

PROPOSED AGENDA

Pacific Fishery Management Council

Park Plaza Hotel
1177 Airport Blvd.
Burlingame, CA 94010
(650) 342-9200
June 11-15, 2001

COUNCIL MEETING AGENDA SUMMARY				
<i>Monday June 11</i>	<i>Tuesday June 12</i>	<i>Wednesday June 13</i>	<i>Thursday June 14</i>	<i>Friday June 15</i>
No Council Session	Closed Executive Session	Highly Migratory Species	Groundfish Management	Groundfish Management
	Salmon Management			Coastal Pelagic Species
	Groundfish Management			
	Habitat Issues	Groundfish Management		Administrative Matters
	Marine Reserves			
	4 p.m. Public Comment Period (for items <u>not</u> on the agenda)			
Ancillary meetings of advisory subpanels, technical teams, subcommittees, etc. begin Sunday, June 10 (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 normally be carried over to the next day, and 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 and are declared such with justification on the meeting record. 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 June 5, 2001 will be included in the materials distributed to the Council for consideration at this meeting. Comments received by May 29 will be mailed to Council members prior to the meeting. **After June 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 40 copies).**

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

DETAILED COUNCIL MEETING AGENDA

SUNDAY, JUNE 10 THROUGH FRIDAY, JUNE 15

ANCILLARY SESSIONS

Various technical and administrative committees, advisory entities, work groups, and state delegations will meet throughout the week, beginning Sunday morning. See the SCHEDULE OF ANCILLARY MEETINGS at the end of this agenda for a complete listing of these meetings.

TUESDAY, JUNE 12, 2001

CLOSED SESSION

8 A.M.

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

GENERAL SESSION

8:30 A.M.

Burlingame Ballroom

A. Call to Order

- | | |
|---|-------------|
| 1. Opening Remarks, Introductions | Jim Lone |
| 2. Roll Call | Don McIsaac |
| 3. Executive Director's Report | Don McIsaac |
| 4. Council Action: Approve Agenda | |
| 5. Council Action: Approve March 2001 and April 2001 Minutes | Jim Lone |

B. Salmon Management

- | | |
|--|---------------|
| 1. National Marine Fisheries Service (NMFS) Report | Bill Robinson |
| a. Status of Regulatory and Nonregulatory Activities | |
| b. Status of Columbia River River Flows | |
| c. Council Discussion | |
| 2. Update of Ongoing Fisheries | |
| a. Sequence of Events | Chuck Tracy |
| b. Status of Fisheries | Allen Grover |
| c. Public Comment | |
| d. Council Discussion | |

C. Groundfish Management

- | | |
|--|----------------|
| 1. NMFS Report | |
| a. Status of NMFS Regulatory and Nonregulatory Activities | Bill Robinson |
| b. Council Discussion | |
| 2. Sablefish Three-Tier Program, Qualification with Setnet Landings | |
| a. Agendum Overview | Jim Seger |
| b. Reports and Comments of Advisory Bodies | |
| c. Public Comment | |
| d. Council Action: Final Action on Including Setnet Landings in the Qualification for Sablefish Tier Levels | |
| 3. Marine Recreational Fisheries Statistics Survey Update | |
| a. Agendum Overview | Jim Seger |
| b. Report of the Pacific States Marine Fisheries Commission | Russell Porter |

- c. Reports and Comments of Advisory Bodies
- d. Public Comment
- e. Council Discussion
- 4. Status of the 2001 Stock Assessment Review Panel Meetings
 - a. NMFS Report Cyreis Schmitt
 - b. Reports and Comments of Advisory Bodies
 - c. Council Discussion and Guidance
- 5. Stock Assessment Priorities for 2002
 - a. Candidates for Assessment and Multi-Year Stock Assessments Cyreis Schmitt
 - b. Comments of Advisory Bodies
 - c. Public Comment
 - d. Council Discussion and Guidance on Priorities

D. Habitat Issues

- 1. Essential Fish Habitat Issues
 - a. Report of the Habitat Steering Group (HSG) Michele Robinson
 - b. Comments of Advisory Bodies
 - c. Public Comment
 - d. **Council Action:** Consider HSG Recommendations

E. Marine Reserves

- 1. Review of West Coast Marine Reserves Efforts
 - a. Agenda Overview and Report Jim Seger
 - b. Comments of Advisory Bodies
 - c. Public Comment
 - d. Council Discussion
- 2. Marine Reserves in the Channel Island National Marine Sanctuary
 - a. Agendum Overview Jim Seger
 - b. Agency Reports Patty Wolf (CDFG), Matt Pickett (CINMSP)
 - c. Reports and Comments of Advisory Bodies
 - d. Public Comment
 - e. **Council Action:** Consider Update or Recommendations of the Source Agencies

PUBLIC COMMENT PERIOD

4 P.M.

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

WEDNESDAY, JUNE 13, 2001

GENERAL SESSION
8 A.M.
Burlingame Ballroom

- A. Call to Order, (reconvene)** Jim Lone
- 6. Commencing Remarks Don McIsaac

F. Highly Migratory Species Management

1. International Highly Migratory Species (HMS) Discussions and Actions
 - a. NMFS Report Svein Fougner
 - b. Council Discussion
2. Public Review Draft of the HMS Fishery Management Plan (FMP)
 - a. Agendum Overview Dan Waldeck
 - b. Domestic Legal Context Svein Fougner
 - c. Report of the Plan Development Team Steve Crooke, Dale Squires
 - d. Reports and Comments of Advisory Bodies
 - e. Public Comments
 - f. **Council Action:** Consider Adopting a Draft FMP for Purposes of Public Review
3. Draft FMP Public Hearing Schedule
 - a. Agendum Overview Dan Waldeck
 - b. Reports and Comments of Advisory Bodies
 - c. Public Comment
 - d. Council Discussion and Guidance on Location of HMS FMP Hearing Sites

C. Groundfish Management, (continued)

6. Exempted Fishing Permit (EFP) Applications
 - a. Agendum Overview Jim Glock
 - b. Vertical Line Selectivity Jennifer Bloeser
 - c. Canary Rockfish Bycatch in the Washington Arrowtooth Flounder Fishery Phil Anderson
 - d. Other EFP Applications
 - e. Comments of Advisory Bodies
 - f. Public Comment
 - g. **Council Action:** Consider Permit Recommendations to NMFS
7. Limited Entry Fixed Gear Sablefish Permit Stacking and Season for 2001 and Beyond
 - a. Agendum Overview Jim Seger
 - b. NMFS Report on Implementation Status, Needed Clarifications, and Cumulative Limits Bill Robinson
 - c. Comments of Advisory Bodies
 - d. Public Comment
 - e. **Council Action:** Consider Implementation Advice to NMFS
8. Incidental Pacific Halibut Harvest Restrictions for the Primary, Limited Entry Longline Sablefish Fishery North of Point Chehalis, Washington
 - a. Agendum Overview Chuck Tracy
 - b. State Recommendations
 - c. Comments of Advisory Bodies
 - d. Public Comment
 - e. **Council Action:** Adopt Final Harvest Restrictions for 2001

THURSDAY, JUNE 14, 2001

GENERAL SESSION
8 A.M.
Burlingame Ballroom

A. Call to Order, (reconvene)

Jim Lone

7. Commencing Remarks

Don McIsaac

C. Groundfish Management, (continued)

9. Strategic Plan Implementation
 - a. Agendum Overview Dan Waldeck
 - b. Ad Hoc Groundfish Strategic Plan Implementation Oversight Committee (SPOC) Report Dave Hanson
 - c. Report of the Open Access Permitting Scoping Group LB Boydston
 - d. Comments of Advisory Bodies
 - e. Public Comment
 - f. **Council Action:** Consider SPOC Recommendations
10. Rebuilding Plans
 - a. Agendum Overview Jim Glock
 - i. Canary Rockfish
 - ii. Cowcod
 - iii. Pacific Ocean Perch
 - iv. Bocaccio
 - v. Lingcod
 - vi. Widow Rockfish
 - vii. Darkblotched Rockfish
 - b. Reports and Comments of Advisory Bodies
 - c. Public Comment
 - d. **Council Action:** Adopt Final Plans for Canary Rockfish, Cowcod, Bocaccio, and Lingcod; Schedule Further Action for Pacific Ocean Perch; Adopt Preliminary Plans for Widow Rockfish and Darkblotched Rockfish
11. Preliminary Harvest Levels for 2002
 - a. Agendum Overview Dan Waldeck
 - b. Preliminary Estimate of Allowable Biological Catch (ABC) and Optimum Yield (OY) Levels
 - c. reports and Comments of Advisory Bodies
 - d. Public Comment
 - e. **Council Action:** Adopt Preliminary ABC and OY Levels
12. Status of Fisheries and Inseason Adjustments
 - a. Agendum Overview Jim Glock
 - b. Trip Limit Fisheries Jim Hastie
 - c. Status of Catches of Canary Rockfish and Other Overfished Species Brian Culver
 - d. State Regulations in Pink Shrimp Fisheries P. Anderson, B. Bohn, LB Boydston
 - e. Comments of Advisory Bodies
 - f. Public Comment
 - g. **Council Action:** Consider Inseason Adjustments
13. Full Retention Measures
 - a. Agendum Overview Jim Glock
 - b. Report of the Groundfish Management Team (GMT) Jim Hastie
 - c. Reports and Comments of Advisory Bodies
 - d. Public Comment
 - e. **Council Action:** Consider GMT Recommendations

FRIDAY, JUNE 15, 2001

GENERAL SESSION
8 A.M.
Burlingame Ballroom

A. Call to Order, (reconvene)

Jim Lone

8. Commencing Remarks

Don McIsaac

C. Groundfish Management, (continued)

14. American Fisheries Act Management Measures

- a. Agendum Overview
- b. Comments of Advisory Bodies
- c. Public Comment
- d. **Council Action:** Adopt Public Review Draft

Dan Waldeck

15. Groundfish Fishery Management Plan Environmental Impact Statement

- a. Agendum Overview
- b. Reports and Comments of Advisory Bodies
- c. Public Comment
- d. Council Guidance on Process

Jim Glock

G. Coastal Pelagic Species Management

1. Exempted Fishing Permit Applications

- a. Summary of Applications
- b. Comments of Advisory Bodies
- c. Public Comment
- d. **Council Action:** Consider Permit Recommendations to NMFS

Svein Fougner

2. Pacific Mackerel Harvest Guideline and Other Specifications for 2002

- a. Agendum Overview
- b. Comments of Advisory Bodies
- c. Public Comment
- d. **Council Action:** Adopt Pacific Mackerel Fishery Management Specifications for 2002

Dan Waldeck

3. Market Squid Maximum Sustainable Yield (MSY) Methodology Review Workshop

- a. Agendum Overview
- b. Report of the Squid Workshop
- c. Report of the Coastal Pelagic Species Plan Development Team
- d. Reports and Comments of Advisory Bodies
- e. Public Comment
- f. Council Discussion and Guidance Regarding Market Squid MSY

Dan Waldeck
Tom Jagielo, Ray Conser
Kevin Hill

H. Administrative and Other Matters

1. Report of the Budget Committee

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

Jim Harp

2. Status of Legislation

Dave Hanson

3. Report on The 2001 Chairmen's Meeting

Jim Lone

4. Appointments to Advisory Bodies or Other Council Positions

Jim Lone

5. Council Staff Work Load Priorities

Don McIsaac

6. September 2001 Council Meeting Draft Agenda

Don McIsaac

- a. Consider Agenda Options
- b. **Council Action:** Adopt Draft Agenda for the September 2001 Meeting
- c. Consider Advisory Body Analysis Priorities

ADJOURN

SCHEDULE OF ANCILLARY MEETINGS

SUNDAY, JUNE 10, 2001

Scientific and Statistical Committee, Highly Migratory Species Subcommittee	10 a.m.	Peninsula 2
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MONDAY, JUNE 11, 2001

Council Secretariate	7 a.m.	Salon F
Groundfish Advisory Subpanel	8 a.m.	San Mateo
Groundfish Management Team	8 a.m.	Peninsula 3
Scientific and Statistical Committee	8 a.m.	Peninsula 4
Budget Committee	10 a.m.	Salon A
Habitat Steering Group	1 p.m.	The Boardroom
Highly Migratory Species Advisory Subpanel	1 p.m.	Peninsula 2

TUESDAY, JUNE 12, 2001

Council Secretariate	7 a.m.	Salon F
California State Delegation	7 a.m.	Peninsula 3
Oregon State Delegation	7 a.m.	Peninsula 4
Washington State Delegation	7 a.m.	San Mateo
Scientific and Statistical Committee	8 a.m.	Peninsula 4
Habitat Steering Group	8 a.m.-noon	The Boardroom
Highly Migratory Species Advisory Subpanel	8 a.m.-noon	Peninsula 2
Groundfish Advisory Subpanel	8 a.m.	San Mateo
Groundfish Management Team	As necessary	Peninsula 3
Enforcement Consultants	Immediately following Council session	Salon A
Groundfish FMP EIS Scoping Meeting	7 p.m.	Burlingame Ballroom

WEDNESDAY, JUNE 13, 2001

Council Secretariate	7 a.m.	Salon F
California State Delegation	7 a.m.	Peninsula 3
Oregon State Delegation	7 a.m.	Peninsula 4
Washington State Delegation	7 a.m.	San Mateo
Groundfish Advisory Subpanel	As necessary	San Mateo
Groundfish Management Team	As necessary	Peninsula 3

Enforcement Consultants

As necessary

The Boardroom

THURSDAY, JUNE 14, 2001

Council Secretariate

7 a.m.

Salon F

California State Delegation

7 a.m.

Peninsula 3

Oregon State Delegation

7 a.m.

Peninsula 4

Washington State Delegation

7 a.m.

San Mateo

Groundfish Management Team

As necessary

Peninsula 3

Enforcement Consultants

As necessary

The Boardroom

FRIDAY, JUNE 15, 2001

Council Secretariate

7 a.m.

Salon F

California State Delegation

7 a.m.

Peninsula 3

Oregon State Delegation

7 a.m.

Peninsula 4

Washington State Delegation

7 a.m.

San Mateo

Enforcement Consultants

As necessary

The Boardroom

PFMC
05/30/01

**Meeting Record and Summary Minutes
Pacific Fishery Management Council
March 6-9, 2001**

The full record of the Pacific Fishery Management Council March 5-9, 2001 meeting is available at the Council office, and consists of the following:

1. The draft agenda.
2. The approved agenda with notations as to the time each agenda item was addressed, with summary minutes of Council proceedings and key Council documents inserted in the relevant agenda item. The summary minutes consists of a narrative (1) on particularly noteworthy elements of the gavel to gavel components of the Council meeting, including the Call to Order segment at the onset of the Council meeting, and (2) summaries of pertinent Council discussion during each Council Guidance, Discussion, or Action item in the Agenda. The summary narrative of Council Guidance, Discussion, or Action items includes detailed descriptions of rationale leading to a motion (or leading to a consensus to not make a motion) and discussion between the initial motion statement and the final vote.
3. A set of audio recordings of the actual testimony, presentations, and discussion that occurred at the meeting. Recordings are labeled so as to facilitate tape review of a particular agenda item, by cross referencing with the time labeled agenda.
4. All written documents produced for consideration at the Council meeting, including (1) the pre-meeting briefing book materials, (2) all pre-meeting supplemental documents for the briefing book, (3) all supplemental documents produced or received at the Council meeting, validated as labeled by the Council Secretariat and distributed to Council Members, and (4) public comments and miscellaneous visual aids or handout materials used in presentations to Council Members during the open session.
5. A copy of the Council Decision Log, a document distributed immediately after the meeting which contains very brief descriptions of Council decisions.

DRAFT MINUTES
Pacific Fishery Management Council
March 6-9, 2001

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A. Call to Order

A.1. Opening Remarks, Introductions

Vice Chairman Hans Radtke called the meeting to order at 8:08 a.m., on Tuesday, March 6, 2001.

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. Jim Harp
Mr. Donald Hansen
Mr. Jim Lone
Mr. Jerry Mallet
Dr. Hans Radtke
Mr. William Robinson
Mr. Roger Thomas

Non-Voting Members

Mr. Dave Gaudet
Dr. Dave Hanson
CDR Ted Lindstrom
Mr. Tim Roth

Members Absent

Mr. Stetson Tinkham

A.3. Executive Director's Report

Dr. McIsaac announced that Chairman Lone would not be present on the first day of the Council Meeting for personal reasons. Dr. McIsaac then described the overall strategy of the draft agenda, highlighting the salmon management decision making sequencing and the Highly Migratory Species draft Fishery Management Plan considerations. He also explained the new "Groundfish Strategic Plan Consistency Analysis Box" in the situation papers for groundfish.

A.4. **Council Action:** Approve Agenda

The Council approved the agenda with the following changes: delete B.1 as there will not be a report from NMFS; D.1 should include "regulatory activities", D.5.e will be rescheduled for April and in its place Dr. Ralston will give a presentation on the terms of reference for rebuilding plans. Mr. Brown asked to move item A.5 to Friday right in front of the administrative items to allow time to review the minutes. The revised agenda was approved by voice agreement.

A.5. **Council Action:** Approve September and November Minutes

The September 11-15, 2000 Council Meeting Minutes were approved as shown in Supplemental Exhibit A.5. (Motion 7)

B. Salmon Management

B.1. Report on Federal Regulation Implementation

This item was removed from the agenda.

B.2. Review of 2000 Fisheries and Summary of 2001 Stock Abundance Estimates (March 6; 8:21 AM)

B.2.a. Report of the Salmon Technical Team (STT)

In the absence of Mr. Dell Simmons, STT chair, Messrs. Doug Milward, Mike Burner and Allen Grover presented the report of the STT, which summarized the information in *Review of 2000 Ocean Salmon Fisheries and Preseason Report I Stock Abundance Analysis for 2001 Ocean Salmon Fisheries*.

B.2.b. Reports and Comments of Advisory Bodies (8:47 AM)

Dr. Pete Lawson read the report from the SSC.

The Scientific and Statistical Committee (SSC) heard a summary of 2000 fisheries and projections for 2001 stock sizes from the Salmon Technical Team (STT). In general, stock abundances of coastal and Columbia River coho are predicted to be higher in 2001 than in recent years. This is especially true for Oregon Production Index (OPI) area hatchery fish. Washington coastal natural coho stocks are expected to be above their floor values. Oregon coastal natural coho are predicted to return at slightly below last year, but substantially above the parental spawner level. It remains to be seen whether this is the beginning of a trend toward higher marine survivals, or a "blip" following the 1998 El Niño, analogous to the peak returns of 1986. In either case, it is important to start planning now for the large hatchery surplus expected this fall. The Council's challenge is to take advantage of the hatchery production without adversely affecting wild stocks potentially beginning to stage a recovery. The SSC supports a fishery exploitation rate in the range of 0 to 8% on OCN coho based on the critically low 1998 parental spawning escapement, as described in the 2000 review of Amendment 13 of the salmon fishery management plan.

Chinook in 2001 are predicted to be similar in abundance to 2000. Notable exceptions are larger abundances of Klamath River age 4, and Columbia River Upriver Spring and Spring Creek Hatchery Fall chinook. California Central Valley fall chinook show a slight decline in recent years, but remain strong. Sacramento Winter Run chinook are likely to be a limiting factor for California chinook fisheries.

Preseason Report I presents stock size predictions to the nearest 100 fish, without any indication of the precision of these predictions. The SSC recommends that, in the future, predictions include a statistical measure of variability such as confidence limits or coefficients of variation. Without variance estimates it is impossible to assess the likelihood of meeting management objectives and the risks to sensitive stocks of proposed fishing seasons.

With larger hatchery stock sizes and mass-marked coho it is likely that the intensity of mark-selective fisheries will increase in the near future. Possible consequences of selective fisheries include difficulties in modeling nonlanded mortalities and reduction in our ability to assess stock composition from coded-wire tag (CWT) recoveries. Double index tagging experiments are designed to overcome some of these problems, but their usefulness has not been demonstrated. These fisheries are still in the experimental and developmental stages. The SSC recommends that a comprehensive review of selective fisheries be conducted no later than 2004. The review should focus on (1) the effectiveness of selective fisheries in reducing impacts on unmarked fish, (2) our ability to predict incidental impacts preseason, (3) our ability to assess these impacts postseason, and (4) effects on the quality of the CWT data base.

Mr. Mark Cedergreen gave the report for the SAS. (8:52 AM)

The Salmon Advisory Subpanel (SAS) commends the Salmon Technical Team for its excellent job of compiling previous season catch statistics and preseason run size predictions.

We would like to see a section in Preseason I that summarizes the current year's stocks of concern. This section would include Table 1-3, a table showing Endangered Species Act listed stocks, and a brief narrative describing which stocks will affect which geographical areas.

B.2.c. Public Comments

None.

B.2.d. Council Discussion

None.

B.3. Inseason Management Recommendations for Openings Prior to May 1 off Oregon (March 6; 8:55 AM)

B.3.a. Agendum Overview by John Coon

Dr. John Coon provided the Council a review of the agenda topic and briefing book material. He noted that Council action entailed recommendations to NMFS for salmon fishery openings off Oregon prior to May 1.

B.3.b. Oregon Department of Fish and Wildlife Recommendations

Mr. Burnie Bohn presented the Oregon proposal for an April 1 opening (Exhibit B.3.b).

Beginning in 1997, chinook directed fisheries from Cape Falcon to Humbug Mountain opened during April. In 1997 and 1998 the opening date was April 15 and in 1999 and 2000 the opening date was April 1. Chinook catches during these April fisheries have been highly variable due to weather and fish distribution patterns. Commercial catches were 4,500, 20,000, 800, and 1,200 in 1997, 1998, 1999, and 2000 respectively. Recreational catch and effort during April fisheries have been extremely low with combined 1997-2000 landings of less than 60 fish.

The opening date of April 1 is again proposed for 2001 for both the commercial troll and recreational fisheries from Cape Falcon to Humbug Mountain. All gear and bag limits would remain the same as 2000. Additionally, the control zone at the mouth of Tillamook Bay would be subject to closure under state regulations.

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

None.

B.3.d. Public Comments

None.

B.3.e. **Council Action:** Advise NMFS of Recommended Inseason Management Prior to May 1 (8:58 AM)

The Council adopted the proposed April 1 opening date for Oregon troll and recreational chinook fisheries from Cape Falcon to Humbug Mountain as shown in Exhibit B.3.b, Supplemental ODFW Recommendations. (Motion 1)

B.4. Identification of Management Objectives and Preliminary Definition of 2001 Options (March 6; 9:01 AM)

B.4.a. Agendum Overview

Dr. John Coon provided the Council a review of the agenda topic and briefing book material. He noted that Council action entailed discussion of the SAS recommendations, and direction to the STT for collation of options.

B.4.b. Report from the Pacific Salmon Commission (9:06 AM)

Mr. Harp provided the following report.

In 1999, U.S. and Canadian negotiators reached a comprehensive agreement that resolved long-standing disputes relating to Pacific salmon and the Pacific Salmon Treaty. For chinook, the agreement established abundance-based fishing regimes for the major mixed stock salmon intercepting fisheries in Alaska and Canada. These regimes, which allow catches in fisheries to vary from year-to-year, are designed to allow larger catches when abundance is higher and lower catches in years when abundance is down.

The Chinook fisheries north of Cape Falcon are to be managed as part of a general obligation to constraining harvest rates to no more than 60% of the levels observed during the 1979-82 base period. Harvest is constrained by the status of the natural stocks that are projected not to achieve escapement.

For 2001, as was done last year, this "general obligation" needs to be assessed with other "weak stock" and ESA considerations when structuring the fishing regimes. It is my understanding that information regarding the impacts of PFMC options will be available from the output reports from the FRAM Chinook model. In all probability, ESA obligations will constrain Council fisheries more than this "general obligation".

Relative to coho salmon, the 1999 U.S. and Canada agreement essentially represents a commitment to develop a conservation-based regime for border area fisheries between southern British Columbia and Washington State. As many of you already know, the Pacific Salmon Commission's deliberations on coho are still unresolved. The major elements still under discussion are the allowable exploitation rates. Further coho negotiation sessions are scheduled for late April. The objective is to develop a multi-year agreement that outlines a basic management framework for key U.S. and Canadian coho management units.

For the 2001 season, no specific bi-lateral obligation for coho salmon has yet been established. The Council process should proceed to structure its fishing regimes focused on domestic coho conservation issues.

B.4.c. Report of the Klamath Fishery Management Council (KFMC) (9:14 AM)

Mr. Paul Kirk provided the following statement:

The KFMC met February 22-23 and March 4-5, 2001 to discuss management of Klamath River fall chinook for 2001. A summary of our discussions and recommendations follow.

