable scale of the marine reserves. Dr. Richard Parrish noted the more important question may be whether the funding will be reallocated from other programs within NMFS (such as NERP) or from the surveys. With smaller reserve areas, site intensive surveys would be required while with larger areas some existing surveys might be usable (e.g. triennial survey).

In response to Dr. Radtke, Mr. Seger noted that the Executive Order (EO) on marine reserves could help facilitate bringing together the overlapping of agencies jurisdiction, an effort that prior to the order looked to be very difficult.

Mr. Boydston, noted that marine reserves would be very difficult to implement without the concurrence and support with other agencies. The CDFG commission needs to be brought into the process. If state managed species are not part of the plan enforcement will be nearly impossible.

##### **C.1.c. Comments of Advisory Bodies**

#### **SSC**

Dr. Susan Hanna read the report of the SSC.

*The Scientific and Statistical Committee (SSC) was briefed by Mr. Jim Seger of Council staff and Dr. Richard Parrish of the National Marine Fisheries Service on the Draft Phase I Technical Analysis Report "Marine Reserves to Supplement Management of West Coast Groundfish Resources" (Attachment C.1. a.).*

*The technical report is a conceptual evaluation of the potential role for marine reserves in West Coast fishery management. The authors have responded to many of the review comments and questions raised by the SSC in its September 1999 statement and have developed a comprehensive treatment of the issues surrounding marine reserves.*

*The report raises several important points about marine reserves and fishery management:*

- There is a great deal of uncertainty about how marine reserves will contribute to West Coast fishery management.*
- Because of this uncertainty, monitoring and evaluating the impact of marine reserves will be an important component of their use.*
- The Council has authority to establish marine reserves for only those species managed under an FMP.*
- The Council has direct control over fishing, but will have limited consultative authority over nonfishing factors that will affect the performance of marine reserves.*

## **COUNCIL ACTION**

- The SSC finds the objectives and options contained in the Phase I report, although very broad, are sufficient for a conceptual review. We recommend the Council adopt the report for public review. We also recommend the Council proceed to Phase II to analyze options.*

## **PHASE II CONSIDERATIONS**

- The SSC identified a number of additional issues that will be important to consider if the Council decides to proceed to Phase II. These issues pertain to the objectives and options for marine reserves and are presented as guidance to the authors of the analysis documents.*

### **1. Objectives**

- The objectives for marine reserves will determine their scale and the choice of regulations controlling their use. For example, reserves established to preserve unique areas of habitat will be smaller than those established to achieve stock rebuilding or broad ecosystem benefits for multiple species.*
- To track progress toward meeting objectives, marine reserves will have to be monitored under controlled experimental conditions. Because marine reserves will not produce fishery-dependent data (catch and catch-at-age), fishery-independent surveys will have to be conducted in closed areas. If marine reserves are a significant component of a stock rebuilding plan, evaluation may be required at two-year intervals.*
- Monitoring and evaluation will require enhanced data collection and additional staff time. The cost of funding these activities should be explicitly considered in the evaluation of management options. The environment of limited funding means that there will be tradeoffs between alternative actions, for example monitoring marine reserves versus enhanced data collection to support "status quo" activities such as stock assessments. The issue is where the biggest payoff is likely to be.*

### **2. Development of Options**

- Allocation issues need to be addressed explicitly when various options are developed and analyzed. The scale, siting, and rules governing marine reserves allocate fish and fishing opportunities among recreational and commercial fisheries, gear types, and fishing communities.*
- The impact of marine reserves will not be measurable in the short term. The relatively rapid recovery rates observed for haddock and cod in New England should not be expected for West Coast rockfish, because the species have very different life histories. Marine reserves will require a long-term commitment of management, enforcement, and research.*

- *It is important to acknowledge marine reserves will not substitute for fishery regulations outside the reserve area. Additional fishing restrictions may be required outside the reserve area to prevent concentrations of fishing effort that could lead to localized depletions, habitat damage, and conflicts.*
- *Defining more specific objectives for marine reserves will help analysts conduct a comprehensive comparison of alternative designs, locations, and regulations. The analysis of options should specifically address the objectives and should include a comparison of the cost effectiveness of marine reserves versus alternative methods (including combinations of marine reserves and alternative methods) of achieving the objectives. Alternatives include other management tools as well as doing a better job at the "status quo."*

## **SAS**

Mr. Cedergreen presented the SAS Report.

*The SAS position on the concept and development of Marine Reserves is restricted to potential impacts on salmon fishing. From the inception of the committee, our position has been that recreational and commercial salmon fishing should not be banned from any such reserves as may be established to protect non-salmon species. It is our belief that, other than possible enforcement issues, the present regulations promulgated under the Salmon FMP are sufficient to manage salmon. In addition, we also believe that salmon fishing has minimal impact, if any, on the benthic environmental and on species other than salmon.*

*Therefore, the SAS recommends that any proposals advanced beyond the Council meeting do not contain provisions that would further restrict salmon fishing and/or travel to and from salmon grounds.*

## **GAP**

Mr. Rod Moore read the report of the GAP.

*The Groundfish Advisory Subpanel (GAP) received a briefing on the Staff Report on Marine Reserves - Phase I and has the following comments.*

*The GAP believes establishing marine reserves is one of many tools that should be available to the Council. However, the GAP will withhold comment on establishing reserves in any particular area until Phase II is begun.*

*The GAP disagrees with presenting various approaches as "options", which lead to the assumption that other variations have been considered and rejected. The GAP agrees potential percentages of protected areas or biomass should be identified (such as the 5%, 20%, 35%, and 50% presented in the report) in order to give the public some idea of the degree of protection that is contemplated. However, the GAP believes these concepts should be presented in the form of descriptive paragraphs and not identified as options.*

*The GAP notes the Ad-Hoc Marine Reserve Committee and the Ad-Hoc Groundfish Strategic Plan Development Committee are operating on parallel tracks, with both committees discussing marine reserves. The GAP recommends action on marine reserves be taken in the context of the Council's strategic plan, and not as a stand-alone management measure.*

*Finally, the GAP recommends the entire staff report be made available for public review, so the public has the benefit of the full range of discussion.*



## HSG

Ms. Michele Robinson read the report of the Habitat Steering Group (HSG).

*The Habitat Steering Group (HSG) reviewed the Ad-Hoc Marine Reserve Committee's report and the Phase I Technical Analysis and supports both documents to be adopted for public review. Further, the HSG strongly supports the Ad-Hoc Marine Reserve Committee's recommendations and recommends the Council proceed with Phase II.*

## TRIBAL

Mr. Harp provided the following testimony:

*The draft Phase I report provides considerable background on the goals and objectives for marine reserves, and provides some analysis of the costs and benefits of establishing marine reserves, including the socio/economic costs and benefits. Yet, nowhere in the draft report is there any assessment or even a mention of the effect on Treaty Indian fishing rights, nor is meeting those rights recognized as a goal or an objective in establishing reserves. This is a major oversight in this report and must be corrected. Several tribes in western Washington have Usual and Accustomed fishing areas that substantially overlap with the Council's jurisdiction. By Treaty, the tribes may fish throughout their Usual and Accustomed areas without any additional geographic limitations. Any attempt to establish marine reserves that would prohibit all fishing within the reserves would be an infringement upon those Treaty rights. This is an issue that the Council and NMFS must address before proceeding, and which ought to be recognized as a major consideration in this Phase I report. This is ultimately an issue which must be addressed with each of the affected tribal governments.*

### C.1.d. Public Comment

Mr. Richard Charter, Environmental Defense Fund, Bodega Bay, California  
Ms. Karen Reyna, Pacific Ocean Conservation Network, San Francisco, California  
Mr. Mark Cedergreen, Westport Charter Boat Association, Westport, Washington

### C.1.e. Council Action: Adopt Phase I Report for Public Review

Mr. Boydston asked whether the marine reserves issue also pertained to salmon or was it groundfish only. Mr. Seger answered that while the Council's main focus of consideration had been the creation of marine reserves for groundfish, it's authority to restrict fishing in marine reserve areas extended to all Council FMPs.

Mr. Brown asked how the presidential executive order might affect the need for Council action on marine reserves. Ms. Cooney responded that the executive order did not mandate marine reserves. Mr. Robinson stated that sending the document out was not inconsistent with the executive order and that at a later date the processes encouraged by the executive order might merge with Council processes. Dr. Radtke expressed hope that by the next meeting the Council will be provided information on what the marine protected area center mandated in the executive order on marine reserves will do, who will take the lead, and what the Council role will be.

The Council adopted the recommendations of HSG Report C.1. with the exception of the language pertaining to proceeding to Phase II (moved by Bob Alverson, seconded by Jerry Mallet, Motion 4). Through this motion and friendly amendments the Council approved the revised objectives for marine reserves and agreed to send the phase one technical analysis out for public review. In the executive summary and elsewhere, the note that it is "desirable" to coordinate with other agencies will be changed to say that it is "critical" to do so. Also, the report will be revised to cover Treaty Tribe rights. The MRC Report C.1 will be revised and sent out as a part of the cover letter and the attachment to the MRC Report will be attachment to the cover letter. The issue will be taken up next at the September 2000 Council meeting. Motion 4 passed.

## **D. Groundfish Management**

### **D.1. Groundfish Management Agenda Overview**

Mr. Glock gave the agenda overview.

### **D.2. Status of Federal Groundfish Activities**

#### **D.2.a. NMFS Report**

Ms. Kate King gave a brief overview of the whiting fishery. She spoke to Supplemental NMFS Report D.5. and D.5.(1), noting the fleets were having trouble avoiding yellowtail and salmon. Mr. Boydston reported the incidental catch rate of salmon, in the California whiting fishery doubled or tripled from recent years. Vessels moved and kept after avoidance measures, but they still encountered salmon. Dr. Radtke asked about the observer program.

Ms. Cyreis Schmit gave an update on research activities on West Coast groundfish. In particular, she informed the Council that the draft West Coast groundfish research plan is available. There have been a series of hearings on the document in California, a new draft will be completed to encompass those comments.

#### **D.2.b. Comments of Advisory Bodies**

There were no comments of the advisory bodies or public. No Council action or discussion took place on this agenda item.

### **D.3. Strategic Plan**

#### **D.3.a. Comprehensive Plan Review**

Ms. Debra Nudelman gave a brief report of the presentation last night, proposed steps over the summer, and the proposed implementations of the plan.

#### **D.3.b. Comments of Advisory Bodies**

### **SSC**

Mr. Alan Byrne read the report of the SSC.

*Ms. Debra Nudelman briefed the Scientific and Statistical Committee (SSC) on the draft groundfish strategic plan. SSC members also attended the Ad-Hoc Groundfish Strategic Plan Development Committee's public briefing on Tuesday evening.*

*In the evening session, Ms. Nudelman indicated "the purpose of the strategic plan is to guide the future management of the groundfish fishery, including the development of plan amendments, regulations and other actions as needed." The SSC recommends this critical point appear in both the Executive Summary and the introductory section of the plan. In addition, to highlight the importance of maintaining this explicit linkage between the strategic plan and future groundfish management actions, the SSC recommends an additional bullet be added to the section of the plan entitled "Strategic Plan Goals for Council Process" (page 16 of the Executive Summary and page 66 of the Draft Strategic Plan), as follows:*

*"To ensure all plan amendments, regulations, and other management actions considered by the Council are routinely evaluated in terms of progress toward achieving the Strategic Plan."*

The draft strategic plan is a thoughtful and well-written document. It provides explicit goals and includes a comprehensive range of issues and strategies for groundfish management. In terms of scope and general content, the SSC considers the document to be ready for public review. The Ad-Hoc Groundfish Strategic Plan Development Committee indicated in the evening session it will be soliciting additional input regarding the plan from Council advisory committees, as well as the public, this summer. The SSC intends to provide more detailed comments regarding the plan within that time frame.

## GMT

Dr. Jim Hastie briefly went through the Supplemental GMT Report D.3.

The GMT believes the draft strategic plan document is a significant step towards resolution of a number of fundamental issues plaguing the west coast seafood industry and the Council's efforts to manage the groundfish fishery. The GMT recognizes how difficult it is to envision better conditions for the groundfish fishery when harvest levels and fishing revenues are declining rapidly. The GMT believes a vision statement must be realistic as well as optimistic, and the current draft generally strikes a reasonable balance. The GMT enthusiastically endorses the committee's efforts and offers the following suggestions to improve the document before it is distributed for public review and comment. Because of the limited time available for review, these comments focus on the content of the executive summary. However, the Team will endeavor to compile a set of comments pertaining to the full document in time for the Committee's August meeting.

1. The Fishery - The GMT recommends rewording the first sentence to read, "...where Pacific groundfish stocks are healthy, ~~resilient~~ well understood, and...", since the resilience of stocks is beyond our control. The GMT interprets the fishery vision statement as meaning the commercial fishing sector will be much smaller than today, and this restructured industry, as opposed to the "environment", will be "diverse, stable, market-driven, profitable and adaptive." The basic operating environment will likely be substantially different: marine protected areas, bycatch restrictions, habitat protection, record-keeping and monitoring will all be basic features of the business. The vision statement currently appears to focus only on the commercial sector, and that should be made clear by inserting the word "commercial" before each reference to the industry or fishery. The vision statement should be expanded to address the recreational sector, perhaps with reference to "quality recreational experience and participant satisfaction." Does the Council envision an end to open access to the recreational fishery? If so, that should be specifically mentioned. Reference to the resolution of allocation disputes should include ensuring that management mechanisms are available to achieve those allocations.

2. The Science - The GMT envisions the quality of scientific information and analysis meeting or exceeding national and international standards. Economic information and analysis should be included in this vision and suggests the following insertion: "Data collection and monitoring programs (will) provide ~~stock assessments~~, biological, environmental, economic and social assessments and analyses with acceptable levels of uncertainty..."

3. The Council - The GMT believes it is important that the Council must be decisive in its actions and decisions.

With the "Vision" section's focus on describing a future in which major problems have been resolved, it is not always well-suited to identifying the guiding principles that will shape a difficult and extended transformation. The GMT believes the summary would be improved by inserting a statement between the "Vision" and "Implementation" sections of the document encapsulating the principles or priorities that will guide the transition from the current fishery to one that reflects the vision.

In Section II "What will we do to get there?", the GMT offers the following comments.

1. Management Policies Recommendations

(b)3: As noted above, making "the necessary allocation decisions" must include provision for

ensuring they can be achieved, or the allocations themselves will be meaningless and will not improve predictability.

(b)4: Revise first sentence: "To reduce federal management complexity..."

2. Harvest Policies - (b)1: the GMT reminds the Council of the distinction between harvest guidelines (closure is optional but not mandatory) and quotas (closure is mandatory). If this recommendation is adopted, OYs will be considered quotas or limits, and this should be clearly stated.

(b)2: The first sentence conveys the impression that the biological information base will decrease over time. The GMT suggests this sentence be clarified by replacing the first sentence with "In cases where stock biology, health, or total fishing mortality are poorly understood, allowable harvests must reflect a greater degree of precaution."

(b)4: The GMT requests clarification about the meaning of "closure of the fishery" in the first sentence. Also, the GMT believes the last sentence may reflect a more conservative policy than currently expressed in the FMP. And although possible use of the mixed-stock exception is mentioned earlier in the paragraph, the last sentence implies that it would never be invoked in cases where the weak stock is less than half of Bmsy. If this is the intention, it should be stated clearly.

(b)6: While the intent to conserve the portion of transboundary stocks under the Council's authority, in the absence of international agreements, is laudable, it is not clear how management performance can be meaningfully evaluated in cases where stocks--or our measurements of them--exhibit a high degree of variability in distribution across national boundaries. For example, in the last four triennial trawl surveys, the percentage of estimated yellowtail rockfish biomass attributed to the Canadian portion of the assessment area has alternated between roughly 17% and 40%.

3. Capacity Reduction - (a), (b)1, and b(2): If the goal is to reduce overcapacity as quickly as possible "to a level consistent with the allowable harvest levels for the 2000 fishing year", the option of mandatory permit stacking should be included in the discussion.

(b)1: If permit stacking is pursued for the fixed gear sector, the GMT believes a rockfish endorsement should be considered concurrently. At a minimum, the industry should be alerted to the possibility of a rockfish endorsement so that transfer prices for stacked permits can more accurately reflect their future value. Although this paragraph clearly states a policy with regard to stacking's interaction with the daily-trip-limit fishery, the effect on rockfish limits is not addressed here or in subsequent discussion of stacking for the trawl fleet.

(b)6: Since the groundfish mortality of a "C" permit fleet would result, to a great extent, from vessels participating in fisheries for which the Council does not have management plans, it is not clear how the Council will "manage each sector to stay within its allocation each year."

#### *Intermediate to Long Term*

1: As with stacking, there is no mention of ITQ development for fixed-gear with respect to rockfish.

2: As noted previously, it should be stated clearly that an integral part resolving allocation issues between these sectors is the development of mechanisms that facilitate accountability and control of fishing mortality in both of them.

4. Allocation, General Allocation Principles - 1. The GMT is uncertain about implementation of point #1. It is clear that equitable does not necessarily mean equal, but without active inseason management of recreational and incidental non-groundfish fisheries, the directed groundfish fisheries will have to shoulder most of the conservation burden. This appears to conflict with the goal of predictability.

3. As with point 1 above, this seems to conflict with predictability.

5. The GMT believes the Council has expressed a preference that fishing sectors and individuals be accountable for their own bycatch and discard. As more specific bycatch information becomes available, this issue becomes clearer. The GMT has followed this principle in calculating limited entry and open access allocations in recent years by applying a discard factor only to the limited entry catch. The GMT suggests this allocation principle be revised as follows: "Allocations should be based on the acceptable biological catch, and each sector that receives an allocation should be responsible for reducing its bycatch. If there is no observer program to quantify bycatch/discard amounts, each allocation should be reduced to account for assumed discard."

6. The GMT advises the Council that significant capacity reduction will necessarily result in concentration of benefits and costs. The goal should be to avoid **excessive** concentration.

#### 5. Observer Program Recommendations

(b)5: The GMT continues to strongly support the development of a comprehensive observer program. However, consideration of alternative monitoring approaches should not be restricted to only vessels with limited abilities to carry observers, but evaluated generally with respect to cost and reliability of information.

### **GAP**

Mr. Rod Moore read Revised Supplemental GAP Report D.3.