Issue 1: Larger than predicted escapement of age-3 fish in 2000

The KFMC discussed the large escapement of age-3 spawners in the Klamath basin with the Klamath River Technical Team (KRTAT). They report that the abundance of age-3 fish was 273 percent of the pre-season prediction, and the age-4 abundance was slightly above the pre-season prediction. Good ocean environmental conditions probably contributed to above average survival

of the 1997 brood. The ocean survivors of this cohort will return as age-4 fish this year. The natural component of the escapement was only 46% compared to a pre-season prediction of 70% natural spawners. This was due to a very large hatchery component.

The run of adult fish entering Iron Gate Hatchery was the largest ever at 71,600 fish. The run into Bogus Creek, located adjacent to the hatchery, was 34,700 adult fish, the second largest on record for that stream. A larger run occurred in the Creek in 1995 (45,200), in part because the hatchery was not prepared to process all of the returning fish in that year and had to preclude entrance into the hatchery receiving facility. This resulted in hatchery fish spawning naturally and being considered part of the natural spawning escapement. Trinity River Hatchery also received an above average number of adult fish (26,000) in 2000.

The naturally spawning escapement into the Klamath basin was 82,500 fish, well above the natural escapement floor of 35,000 adult spawners. However, discounting Bogus Creek, the naturally spawning run totaled only 47,800 fish.

Our stock projection models were updated to include these new data points.

Issue 2: Ocean abundance and spawning escapement projections for 2001

The KPMC discussed using the age-specific stock projections for determining biological and fishery harvest goals for 2001. For only the second time since 1990, the data indicate the stock should be managed to exceed the escapement floor of 35,000 naturally spawning adult fish (47,000 natural spawners; 74,600 including hatchery fish) pursuant to Amendment 9 of the Framework Management Plan of the PPMC. The age-3 projection of 93,500 fish is one of the lowest on record while the age-4 projection of 197,600 is the second highest. The age-5 projection is about 1000 fish. The estimated proportion of natural spawners based on the recent five years of data is 63 percent. The preliminary fishery harvest levels based on these estimates are 77,300 fish each for the tribal and non-tribal fisheries. The non-tribal harvest would be allocated 11,600 to the river sport fishery (15 percent based on the California Fish and Game Commission letter discussed below) and 65,700 for the ocean fisheries. Absent Endangered Species Act constraints, the age-4 ocean harvest rate would be 0.25, including catches made prior to May 1.

The KPMC discussed using more conservative parameters for determining biological and fishery harvest goals for this year. This was done with the intent of better ensuring that our escapement goal for naturally spawning fish will be met (at the expense of fishery goals). Specifically, 1) the KRTAT analyzed the effect of applying the age-3 maturation rate observed for the 1992 brood to the 1997 brood; and/or applying the proportion of natural spawners observed in 2000, rather than the 5-year average. The 1992 brood maturation rate was used because it was the highest age-3 maturation rate for a "power brood" on record (the other power broods are 1983-85). 2) We considered using only the 2000 proportion of natural spawners because of the predominance of age-3 fish in the run last year and the projected dominance of age-4 fish (fish of the same cohort--in the run this year).

The KRTAT presented an analysis of the two modified parameters discussed above and concluded the risk of not meeting the natural escapement floor for the basin under the proposed harvest levels is very low. In part, this is because we are managing for a natural escapement in 2001 of 47,000 adult fish, 12,000 fish over the floor. Of the two parameters in question, the KRTAT and KPMC agreed that the method used to project the proportion of fish that will return to natural areas needs further analysis. However, no change in the current methodology (5-year average) is recommended for this year. The KPMC voted to accept the KRTAT stock projection report and to recommend that the PPMC and its advisory bodies use that report for projecting ocean abundance of Klamath fall chinook and the proportion of fish that will return to natural areas in 2001.

Our recommendations regarding allocation of the non-tribal share of Klamath fall chinook follow.

Issue 3: Allocation of fish to the river sport fishery

In a February 14, 2001 letter, the California Fish and Game Commission advised the KFMC and PFMC to set aside 15 percent of the non-tribal share of the allowable harvest of Klamath River fall chinook for the river sport fishery, and, in the event that ocean fisheries were unable to harvest their full preseason allotment, that any surplus be made available to the river sport fishery. Based on the Commission letter, the preliminary allocation of adult fish to the river sport fishery is 11,600 fish (the final allocation will be possible after the ocean fishing regulations are determined).

The KFMC discussed the likelihood that a significant number of fish will be transferred from the ocean fisheries to the river sport fishery if ESA constraints prevent ocean fisheries from fully accessing their share. South of Horse Mountain, the ocean fisheries will be constrained by Sacramento winter chinook, California coastal chinook and Oregon coastal natural coho (OCN), while fisheries between Horse Mountain and Cape Falcon will be constrained by California coastal chinook, OCN coho, and Rogue-Klamath coho. Any such transfers should be clearly shown in the options that are prepared for public hearings.

It appears likely that the river sport fishery will have more harvestable fish available than it can use. The KFMC will continue to discuss disposition of any projected surplus of fish in the river sport allocation.

Issue 4: Allocation of fish to the KMZ sport fishery

The KFMC again agrees that 17% of the ocean share of Klamath River fall chinook should be allocated to the KMZ sport fishery. To achieve its allocation, the fishery should be managed based on time and area closures, minimum size limits, and bag and possession limits. The KFMC supports analysis of the regulation options that were recently developed by the Klamath Management Zone Coalition.

Issue 5: Allocation of fish to the CA and OR troll fisheries

The KFMC recognizes that ESA constraints may have a greater influence on ocean fishing regulations than the allowable harvest of Klamath fall chinook. The KFMC recommends that 2000 commercial regulations be used as the base for developing 2001 regulations. In 2000 the allowable harvest rate for age-4 fish was 13.8%. In 2001, the rate may be higher, depending on ESA constraints. The SAS representatives from California and Oregon, in consultation with KFMC representatives, should negotiate how these fish can be utilized in 2001.

B.4.d. Report of the California Fish and Game Commission

Mr. Robert Treanor reiterated support for the recommendations of the KFMC report (above).

B.4.e. NMFS Recommendations

Mr. Bill Robinson summarized NMFS guidance regarding 2001 ESA consultation standards that were included in the March 2, 2001 letter from Donna Darm and Rebecca Lent of NMFS to Council chairman Jim Lone (Exhibit B.4.e, Supplemental NMFS Report).

B.4.f. Tribal Recommendations (10:14 AM)

Mr. Jim Harp gave the following statement:

Mr. Chairman, I would like make a brief statement regarding the status of the salmon resource in 2001 and the tribes' current thinking about a range of options for the ocean treaty troll fishery.

The forecasts for coho on the Washington coast and Puget Sound for both wild and hatchery stocks are significantly greater than recent years. We are also encouraged that the forecasts for the OPI stocks have increased. We believe that these forecasts allow for some moderate increases in harvest this year even while taking into consideration the needs of the OCN stock.

For chinook, the tule hatchery stocks should provide some harvest opportunity in the ocean fisheries this year. However, some important contributing stocks continue to be depressed. We continue to live up to the commitment that we made in 1988 to not increase our impacts on Columbia River chinook stocks of concern. Additional listed chinook stocks will require continued attention to work out fisheries that meet the ESA requirements for these stocks.

The tribes still have concerns about our ability to appropriately analyze and manage selective fisheries, but we appreciate the reports that WDFW and ODFW have been providing on the monitoring and sampling of their selective fisheries. We encourage the states to continue rigorous monitoring and sampling of these fisheries and continue communication on this issue with the tribes.

We are beginning the process of establishing, cooperatively with the Washington Department of Fish and Wildlife, a package of fisheries that will ensure acceptable levels of escapement for natural stocks of concern. We have joint Tribal/State agreement on specific 2001 management objectives, with only a couple of exceptions, but the tribes intend to work cooperatively toward completion of all stocks.

I offer the following range of preliminary options for the ocean Treaty troll fishery for compilation and analysis by the Salmon Technical Team with the understanding that this is only the first step towards finalizing options this week to be sent out for public review.

Treaty Troll Options

	<u>Coho</u>	<u>Chinook</u>
Option 1	90,000	37,000
Option 2	90,000	35,000
Option 3	70,000	35,000

For Chinook, 50% would be taken in the May/June chinook only fishery and 50% would be taken in the July/August/September all-species fishery.

Mr. Mike Orcutt, Hoopa Valley Tribe, thanked the Council for support of the Record of Decision for Trinity River Flows. He reiterated the importance of stock strength information mentioned in the KFMC report, and indicated that Klamath tribes have a long standing history of responding to conservation needs. The tribal fishery will be managed for full utilization in 2001.

Mr. Dave Hillemeier, Yurok Tribe, was concerned with the 2000 under prediction of Klamath fall chinook, which resulted in underutilization of surplus chinook. He wants to work with the state of California to prevent this from happening this year.

(10:28 AM) Mr. Jim Harp on behalf of the Washington treaty tribes provided the following:

Mr. Chairman and Council, the Quinault, Hoh, and Quileute Tribes wish to make a brief statement regarding the tentative modeling of the ocean treaty troll fishery options.

Again this year, it is the desire of the Quinault, Hoh, and Quileute Tribes to continue to meet the escapement floor or goals for runs originating in the area from Grays Harbor to Quillayute River...

(10:34 AM) Mr. Duane Clark gave the following comments:

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

While the 2001 Spring Creek Hatchery tule chinook forecast is significantly higher this year, the up-river bright forecast is down somewhat. Impacts on Snake River fall chinook will likely limit both in-river fisheries and ocean fisheries.

The forecast for Columbia River coho suggests a much larger return than last year. According to management agreements for upper Columbia River coho, 50% of the upriver coho must be passed to the treaty fishing area upstream of Bonneville Dam. We expect the states to monitor and include all sources of non-Indian fishery mortalities in the ocean and the lower river to ensure the adequate passage of coho past Bonneville Dam in order for the tribes to have the opportunity to harvest their share of the coho.

The Columbia River tribes continue to question the utility of mass marking and selective fisheries as a long-term recovery strategy. It seems like selective fisheries for coho have advanced from the experimental phase to the full scale implementation phase. Mass marking and selective fisheries for chinook are increasing as well. There are still unresolved technical issues concerning the mass marking and selective fishing for chinook that are far more complicated than for coho, making it difficult to detect the effects on selective harvest on escapement. The idea of selective fishing as a way to address wild stock concerns is seductive because it diverts attention from the real problem: low wild fish survival. The matter is also complicated in the Columbia River because some mass marked hatchery fish are listed under the ESA. Under current regulations it is legal for sport fishers to retain these listed fish in a selective fishery at higher rates than other listed populations. This is done at the same time the states and federal government argue that one of the main reasons for implementing selective fisheries is to reduce impacts on listed fish. Managers are so interested in figuring out how to mass mark salmon that they haven't stopped to consider the longer term implications. Our experience with steelhead in the Columbia River indicates that mass marking and selective fishing by itself will not restore wild runs. It is not prudent to move ahead with mass marking and selective fishing for chinook.

Although the forecast for the Snake River wild fall chinook is not ready, last year's Lower Granite Dam counts were the highest on record. Some of the recent increases in the wild Snake River counts were the results of supplementation that the tribes successfully advocated for. The tribes believe that this provides a good foundation for recovery. However, the federal government discounts the value of successful supplementation programs. Other examples of successful supplementation include restoring fall chinook returns to the Umatilla, Yakima, and Klickitat Rivers, spring chinook in the Clearwater and Umatilla Rivers, and coho in the Yakima, Clearwater, and Umatilla Rivers.

Upper Columbia River spring chinook are forecasted to return in the largest numbers since the construction of Bonneville Dam. This is good news. The tribes, states, and Federal government have reached agreement on an interim management plan for winter spring and summer period fisheries in the Columbia River. We hope to have this agreement finalized and entered as a court order in the next few weeks. This Interim agreement allows for a modest increase in harvest rates when run sizes are high. This Interim Agreement will allow the co-managers to focus not only on developing a long term management plan, but more importantly, working on activities that will actually lead to the restoration of our salmon populations.

The Columbia River tribes are working hard to contribute to the rebuilding of upriver salmon and steelhead using the limited tools available to us like voluntary restrictions on harvest and working to increase the production of upriver stocks through supplementation. However, it is difficult to

expand supplementation when hatchery funding puts a priority on maintaining release levels at the facilities at the expense of proven supplementation programs. It is difficult to find justice in restricting only fisheries while hydropower, ranching, logging, urban development, and agricultural activities continue their unregulated impacts on salmon habitat and survival. The science shows that some Columbia River stocks will recover only if major changes in the hydropower system, such as breaching or drawdown take place. The dams continue to indiscriminately harvest salmon, while the fishermen are left to fight over the crumbs. Only through a combination of efforts in the entire life cycle of the fish can we hope to get fish off the Endangered Species list.

This year, the tribes would like to bring to the Council's attention to a program proposed by the National Marine Fisheries Service that will have adverse impacts on both in-river and ocean fishers. NMFS proposes to use Snake River fall chinook in a study to look at the effects of transportation, the program that has been a failure in the past. The water levels in the Columbia will be among the lowest in the last sixty years. Survival of juvenile migrants will be low no matter what happens. A study which subjects fish to additional stress is not necessary.

The Federal government has the legal obligation under federal law to restrict other activities that impact listed species before restricting the Columbia River treaty Indian fishery any further. This must be done to comply with the conservation principles established in United States versus Oregon. Until everyone, Indian and non-Indian, can resume fishing at its full potential, we can not forget the work that we have to do together to recover all salmon and steelhead runs for our future generations.

It is difficult to recommend specific options at this time. However, due to the ongoing concerns about Snake River fall chinook, the Columbia River tribes ask that the Council to instruct the Salmon Technical Team to include an option with zero non-Indian fishing north of Cape Falcon. This would return the maximum number of Snake River fall fish to the Columbia River and give the greatest flexibility for in-river allocation. The Columbia River tribes also recommend that all options going out for public review meet the ESA guideline for impacts on Snake River fall chinook. As the Council considers various fishery options over the next month, it should consider the following management principles.

Harvest rates must account for all sources of mortalities including mortalities in groundfish fisheries and non-harvest mortality and the harvest rates be sustainable and support rebuilding of weak and depressed stocks.

Non-tribal river and ocean fisheries must allow sufficient escapement so the tribes can harvest their fair share of the harvestable fish. The allocation between tribal and non-tribal fisheries must include mortalities from all sources, not just fishery mortalities.

Habitat protection and restoration and stock supplementation must be a part of the long term solution.

This concludes my statement. Thank You.

Mr. Terry Courtney, Jr., Warms Springs Tribe, requested that hatchery and wild fish not be separated. Low water will make it difficult to harvest fish.

B.4.g. State Recommendations (10:46 AM)

WDFW: Mr. Rich Lincoln stated they expect increased ocean harvest as a result of increased Puget Sound and Columbia River abundance, consistent with OCN conservation objectives. He noted that the conservative abundance estimate for OCN coho will contribute to a risk adverse Council management strategy. No new management obligations are required for Canadian coho, but we need to be cognizant of Canadian coho impacts. Regarding pink salmon, Frazier River abundance is near escapement objectives, and it is unlikely that there will be proposals for additional harvest opportunity this year.

IDFG: Mr. Jerry Mallet indicated that he would like the HSG to track the Columbia River flow situation this year and interact with NMFS on issues pertaining to juvenile migration.

ODFW: Burnie Bohn indicated that the driving factor for Oregon fisheries in 2001 would again be OCN coho. Referencing Exhibit B.4, ODFW made two recommendations to the Oregon Fish and Wildlife Commission (OFWC): 1) an incidental OCN coho impact rate of 0-8%, as indicated in the OCN workgroup matrix and the NMFS guidance letter introduced earlier by Mr. Robinson; 2) an average (1999-2000) catch distribution of OCN impacts for use as a template for future fishery planning. The OFWC approved both recommendations. ODFW may also consider a proposal for more formal adoption of the OCN workgroup matrix into Council's salmon FMP in November 2001, pending discussion among the SAS and SSC.

CDFG: LB Boydstun indicated that the primary challenge for California will be to find a way to access surplus Central Valley and Klamath River chinook, while meeting ESA constraints.

B.4.h. Reports and Comments of Advisory Bodies (11:14 AM)

The Salmon Advisory Subpanel presented the season options as shown in Exhibit B.4.h, Supplemental SAS Report, March 2001.

Mr. Rich Lincoln indicated that a Willapa Bay gill net fishery should be included in one of the options for the purpose of modeling.

Sgt. Dave Cleary provided the following Enforcement Consultant's report.

The Enforcement Consultants (EC) recommend language be included in one of the recreational options for the area of Leadbetter Point to Cape Falcon (refer to Exhibit B.4.h, Supplemental SAS Report) a complete closure for salmon for Tillamook Head to Cape Falcon beginning August 1.

Also, the Council should consider language in C.1. that states: regulations maybe considered to restrict fishing while transiting from one area to another area or an open area to a closed port.

B.4.i. Public Comments

Mr. Mark Cedergreen, Westport Charterboat Association, Westport, Washington
Mr. Don Stevens, troller, Newberg, Oregon
Mr. Paul Englemeyer, National Audobon Society, Yachats, Oregon
Mr. Dave Bitts, commercial salmon fisherman, Eureka, California

B.4.j. Council Recommended Options for STT Collation and Description (Guidance)

Working from "Exhibit B.4.j, Supplemental SAS Report, March 2001", Mr. Boydstun asked for a few minor changes for the commercial fisheries south of Horse Mt. as follows: Under Option I, in the area of Pt. Arena to Pt. Reyes, verify that the minimum size limit narrative stays in. Under Option II, the area should be Pt. Arena to Pt. Reyes (not Fort Ross), and the narrative suggestion of 120 fish per four day period is not enforceable, and should be removed. Under Option II in the area of Ft. Bragg (Horse Mt. To Pt. Arena), make sure that the minimum size limit and gear restrictions footnote C.2. apply. Under Option III, include an analysis for a May 1 through May 31 10,000-chinook quota troll fishery. Under Option III in the area of Pt. San Pedro to U.S./ Mexico border, the fishery duration is May 1 through September 30. Under footnote C.2.d, "circle hook defined:" add an option for a "circle hook with no offset". A no offset circle hook is one where the point is aimed directly at the shank and not offset from the shank.

Mr. Boydstun asked for minor changes to the recreational fisheries: in the area of Horse Mt. To Pt. Arena under Option I, make the closure dates consistent with the KMZ area closure (February 17 through July 7, and July 25 through August 18); also footnote C.2.d. would include the "circle hook defined:", the same as in the commercial regulation; in the KMZ area, under Option III, insert the Option I from the Klamath coalition

(May 27 thru July 6, 1 fish per day, four per week, and July 29 thru August 10, 2 fish per day, four per week.), with gear restrictions and minimum size limits the same as the other options.

Mr. Lincoln asked for a few changes for the area North of Cape Falcon. For the commercial troll fishery under "Supplemental Management Information", in Option I, add an analysis for a 2,000 chinook gillnet fishery inside the Willapa Bay mouth during the month of July. For recreational, under Option I, both for the Neah Bay and La Push areas, have an analysis of a starting date which would be similar to the option for Westport (June 17 instead of July 1).

Mr. Bohn concurred with Mr. Boydston's suggestions.

The Council and STT reviewed further clarifications - with direction to include the Willapa Bay chinook gillnet fishery in Option I.

B.5. Progress Report on the Queets Coho Overfishing Status Review (March 6; 2:32 PM)

B.5.a. Agendum Overview

Dr. John Coon provided the Council a review of the agenda topic and briefing book material. He noted that Council action entailed direction to the STT and HSG regarding the overfishing review process.

B.5.b. Report of the Washington Tribal and State Workgroup (2:36 PM)

Mr. Lincoln clarified the intent of the letter (Exhibit B.5, WDFW comment) was to avoid an exhaustive effort in light of the current status and circumstances. He requested clarification from the Council of STT and HSG responsibilities under the overfishing criteria of Amendment 14.

Mr. Harp indicated that the 2000 escapement and projected 2001 escapement were well above minimum objectives, and that a major source of ocean mortality (WCVI fisheries) was not currently operating at a significant level.

Mr. Robinson indicated that the Council needs to follow procedures outlined in Amendment 14. Review may not have to be as extensive as would be necessary for a stock that has not shown signs of recovery. The STT may only need to identify factors contributing to recovery, and define criteria for recovery (e.g. environmental changes, marine survival). The WDFW/tribal letter provides a starting point for the STT and HSG reports.

B.5.c. HSG Review of Habitat Considerations

Ms. Bloeser indicated that the HSG would review the WDFW/Tribal letter and prepare a report for the April Council meeting.

B.5.d. Reports and Comments of Advisory Bodies

Dr. Gary Morishima gave the report of the STT.

An extensive outline for the overfishing report was developed by the STT. The Queets is well studied and unique in that the two major subbasins are managed very differently, one being in the National Park, the other heavily logged. The variability of stock status in the Queets may be related to marine survival. The STT believed they were instructed last fall to initiate preparation for an overfishing review in anticipation that the Queets coho would not meet its escapement goal in 2000. The Queets coho did meet their escapement goal in 2000. The available information indicates that 2001 escapement will also meet the escapement goal. The STT concurs with the recommendations in the WDFW/tribal letter, that the Council consider delaying requiring an overfishing review until next year when another year of data will be available indicating whether the situation has been turned around.

B.5.e. Public Comments

None.

B.5.f. Council Guidance

Mr. Bohn recommended deferring the review until March 2002.

Mr. Robinson clarified that postponing for a year would go against the FMP. A brief report on why recovery was achieved would be appropriate, and would allow an in-depth assessment in 2002 if the 2001 escapement does not materialize or if the 2002 projection is below the goal.

Mr. Robinson asked if there was a sufficient amount of quality habitat to allow fishery management to achieve objectives given average survival. Can the STT identify ocean survival as the primary factor responsible for variation in escapement?

Dr. Morishima indicated that would require a comprehensive review of the existing goals.

Dr. Coon indicated that the STT would need to have a draft report by the September Council meeting, and it may include HSG identification and recommendations for habitat issues.

Mr. Lincoln indicated that the September due date would be for a complete report submitted to the Council, with review subsequent to the Council meeting.

The Council moved to the legislative update at this time.

B.6. Update on Snake River Spring Chinook Salmon Recovery (March 7; 3:47 PM)

B.6.a. Idaho Department of Fish and Game Report

Mr. Bert Bowler provided a presentation.

B.6.b. Reports and Comments of Advisory Bodies

None.

B.6.c. Public Comments

None.

B.6.d. Council Discussion on Snake River Spring Chinook Salmon Recovery

None.

B.7. Council Recommendations for 2001 Management Option Analysis (March 7; 4:15 PM)

B.7.a. Agendum Overview

Dr. John Coon provided the Council a review of the agenda topic and briefing book material. He noted that Council action entailed discussion of the STT collation of ocean salmon fishery options, and direction to the STT for further analysis of options.

B.7.b. Report of the STT

The Salmon Technical Team's report is contained in Exhibit B.7.b, Supplemental STT Report, March 2001.

Mr. Harp indicated that the treaty fishery options should include July start dates for the second season.

Mr. Boydston requested that early openings for 2002 should appear in the footnotes.

B.7.c. KPMC Comments

None.

B.7.d. Reports and Comments of Advisory Bodies

None.

B.7.e. Public Comments

None.

B.7.f. Council Direction on Recommendations for 2001 Salmon Management Option Analysis

With regards to Exhibit B.7.f, page 10, table 2, footnote C.5., Mr. Anderson asked if the state were to establish a fishery, would it need to be modeled during the Council March/April process? Do the fish that are to be taken in such a fishery count and do they need to be included in the troll/recreational allocation schedule contained in the framework plan?

Dr. Coon, stated that the answer would likely be yes, the allocations and fish would apply to the Council season allocations. Those impacts need to be included in the modeling, they just can't be "free fish".

Mr. Milward noted the Area 4B fisheries work along those sideboards.

Mr. Anderson asked for one change for Option III, that is applicable to both page 1 (commercial troll) and page 6, (recreational fishery): change the chinook and coho quotas to 30,000 chinook and 150,000 coho. The reason for making the request is that policy representatives from the tribes would like to see more flexibility allowed during the North of Falcon process for treaty/non-treaty sharing.

Mr. Boydston provided recommendations for a few items on page 11: for options I and II, reduce the Klamath fall chinook ocean harvest rate to 17% to meet the ESA standard; increase the KMZ allocations to 17%; for the inriver recreational allocation, add the note that "any fish not utilized by the commercial fisheries are to be transferred to the recreational fisheries"; and to meet ESA requirements for Sacramento River chinook in option III, reduce fisheries south of Pt. Arena (maybe a matter of a day or two).

Mr. Grover asked Mr. Boydston about the 17% for KMZ sport fishery. The Klamath coalition would like the reduction in July instead of April. For the Sacramento River winter chinook south of Point Arena, should that reduction be taken up by the commercial fisheries? Mr. Boydston answered affirmatively.

B.8. Appointment of Officers for March Salmon Hearings

B.8.a. Agendum Overview

Dr. Coon stated that Council action entailed appointment of hearing officers for public hearings on salmon fishery management options.