*The Groundfish Advisory Subpanel (GAP) spent several hours discussing the draft plan. Our ability to fully comment was hampered by the fact that most GAP members did not have time to review the plan prior to the GAP meeting. The GAP notes the sections of the plan that call for smoother flow of information and hope this applies to the Council's advisory entities.*

*In general, the GAP agrees a strategic plan is helpful in allowing participants in the fishery to develop their individual plans for the future. The vision statement in the draft plan is generally acceptable, although the GAP suggests one editorial change: on page 7 of the draft plan, in the first paragraph under "1. The Fishery", add at the end of the third sentence -*

*"and continues to be adjusted to be in balance with other components of the strategic plan."*

*If the plan is implemented, additional reductions in harvest capacity may be necessary to keep the balance envisioned.*

*Beyond the vision statement, the GAP has difficulties in providing constructive comments at this time. There are concerns about inconsistencies within the implementation section. For example, the ability to accurately manage on a weak-stock basis requires a major revision of both state and federal laws, regulations, and policies, as well as a considerable infusion of funds. The Council has no control over these matters. How can weak stock management be a priority if there is no way to control its achievement?*

*Similar problems are found with capacity reduction language. The GAP agrees, as it has many times before, that capacity reduction should be the highest priority. However, in order for capacity reduction to work, some sort of allocation is necessary. The draft plan gives capacity reduction a high priority, but considers allocation to be an intermediate-to-long-term objective.*

*The GAP also believes insufficient thought has been given to the cumulative effect the various goals will have. It is unclear what kind of priority is given, if any, to the various proposed recommendations; or if any thought has been given to what happens if we do several of these simultaneously.*

*Many of the recommendations will also require substantial funding. Where is the funding to come from? Should we adopt a "pay-as-you-go" strategy, so recommendations are not carried out if the source of funding is unclear?*

*One area where we strongly agree is the need to build trust among advisory entities. The GAP and the Groundfish Management Team (GMT) often meet jointly and try to present consensus recommendations to the Council. We would welcome the opportunity to work in a similar cooperative manner with other advisory entities.*

*We also agree the Council needs to more clearly define the roles and responsibilities of the GAP. The GAP makes a concerted effort to be responsive to the Council and its constituents, but we are hampered by limited meeting times and conflicts between GAP meetings and Council actions that require participation by GAP members. We share a single Council staff member with the GMT, which puts a strain on both bodies and certainly on that staff member. These issues need to be addressed if the GAP is to continue to be effective.*

*GAP members will provide individual comments on the draft plan as they get a chance to review it more thoroughly. While we will make an attempt to provide more comprehensive comments as a group, it is unlikely we will be able to do so prior to the next strategic planning committee meeting for the simple reason most GAP members have to tend to their fishing and processing operations. Our preference would be for the Council to delay sending the draft plan out for public review until September. In any case, when public review is complete, the GAP believes one or two representatives of the GAP and other advisory entities be involved in analysis of public comments.*

## **HSG**

Ms. Michele Robinson read Supplemental HSG Report D.3.

*The Habitat Steering Group (HSG) reviewed the draft Groundfish Strategic Plan—particularly the Marine Reserve and Habitat sections—and supports the document to be adopted for public review. Further, the HSG strongly supports the Marine Reserve Recommendations contained in the draft Strategic Plan. More detailed comments on the plan will be provided by the mid-August deadline.*

Dr. McIsaac noted that through e-mail, conference call, or a one-day meeting of each of the standing committees involved, there will be a feedback mechanism set-up so that information could be exchanged throughout the summer.

### **D.3.c. Public Comment**

Mr. Mark Cedergreen, Westport Charter Boat Association, Westport, Washington  
Mr. Bob Eaton, Pacific Marine Conservation Council, Astoria, Oregon  
Mr. Kenyon Hensel, open access fisherman, Crescent City, California  
Mr. Denny Burke, F/V Timmy Boy, South Beach, Oregon  
Mr. Mike Pettis, longliner, Newport, Oregon  
Mr. Jack Crowley, Fishing Vessel Owners Association, Seattle, Washington  
Mr. Pete Leipzig, Fisherman's Marketing Association, Eureka, California  
Dr. Mark Powell, Center for Marine Conservation, San Francisco, California  
Mr. John Crowley, Fishing Vessel Owners Association, Seattle, Washington  
Mr. Joe Easley, Oregon Trawl Commission, Astoria, Oregon  
Ms. Michele Longo Eder, F/V Nesika, Newport, Oregon

### **D.3.d. Council Action: Adopt Strategic Plan Document for Public Review**

Mr. Anderson moved the Council approve the draft groundfish strategic plan document for public review and in addition give the Ad-Hoc Groundfish Strategic Plan Committee the flexibility to incorporate certain comments from the GMT, GAP, SSC, and the public during the Council's session. (Motion 12) Mr. Fletcher seconded the motion.

Mr. Anderson asked that the committee be given the charge of putting the comments into the document.

Mr. Boydston supported the motion and suggested that the committee consider the advisory groups comments and public testimony. He also asked that the hearing schedule be adopted as part of the motion.

Council members debated whether to make major revisions to the plan at this time, or make only minor corrections and changes. Due to the short time available, the Council asked the committee to meet briefly and make only minor changes. Motion 12 passed.

#### **D.4. Stock Assessment Priorities for 2001**

##### **D.4.a. Candidates for Assessment**

Ms. Schmitt presented Supplemental Attachment D.4.a. The proposed species to be assessed in 2001 are sablefish, shortspine thornyhead, black rockfish (south), silvergrey, Dover sole, cabezon, "remaining" rockfishes complex, and yelloweye rockfish.

Mr. Brown asked about the deepwater species. Ms. Schmitt replied that there is biological information that could be used. This is the third year we have had the survey coastwide. She then said maybe we could mesh some surveys together for a longer time series. Mr. Brown asked about cabezon, what do you have for indexes given it is a shallow water fish, and there are no surveys done in there. Ms. Schmitt replied that cabezon is a species identified as a species that shows up in logbooks for recreational and commercial fisheries. The types of information available would be similar to those for cowcod. Mr. Brown asked where the surveys were taking place. Ms. Schmitt said the intent is going to look at south of Pt. Conception. Mr. Brown then asked about the yelloweye. Ms. Schmitt said that as we did for darkblotched this year, we are trying to find information available for an assessment.

##### **D.4.b. Comments of Advisory Bodies**

#### **GAP**

Mr. Rod Moore read the report of the GAP.

*The Groundfish Advisory Subpanel (GAP) reviewed the list of stocks proposed to be assessed in 2001 and agrees with the choices made. However, the GAP has the following additional comments:*

- 1. Although convening a Stock Assessment Review (STAR) Panel for three assessments is difficult, NMFS should take this step with the Dover, sablefish, and shortspine thornyhead assessments. These species are caught in conjunction with each other and reviewing the assessments as a group makes more sense.*
- 2. STAR Panel meetings should be held in locations where sufficient computer and administrative support is available, including telephones, printers, and copying machines.*

#### **SSC**

Mr. Alan Byrne read the report of the SSC.

*Ms. Cyreis Schmitt, National Marine Fisheries Service, presented a list of species proposed for stock assessment in 2001. The stocks proposed for assessment are: sablefish, shortspine thornyhead, black rockfish (south), silvergrey, Dover sole, and cabezon. Depending on available staff resources yelloweye and the "remaining" rockfishes complex may be assessed. The Scientific and Statistical Committee (SSC) views the assessment for sablefish, shortspine thornyhead, and Dover sole the most important. Given the information made available to the SSC, we were unable to rank the relative importance of the remaining five stocks. The SSC notes the scheduled 2001 assessment of arrowtooth, English sole, blackgill, chilipepper, longspine thornyhead, and shortbelly were postponed. The SSC recommends criteria be developed to select stocks for assessment and the*

*assessment schedule be planned several years in advance. A longer lead time will allow agencies to prepare databases and collect information for the assessment. Useful assessment criteria the SSC discussed were: the stock's value to the fishery, a weak stock that may constrain fisheries in mixed stock fishery, and compelling evidence that a stock is in decline (or increase).*

*The SSC disagrees with the recommendation to delay the Pacific whiting assessment in 2002. The delay will prevent the Council from using the 2001 triennial survey results until it sets quotas for the 2003 fishery. The SSC recommends that the 2002 assessment begin when data from the 2001 triennial survey become available, so the Council can use the results when setting quotas for the 2002 fishery. In 1999, this accelerated schedule was compatible with the Canadian system allowing a joint assessment and review.*

#### **D.4.c. Public Comment**

Ms. Michele Longo Eder, F/V Nesika, Newport, Oregon

#### **D.4.d. Council Discussion and Guidance on Priorities**

Mr. Fletcher complained about the absence of stock assessment surveys south of Pt. Conception. He asked NMFS to come up with the funds and the to survey and assess stocks in that area.

Mr. Anderson asked Ms. Schmitt about the criteria used to determine what stocks will be assessed? How did yelloweye and remaining rockfish get on the list? Ms. Schmitt said the criteria are in the terms of reference. That has been the policy for the species to use the cycle as noted in that calendar. She then went through each of the stocks listed. There were concerns expressed the status of cabezon, and CDFG asked for the assessment.

Mr. Anderson then asked Ms. Schmitt about the SSC's concerns about delaying the whiting assessment. She replied theres a trade-off of having the most useful information in the best timely manner, and we are having difficulty in coordinating with Canada about meetings and stock assessments right now.

Dr. McIsaac asked the Council about yelloweye and remaining rockfish. Mr. Anderson expressed his concern about yelloweye, and asked if others had similar concerns for species to the south.

Mr. Brown concurred, saying he has heard about yelloweye for a long time.

Mr. Anderson said his concern for yelloweye is from a decade of fishermen expressing they are extremely vulnerable to overfishing. The SSC referenced "compelling evidence"; though the information may be anecdotal, he believes they are vulnerable to overfishing.

#### **D.5. Status of Fisheries and Inseason Adjustments**

##### **D.5.a. Agendum Overview**

Mr. Glock described the various documents and Council action required.

##### **D.5.b. Comments of Advisory Bodies**

#### **GMT**

Dr. Jim Hastie presented Supplemental GMT Report D.5. The GMT recommendations are summarized in the following tables:



\*\*\*\*\*

# June 2000 GMT recommendations for limited-entry trip-limit changes

	Current limits		Recommendations	
Limited entry				
			Achieve total OY	Protect weak stock *
Slope rockfish subgroup (all gears)			.	
North	5,000 lb / 2-months (through October)		7 - 8,000 lb / 2-months (through October)	3 - <b>5,000 lb / 2-months</b>
South	5,000 lb / 2-months (through October)		8 - 10,000 lb / 2-months (through October)	<b>7,000 lb / 2-months</b>
* Recommendations reflect concern over darkblotched rockfish (North) & bank rockfish (South)				
	Shelf rockfish subgroup (South) 1,000 lb / month			500 lb / month
Nearshore rockfish subgroup (fixed-gear)			Year-round fishery priority	Target attainment priority
North	3,000 lb / 2-months (max. 1,400 non-black/blue)		4,000 lb / 2-months (max. 1,500 non-black/blue)	<b>5,000 lb / 2-months (max. 1,800 non-black/blue)</b>
South	1,300 lb / 2-months		1,600 lb / 2-months	<b>2,000 lb / 2-months</b>
Fixed-gear daily-trip-limit fishery			Current daily limit	Higher daily limit
	2,400 lb / 2-months (300 lb / day)		3,000 - <b>3,300 lb / 2-months (300 lb / day)</b>	2,400 lb / 2-months (600 lb / day)
Yellowtail rockfish (small footrope)	1,500 lb / month		[33.3% of non-arrowtooth flatfish + 10% of arrowtooth on each trip] up to 7,500 lb per trip (cumulative poundage applied to the 2-month midwater limit)	
Note: <b>Bold</b> entries represent consensus recommendations of the GMT and GAP.				

The report continues on the next page.

June 2000 GMT recommendations for open-access trip-limit changes

Current limits		Recommendations	
<b>Open access</b>			
Shortspine thornyheads	50 lb / day, S. of Pt. Conception	<b>No retention (August 1)</b>	
Lingcod	400 lb / mo	<b>No retention (August 1)</b>	
		Achieve total OY	Protect weak stock *
Slope rockfish subgroup			
<b>North</b>	500 lb / 2-months	700 lb / 2-months	<b>500 lb / 2-months</b>
<b>South</b>	500 lb / 2-months	1,500-2,000 lb / 2-months	<b>1,000 lb / 2-months</b>
* Recommendations reflect concern over darkblotched rockfish (North) & bank rockfish (South)			
Nearshore rockfish subgroup		Year-round fishery priority	Target attainment priority
<b>North</b>	1,500 lb / 2-months (max. 700 non-black/blue)	1,800 lb / 2-months (max. 800 non-black/blue)	<b>2,500 lb / 2-months (max. 900 non-black/blue)</b>
<b>South</b>	800 lb / 2-months	<b>1,600 lb / 2-months</b>	2,500 lb / 2-months
Fixed-gear daily-trip-limit fishery		Current daily limit	Higher daily limit
	2,400 lb / 2-months (300 lb / day)	3 - <b>3,300 lb / 2-months</b> ( <b>300 lb / day</b> )	2,400 lb / 2-months (600 lb / day)

Note: **Bold** entries represent consensus recommendations of the GMT and GAP.

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## GAP

Mr. Rod Moore presented Supplemental GAP Report D.5.

*The Groundfish Advisory Subpanel (GAP) met jointly with the Groundfish Management Team (GMT) and offers the following recommendations for inseason adjustments:*

### Limited Entry

1. *For all gears, increase slope rockfish cumulative limits in the south to 7,000 pounds per two-month period.*
2. *For all gears, reduce shelf rockfish cumulative limits in the south to 500 pounds per month.*

*These two recommendations are made in the interest of protecting weak stocks.*

3. *For fixed gear, increase nearshore rockfish cumulative limits in the north to 5,000 pounds per two-month period, with a maximum of 1,800 pounds being species other than blue or black rockfish.*
4. *For fixed gear, increase nearshore rockfish cumulative limits in the south to 2,000 pounds per two-month period.*

*These two recommendations are made to allow target attainment.*

5. *For the fixed gear daily-trip-limit sablefish fishery, increase the cumulative limit to 3,300 pounds per two-month period, while maintaining the daily limit of 300 pounds.*

*This recommendation is made to allow a reasonable harvest of sablefish in this fishery while avoiding confusion with different daily trip limits.*

6. *For the small footrope trawl fishery in the north, remove the current two-month cumulative limit on yellowtail rockfish and substitute the following:*
  - a. *The "per trip" limit for yellowtail rockfish is the sum of 10% of the weight of arrowtooth flounder plus 33% of the weight of flatfish other than arrowtooth, not to exceed 7,500 pounds of yellowtail per trip.*
  - b. *A vessel using a small footrope may not land yellowtail unless it is also landing flatfish.*
  - c. *A vessel may not exceed the 30,000-pound cumulative limit per two-month period regardless of gear used.*
7. *For the large footrope trawl fishery establish a 5,000 per trip limit on arrowtooth flounder taken incidentally with other flatfish.*

#### Open Access

1. *For slope rockfish in the south, increase the cumulative limit to 1,000 pounds per two-month period. This will allow a modest increase while protecting weak stocks.*
2. *For nearshore rockfish in the north, increase the cumulative limit to 2,500 pounds per two-month period, with a maximum of 900 pounds of species other than black or blue rockfish. The GAP understands allowing this higher cumulative limit may result in early attainment and closure for this fishery.*
3. *For nearshore rockfish in the south, increase the cumulative limit to 1,600 pounds per two-month period. This will allow a year-round fishery to be maintained.*
4. *For the fixed gear daily-trip-limit sablefish fishery, increase the cumulative limit to 3,300 pounds per two-month period, with a daily-trip-limit of 300 pounds.*

#### **SSC**

None.

#### **D.5.c. Public Comment**

Mr. Kenyon Hensel, open access fisherman, Crescent City, California  
 Mr. Robert Briscoe, Jr., trawler, Blaine, Washington  
 Mr. Marion Larkin, trawler, Mt. Vernon, Washington

#### **D.5.d. Council Action: Inseason Adjustments**

Mr. Brown asked Dr. Hastie for more information about the limited entry nearshore rockfish group harvest projection and trip limits. Dr. Hastie explained that this is the first year of having these subgroups. The GMT's concern in open access is little effort in January-April, with a higher limit in May (combination of better weather, etc). We do not know to what extent the number reflects folks getting out. The bottom line is we don't have a good understanding of what the landings will be for this year under these limits.

Mr. Anderson moved that the Council adopt the inseason adjustments as represented in Supplemental GAP Report D.5., including the addition for the large footrope trawl fishery (item 7), and that for the open access nearshore rockfish subgroup in the north increase it to 3,000 pounds for two months instead of the 2,500 pounds presented. Mr. Alverson seconded the motion. (Motion 10)

Mr. Boydston said that in regard to shortspine thornyheads in the area south of Conception in the open access, there is no ABC or OY, and for the closure suggested in that report. Mr. Boydston asked that it be deleted from the motion. This was viewed as a friendly amendment. He also recommended these be for no retention of lingcod after August 1, (that would be part of the same friendly amendment). Both the seconder and the maker of the motion agreed. Motion 10 passed.

Mr. Boydston moved that the Council write a letter to the California Fish and Game Commission to take regulatory action affecting the recreational fisheries south of Cape Mendocino to insure that our preseason expectations of catch for bocaccio, canary, cowcod, and lingcod are not exceeded, to note in the letter that the Council recommend NMFS work with CDFG and the California Fish and Game Commission in developing their regulations, and that NMFS take complementary actions affecting fisheries in federal waters to make them consistent with state regulations. (Motion 11) Mr. Caito seconded the motion.

Mr. Fletcher said he understands the need for the action, but restated his concern about abundance estimates in the area. Mr. Thomas concurred with Mr. Fletcher's comments.

Mr. Robinson said that what the Council would be authorizing subsequent to Commission action, made it effective before the next Council meeting. Mr. Bohn said that the letter is for species South of Mendocino. Motion 11 passed.

Mr. Boydston said he would like Dr. Hastie to consult with Mr. Russell Porter from the RecFIN office at PSMFC. GMT members will be contacted as necessary.

#### **D.6. Sablefish Three-Tier Fishery Season and Limits**

##### **D.6.a. Agendum Overview**

Mr. Glock presented the agendum overview.

##### **D.6.b. Comments of Advisory Bodies**

##### **GMT**

Dr. Jim Hastie, read Supplemental GMT Report D.6.

*The GMT reviewed the recommendations for the 2000 fishery provided in Attachment D.6.a at their June meeting. The GMT did not identify a preferred alternative between the two model scenarios presented. It should be noted, however, that the expected landings using the Model 1 configuration are only 200,000 lb below the target poundage for the primary fishery, and that this year's reductions in rockfish opportunities may tend to increase participation, relative to recent years. Balancing this*

concern is the fact that, through May, the limited-entry fleet has landed only 12% of the poundage allocated daily-trip-limit (DTL) portion of the fishery. Consequently, the risk of exceeding the primary fishery target poundage may carry a lower expectation of early DTL closure than in some previous years.

The 45 mt of sablefish landed through May represents about 60% of what was landed last year by that month. And although somewhat lower limits at the start of this year have contributed to the reduction, it is also likely that lower rockfish limits have reduced opportunities to fashion profitable trips from a combination of rockfish and 300 lb of sablefish. Given that the 300 lb limit was initially conceived as a bycatch allowance for individuals fishing rockfish and that the outlook for shelf and slope rockfish trip limits is not promising, the Council may want to re-evaluate the current target pound for the DTL fishery and/or its daily-limit structure.

## **GAP**

Mr. Rod Moore, read Supplemental GAP Report D.6.

*The Groundfish Advisory Subpanel (GAP) received a report from the Groundfish Management Team on options for the sablefish three-tier fishery.*

*The GAP recommends adopting a more conservative model which would allow cumulative limits of 85,500 pounds; 38,500 pounds; and 22,000 pounds for Tiers 1, 2, and 3 respectively, in an eight-day season.*

*The GAP was unable to agree on a starting date for the 2000 season. The two dates recommended were August 6 and September 1. Advantages and disadvantages were cited for both dates by representatives of the fixed gear fishery.*

*At the request of Council member Mr. Bob Alverson, the GAP also discussed potential modifications to existing regulations regarding permit transfers. The GAP recommends regulations be changed to allow a permit to be transferred once each calendar year. A transferred permit could not be used until the beginning of the next cumulative period following date of transfer.*

### **D.6.c. Public Comment**

Mr. Denny Burke, F/V Timmy Boy, South Beach, Oregon  
Mr. John Crowley, Fishing Vessel Owners Association, Seattle, Washington  
Mr. John Warner, West Coast Fisherman's Alliance, Charleston, Oregon  
Mr. Jack Crowley, Fishing Vessel Owners Association, Seattle, Washington  
Mr. Mike Pettis, F/V Challenge, Newport, Oregon  
Mr. Gary Jackson, fisherman, Gold Beach, Oregon  
Ms. Michele Longo Eder, F/V Nesika, Newport, Oregon  
Mr. Tom Ghio, Ghio Fish Company, Moss Landing, California

### **D.6.d. Council Action: Recommendations for Season Dates and Cumulative Limits**

Mr. Alverson asked NMFS if the permit transfer regulations could be waived for vessels that got caught in this transfer situation.

Mr. Robinson said they could not waive the regulations, but suggested it might be better if the Council recommend a new cumulative landing period start date of August 1 be established for fixed gear vessels for the purpose of permit transfers. In that case, the people who transferred last year in July could transfer this year in July.

Mr. Alverson moved that the Council adopt Model 1 as shown in Attachment D.6.a. (Motion 13) Seconded by Mr. Anderson. (Model 1 primary sablefish season for the fixed gear fleet would open August 6-15, 2000 (9 days). The fishery will close at noon, preceded by a 48-hour closure, and will close at sea at noon the last

day, followed by a 30-hour closure, the same as 1999. The closures apply to all fixed gear groundfish vessels (both limited entry and open access). The cumulative limits for each of the three tiers are: Tier 1: 81,000 pounds; Tier 2: 37,000 pounds; and Tier 3: 21,000 pounds.)

Mr. Alverson spoke for the motion, noting the Council had suggested the August 6 date at the April meeting. The model 1 nine days was picked because the difference in poundage is about 1,500 pounds for a tier two, dressed weight (about 1,000 pounds). He did not see where one day on the ground of safety is worth the differential for 1,500 pounds.

Chairman Lone asked for additional discussion and for a roll call vote on motion 13. Dr. McIsaac called the roll vote and it passed unanimous.

Mr. Alverson then asked Mr. Robinson if he heard that there was a way to accommodate those people who wanted to transfer their permits before August. Mr. Robinson said there is a footnote in the annual specifications that relates to permit transfers. He then read the footnote. You could make a recommendation to modify the days that limited entry transfers are to take effect; limited to fixed gear, and limited to the transfers in CY 2000 - simply add in August 1 as a cumulative limit period specifically for the transfer of fixed gear permits. Some vessels may fish rockfish in other species, and there is a potential that somebody with fixed gear permit, that somebody could double dip on "rockfish". Mr. Anderson asked if we could put a condition that no landings of groundfish could occur during the month of July? Mr. Robinson said his fear is that we are already starting to stretch what we could do for routine measures.

Mr. Alverson requested to NMFS that the regulations be modified to designate August 1 as the start of a cumulative landing period for the purpose of permit transfers for fixed gear, that a cumulative landing period (an additional cumulative period start date) be added specifically as August 1. (Motion 14) Mr. Bohn seconded the motion. Motion 14 passed.

#### **D.7. Rockfish Bycatch Rates**

##### **D.7.a. Agendum Overview**

Mr. Jim Glock explained what was on the agenda.

##### **D.7.b. Comments of Advisory Bodies**

##### **GMT**

Mr. Brian Culver noted the GMT needs some guidance from the Council on where to apply those discard rates to inseason catches.

Mr. Bohn said he appreciates the need for Council guidance, but he would also appreciate GMT guidance as to where they think this application should be applied. This has not seemed to progress a great deal since the discussions in April. He felt intuitively it would come out as we go through the inseason process. It should be applied in all areas to any fishery that has no discard rate applied to it. There really wasn't anything else to use.

##### **D.7.c. Public Comment**

Dr. Mark Powell, Center for Marine Conservation, San Francisco, California

##### **D.7.d. Council Action: Consider Ways to Reduce Rockfish Bycatch in 2000 Fisheries**

Mr. Anderson voiced his concerns that we adopted the most restrictive trip limits we have ever had last November. For minor slope rockfish and bocaccio we assumed no mortalities or bycatch. For bocaccio we have a trip limit of 300 pounds a month. He does not think it is reasonable that there is zero discard mortality, not in any gear type fishery. The levels are so small, we cannot say that bycatch is zero. We do not know whether or not 16% is the correct number or not, and we are not going to know without an observer program.

These are the same concerns he brought forward to the Council in April.

Mr. Brown disagreed with Mr. Anderson's comments. His experience with fisheries over the year was there is no reason to assume discards even if the trip limit is not being met. Sixteen percent may very well not be the right figure. We really don't know what number to use. The number we're using is from Dr. Ellen Pikitch from years ago. Dr. Jean Rogers has the data, and in that study, there was one trip limit that had discards, and that trip limit had a lot of discards, that is where the 16% came from. It is better than using zero.

Mr. Robinson noted that the GMT is seeking advice on how to apply it. Unless the GMT has reason to believe there is a better rate to apply across both open access and limited entry, or that the discard rate is zero; he does not see any alternative but to apply the 16% across the board.

Mr. Anderson moved that the Council have the GMT apply the 16% discard rate for minor, nearshore rockfish and bocaccio rockfish in the limited entry, trawl, fixed gear, and open access fisheries; and direct the GMT to make the appropriate adjustments in season. This does not apply to the recreational fisheries. Mr. Alverson seconded the motion. (Motion 9) Motion 9 passed, Mr. Brown opposed the motion.

#### **D.8. Plan Amendment to Address Bycatch and Management Measure Issues**

##### **D.8.a. NMFS Report**

Ms Yvonne deReynier summarized the prepared amendment using overheads.

##### **D.8.b. Comments of Advisory Bodies**

##### **GAP**

Mr. Rod Moore read the GAP statement.

*The Groundfish Advisory Subpanel (GAP) received a briefing on the proposed amendment to the Pacific groundfish fishery management plan to address bycatch.*

*The GAP supports the alternatives identified as "preferred" for bycatch definitions, standardized reporting methodologies, bycatch reduction provisions, and annual management framework provisions.*

*For removal of limited entry permit endorsements (identified as a housekeeping measure), the GAP recommends the Council adopt alternative number 2.*

##### **D.8.c. Public Comment**

Ms. Jennifer Bloeser, Pacific Marine Conservation Council, Arcata, California

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

##### **D.8.d. Council Action: Final Approval of Plan Amendment**

Mr. Brown moved that the Council adopt the amendment with the alternatives identified as preferred as our final options; and in addition, include Alternative #2 for Issue 5. (Motion 15) Mr. Bohn seconded the motion.

Mr. Brown said this has been reviewed several times by most of us, and several groups. We need the framework to implement these items, and it should be done.

Mr. Boydston also favored the motion, the Council provided comments at the previous meetings, and those have been incorporated into the document.

Mr. Anderson asked Mr. Brown about issue 2, alternative 3, is there any conflict with the strategic plan relative to observers? Mr. Brown said he did not think so. Mr. Anderson said he wanted flexibility, i.e. state, federal,

private funding, but the amendment says the state and federal will pay for observer costs, not the vessels. He wanted the flexibility to pay for observers with a variety of funding sources.

Ms. deReynier said it could say "a variety of funding options", or the reference to funding could be deleted.

Mr. Brown agreed there should be an option to require industry funding. He suggested replacing the phrase "require federal and/or state" with "when funding becomes available". Mr. Anderson wanted to make sure that we have the same understanding and have all the bases covered. He said if we approve the motion, the amendment would not speak to where the funds would come from. He wants the amendment to authorize the Council to require an observer program. He did not want to adopt language that would only allow an observer program to be put in place if state and/or federal money was available. With that understanding of the motion, he would support it.

Mr. Brown the Council could implement an observer program in one way or another.

Mr. Robinson suggested that, for issue 2, we should simply revise alternative 3 - that we should take after the parenthetical top line of alternative 3, after the word available, insert: "or with the requirement that vessels pay". Then delete the sentence that starts with "implementation of an observer program....." The maker and the seconder of the motion took that as a friendly amendment.

Ms. Cooney asked whether the phrase "could include" is included in the motion? Mr. Brown said yes. Motion 15 passed.

#### **D.9. American Fisheries Act Management Measures**

##### **D.9.a. Agendum Overview**

Mr. Waldeck presented the American Fisheries Act (AFA) agenda overview.

Ms. Cooney made some comments on control dates. If you are going to use them, you need to adopt them now, they are basically a heads up to inform the public.

##### **D.9.b. Comments of Advisory Bodies**

##### **GAP**

Mr. Rod Moore presented the GAP statement.

*The Groundfish Advisory Subpanel (GAP) received an update on analysis of the American Fisheries Act (AFA). From the initial Council staff presentation, it was clear there was confusion in interpreting the GAP's recommendation from the April Council meeting.*

*As clarification, it was the intent of the GAP there be three separate qualification criteria for vessels. These criteria are specific to each sector and qualify the vessel only for that sector. They were not meant to cross qualify a vessel from one sector into all sectors.*

*The GAP recommends Council staff complete the draft amendment, so we can provide constructive comments on a final draft.*

##### **D.9.c. Public Comment**

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

##### **D.9.d. Council Action: Adopt Public Review Draft**

Dr. Radtke asked Mr. Seger if he could explain what the North Pacific Fishery Management Council did with the processors section. Mr. Waldeck answered the question to the best of his ability. They are not quite



finished with sideboard measures for the inshore sector of the pollock fisheries. Dr. Radtke said in effect did they not set this aside for future considerations? Mr. Waldeck said they are still actively working on it. Dr. Hanson tried to recall the long and complex discussion that was held at the NPFMC meeting, much of the discussion centered on harm, potential for harm, or what level for potential for harm. They were not convinced that there was demonstrable harm happening today. They thought there would be more cut-throat competition. The NPFMC was left with no clear indication that harm was a factor, and did not feel the urgency to take action.

Mr. Waldeck brought the Council up to speed on what the Council action may be. He reiterated that since no draft document was available, no Council action would have to be taken on that issue.

Dr. Radtke made a motion that the Council set-aside the analysis for a later time. Mr. Bohn seconded the motion. (Motion 16)

Dr. Radtke noted this issue is very complex, and felt it was prudent to set it aside until the affected processors side in the north does something; he was also concerned about the permit requirement - it could affect the processors negatively.

Mr. Jim Caito said he was going to make a motion to send something out for analysis. He asked for a substitute motion - send out for analysis for the processor sector, the items as contained in Supplemental Attachment D.9.b.: item #1 choose items 1 and 2; Item #2 choose "no"; Item #3 choose b; Item #3 choose 10%; Item #4 include as the equivalent of ownership; Item #7, applying entity; Item #8 whenever the permit comes due; and Item #9. Mr. Ralph Brown seconded the substitute motion. (Motion 17)

Mr. Bohn asked Mr. Caito to restate items #5 and #6. Mr. Caito replied he left out item #5. Mr. Robinson asked if he included item #1. Mr. Caito was asked to restate the motion. He also stated he did not include item #6. He reiterated choose nothing on item #9. This motion is relative to the processors side.

Mr. Robinson asked how much has the Council staff done? Mr. Waldeck noted that Mr. Seger has worked on the analysis. In terms of a hard cursory analysis, that is yet to be done.

Mr. Anderson, asked whether (relative to item #9), the motion would only pertain to shorebased processors? Mr. Caito said that is correct. Mr. Caito answered the logic behind that is that shorebased processor is on shore, cannot move, it is pretty easy to see where their facility is. Mr. Anderson and Mr. Caito talked about the motherships processing at-sea, and what happens to the motherships who do not process - why are we protecting the shorebased processors and not the at-sea processors?

Mr. Brown said the situation is reversed under item #9, under the vessel part of it we offer protection to at-sea processors that are already here. If a catcher-processor reaped a big benefit from at-sea processing in Alaska, can they come down here and start a shorebased company.

Mr. Caito asked to include in his Motion item #9. The seconder agreed.

Chairman Lone asked for a roll call vote for Motion #17. Dr. McIsaac roll call vote: 7 yes, 7 no - motion failed.

Chairman Lone asked for a voice vote for Motion #16. Mr. Boydston opposed the motion. Motion 16 passed.

Mr. Brown asked if we set this aside, is that indefinitely? Dr. McIsaac said this was set aside until we could find out if harm is occurring. Mr. Boydston said he would like to keep it on our screen, but not a high priority - below the line.

Mr. Robinson concurred with the arguments that the Council wait. There are enforcement issues to be dealt with too.

Mr. Waldeck noted that the control date issue needed to be dealt with.

Mr. Brown noted he thought the Council already adopted a control date. Ms. Cooney said the first control date put vessels on notice to "don't start fishing down here". The new control date is related to the permit. We are going to deal with the vessel and its permit as to "what day". Mr. Brown then said this Council is not considering action on its own. We were instructed by Congress to protect this fishery. A control date of today (June 29, 2000) makes sense. The other item is "what are the window periods we're dealing with?" In Ms. Cooney's view, it is a little harder on this permit issue because this is not an AFA vessel that knew what was going on, but somebody different who knew nothing about the AFA notification.

Mr. Brown said that this is the AFA vessels. Ms. Cooney said there is a bit of a disconnect - is it the vessel or the permit your talking about? The question is do you put a limit on the permit, the vessel, or both? For the vessel it is tied to the 1999 date. For the permits, you may say the control date is today - you will be put on notice that the permit connected with an AFA vessel today could be restricted. It would be harder to go back five months on a control date for that.

Mr. Brown said that a control date may say you are not going to look at dates "before that". It appears that if we said today is the control date - it could have already affected people who sold permits and "caused harm".

Mr. Brown moved that we establish today (June 29, 2000) as a control date to notify the public and permit owners that future sales of permits from AFA qualified vessels may not qualify (guarantee) for participation in West Coast groundfish fisheries; or the permit may be restricted to a particular fishery sector in the future. Dr. Radtke seconded the motion. (Motion 18)

Ms. Cooney then noted that these restrictions may be in the future. Mr. Brown said that it could range from no fishing, or restrictions that could allow the boat to fish in a particular sector.

Mr. Anderson then said if there is a permit on a AFA qualified vessel we are considering action that may restrict that owners ability to participate in groundfish fisheries or sectors in the future. Mr. Brown said his motion is notifying people that we may restrict, or deny people from fishing. Mr. Anderson said the logic is that since the AFA owner has benefited from the AFA; we would want to restrict a future or subsequent owner of the permit that it could cause harm to the fishery.

Mr. Brown talked about two different issues. People are concerned about a more direct competition of vessels - where a vessel transfers its right to fish in the coop and transferred the permit to others in the co-op and came down here to fish. There is another way that the boat could stay, the permit is not needed up there, and the permit leaves to come down here to participate - which increases the size of the fleet down here.

Mr. Bohn said he thought all we were doing here was changing the control date from last time to today's date. Thought we already did this once, but now were making it more accurate. Mr. Brown then explained that the last control date was related to vessels. But now today's control date is putting people on notice that this may be tied to permits. Ms. Cooney said the issue is if you do want to do something down the road that restricts permits, you would need to tell people what that control date is. Motion 18 passed.

Ms. Cooney clarified what the Council has done in terms of this control date. In the Federal Register, a statement for what has been done for catcher/processors and motherships last fall of 1999 will be included.

Mr. Waldeck asked if the Council had more guidance for the staff. Chairman Lone said there does not appear to be any. Mr. Anderson then said he did not understand the question. Mr. Waldeck spoke to Mr. Seger's presentation. Mr. Waldeck felt it was prudent that the Council, based on the cursory analysis, then the staff should if there was anything else the Council members would like added.

Mr. Brown said it would be interesting to see if there were AFA qualified vessels that held more than one West Coast groundfish permit.

## **D.10. Process for Technical Review and Monitoring of Rebuilding Plans**

### **D.10.a. NMFS Report**

Ms. Cyreis Schmitt presented Supplemental NMFS Report D.10.

### **D.10.b. Comments of Advisory Bodies**

#### **SSC**

Mr. Tom Jagielo gave the report for the SSC.

*Ms. Cyreis Schmitt of the National Marine Fisheries Service (NMFS) briefed the Scientific and Statistical Committee (SSC) on a preliminary schedule and process for technical review and monitoring of groundfish stock rebuilding plans. Ms. Schmitt requested the SSC comment on proposed process and asked for further SSC contribution to development and implementation.*

*In reviewing the proposed schedule, the SSC suggested the timeline be modified to expedite preparation of rebuilding analyses soon after it is apparent a stock is in an overfished condition, rather than waiting for NMFS to declare the stock overfished the following January. It is probably not feasible to devote adequate time to rebuilding analyses during the regular one-week Stock Assessment Review (STAR) Panel review of the stock assessment. In order to maintain the momentum of the modeling process, the Council should direct Stock Assessment Teams (STAT) teams to draft rebuilding analyses immediately following completion of the assessments (i.e., mid to late summer) for review at the September Council meeting. The Council should direct the Terms of Reference be modified to reflect this procedure.*

*The SSC will take lead responsibility for modifying the STAT/STAR Terms of Reference to include guidance for rebuilding plans. The revised documents will include methodological standards (parameters, analyses, and uncertainties), triggers for future full assessment, an outline for the document, and schedule for completion. The SSC's Groundfish Subcommittee will begin drafting the Terms of Reference after the September 2000 meeting for review at the March 2001 Council meeting.*

*This year, and potentially next year, the SSC should plan to provide review of draft rebuilding analyses. For the long term, the Council should consider whether to incorporate review of rebuilding analyses into the current STAR process or to develop an alternative review process. One such alternative could include a separate panel dedicated to review of all rebuilding analyses in any given year. This may allow for more standardized treatment of the process, avoiding potential implementation delays due to technical errors or other inadequacies. Phase-in of the chosen review process could potentially begin as early as March 2001, but Council scheduling and staff availability must also be considered. We would anticipate, under any review process, drafting of the full rebuilding plan would follow the overfishing declaration by NMFS in January.*

*Once a stock is in rebuilding mode, the rebuilding process can be monitored using a combination of annual stock assessment and fishery evaluation (SAFE) document updates on recent catch and biological data, in combination with full stock assessments conducted at three year intervals. The SSC suggests annual SAFE reports include a thorough description of any new data collection efforts, data improvements, and research and data needs.*

#### **GAP**

Mr. Rod Moore presented the GAP report.

*The Groundfish Advisory Subpanel (GAP) had a discussion with Ms. Cyreis Schmitt concerning the various approaches that could be used to review rebuilding plans and methods to monitor the rebuilding of concerned stocks.*

*The GAP had numerous questions about how a review of rebuilding will occur every two years when new assessments will likely only occur once every three years.*

*The GAP was also concerned for many of the species for which there are, or will be, rebuilding plans, the reduced catch or other regulations have eliminated or modified the data that has been used in the past for stock assessments. New survey or other data collection programs will need to be initiated soon to accumulate the necessary time series of information to measure change in these stocks.*

*The GAP supports the use of a Stock Assessment Review Panel approach for the review of rebuilding plans and further recommends one such panel conduct the review of all rebuilding plans on an annual basis. We feel the intense review that is required for these plans is so similar to the review of stock assessments that other Council committees (the Groundfish Management Team and Scientific and Statistical Committee) could not devote the time for a thorough review.*

#### **D.10.c. Public Comment**

None.

#### **D.10.d. Council Discussion and Guidance**

Mr. Anderson commented that the SSC has indicated they would take the lead responsibility in modifying the terms of reference and we should take them up on that. He looks forward to receiving it and also likes the idea of using the stock assessment review panel approach for the rebuilding plans. However, we should not overload our panels for the stock assessments. Having a separate panel to monitor the rebuilding plans seems like the best approach.