B.8.b. Council Action: Appoint Hearings Officers

The Council appointed the following officers and representatives:

Date Time/Day	Location	Council	NMFS	USCG	Staff	Salmon Team
March 26 Monday 7 p.m.	Chateau Westport Beach Room 710 West Hancock Westport, WA 98595	J. Lone P. Anderson J. Harp	B. Robinson	Rep.	J. Coon	D. Milward
March 26 Monday 7 p.m.	Red Lion Hotel South Umpqua Room 1313 N Bayshore Drive Coos Bay, OR 97420	H. Radtke B. Bohn	Rep.	Rep.	C. Tracy	M. Burner
March 27 Tuesday 7 p.m.	Red Lion Hotel Eureka Evergreen Room 1929 Fourth Street Eureka, CA 95501	J. Caito LB Boydstun	D. Viele	Rep.	C. Tracy	A. Grover

Mr. Boydstun indicated that in addition, California Department of Fish and Game will be holding a hearing in Moss Landing on March 28th starting at 7 p.m. The Council will also receive public comment at the Sacramento, California meeting during the week of April 2-6, 2001.

Mr. Anderson indicated that the north of Falcon meetings will be held next Tuesday at the Sheraton Portland Hotel at 9 a.m. and on March 27th at the Tukwila Best Western.

Mr. Bohn noted that ODFW will sponsor a hearing on March 27 at Tillamook, 7 p.m. Forestry Building. They will also provide opportunity to testify on inside fisheries.

B.9. Adoption of 2001 Management Options for Public Review (March 9; 10:14 AM)

B.9.a. Agendum Overview

Dr. John Coon provided the Council a review of the agenda topic and briefing book material. He noted that Council action entailed discussion of the STT analysis, input from advisors and public, and adoption of final recommendations for public review.

B.9.b. Report of the STT

The STT presented its analysis (Exhibit B.9.b, Supplemental STT Report). Individual STT members noted the changes from the previous analysis.

B.9.c. Reports and Comments of Advisory Bodies (10:36 AM)

Mr. Mark Cedergreen provided the following SAS comments.

In 1996 Sacramento River winter run chinook became a driver in California ocean salmon management. As required by the Endangered Species Act, National Marine Fisheries Service (NMFS) developed a recovery plan.

The Salmon Advisory Subpanel (SAS) respectfully requests that the Council include on its April agenda an opportunity for NMFS to update the Council and the SAS on the status and the implementation of that recovery plan.

Mr. Cedergreen requested that the language indicating no trade in the area north of Cape Falcon be changed in one option to read "...but may be considered in April". Under Option II, Queets River to

Leadbetter Point, add "closed inside 3 nautical miles". Under Option III, Leadbetter Point to Cape Falcon in the set aside fishery, change the fishery to 5 days per week.

Reports and Comments of Tribes

Mr. George Kautsky commented for the Hoopa Valley Tribe. The Hoopa Valley Tribe will continue to work with tribal members to identify alternatives, meet with appropriate co-managers, and report back to the KFMC in early April.

Mr. Elmer Crow gave the following testimony on behalf of the Columbia River Treaty Tribes:

Good afternoon Mr. Chairman and members of the Council. My name is Elmer Crow. I am a member of the Fish and Wildlife Commission of the Nez Perce Tribe. I am here today to present comments on behalf of the Warm Springs and Nez Perce tribes.

Like everyone else, the Columbia River tribes have had a short time to review the analysis of the options by the Salmon Technical Team. The options that the council adopts today for public review need to reflect the status of the stocks. The impact level on Snake River fall chinook is important to the tribes because it is one of the controlling stocks for Columbia River management and it is on the Endangered Species list. The forecast for the return of Snake River wild fall chinook is not yet available, but should be available by the April meeting. The analysis by the Salmon Technical Team indicates that each of the options being considered by the Council is consistent with the Snake River wild fall Chinook index that is being used as an ESA guideline and provide an adequate range for public review. However, we must be able to look at the results for the Snake River wild fall chinook harvest index and at the impacts on all stocks for the full package of fisheries before endorsing any option for final adoption. If, upon further review, any of the options fail to meet the Snake River fall chinook guidelines, then the Council cannot consider that option for final adoption in April.

The tribes expect the states to manage coho fisheries to pass 50% of the upriver Columbia River coho to Bonneville Dam in accordance with management agreements. The mortalities of Upper Columbia River coho in ocean fisheries must be balanced with the mortalities in inside fisheries in order to meet this obligation. It is difficult to assess the effect of the ocean options without a better understanding of the full package of ocean and inside fisheries, including the effect of selective fisheries on natural stock returns. We will be working with the state and federal agencies to clarify the situation between now and the Council's meeting in April.

Conservation principles must be applied to every stage of the salmon's life cycle, not just in harvest. Even though the Council has little control over activities other than fisheries, a number of the voting members represent agencies and government that have the authority to make improvements in other areas. The Columbia River tribes are willing to work with whoever it takes to make improvements in the salmon runs on which we depend for our cultural existence, because the status quo is not acceptable.

In 2001, juvenile salmon will face the worst migration conditions in over sixty years. The Federal hydrosystem operators are faced with difficult choices in trying to balance power production and protecting fish. The recent decisions by the operators indicate to us that fish are not the priority. Mortality rates will be high. Because of the Federal hydrosystem actions being taken, future returns of Columbia River salmon are being placed in jeopardy. The result will be less returning adults in two years and we suspect that there may need to be additional restrictions in all fisheries to protect those fish. We urge the Council to contact the operators of the Federal Columbia River Power System and demand that water management decisions adequately consider the needs of salmon.

To restore salmon stocks, we must make improvements in habitat conservation and restoration and in water use. The tribes believe the responsible use of hatcheries as supplementation tools is essential to rebuilding wild salmon stocks. Funding must be made available to implement innovative supplementation programs. In the Columbia River, we must find a way to safely pass fish through

the hydropower system. Without actions in other areas to restore salmon stocks, restrictive fishery management will become the status quo and that is not acceptable.

This concludes my statement. Thank You.

Mr. Terry Courtney, Jr., Warm Springs Tribe, stated that fish restoration should be the main focus and harvest the second item. He felt that all fishery agencies should adopt that practice.

Mr. Tim Roth, U.S. Fish and Wildlife Service, spoke to the tribal/states agreement for the spring and summer management period, and on having reached an agreement which will be finalized at the north of Falcon meetings. He noted the need to address flows issues in the Columbia River.

Mr. Anderson asked that the HSG assess the challenges relative to juvenile salmon migration this year (for the Columbia River), and present their ideas to the Council for protecting these fish.

B.9.d. Public Comments

Mr. Kevin Thiele, Pacific City Dorymen's Association, Pacific City, Oregon
Mr. Jim Olsen, troller, Auburn, Washington

B.9.e. **Council Action:** Adopt Management Options for Public Review

The motions below (Motions 10 through 15) were adopted using the document entitled "Exhibit B.9.b, Supplemental STT Report, March 2001".

Mr. Anderson moved, and the Council agreed, to adopt the recreational and commercial options as presented with the following modifications: pages 1 and 6, under Option II - change "no trade" to "may be considered"; include in Queets River to Leadbetter a closure from zero to 3 miles; add to the three recreational areas from Cape Falcon to the U.S./Canada border, "chinook minimum size limit raised from 24 to 26 inches". (Motion 10; seconded by Mr. Harp)

Mr. Bohn moved, and the Council agreed, to adopt the recreational/commercial options as presented for the areas South of Cape Falcon down to and including the KMZ area. The motion included clarifications made by the STT. (Motion 11; seconded by Mr. Brown).

Mr. Boydston moved, and the Council agreed, to adopt the recreational/commercial options as presented south of the KMZ area with the following amendments: page 3, commercial fisheries under Option II for the area Horse Mt. to Pt. Arena, add "possession and landing limit of 30 fish during the May fishery"; confirm the STT correction on page 7 Option I, Humbug Mt. to Horse Mt., that the beginning of the more liberal season should be July 24, not July 25. Mr. Caito seconded the motion. (Motion 12)

Mr. Harp moved, and the Council agreed, to adopt the following: (Motion 13)

For the 2001 Treaty Ocean Troll Salmon Season, I move for the establishment of three options for further Salmon Technical Team analysis and for public review.

- Option I - quota levels of 37,000 chinook and 90,000 coho*
- Option II - quota levels of 35,000 chinook and 90,000 coho*
- Option III - quota levels of 35,000 chinook and 70,000 coho*

The salmon season will consist of a May/June chinook directed fishery and a July/August/September all-species fishery, with the Chinook harvest evenly split between the two periods. The basic regulation package is to remain the same as contained in the 2000 Ocean Salmon Management Measures, which includes minimum size limits and gear restrictions.

I would also like to state for the record, that the tribes and state are just beginning the North of

Falcon planning process in which we will evaluate the total impacts of all proposed fisheries on Puget Sound stocks. At the conclusion of these discussions, it impossible that the tribes may request in April that the Council adopt a treaty ocean troll quota that is lower than the three options that I have just proposed for evaluation and public review.

Mr. Anderson seconded the motion.

Mr. Robinson asked about inserting a footnote for lower quotas in April in one of the tables.

Mr. Harp said they have language to give to the STT for inclusion in the Preseason II report to reflect that concern.

Mr. Robinson said that the SAS asked for a update on the recovery plan. The NMFS SW Region will honor that request and give an update at the next meeting.

Mr. Boydston moved, and the Council agreed, to reconsider Motion 12 so that a few minor date changes could be made. (Motion 14; seconded by Mr. Caito).

Mr. Boydston moved, and the Council agreed, to adopt the following date changes in Option I in the recreational fishery on page 7, from Humbug Mt. to Horse Mt.: the third sentence says from "May 26 through July 7" it should say "May 22 thru July 8". the motion. (Motion 15; seconded by Mr. Caito).

Mr. Anderson recommended that Bill Tweit assist in getting the tribal/HSG presentation on Columbia River flows and fish passage concerns put together.

C. Habitat Issues

C.1. Ongoing and New Habitat Issues (March 6; 2:04 PM)

C.1.a. Agendum Overview

Mr. Chuck Tracy provided the Council a review of the agenda topic and briefing book material. He noted that Council action entailed discussion of the committee's recommendations, approval of a letter to FERC regarding Klamath River flow, and approval of the quick response process for two additional letters, one regarding the Klamath River BA, and the other regarding the draft Artificial Reef National Plan.

C.1.b. Report of the Habitat Steering Group (HSG) (2:05 PM)

Ms. Michele Robinson provided the following HSG report:

The Habitat Steering Group (HSG) has one action item for Council consideration and two additional fast-track items for Council approval. The HSG would like the Council to send identical letters to PacifiCorp and the Federal Energy Regulation Commission (FERC) regarding the Klamath FERC relicensing. PacifiCorp has drafted a first stage consultation document which describes the studies that need to be conducted in drafting an EIS with alternatives for the restoration of anadromous salmonids in the upper Klamath basin. The purpose of the letter is to ensure that studies are conducted which adequately assess the effects of the project on Klamath salmonids and to assess a range of alternatives which will result in successful restoration of these salmonids. The comment deadline is March 27.

The first fast-track letter is also regarding the Klamath River. It will be addressed to NMFS regarding the final Biological Assessment (BA) prepared by the Bureau of Reclamation (BOR). The NMFS will consider the BA in drafting its Biological Opinion (BO) which is expected to be produced around the

first of April and NMFS has requested comments before the BO is completed. Therefore, a draft letter will be circulated among Council members for approval around March 15. The HSG will continue to have a placeholder on its agenda for Klamath River issues.

The second fast-track letter is to the Secretary of Commerce regarding the draft Artificial Reef National Plan Revision. An HSG subcommittee is collating comments and drafting a letter for HSG and Council review. The comment deadline on the plan is April 1.

The rest of the HSG meeting was informational in nature with a wide variety of presentations and discussions.

NMFS Consultation on Oil and Gas Pipeline

The National Marine Fisheries Service reviewed the Essential Fish Habitat Assessment for re-issuance of the Environmental Protection Agency's National Pollutant Discharge Elimination System general permit for oil and gas platforms off the California coast. The general permit would cover 22 existing production platforms. Of the 82 fish species federally managed in the West Coast Groundfish Fishery Management Plan, 39 have been recorded in various water depths over a 35-year period at southern California platforms. Some of the more common groundfish species consistently observed include all life stages of bocaccio, brown, olive, widow, blue, and flag rockfishes as well as the subadult and adult life stages of California scorpionfish, cabezon and lingcod; the affected coastal pelagic species are Northern anchovy, Pacific sardine, and jack mackerel.

NMFS recommends that the EPA adopt four conservation measures, one requiring extensive studies of the effects of discharge on the juvenile and adult life stages of rockfish and lingcod. EPA is drafting a report utilizing existing information which it will present to NMFS in May; if this satisfies the NMFS requirements, consultation will be closed. We will receive an update from NMFS at the June HSG meeting.

Marine Reserves

The HSG received an update on the coordination of West Coast marine reserve efforts through the COMPASS (COMmunication PARTnership for Science and the Sea) process. COMPASS's West Coast Marine Reserve Coordinating Committee met in February concurrent with the AAAS (American Association for the Advancement of Science) meeting in San Francisco. The Coordinating Committee has identified high priority marine reserve activities and discussed mechanisms for integration with the Council's marine reserve process. The HSG also received an update on the results of the Council's Ad Hoc Marine Reserve Process Development Committee meeting, the HSG will have a more in-depth discussion on marine reserve efforts at our April and June meetings.

EFH/Magnuson Act Review

At its November 2000 meeting the HSG requested that NMFS provide an update on the number of EFH consultations that have occurred to date. We also requested clarification on how to facilitate coordination between the Council and NMFS on consultations. NMFS has recently developed a system to track EFH consultations. To date the Southwest Region has conducted approximately 65 consultations since March 1999, and the Northwest Region has conducted 45 consultations since October 2000. There are different types of consultations: (1) Informal consultations, which are presented in the form of a letter from NMFS to the action agency, (2) Formal consultations, which occur on combined endangered species act and EFH issues which take the form of formal meetings, and (3) Expanded consultations, which are on EFH issues only and also take the form of formal meetings. The regional EFH coordinators will keep the Council apprised of formal and expanded consultations and will recommend Council action on the issues that may benefit from additional Council input.

Other Issues

The HSG also received updates on the San Francisco airport expansion, the Lower Willamette Superfund Assessment, and the Queets River EFH overfishing outline review.

Administrative Items

The HSG unanimously decided to have co-chairs (vs. a chair and vice chair) with designated government and non-government seats to capture the diversity present in the group as well as share the increasing workload. The HSG is recommending Michele Robinson and Jennifer Bloeser for these seats.

The HSG also formed subcommittees to address the artificial reef plan review and ongoing FERC relicensing issues.

C.1.c. Reports and Comments of Advisory Bodies

None.

C.1.d. Public Comments

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

C.1.e. **Council Action:** Consider HSG Recommendations

Mr. Boydston requested, and the Council agreed, to reword the letter to Pacificorp and FERC, and consider it on Friday.

Mr. Bohn recommended that the "cc" list on the FERC letter include the state fishery management agencies.

Mr. Tracy indicated that the Council needed to take action on two quick response letters, one regarding Comments on the Klamath River flow Biological Assessment, the other on comments on the Draft Artificial Reef National Plan.

The Council agreed that the two letters should be handled under the quick response procedure.

On Friday, Mr. Boydston moved, and the Council agreed, to adopt a revised FERC letter (Exhibit C.1.b, supplemental revised FERC/Pacificorp letters), which contained a combined integration of comments from several entities (KFMC, Tribes, etc.), and additional cc's. (Motion 6; seconded by Dr. Radtke).

PUBLIC COMMENT PERIOD

March 6; 4 PM

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

Dr. McIsaac advised the Council of several letters which have been received and are located under the General Information tab.

Mr. Phil Resowwhic spoke about various salmon items including recreational fishery allotments. He feels that the recreational fishery group is the most penalized and should have more representation on the Council advisory bodies.

Ms. Mary Hudson, presented her case on behalf of the Los Angeles Commercial Fishermen's Association. She asked for a spot on the April agenda for the Council to reconsider a decision from 1997 when the Council adopted recommendations to NMFS to close Huntington Flats to setnets. She is asking the Council to reconsider the recommendation. Mr. Boydston asked about the issues in the letter regarding "things have changed". He also asked her about the "state managed fish" – what is her expectation for their management resulting from this decision and third, what would you like the Council to do and why. Ms. Hudson said that she did fax an item to the hotel at 2 a.m. last night. It summarizes the information requested by Mr. Boydston. She said that the new information is the depletion of various fish stocks (groundfish/rockfish) which has forced hardship on the fleet. This is a group which are not fishing on depleted stocks, it is a small

healthy set of businesses. Another item which has changed is that the boats fishing in Huntington Flats have shifted their focus from state managed species to more federally-managed groundfish species. The landings of federally managed species ranged from 11-67% of the total landings. There was a much more heavy emphasis on state-managed fish before. They are asking for a spot on the agenda, for the Council to reconsider, and withdraw the 1997 recommendation.

Mr. Boydston asked about how we would go about withdrawing an action. Ms. Cooney replied you would have to look at the old information and the new information and give comments to NMFS about the rule.

D. Groundfish Management

D.1. Status of NMFS Research Programs and Other Nonregulatory Activities (March 7; 9:30 AM)

D.1.a. NMFS Report

(Note: the Council expanded this agenda item to include regulatory activities) Mr. Bill Robinson asked to defer the NMFS research report to the April meeting. He reported on numerous regulatory activities the agency has completed since the November 2000 Council meeting, including publication of the proposed rule for Amendment 13 on November 21, 2000; on December 7, 2000, NMFS approved Amendment 12 and revoked its previous approval of the rebuilding plans for bocaccio, lingcod and Pacific ocean perch; approved Amendment 13 on December 13; published the final rule for Amendment 12 on December 27; published the 2001 groundfish specifications on January 11, 2001; and published a correction to the specifications on February 14. Currently, the federal hiring freeze is preventing them from filling open positions, which will result in some delays. In addition, there is a moratorium on federal regulations that has slowed the process, and may affect future regulations. NMFS is currently working on the final rule for the observer program, an Advance Notice of Proposed Rule for the permit stacking program, the final rule for Amendment 13 and the permit transfer regulation, the proposed rule for the at-sea whiting observer program, and another correction to the annual specifications regarding coordinates of the cowcod closure area. With respect to the permit stacking program (Amendment 14), Mr. Robinson reported NMFS will implement the program in two stages, the first addressing the basic (simple) provisions, and the second (in 2002) will cover the more complex provisions. He suggested the Council keep a spot open on its June meeting agenda in case any clarifications are necessary. He also reported on a petition to list bocaccio under the Endangered Species Act (ESA); the Southwest Region is doing the initial review.

D.1.b. Council Discussion

Mr. Alverson appreciated the efforts on the stacking issue and asked about the opening date. Mr. Robinson responded they are targeting August 1 or earlier. He added that NMFS is currently responding to three separate lawsuits, and the stacking issue is not the highest priority. Mr. Anderson asked what fisheries would be placed in jeopardy if the rulemaking moratorium is kept in place; should the states start thinking about their rulemaking abilities if the moratorium is in place for an extended period of time. Mr. Robinson replied clearly our annual salmon regulations are an issue.

D.2. Exempted Fishing Permit Applications (March 7; 10 AM)

D.2.a. Agendum Overview

None.

D.2.b. NMFS Report

Ms. Cyreis Schmidt spoke on the March 21-22 pre-assessment meeting and the possibility of a survey south of Point Conception. She explained the main issue before the Council at this time is to authorize amounts of groundfish to be provided for compensating vessels that perform survey duties for NMFS. The amounts are the same as last year. Mr. Brown asked if there have been any data quality problems from using

commercial vessels, and Ms. Schmidt said no, and the data will be used in stock assessments. Dr. Radtke asked that the approximate value of the compensation fish be calculated and included in the request to the Council. He thought it would be about \$250,000 dollars this year.

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

There were no reports

D.2.d. Public Comments

None

D.2.e. **Council Action:** Recommendations to NMFS on Research and Other Exempted Fishing Permit Applications

The Council approved the EFPs and compensation amounts as suggested in the supplemental NMFS Report D.2. Moved by Mr. Ralph Brown and seconded by Dr. Hans Radtke (Motion 2).

D.3. Future Groundfish Management Process and Schedule (March 7; 10:10 AM)

D.3.a. Agendum Overview

Mr. Dan Waldeck provided the Council a review of the agenda topic and briefing book material. He noted that Council action entailed discussion of the committee's recommendations.

D.3.b. Report of the Ad Hoc Groundfish Management Process Committee (GMPC)

Dr. McIsaac presented the Council a review of the background, current problems, and issues and recommendations discussed by the GMPC.

The Council briefly discussed what actions would be necessary to roll over the 2001 management specifications as discussed in the GMPC report. Mr. Bohn clarified that the option for rolling over the 2001 specifications called for Council consideration of the action in April, and formal Council action in June.

Mr. Anderson asked, under options 2 and 3, how would the current assessment and review process fit?

Dr. McIsaac noted that, for this year, they would be out of phase, but the process could be altered such that it could work in the future (e.g., schedule the Stock Assessment Review process earlier so information is available in June).

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

None.

D.3.d. Public Comments

None.

D.3.e. **Council Action:** Consider GMPC Recommendations

The Council discussed the importance of improving the process both in terms of (1) what is necessary for this year to avoid the strain experienced the last several years, and (2) how the annual management process could be altered in the future (e.g., 2002 and beyond). The Council directed Council staff to distribute the GMPC materials to the groundfish advisors and the SSC for review and comment at the April 2001 Council meeting. The Council also requested that National Marine Fisheries Service and legal counsel provide advice to the committees on the mandated and regulatory deadlines that must be met annually as well as the process for developing the scientific information that is the basis for groundfish management.

Mr. Brown noted that the management process schedule should be coordinated with stock assessments, surveys, regulations.

Mr. Don Hansen said that the advisory subpanels need the GMPC information well in advance of the April meeting. He suggested the advisors receive the information as soon as possible.

It was noted that the earliest the Council could implement a revised process would be in 2002. Therefore, steps should be taken this year to prevent the strain experienced in fall of 2000. For example, getting scientific information into the process as quickly as possible would facilitate decision making.

This issue will be scheduled on the April agenda to receive input from the Council's advisory entities.

D.4. Implementation of the Groundfish Strategic Plan

D.4.a. Agendum Overview

Mr. Waldeck provided an overview of the agenda topic, briefing book material, and Council action. As noted on the situation paper, scheduled Council action was discussion of the committee's work and recommendations, and guidance to staff and the committee.

D.4.b. Report of the Ad Hoc Groundfish Strategic Plan Implementation Oversight Committee (SPOC)

Mr. Waldeck briefly reviewed the SPOC meeting summaries and recommendations (Exhibit D.4, Attachment 1; Exhibit D.4.b Supplemental SPOC Report). He noted the goals of the first SPOC meeting were to prioritize strategic plan initiatives and scope the formation of development teams. The focus of the second SPOC meeting was the costs related to implementing strategic plan initiatives.

Mr. Pete Leipzig briefed the Council on an industry-led survey to gauge interest in a buyback program for the West Coast groundfish fishery (Exhibit D.4.c, Supplemental Buyback Survey). He asked the Council for support of the industry-led effort to develop a buyback program, especially as it relates to the Strategic Plan.

Mr. Alverson asked Mr. Leipzig to elaborate on the general level of acceptance for a West Coast buyback program and if state referenda would be needed.

Mr. Leipzig responded that, generally, the level of acceptance was positive and that Magnuson-Stevens Act authority would be sufficient rather than state referenda.

D.4.c. Reports and Comments of Advisory Bodies (2:39PM)

Sgt. Dave Cleary provided the following Enforcement Consultants Report.

The Enforcement Consultants (EC) in reviewing the Groundfish Strategic Plan do not see anywhere where enforcement costs are identified in the plan. As the Council moves forward with different phases in implementing the strategic plan, the cost of enforcement is highly variable depending on actions taken. Two specific examples are observer coverage and marine reserves both of which have substantial enforcement elements. We ask that the Council recognize these costs as both state and federal resources are limited. The trend now is for less money for enforcement programs. The ability of enforcement to react to newly implemented programs is very limited.

Ted Lindstrom also gave some comments that reports of enforcement efforts are available on the side table. He also noted that they would like to work with the Council.

D.4.d. Public Comments

Mr. Denny Burke, combination fisherman, Newport, Oregon
Ms. Michele Longo Eder, representing a combination fisherman, Newport, Oregon
Mr. Corey Parks, Schwabe Williamson & Wyatt, Portland, Oregon
Mr. Pete Leipzig, Fisherman's Marketing Association, Eureka, California

D.4.e. Council Guidance Regarding Recommendations of the SPOC

Mr. Brown recommended that the SPOC information be forwarded to the groundfish advisory bodies for review. The Council would then hear back from the advisors and public at the April 2001 meeting.