Ms. Schmitt replied that is one of the options we're looking at in terms of making it effective in terms of the work. One of the other factors is the current timeline she presented, there is a need for the rebuilding analysis by September. There may be some details to work out.

Mr. Glock said he expects this to be on the Council's September agenda. Ms. Schmitt said she would like to work with the GAP, GMT, SSC, and ask for their assistance in working out some of the details. That information would then be provided to the Council at their September meeting and at that time the Council could give additional input into the rebuilding plan process.

#### **D.11. Canary Rockfish Rebuilding Plan Development**

##### **D.11.a. Agendum Overview**

Mr. Glock briefed the Council on Exhibit D.11.

##### **D.11.b. Comments of Advisory Bodies**

#### **SSC**

Mr. Tom Jagielo provided the SSC statement.

*Dr. Richard Methot of the National Marine Fisheries Service presented preliminary findings from a working report which estimates rebuilding rates for canary rockfish in the northern area (Columbia and U.S. Vancouver International North Pacific Fishery Commission areas). The Scientific and Statistical Committee provided Dr. Methot with suggestions we would like to see incorporated in the analysis when we re-evaluate it in September. Although the current analysis is preliminary, it is, nevertheless, clear that rebuilding will take decades, even if catches are negligible.*

## GAP

Mr. Rod Moore provided the GAP statement.

*Dr. Rick Methot presented the draft canary rockfish rebuilding analysis to the Groundfish Advisory Subpanel (GAP). The canary analysis applies only to the northern assessment, but the results are applicable coastwide. The draft analysis indicates coastwide catch should be reduced to zero for 10 years in order to initiate the stock rebuilding, and catches would then increase gradually for a total of 54 years. The GAP recognizes catch cannot be reduced to zero without eliminating nearly all commercial and recreational fishing between about 20 fathoms and 150 fathoms. However, it appears from preliminary 2000 catch data that canary catch has already been reduced to a small fraction of the 1999 level. The GAP recommends the analysis be re-run assuming a low level of canary catch, and the Council should begin evaluating whether more restrictive measures would merely reduce landings but not actual catch, or cause the industry to forego revenues from other fisheries that take canary incidentally.*

### D.11.c. Public Comment

None.

### D.11.d. Council Action: Preliminary Decision on Allocation and/or Regulations

Mr. Anderson suggested the Council consider bringing the allocation committee together before the September meeting to address how to deal with some very small allowable catches. We expect the canary OY to be lower than 200 mt. He asked when the numbers may be firmed up a little bit. The committee will need to discuss management options to bring to the Council for consideration in September in preparation for 2001 management regime.

Dr. Methot said the August GMT meeting is a reasonable time to have it ready.

Mr. Brown said one of the committee and Council will need to take a look at catches of canary rockfish in fisheries the Council does not manage. That might be a base level. Mr. Anderson believed the Council needs to acknowledge the minimum needs for fisheries prosecuting other species. If we have to sacrifice the timeframe, he would be prepared to consider that. Mr. Brown concurred with Mr. Anderson's concerns as far as an economic consideration. Whether that is doable or not is a different story. There could be a large economic loss of revenue for the shrimp fishery.

Dr. McIsaac asked Mr. Glock to explain the rebuilding process and schedules. Mr. Glock directed attention to Attachment D.11.a. The Council needs to alert the public that restrictions are going to be severe, recreational fisheries for rockfish are going to be reduced. The process must begin quickly and alternatives developed for both recreational and commercial fisheries. Alternatives must be ready for public review before the end of the September meeting. He said the allocation committee idea is a good one; they would need to discuss how to account for the bycatch portion and how to minimize it. In September, we would have a draft of that strategy to start working with; if we wait until September to put that together there will not be enough time.

Mr. Brown said he assumed that Dr. Methot would be looking at a zero catch level option in his analysis. Dr. Methot said yes, and also a constant catch level that would meet the rebuilding requirement. A third option would be whether to front load it or back load it. The allocation committee would have to decide how to allocate the catch, and as part of the allocation, how much is discard? The analysis and rebuilding plan must both be based on total catch. If we underestimate catch, recovery will be delayed.

Mr. Anderson noted that figure 9 shows very little recruitment; if that is true, there is not a lot of room here. If we were going to get rebuilding started, we will not be able to take alot. We have to get more fish in this population in order to generate.

Mr. Brown, said the Council cannot make some of the policy decisions until we see first off what the total catches for the period can be, and the foregone and present opportunity.

Dr. Radtke said the real point is what kind of bycatch information do we have. His decision would be based on what type of information flow will we have in accounting bycatch and discards.

Mr. Boydston said California is planning meetings on the bocaccio situation for the current year. We will discuss canary and cowcod and others as well. He supported Mr. Anderson's suggestion for an allocation committee meeting. He suggested that we come out of the September meeting with specific options for the public to review before the November meeting. He would like some specific regulation options lined up by area (very similar to what we do with salmon).

Mr. Glock expressed a concern about avoiding another emergency rule for next year. His understanding after talking to NMFS is the bycatch amendment approved earlier today included framework provisions for management measures. If that is in affect by January, we would be able to use the new provisions. It is critical the plan amendment gets through the process so we can use those management tools next year.

Dr. McIsaac said staff will make arrangements for the allocation committee meeting.

## **D.12. Cowcod Rebuilding Plan Development**

### **D.12.a. Agendum Overview**

Mr. Jim Glock briefed the Council on the situation. Noted that no formal presentation was scheduled and that Mr. Tom Barnes was available to answer questions from the Council.

### **D.12.b. Comments of Advisory Bodies**

#### **SSC**

Mr. Tom Jagielo presented the report of the SSC.

*The Scientific and Statistical Committee (SSC) reviewed a draft cowcod rebuilding analysis prepared by Dr. John Butler of the National Marine Fisheries Service and Mr. Tom Barnes of the California Department of Fish and Game. The SSC provided advice to the authors regarding changes to the analysis that we would like to see in September. The current draft analysis indicates rebuilding will take many decades, even with very small catches.*

#### **GAP**

Mr. Rod Moore presented the GAP Report.

*Dr. John Butler presented the draft cowcod rebuilding analysis to the Groundfish Advisory Subpanel (GAP). The draft cowcod analysis indicates catch in the Conception area needs to be reduced to between about 500 pounds to a few thousand pounds per year. This would require elimination of all commercial and recreational fishing for this species. The GAP recommends the Council consider whether area closures could accomplish the rebuilding needs and perhaps hasten rebuilding compared to merely prohibiting all retention.*

*Needless to say, the GAP is greatly concerned about the impact of these rebuilding requirements on all groundfish fishers and the coastal communities along the entire West Coast.*

### **D.12.c. Public Comment**

None.

#### **D.12.d. Council Action: Preliminary Decision on Allocation and/or Regulations**

Mr. Fletcher asked Mr. Barnes about the cowcod resource, and how much the California recreational fishermen are interested in it. He said it has been increasingly important to central California. Mr. Barnes said the population mainly is southern California, although they are found north and south of there; they taper off as you move above Pt. Conception. During the 1990's there were significant landings of cowcod in the Monterey area which seem to come up in the trawl fisheries. The Monterey area had relatively low landings historically of cowcod.

Mr. Barnes said commercial passenger fishing vessel logbook information was entered into a database to see how cowcod abundance relates to habitat. Mr. Fletcher and Mr. Barnes held a brief dialogue on catch rates, reporting, etc.

Mr. Glock said that we need to have a draft rebuilding plan ready by September if at all possible and what management measures should be included in that draft.

Mr. Boydston said this topic would be put on the agenda for the California state meeting in July and the ad-hoc allocation committee as well. He would develop (with Mr. Barnes) some regulation measures. We will bring that to the table to the allocation committee.

#### **D.13. Default Maximum Sustainable Yield (MSY) Fishing Rate within the Harvest Rate Policy**

##### **D.13.a. Agendum Overview**

Mr. Glock reviewed the situation papers available as well as what action needs to be taken by the Council.

##### **D.13.b. Comments of Advisory Bodies**

##### **SSC**

Mr. Tom Jagielo read Supplemental SSC Report D.13.(1). He referenced Supplemental SSC Report D.13. (2).

##### **GAP**

Mr. Rod Moore gave the report of the GAP.

*The Groundfish Advisory Subpanel (GAP) continues to recommend, as it did in April, the new proposed rates be phased in to avoid significant adverse effects to the fishery. The phase-in can be accomplished for those species not under rebuilding plans by applying the new rates as new stock assessments are conducted. The GAP notes the calculations required to apply the new rates are nearly as extensive as those needed to perform an assessment.*

*For species under rebuilding plans, the GAP anticipates the rebuilding strategy will guide appropriate rates.*

##### **Tribal**

Mr. Steve Joner, Makah Tribe presented the following testimony.

*The Makah feels this is a very serious issue and the time has come for the accounting of discards needs to take place. In order to address discards, you need to know what they are. This requires an observer program. Once that is in place, bring discards into the allocation question; we do not have anything specifically prepared at this time. At the September meeting we will have something prepared and would like to bring that to the table. Their experience with their trawl fishery is that they have bycatch and discards. We have explained before how we deal with those issues. We*

*are pursuing this by trying to avoid the bycatch - doing things differently; and two, we are retaining all of our rockfish bycatch and requiring that they are forfeited by the tribes and given to charity. That discourages bycatch because it is costly and slows down the fishery (by donating to charity). On marine protected areas it is time to do that, at least in areas of high bycatch. We also have recently hired a research scientist on their staff to evaluate productivity of stocks they manage.*

*Regarding the phase-in, we feel that a good model to use is the way they handled halibut.*

#### **D.13.c. Public Comment**

Ms. Jennifer Bloeser, Pacific Marine Conservation Council, Arcata, California  
Dr. Mark Powell, Center for Marine Conservation, San Francisco, California  
Mr. Joe Easley, Oregon Trawl Commission, Astoria, Oregon

#### **D.13.d. Council Action: Final Adoption of Default MSY Fishing Rate**

Mr. Anderson said there are two items that have been brought to our attention. One is an action item, the other is for discussion. 1) taking action on the recommendations relative to the changes in Fmsy proxies; and 2) the issue raised whether or not we were going to consider some additional precautionary measures in addition to the fmsy proxies.

Mr Anderson moved that the Council adopt the Fmsy proxies as recommended by the SSC in Supplemental SSC Report D.13.(1) which includes Sebastes, flatfishes, other groundfish, and remaining rockfish. (Motion 19) Dr. Radtke seconded the motion.

Mr. Brown said there were two SSC reports. Mr. Anderson noted it was for D.13.(1). The motion only addresses the Fmsy proxies recommended in that report; not the implementation piece of the precautionary measures in that report. Motion 19 passed.

Mr. Anderson discussed precautionary measures mentioned in the SSC's report and in public testimony. We currently have precautionary measures that are part of Council policy (ie the 40:10 policy; - that species for stocks we have assessments on). We also have the 75:50 rule for partially or unassessed stocks - we would have to make some adjustments in that policy in order for it to be held neutral given the new Fmsy proxies vs. the old proxies. Relative to the risk adverse policies for assessed stocks below their MSY and for those that are underassessed, he would like to see the same level of precaution applied. For those stocks that are assessed and meeting or exceeding our Fmsy goals, do we want to apply additional precautionary measures on them? In the strategic plan, they are recommending that the OY be set below the ABC. This is for a buffer to maintain health of the resources. For the third category, those stocks that are meeting or exceeding our goals, he suggested the Council to consider that issue in conjunction with the strategic plan recommendations. He does not advocate waiting for the implementation of the strategic plan. For assessed stocks below the MSY goal, the 40:10 policy and the 75:50 rule should be adjusted downward to reflect a similar level of precaution.

Mr. Brown echoed Mr. Glock's comments. He explained the 40:10 policy. The MSY comes out of the stock assessment. The OY reduction of that line is relative to the biomass.

Dr. McIsaac, on the talk about the phase-in, absence any discussion by the Council, the new MSY rates would take place immediately. He encouraged the Council to consider that if they did not intend for the new MSY rates to be implemented immediately.

Mr. Boydstun said he thought he heard someone say that the stock assessments would have to be redone to apply this new proxy. Mr. Glock said there is no way to do the stock assessments (i.e., the ones done in the last two to three years). The GMT will look at past assessments to see if they have the information. For the stock assessments that do not have the information, you will have to probably apply the precautionary adjustments without the scientific calculations. For the stock assessments that do, that will take a little work to make the adjustments.



Mr. Brown, on talking about Dr. Jean Rogers work on the "remaining rockfish" category. He thought what was applied was the Fmsy 35% rate was applied.

Mr. Robinson cautioned about using the word "phase-in" - it is not consistent with the national standard guidelines. "Phasing in" must only be used in the context of whether or not we have the appropriate analysis and database to determine an accurate ABC based on the new Fmsy proxy. If there are technical reasons to phase in, it is defensible. For stocks that in bad shape, there may be technical difficulties in calculating them. It might be appropriate to take into account the uncertainty of an OY and set it below the ABC value, regardless of what proxy is used.

Mr. Anderson moved that relative to implementing the new  $F_{msy}$  proxy adopted for stocks for which current stock biomass is less than  $B_{40}$  implement the new  $F_{msy}$  proxy now; for stocks for which the current biomass is greater than or equal to  $B_{40}$  implement the new  $F_{msy}$  proxy after the next stock assessment. This applies starting with the 2001 management cycle. (Motion 20) Mr. Bohn seconded the motion. Mr. Brown asked is this for the 2001 cycle? Mr. Anderson said yes. Motion passed.

Mr. Anderson moved that the Council maintain the status quo percentage reduction for the remaining and other rockfish categories. (Motion 21) Mr. Boydstun seconded the motion. Motion passed.

#### **D.13.e. Discussion on 2001 Management Strategy**

Mr. Brown lead the discussion, reminding the Council about Dr. Alec MacCall's presentation last year, and that the default harvest rates were just reduced. We are already at a point that the trip limits are very small with unacceptable discard rates. With further reductions this year, we will probably need to shorten the fishing year. In the strategic plan we talk about the desirability of yearround deliveries to the processors. Year-round deliveries to the processors are a high priority, but individual deliveries made to the processors are not a high priority. We talked about options such as platooning. He offered an example that a 30% reduction in the shortspine thornyhead OY leaves us with 4,500 pounds a boat for the whole year. It's possible the lowest trip limit for a month is 4,500 pounds. We could be talking about that for deepwater next year. When you apply the the idea of platooning, we are talking about a system of allowing 17 boats a month to deliver. He would like to GMT to try to determine what an appropriate shortspine limit would be (they could use discard limit or pull it out of the air); determine what length of the season will be, apply that length to dover sole, longspine thornyheads, and sablefish to determine the appropriate limits - have that given to us in September. Also, he wanted to make sure that the industry understands we are not willing to continue to manage for high levels of discards. Next year we could be using a platooning approach, or a seasonal approach. He wants to put the fishing community on notice that the Council may be using untraditional management regimes.

Mr. Anderson concurred with Mr. Brown's points. He suggested that a small group get together and discuss the GMT's information. We need to have the best real options out for public review in September.

Mr. Brown said he actually would like to have an additional Council meeting. He would like to have us go a little bit further, with those reductions - there are substantial reductions and people are going to have to start planning for them. At the earliest opportunity when numbers start getting compiled, start getting them out there.

Mr. Bohn suggested a conference call to discuss the GMT's preliminary information as soon as it's available. We should try to do some things before we get to the September meeting.

Mr. Glock noted the next GMT meeting is August 14-18. The week before that we have two hearings on strategic plan.

Chairman Lone, on the allocation committee meeting in August, said this seems like another item to add to their agenda. Dr. McIsaac chimed in that it leaves the week prior to the Council meeting as the only other option.

Mr. Boydston said CDFG must identify issues and options to their commission by August 24, and suggested the ad-hoc group meet before then. Dr. McIsaac asked how critical is the GMT deliberations to the allocation issue? Mr. Brown spoke about having an industry meeting a week before the Council meeting. He envisioned it more for industry members and fishing community people, and the GMT analysis would be a jump start on the options - something that could be used to find out where we are.

Mr. Glock noted that currently there is one stock assessment author on the GMT; and suggested the Council tap into the SSC's resources as well. Dr. McIsaac noted that at a bare minimum we will have a Council Newsletter which will have some results of this particular agenda item. We will also have a brief statement on the website.

#### **D.14. Preliminary Feedback on the 2000 Stock Assessment Review Panel Meetings (Draft Stock Assessments for 2001)**

##### **D.14.a. Agendum Overview**

Mr. Glock reported there was no information available at this time.

##### **D.14.b. Comments of Technical Committees**

There were no comments from the committees, advisory entities, or public.

No Council action or discussion was taken on this agenda item.

#### **D.15. Fishing Capacity Reduction Measures**

##### **D.15.a. Agendum Overview**

Mr. Glock summarized the information and what Council actions were needed. He noted that Dr. Hastie could present his information to the Council.

Mr. Robinson noted that the strategic plan recommended implementing permit stacking in limited entry fixed gear for the 2001 season. With respect to a schedule for achieving this, Mr. Robinson said it would have to be ready by March or April of next year. It would be ideal to take have a draft package together for the September meeting and take final action in November, or approve the package to go out for public review in November with final adoption at the March meeting. Final action in April would be difficult to implement for the 2001 season.

##### **D.15.b. Comments of Advisory Bodies**

#### **GMT**

Dr. Hastie presented Supplemental GMT Report D.15. and Supplemental GMT Report D.15.(2).

##### **D.15.c. Public Comment**

Ms. Michele Longo Eder, F/V Nesika, Newport, Oregon  
Mr. Jack Crowley, Fishing Vessel Owners Association, Seattle, Washington  
Mr. John Crowley, Fishing Vessel Owners Association, Seattle, Washington

##### **D.15.d. Council Action: Initiate Process to Select Capacity Reduction Measures**

In a discussion on process, Ms. Cooney commented that the main issue determining the number of meetings required is the complexity of the issue. In general, plan amendments take longer than regulatory amendments.

Mr. Alverson moved (Motion 22) that the following recommendations be considered for permit stacking for the fixed gear sablefish fishery:

1. Sablefish in the current directed sablefish fishery and resulting mop-up fishery would be allocated to the program under which permit stacking is allowed.
2. Up to three fixed gear sablefish permits could be stacked on a given vessel, at least one of the permits would have to meet the existing length and gear requirements of that vessel.
3. Gear and length endorsements on permits would not be changed when permits are stacked (i.e. when unstacked the gear and length requirements would be the same as when the permits were stacked).
4. The fishery would extend over a number of months (the initial recommended season is April 1 thru October 31);
5. The privilege of catching sablefish in the directed sablefish fixed gear fishery would be for harvest only, not for processing.
6. The permit owner would be required to be onboard the vessel, however there would be an exception for those owning permits as of the time the program is established (provisions would be as per draft Amendment 8).

Mr. Boydston seconded the motion.

Mr. Alverson said this motion attempts to address a concern in Congress of excessive concentration. The unstacking provision in his motion provides the ability for people to sell-out and buy-in in smaller units. His desire was to take final action on this in November. The "harvesting-only-at-sea" provision is a trade-off which is similar to the Alaska system. It is intended to make sure the jobs for packaging and freezing sablefish remain shoreside. Without this, an at-sea processing regime could develop. The location of processing is a social issue. The owner-on-board provision is to keep the fleet owner-operated.