Mr. Robinson concurred with Mr. Brown's comments, noting the need to provide this information to the advisory bodies. He stressed that, with the limited budget, it will be difficult for the Council to take on large projects and more workload. If the Council budget increases, this should improve the capacity to work on major projects. Under the current budget, it will be necessary to focus on one or two of the most important areas of the Strategic Plan.

Mr. Brown noted that, since 1994, the Council has identified capacity reduction as the number one priority. He anticipates that the Council will receive Congressional inquiries concerning buyback/capacity reduction and how it fits into our strategic plan. He stressed that the Council needs to be ready to respond to these inquiries.

The Council discussed the issue of capacity reduction.

Mr. Bohn stressed the importance of using a holistic approach to capacity reduction, rather than looking at each sector in isolation, there is a critical need for a statewide and industry wide consistent message. For example buyback, fixed gear permit stacking, and trawl permit stacking need to be considered together.

He also noted that at the April meeting the Council will need to resolve how to combine fixed gear permit stacking and the extended season.

Chairman Lone said there is no doubt in his mind that capacity reduction is the number one priority. In the SPOC meetings, there has been discussion of efforts around the country to secure federal money for buyback programs. He is concerned that federal money may not be available, and stressed work on trawl permit stacking should go forward.

Mr. Brown discussed the differences between permit stacking in the fixed gear sector and capacity reduction in the trawl sector.

Mr. Anderson noted that the strategic plan, relative to capacity reduction in the trawl sector, identifies buyback as the first priority; permit stacking is a secondary option. He stressed that the SPOC did not set up a capacity reduction development team, opting instead to let the trawl industry pursue a buyback program. He believes the Council should be supportive of industry's efforts. As noted in the SPOC recommendations, if signs for Congressional support for a West Coast groundfish buyback appear weak, the Council should go forward with trawl permit stacking.

Mr. Alverson stated his uncertainty about Congressional support for a buyback program. He believes the Council should go forward with other alternatives for reducing capacity in the trawl sector. He opined that sectors which do not have a capacity problem should not be forced to participate. He felt that by including groups that do not need to be bought out, more problems than solutions will be created. In his opinion, stacking is the preferred option, with landing limits. He stressed the fleet should be allowed to make their own economic decision.

Mr. Brown reviewed the history of the Council's work on developing a buyback program. He stressed that, for that program, Congressional assistance was not pursued. However, the Council was informed that the program would create spill over effects and would, therefore, not work.

Mr. Robinson noted that things move pretty fast from Congress. He would support anything that the Council could do now to assist Congressional consideration of a West Coast buyback program. The bigger question is what is the Council's role? How much of our resources do we want to use? Who is going to do the implementation plan? He noted that sometimes Congress will not release money without receiving an implementation plan. He feels the Congress needs to be able to see how the Council feels this program complements the Strategic Plan.

Dr. Hanson reiterated Mr. Brown's earlier comments. That is, it is expected that the Council will receive a letter from Congress about whether or not the Council is interested in a buyback program. How will we respond?. He noted that there is time to develop the program and to work out the fine details. However, the Council needs to be ready to show its support. That is, Mr. Brown was asking that the chairman be authorized to respond favorably to a letter from a Congressman, if such a letter is received.

Dr. Radtke asked if there was consensus on supporting a buyback element to our Strategic Plan without being too specific. Mr. Bohn noted that pursuing a buyback program is in the Strategic Plan, and stated he supported sending a letter of support in response to Congressional inquiry. Chairman Lone noted his concern that there is not support in all facets of the trawl fishery to do this (e.g., letter from Coos Bay Trawler's Association). He is concerned that, if the Council is to support the industry proposal, he wants to make certain that there is across the board support for the current buyback effort. His sense is that the industry is not in total support.

Mr. Alverson said he would support a letter to endorse a buyback which complements the Strategic Plan and one that does not get too specific on issues. He asked about Council procedures for e-mailing the Council response letter to Council members for review? Once Congress asks for it, the letter could be drafted and then Council members could respond. Chairman Lone concurred.

Dr. McIsaac said that he hears there is support for a letter supportive of the general concept of buyback (as detailed in the Strategic Plan). We could get the particulars from our advisory bodies in April and fill in the blanks then. If that is what the Council meant, he believes Dr. Hanson's recommendation would be accurate. If between now and April, if the Council wishes, either to respond directly with a general letter of support or to fax around some language subsequent to a letter we might receive, we would have that capacity.

Mr. Anderson clarified that there are two issues: (1) authorizing the chairman to send a letter to Congress supporting buyback programs in the West Coast groundfish fishery consistent with the Strategic Plan; and (2) construction of the buyback plan itself and the role of the Council, especially in ensuring the buyback plan is consistent with the Strategic Plan and other Council objectives.

The Council authorized Chairman Lone to send a response letter outlining support of a buyback program for West Coast Groundfish which is consistent with the provisions of the Strategic Plan. (Motion 3).

The Council also agreed that the material made available to them at this March meeting (i.e. SPOC meeting minutes, public input, Pete Leipzig's Supplemental Questionnaire results) should be made available to the Council's advisory entities before the April meeting. At the April meeting the Council will hear from the advisory bodies about the material as well as make a decision as to what role the Council will play in the buyback program. If a buyback program is not possible, trawl permit stacking will be taken up.

D.5. Groundfish Informational Reports

D.5.a. Agendum Overview (March 7; 10:49 AM)

Mr. Jim Glock provided a brief overview of the reports.

D.5.b. Canary Rockfish Incidental Catch Review

Mr. Brian Culver presented a brief report on WDFW's analysis of trawl logbook data to better estimate bycatch of canary rockfish associated with the arrowtooth flounder fishery. He noted several problems with the data, but explained there is value in the approach. They looked at 1996-1999 fishery location and catch data,

plotted the canary rockfish "hot spots," then overlaid flatfish catch patterns to see if fishers had moved out of high canary rockfish areas. He hoped to be able to calculate bycatch rates in the new fishing areas. He will continue the analysis and present an update in April. They may also recommend adjustment of salmon troll yellowtail rockfish bycatch in April.

D.5.c. Bycatch Excluder Devices in the Pink Shrimp Fishery

Dr. Dave Hanson summarized Exhibit D.5.c, Supplemental Shrimp Bycatch Meeting Summary.

Mr. Burnie Bohn spoke about Exhibit D.5.c, Attachment 1 and Exhibit D.5.c, Attachment 2. He said Oregon plans to pursue a voluntary program for using finfish excluders in their pink shrimp trawl fishery, with a mandatory program taking effect when 2.5 mt of canary rockfish has been taken. They are also considering an EFP to require full retention, allow use of other bycatch reduction devices, etc. Mr. Brown commented this is a major topic on the docks. Mr. Anderson said Washington fishers are also taking this issue very seriously. He suggested adoption of a mandatory retention program, otherwise fishers would be likely to discard all canary rockfish rather than have them counted.

D.5.d. Observer Program

Dr. Rick Methot discussed his written report on the proposed observer program. There was a brief discussion regarding insurance.

D.5.e. Scientific and Statistical Committee Report on Rebuilding Plan Terms of Reference

Dr. Steve Ralston presented the SSC's draft terms of reference for rebuilding analyses. Dr. Ralston presented a slide show explaining the draft, using widow rockfish as an example of a rebuilding analysis. The goal is to have all rebuilding analyses prepared in a consistent manner. However, there should be enough flexibility that analysts can use different methods or values if they present an adequate justification. Mr. Boydston asked whether the approach used for bocaccio (i.e., a fixed-OY followed by a constant fishing rate) would be consistent with the SSC's proposal. Dr. Ralston responded yes, but the SSC is concerned about any constant catch approach because bycatch would tend to increase over time. Mr. Anderson asked about factoring in climactic changes... should recent recruitment levels be used in projections? Dr. Ralston said generally, yes. Dr. Radtke asked how comfortable the stock assessment people are regarding bycatch estimates. Dr. Ralston said they are not comfortable with them and supported an observer program to update the information.

D.5.f. Reports and Comments from Advisory Bodies

None.

D.5.g. Public Comments

Mr. Scott McMullen, trawler, Astoria, Oregon

D.5.h. Council Discussion

Mr. Robinson reminded the Council that when we set the canary rockfish trip limits for various fisheries, they were based on a reduced bycatch level in the pink shrimp fishery. The Council and NMFS were trying to get some savings here in order to allow other fisheries to occur. We made the choice to not further reduce or eliminate those other fisheries with the expectation that the states would take action to reduce canary bycatch in the pink shrimp fishery. He was concerned about the lack of commitment to a mandatory program regarding use of excluders.

Mr. Boydston said that the CDF Commission has been discussing this item and will have a proposal available at their May meeting, but do not have specifics today. He would like to have support from NMFS when the process gets started. Mr. Brown, talking about Mr. Robinson's comments, expressed concerns about monitoring of all the fisheries, not just the shrimp fishery. Dr. Radtke asked how ODFW would verify the

canary rockfish catches, and asked Ms. Cooney whether a full retention program for the fishery could be established this year? Ms. Cooney said it depends on what type of full retention program and how you would do it. The GMT has been discussing this, but she thought it was for next year. Dr. Radtke clarified it would be full retention of canary rockfish only, not all species. Mr. Robinson asked if it would be mandatory or voluntary? What are the incentives? What types of enforcement issues are there?

Mr. Brown reminded the Council about the strategic plan's suggestion that incentives be established. There are problems that must be avoided, and he wants to make sure the Council does not send mixed messages to the industry.

Mr. Anderson said that WDFW intends to move to require excluders in the pink shrimp trawl fishery - they want it to be flexible, so all three primary bycatch reduction devices (BRDs) in the supplemental material would meet their requirements. They also would like fisherman to experiment with other types of devices that might exclude finfish while retaining more pink shrimp. They could get an EFP to experiment with other types of excluder devices. Mr. Brown would like something in the Council Newsletter informing them about WDFW's regulation about BRD's.

Chairman Lone recalled a previous groundfish meeting where the Council talked about requiring BRDs in the pink shrimp fishery. Mr. Bohn said he did not recall it being that rigid; we did hear about industry working together with the state on the voluntary requirement. The shrimp fishers understand that if a voluntary system doesn't work, it would become mandatory.

E. Highly Migratory Species Management

E.1. International Highly Migratory Species (HMS) Discussions and Actions (March 8; 8:17 AM)

E.1.a. NMFS Report

Mr. Svein Fougner briefed the Council on recent international developments germane to the HMS FMP. Specifically, the U.S. - Canada Albacore Treaty, the recently signed convention for the Western Pacific Ocean, and the Inter-American Tropical Tuna Commission.

E.1.b. Council Discussion on International HMS Actions

Mr. Anderson asked about the U.S. - Canada Albacore Treaty, specifically, if it would be appropriate for a Council member to participate as part of the U.S. delegation. Mr. Fougner said anyone who would like to attend and participate in the pre-negotiation conference is welcome. He noted several fishing associations from the U.S. will be attending the conference. Mr. Anderson said he was concerned about the lack of representation on the U.S. delegation of agencies other than NMFS. He pointed to other international arrangements, e.g., the Pacific Salmon Treaty, U.S. - Canada Pacific whiting allocations. Mr. Fougner was unfamiliar with how those processes have been undertaken. Mr. Fougner noted that this will be the first negotiation with Canada regarding the treaty since it was signed back in 1981. He went on to say that there will be broad participation and if the Council sees fit to appoint a representative that would be appropriate. Mr. Anderson stressed his concern was for Council representation in the negotiations rather than the advisory bodies.

E.2. First Draft of the HMS Fishery Management Plan

E.2.a. Agendum Overview

Mr. Waldeck summarized the agenda topic and reviewed the briefing book material.

E.2.b. Domestic Legal Context

Mr. Fougner provided an update on the domestic context for HMS fisheries. He highlighted certain options that NMFS would like to see included in the FMP. He noted that there now may be a more pressing need for

federal regulations, rather than relying on state regulations. It would be optimal for West Coast HMS fishery regulations to be in one source (i.e., the FMP), which would provide clearer guidance for fishery participants. Similar to provisions in the WPFMC pelagics FMP, there may be a need for regulations that apply both inside and outside of the EEZ. He noted that it may be possible to not include in the FMP options for regulating shark finning (i.e., those that allow finning) as there is now federal law pertaining to shark finning. The FMP will need to be in accord with this law.

E.2.c. Report of the Plan Development Team

Dr. Dale Squires and Mr. Steve Crooke (Plan Development Team co-chairs) provided an overview presentation of the development and content of the FMP. They discussed the overarching issues (especially the complexities and inter-jurisdictional issues), the options (identifying key issues), and a specific review of options for permitting use of pelagic longline gear.

E.2.d. Reports and Comments of Advisory Bodies (10:15AM)

Mr. Bob Fletcher presented the following Highly Migratory Species Advisory Subpanel Report:

The Highly Migratory Species Advisory Subpanel (HMSAS) and the Highly Migratory Species Plan Development Team (HMSPDT) met jointly on March 6-7 to discuss the partial draft of the highly migratory species (HMS) fishery management plan (FMP). While the HMSAS generally agreed that the HMSPDT had done an admirable job preparing this early draft, there were areas that needed substantial revisions. The HMSAS made suggestions to the HMSPDT for revisions and omissions to the FMP, but did not make any recommendations for preferred alternatives due to the very preliminary nature of the text. For the most part, these changes were agreed to by mutual consent, and the HMSPDT agreed to work with the HMSAS members on the revisions.

Recommendations for the Council's consideration proposed and discussed during the meeting included:

- *An option to recognize the importance of providing recreational fishing opportunities as one of the management objectives was discussed, but no agreement was reached. There was concern expressed that adding this management objective would disturb the balance between recreational and commercial interests in the objectives.*
- *A definition was needed for both "user conflict" and "gear conflict".*
- *The options "status/quo" and "federalize existing regulations" be added to every set of management alternatives.*
- *Include a matrix summarizing each set of management alternatives and a brief analysis of their relationship to the evaluation factors. This would not replace detailed text describing the full analysis of each alternative, but would serve to organize Chapter 8 and make it easier to read.*
- *Remove the option to permit the sale of recreationally caught fish.*
- *The HMSAS voted 7 to 2 against including an option to set quotas/harvest levels for each of the management unit species with the adoption of the FMP.*

Other issues discussed:

The HMSAS recommends that the Council notify panel members who have missed two or more meetings per calendar year (without providing an alternate) and determine their intent to serve.

The HMSAS is concerned that there be adequate funding for the development and administration of the plan and asks the Council to encourage NMFS to continue funding.

Finally, because of the broad nature and scope of the suggested changes to the FMP, the HMSAS recommends that the next draft be presented to the Council at the June meeting.

E.2.e. Public Comments (10:24 AM)

Mr. Andy Peters, business owner, Seattle, Washington
Mr. David Wilmoth, Ocean Wildlife Campaign, Islip, New York
Ms. Andy Oliver, World Wildlife Fund, Washington DC
Mr. Robert Nowak, fisherman, Port Townsend, Washington
Mr. Chuck Janisse, Federation of Independent Seafood Harvesters, Ventura, California
Mr. Bob Fletcher, Sportfishing Association of California, San Diego, California
Mr. Wayne Heikkila, Western Fish Boat Owners Association, Eureka, California
Mr. Mike McGettigan, Sea Watch, Portland, Oregon
Mr. Doug Fricke, Washington Trollers Association Hoquiam, Washington
Mr. Peter Flournoy, American Fishermen's Research Foundation, San Diego, California
Mr. Larry Teague, BC Tuna Fisherman's Association, Shawnigan Lake, BC, Canada
Ms. Sonya Fordham, Center for Marine Conservation, Washington, DC
Mr. Tim Hobbs, National Coalition for Marine Conservation, Leesburg, Virginia
Ms. Beth Babcock, Wildlife Conservation Society, Bronx, New York
Mr. Vidar Westespad, American Fishermen's Research Foundation, Lynnwood, Washington
Mr. Russell Nelson, The Billfish Foundation, Ft. Lauderdale, Florida
Ms. Kate Wing, National Resources Defense Council, San Francisco, California
Ms. Marciel Klenk, UCCE, Napa, California
Mr. Dan Erickson Wildlife Conservation Society, Dexter, Oregon
Mr. Pete Dupuy, Federation of Independent Seafood Harvesters Association, Tarzana, California
Ms. Liz Lauck, Wildlife Conservation Society, Bronx, New York
Mr. Bob Moore, albacore tuna fisherman, Astoria, Oregon
Mr. Bob Osborn, United Anglers of Southern California, Lakewood, California
Ms. Mary Camhl, Living Oceans Program - National Audobon Society, Islip, New York
Mr. Tom Raftican, United Anglers of Southern California, Huntington Beach, California
Mr. Dave Elm, United Anglers of Southern California, Irvine, California

E.2.f. Council Guidance in Finalizing Public Review Draft

Mr. Brown questioned whether the fishery management plan (FMP) should be a stand-alone document, as opposed to the current draft EIS-type document, which has the various parts of the FMP scattered throughout. Mr. Fougner noted that the intention is for chapter 8 to be the management section and it will be cross-referenced to the other chapters.

Mr. Brown also asked about how the Council will deal with overfishing of an international stock, especially if our fisheries only harvest a proportion of the total harvest. He suggested that the FMP contain a thorough discussion of the Council's role and responsibility.

Ms. Cooney noted that an EIS will be required, but what Mr. Brown is asking for is a more easily accessible FMP within the EIS document.

Dr. Radtke asked about the economic data to be included in the document and when this information would be available. He noted that Dr. Herrick stated there will be more economic information included in the economic description of the fisheries. Dr. Radtke stated that development of the FMP should not be delayed as it may be several months before the economic data currently being collected can be incorporated. He suggested including economic data that is currently available, for example, PSMFC has data on revenue flows, logbook information from Hawaiian longliners. He also suggested, in order to fulfill requirements of the Magnuson-Stevens Act, there should be information on community impacts.

Dr. Radtke also suggested, that as the albacore fishery is very important, especially in the north, a summary of the importance of the fishery to northern communities should be included.

In response to Mr. Brown's earlier comment about overfishing international stocks, Mr. Fougner stated that it might be possible, if a species is approaching an overfished condition, to develop a rebuilding plan. The rebuilding plan could be used as a tool in international fora. The rebuilding plan could be applied in U.S.

fisheries in proportion to the relative amounts of U.S. harvest. Regardless of how it is applied, the Council would need to make a good faith effort to promote rebuilding of the overfished stock.

Mr. Brown said that he is hearing concerns about this issue. He agreed with the approach described by Mr. Fougner, but noted that it should be described in the FMP.

Mr. Anderson asked if the HMSPDT agreed with the recommendations of the HMSAS. Dr. Squires responded, generally, yes. Mr. Anderson then asked about the HMSPDT's expectation for when the next draft of the FMP could be completed. Dr. Squires stated that, by June the Team could incorporate the recommendations of the HMSAS and do other edits. However, it will not be possible to include the economic information by June. The June draft will not be complete in terms RIR, IRFA, and NEPA requirements.

Mr. Anderson stated that it appeared a draft FMP, with fully described management alternatives, may be available in June. The complete FMP, with the necessary economic information, will not be available until later. He questioned whether it would be appropriate to send out a draft FMP for public review in June with out the full economic analysis.

Mr. Fougner said that the Team needs to have some sort of focus. What should that focus be? Dr. Squires said, in terms of the economic analysis, the surveys have not been done yet, and there is not much that can be done to speed up the process.

Mr. Boydston said that another item to consider is the input of the SSC, especially as they have not reviewed the document. He suggested the SSC's HMS subcommittee should begin review of the document as quickly as possible. At the June meeting, the objective could be to adopt a draft FMP for public review, this would be conditional depending on SSC review of the document in June.

Mr. Boydston, relative to the various gear types described in Chapter 8, noted option 4 (page 8-62) appears to be more of an authorizing procedure rather than an actual management option. That is the procedure is meant to apply to longline gear, but it could also apply more generally to any gear as it is similar to exempted fishing permit (EFP) provisions. He suggested making it a stand-alone management alternative for EFPs.

Mr. Fougner clarified that the longline gear options should be: no use of longline gear, limited use of longline gear, use of longline gear with an EFP.

Mr. Boydston noted that this has been discussed with Team and Subpanel members, and that the wording needs to be consolidated/cleaned up.

Mr. Boydston would also like the FMP to include more discussion of how management would be coordinated with the Western Pacific and North Pacific fishery management councils, notably protocols for how coordination will be accomplished.

Mr. Fougner agreed that coordination is important. He suggested including a framework mechanism for coordination, describing the steps involved in coordination. There should be acknowledgment of the need for coordination in the FMP.

Mr. Boydston noted that the draft FMP states a preferred approach is for a Pacific coast FMP. He asked if this was the intent of the Council? Mr. Fougner responded that, if that recommendation is in the draft, it needs to be reviewed.

Mr. Fougner described what he thought were the priorities in terms of the analyses to be completed: the drift gill net fishery and bycatch, protected species, and sharks would all be high priority; whereas harpoon, troll, and purse seine fisheries would be a lower priority.

Mr. Anderson pointed out that the document contains a bycatch section in Chapter 5, but also has a cross reference in chapter 8. He asked about the use of observers as a means to quantify bycatch. He

understands that in the drift gillnet fishery there are requirements for observers, but other gear types do not have similar requirements. He asked, does the draft FMP include discussion about the use of observers to quantify bycatch? Mr. Crooke responded that, currently, no, but that section will be rewritten.

Chairman Lone asked whether the Council wanted to ask the Team to incorporate the HMSAS recommendations. He also asked about including the recommendation for inclusion of a management objective specific to recreational fisheries. Mr. Anderson said that perhaps the Team should review the management objectives to ensure the objectives balance commercial and recreational interests.

Mr. Anderson also requested that, per the recommendation of the HMSAS, the option to permit the sale of recreationally caught fish should be removed. Chairman Lone verified that there was consensus by the Council members.

Chairman Lone asked about the language pertaining to shark finning, is the language redundant? Mr. Fougner said that the Council could be more restrictive than the new law pertaining to shark finning.

Chairman Lone asked about the conservation communities request for inclusion of salmon shark and dusky shark?

Mr. Fougner said that certain sharks species are in the groundfish FMP, some are not in any FMP. The HMS FMP has focused on those shark species which are encountered in West Coast HMS fisheries.

Chairman Lone noted that there has been an increase on targeting of salmon sharks, which is why he brought up the issue.

Mr. Brown stated he has never heard of salmon shark being caught in West Coast fisheries. He suggested, if salmon shark is in the groundfish FMP, the species could be moved to the HMS FMP.

Mr. Anderson suggested, if salmon sharks are in the groundfish FMP, the Council could request the Team review the issue and consult with the GMT on whether or not we could move that from the groundfish FMP.

[Note: Salmon shark are not included in the groundfish fishery management plan.]

Mr. Boydston, on the issue of limited entry, pointed out that there are no provisions for implementation of limited entry in the draft FMP. The opinion of the Council is that limited entry could be taken up after the FMP is adapted. He noted his concern that this would require amending the FMP, which takes considerable time. He asked if it would be possible to include an interim program where we could have, at least for the initial years, a permit requirement (which would be renewable and nontransferable, but available to anyone who requested a permit) as part of this document.

Mr. Fougner asked if Mr. Boydston had a specific sector in mind? Mr. Boydston said he was thinking in terms of a general HMS permit. Mr. Fougner said the Council adopted a control date to stem speculative entry. He considered that it would be important to have the economic analysis done before the Council takes up development of a limited entry program. He has not seen information demonstrating a need a limited entry program.

Mr. Boydston said he was speaking in terms of an interim program, something to be in place until a limited entry program could be formally adopted. The issue was not discussed further.

Dr. McIsaac spoke to the issue of scheduling. Reorganization of the document could be done by June. However, extensive economic analysis will not be available for inclusion in the June draft. He asked what the consensus of the Council was for an adjustment to the schedule for adopting a public review draft?

Mr. Boydston said that the Council will next see the document in June. Between now and then the HMS subcommittee of the SSC will look at it, and the SSC will look at it in June. Contingent on the

recommendations of the SSC, the Council could release a preliminary draft for public review in June, and formally adopt a public review draft in September. Mr. Anderson noted the SSC may request additional changes, and there is the issue of whether the economic analysis and additional recreational information will be available for the Council to review.

Mr. Bohn agreed with Mr. Boydston's idea, if the draft FMP is not ready in June, put it out for public review in September.

Dr. McIsaac concluded that the Council will stay with the June time frame and consider the options at that time.

Mr. Anderson asked about the control date adopted in 2000. He noted the intent was to put industry on notice that the Council may consider limited entry for certain HMS species. Ms. Cooney noted that the control date is in place, and the Council could, in the future develop a limited entry program. A limited entry program would require additional analyses and Council decision making. Mr. Bohn on the control date, when does the control date we established become invalid? That is, if the Council has not acted on limited entry in the next two or three years does the control date become invalid? Ms. Cooney noted if the Council were to wait two to three years before developing a limited entry program, the March 2000 control date might not accurately reflect current participation in the fishery. She added that, if in the future, the Council begins development of a limited entry program, the Council should look at what makes sense and what is fair at that time.

F. Pacific Halibut Management

F.1. Halibut Informational Reports (March 8; 3:14 PM)

F.1.a. Status of Implementation of Council Recommendations

Ms. Yvonne deReynier, NMFS, reported that the rule implementing the recommendations of the Council in the halibut catch sharing plan and annual regulations for 2001 would be published in the *Federal Register* this month.

F.1.b. Results of the International Pacific Halibut Commission Annual Meeting (3:14PM)

Ms. Yvonne deReynier, Chairman Lone, and Mr. Anderson provided brief summaries of the actions occurring at the IPHC meeting in January (Exhibit F.1.b). They reported that the Pacific halibut quota for Area 2A for 2001 was 1.14 million pounds, a significant increase over the 830,000 pound allocation in 2000. The IPHC commissioners continue to show a strong interest in the halibut bycatch estimates provided for Council fisheries.

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

None.

F.1.d. Public Comments

Mr. Lou Leberti, Coos Bay, Oregon, commented regarding the significant reduction in the halibut allocation for Area 2A fisheries as a result of halibut bycatch in the commercial groundfish fisheries.

F.1.e. Council Discussion on Halibut Informational Reports

None.

F.2. Proposed 2001 Incidental Catch Regulations for the Troll Salmon Fishery and Sablefish Longline Fishery North of Point Chehalis (March 8; 3:27 p.m.)

F.2.a. Agendum Overview

Dr. Coon provided an overview of the issues before the Council. The first issue requires adoption of proposed options for landing restrictions for Pacific Halibut caught incidentally in the salmon troll fishery. The second issue concerns adopting proposed regulations and preliminary annual restrictions for landing halibut caught incidentally in the primary directed, fixed-gear sablefish fishery north of Point Chehalis.

F.2.b. State Proposals for the Salmon Troll Fishery

Both the states of Washington and Oregon deferred to the SAS report for proposals for restricting halibut bycatch in the salmon troll fishery. Exhibit F.2, Supplemental ODFW Report, provides a summary of the previous years adopted incidental landing restrictions.

F.2.c. State Proposals for the Sablefish Longline Fishery

Dr. Coon reviewed the management proposal in Exhibit F.2, Supplemental Joint Staff Proposal (NMFS, IPHC, WDFW and Council staff) with the Council. The proposal would establish framework regulations that would allow the Council to annually adopt landing restrictions for halibut incidentally caught in the directed, longline sablefish fishery north of Point Chehalis. The management process requires the Council to make its final adoption of the framework regulations and preliminary adoption of proposed 2001 restrictions at the April Council meeting. In June, the Council would adopt the final landing restrictions for the 2001 fishery.

F.2.d. Tribal Comments

Mr. Harp provided the following comments:

Mr. Chairman,

I would just like to reiterate that the tribes have for many years now expressed concern for the by-catch discard mortality of halibut. I support this proposed action to allocate incidental halibut to the non-treaty sablefish fishery because it is a step in the right direction of eliminating discard mortality. However, it is only one step, and I encourage the Council to aggressively continue to move forward in addressing halibut discard mortality in other fisheries.

F.2.e. Reports and Comments of Advisory Bodies

Mr. Mark Cedergreen gave the following SAS Report:

The Salmon Advisory Subpanel would like to recommend the following two options for the salmon troll fishery:

Option 1

License holders may land no more than 1 halibut per each 3 chinook, except 1 halibut may be landed without meeting the ratio requirement, and no more than 35 halibut may be landed per trip. Halibut retained must be no less than 32 inches in total length (with head on).

Option 2

License holders may land no more than 1 halibut per each 2 chinook, except 2 halibut may be landed without meeting the ratio requirement, and no more than 50 halibut may be landed per trip. Halibut retained must be no less than 32 inches in total length (with head on).

F.2.f. Public Comments

Mr. Don Stevens, Oregon Salmon Commission, Newberg, Oregon
Mr. Kevin Thiele, Pacific City Dorymen's Association, Pacific City, Oregon
Mr. Doug Fricke, Washington Trollers Association, Hoquiam Washington

F.2.g. **Council Action:** Adopt Proposed 2001 Incidental Halibut Catch Regulations

The Council adopted the proposed incidental catch regulation process for the sablefish fishery north of Point Chehalis as described in Exhibit F.2, Supplemental Joint Staff Proposal. (Motion 4)

The Council adopted the proposed 2001 incidental halibut catch regulation options as contained in Exhibit F.2.e, Supplemental SAS Report. (Motion 5)

G. Administrative and Other Matters

G.1. Status of Legislation

Dr. Hanson reported that there are no expectations that the Magnuson-Stevens Act, Endangered Species Act, or the Marine Mammal Protection Act will be taken up anytime soon. They will probably be kept on hold due to a divided Congress. We will probably not see anything as far as appropriations until this summer. We have been told it will probably be another tight budget year again as last year. The State Department has been promised that they will be fully funded this year as well as the Department of Justice and the military. We are still going after increases for the West Coast in particular the groundfish data program. We are also asking for a separate line item for the Pacific Council for \$0.5 million, and think we have a shot at getting that money this year.

G.2. **Council Action:** Appointments of Remaining Vacancies to Advisory Bodies for 2001 Through 2003 (March 9; 8:08 AM)

To fill the vacant at-large position to the SSC for the term 2001-2003, the Council appointed Dr. Andre Punt. The Council confirmed the appointment of Dr. Paul Crone of Southwest Fisheries Science Center, NMFS to the Coastal Pelagic Species Management Team. (Motion 8)

To fill the vacant purse seine position on the Highly Migratory Species Advisory Subpanel, the Council appointed Mr. August "Auggie" Felando. (Motion 9)

G.3. **Council Action:** April 2001 Council Meeting Agenda (March 9; 8:31 AM)

Dr. McIsaac reviewed the draft agenda with the Council, and a discussion ensued to set agenda priorities for the April 2001 Council meeting.

G.4. Council Staff Workload Priorities

Dr. McIsaac reviewed the Council Workload document (Exhibit G.4) with the Council. Discussion occurred on the Huntington Flats workload item, and whether or not new catch data is relevant to "opening up" the files again on this issue. Mr. Boydston proposed that he and Mr. Fougner provide an overview assessment and recommendations before the April meeting.

Following further discussion on the American Fisheries Act and a scoping report for groundfish open access permits, the Council agreed to the workload as presented in the exhibit.

ADJOURN

The Council adjourned on March 9, 2001 at 11:10 AM.

DRAFT

Jim Lone, Council Chairman

Date

DRAFT VOTING LOG

Pacific Fishery Management Council

March 6-9, 2001

MOTION 1: Adopt the proposed April 1 opener for Oregon troll and recreational chinook fisheries from Cape Falcon to Humbug Mountain as shown in Exhibit B.3.b, Supplemental ODFW Recommendations.

Moved by: Burnie Bohn
Motion 1 passed.

Seconded by: Ralph Brown

MOTION 2: Approve the EFP's which support compensation for fish for the Northwest Science Center's Slope Survey's as shown in Supplemental NMFS Report D.2.

Moved by: Ralph Brown
Motion 2 passed.

Seconded by: Hans Radtke

MOTION 3: Authorize Council Chairman Lone to send a letter outlining support of a buyback program for West Coast Groundfish which is consistent with the provisions of the Strategic Plan for West Coast Groundfish.

Moved by: Phil Anderson
Motion 3 passed.

Seconded by: Jim Lone

MOTION 4: Adopt the proposed 2001 incidental catch regulations process for the sablefish fishery north of Point Chehalis as described in Exhibit F.2, Supplemental Joint Staff Proposal.

Moved by: Phil Anderson
Motion 4 passed.

Seconded by: Bob Alverson

MOTION 5: Adopt the proposed 2001 incidental halibut catch regulation options as contained in Exhibit F.2.e, Supplemental SAS Report.

Moved by: Phil Anderson
Motion 5 passed.

Seconded by: Burnie Bohn

MOTION 6: Approve the REVISED FERC/PacificCorp Letter as shown in Exhibit C.1.b, Supplemental REVISED FERC/ PacifiCorp Letter.

Moved by: LB Boydstun
Motion 6 passed.

Seconded by: Hans Radtke

MOTION 7: Approve the September 11-15, 2000 Council Meeting Minutes as shown in Supplemental Exhibit A.5., Draft September Minutes.

Moved by: Jerry Mallet
Motion 7 passed.

Seconded by: Ralph Brown

MOTION 8: To fill the vacant at-large position to the SSC for the term 2001-2003, appoint Dr. Andre Punt. Confirm the appointment of Dr. Paul Crone of Southwest Fisheries Science Center, NMFS to the Coastal Pelagic Species Management Team.

Moved by: Bill Robinson
Motion 8 passed.

Seconded by: Bob Alverson

MOTION 9: To fill the vacant purse seine position on the Highly Migratory Species Advisory Subpanel, appoint Mr. August "Auggie" Felando.

Moved by: Don Hansen
Motion 9 passed.

Seconded by: LB Boydstun

Motions 10 through 15 were made using the document entitled: "Exhibit B.9.b, Supplemental STT Report, March 2001".

MOTION 10: Adopt the recreational and commercial options as presented with the following modifications: on page 6, under Option II - change "no trade" to "may be considered"; include in the Queets River to Leadbetter Point recreational fishery a closure from zero to 3 miles; add to the three recreational areas from Cape Falcon to the U.S./Canada border, a "chinook minimum size limit raised from 24 to 26 inches".

Moved by: Phil Anderson
Motion 10 passed.

Seconded by: Jim Harp

MOTION 11: Adopt the recreational/commercial options as presented for the areas South of Cape Falcon down to and including the KMZ area. This includes the clarifications made by the STT.

Moved by: Burnie Bohn
Motion 11 passed.

Seconded by: Ralph Brown

MOTION 12: Adopt the recreational/commercial options as presented south of the KMZ area with the following amendments: page 3, commercial fisheries under Option II for the area Horse Mt. to Pt. Arena, add "possession and landing limit of 30 fish during the May fishery"; confirm the STT correction on page 7 for Option I that in the area from Humbug Mt. to Horse Mt., the beginning of the more liberal weekly limit should begin "July 24" (not July 25).

Moved by: LB Boydstun
Motion 12 passed.

Seconded by: Jim Caito

MOTION 13: Adopt the following:

For the 2001 Treaty Ocean Troll Salmon Season, adopt the establishment of three options for further Salmon Technical Team analysis and for public review.

Option I - quota levels of 37,000 chinook and 90,000 coho
Option II - quota levels of 35,000 chinook and 90,000 coho
Option III - quota levels of 35,000 chinook and 70,000 coho

The salmon season will consist of a May/June chinook directed fishery and a July/August/September all-species fishery, with the Chinook harvest evenly split between the two periods. The basic regulation package is to remain the same as contained in the 2000

Ocean Salmon Management Measures, which includes minimum size limits and gear restrictions.

Moved by: Jim Harp
Motion 13 passed.

Seconded by: Phil Anderson

MOTION 14: Reconsider Motion 12 to accommodate date changes in the KMZ recreational fishery, Option I (May 22 through July 8 for the weekly bag limit of 4 fish in 7 consecutive days).

Moved by: LB Boydstun
Motion 14 passed.

Seconded by: Jim Caito

MOTION 15: On page 7 in Option I for the recreational fishery from Humbug Mt. to Horse Mt., adopt the following change: the portion of the third sentence stating from "May 26 thru July 7" should read "May 22 thru July 8".

Moved by: LB Boydstun
Motion 15 passed.

Seconded by: Jim Caito

Meeting Record and Summary Minutes
Pacific Fishery Management Council
April 2-6, 2001

The full record of the Pacific Fishery Management Council April 2-6, 2001 meeting is available at the Council office, and consists of the following:

1. The draft agenda.
2. The approved agenda with notations as to the time each agenda item was addressed, with summary minutes of Council proceedings and key Council documents inserted in the relevant agenda item. The summary minutes consists of a narrative (1) on particularly noteworthy elements of the gavel to gavel components of the Council meeting, including the Call to Order segment at the onset of the Council meeting, and (2) summaries of pertinent Council discussion during each Council Guidance, Discussion, or Action item in the Agenda. The summary narrative of Council Guidance, Discussion, or Action items includes detailed descriptions of rationale leading to a motion (or leading to a consensus to not make a motion) and discussion between the initial motion statement and the final vote.
3. A set of audio recordings of the actual testimony, presentations, and discussion that occurred at the meeting. Recordings are labeled so as to facilitate tape review of a particular agenda item, by cross referencing with the time labeled agenda.
4. All written documents produced for consideration at the Council meeting, including (1) the pre-meeting briefing book materials, (2) all pre-meeting supplemental documents for the briefing book, (3) all supplemental documents produced or received at the Council meeting, validated as labeled by the Council Secretariat and distributed to Council Members, and (4) public comments and miscellaneous visual aids or handout materials used in presentations to Council Members during the open session.
5. A copy of the Council Decision Log, a document distributed immediately after the meeting which contains very brief descriptions of Council decisions.

DRAFT MINUTES
Pacific Fishery Management Council
April 3-6, 2001

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A. Call to Order

A.1. Opening Remarks, Introductions (April 3, 8:56 AM)

Chairman Jim Lone called the 158th meeting of the Pacific Fishery Management Council (Council) to order at 8:56 a.m. on Tuesday, April 3, 2001. A major feature of this meeting is to take final action on 2001 ocean salmon management measures on Thursday afternoon. Today, we will tentatively adopt those management measures for STT collation and analysis. On Thursday, the Council is scheduled to consider changes in the groundfish management process and schedule, and rebuilding plans.

A.2. Roll Call

Voting Members

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

Non-Voting Members

Mr. Dave Gaudet
CDR Ted Lindstrom

Members Absent

Dr. Dave Hanson
Mr. Tim Roth
Mr. Stetson Tinkham

A.3. Executive Director's Report

Dr. Donald McIsaac described the general strategy of the draft agenda, noting in particular the design for finality in salmon management decisions for Thursday and a placeholder for Friday if further clarification is needed. He also noted that under Agenda Item H.3, there is a specific opportunity for the Council to give input to the advisory bodies on which issues to consider as priorities for review at the June meeting.

A.4. **Council Action:** Approve Agenda

The agenda was approved (Exhibit A.4, April Council Meeting Agenda) with the following recommended changes: move the November 2000 minutes action item to "H. Administrative Items". Under F.3., insert between a and b, a report from the California Department of Fish and Game (CDFG). Under F.1, add a public comment period as it pertains to the EFP presented under the briefing book materials. Under F.5, between items F.5.b and F.5.c, insert reports from the states on the use of excluders in the pink shrimp trawl fishery. (Motion 1)

A.5. **Council Action:** Approve November 2000 Minutes

This agenda item was moved to Friday just before Administrative items.

B. Salmon Management

B.1. National Marine Fisheries Service (NMFS) Report (9:06 AM)

B.1.a. Status of Regulatory and Nonregulatory Activities

Mr. Bill Robinson indicated that the early openings were implemented. The final rule of parts of Amendment 14 were also implemented, although full implementation was still pending.

B.1.b. Status of Sacramento River Winter Run Chinook Recovery Plan

Ms. Diane Wyndham indicated that a draft plan was released in August 1997. No final plan has been released, although the National Marine Fisheries Service (NMFS) has received public comment. Recovery criteria remain intact. The goal is to establish a framework recovery plan that focuses on habitat improvement. Delisting criteria included population growth rate and numerical escapement goals. With the Endangered Species Act (ESA) listing of steelhead and spring chinook, NMFS plans on having a multi-species, ecosystem based recovery plan. Recovery coordinators have been hired for the four geographic areas. Recovery teams are in the process of being assembled. Funding of ongoing recovery efforts continues through CalFed. These include hatchery, habitat, and screening projects.

B.1.c. Council Discussion on NMFS Report

No Council discussion.

B.2. Identification of Stocks Not Meeting Escapement Goals for Three Consecutive Years (9:12 AM)

B.2.a. Report of the Salmon Technical Team (STT)

Mr. Dell Simmons gave the following report:

The Salmon Technical Team (STT) is responsible for identifying natural salmon stocks with conservation objectives that have failed to achieve their escapement objectives for the past 3 years. Table B-2 from Preseason Report 1 shows that 3 chinook stocks have not met their goals for 3 consecutive years. These stocks are:

*Upper Columbia River summer chinook
Grays Harbor fall chinook
Queets spring/summer chinook*

All 3 of these stocks are exceptions to the overfishing criteria under amendment 14, because harvest impacts by Council area fisheries have been historically under 5%. The STT believes that Council area fisheries continue to exert exploitation rates below 5%.

Possible causes for the failure of these stocks to meet escapement goals vary by stock.

For the Columbia Summer stock, the escapement goal of 80-90 thousand adults has not been reached for at least 30 years. Inriver harvest has been limited to small C&S fisheries since 1964. Spawning habitat of this stock has been severely reduced through dam construction (most of the historic spawning habitat was lost with the construction of Grand Coulee dam in the 1930s). Until upstream habitat has been restored for this stock, it is very unlikely that the current escapement goal can be achieved.

For Grays Harbor fall chinook, state and tribal managers are investigating abundance forecasts and terminal fishery management models for evidence of potential bias.

Production of Queets spring/summer chinook has been depressed in recent years; terminal run sizes

have been below the escapement floor since 1997. The reason for the depressed production is not known at this time.

Mr. Gaudet commented on the Columbia River summer chinook, indicating that the Pacific Salmon Commission (PSC) Chinook Technical Team (CTC) developed a maximum sustainable yield (MSY) based escapement goal based on existing habitat, which is considerably lower than the 80,000 to 90,000 identified by Mr. Simmons.

B.2.b. Reports and Comments of Advisory Bodies

SSC

Dr. Pete Lawson gave the report of the Scientific and Statistical Committee (SSC).

The Salmon Technical Team (STT) reviewed the chinook and coho natural spawner escapement estimates for the Scientific and Statistical Committee (SSC). Most stocks met their escapement goals in 2000 and most are predicted to achieve their goals in 2001.

Three stocks: upper Columbia River summer chinook, Grays Harbor fall chinook, and Queets River spring/summer chinook did not achieve their escapement goals in each of the past three years. Exploitation rates of Council managed fisheries on these stocks were less than 5% in the base period. Hence these stocks are exceptions under the overfishing criterion of Amendment 14.

The Queets River coho stock failed to meet its escapement objective from 1997 to 1999, but exceeded the escapement goal in 2000. This stock is predicted to meet the escapement goal this year. The STT is conducting an overfishing review of this stock. A draft of their assessment will be available in September 2001.

HSG

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

The Habitat Steering Group (HSG) would like to receive Council guidance relative to the Amendment 14 language and the HSG's role relative to salmon stocks not meeting escapement goals and the overfishing review process.

The HSG is willing to assist the Salmon Technical Team (STT) with its efforts to identify the probable cause of current stock depressions and advocate measures to improve stock productivity. However, the HSG recognizes that the salmon management expertise is housed within the STT and to the extent that adverse impacts to EFH may have contributed to conservation shortfalls, the HSG could evaluate available habitat information.

To that end, the HSG requests that Council staff collate and disseminate the available habitat data from the appropriate agencies and tribes relative to the following salmon stocks:

- *Queets coho*
- *Columbia River summer chinook*
- *Gray Harbor fall chinook*
- *Queets spring/summer chinook*

for HSG review and comment at the June meeting.

B.2.c. Public Comments

There were no public comments.

B.2.d. Council Action: Identify any actions necessary under the Council's Overfishing Review Procedure

Mr. Lincoln remarked that he supported the report of the HSG, and felt that the state and tribal biologists could make this information available to the HSG through the Council staff.

Mr. Harp then commented on two of the three chinook stocks.

Mr. Chairman, I would just like to briefly comment on the status of Grays Harbor fall Chinook and Queets Spring/Summer Chinook. Both of these stocks have not met their spawning escapement objectives for the past three years. In the case of Queets spring/summer chinook the spawning escapements for the past couple of years have been less than half of the lower end of the desired escapement range. While both of these stocks are categorized as exceptions to the application of the overfishing criteria provided in Amendment 14 and do not require any specific Council fishery actions, their condition is such that some assessment by the Council is appropriate. Consistent with Amendment 14 provisions, I would like to see the Council direct its STT and HSG to conduct an evaluation of whether these two populations continue to be exploited at less than 5% in Council managed fisheries, and to conduct an initial assessment of the causes for their recent decline. I would suggest that they report back to the Council with this initial assessment within the next year.

Dr. Coon asked for clarification that the above statement from Mr. Harp was for workload planning purposes. Mr. Harp answered yes.

B.3. Methodology Reviews for 2001 (9:49 AM)

B.3.a. Report of the Scientific and Statistical Committee

Dr. Lawson gave the report of the SSC.

There are three major salmon methodology projects that, if completed, will require Council review prior to their use in the season setting process for salmon in 2002.

- The Scientific and Statistical Committee (SSC) received an update on the status of the development of the new Klamath Ocean Harvest Model (KOHM). We encourage the completion of this project so it can be reviewed by the SSC prior to the November 2001 Council meeting.*
- The coho cohort analysis project is designed to produce a new data base for harvest modeling of coho salmon. The SSC expected a final review of this project in 2000, but progress has been slower than anticipated. The SSC encourages the completion of this project as it will be an important component for any update to the coho Fishery Regulation Assessment Model (FRAM).*
- The chinook FRAM is currently being modified so that selective fisheries for chinook salmon can be modeled. This will result in major changes to the model and will require a detailed review by the SSC when completed.*

The SSC recognizes the need for salmon forecast methodology reviews, but acknowledges that these have lower priorities in comparison to the projects described above.

The SSC requires good documentation and ample review time to make the most efficient use of the SSC Salmon Subcommittee's time. As per Council Operating Procedures (Council Operating Procedure Number 15, Salmon Estimation Methodology Updates and Review), agencies should be responsible for ensuring materials submitted to the SSC are technically sound, comprehensive, clearly documented, and identified by author. Documents should receive internal agency review before being submitted to the Council. To provide adequate review time, materials must be received

at the Council office at least three weeks prior to the scheduled review meetings. The SSC will need to review any proposed changes to salmon methodologies for the year 2002 at the November 2001 Council meeting.

B.3.b. Recommendations of the States, Tribes, and Federal Agencies

States

ODFW: Mr. Bohn said that the three projects indicated in the SSC report were all that Oregon would recommend.

WDFW: Mr. Lincoln noted that the modeling task for the PSC coho cohort FRAM for the southern area was still in process, but that the results should be available to the SSC this fall.

CDFG: Mr. Boydstun noted that he expects the Klamath Ocean Harvest Model (KOHM) to be done in time for the SSC to review it.

Tribal

Mr. Dave Hillemeier, on behalf of the Yurok Tribe, stated that because the KOHM predictor model was inaccurate, the Yurok tribe was not able to harvest available surplus fish in 2000. The uncertainty of the predictor is a factor that affects long term harvest levels and long term health of the fish population. He indicated that the KOHM model is a priority, and that perhaps if \$100,000 were used to hire a statistician to finish the predictor, it would be money well spent.

Mr. Harp agreed with the SSC's comments that the KOHM should be the main priority. He also concurred with Mr. Lincoln's comments on the coho cohort analysis, that the coho FRAM would be updated. He also noted that in regards to reviewing the chinook FRAM, that for any selective chinook fishery there is a PSC process, and those proposals need to go through that forum.

NMFS

Mr. Robinson referred the Council to the NMFS report (Exhibit B.3, Attachment 1).

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

SAS

Mr. Cedergreen provided the SAS comments.

The Salmon Advisory Subpanel (SAS) concurs with the June 9, 2000 letter from National Marine Fisheries Service (NMFS) signed by Mr. Bill Robinson regarding the need to review forecast methodology for several Pacific Coast salmon stocks. We are especially concerned about the run-size prediction methodologies for lower Columbia River wild fall chinook and Klamath River fall chinook.

The inaccuracy of these predictors may have cost the ocean and inriver fisheries millions of dollars in recent years as well as jeopardized the long-term health of these stocks.

We believe it is essential, and money well spent, for the states and NMFS to devote the appropriate resources toward improving these predictors.

B.3.d. Public Comment

Mr. Duncan MacLean, troller, El Granada, California

B.3.e. **Council Action:** Establish 2001 Schedule and Methodologies To Be Reviewed

Mr. Alverson moved, and the Council agreed, to adopt the SSC recommendations for methodology reviews for 2001. (Motion 2; seconded by Mr. Bohn).

B.4. Tentative Adoption of 2001 Ocean Salmon Management Measures for Analysis (10:15 AM)

B.4.a. Summary of Public Hearings

The hearings officers (Mr. Lone, Mr. Bohn, Dr. Radtke, Mr. Caito, and Mr. Boydston) each gave a summary of the public hearings (Exhibits B.4.a Supplemental Public Hearing Reports 1-5).