Following discussion of what constituted status quo and expression of concerns that a multimonth fishery might be classified as an IQ program (currently prohibited under the Magnuson-Stevens Act), it was agreed through friendly amendments that options for analysis would be included to: (1) require that once permits are stacked they cannot be unstacked (Fletcher); (2) not require that the owner be on board (Caito); and (3) maintain the current short season openings in order to avoid the individual quota designation (Fletcher). With respect to season length, it would be understood that if the ITQ moratorium is lifted the season length would be extended. Motion 22 passed.

Mr. Brown announced he would be consulting with members of the trawl fleet about capacity reduction issues - the same sort of considerations as far as the strategic plan is concerned. The trawl fleet is in a similar situation, and hopefully they may have something for the Council in September.

#### **D.16. Observer Program**

##### **D.16.a. Agendum Overview**

Mr. Glock reviewed Exhibit D.16.

##### **D.16.b. Comments of Advisory Bodies**

None.

##### **D.16.c. Public Comment**

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

**D.16.d. Council Action: Consider Formal Comment on the Federal Register Notice for Observer Program Regulations**

Mr. Brown asked about the notification process, where is it in the EA/RIR from NMFS?

Mr. Robinson said that the comments from Mr. Brown were on the draft proposed regulations. Mr. Brown and Mr. Robinson got into a discussion about the notification process. There were no more comments.

**4 P.M. PUBLIC COMMENT PERIOD**

Ms. Jennifer Bloeser, Pacific Marine Conservation Council. She spoke about a research cruise that she recently was on. She will then give a more in-depth report to the Habitat Steering Group in September. The idea was to look at habitat off Heceta Bank, Oregon. The research party will be able to collect data today and compare it with data collected ten years ago. Ms. Bloeser brought overheads for her presentation. She felt this cooperative research is helpful to the process. As the information gets analyzed she will be bringing the information to the Habitat Steering Group.

**E. Highly Migratory Species Management**

**E.1. Highly Migratory Species Management Agenda Overview**

Mr. Svein Fougner gave an overview of recent Inter-American Tropical tuna Commission (IATTC) activities. He noted that their scope of activities has broadened over the years both in terms of the range of issues covered and the length and complexity of meetings. Noted the letter (from Mr. Fougner to the Council) summarizing recent IATTC actions (Supplemental NMFS Report E.2.). He noted one issue of particular importance, i.e., a resolution on a regional fishing vessel registry, which calls upon the IATTC parties to provide detailed information about all of the vessels that fish for highly migratory species (HMS) in the convention area. It is his belief that to accomplish this, it may require a federal licensing program to cover the commercial vessels. This information may be useful to the Council in their management of HMS. Mr. Fougner also briefly described a recent court order pertaining to the Hawaii longline fishery, most notably closed areas, set number limits and the court's requirement of 100% observer coverage (upwards of 115 observers). He noted that NMFS was appealing to the court to reconsider some of these requirements. Potentially, if the court order is not eased, fishing vessels may move from Hawaii area to fishing off the West Coast and landing in West Coast ports.

Mr. Fletcher inquired about yellowfin fisheries closures affecting recreational fishermen in southern California. He asked about the yellowfin quota set by the IATTC and the December 2, 2000 closure date, was there discussion of recreational fishery management at the IATTC meeting. Mr. Fougner noted no, there was not.

Mr. Waldeck briefly went over the situation paper and documents in the briefing book.

**E.2. Update on Plan Development**

**E.2.a. Comments of Advisory Bodies**

**HMSPDT**

Mr. Steve Crooke summarized recent activities of the Highly Migratory Species Plan Development Team (HMSPDT) and the contents of the HMSPDT report (Supplemental HMSPDT Report E.2.).

Ms. Michele Robinson spoke to the Management Unit species (species that would be actively managed, would need MSY (or MSY proxy) and overfishing definition) in Appendix I of the HMSPDT Report.

Ms. Michele Robinson presented Appendix II, which focuses on consistency (or lack thereof) among state regulations relative to HMS.

Mr. Crooke reviewed HMSPDT discussion of whether bonito should be in the HMS FMP. They concluded that bonito does not belong in the plan because it is not an HMS species. He requested guidance from the Council about whether or not bonito should be in the HMS plan. He spoke about the plan outline and seeks guidance on additions or modifications. He next discussed the timeline for completing the HMS FMP, noting the Team's rationale for requesting an extension of 5-6 months. The Team requested guidance on changing the dates for submission of the initial draft (recommending the first draft be submitted in April 2001, and final in September 2001).

Ms. Robinson spoke to Supplemental HMSPDT Report E.2.(2) (i.e., revised Appendix V), which contains the management objectives for West Coast HMS fisheries.

Mr. Crooke noted that the HMSPDT discussed coordination with the Western Pacific Fishery Management Council and described coordination efforts. The HMSPDT also discussed HMS Advisory Subpanel (HMSAS) funding, noting that the HMSAS has been unable to schedule meetings of sufficient duration and frequency to provide the desired feedback and advice to the Council and the HMSPDT. He noted HMSPDT concern about adequate funding for HMSAS activities. The Team requested guidance from the Council on finding funds for the HMSAS.

Mr. Fougner asked Ms. Robinson about the option2 in the Management Unit species options provided, asking for clarification that this alternative covers the species that could potentially be in the FMP; noting that the actual list would depend on the fishing gears the Council chooses to regulate. He asked if it was the Team's intention to develop framework procedures for adding species to the list as gears were brought under management (for example, may start off with only albacore troll fisheries being managed, as other gear types added other species would be added to the Management Unit.) Ms. Robinson stated no, that was not the Team's intention. Ms. Robinson said if the Council decides to manage only one or more species as contained in option 3. Option 2 would either be the list [of species] that is there or something less than that. Under that option you could not add species to the list through a framework procedure, but through a plan amendment.

Mr. Fletcher asked about a need for recreational bag limits, especially for tuna species? Mr. Crooke said there was discussion about a uniform bag limit along the West Coast; e.g., Oregon's bag limit (25) or California's bag limit (1); but Team concluded that, biologically, there was no reason for a bag limit, thus, Team does not recommend inclusion of a bag limit. Mr. Fletcher inquired if the HMSPDT talked about utilization and wastage issues in relation to bag limits? The Team discussed it but concluded that waste was not a problem, and noted that it is a biological decision. Ms. Robinson then noted that if you put a daily bag limit on tuna, some recreational fisherman may see that as a target, rather than a limit, causing recreational fishers to catch more.

Mr. Fougner asked if California restricts purse seine fishing (for tuna) to outside of three miles or are there areas where it is allowed inside of three miles. Mr. Crooke said currently you could fish for bluefin; there are some general closures i.e., Santa Monica Bay. Mr. Fougner said you should itemize those purse seine fishing restrictions, to provide information about potential gear conflicts.

Mr. Fletcher in response to Ms. Robinson's comment about bag limits, noting concerns in California that without a daily bag limit, fisherman are coming in with 25 to 50 albacore per fishermen, and questioned whether that was an appropriate use of the resource.

Mr. Brown noted that the HMSAS disagrees on the option of Management Unit species to include, the Panel does believe there is not enough information. Ms. Robinson, with regard to calculating a biological based MSY, options 2 and 3 contain all species for which we believe sufficient data exists to calculate MSY. There are some species listed in option 1 that we do not have sufficient data to calculate an MSY - the team is exploring options available relative to calculating MSY (e.g., utilize some catch data to formulate an MSY proxy). She noted that WPFMC stated "unknown" for MSY for species they could not calculate MSY. The

team is comfortable with having option 1 as its preferred alternative even though, for some species, information is not available to calculate a biological based MSY.

Mr. Roth, on the last bullet of management objectives, asked that the Endangered Species Act, Marine Mammal Protection Act, and the Migratory Bird Treaty Act (MBTA) be added to the outline.

## HMSAS

Mr. Peter Flournoy presented the HMSAS report.

*The Highly Migratory Species Advisory Subpanel (HMSAS) met from 10 a.m. until 5:30 p.m. on June 29, 2000 to consider the "Statement to the Pacific Fishery Management Council by the Highly Migratory Species Plan Development Team, June 30, 2000" and its five appendixes. In the interests of time, this report does not summarize the HMSAS's complete discussions on all the Agenda Items.*

*Rather, the HMSAS'S report focuses primarily on responding to requests by the Highly Migratory Species Plan Development Team (HMSPDT) for Council guidance as set forth on page 4 of the HMSPDT's report, and the format below corresponds to that order.*

### *a. Choice of Species to Include in the Management Unit (Appendix I).*

*Majority View After a discussion of the five options presented by the HMSPDT, the HMSAS chose to recommend to the Council Option 3, rather than the HMSPDT's preferred Option 1. A motion was made and defeated which would have approved Option 1, with the addition of dolphin fish to the list of management unit species. The vote was 5 to 6 with the Chair breaking the tie vote. One member of the HMSAS argued forcefully for the inclusion of dolphin fish based upon their importance as a target of the recreational fishery.*

*Minority View Dolphin fish is part of a multi-species "suite" that is targeted by recreational fishermen. Some of these species occur in U.S. waters only for brief periods during particularly warm oceanographic conditions. Such species include some tunas, as well as striped marlin and dolphin fish. Dolphin (*Coryphaena hippurus*) were excluded by the HMSPDT under various options, because there are not enough data to calculate an maximum sustainable yield (MSY), and the species was not included in the White Paper. To exclude dolphin fish, simply because it was not included in the White Paper, or because there is an apparent lack of biological data, is irresponsible and inconsistent with the inclusion of the rest of the "suite". Additionally, with the development of fishing on fish aggregating devices (FADs) to reduce porpoise mortalities, dolphin fish have been caught in increasing numbers, perhaps providing enough data to incorporate in MSY estimates.*

*Majority View A motion was made to recommend Option 3, and it passed 5 to 4. The majority of the HMSAS believed that since including a species in the management unit required by law the calculation of an MSY and a definition of overfishing for that species, that no species should be included in the management unit which did not meet the criteria "sufficient data exists to calculate a biological-based MSY." The majority argued that the species of big eye thresher, common thresher and pelagic thresher shark, and mako sharks should be excluded from the management unit, because a biological based MSY could not presently be calculated. Some members of the majority were concerned that a non-biologically based MSY could create an unrealistic picture of the status of the fishery.*

*Minority Views Our concerns are the following:*

- *The option recommended by the HMSAS excludes a number of species, particularly sharks, that are the target of significant commercial and recreational fisheries within the Pacific Council area.*
- *These excluded species of sharks are particularly vulnerable to over fishing due to their life history characteristics. These characteristics include slow growth, relatively old age at first-maturity and very low fecundity.*

- Whereas many of the management unit species included in the Subpanel's recommended option are incidentally caught in US waters, the excluded species have geographic distributions that are well represented in US waters under the jurisdiction of this Council.

The concerns expressed by the HMSAS members in support of limiting the management unit relate to current gaps in information available to do biologically based MSY estimates. The minority view supports the preferred alternative of the Council's HMSPDT that enough information exists to identify sustainable harvest levels for thresher and mako sharks. It would be irresponsible for the Council to adopt a management unit that does not include all species targeted in the highly migratory species (HMS) fisheries. The HMSAS's recommendation is in direct opposition to both the HMSPDT and the Council's decision to support the recommendations from the original "White Paper." Failure to include these species in the management unit runs the risk of repeating a groundfish-like scenario.

*b. Consistency of Commercial and Recreational Regulations (State) (Appendix II).*

Appendix II runs several pages in length with a series of status and options or team recommendations:

*Recreational Fishery:*

*Licenses - The HMSAS agreed with the recommendation to have Washington add albacore to the species requiring a recreational fishing license. (7)<sup>1</sup>*

*Seasons - The HMSAS agreed with the recommendation not to recommend any changes. (7)*

*Daily Bag Limit - The HMSAS agreed with the recommendation not to recommend any changes. (7-8)*

*Possession Limit - The HMSAS agreed with the recommendation not to recommend any changes. (8)*

*Minimum Size Limit - The HMSAS agreed with the recommendation not to recommend any changes. (8)*

*Fishing Gear - The HMSAS agreed with the recommendation not to recommend any changes. (8)*

*Prohibited Species - The HMSAS agreed with the recommendation that Oregon and Washington prohibit the take of white sharks, but went further and recommended that Oregon and Washington also prohibit the taking of basking sharks. (8)*

*Logbook Program For Charter Boats - The HMSAS disagreed with the HMSPDT's recommendation that Oregon institute a voluntary log book program, and instead recommended the Council instruct the HMSPDT to develop a standardized federal logbook program which could be used in all three states. (8-9)*

*Commercial Fishery*

*Licenses - The HMSAS disagreed with the HMSPDT that no changes should be recommended and instead recommends that the Council direct the HMSPDT to develop one federal license, permit or other similar document which would apply to all HMS fisheries (commercial, commercial sport, recreational, native American) conducted by U.S. flag vessels inside the U.S. exclusive economic zone (EEZ) and/or outside the U.S. EEZ and/or on the high seas. (9)*

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<sup>1</sup>The number in parentheses indicates the page in the Development Team report where the Team discusses the matter.

*Seasons - The HMSAS deferred comment on this item until after the HMSPDT has considered management options at its next meeting. (9)*

*Fishing Gear – A proposal was submitted by a HMSAS Commercial At-Large member, asking the HMSAS to make a recommendation to the Council to direct the HMSPDT to consider permitting pelagic long line fishing within the U.S. EEZ off the West Coast. After a lengthy discussion, the HMSAS recommends the Council direct the HMSPDT to consider longline gear as an alternative gear type. The HMSAS also recommends the HMSPDT be directed to identify alternatives that would create greater consistency in West Coast HMS license and permit regulations in response to the four concerns it had set forth. (9-10)*

*Species Specific Regulations Including Prohibited Species -The HMSAS agreed with the recommendation that Oregon and Washington prohibit the take of white sharks, but went further and recommended that Oregon and Washington also prohibit the taking of basking sharks. (10-11)*

*Wastage and shark Finning - The Subpanel disagreed with the Team that no changes should be recommended and instead recommends that the Council instruct the Team that the prohibition of finning without landing the carcass of the species should be prohibited in any alternatives developed. (11)*

*Far Offshore Fishery - The Subpanel disagreed with the Team that no changes should be recommended and instead recommends that the Council instruct the Team to identify alternatives that would create greater consistency in west coast HMS license and permit regulations in this area. (11)*

*Experimental, Emerging, or Developmental Fishery - The Subpanel disagreed with the Team that no changes should be recommended and instead recommends that the Council instruct the Team to include experimental fisheries as part of one or more management alternatives. (11-12)*

*c. Whether the CPS FMP or HMS FMP should Include bonito (Page 2 of Team Report).*

*Given the timing of the current CPS amendment process the Council should give timely consideration to adding bonito to the CPS FMP.*

*d. Proposed Outline (Appendix III).*

*The Subpanel had no comment on the proposed FMP outline.*

*e. The Plan Development Schedule (Appendix IV).*

*The Subpanel agrees with the Team recommendation to delay submission of the first draft of the FMP to the Council until the economic studies of the albacore fishery and the swordfish fishery are completed so that information may be included.*

*f. The Management Objectives (Appendix V).*

*The Team indicated to the Subpanel that this Appendix was an early draft and requested comments. The Subpanel suggested some language additions which the Team indicated they would consider in the next draft.*

*g. Funding and Scheduling of Advisory Subpanel Meetings.*

*The Subpanel agrees with the Team recommendation that the Council, either through its budget or through the budget of the Southwest Region of the National Marine Fisheries Service, provide funding for more frequent and longer meetings of the Subpanel in order to meet the work load which will be increasing as the Team proceeds with its draft of the FMP. To this end the Subpanel*



*requests that the Council provide for a meeting of the HMS Advisory Subpanel starting at 1:00 P.M. Wednesday September 13th, lasting until 6:00 P.M., and a meeting on Thursday September 14th starting at 8:00 A.M. and continuing until 6:00 P.M. with the HMS Agenda Item scheduled for Friday September 15th.*

*Finally, in a hard fought battle, Peter H. Flournoy and Wayne Heikkila were re-elected as Chairman and Vice-Chairman.*

Mr. Fletcher asked Mr. Flournoy if the HMSAS discussed changes to daily bag limits? Mr. Flournoy noted that the discussions were basically the same as what came out of the HMSPDT recommendations (no biological reason for a bag limit). In addition, there were health and accountability concerns raised. Mr. Fletcher said that he assumes that there would be a framework in place for that would allow changes (such as bag limits) as part of routine management (i.e., requiring a two meeting process, rather than plan amendment).

Ms. Wolf asked for clarification about the HMSAS recommendation pertaining to wastage and shark finning, *"the prohibition of finning without landing the carcass of the species should be prohibited in any alternatives developed."* This should read "finning without landing the carcass of the species should be prohibited in any alternatives developed." Mr. Flournoy concurred with that correction.

Mr. Brown asked about purpose of the recommendations for a charterboat logbook program. Is it simply to get landings data or to record area fished as well? Mr. Flournoy responded that to adequately manage the fishery would need logbook information from all sectors.

Mr. Fougner inquired about the HMSAS reference to "far offshore fisheries," and asked for clarification about current inconsistencies in state regulations pertaining to far offshore fisheries. Not certain, but appeared there were inconsistencies so it was included.

Mr. Brown asked about experimental fishery provisions, how does the HMSAS mean "to include them?" Mr. Flournoy noted there should be some provision in the FMP to provide for an EFP and developmental fisheries.

Dr. McIsaac asked about funding and scheduling of HMSAS meetings. He noted that Mr. Flournoy's initial comments were for the Council members to come to the HMSAS meetings for informational purposes. Would scheduling the HMSAS meeting for Monday during the week of the September Council meeting provide for Council members to attend the HMSAS meeting. Mr. Flournoy noted that week of the September meeting there is a conflict of the IATTC meeting work group as well; but felt that Dr. McIsaac's suggestion was doable.

Mr. Fletcher asked about the conflict on Management Unit species. The team said that the list they came up with (the preferred option) would work. The Panel discussed it at length, including consistency with the WPFMC's pelagic species FMP, recognizing that some species are included in their plan without an MSY value. The HMSAS did not believe that NMFS would find acceptable the inclusion of species in the management unit without an MSY specification.

#### **E.2.b. Public Comment**

Mr. Wayne Heikkila, Western Fish Boat Owners Association, Eureka, California  
Ms. Andy Oliver, World Wildlife Fund, Washington, DC  
Mr. Bob Osborn, United Anglers of Southern California, Lakewood, California  
Mr. Doug Fricke, Washington Trollers Association, Hoquiam, Washington  
Mr. Peter Flournoy, American Fisherman's Research Foundation, San Diego, California  
Ms. Kate Wing, Natural Resources Defense Council, San Francisco, California  
Mr. Chuck Janisse, Federation of Independent Seafood Harvesters, Ventura, California

### **E.2.c. Council Discussion and Guidance**

Mr. Waldeck reiterated that Council action was to provide direction and guidance to the HMSPDT and HMSAS. Chairman Lone stated that he preferred motion relative to Council guidance and direction be made.

Ms. Wolf asked the HMSPDT to elaborate on the consideration of bonito in the HMS FMP, and how they reached their decision. Ms. Robinson stated the Team has spent a considerable amount of time discussing the species to include in the Management Unit. Based on their discussions and input from the constituent groups, the Team developed a set of criteria to include/exclude. The primary criteria used is that the species be designated as an HMS (by definition in Law of the Sea – Annex 1, or Magnuson-Stevens Act). By setting this as the primary criteria, it allowed them to narrow down the species to include. Specific to bonito, the team reached consensus that it is an important recreational species and that it should be included in one of the Council's FMP. In determining whether bonito be managed under the HMS or CPS FMP, the Team concluded bonito did not meet the definition of HMS, and the stock by nature is not highly migratory. That is, it is a transboundary stock, occurring between southern California and Mexico; the species does not occur in Washington, Oregon, or northern California. The Team believes it belongs in the CPS plan.