B.4.b. Summary of Written Public Comments

Mr. Chuck Tracy provided a summary of the written public comments received at the Council office.

Of the six letters received by the Council:

- a. *Four commented primarily on the commercial troll fishery;*
- b. *Two commented on both the commercial and recreational fisheries;*
- c. *Additional comments were included in two of the letters.*

Commercial Troll Comments

Three letters commented only on the incidental halibut options, all in favor of Option I: one halibut for every three chinook with a maximum of 35 per trip.

Two letters generally supported salmon troll Option I in the KMZ modified by adding some time in June, based primarily on economic concerns for the local ports.

One letter supported salmon troll Option III based primarily on concerns for recovery of depressed stocks.

Recreational Comments

One letter supported salmon recreational Option I for the KMZ based on equity issues within the KMZ.

One letter supported salmon recreational Option III coast wide based primarily on concerns for recovery of depressed stocks.

Additional Comments

One letter also recommended future consideration of a selective coho troll fishery for the entire Oregon coast.

One letter also recommended:

- d. *Initiation of an independent comprehensive review of regional nonretention fisheries;*
- e. *Initiation of a technical analysis for including wild Columbia River coho as an OCN coho sub-unit;*
- f. *Development of a terminal fisheries management plan;*
- g. *Utilization of a precautionary approach in salmon management.*

B.4.c. Recommendations of the U.S. Section of the Pacific Salmon Commission

Mr. Harp provided the following statement.

Since the March PFMC meeting, there have been continued communications with Canada regarding the development of our respective fisheries plans for 2001. On March 26, Tribal and Washington State fishery managers met with representatives from Canada's Department of Fisheries and Oceans to review each country's salmon forecasts and fisheries outlooks for 2001.

The Tribal/State co-managers reported to Canada on our progress to date in developing fisheries plans through the PFMC and North of Falcon process. We described the range of options for ocean fisheries that were being considered by the PFMC, and the level of fishing that is anticipated inside Puget Sound. We told the Canadians that our border area fisheries were being planned in response to an expected overall increase in abundance of coho and the need to conserve Puget Sound chinook.

The Canadians also shared their forecasts for chinook, coho, chum, sockeye and pink salmon for 2001. They said their fisheries would be primarily influenced by their need to address critical stock concerns for West Coast Vancouver Island chinook and upper Fraser River and Georgia Strait coho. They explained that their preseason fisheries plans would be finalized in mid-May. They did, however, provide information concerning their expected fisheries and catch levels.

We then discussed the need to better synchronize our respective fisheries planning processes in the future so that we could more easily address each other's stock concerns when developing our fishing plans.

The Pacific Salmon Commission is schedule to convene a negotiating team in Vancouver B.C. during the week of April 23 to develop a southern coho management plan. This plan would address the management and allocation of coho in fisheries along the border of Washington and British Columbia. If negotiations are successful, this management plan is anticipated to be effective beginning in 2002.

Mr. Bohn noted that the tribes and Oregon will be involved in these negotiations and is very optimistic that this would be a long term agreement. There is a sincere interest from both parties to get this done during that last week of April.

B.4.d. Recommendations of the North of Cape Falcon Forum

Mr. Lincoln, WDFW, indicated that objectives for Puget Sound fisheries were submitted. Outstanding issues should be worked out this week, specifically the chinook stock issues for the Puget Sound ESU plan submitted to NMFS. For coho, with the possibility of one minor exception, the Puget Sound and outside fisheries package has been agreed upon.

Mr. Bohn noted that agreements were reached with the users in the lower Columbia as well as between inside (Columbia River) and ocean fisheries. An agreement between the states and tribes is also nearing completion.

Mr. Harp presented the following report on this year's North of Cape Falcon meetings.

Mr. Chairman, I'd like to give a brief report on this year's North of Cape Falcon 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 14 and 14 in Portland, and again on March 27, 28, and 29 in Tukwila.

It is always a difficult process as we try to shape Treaty and Non-Treaty fisheries for areas from the ocean to in-river for the various stocks of concern. This has continued to be a difficult process this year partly due to the continued depressed status of several stocks including meeting the new management objectives we have adopted for listed Puget Sound Chinook. There also continue to be issues to discuss surrounding the application of selective fisheries.

On the positive side we are forecasting significant improvements in coho production from many areas and should be able to have some of the best coho fisheries in many years. The challenge is to be able to access the abundance coho production while still meeting our conservation objectives for weaker coho stocks, like OCN, and a number of listed Chinook stocks.

We've spent considerable time in the NOF process defining specific fisheries strategies to address conservation concerns for Puget Sound Chinook salmon. The state of Washington and the tribes have a comprehensive and technically defensible management plan that has been tentatively approved by NMFS. We can report considerable success in developing fishing plans for 2001 that meet the requirements of this plan. However, we still have work this week on some additional fishery measures to meet our Puget Sound Chinook objectives and are optimistic we will get there before the week is over.

B.4.e. Recommendations of the Klamath Fishery Management Council (KFMC)

Mr. Dan Viele provided the following recommendations of the KFMC.

The KFMC met on April 2, 2001 and passed the following motion:

The KFMC recommends that the PFMC adopt Option I for the KMZ sport fishery, recognizing that minor modifications may be necessary to meet PFMC goals.

The KFMC discussed troll options. The KFMC agreed that the SAS is close to resolving the remaining issues regarding the troll fishery. The KFMC has no additional recommendations.

The KFMC discussed mechanisms and procedures for disposition of any harvestable surplus in the Klamath River recreational fishery, and will provide the California Fish and Game Commission, Hoopa Valley Tribe, and Yurok Tribe with a recommendation.

B.4.f. Update on Estimated Impacts of March Options

Mr. Simmons reported that the STT did not have any updates, the numbers were the same as in Preseason Report II.

B.4.g. Reports and Comments of Advisory Bodies

SAS

Messrs. Olson, Cedergreen, Hochberg, Lethin, Stevens, Welter, and MacLean, gave the report of the Salmon Advisory Subpanel (SAS) as presented in Exhibit B.4.g, Supplemental SAS Report. On the halibut troll issue, the SAS deferred to the respective states.

B.4.h. Tribal Comments

Hoopa Valley Tribe

Mr. Mike Orcutt and Mr. George Kautsky, Hoopa Valley Tribe, thanked Council for support for Trinity River flow issues, and Klamath River flow issues. On the subject of methodology review, the Tribe supports the refinement of the KOHM. They would lend staff support for abundance prediction review. For management of 2001 fisheries, the Tribe is proposing a commercial fishery for spring run chinook. The tribe put a

management plan for spring chinook together, which is being reviewed. The Tribe's position is that they are entitled to 50% of the fall run chinook share (as stated since 1995). They were concerned with how the tribal share is calculated. They said that the tribal share should be greater than 75,500, which is based on ocean conservation constraints for central coast chinook. They added that the KFMC supported Option I for the KMZ.

Columbia River Treaty Tribes

Good afternoon Mr. Chairman and members of the Council. My name is Rapheal Bill. I am a member of the Umatilla Tribe. I am here today to present testimony on behalf of the four Columbia River treaty tribes: the Yakama, Warm Springs, Umatilla, and Nez Perce tribes.

The ocean fishery options under consideration this year appear to meet the ESA requirements for Snake River Fall chinook. However, because the forecast for Snake River Fall chinook is not finalized yet, we are placed in a situation where we can not completely judge the merits of any particular fishing option. Our tribes are faced with many challenges this year given the restrictions we will face for Snake River fall chinook as well as the balance of tule and bright fish in our fall fisheries.

Later in the meeting, the Council will receive a report from NMFS on salmon bycatch in the whiting fishery. We would encourage NMFS to not only report to the Council the number of salmon caught, but also any coded wire tag or other information indicating what stocks this fishery impacts. It is impossible to judge how much of a problem salmon impacts in the whiting fishery are if we don't know what stocks are impacted.

Yesterday, one of our staff gave a brief presentation to the Habitat Steering Group on the drought and hydropower situation in the Columbia River Basin. We appreciate the opportunity to work with the Council on this issue. Current data suggests that another El Nino event is forming in the Pacific which may extend the drought into 2002. Low flows and warm river temperatures will cause higher mortality. Predation, especially from birds will probably increase as well. This is a serious issue for the Council since the expected low survival of out-migrating juveniles this year and next will likely have adverse effects on both ocean and in-river fisheries for several years to come. There is still time for the Hydro-system operators to take actions to protect fish including providing some level of spill. NMFS still wants to transport fish in barges instead of providing spill, however transportation has not provided any benefits to fish. Transported fish do not return well to the natural spawning areas. Returning spawners is our measure of success.

The Columbia River tribes continue to question the utility of mass marking and selective fisheries as a long-term recovery strategy. It seems like selective fisheries for coho have advanced from the experimental phase to the full scale implementation phase. Mass marking and selective fisheries for chinook are increasing as well. There are still unresolved technical issues concerning the mass marking and selective fishing for chinook that are far more complicated than for coho, making it difficult to detect the effect of selective harvest on escapement. The idea of selective fishing as a way to address wild stock concerns is seductive because it diverts attention from the real problem: low wild fish survival. The matter is also complicated in the Columbia River because some mass marked hatchery fish are listed under the ESA. Under current regulations it is legal for Columbia River sport fishers to retain some listed fish that happen to have adipose fin clips.

We are also concerned Columbia river sport fisheries still allow the use of barbed hooks. This is inappropriate given the increasing number of selective fisheries that hook and release wild fish. It is possible that some of these wild fish may be hooked and released multiple times.

He also noted that he met last week with representatives from the Bonneville Power Administration (BPA) and we need some ladders for fish to go over the dam.

Mr. Terry Courtney gave the following comments.

Good Morning Mr. Chairman and members of the Council:

My name is Terry Courtney Jr. I am a tribal fisherman and a member of the Fish and Wildlife Committee of the Warm Springs Tribe. Fish Production and fish restoration needs to be pushed in our local areas whether our local fisheries are in the ocean or in the streams. It will take much effort and much thought as to how each one of us can unite, as one body, to eventually have more harvest. Do not be just a harvester, but do something that can possibly help your fisheries. Become more involved. The fish need your help, now, not later.

Thank you for this honor to share my views with you.

Mr. Harp indicated that the north coast tribes have kept their commitment to not increase impacts on Columbia River stocks of concern.

B.4.i. Agency Comments and Recommendations

Mr. Boydstun noted that for the recommendations the SAS has provided regarding the use of circle hooks, a regulatory effort should be made so that there are no offset hooks allowed in the future as it defeats the purpose of the use of circle hooks, but that it will not be included in this year's package.

Mr. Lincoln requested the STT to review the Cape Flattery control zone and the area 4 summer closure for potential savings of Puget Sound Hood Canal chinook.

B.4.j. Public Comments

Mr. Ron Lethin, charterboat owner, Hammond, Oregon
Mr. Daniel Platt, Salmon Trollers Marketing Association, Ft. Bragg, California
Mr. Richard Oba, United Anglers of California, San Francisco, California

B.4.k. **Council Action:** Tentatively Adopt Management Measures for 2001 Ocean Salmon Fisheries

Mr. Bohn moved, and the Council agreed, to adopt the management measures for 2001 ocean salmon fisheries for STT collation as presented in Exhibit B.4.g, Supplemental SAS Report, with the following change: in the area of Pt. Reyes to Pt. San Pedro for the troll fishery, change the opening date from May 28 to May 24. (Motion 3; seconded by Mr. Lincoln).

Mr. Harp made the following statement.

Mr. Chairman, I would like to make a brief statement regarding the tentative adoption of a quota for the ocean treaty troll fishery.

- This year our coho stocks are in much better shape than in previous years, with the possible exception of OCN stocks. However, all the ocean options analyzed by the STT indicated that the objectives for OCN stocks. However, all the ocean options analyzed by the STT indicated that the objectives for OCN stocks would be met under any of the options.*
- For chinook, as I mentioned before, we have a difficult task of meeting the very low exploitation rate objectives defined in our comprehensive Chinook harvest plan for Puget Sound chinook. We are very close to meeting those objectives with the fisheries we are currently modeling and I am confident we will be able fully meet them with a few additional fishery adjustments.*
- We also have to be aware of the impact from our fishery on Columbia River Chinook. We fully intend to continue to live up to the commitment that we made in 1988 to not increase our impacts on Columbia River chinook stocks of concern.*

- *We have been in the process of establishing, cooperatively with the Washington Department of Fish and Wildlife, a package of fisheries that will ensure acceptable levels of impact on natural stocks of concern as well as providing opportunity to harvest hatchery stocks. In many cases we have not yet reached agreement on specific 2001 management measures, but the tribes are continuing to work cooperatively with WDFW in hopes of finding successful outcomes.*

Mr. Harp then made the following motion (Motion 4) which was seconded by Mr. Rich Lincoln:

For the ocean treaty troll fishery, I would like to offer the following treaty troll management measures for tentative adoption and for analysis by the Salmon Technical Team:

A Treaty Troll Coho quota of 90,000 and a Chinook quota of 37,000.

This would consist of a May/June chinook only fishery and a July/August/September all species fishery. Where the chinook will be split 50% into each fishery (18,500 in May/June and 18,500 in all species). In all species fishery, the coho will have a split of 25,000 in July; 65,000 in August, with a carry over into September. Gear restrictions, size limits, and other appropriate regulations would be as stated in previous Salmon Technical Team analysis.

Motion 4 passed.

Mr. Harp offered the following modeling guidance to the STT regarding modeling assumptions:

Our guidance to the STT is to model Alaskan and Canadian fisheries consistent with the recent information provided by Canada and the PSC Chinook Technical Committee. During the March 26 manager-to-manager meeting, Canada provided projected catch information for southern British Columbia chinook and coho fisheries that should be used as model inputs. In addition, information was recently obtained from the PSC Chinook Technical Committee for fisheries in Alaska and North/Central British Columbia that should be used for modeling purposes. The participants of the North of Falcon process have also agreed to use these model inputs.

The Council adopted the fishing gear regulations as shown in Supplemental Revised Attachment 1, Exhibit B.4., dated 03/27/01 (Motion 5) Those fishing gear regulations are the same as last year (2000) Mr. Tracy then asked if the two halibut options for the salmon troll fishery will remain options until Thursday. Mr. Bohn said yes that is correct. Council members concurred.

B.5. Clarify Council Direction on 2001 Management Measures, If Necessary (April 5, 8 AM)

B.5.a. Report of the STT

Mr. Anderson requested that the STT include the following changes to the tentative management measures for the north of Falcon troll fishery: a May/June fishery overall quota of 17,000 chinook, with a subquota of 12,000 chinook for Areas 3 and 4; in Areas 2, 3, and 4 (Leadbetter Pt. north to U.S./Canada border) July 1 through July 27, a 7,000 chinook guideline with no more than 4,000 for areas 3 and 4; in Area 1 from July 20 through July 27, open to all species and all gear; in Area 2 beginning July 28, join with Area 1 and be open to all gear/all species, with an additional 6,000 chinook guideline. The three guidelines of 17,000, 7,000 and 6,000 making up the total troll fishery quota of 30,000. The intent of the proposed changes is to remove any questioning of the modeled savings relative to PS chinook in Areas 2, 3, and 4.

Mr. Milward clarified that the coho guideline in the July 1 to July 27 season was 12,000 marked coho, and in the July 20 September 30 season was 65,000 marked coho. He also noted that a rollover of 5,000 chinook from the May/June to the July-Sept. season was included.

Mr. Bohn and Mr. Boydston concurred with Mr. Anderson's request and Mr. Milward's clarification.

B.6. Final Action on 2001 Management Measures (March 5, 2001, 2:56 PM)

B.6.a. Agendum Overview

Dr. John Coon provided the Council a review of the agenda topic and briefing book material. He noted that Council action entailed discussion of the tentatively adopted management options with modifications. The Council then needs to adopt recommended regulations for the non-Indian commercial troll, recreational and treaty Indian troll fisheries, adopt final definitions of fishing gear, and select an option for incidental halibut landings in the non-Indian commercial troll salmon fishery. The Council will finally have to authorize the Council staff, STT and NMFS to make revisions the regulation package to correct any possible errors to reflect the Council intent.

B.6.b. Analysis of Impacts

STT reported their analysis of the tentatively adopted management measures in Exhibit B.6.b, Supplemental STT report.

B.6.c. Comments of the KFMC

None.

B.6.d. Reports and Comments of Advisory Bodies

Mr. Cedergreen, SAS, referencing the STT report, noted that on page 4, non-Indian commercial troll C.6, incidental halibut harvest, there was concurrence between Washington and Oregon on Option I (same as last year). He also recommended inserting language on page 5, U.S. Canada border to Cape Alava (Neah Bay), "chinook nonretention in area 4b unless modified through inseason management".

B.6.e. Tribal Comments

Mr. George Kautsky provided comments on behalf of the Hoopa Valley Tribe. The Tribe developed a harvest management plan for spring chinook in the Trinity River Basin for 2001, which has been shared with the KFMC and its advisory entities, and will be shared with others as appropriate. They supported the KFMC recommendations for full utilization of surplus of Klamath River fall chinook. As noted on Tuesday, the 50/50 share resolution still stands.

Mr. Harp commented that the Yurok Tribe had worked out management schemes to their satisfaction.

Mr. Terry Courtney, Jr. offered the following comments.

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

The ocean fishery package under consideration by the Council appears to meet the ESA requirements for Snake River fall chinook. The tribes are concerned about how well these fish will survive once they reach the Columbia River this year. The major source of mortality for Columbia River salmon is in the hydro-power system. The mortality from the dams is much greater than the mortality from ocean and in-river fisheries combined. With the low flows and warm river temperatures expected this year survival will be much less. Ocean and in-river fisheries and the Northwest economy will be impacted in two to five years. Even the hydro system biological opinion admits dams are expected to kill, on average, 88 percent of the downstream fall chinook juvenile migrants and 29 percent of the upstream fall Chinook adult migrants. The average hydro system mortality for juvenile steelhead is 46.5 percent and for adult steelhead is 17.5 percent. The mortality rates will be higher this year.

The federal government continues to want to deal with this problem by barging fish. The barging program has not achieved its objectives of increasing survival of fish returning to spawn as up river adults.

There is also a great deal of uncontrolled mortality due to predation from introduced exotic species as well as federally protected birds and marine mammals. Exotic species not only prey on salmon smolts but compete for food, oxygen and rearing space. Until these sources of mortality are controlled, it will continue inhibit recovery of our salmon.

The tribes would like to remind the Council that the Columbia River tribes are active in working toward the restoration and rebuilding of Columbia River salmon and steelhead runs. The tribes are involved in supplementation programs for chinook and coho. These supplementation programs are showing good results and are bringing fish back to areas such as the Umatilla, Wenatchee, and Yakama Rivers as well as areas in the Snake River Basin. The tribes are producing fish that support harvest by both tribal and non-tribal harvesters. The tribes have proposed additional supplementation programs in areas like the Salmon River and other areas that would offer even more benefits to Indian and non-Indian people.

Thank you.

Mr. Harp on behalf of the northwest tribes provided the following statement.

Mr. Chairman,

As I indicated in my statements earlier this week, the treaty tribes have been working with WDFW on a package of fishery regulations that meets this year's conservation requirements and also fairly distributes the opportunity for harvest on the more abundant stocks.

The fisheries that the tribes have proposed are consistent with the improved abundance we except for many Chinook and coho stocks while remaining consistent with the conservation needs for listed Chinook and coho stocks, such as OCN and Puget Sound Chinook. The proposed fisheries also take into account the need for the tribes to share the fishing opportunity in their respective areas.

At the appropriate time, I will offer a motion for treaty troll quotas of 90,000 coho and 37,000 chinook.

I believe the proposed quotas for the ocean treaty Indian troll fishery are consistent with the ESA requirements for Snake River chinook, OCN coho, and Puget Sound Chinook.

The quota meets the commitment by the ocean tribes to the Columbia River Tribes in 1988 to not increase impacts on stocks of concern.

The proposed quotas also meet the commitments made under the Pacific Salmon Treaty.

This proposal for the treaty troll fishery is part of an evolving, but nearly complete, comprehensive package that includes in-river and Puget Sound fisheries.

B.6.f. Public Comments

Mr. Don Stevens, Oregon Salmon Commission, Newberg, Oregon

B.6.g. Council Action: Adopt Final Measures

Using the document entitled *Salmon Technical Team Analysis of Tentative Salmon Management Measures for 2001 Ocean Fisheries* (Exhibit B.6.b, Supplemental STT Report, April 2001):

Mr. Anderson moved to adopt the non-Indian commercial troll and recreational salmon management measures in Exhibit B.6.b, Supplemental STT Report, relative to the area North of Cape Falcon, including overall quotas of 60,000 chinook and 300,000 coho with the following changes: include the language that the SAS offered on page 5, of the Cape Alava area "unless modified through inseason action", and adopt the halibut incidental catch listed under option I, page 4.

Mr. Bohn asked for an amendment to the motion to include the management measures off Oregon.

Mr. Boydston asked for an amendment to the motion to include the management measures off California.

Mr. Anderson amended his motion, and the Council agreed. (Motion 12; seconded by Mr. Harp).

Mr. Anderson moved, and the Council agreed, to adopt the definitions of recreational and non-Indian commercial troll gear as defined in Exhibit B.4. Attachment 1. (Motion 13; seconded by Mr. Alverson).

Mr. Harp made the following motion (Motion 14). Mr. Anderson seconded the motion.

Mr. Chairman,

For the 2001 ocean treaty troll 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:

The Treaty Indian ocean troll fishery would have a quota of 37,000 chinook and 90,000 coho. The overall chinook quota would be divided into an 18,500 chinook sub-quota for May 1 through June 30, and an 18,500 chinook sub-quota for an all species fishery in July, August, and September. If the chinook quota for the May-June fishery is not fully utilized, the remaining fish would not be rolled over into all species fishery. The treaty troll fishery would close upon the projected attainment of either the chinook or coho quota. Other applicable regulations are shown in Table 3 of STT Report B.6.b.

Motion 14 passed.

Mr. Boydston moved, and the Council agreed, to authorize Council staff, NMFS, and STT to draft and revise the necessary documents to allow implementation of the recommendations in accordance with Council intent. Mr. Anderson seconded the motion. (Motion 15) Motion 15 passed.

C. Marine Reserves

C.1. Channel Island National Marine Sanctuary Program (CINMSP) (April 3, 1:15 PM)

C.1.a. Agendum Overview

Mr. Jim Seger noted that the issue before the Council was the creation of marine reserves within the Channel Island National Marine Sanctuary. The effort to consider marine reserves for this area is a joint effort by CDFG and the CINMSP. The effort was in response to a request made by the California Fish and Game Commission.

C.1.b. Report of CINMSP

Mr. John Uegoreth (CDFG), and LT CDR Matt Pickett presented information on the process for considering marine reserves in the Channel Island National Marine Sanctuary and four alternatives that had been developed to date.

SSC

Dr. Lawson gave the report of the SSC.

The Scientific and Statistical Committee (SSC) heard a presentation of the process to establish marine reserves in the Channel Islands National Marine Sanctuary (CINMS). The process described seems to be well designed, with guidance from scientists who are experts in their fields. Recommendations are scheduled to be forwarded to the Sanctuary Advisory Committee in May, the Channel Islands National Marine Sanctuary and California Department of Fish and Game in June, and agencies including the Council, National Oceanic and Atmospheric Administration, and the California Fish and Game Commission in the Fall of 2001.

The Council is currently exploring the possibility of establishing marine reserves. Reserves established under the Channel Islands Marine Reserves Process (CIMRP) are likely to be the first substantial reserves to be incorporated under Council management.

Much of the SSC discussion focused on the role of the Council in this process. Given the advanced state of design, negotiation, and consensus building in the marine reserves process it would be difficult for the SSC or the Council to provide much substantive input for the immediate proposal. The CIMRP presenters indicated their interest in coordinating marine reserve proposals with existing management systems that have been implemented by the Council. There is a critical need to evaluate the interaction of closed areas with existing controls. The SSC can review the products of the science and socio-economics panels to verify that their work represents sound science, keeping in mind that the science and economics of marine reserve design is a young field with much uncertainty. The Council must be present during future stages of reserve design to ensure effective integration of reserve design with fishery management.

The Council, upon determining that it supports the recommendations coming out of the process, can work to modify fishery management plans (FMPs) and other Council documents and procedures to enable implementation of the plan. Accomplishing these tasks may take one or two years and constitute a significant work load for the Council.

Following are brief notes on some observations and concerns.