Mr. Brown, on whether or not the Team has the ability to set an MSY for the shark species; do you have the ability to set a proxy for MSY? Dr. Squires said those guidelines come from the NMFS guidelines (Restrepo et al.) and the Magnuson-Stevens Act, specifically, MSY proxies could be based on landings data. Specific to common thresher shark, biologists are confident a biologically based MSY could be determined. The other sharks listed in Management Unit species option 1, if not a biologically based MSY, a landings based MSY proxy could be used. Also, David Au (HMSPDT) has come up with an alternative approach. The shark biologists have enough confidence that they could come up with something reasonable.

Mr. Fletcher asked them on their consideration of dolphin fish. Mr. Croke said after meeting with the HMSAS, they are comfortable adding that species to Management Unit option I.

Emphasizing that the Council was not foreclosing future decisions or other management alternatives, Mr. Fougner moved that the Council provide the following guidance (which follows Supplemental HMSPDT Report E.2.) to the HMSPDT (Motion 24):

1. For the management unit, include the following species: albacore tuna, bigeye tuna, bluefin tuna, skipjack tuna, yellowfin tuna, blue shark, bigeye thresher shark, common thresher shark, pelagic thresher shark, mako shark, striped marlin, swordfish, and dolphin fish (dorado);
2. For state regulations, use the HMSPDT recommendations, but also evaluate:
  - a. the potential for state area restrictions for purse seine fishing to prevent user conflicts;
  - b. the potential for allowing longline fishing in the U.S. Exclusive Economic Zone, particularly as an alternative to drift gillnet gear;
  - c. coastwide prohibition on landing shark fins without carcasses;
  - d. provisions for experimental and developmental fisheries (i.e., exempted fishing permits);
  - e. coastwide log books for the commercial and recreational (charter boat) fleets.
3. For the FMP outline, use the HMSPDT recommendations; but also include consideration of the Migratory Bird Treaty Act;
4. For the FMP schedule, revise current schedule, specifically, the Council adopted an extension in the schedule of approximately five months;
5. For Management Objectives, as recommended by the HMSPDT in Supplemental HMSPDT Report E.2.(2).

Mr. Anderson seconded the motion.

Ms. Wolf asked if bonito was to be included in the Management Unit? Mr. Fougner said that bonito is not included in the Team's recommendations, therefore, it is not included in the motion. Ms. Wolf concurred.

Mr. Brown said he will vote for the motion, but is concerned about the MSY determination for some of the species in the Management Unit.

Mr. Fletcher asked for clarification on allowing pelagic longline gear in the EEZ – is it your intention to limit consideration of the use of longlines to using the gear as an alternative to drift gill nets? Mr. Fougner said (following the recommendation of the HMSAS) longline gear was to be included for evaluation; he is not suggesting that the FMP would address longline fishing outside of the U.S. EEZ. Mr. Fletcher said the issue then is limited to consideration of using longline gear as an alternative to the existing drift gill net gear. Mr. Fougner said yes.

Mr. Anderson, relative to Mr. Fletcher's point, longline gear would be considered as gear targeting on swordfish and shark? Mr. Fougner expected that the longline fishery would be targeting on swordfish and shark, and could possibly be used to target other species such as bluefin tuna. Motion 24 passed.

Mr. Flournoy pointed out to the Council that the Council had acted on information that was not given to the HMSAS. He expressed his disappointment.

Mr. Fougner spoke to the matter of funding. With the change in plan development schedule, money could be available for additional HMSAS meetings.

## **F. Coastal Pelagic Species Management**

### **F.1. Coastal Pelagic Species (CPS) Management Agenda Overview**

Mr. Dan Waldeck summarized the agenda item.

### **F.2. Exempted Fishing Permits to Harvest Anchovy in Closed Area**

#### **F.2.a. Summary of Applications**

Mr. Fougner presented the exempted fishing permit (EFP) from Mr. Michael McHenry. The application is identical to the one approved last year with conditions.

#### **F.2.b. Comments of Advisory Bodies**

#### **CPSMT**

This report of the Coastal Pelagic Species Management Team (CPSMT) was made available to meeting attendees.

*The Coastal Pelagic Species Management Team (CPSMT) reviewed the exempted fishing permit (EFP) application to fish for Northern anchovy in the District 10 closed area off San Francisco, California. While the CPSMT supports issuance of the EFP, the CPSMT stresses the importance of closely monitoring this fishery. Concerns about protected species (e.g., marine mammals and salmon) and the possibility of user group conflicts (i.e., between commercial and recreational fisheries) warrant requiring at-sea observer coverage and other management measures to record bycatch. The primary reason the CPSMT supports issuance of this EFP is the opportunity it provides to document (at-sea) bycatch in roundhaul fisheries. This information, if collected, will be important in assessing the adequacy of current bycatch management measures under the coastal pelagic species fishery management plan.*

### **F.2.c. Public Comment**

Ms. Heather Munro, West Coast Seafood Processors Association, Portland, Oregon

Ms. Karen Reyna, Pacific Ocean Conservation Network/Pt. Reyes Bird Observatory, Arcata, California

### **F.2.d. Council Action: Permit Recommendations to NMFS**

Ms. Wolf moved that the Council adopt the EFP with the following conditions added to the permit:

- due to concern about bycatch of small salmon, the entire catch be observable at offloading;
- add white seabass and barracuda to the list of prohibited species; and
- advise the applicant that a permit from the California Fish and Game Commission will also be needed to harvest anchovies. (Motion 25) Mr. Fletcher seconded the motion.

Mr. Fougner said that the specific conditions from last year need to also be included in the motion. Ms. Wolf agreed, and reviewed the restrictions placed on last year's permit: observer onboard at all times; if three salmon harvested during a trip, cease fishing for one day, no more than 15% by weight of any landing of anchovy may be Pacific sardine, all prohibited species alive on capture must be returned to sea unharmed as quickly as practicable; all fish determined to be alive on deck will be returned to sea; avoid bycatch; rigid grate over hold opening; prohibited species that are dead must be retained and landed, but can not be sold; prohibited species will be set aside as per state guidelines; and not more than 1,500 mt of Northern anchovy may be harvested unless approved by Regional Administrator. Ms. Wolf also added that the permit should be valid for one year from date of signature; excluding the month of July.

Mr. Thomas was not in favor of the motion. The area was closed because of concern over the incidental catch of Sacramento salmon, which (as juveniles) forage in this area. These salmon are listed under the Endangered Species Act. Mr. Thomas noted that the Gulf of the Farallon Islands is a very special area for these fish. He expressed his concern about forage prey items; noting that this area is an ecological area that provides for these fish, which are Sacramento winter run fish. He noted that recreational interests rely upon these salmon. The application states there is an astronomical amount of anchovies in the area; reality is that, in 1999 there were not enough anchovy to use the EFP. Had there been sardines present, there would have been no forage. Having no forage is a tremendous loss to the other resources that depend on them.

Dr. Radtke noted that this fishery did not take place last year because the price was too low. If there is no economic reason for carrying this out, he has no reason to vote in favor of the permit.

Mr. Anderson asked Ms. Wolf if she could explain what the benefits will be from this EFP? Ms. Wolf said the CPSMT statement noted there is potential for bycatch information to be collected. Mr. Anderson asked what types of quantities is the live bait fishery taking currently? Ms. Wolf about 5,000 tons, relatively low.

Mr. Roth concurred with Mr. Thomas comments on the issue; that this area is important for forage area for seabirds.

Mr. Anderson asked if there was a way to derive the same information from getting it from the current bait fishery? There could be, but no program currently set up.

Chairman Lone asked Mr. Fougner are there a lot of immature salmon out there that would be taken in this fishery? Mr. Fougner said he did not know. Mr. Alverson said we acted on this last year, was there information derived about bycatch? Ms. Wolf said there was no fishing, the permit was not utilized. Mr. Caito said it was also due to the permittee not being able to obtain an observer. He also suggested that it might be simpler to obtain an observer. Chairman Lone, on the small salmon issue, will those be quantified in some fashion? Can an observer tell a three inch salmon from a three inch anchovy? Mr. Fougner said that this would be addressed by the conditions on the permit - the unloading of the fish would have to be examined carefully.

Chairman Lone asked for the roll call vote on motion 25. Mr. Caito and Mr. Fougner abstained from the vote. 5 yes, 6 no, 2 abstentions, 1 absent. Motion failed.

### **F.3. Pacific Mackerel Harvest Guideline and Other Specifications for 2001**

#### **F.3.a. Agendum Overview**

Mr. Waldeck noted an error on the agenda, the action is that the Council will be approving the harvest guidelines for 2000-2001 Pacific mackerel fishery. He also noted that the CPS SAFE document was available.

#### **F.3.b. Comments of Advisory Bodies**

##### **CPSMT**

Dr. Kevin Hill gave a presentation on the Pacific mackerel harvest guideline. Biomass of fish age 1 and over for the whole stock as of July 1, 2000 and is estimated to be 116,967 mt. Based on the formula in the FMP, a harvest guideline of 20,740 mt was recommended for the 2000-2001 fishing season.

Ms. Wolf asked about the harvest rate rule in the FMP, which is the same formula that California Department of Fish and Game used prior to implementation of the CPS FMP. She recalled that the CPS FMP with respect to sardine has an improved harvest rule that incorporates items such as temperature and environmental conditions. Is there similar information that exists for mackerel, e.g., relationship between temperature and recruitment? Dr. Hill said he does not believe there has been any of that work done, there has not been a strong relationship demonstrated between temperature and long-term recruitment. He noted that, in theory, it makes sense to incorporate some environmental availability in the model and/or the harvest formula. But he noted that there have not been studies of this type since the work done by Dr. MacCall in 1985, which is the one used in the assessment.

##### **SSC**

*Dr. Kevin Hill of the California Department of Fish and Game presented the Scientific and Statistical Committee (SSC) with a summary of the status of the Pacific mackerel resource in 1999 and recommendations for the fishery in 2000-2001.*

*Evidence from model estimates of biomass indicate the population is in a downward trend. Recruitments have been low for nearly 20 years, and the downward trend in abundance is expected to continue as long as present environmental conditions persist. Harvest guidelines (HGs) were derived from a formula specified in the coastal pelagic species (CPS) fishery management plan. If the formula performs as expected, the HG will allow for stock rebuilding, depending on environmental conditions. Based on our summary review, the SSC supports the Coastal Pelagic Species Management Team's (CPSMT) recommendation regarding the 2000-2001 HG.*

*The SSC also discussed the utility of establishing a formal outside review process for CPS stock assessments. The SSC recommends the agencies and CPSMT consider developing a set of options that describe how such a review process could be implemented. The process would not necessarily need to be modeled after the relatively intensive Stock Assessment Review (STAR) Panel process used for groundfish. The process might, for example, involve the periodic assembly of an outside review panel to review modeling procedures for multiple CPS species at the same time, rather than an annual stock assessment review cycle.*

##### **CPSAS**

Mr. Royal noted that they support the recommendations of the CPSMT and SSC. He also requested that the CPSAS meet on Monday of the September Council meeting.

Mr. Fletcher noted he saw tremendous catch of mackerel in 1998 in Ensenada, but a lot less in 1999 - what caused that – economics or availability? Mr. Royal noted that it was probably due to availability of the resource.

#### **F.3.c. Public Comment**

None.

#### **F.3.d. Council Discussion and Guidance**

Ms. Wolf moved that the Council adopt the final harvest guideline for Pacific mackerel of 20,740 mt for the 2000-2001 season based on a biomass estimate of 116,967 mt. (Motion 26) Motion passed.

The Council directed the CPSMT to consider the SSC's advice and recommendation to develop a set of options for a review process for the mackerel assessment procedure, suggesting the CPSMT bring forward recommendation in November. Dr. Hill noted they will continue to develop discussions on the review process. It is his sense that within NMFS and CDFG, there will be active discussions on the topic of CPS stock assessment review.

#### **F.4. Pacific Sardine Harvest Guideline Suballocation**

##### **F.4.a. Agendum Overview**

Mr. Waldeck reviewed the issue of suballocation of the sardine harvest guideline to areas North of California.

Mr. Bohn expressed to the Council the concern that was being voiced by sardine harvesters and processors based in Oregon, especially the way the allocation is currently set. The concern is that, in years of lower abundance, the sardine quota could be harvested before northern harvesters and processors had opportunity to participate. ODFW committed to developing a proposal (see Attachment F.4.a – June 2000), which was submitted to the CPSMT for review for technical merit. ODFW proposal recognizes that at current biomass levels, there would not be a problem. However, if the biomass were to decline in the future, the fisheries in the North could be excluded. Another alternative that could possibly accomplish the same thing would be to delay the start of the season. Mr. Bohn suggests keeping this as an item for the CPSMT to review at a future date; he would like to have a system ready to go well before a problem develops.

##### **F.4.b. Comments of Advisory Bodies**

#### **CPSMT**

Dr. Hanan presented Supplemental CPSMT Report F.4.

*The Coastal Pelagic Species Management Team (CPSMT) reviewed the proposal submitted by Mr. Burnell Bohn of Oregon Department of Fish and Wildlife to establish a separate allocation of the Pacific sardine harvest guideline for the U.S. west coast area north of California. The team recommendation was to defer this consideration because the fishery management plan has only been implemented for a few months. Another consideration for deferring this type of change is that no actual problems have been experienced and we can only speculate on potential problems. The team recommends that we continue with the current plan, at least through the first year, to see if any allocation problems are identified.*

#### **CPSAS**

Mr. John Royal commented the CPSAS concurs with the recommendations of the CPSMT.

##### **F.4.c. Public Comment**

None.

#### **F.4.d. Council Action: Consider Suballocation of Harvest Guidelines for Northern Fisheries**

Mr. Brown noted that in terms of action for today, he agreed with Mr. Bohn that action was not necessary at this time. However, he took issue with the CPSMT contention of waiting until a problem was identified. He noted that it is far better to address problems before they happen, not after. On this issue, we can predict, based on indications that the climate regime is shifting, that a shrinking of the biomass (less availability in the North) will occur. He is certain that problems will develop as the industry grows in Oregon.

Mr. Anderson is concerned about this issue: 1) when the Council developed their strategy for managing sardines they were careful to recognize the forage factor of sardines – if we set up the harvest allocation disproportionate to the resource distribution, we end up losing the value of that strategy that accounted for the forage needs of the system (noting that we do not have good information on the distribution of the resource); and 2) fisherman based in Washington not be precluded from participating in the fishery – to that, he shared ODFW's desire to bring this issue before the Council. Mr. Anderson recounted the effort spent in Washington developing a sardine fishery; but were able to develop a quota fishery. The reason Washington put a quota on their fishery was to maintain the integrity of the forage fish value. He asked California to give considerations to adjusting the seasons or holding a proportion of the quota until (for example) May 1, this would ensure Washington and Oregon fisherman have a reasonable opportunity to participate in the fishery. Mr. Anderson was supportive of Mr. Bohn's and Mr. Brown's discussions.

Ms. Wolf asked Ms. Cooney about what would be required to make changes to the allocation and/or season dates, would it require a plan amendment? Ms. Cooney recalled that for suballocations, the Council could use a framework process (two meeting process). For the allocation currently in the plan (e.g., 66% / 33%), it would take a plan amendment. She noted that first the Council needed to determine what is the best way to address the problem, then determine what type of action would be required; adding that, any of these would require some sort of rulemaking.

Mr. Bohn asked about when the Council would review the next Pacific sardine stock assessment. Mr. Waldeck noted that this would be presented in November, with the expectation of a January 1 fishery opening.

The Council directed the CPSMT to analyze several items related to this issue: 1) seasonal distribution of the Pacific sardine stock along the West Coast; 2) sub-allocation options proposed by the Oregon Department of Fish and Wildlife; and 3) the effects of delaying the start of the sardine fishery. Because information about the northern component of the sardine stock is sparse, the Council also requested a review of catch data to assess how much of the northern part of the harvest guideline is taken from January through May. This historical perspective of the amount harvested during the first five months of the fishery could be a basis for establishing a seasonal adjustment to the northern harvest guideline (i.e., limit the amount available during the first five months of the fishery). The results of this analysis will be presented at the November meeting.

Mr. Waldeck asked the CPSMT to acknowledge they understood Council direction and that November is a practical target.

Dr. Hanan reminded Council that the assessment model is a two-area model (the area we do not know about is the area to the North. For the November meeting, the CPSMT could look at landings, review the technical merits of the proposal, and analyze seasonal adjustments. He noted that during development of Amendment 7 there was concern about "hatching" times of sardine. Therefore, delaying the season opener could increase pressure on younger fish. They will also review landings along the coast by month.

#### **F.5.CPS Finfish Limited Entry Permit Issues: Capacity Goal and Squid Permit Transferability**

##### **F.5.a. Agendum Overview**

Mr. Waldeck reviewed the situation paper and summarized the following Council direction to the CPSMT from the March 2000 meeting:

The Council directed the Coastal Pelagic Species Management Team (CPSMT) to analyze several issues related to limited entry and permit transferability:

1. Establish a goal for the Coastal Pelagic Species (CPS) finfish fishery (i.e., what should the fishery "look like" in terms of the number of vessels and the amount of capacity).
2. Establish a procedure (with criteria) for issuing new permits after the goal is attained and if the fishery becomes under-utilized.
3. Evaluate the pros and cons of extending the current permit transfer window to allow consideration of the non-transferability of California's market squid permits; under two scenarios, (1) basic extension of the transferability deadline, or (2) extension of transferability contingent on holding a California market squid permit.
4. Develop mechanisms for achieving the goal.
5. Transferability of permits after the goal is achieved; under two scenarios – on achieving goal, (1) all permits (including new permits) are freely transferable, or (2) new permits (i.e., those issued after goal is achieved) would have restricted transferability.

Mr. Waldeck noted for the Council that if they wanted to modify the limited entry permit transferability, the Council would need to direct the CPSMT to initiate development of an FMP amendment.

#### **F.5.b. Comment of Advisory Bodies**

##### **CPSMT**

Dr. Hanan presented the CPSMT Report (Supplemental CPSMT Report F.5., June 2000):

*The Coastal Pelagic Species Management Team (CPSMT) discussed the issue of the current coastal pelagic species (CPS) limited entry permit transfer period (January 1, 2000 through December 31, 2000) and the conflict with the State of California's market squid fishing permit moratorium and prohibition of transfer except for loss of vessel or major mechanical breakdown. Because many of these vessels are also used to fish under the Council's CPS FMP, the team considered several options to alleviate this conflict:*

- 1) *status quo (no change in the closing date for transfer of CPS permits, i.e., December 31, 2000);*
- 2) *extend the current transfer window for one, two, or three years;*
- 3) *extend the current transfer window until California has implemented a market squid FMP;*
- 4) *extend the current transfer window until the Council has established a capacity goal for the CPS fishery, which will be defined and selected at a later date.*

*The team supports option 2, and recommends an extension of two years from the current closing date.*

*As noted, the current deadline for limited entry permit transfer is December 31, 2000. If the Council chooses to extend this period, an amendment to the CPS FMP will be required. For this amendment to be in effect January 1, 2001, the Council will need to take preliminary action on the plan amendment at the September Council meeting and final action at the November meeting. The alternatives presented in this report are CPSMT recommendations. If the Council chooses to take up the issue of extending the permit transfer period and directs the CPSMT to develop an amendment to the CPS FMP, the Council may choose to move these options forward, modify these options, and/or add additional options.*



Ms. Wolf asked if the CPSMT considered not extending the current transfer period at this time, but revisiting the issue when transferability of California state squid permits was resolved and the two could be considered together. The point being, that even if the CPS permit transfer window were extended, California's squid permit transferability will not have been resolved. Dr. Hanan noted that would be included in option 3.

## **CPSAS**

Mr. Royal reported that the CPSAS still takes the stance that there be no limitation on time period for permit transferability.

### **F.5.c. Public Comment**

Ms. Heather Munro, West Coast Seafood Processors Association, Portland, Oregon

### **F.5.d. Council Action: Definition of Capacity Goals, Mechanisms to Achieve Goals, and Squid Permit Transferability**

Ms. Wolf moved that the Council not extend the window of transferability. This means to wait to consider the issue of transferability until the CPSMT is finished with their work. Seconded by: Mr. Anderson. (Motion 27) To the motion, Ms. Wolf discussed another alternative for the CPSMT to consider. That is, not extending the transferability window period at this time, waiting until the CPSMT completes the Council's assignments, including developing a capacity goal. This work hinges on the economic analysis Dr. Herrick is developing. At that time, when the information is available, then reconsider the issue of transferability for CPS limited entry and California state squid permits. This would allow the CPSMT to address capacity issues, allow California to develop its squid plan; the Council then could reconsider transferability of CPS permits. Waiting until after the capacity analysis is complete would provide a basis for determining transferability alternatives.

Ms. Wolf continued, noting her concerns about the extending the window of transferability. That is, it could affect the work the CPSMT is involved in now for capacity reduction as well as affect Dr. Herrick's work.

Mr. Alverson asked if the current transferability provisions did not constrain the size of a vessel to which a permit could be transferred? Ms. Wolf answered yes. Mr. Alverson said he is concerned about the potential upgrade in capacity and it would be better to wait, readjust if necessary in the future. Motion 27 passed.

Mr. Brown noted that in the situation paper, there was a mention of establishing procedures for issuing new permits after the capacity goal is achieved. He suggested to the team that permits issued after goal is achieved would have restricted transferability. For example, new permits would be valid for a limited time (2-3 years) and would be non-transferable. He asked the team to explore that option.

## **F.6. Status of CPS Fishery Management Plan (FMP) Amendments for Bycatch and Market Squid MSY, Acceptable Biological Catch, and Tribal Fishing Rights**

### **F.6.a. Agendum Overview**

Mr. Waldeck briefed the Council on the agenda item, noting that this plan amendment was developed to address certain parts of the CPS FMP that were disapproved by NMFS -- bycatch and MSY/ABC for market squid. He noted that Mr. Jim Morgan would provide an overview of Amendment 9 and the CPSMT (Dr. Hanan and Ms. Marci Yaremko) would review the section pertaining to market squid MSY and ABC.

### **F.6.b. Comments of Advisory Bodies**

## **CPSMT**

Mr. Jim Morgan (NMFS/SWR) briefed the Council on the contents of Amendment 9 (Supplemental Attachment F.6.a., June 2000).

Dr. Hanan and Ms. Yaremko (CPSMT) provided a detailed briefing on Section 5 of the Amendment pertaining to acceptable biological catch (ABC) and maximum sustainable yield (MSY) for market squid .

Mr. Brown, regarding format of the amendment, on section 5.2.1, 5.2.2, 5.2.3 are alternatives with suboptions. Ms. Yaremko answered the presentation does correspond with those sections.

Mr. Alverson asked about how the MSY proxy relates to ABC and potential overfishing definition. Under El Nino conditions, he is concerned that the overfishing definition would not correspond to what the resource is doing, i.e., abundance is not falling, rather biomass distribution shifts during El Nino conditions. He inquired if the CPSMT had considered this.

Ms. Yaremko noted the CPSMT recommendation is to consider the five year expansion coastwide. The state of California is in the process of developing a plan that will also address OY/MSY issues in the state of California. Dr. Hanan noted that, because of their life history, imposing an MSY on the squid fishery may be unwarranted. That is why the CPSMT did not specify an OY or MSY for squid in the FMP. However, NMFS requires that an MSY proxy be provided, thus, the estimates in the CPSMT seek to address that requirement. As far as overfishing definition goes, the FMP considers squid overfished if ABC is exceeded two years in a row. This would trigger consideration of moving squid from monitored status to actively managed, as well as possibly requiring development of a rebuilding plan.

Mr. Fougner if you look at the MSY proxy alternatives, the CPSMT recommendation is a coastwide expansion of the 5 year average (i.e., MSY proxy of 245,000 mt). If ABC were set equal to MSY, this would be twice the level of the highest year of landings on record. Mr. Fougner did not believe that an overfishing problem would develop, especially because under El Nino conditions, squid availability would be so low that catch would not approach MSY or ABC.

Dr. Hanan and Ms. Yaremko provided a review of Supplemental CPSMT Report F.6.a.(1), which was a matrix of the MSY proxy values developed by the CPSMT. These numbers are updated from what is in the current draft plan amendment. These values will be incorporated into Amendment 9 before it is released for public review.

Mr. Fletcher inquired about the CPSMT's preferred alternative for MSY. Dr. Hanan responded that the CPSMT preferred alternative is the 5 year expanded for coastwide. He was concerned about the possibility of exceeding MSY.

## SSC

Ms. Cindy Thomson presented the report of the SSC.

*Mr. Jim Morgan of the National Marine Fisheries Service, Southwest Region, briefed the Scientific and Statistical Committee (SSC) on Amendment 9 to the Coastal Pelagic Species Fishery Management Plan. Ms. Marcie Yaremko of the California Department of Fish and Game provided the SSC with a detailed briefing on Section 5 of the Amendment pertaining to acceptable biological catch (ABC) and maximum sustainable yield (MSY) for market squid. The SSC discussion focused largely on Section 5.*

*In March 2000, the SSC recommended the Coastal Pelagic Species Management Team (CPSMT) consider expanding the squid MSY proxy to reflect the presence of squid in unfished spawning areas. At this meeting, the SSC was provided with a number of MSY proxy options that incorporate this expansion. The geographic expansion was based on a number of assumptions (e.g., equal productivity among block areas, limited geographic migration of squid) that the SSC could not definitively evaluate on the basis of available information. In March 2000, the SSC also supported the CPSMT's recommendation to set ABC equal to MSY. The SSC's March recommendations regarding geographic expansion of the MSY proxy and setting ABC equal to MSY both presumed the existence of management controls such as squid refugia areas. The SSC recommends the CPSMT include information regarding existing squid management measures (including refugia areas) in the current draft document before it goes out for public review.*

*In addition to the ABC=MSY option, Amendment 9 includes three other options that involve setting ABC less than the MSY proxy. Because squid are short-lived and highly variable in abundance from one year to the next, the SSC does not consider it appropriate to base annual ABC on MSY. However, the SSC understands the need for the CPSMT to do this to meet regulatory requirements.*

*The CPSMT has made a credible effort to deal with the information and regulatory constraints that it faced in addressing issues related to MSY and ABC. The SSC considers Amendment 9 to include a reasonable range of ABC and MSY options for public review.*

Mr. Anderson asked Ms. Thomson if the SSC had received a copy of the most recent MSY information (Supplemental CPSMT Report F.6.a.[1]). He asked if these were the options the SSC got an opportunity to review? The MSY options reviewed by the SSC were somewhat different from what was presented to the Council. She noted that the values may not have been exactly identical to these, but were very close.

Mr. Fougner noted that in Amendment 9 different time period were considered, therefore, the CPSMT developed Supplemental CPSMT Report F.6.a.(1) to put everything in comparable time frames.

Mr. Anderson complimented the SSC on the quality of the reports that have been received this week.

#### **CPSAS**

Mr. John Royal noted that a lot of these items have not been given to the CPSAS, so they did not have any comments.

#### **F.6.c. Public Comment**

Dr. Mark Powell, Center for Marine Conservation, San Francisco, California

#### **F.6.d. Council Action: Preliminary Adoption of Amendment for Public Review**

Ms. Wolf moved that the Council adopt for public review Amendment 9 with the following changes/additions (Motion 28):

#### **Section 4.3. Alternatives Considered –**

1. No action.
2. Recommend that state agencies, federal agencies, and tribes develop an observer program for all new fisheries for CPS North of Pigeon Point lighthouse (37 10 N lat.) Preferred option.
3. Recommend that state agencies, federal agencies, and tribes develop programs to monitor and record CPS bycatch at the docks. Preferred option.
4. Evaluate the use of grates to cover openings of holds through which fish are pumped, which would screen out any bycatch of larger to allow live release before going into the ship's hold. Preferred option.
5. Require logbooks for the limited entry fishery, the live bait fishery, and the incidental fishery (those vessels landing less than 5 mt).
6. Allow landing of all bycatch. This would require changes to state and federal laws.
7. Require industry funded observers for all of the CPS limited entry fishery.

#### **Under the MSY Section –**

Add the new table of MSY proxy alternatives presented at the Council meeting.

Add the information requested by the SSC on existing squid management measures including refugia areas.

Under Section 5.3. –

Establish a proxy for MSY based on estimated spawning area [add - in the range of the California fishery.]

Motion seconded by Mr. Alverson.

Mr. Anderson asked Mr. Harp about page 5, alternative 3, regarding requirement for observers, if the Makah Tribe entered this fishery would they be open to having observers. If so, would Mr. Harp support inclusion of adding "state, federal, and tribal observers" to that section. Mr. Harp agreed, the tribes would be supportive of that language. Ms. Wolf accepted that as a friendly amendment. Mr. Anderson continued, under alternative 4, which required agencies to monitor and record CPS bycatch – add "state, federal or tribal." Mr. Harp concurred with that editorial suggestion. Ms. Wolf and Mr. Alverson accepted both as friendly amendments.

Based on input from Jim Morgan, the motion was changed to say "use table 8 and table 1," rather than replace one table with the other. Both tables will be included.

Mr. Fougner directed the CPSMT to review all of the various MSY alternatives to ensure that there are no inconsistencies among the tables and alternatives. In terms of preferred alternatives, Ms. Wolf said she envisioned the CPSMT recommendation being noted, but to not include Council preferred alternatives. Motion 28 passed.

Ms. Wolf thanked the CPSMT for their work. Mr. Fletcher noted that Dr. Hanan was leaving CDFG and the CPSMT in a few weeks. He stated that the Council will miss him.

## **G. Habitat Issues**

### **G.1. Report of the Habitat Steering Group (HSG)**

Ms. Michele Robinson read the report of the HSG.

*At its meeting on Monday, June 26, the Habitat Steering Group (HSG) received informational presentations on the following projects which have the potential to adversely affect essential fish habitat, particularly for salmon. The HSG has drafted letters on these issues to the appropriate entities for Council consideration.*

#### **CALFED**

*In September 1999, the Council sent a letter to CALFED regarding its Draft Environmental Impact Statement (DEIS) and provided comments on several sections. The San Francisco Bay-Delta System, its biological components, and the ecological processes supported by this system are part of the essential fish habitat for salmon, groundfish, and coastal pelagic species. CALFED has formed a Policy Group, co-Chaired by the U.S. Department of the Interior and the California Resources Agency. The HSG has drafted a letter for Council approval to the co-Chairs of the Policy Group recommending the rehabilitation of biodiversity and ecological processes of the Bay-Delta system, and urging the Policy Group to incorporate suggested requirements into its programs. The Policy Group is expected to finalize CALFED's Assurances Package and Record of Decision in July.*

#### **Roadless Area Conservation Proposed Rule and DEIS**

*The U.S. Forest Service has released a proposed rule for public comment regarding the protection of roadless areas nationwide. The actions resulting from the proposed rule will affect the essential habitats of coho, chinook, and Puget Sound pink salmon. Remaining areas of salmon spawning*

habitat that are properly functioning at the watershed level need to be protected, and degraded salmon habitats need to be restored. The current option in the proposed rule would protect roadless areas of 5,000 acres or more which would lead to the eventual loss of many significant habitat areas. Therefore, the HSG has drafted a letter for Council approval recommending the protection of roadless areas greater than 1,000 acres as well as roadless areas smaller than 1,000 acres which are ecologically significant. Comments on the proposed rule are due in August.

#### **Interior Columbia Basin Ecosystem Management Project (ICBEMP)**

ICBEMP has developed the Interior Columbia Basin Supplemental DEIS and sent it out for public review. The Council previously commented on the Upper Columbia Basin DEIS and the Eastside DEIS in October 1997. This project could potentially impact coho and chinook salmon essential fish habitat; other species of concern include steelhead, sockeye salmon, sturgeon, and Pacific lamprey. The current proposed strategy provides few options to reverse broad scale habitat degradation trends and does not implement mainstem corridor survival programs necessary to address serious resource problems that require attention now. The HSG has drafted a letter for Council approval recommending management measures for immediate implementation. Comments on the Supplemental DEIS are due on July 6.

#### **Non-Action Items**

The HSG also received informational presentations and updates on the following issues:

#### **Fishing Gear Impacts**

The HSG received an update from Ms. Cyreis Schmitt, National Marine Fisheries Service (NMFS), regarding fishing gear impacts. NMFS is currently conducting a habitat survey using a submersible and a remotely operated vehicle (ROV) off Heceta Bank, Oregon; the survey is a repeat of a study which was done 10 years ago in the same area. Other fishing gear projects for the near future include a study to determine the effects of the five-inch roller gear restriction and cooperative gear modification developments.

#### **Puget Sound Groundfish Endangered Species Act (ESA) Listings**

NMFS completed its first review of cod, pollock, and hake and distributed a draft report to the affected parties including the tribes, Canada, and Washington Department of Fish and Wildlife (WDFW)—comments from those entities are due around July 10. A biological team of NMFS staff will then forward a preliminary biological opinion to the Northwest Region, NMFS in mid-August for publication in the federal register around the end of October. A biological opinion on the other species petitioned for listing—Pacific herring and brown, copper, and quillback rockfishes—is expected to be in the Federal Register by February 2001.

#### **Western Oregon Habitat Conservation Plan (HCP)**

The HSG received a presentation from Mr. Ross Holloway, Oregon Department of Forestry, regarding a draft HCP between the Board of Forestry, U.S. Fish and Wildlife Service, and NMFS. In addition to meeting the federal requirements under the Endangered Species Act (ESA), the goal of the HCP is to improve the landscape of state forest land with older, more diverse stands. The plan contains management strategies for landscapes, roads, and slope stability and proposes a network of “salmon emphasis areas”—a set of state forest watersheds which are the “best” areas for salmon—with recommended restoration projects. A draft assessment is expected by the end of the year.

#### **Proposed Final 4(d) Rule**

The HSG received a presentation from Ms. Rosemary Furfey, NMFS Protected Resources Division,

regarding the proposed final ESA 4(d) rule. The rule describes 14 populations of salmon and steelhead—7 evolutionary significant units (ESUs) for salmon and 7 ESUs for steelhead. There are two types of limits to ESA take provisions in the rule—one which incorporates state and local programs which have already been determined by NMFS to be effective in minimizing impacts, and another which develops criteria that a program can meet to get a limit if the jurisdiction elects to work with NMFS. The latter provides opportunities for programs to come within a limit without a rule amendment. The steelhead 4(d) rule will be final 60 days after it is published in the Federal Register (end of August), and the salmon rule will be final 180 days after publication (end of December).

#### **Klamath Water Operations Plan 2000**

Despite the June 1, 2000, letter from the Pacific Council to the Secretary of the Interior advocating higher minimum flows for the Klamath River Basin, the Bureau of Reclamation (BOR) adopted stream flows which were inadequate. The California Department of Fish and Game has been following this issue closely and has also sent comments to BOR. The adopted flows will result in an adverse modification of critical habitat which is a violation of ESA. Dr. Thomas Hardy developed the first flow recommendations (Hardy Phase I)—which were disregarded by BOR—and is in the process of drafting Hardy Phase II which is expected to be done by the end of August. The HSG will receive an update on this issue in September and will likely have a draft letter for Council approval at the November meeting.

#### **San Francisco Airport Expansion**

Federal and state regulatory agencies (NMFS, Environmental Protection Agency, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, and California Department of Fish and Game) continue to meet monthly with representatives of the Federal Aviation Administration, San Francisco International Airport, and the City of San Francisco. The purposes of these meetings are to review the status of ongoing environmental studies, discuss the list of runway alternatives, identify a process for examining potential habitat mitigation sites, and discuss the progress of setting up a peer review panel. The agencies have formally requested the runway proponents drop Alternative F4 from further consideration as this is the most excessive alternative for bay landfill needs (up to 1,300 acres). Eliminating this alternative from further review also allows a comprehensive assessment of the more realistic alternatives which require less fill. The HSG will continue to follow this issue and will receive another update at the September meeting.

#### **Other Discussion**

The HSG reviewed and discussed the Ad-Hoc Marine Reserve Committee Phase I Technical Analysis and the Draft Groundfish Fishery Strategic Plan. The HSG has prepared separate written statements on these items which will be presented to the Council this week. More in-depth comments and suggestions for these documents will be presented to the Council at its September meeting.

#### **G.1.a. Comments of Advisory Bodies**

None.

#### **G.1.b. Public Comment**

None.

#### **G.1.c. Council Action: Consider HSG Recommendations**

Mr. Boydstun moved to send forward the draft letter of Supplemental Attachment G.1.c. regarding the calfed, with the following suggested changes add in the second paragraph add late fall chinook, and delete California halibut since it is not a Council-managed species. Mr. Fletcher seconded the motion. (Motion 6)

Dr. Coon noted that there is a sentence on the Bay-Delta system it needs a little bit of rewrite there for clarification purposes only. Motion 6 passed.

Mr. Alverson moved that the Council send forth the letters as shown in Supplemental Attachments G.1.d. and G.1.b. Chairman Lone seconded the motion. (Motion 7) Before any vote was taken, Mr. Anderson asked what review has this Columbia Basin letter had? Ms. Robinson answered that Idaho Department of Fish and Game representative wrote the letter, and she was the only one from Washington, and that Mr. Dave Fox from ODFW has reviewed the letter. Mr. Alverson asked if this should be taken up tomorrow to review this in more detail?

Chairman Lone said that the Executive Director is going to speak on the item of having the Council members take action on items they have not had time to review. Chairman Lone gave the Council Members time to review the letters during the meeting (took a break from the meeting).

Dr. McIsaac noted that products that come to the Council need to follow the process. The optimal process, the briefing book comes out ahead of time. The CalFED letter was in the briefing book. To make better use of Council time, we will work closely with the habitat folks that draft letters will appear in the briefing book. Perhaps, as Mr. Anderson noted, this would give more time for agency staff to also look at the items. Mr. Robinson noted that the letters have a whole list of specifications, where did this come from? Who drafted the letter, is there a consensus among the group, why are we sending out this letter? We need to have a better feel for whether or not agency folks on the HSG have had time to review the letters.

Mr. Anderson would like to coordinate more with agency staff and others before voting on this.

Ms. Robinson noted that before a meeting, the issues are flushed out through e-mail. Comments are made through e-mail. The latest drafts are reviewed once more in great detail with discussions and have presentations made to the HSG. The letters are then wordsmithed and brought before the Council. The letters are done through a consensus process. She said she would make an effort to note that in future HSG reports.

Chairman Lone asked Ms. Robinson about using the quick response mechanism. Ms. Robinson said that the HSG tries to avoid the quick response mechanism. It is not fair to ask the Council to approve the letters without the benefit of an explanation and discussion.