- The Council has jurisdiction only over species with FMPs. Protection for other species will need to come from other authorities.*
- Management of the reserves will likely require amendments to all of the Council's FMPs (Coastal Pelagic Species, Groundfish, Salmon). It will take time once reserves are designed to modify FMPs and regulations to accommodate reserves. This also provides opportunity for baseline monitoring of reserves.*
- The CIMRP science panel recommended a reserve size of 30-50% of the area in their jurisdiction. They indicated that regulations prohibiting catch would be required in the reserve and that effort outside the reserve would require additional controls. The SSC requests documentation regarding the basis for the recommendations for reserve size, siting and effort control.*
- Two of the goals of the process are to (1) maintain fisheries benefits and (2) maintain long-term socio-economic viability while minimizing short-term losses. The SSC requests documentation of the cost-benefit analysis relative to these goals.*
- Enforcement requirements depend on the areas designated. The CIMRP science panel recommends a network of reserves ranging in size from 10 to 100 square kilometers. This*

recommendation will need to be reconciled with enforcement considerations: enforcement may or may not be easier with fewer, larger reserve areas.

- *Performance criteria based on appropriate monitoring programs have to be identified to maximize information gain from the reserve system and to evaluate its effectiveness. The presenters acknowledged that this has not yet been done, and solicited suggestions.*

HSG

Ms. Jennifer Bloeser presented the HSG comments.

The Habitat Steering Group (HSG) received a presentation from staff of the Channel Islands National Marine Sanctuary and others on the current process for development of marine reserves within the Sanctuary. The HSG recommends that the Council become actively involved in the Channel Islands process to ensure that marine reserves proposed for federal waters meet the Council's goals and objectives. The HSG recognizes the need for coordination between the process that the Council has developed and the emerging Channel Islands process and recommends that the Marine Reserve Development Team serve as the coordinating body.

The final product of this Channel Islands process, proposed to be available for review some time in early summer, should be evaluated by the Council through all appropriate advisory bodies (e.g., HSG, Groundfish Advisory Subpanel, Salmon Advisory Subpanel). Further, we believe that the Council should identify criteria to evaluate marine reserves proposed outside of its process. The HSG felt that these criteria should include evaluation of a proposed reserve for its contribution to rebuilding overfished species and therefore recommend that the Channel Islands proposal include habitat of ecological importance to overfished rockfish. The HSG notes the useful analysis and modeling tools that have resulted from the Channel Islands process. This information could prove beneficial to the Council as the Council continues to move through its own process on marine reserves.

GAP

Dr. McIsaac read a statement from the Groundfish Advisory Subpanel (GAP) stating that they are in the process of developing recommendations on this issue. However, they do not have them available at this time, but would like to either present them during the strategic plan or ask the Council to delay action.

C.1.d. Public Comment

Mr. Jim Welter, fisherman, Brookings, Oregon
Ms. Kate Wing, Natural Resources Defense Council, Washington, DC
Mr. Dave Bitts, PCFFA, Eureka, California

C.1.e. **Council Action:** Consider Recommendations of the CINMSP

Council members expressed concern about the workload that might be produced by Council consideration of marine reserves for the Channel Islands National Marine Sanctuary. It was suggested that the sanctuary program might produce documents needed by the Council. Consideration of marine reserves will need to be prioritized among other strategic plan tasks.

Ms. Cooney noted that the process is unique because it comes under the Sanctuaries Act. If all that is involved is fishery measures inside the sanctuary it is possible that the sanctuary program could implement the needed fishing measures. The Sanctuaries Act says that fishing regulations need to be referred to the Council but that if the Council does not proceed in a timely manner, then the Secretary of Commerce may step in and develop the needed regulations.

Mr. Hansen asked if the marine reserves group is still together. Dr. McIsaac said we do not have a standing committee, with a budget to take this on.

Council members concurred on the need for a response to questions posed in the SSC statement.

Dr. McIsaac then noted that much of the discussion is relative to workload, and those workload priorities will need to be evaluated. Additionally, the Council will hear from the GAP under agenda item on the strategic plan. He suggested the Council delay their decision until they hear from the GAP. There is additional discussion and Council direction on the section of the minutes on the groundfish strategic plan.

D. Habitat Issues

D.1. Council Letters of Comment on External Essential Fish Habitat Issues (April 3, 2001 2:50 PM))

D.1.a. Agendum Overview

Mr. Chuck Tracy provided the Council a review of the agenda topic and briefing book material.

D.1.b. Report of the Habitat Steering Group

Don McIsaac, Executive Director, met with the Habitat Steering Group (HSG) to clarify its purpose and roles and to give the HSG direction in setting agenda priorities. He encouraged the Group to give high priority to commenting on habitat components of Council agenda items. Under this direction, the HSG reprioritized its discussions in response.

The HSG does not have any proposed action items; however, we will be commenting separately on other Council agenda items.

The HSG received presentations on the following issues:

Essential Fish Habitat (EFH) Lawsuit Briefing

Eileen Cooney, NOAA General Counsel, briefed the HSG on a recent salmon EFH lawsuit and the ongoing groundfish EFH lawsuit. As a result of the latter lawsuit, NMFS will draft an environmental impact statement on the overall groundfish fishery to satisfy the court order. The HSG intends to follow the process and provide comment on the draft EIS.

EFH Information on the Northwest Region Website

At the request of a Council member, the HSG reviewed the EFH information on the NMFS Northwest Region website in September 2000 and individual HSG members provided suggested changes to NMFS staff. NMFS incorporated the suggested changes to its website in response to the expressed concerns.

Columbia River Hydrology

Stuart Ellis, with the Columbia River Inter-tribal Fish Commission, gave a presentation to the HSG concerning the drought in the Columbia Basin and the management of the federal hydropower system. The flow forecasts for the Columbia Basin predict near-record lows and record low reservoir levels for 2001. NOAA climate researchers are predicting the formation of an El Niño by mid-summer which will extend this year's drought into 2002. Currently the Bonneville Power Administration (BPA) is operating under a system emergency in order to meet electricity production needs. NMFS is allowing the BPA and Corps of Engineers to not implement actions required in the hydrosystem biological opinion. Because of the lack of spring spill and expected high summer temperatures, the Columbia River Tribes anticipate extremely high mortality (approaching 99%) for out-migrating juvenile fish this year. The federal hydrosystem operators are currently making river operation decisions based on their desire to meet power production objectives and the goal to make their federal treasury payment. However, there are some things that could be done to aid fish including some minimal spill, moderation in changes in reservoir levels, and temperature control. This drought will have severe impacts to Columbia River salmon stocks that are important components of the salmon harvested in Council area fisheries.

Klamath Flow Issues

Upper Klamath Basin water in-flow forecasts predict a critically dry 2001 water-year. There is inadequate water this year to meet the draft biological opinion requirements of upper-basin endangered suckers and lower-basin threatened coho salmon even without water deliveries to agriculture and National Wildlife Refuges. A final decision on flows has not yet been rendered but is expected soon.

The Utah State University (Hardy) Phase II flow study report is expected to be finalized by the end of April. It will recommend minimum instream monthly flows at Iron Gate Dam based on five water-year types. This will form the basis for the development of an EIS by the U.S. Bureau of Reclamation for a long-term operations plan which is expected to be completed by December 2001. The Council may want to comment on this EIS in writing at its November meeting.

Kelp Management

The CDFG final environmental document "Giant and bull kelp commercial and sportfishing regulations" relating to kelp management in California was released in March 2001. The California Fish and Game Commission will meet on April 6th for consideration of final certification of the environmental document, adoption of findings, and proposed project (or alternative) and adoption of proposed changes to existing law relating to the harvest of kelp. We will update the Council on the results of this meeting in June.

San Francisco Airport Expansion

The San Francisco airport has still not identified its preferred alternatives for the proposed runway reconfiguration. Restoring historical tidal wetlands within San Francisco Bay is still being considered as the primary mitigation option. Based on a recommendation by the multi-agency resources agencies task force at their March meeting the airport will examine fish population information as a way to evaluate habitat usage at both the impact sites and potential mitigation sites in both north and south San Francisco Bay. The HSG will continue to track this ongoing issue.

Trinity River Flow Issues

Interior Secretary Babbitt signed the Trinity River Flow Evaluation Final Environmental Impact Statement Record of Decision (ROD) on December 19, 2000.

The Wastelands Water District filed an order to enjoin implementation of the ROD. On March 19, Judge Oliver Danger Federal Eastern District Court, Fresno, CA heard oral arguments regarding the plaintiffs' request. Judge Danger issued a 59-page opinion outlining 3 fundamental issues in an injunctive order including (1) limiting Trinity river flows to 369,000 acre feet which is a critically dry year flow regime according to the ROD; (2) requiring a supplemental EIS be completed to analyze hydropower and ESA issues; and (3) initiating Mainstem Trinity River restoration activities this fiscal year.

Finally, recent rainfall in the Trinity River basin has changed the Trinity River flow designation to a dry water-year type. The ROD dry-year flow designation calls for an additional 84,000 acre feet above the initial dry-year flow forecast.

Dr. McIsaac inquired about the statement relative to required actions in the Columbia River biological opinion that were not being taken.

Mr. Stuart Ellis indicated that the actions were not technically required during extreme drought conditions like those being experienced this year.

Mr. Boydston requested that the HSG consider adding an agenda item on the loss of Sacramento winter chinook at the Clinton Pumps for the June HSG meeting.

D.1.c. Reports and Comments of Advisory Bodies

SAS

Mr. Paul Englemeyer provided the comments for the SAS.

There are a number of habitat issues the Salmon Advisory Subpanel (SAS) would like to draw the Council's attention to. We urge the Habitat Steering Group (HSG) to track the following:

1. *Portland Harbor Super Fund site.*
2. *Federal Energy Regulatory Commission relicensing for the numerous dam operations throughout the region; dams and associated hydro power, flood control and diversion operations affect nearly every aspect of streams, riverine, and riparian ecosystems (Essential Fish Habitat for salmon).*
3. *The Sacramento Winter Chinook smolt mortality at the State of California water project's pump at Tracy. The estimated kill of 18,000 young salmon is a significant issue that we urge the Council and the HSG to follow up on.*
4. *The Oregon State Forest Land's Habitat Conservation Plan (HCP) for forest lands in Northwest Oregon.*
5. *The Oregon Department of Forestry is in the process of developing their priority monitoring projects. There is an opportunity to influence the department's priorities such as: herbicide use, reducing sediment sources that impact survival of young salmon.*

D.1.d. Public Comment

None.

D.1.e. **Council Action:** Consider HSG Recommendations

Mr. Boydston indicated, and the Council agreed, that priorities for the HSG and the interaction of the HSG with the marine reserves group should be discussed on Friday under administrative matters.

PUBLIC COMMENT PERIOD

4 PM

Public comments on fishery issues not on the agenda are accepted at this time. (April 3, 2001, 4 PM)

Mr. Duncan MacLean, PCFFA, stated he was disappointed when NMFS gave their status review on winter-run recovery. He noted we were told that the implementation plans of the recommendations would take at least three life cycles before we would see fruit from those constraints. Here we are six years later, and the

recovery plan has not been implemented. Mr. MacLean stated the CalFED water plan account lacks guidelines for implementation. Meanwhile, smolts were killed at the pumps. Fisherman went along with the initial implementation plan hoping that there would be a recovery. Now we are being told something different.

Mr. John Royal read the following statement on sardines regarding allocation schemes.

4 PM Public Comment
Supplemental CPSAS Report
April 2001

COMMENTS ON SARDINE ALLOCATION FOR 2001

RECOMMENDATIONS

The Coastal Pelagic Species Advisory Subpanel (CPSAS) met on March 9th to consider many issues. The majority (motion passed 7 to 1) of the CPSAS makes the following two recommendations:

- f. The Council should ask the Coastal Pelagic Species Management Team (CPSMT) and CPSAS to begin the process of analyzing the current allocation scheme for its appropriateness and draft options for potential changes to the allocation scheme if warranted. The CPSAS believes that in the long-run a system must be identified and implemented that benefits all users in the fishery.*
- g. For the 2001 season change the re-allocation date set forth in the fishery management plan (FMP) from 9 months following the start of the sardine season to 7 months following the start of the season. Instead of reallocating all unused quota on October 1st, the CPSAS believes that the reallocation should occur on August 1st. This is a short-term fix for the 2001 season and an appropriate move to prevent possibly precluding one geographic user group from participating in this valuable fishery during their usual season.*

BACKGROUND

In February of 2000 Oregon Department of Fish and Wildlife asked the CPSMT to analyze whether a separate harvest guideline or quota for sardine fisheries north of California was needed. The perception was that the northern California fishery could potentially preclude Oregon and Washington fishing opportunities if the allocation was fully utilized prior to the northern states beginning their fishing seasons. The CPSMT analyzed the situation and reported to the Council in June of 2000. The CPSMT recommendation was to defer any consideration of establishing a separate quota, because the coastal pelagic species (CPS) FMP had been only recently implemented. The CPSMT further recommended the Council continue with the current plan, at least through the first year, to see if any allocation problems would be identified.

As the industry continued to develop in Oregon and Washington, it became apparent there was a possibility for an additional allocation problem. Amendment 8 outlines the current allocation scheme for sardine as two-thirds of the harvest guideline available for the south (Pt. Piedras Blancas, California to the Mexican border) and one-third for the north (north of Pt. Piedras Blancas to the Canadian border, including Oregon and Washington). For 2001, the 134,737 metric ton harvest guideline is allocated 44,912 metric tons to the north, and 89,825 metric tons to the south. The FMP also provides a reallocation (50/50 to north and south) of unused quota after nine months from the start of the fishery (October 1). The northern states begin their seasons (May or June) prior to northern California (August or September). Oregon and Washington continue to increase their

processing capacity which indicates the real possibility that in 2001 the northern harvest guideline could be significantly utilized by Washington and Oregon before northern California begins their season later in the summer.

At the November 2000 Council meeting the CPSAS recommended to the Council that the allocation scheme outlined in Amendment 8 should be suspended for 2001 and be replaced with a coast-wide quota. The CPSAS also recommended that the process for outlining options for future management and allocation schemes should be started. There was public comment provided by industry members to the same effect. The Council chose at that time not to suspend the current allocation.

As Washington and Oregon continue to gear up for the upcoming season, concern persists by many industry members that Monterey fishermen could be precluded from their share of the allocation by the northern states. Estimates of 30,000 tons of sardine being landed in Washington and Oregon combined continue to be made. Hence, the CPSAS once again recommends the Council consider implementing an alternative to the allocation scheme outlined in the FMP.

Mr. Brown supported the statement read by Mr. Royal on behalf of the CPSAS and asked how to take action on it. Dr. McIsaac recommended it be addressed under the June agenda discussion.

Mr. Phil Kline, American Oceans Campaign and Dr. Mark Powell, Center for Marine Conservation, provided the Council members testimony on protecting habitat and fish productivity. The group gave a handout which outlined the need for additional habitat protection measures for groundfish.

Ms. Jennifer Bloeser, Pacific Marine Conservation Council, made reference about the availability of the document entitled "Rockfish for the Future: A Solution Based, Multi-Disciplinary Workshop and Discussion" which was from the forum held March 26-28, 1999 at the Naval Postgraduate School, Monterey, California.

Mr. Jim Welter spoke about the importance of having accurate models, in particular the KOHM.

E. Coastal Pelagic Species

E.1. NMFS Report (April 4, 8:09 AM)

E.1.a. Status of Regulatory and Nonregulatory Activities

Mr. Svein Fougner reviewed recent actions taken by NMFS relative to the Coastal Pelagic Species (CPS) fishery. He noted that NMFS approved Amendment 9 to the CPS fishery management plan (FMP), see Exhibit E.1.a, Supplemental NMFS Report. He also notified the Council that the Pacific mackerel harvest guideline for the 2000-2001 fishery had been reached. On March 30, 2001, NMFS published in the *Federal Register* an incidental catch allowance of 1 mt, which will accommodate landings of Pacific mackerel caught incidentally to other fisheries.

E.1.b. Council Discussion on Status of Regulatory and Nonregulatory CPS Activities

None.

E.2. Review Capacity Goal and Related Issues

E.2.a. Agendum Overview

Mr. Dan Waldeck provided an overview of the agenda topic and reviewed the briefing book material.

E.2.b. Reports and Comments of Advisory Bodies

CPSMT

Dr. Kevin Hill provided a summary of Exhibit E.2.b, Coastal Pelagic Species Management Team (CPSMT) Report.

Analysis of Capacity in the CPS Limited Entry Fishery:

background
fleet profile options
analysis of participation based on each fleet profile option
long-term expected yield = ca. 110,000 mt
definitions of capacity

Four capacity goal options

- option 1 is the team's preferred alternative, provides a fleet with "normal" capacity sufficient to harvest average long-term yield. Alternatively, the team also analyzed fleet capacity in terms of "observed" landings and number of trips (as opposed to the DEA analysis), results described in Appendix table 3

Team recommends current fleet, under normal conditions, on average, capable of harvesting either long-term yield or recent average landings, depending on availability.

Limited Entry Permit Transferability:

Options described include: no transfer allowed; unconstrained transferability; restricted transferability.

Team recommends restricted transferability, i.e., one for one transfer to vessel of comparable size (up to 10% of GRT). If transfer vessel is greater than 10% of current vessel, transfer vessel must obtain a sufficient number of permits to match the GRT of the transfer vessel. Moreover, fleet capacity would be reviewed periodically, if capacity changed by more than 5%, action would be taken to bring capacity in-line with the capacity goal.

Mr. Fougner asked about splitting permits such that a permit for a larger vessel could be split for use on two or more vessels. Would permits have length endorsement?

Dr. Hill noted the Team had discussed this but was not recommending allowing permits to be split.

Mr. Boydstun asked for clarification that the capacity goal was based on cumulative GRT of the vessels in the fleet. This cumulative GRT would be the basis for reviewing changes in fleet capacity?

Dr. Hill responded, yes. The current cumulative GRT is approximately 5,640 mt.

Mr. Boydstun noted that, because the fishery management plan (FMP) prohibits transferability of limited entry permits (except if vessel is lost or salvaged), allowing transferability would require an amendment to the FMP. The team's analysis of capacity would be incorporated into the FMP as part of the amendment.

Mr. Alverson asked if upgrade of permit using the 10% comparable GRT was a one time upgrade?

Dr. Hill responded that the intent of the CPSMT was for a one time upgrade.

The Council discussed whether, upon combining permits, the permit's registered capacity would be the sum of the permits combined (additive) from the current vessels or the GRT of the transfer vessel. The intent would be to use a process similar to the groundfish fishery, i.e., the sum of permit sizes. This will be specified in the FMP amendment.

Dr. McIsaac asked for clarification of how the fleet would look under capacity goal option 3. Would this option result in a smaller number of large vessels.

Dr. Hill noted that not necessarily, as the analysis is based on technical efficiency, i.e., vessels operating at their maximum potential would be those that comprised the smaller fleet. These are not necessarily large vessels. He noted that this isn't a realistic characterization of the fleet, as it is based on theoretical production based on historic participation.

SSC

Ms. Cindy Thomson presented the comments of the SSC.

Drs. Kevin Hill and Sam Herrick of the Coastal Pelagic Species Management Team (CPSMT) briefed the Scientific and Statistical Committee (SSC) on fleet profile, capacity goal and permit transferability options for the coastal pelagic species (CPS) finfish limited entry fishery. The window period for CPS permit transferability closed December 31, 2000. The current fleet consists of 65 vessels.

The CPSMT considered a number of alternative capacity goals (1) long-term, expected average allowable harvest of 108,306 mt, with physical capacity to harvest peak period landings of 273,507 mt, (2) average total finfish landings during 1981-2000 of 57,676 mt, (3) long-term expected average allowable harvest of 108,306 mt, and (4) fixed fleet of 65 vessels with no capacity goal.

In order to determine the number of vessels needed to achieve capacity goal options 1-3, it was necessary to estimate capacity per vessel. The CPSMT considered two alternative approaches to such estimation (1) an approach based on Data Envelopment Analysis (DEA) and (2) an approach based on observed historical behavior of the fleet. Using both these approaches, the CPSMT provided estimates of "physical" and "normal" capacity, with physical capacity being a measure of hold capacity and normal capacity being the amount of capacity used under average stock abundance and market conditions.

The DEA approach (Table 3, p. 11) involves estimation of a technically efficient production frontier and the assumption that all vessels in the fleet are capable of performing at the frontier. This approach assumes a homogeneous fleet; for instance, it does not consider variations in performance among vessels due to differences in skill among skippers and crews. Moreover, for most of the fleet, the frontier exceeds even their maximum historical harvest. For these reasons, the SSC considers this approach to greatly overestimate fleet capacity.

The second approach (Appendix Table 3, p. 22) is based on the assumption that each vessel is capable of consistently replicating its own peak performance in terms of the maximum landings per trip and the maximum number of trips per year during 1981-2000. Although this approach provides a more realistic estimate of each vessel's capacity than DEA, it likely overestimates the extent to which such capacity is likely to be utilized in the pursuit of CPS finfish.

The CPS finfish fishery possesses a number of unique characteristics that make it difficult to estimate capacity in a realistic way. CPS finfish landings typically fall well below allowable harvest levels, for reasons that are largely market driven. The fleet is highly diversified and typically targets low-priced CPS finfish only when higher-priced alternatives such as squid or tuna are not available. The few vessels that are CPS finfish specialists tend to make very modest landings. Moreover, it is customary for vessels to avoid filling their hold on CPS finfish trips, due not only to processor limits but also the desire to avoid compromising the marketability of their catch. Thus, while the fleet is certainly capable of CPS finfish landings that exceed its normal capacity, it is unlikely to harvest its physical capacity.

According to Appendix Table 3 (p. 22), the normal capacity estimates associated with option 1 (65 boats) and option 2-A (41 boats) are very similar to each other, as are the physical capacity estimates. These results are not surprising, given the lack of incentive for the fleet to maximize its

CPS finfish harvests. Although the physical capacity estimates likely exceed the amount of capacity likely to be utilized even under optimal stock abundance and market conditions, they are sufficiently high to suggest that the number of vessels allowed under both options 1 and 2-A would be capable of harvesting the long term expected allowable harvest (capacity goal option 3 - 108,306 mt) and perhaps even peak amounts of CPS finfish that might be available on an occasional basis (capacity goal option 1 - 273,507 mt).

While fleet size options 1 and 2-A are not distinguishable on the basis of capacity, it is possible to distinguish between these options by considering how they interact with the vessel profile options. Of the 65 CPS finfish limited entry boats, 55 also hold squid permits. Vessel profile option 1, which is to maintain a diverse CPS finfish fleet that also relies on other fishing opportunities, reflects the manner in which this fleet has historically operated. Fleet size option 1 (65 boats) is consistent with vessel profile option 1. Fleet size option 2-A (41 boats) is also consistent with fleet profile option 1, at least for the 41 CPS finfish permit holders who maintain their diversity of opportunities by holding onto their CPS finfish permits. However, option 2-A may significantly reduce the diversity of opportunities for vessels that give up their CPS finfish permit and makes them economically vulnerable in years of low squid and tuna availability. Option 2-A is also potentially disruptive of a long-standing pattern of behavior by fishery participants.

The SSC agrees with the CPSMT's recommendation that permit transfers be allowed in the CPS finfish limited entry fishery so long as fleet capacity does not exceed recommended levels. The SSC also supports the CPSMT's recommendation that transferability provisions be re-evaluated should the fleet's gross registered tonnage change by 5%.

CPSAS

Mr. John Royal, CPSAS Chairman presented the report of the CPSAS.

The Coastal Pelagic Species Advisory Subpanel (CPSAS) held a joint meeting with the Coastal Pelagic Species Management Team (CPSMT) on March 9th to continue the discussion on determining a capacity goal for the coastal pelagics finfish limited entry fleet. Defining a capacity goal and related management options continues to be a complex issue with the CPSAS. Other unsettled issues such as squid management in California and developing fisheries in northern states make defining an exact capacity goal for finfish difficult. However, the Pacific Fishery Management Council (Council) has asked the CPSMT and CPSAS to recommend a capacity goal for the fishery as well as mechanisms needed to reach that goal.

A majority of the CPSAS recommends the following:

Capacity Goal

- 1. The CPSAS recommends supporting Option 1 as identified in the CPSMT Report.
(Motion passed 6 to 3)*

The CPSAS continues to support a larger, more diverse fleet. While pinpointing an exact capacity goal is difficult, the CPSAS did agree that the current make-up of the fleet (65 boats) should be sufficient to harvest the resource currently available.

The CPSAS wants to ensure the Council thoroughly understands the dynamics of the coastal pelagic industry. There are relatively few finfish specialists. The report provided by the CPSMT identifies 3 vessels which are CPS 'purists', they make up less than 5% of the current fleet. This is important to note, because it reflects the realities of the coastal pelagic fleet: the majority of fishers must rely on other fisheries such as tuna and squid to survive, not just cps finfish.

The CPSAS would like the Council to recognize that defining normal operating conditions in the CPS fishery is near impossible. Harvesters typically switch between species based on availability,

domestic and international markets, and sometimes even weather. Other issues that further compound the problem of defining an exact capacity option include perceived "latent" capacity. It is important to note that just because a boat can carry 100 tons of product does not mean that it will consistently deliver that amount of fish. In fact, it is likely that the vessel will deliver half of what it could pack, utilizing the extra hold space to carry additional chilled seawater. By doing this the harvester can bring in a higher quality product that can potentially bring a higher price to the fishermen.