Mr. Alverson said we should put this back on the Friday schedule. Dr. McIsaac said we need a motion to table this. Mr. Bohn said he is totally confused. He feels that he finds the quick response mechanism to be effective. Motion 8 to table the motion made by Burnie Bohn. Chairman Lone seconded the motion. Motion 8 passed. Motion 8 is to table the other two letters until Thursday.

On Thursday, later in the week, a Mr. Caito made a motion to untable Motion 7. Mr. Fletcher seconded the motion. (Motion 23) That motion passed. Ms. Robinson gave explanation to Supplemental Attachment G.1.b. Mr. Anderson noted that after additional review, he was prepared to support the original motion (send forward the letters). Other Council members concurred. Motion 7 passed.

Ms. Robinson then brought forth Supplemental Attachment G.1.e. (a reference guide for HSG members to use for submitting agenda items to the Council). Council concurred by nod of heads.

## **G.2. Process for Designating Habitat Areas of Particular Concern**

This agenda item was not dealt with at this meeting.

## **H. Administrative and Other Matters**

### **H.1. Report of the Budget Committee**

Mr. Harp read the report of the Budget Committee.

*The Budget Committee (Committee) received a report from the Executive Director, Dr. Donald McIsaac, which included two issues that had been referred from the March meeting:*

*Selection of meeting site locations for 2003.*

*The supplemental \$15,000 funding for the Council calendar year (CY) 2000 operating budget.*

*Dr. McIsaac reported that meeting site selection for 2003 was still ongoing. Specific recommendations will be provided for review and approval at the September Council meeting. The request for the supplemental funding, which requires resubmission of the entire Council grant for 2000, will be completed early in July.*

*With regard to expenditures under the CY 2000 budget, Council staff will be able to conduct a preliminary status review soon after the Council meeting, and we presume no significant financial problems exist at this time. With the recent changes in staffing and the pending arrangement with Pacific States Marine Fisheries Commission (PSMFC) to assist in our fiscal management, a detailed budget status should be completed over the summer and available for Committee review at the September meeting. The Committee will also be able to review the proposed CY 2001 grant submission in September.*

*The Committee discussed the status of the Groundfish Strategic Plan Facilitation Contract administered by PSMFC. Dr. McIsaac noted some funds remain which may be used to support completion of the project prior to October, 2000.*

#### **H.1.a. Council Action: Adopt Recommendation of Budget Committee**

The Council approved the report of the Budget Committee as shown in Supplemental Budget Committee Report H.1. (Motion 5)

### **H.2. Status of Legislation**

Dr. Dave Hanson reported there is talk about the possible extension on the moratorium on IQ's. The Magnuson-Stevens Act is not expected to get reauthorized this year as Congress goes in its election year meltdown.

Mr. Brown asked about Senator Snowe's package, is the whole deal gone? Dr. Hanson said yes. Mr. Fletcher asked about the senate markup for Council's. Dr. Hanson he did not have information to report on that item.

### **H.3. Changes in Council Operations and Protocols**

Dr. McIsaac spoke to Attachment H.3.a., which were reorganizational structures for the Council staff.

Mr. Fletcher asked if the staff salmon management coordinator position had been advertised? Dr. McIsaac said no, and as were phasing out of the contract with PSMFC, and funding sources become available. We should advertise in November, interviews in December, hire date in January.

Mr. Bohn said is this budget neutral? Dr. McIsaac said yes he did look at the projections for the next four years. The four year projections show that even with level funding the accommodation of this kind of change would keep the Council solid for at least two years, with years three and four funding sources may also come from elsewhere.



Mr. Anderson, on page 4, on lengthy advisory entity statements - there is in some cases, he feels there is benefit in having them read their statements. He is pretty sensitive to the reports that come from the public hearings for salmon. He feels that the folks need to be represented. He would like us to be more careful with those two time sensitive materials for meetings.

Mr. Mallet, on Mr. Anderson's comments, we would still have complete text in our briefing book. He feels those items should be summarized. Mr. Mallet did not have a problem with summarization of reports if Council members had a chance to read it.

Dr. Coon, on the hearings, that is not so much an issue of time. He encourages the Council members to just report what their experience was at the hearing. That validates the hearings more. Just reading it off downplays some of the importance. It would be really great to hear from the Council members own summary, a few brief statements so that the people involved knew that they were being heard.

#### **H.4. Report on the Council Chairmans' Meeting**

Dr. Radtke gave his views on the Chairman's meetings, and noted that NMFS was not working hard enough on their budgets in making sure that the Council's needs are heard. There were concerns that somehow some of our groups are bypassing the Council process going directly to the Secretary of Commerce. He also got from the meeting that due to National Standard One (overfishing definition), the Southeast Fisheries Science Center will hold a meeting to discuss National Standard One. There was some discussion on fishing capacity reduction (international agreement to reduce effort by 15% by 2004). There was a discussion on marine reserves, most of which came from the Western Pacific Council. They (the Western Pacific Council) were very concerned about other agencies taking over their "jurisdiction" - they were concerned about who should be taking the lead on that. The next Chairman's meeting will be hosted by the Gulf Council.

#### **H.5. Research and Data Needs/Economic Data Plan**

##### **H.5.a. Agendum Overview**

Dr. McIsaac noted there were no documents to review at this time.

There were no comments of the advisory entities. There was one public comment from Mr. Bob Osborn, United Anglers of Southern California.

#### **H.6. Council Staff Workload Priorities and Schedules**

##### **H.6.a. Agendum Overview**

Dr. McIsaac noted that Council staff was going to come back to the Council today with a comprehensive plan that talked about the rest of the disciplines the Council is responsible for. The fixed gear permit stacking which is below the dark line on the table in April has been brought above that line (due to actions from this meeting). To take on fixed gear permit stacking, normally we would be looking for Council direction for what portion of those items do we not want to deal with.

We do have a conference call set with NMFS to see if workload could be balanced. In the event workload is greater than what could be done.

Chairman Lone said that Dr. McIsaac will have a conference call with NMFS to identify personnel to address permit stacking. Dr. McIsaac anticipated as an item to address, to take on fixed gear permit stacking. In the event it cannot be done, and there are any priorities the Council would like to identify should we get into that jam, please do that now. Absent that, we will search the record and try to interpret what the lowest priority might be.

Chairman Lone said we need to have a discussion to provide more detail to Dr. McIsaac. Mr. Brown pointed out that personally he favors fixed gear above the AFA (were past the deadline on AFA already). Mr. Fletcher agreed with Mr. Anderson and Dr. Hanson - we should list it as item #4 if the time is available.

Mr. Boydston noted that the top 3 are going to be kicking in soon, and by themselves, they are a very heavy workload. He think that between the top 3, hopefully we can get the top 4 - AFA should be no higher than 5.

There were no comments from the public or Council advisory entities.

**H.7. Appointment to the Groundfish Advisory Subpanel**

Mr. Boydston moved that Dr. Powell be appointed to the Groundfish Advisory Subpanel and Mr. Michael Rode to the Habitat Steering Group. Mr. Caito seconded the motion. (Motion 29) Motion passed.

**H.8. Draft Agenda for September 2000**

**H.8.a. Staff Comments**

Dr. McIssac presented draft September agenda. Council members gave their input to the Executive Director.

Chairman Lone recognized Mr. Fletcher as it was his last meeting as a Council member. (Mr. Fletcher had served the last year of his third consecutive term).

ADJOURN

The Council was adjourned on Friday, June 30, 2000.

**DRAFT**

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Jim Lone, Council Chairman

**DRAFT**

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Date

**DRAFT VOTING LOG**  
**Pacific Fishery Management Council**  
June 26-30, 2000

MOTION 1: Approve the proposed agenda with the following changes: Agenda items H.1. through H.4. will be moved to Tuesday, June 27, 2000 after Agenda Item C.1. Agenda Items G.1. and G.2. will be moved to Tuesday after H.1. through H.4. On Wednesday, after Agenda Items D.16., D.10., and D.14. will be addressed after Agenda item D.8. The GAP requested that D.2. be moved after agenda item D.5. in order to allow more time for them to draft their comments. Also include a short discussion be added to talk about next year's groundfish management strategies. He would like to ask the GMT to put together a brief report after that discussion and present it to the Council at their September meeting. Insert a change where it says squid permit transferability, change it to "finfish" permit.

Moved by: Ralph Brown                      Seconded by: Burnie Bohn  
Motion 1 passed

MOTION 2: Approve the March 2000 minutes with the following clarification, on Page 14, the CDFG representative be identified as "Mr. Harvey Reading".

Moved by: Bob Fletcher                      Seconded by: LB Boydston  
Motion 2 passed.

MOTION 3: Request the Quinault Nation and WDFW to assist the STT in completing a overfishing review for Queets stock, with a completion date of September 1, 2001.

Moved by: Phil Anderson                      Seconded by: Bob Alverson  
Motion 3 passed.

MOTION 4: Adopt the recommendations of the HSG (HSG Report C.1.) except do not commit to phase two at this time - both the Phase I analysis and MRC report will go out as part of the public review package. The MRC report will be the basis for a cover letter. A discussion of Treaty Tribal rights will be added to the analytical report. In the first paragraph of ES-1, the statement that it is "desirable" to coordinate efforts with other agencies will be changed to say it is "critical".

Moved by: Bob Alverson                      Seconded by: Jerry Mallet  
Motion 4 passed.

MOTION 5: Approve the report of the Budget Committee as shown in Supplemental Budget Committee Report H.1.

Moved by: Jim Lone                              Seconded by: Bob Fletcher  
Motion 5 passed.

MOTION 6: Send forward the draft letter of Supplemental Attachment G.1.c. regarding the CalFED, with the following suggested changes: in the second paragraph add "late fall chinook", and delete "California halibut" since it is not a Council-managed species.

Moved by: LB Boydston                      Seconded by: Bob Fletcher  
Motion 6 passed.

- MOTION 7: Send forward the letters as shown in Supplemental Attachments G.1.d. and G.1.b.  
Moved by: Bob Alverson                      Seconded by: Jim Lone  
Motion 7 passed.
- MOTION 8: Table Motion 7 until later in the week.  
  
Moved by: Burnie Bohn                      Seconded by: Jim Lone  
Motion 8 passed.
- MOTION 9: Apply the 16% discard rate for minor rockfish, nearshore rockfish, and bocaccio rockfish in the limited entry, trawl, fixed gear, and open access fisheries; and direct the GMT to make the appropriate adjustments inseason. Do not apply this to the recreational fisheries.  
  
Moved by: Phil Anderson                      Seconded by: Bob Alverson  
Motion 9 passed. (Mr. Ralph Brown opposed the motion).
- MOTION 10: Make the inseason adjustments as represented in Supplemental GAP Report D.5., including the addition for the large footrope trawl fishery (item 7), and that for the open access nearshore rockfish subgroup in the north increase it to 3,000 pounds for two months instead of the 2,500 pounds presented, include that no retention of lingcod after August 1 in the open access fishery.  
  
Moved by: Phil Anderson                      Seconded by: Bob Alverson  
Motion 10 passed.
- MOTION 11: Move that the Council write a letter to the California Fish and Game Commission to take regulatory action affecting the recreational fisheries south of Cape Mendocino to insure that our preseason expectations of catch for bocaccio, canary, cowcod, and lingcod are not exceeded, to note in the letter that the Council recommends NMFS work with CDFG and the California Fish and Game Commission in developing their regulations, and that NMFS take complementary actions affecting fisheries in federal waters to make them consistent with state regulations.  
  
Moved by: LB Boydston                      Seconded by: Jim Caito  
Motion 11 passed.
- MOTION 12: Approve the draft groundfish strategic plan document for public review and in addition give the Ad-Hoc Groundfish Strategic Plan Committee the flexibility to incorporate certain comments from the GMT, GAP, SSC, and the public during the Council's session.  
  
Moved by: Phil Anderson                      Seconded by: Bob Fletcher  
Motion 12 passed.
- MOTION 13: Using Attachment D.6.a. Recommendations for the Duration and Cumulative Limits for the 2000 Primary Season of the Limited-Entry Fixed-Gear Sablefish Fishery, and Overview of the 1999 Fishery, adopt model 1 as shown.  
  
Moved by: Bob Alverson                      Seconded by: Phil Anderson  
Motion 13 passed.

MOTION 14: Request that NMFS modify the regulations to designate August 1 as the cumulative landing period for the purpose of permit transfers that a cumulative landing period (an additional cumulative period start date) be added to the start date, in specific August 1.

Moved by: Bob Alverson  
Motion 14 passed.

Seconded by: Burnie Bohn

MOTION 15: Adopt the amendment with the alternatives identified as preferred as the Council's final options; and in addition, include Alternative #2, Issue 5. Also, take after the parenthetical top line of alternative 3, after the word available, insert: "or with the requirement that vessels pay". Also delete the sentence that starts with "implementation of an observer program...".

Moved by: Ralph Brown  
Motion 15 passed.

Seconded by: Burnie Bohn

MOTION 16: Set-aside the AFA analysis (review at a later time).

Moved by: Hans Radtke  
Motion 16 passed.

Seconded by: Burnie Bohn

MOTION 17: Substitute motion for Motion #16:

Send out for analysis for the processor sector, the following items as contained in Supplemental Attachment D.9.b.: item #1 choose items 1 and 2; Item #2 choose "no"; Item #3 choose b; Item #3 choose 10%; Item #4 include as the equivalent of ownership; Item #7, applying entity; Item #8 whenever the permit comes due; and Item #9.

Moved by: Jim Caito  
Roll call vote, Motion 17 failed.

Seconded by: Ralph Brown

<b>Roll Call Vote, Motion 17</b>			
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	X		
Radtke, Hans		X	
Robinson, Bill		X	
Thomas, Roger	X		
Total:	7	7	0

MOTION 18: Establish today (June 29, 2000) as a control date to notify the public and permit owners that future sales of permits from AFA qualified vessels may not qualify (guarantee) for participation in West Coast groundfish fisheries; or the permit may be restricted to a particular fishery sector in the future.

Moved by: Ralph Brown  
Motion 18 passed.

Seconded by: Hans Radtke

MOTION 19: Adopt the  $F_{msy}$  proxies as recommended by the SSC in Supplemental SSC Report D.13.(1). which includes Sebastes, flatfishes, other groundfish, and remaining rockfish.

Moved by: Phil Anderson  
Motion 19 passed.

Seconded by: Hans Radtke

MOTION 20: Relative to implementing the new  $F_{msy}$  proxy adopted for stocks for which current stock biomass is less than  $B_{40}$ , implement the new  $F_{msy}$  proxy now; for stocks for which the current biomass is greater than or equal to  $B_{40}$  implement the new  $F_{msy}$  proxy after the next stock assessment. This applies starting with the 2001 management cycle.

Moved by: Phil Anderson  
Motion 20 passed.

Seconded by: Burnie Bohn

MOTION 21: Maintain the status quo percentage reduction for the remaining and other rockfish categories.

Moved by: Phil Anderson  
Motion 21 passed.

Seconded by: LB Boydston

MOTION 22: Adopt the following recommendations (for public review) for permit stacking for the fixed gear sablefish fishery - generally following the WCFA recommendations:

1. Sablefish in the current directed sablefish fishery and resulting mop-up fishery would be allocated to the program under which permit stacking is allowed.
2. Up to three fixed gear sablefish permits could be stacked on a given vessel, at least one of the permits would have to meet the existing length and gear requirements of that vessel.
3. Gear and length endorsements on permits would not be changed when permits are stacked (i.e. when unstacked the gear and length requirements would be the same as when the permits were stacked).
4. The fishery would extend over a number of months (the initial recommended season is April 1 thru October 31);
5. The privilege of catching sablefish in the directed sablefish fixed gear fishery would be for harvest only, not for processing.
6. The permit owner would be required to be onboard the vessel, however there would be an exception for those owning permits as of the time the program is established (provisions would be as per draft Amendment 8).

Based on friendly amendments to the motion there will also be an analysis of: a requirement that once permits are stacked they may not be unstacked; an option that would not require the permit owner to be on board; and an option for continuation of the current short season to avoid having the fishery classified as an IFQ.

Moved by: Bob Alverson  
Motion 22 passed.

Seconded by: LB Boydston

MOTION 23: Untable Motion 7.

Moved by: Jim Caito  
Motion 23 passed.

Seconded by: Bob Fletcher

MOTION 24: Using Supplemental HMSPDT Report E.2. adopt the following:

1. For species to be included in the FMP adopt Option 1, include dolphin fish
2. For state regulations, use the HMSPDT recommendation, but also include a) "evaluation of the potential for state area restrictions to prevent purse seine conflicts; b) eliminate the potential for longline fishing c) coastwide prohibition on? d) include a provision for experimental fishing permits, and e) consider coastwide log books for bot the commercial and recreational fleets.
3. For the FMP outline: use the HMSPDT recommendations, but include the provisions of the MMPA.
4. For the FMP schedule: as presented by the team.
5. Objectives: as presented in Supplemental HMSPDT Report E.2.(2).

Moved by: Svein Fougner  
Motion 24 passed.

Seconded by: Phil Anderson

MOTION 25: Adopt the EFP with the following conditions be added to the permit: the entire catch be observable at offloading due to concern of bycatch of small salmon; add white seabass and barracuda to the list of prohibited species; and advise the applicant that a permit from the California Fish and Game Commission will be needed to harvest anchovies. Include the specific conditions from last year; add that the permit should be valid from date of signature; excluding the month of July.

Moved by: Patty Wolf  
Roll call vote, Motion 25 failed.

Seconded by: Bob Fletcher

<b>Roll Call Vote, Motion 25</b>			
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	
Fougner, Svein			X
Harp, Jim			(Absent)
Lone, Jim (Chairman)		X	
Mallet, Jerry		X	
Radtke, Hans		X	
Thomas, Roger		X	
Total:	5	6	2 Abstentions, 1 absence

MOTION 26: Adopt that the final harvest guideline beginning July 1, 2000, for Pacific mackerel for the 2000/2001 season be 20,740 mt based on a biomass estimate of 116,967 mt.

Moved by: Patty Wolf  
Motion 26 passed.

Seconded by: Bob Fletcher

MOTION 27: Do not extend the window of transferability. (Wait to consider the issue of transferability until the CPSMT is finished with their work).

Moved by: Patty Wolf    Seconded by: Phil Anderson  
Motion 27 passed.

MOTION 28: Adopt for public review CPS Amendment 9 with the following changes/additions:

Section 4.3. Alternatives Considered –

1. No action.
2. Recommend that state agencies, federal agencies, and tribes develop an observer program for all new fisheries for CPS North of Pigeon Point lighthouse (37 10 N lat.) Preferred option.
3. Recommend that state agencies, federal agencies, and tribes develop programs to monitor and record CPS bycatch at the docks. Preferred option.
4. Evaluate the use of grates to cover openings of holds through which fish are pumped, which would screen out any bycatch of larger to allow live release before going into the ship's hold. Preferred option.
5. Require logbooks for the limited entry fishery, the live bait fishery, and the incidental fishery (those vessels landing less than 5 mt).
6. Allow landing of all bycatch. This would require changes to state and federal laws.
7. Require industry funded observers for all of the CPS limited entry fishery.

Under the MSY Section –

Add the new table of MSY proxy alternatives presented at the Council meeting.  
Add the information requested by the SSC on existing squid management measures including refugia areas.

Under Section 5.3. –

Establish a proxy for MSY based on estimated spawning area [add - in the range of the California fishery.]

Moved by: Patty Wolf  
Motion 28 passed.

Seconded by: Bob Alverson

MOTION 29: Appoint Dr. Mark Powell to the Groundfish Advisory Subpanel and Mr. Michael Rode to the Habitat Steering Group.

Moved by: LB Boydston  
Motion 29 passed.

Seconded by: Jim Caito