One concern voiced by some CPSAS members was the fact that by endorsing an exact capacity goal (as in Option 1) there may be some preclusion from upgrading vessels.

The CPSAS is opposed to decreasing the current fleet size as Options 2 and 3 would most likely require.

Transferability

2. The CPSAS recommends supporting Option 3 as outlined in the CPSMT report.
(Motion passed unanimously)

During the process of defining and implementing the limited entry program for the finfish fleet the CPSAS has always advocated transferable permits. While some members of the CPSAS continue to support unrestricted transfer of permits the realities of the process indicate that some restrictions must be implemented to prevent significant increases in capacity especially when a capacity goal has been designated. However, many on the panel continue to agree that precluding boats from transferring their permits and upgrading their boats will foster obsolescence in the fleet and prevent the industry from remaining competitive in world markets.

The CPSAS believes that Option 3 as outlined in the CPSMT report is suitable to meet the current and future needs of the fleet.

E.2.c. Public Comments

None.

E.2.d. **Council Action:** Consider Capacity Goal and Related Issues in the Coastal Pelagic Species Limited Entry Fishery

Mr. Boydston moved, and the Council concurred with the following motion (Motion 6)

adopt capacity goal recommended by the CPSMT and CPSAS, capacity goal option 1 in the CPSMT report, this capacity goal would be incorporated into the FMP;

adopt the permit transferability option recommended by the CPSMT, CPSAS, and SSC; permit transferability option 3;

The CPSMT will evaluate capacity in the CPS finfish fishery relative to the capacity goal every two years starting in 2003, this would include a report to the Council with recommendations regarding the capacity goal and permit transferability.

Mr. Boydston spoke to the motion. He thanked the CPSMT and CPSAS for their work. He noted that the capacity goal needed to be a part of the CPS FMP. As part of the FMP amendment, a framework (or point of concern) process for adjusting permit transferability should also be developed. This framework would make it possible to adjust permit transferability without needing to amend the FMP. Issuance of new permits will also need consideration.

Mr. Brown noted that the Team will need to carefully consider how permits will be combined.

Mr. Anderson asked about the timeline for an FMP amendment? Are we asking staff and the Team to initiate the process.

Mr. Boydston responded that the FMP amendment would also address other topics, e.g., MSY for market squid. He noted that much of the workload would be handled by the Team. The time line would be for preliminary action in September and final action in November.

Mr. Fougner reiterated the need for a framework process to accommodate adjustments to permit transferability provisions without the need for an FMP amendment.

E.3. Update on Squid Maximum Sustainable Yield Methodologies Workshop (9:15 AM)

E.3.a. Agendum Overview

Mr. Waldeck provided an overview of the agenda topic.

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

CPSMT

Dr. Hill gave comments on behalf of the CPSMT. The CPSMT will review the report of the workshop panel. The CPSMT has been working with the SSC on the terms of reference. The workshop will be May 13-17, 2001 at the NMFS Southwest Fisheries Science Center (SWFSC) in La Jolla, California. Workshop participants will include SSC, CPSMT, CPSAS, CDFG, and outside reviewers. A report from the workshop will be given to the Council at the June Council meeting.

SSC

Ms. Cindy Thomson presented the SSC comments.

The Department of Commerce rejected portions of Amendment 8 to the Coastal Pelagic Species Fishery Management Plan (CPS FMP) on the grounds that the amendment did not include an estimate of maximum sustainable yield (MSY) for squid. In September 2000, the Scientific and Statistical Committee (SSC) reviewed newly derived estimates of squid MSY. Because of the uncertainties surrounding these estimates and more generally, ongoing concern regarding the appropriateness of defining MSY for this species, the SSC did not recommend an MSY value. Fortunately, recent research conducted on squid life history (including growth, maturity, and fecundity) along with augmented fishery-dependent data (port sampling and logbooks) have provided significant new information and data. The SSC recommended (and the Council concurred) that the SSC work with the National Marine Fisheries Service (NMFS) and California Department of Fish and Game (CDFG) to organize a stock assessment review (STAR) panel during 2001 to integrate the ongoing squid research in California into the Council's CPS FMP. Terms of reference for the STAR panel were meant to address the MSY issue as well as candidate control rules for practical squid management.

The STAR Panel will convene during May 14-17, 2001 (3.5 days) at the Southwest Fisheries Science Center, La Jolla, California. The Panel will include representatives of the SSC, CDFG, NMFS, CPSMT, CPSAS, and two outside reviewers. Tentative panel members are:

SSC: Tom Jagielo (Co-Chair)
SSC: Ray Conser (Co-Chair)
SSC: Cindy Thomson
CDFG: Tom Barnes
CPSMT: Paul Smith

CPSAS: Heather Munro

Outside Reviewer: Johann Augustyn (Marine and Coastal Management Institute - South Africa)

Outside Reviewer: Larry Jacobson (NMFS - Woods Hole)

Approximately ten working papers are in preparation for the review, and will be distributed to the STAR Panel by May 1, 2001. All working paper authors will present their paper(s) to the STAR Panel and will be available throughout the week to consult with the panel, provide additional information & data, and to carry out additional analyses, if needed. A draft STAR Panel report will be available for distribution with the briefing book prior to the June Council meeting.

Terms of reference for the Squid STAR Panel are:

- 1. Review recent findings on the biology and life history of market squid, including the assessment-related aspects of age and growth, maturity, fecundity, spawning behavior, longevity, habitat, and environment.*
- 2. Review newly developed fisheries-related data, including catch history, effort data, and port sampling protocols as they relate to estimation of key biological, population parameters.*
- 3. Review all aspects of MSY estimation, as required by the Magnuson-Stevens Fishery Conservation and Management Act for all FMPs, and address the concept of MSY as it relates to a species that is short-lived and whose abundance/availability is largely environmentally determined.*
- 4. Consider management measures for market squid, including operationally-practical control rules, long-term monitoring programs, and in-season adjustment mechanisms.*
- 5. Prepare a report for the Council SSC detailing the findings of the review, practical management recommendations, and the key research and data needs.*

E.3.c. Public Comments

None.

E.3.d. Council Discussion on Update on Squid Maximum Sustainable Yield Methodologies Workshop

Mr. Boydstun thanked the Team and SSC for their efforts, and noted he looked forward to the report in June. Mr. Boydstun noted that, based on what the Council hears from the results of the workshop, we will be better prepared to address the issue of determining an MSY value for market squid. He noted, as this would require amending the CPS FMP, the information could be included with the FMP amendment addressing finfish limited entry provisions.

Mr. Anderson queried whether the Council needed to approve or comment on the workshop terms of reference?

The Council had no recommendations for changing the terms of reference.

F. Groundfish Management

F.1. NMFS Report (April 4, 9:56 AM)

F.1.a. Status of NMFS Regulatory and Nonregulatory Activities

Mr. Robinson gave the NMFS report. Final rule implementing regulations for the observer program are in OMB review at this time. A set of observer regulations for two observers in the whiting at-sea fishery is in

the proposed rule stage. A notice correcting the coordinates for the cowcod closure has been submitted. A number of regulatory items are still in preparation at NMFS NWR. The extended review currently in place for all new Federal regulations could delay some actions. The region is still working on the final rule to Amendment 13 to the groundfish fishery management plan and on the regulation that changes the time limit on permit transfers. Amendment 14 is being processed as entire package. Basic permit stacking, the extended season (probably starting in August) and limits on the number of permits per vessel will be implemented for 2001. Rules related to permit stacking that are more complex or require new information collection will not be implemented until 2002. Mr. Robinson also reported that the Magnuson-Stevens Act requires that fees be charged for IFQ programs such as would be created for the primary sablefish fishery by extension of the season. Fees will not be charged for the 2001 season but, unless there is a change in the Magnuson-Stevens Act or its interpretation, fees may be charged starting in 2002.

Mr. Robinson directed the Council to Exhibit F.1.a, Supplemental NMFS Report 2, which listed scoping meetings for the Pacific Coast Groundfish Fishery Environmental Impact Statement. He also reported that on Monday they announced that four more Puget Sound stocks that had been under ESA review did not warrant listing: herring, copper rockfish, quillback rockfish, and brown rockfish.

Mr. Robinson spoke to Exhibit F.1, Supplemental Public Comment, an application for issuance of an exempted fishing permit (EFP) to allow for vertical hook and line gear to retain yellowtail rockfish in excess of the cumulative limit. The purpose is to evaluate the ability of this gear to avoid canary harvest. The EFP will undergo additional development and be submitted to the Council for consideration in June.

Ms. Cyreis Schmitt introduced Dr. Elizabeth Clark. Ms. Schmitt gave a brief overview on research activities.

F.1.b. Public Comment

Ms. Jennifer Bloeser, Pacific Marine Conservation Council, Arcata, California

F.1.c. Council Discussion on Status of NMFS Regulatory and Nonregulatory Groundfish Activities (10:34 AM)

Mr. Anderson noted that WDFW intends to apply for an exempted fishing permit (EFP) for the purpose of measuring bycatch for canary and other rockfish in association with arrowtooth flounder. He will give more information on this under Agenda Item F.5. (Copies of the application were provided later in the afternoon for Council members information.)

The Council discussed the issue of criteria for determining when vessels should and should not be allowed to sell fish harvested under an EFP in excess of what is allowed under the regulations. Mr. Robinson commented that the some considerations include the value of the information to be gained from the EFP, and the additional costs incurred by the fishers. Later he added that under the guideline of National Standard 5, economic allocation could not be the sole reason for issuing an EFP. Mr. Brown expressed concern that ability to sell the excess harvest allowed smaller organizations with less money to contribute to research needs. Mr. Anderson concurred with a comment on the need to provide vessels with an incentive to participate in research efforts. He also expressed concern that fish caught under the EFP not prevent others from fishing.

F.2. Groundfish Strategic Plan Implementation (10:55 AM)

F.2.a. Agendum Overview

Mr. Waldeck provided an overview of the strategic plan agenda item.

F.2.b. Reports and Comments of Advisory Bodies

SSC

Ms. Cindy Thomson provided the comments of the SSC.

The Scientific and Statistical Committee (SSC) discussed progress made by the Ad Hoc Groundfish Strategic Plan Implementation Oversight Committee (SPOC) to move forward with strategic plan implementation. Initiatives to achieve capacity reduction are first on the recommended list of priorities, which include buyback and trawl permit stacking. The SSC supports timely action to reduce capacity in the groundfish fishery and the SPOC recommendation that work on trawl permit stacking should go forward promptly if full funding for the buyback program cannot be identified by June. The Council will need to consider the substantial workload issues that moving forward with trawl permit stacking will entail.

Marine reserves were also identified as a relatively high priority item. The SPOC recommended (1) continuing with phase 2 to establish an implementation team to develop a full proposal and (2) developing a summary of "who is doing what, so the Council can figure out where to plug in." The SSC supports these two recommendations, which will help to coordinate the Council's interaction with outside entities involved in the marine reserve development process (e.g., the Channel Islands National Marine Sanctuary) and also will facilitate consideration of how marine reserves will interact with existing Council management processes.

GMT

Dr. Jim Hastie provided the comments of the GMT.

The Groundfish Management Team (GMT) continues to support implementation of the Council's Strategic Plan. In particular, the GMT stresses the importance of making swift progress towards achieving capacity reduction objectives, which were identified as the highest overall priority by the SPOC. The Council will face increasing difficulty in resolving conflicts and attaining the other goals and objectives of either the Strategic Plan or the Management Plan until meaningful capacity reduction is realized. Furthermore, although control dates pertaining to capacity reduction have been published, the Council's history of revising such cutoff dates is likely to yield increased speculative participation in the groundfish fishery until the fleet observes tangible progress in the development of reduction alternatives that integrate existing control dates. Such speculative attempts to enhance vessel/permit catch histories will only increase our existing difficulties in managing the fishery and achieving rebuilding targets.

GAP

Mr. Rod Moore provided the comments of the GAP.

The Groundfish Advisory Subpanel (GAP) discussed the issues identified under the Exhibit F.2 Situation Summary and makes the following comments.

Marine Reserves

The GAP reviewed the material submitted by the Channel Islands National Marine Sanctuary (CINMS) staff, heard reports from GAP members who had fished in the CINMS area, and received a briefing from the CINMS staff.

The National Marine Sanctuaries Act specifically provides that regulation of fishing within marine sanctuaries is the responsibility of the Council and any applicable state (in this case, California). Thus, it is important the Council play an active role in examining proposals for marine reserves such

as are contemplated by CINMS. The Council has already spent considerable time and energy developing its own strategy for marine reserves. Given these facts, the GAP believes the Sanctuary must coordinate its plans with the Council, and not simply inform the Council what it wants to do.

While marine reserves may play a role in conserving fish stocks, they obviously can have significant economic impacts on commercial and recreational fishermen, processors, support industries and businesses, and local communities. The GAP believes a detailed economic impact statement is needed before any marine reserves are established. Further, given the potential economic losses associated with establishment of marine reserves, several GAP members raised the question of who pays to mitigate those losses? Fishermen and processors are already paying the cost of rebuilding through reduced groundfish harvest. Will they also be required to pay for the theoretical benefits that might (or might not) accrue from establishment of marine reserves? The GAP believes any working group established to look at marine reserves should be fully representative of all interests.

If a marine reserve is to be established, how will it be monitored to ensure it is doing what it is supposed to do? Who will supply the funding? What sort of monitoring will occur? How will the reserve be enforced, and how will enforcement costs be covered?

The GAP notes the Implementation Development Team on Marine Reserves established under the Council's Ad Hoc Groundfish Strategic Plan Implementation Oversight Committee made several recommendations which could be useful here. The GAP believes a process should be followed wherein the scientific criteria for marine reserves be developed by an independent scientific committee, but the actual delineation of the reserves within those criteria be done by users who are familiar with the area and the resources it contains.

Open Access Permits

The GAP has commented in the past that establishment of an open access permit system will entail considerable costs to the Council in terms of time and workload. The GAP notes that the individual states are addressing near shore open access fisheries under state management policies, and believes the state processes should be completed before the Council takes additional action on a permitting system. However, because the groundfish fishery is subject to a fishery management plan, the GAP believes the Council should be involved in the state processes and have final authority over state plans that affect the groundfish fishery.

Buyback

The GAP received a presentation from Mr. Pete Leipzig of Fishermen's Marketing Association (FMA) regarding the FMA questionnaire on buyback. The GAP urges the Council to continue forward with a buyback plan to facilitate capacity reduction. The GAP endorses the concept of all users paying the cost of buyback proportionate to the benefits they will receive.

Enforcement

The GAP recognizes the concerns expressed by the Enforcement Consultants in regard to considering enforcement costs in management measures and urges the Council to recognize these costs when deciding on management actions.

SAS

Mr. Mark Cedergreen provided the comments of the SAS.

The Salmon Advisory Subpanel (SAS) is becoming increasingly concerned about the potential implementation of marine reserves on the Pacific Coast, and the effects of those reserves on salmon fisheries. The SAS has consistently testified that the current salmon regulatory process is sufficient, on an annual basis, to manage our diverse salmon resource. We have asked that these protected areas not apply to commercial or recreational salmon fishing.

It is becoming abundantly clear to us that the scientific/environmental community is committed to, and strongly promoting, "no-take" marine reserves, as compared to Marine Protected Areas (MPAs) which allow certain levels and types of fishing activity. No-take means no fishing for anything whatsoever. On page 2 of a letter from the "National Center for Ecological Analysis and Synthesis" (NCEAS) there is a strong definition of marine reserves. They are exclusively no-take areas. This letter was signed by 161 scientists. This leaves no doubt in our minds that what has been adopted by the Council as "one tool in the tool bag" under the Council's strategic plan for managing groundfish is viewed by (significant) others as a coastwide network of large "no-take" areas. That will affect all fisheries, including many that the Council does not presently manage. That should concern us all.

It is our view that:

- 1. The Council must be the lead agency in the establishment of any type of marine protected area on the Pacific Coast. Over ninety percent of those affected will be fishermen and those living in fishing communities.*
- 2. Marine protected areas should be established only for the protection of specific species, and as an aid to their rebuilding, and should not constrain fisheries that have little or no impact on stocks of concern.*
- 3. Finally, we ask that you continue to include us in the process as you work your way through the Phase 2 consideration of marine reserves.*

HSG

Ms. Michele Robinson provided the comments of the HSG.

After reviewing the minutes of the January 10-11, and March 5 meetings of the Ad Hoc Groundfish Strategic Plan Implementation Oversight Committee (SPOC), the Habitat Steering Group has the following comments.

First of all, we would like to commend the SPOC for prioritizing the issues to be addressed in implementing the strategic plan and further agree with the four themes which were highlighted as high priority:

- Capacity Reduction*
- Harvest Policy*
- Marine Reserves*
- Science*

Second, the HSG recognizes the budget limitations of the Council and the costs associated with developing siting criteria for marine reserves. However, we would like to encourage the Council to proceed with Phase II and to use available resources (through the work of federal and state agencies, Council staff, and Council advisory bodies) to do as much groundwork as possible, in the event the Council does not receive additional funding in the near-term.

For example, the state agencies and NMFS and others could work together (through the Council's Marine Reserve Development Team) to inform fishers and the public about what the Council is doing to implement the strategic plan by developing and mailing fact sheets, hosting public meetings, attending industry association meetings, and posting information on their respective websites. This is part of "Task II: Initial Outreach" of the Project to Support the Council's Consideration of Marine Reserves for the West Coast (Exhibit F.2 Attachment 4).

We also note that the SPOC requested preparation of a summary of the agencies and organizations that are currently moving forward to develop marine reserves—"who has funding and who is doing what." The HSG is planning to assemble this information at its June meeting and could present it to the Council then.

In light of the SPOC's discussion on regulatory incentives to minimize impacts on habitat, the HSG would also like to work with NMFS and the Groundfish Advisory Panel (GAP) to develop a workplan on fishing gear impacts to essential fish habitat and alternative measures to address gear impacts. In addition, the HSG could work with NMFS to begin identifying habitat areas of particular concern for groundfish.

Recommendations:

- 1. We would like to request that the Council proceed with Phase II and to use available resources to do as much groundwork as possible on marine reserves by convening a meeting of the Marine Reserve Development Team (identified on page 7 of the SPOC's January meeting minutes) to:*

- Begin implementation of the Initial Outreach tasks,*
- Review the other tasks developed at its February 13 meeting and determine which other tasks the Council can proceed on in the interim, and*
- Develop a plan to proceed with those tasks.*

This would allow the Council to remain an active participant in marine reserve efforts.

- 2. With regard to recommendation #1, we request that the Council schedule a Marine Reserves discussion on the Council's June agenda to include a presentation of the Interim Phase II Plan by the Marine Reserve Development Team, and a summary of current West Coast marine reserve efforts by the HSG. In the HSG's comments on agenda item C.1. (Marine Reserves) earlier this week, the HSG also recommended that the Marine Reserve Development Team review the Channel Islands National Marine Sanctuary*

(CINMS) information. The Marine Reserves Development Team could be the coordinating advisory body to compare the CINMS alternatives with Council goals and objectives and develop criteria for proposed marine reserves developed outside the Council process.

- 3. We request that NMFS staff work with the HSG and GAP to develop a workplan on fishing gear impacts to essential fish habitat and alternative measures to address gear impacts. The HSG has a placeholder on its June agenda to receive an update from NMFS on this effort.*

Buyback Update

Mr. Pete Leipzig reviewed for the Council a summary analysis (Exhibit F.2, Supplemental Attachment 6.a) of the buyback survey conducted by the Fisherman's Marketing Association (FMA).

Dr. Radtke suggested that Figure 2 in the analysis could be interpreted such that the trawling industry is more pessimistic than the fixed gear sector about the future of their respective fisheries. That is, trawlers are more willing to sell because they see less promise in the future of the trawl sector.

Mr. Leipzig responded, yes, that may be a fair characterization. However, the rationale for the respective bid prices (for selling permit) was hard to discern. He noted that there were several very high bids from the fixed gear sector.

Mr. Alverson noted that, because of the permit stacking program, the fixed gear sector was not interested in participating in a buyback program.

Mr. Leipzig stated the survey results show that roughly half of the participants in the fixed gear sector are willing to sell, but their bid prices are much higher than the those in the trawl sector. He noted that if some fixed gear participants were bought out the remaining fixed gear participants would greatly benefit.

In response to a question about coastwide support for a buyback program, Mr. Leipzig noted that, generally, after being briefed by Mr. Leipzig, most were supportive of the program.

Public Comments

Mr. Bob Eaton, Pacific Marine Conservation Council, Astoria, Oregon
Mr. Joe Easley, Oregon Trawl Commission, Newport, Oregon
Mr. Steve Bodnar, Coos Bay Trawlers Association, Coos Bay, Oregon
Mr. Rod Moore, West Coast Seafood Processors Association, Portland, Oregon

F.2.d. Council Action: Consider Further Groundfish Strategic Plan Implementation Measures

Mr. Waldeck noted that scheduled Council action was discussion of the recommendations of the Strategic Plan Implementation Oversight Committee (SPOC), and guidance for further work on implementing the strategic plan. He reviewed the recommendations detailed in the SPOC meeting summaries. It was also noted that the Council may want to act on the priorities list identified by the SPOC.

Dr. McIsaac discussed budget limitations that will limit the amount of work that can be done on strategic plan implementation. He noted that small amounts of work can be done, some money is available for a SPOC meeting and some implementation work (for example, development team meetings). His expectation is the SPOC will meet before the June Council meeting.

Mr. Anderson moved, for the purpose of implementing the strategic plan, adopt the list of priorities recommended by the SPOC as listed in F.2, attachment 1, p.4. (motion 7, seconded by Mr. Brown) Passed unanimously.

Mr. Brown asked whether the Council needed to discuss the makeup of the groundfish advisory committees as suggested by Mr. Moore in public comment. Mr. Moore was asked to come forward to clarify his suggestion.

Mr. Moore stated that, given current workload and time and budget constraints, there is a need to harmonize development and sharing of ideas for implementing the strategic plan. That is, for work to be shared by the advisory groups, rather than each group working in parallel. He suggested the formation of ad hoc groups composed of representatives from each of the advisory bodies.

Mr. Brown noted that the combination of capacity reduction, regulations to reduce bycatch, and regulatory incentives will change the nature of the groundfish fishery. He recommended forming an ad hoc committee (development team) to work on these topics in concert.

Mr. Anderson noted that, with limited resources, it would be best to focus efforts so as to make meaningful progress in a few areas. He noted that observers, fixed gear permit stacking, and review of the groundfish management process were underway; whereas, there is limited direct action on buyback and trawl permit stacking (two of the highest priorities).

The Council agreed that the SPOC would hold a conference call to discuss formation of a development team to scope out and develop goals and objectives for a trawl permit stacking program. The call will also deal with how to further develop the proposal for converting the open access fishery to limited entry, including costs and benefits. In addition, marine reserves, specifically development of a status report of current efforts, will be discussed.

A discussion ensued about harmonizing strategic plan implementation: issues need to be considered in concert (e.g., trawl permit stacking and allocation); capacity reduction initiatives need to be considered in

unison (buyback, stacking); also, regulatory incentives that provide fishermen with greater flexibility need consideration.

F.3. Reconsideration of 1997 Huntington Flats Decision (2:14 PM)

F.3.a. Agendum Overview

Mr. Jim Glock reviewed the situation. In April 1997, the Council had recommended that, to be consistent with state regulations, NMFS prohibit the use of setnets to take groundfish in the Huntington Flats area. In November 2000, a Federal district court issued a Consent Decree establishing a permanent injunction against the state preventing it from enforcing its prohibition on retention of state-managed species, subject to the outcome of the NMFS rulemaking. This injunction was the result of a lawsuit brought by the Los Angeles Commercial Fisherman's Association (LACFA). The attorney for the LACFA, Ms. Mary Hudson, had requested that the Council reconsider its previous action. If the Council withdraws support for implementation of federal setnet regulations, it would recommend NMFS not implement the final rule. If the Council does not withdraw its support, NMFS will proceed with rulemaking.

F.3.a.i. Summary of the Issue from California Department of Fish and Game

Mr. Boydston reviewed a letter from California Department of Fish and Game to the Council urging the Council to reject reconsideration on this issue (Exhibit F.3.b, Supplemental CDFG Report). A correction was made to the total at the bottom of Attachment 2. The value "1,790,718" was changed to "1,740,730." Mr. Don Schultz of CDFG provided a map of the affected areas and explained the data contained in Attachments 2 and 3. Mr. Svein Fougner, NMFS, inquired about data showing the degree to which vessels affected by the Huntington Flats area were dependent on fish from that area. Dependence information was not available.

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

None.

F.3.c. Public Comment

Ms. Mary Hudson, representing Los Angeles Commercial Fisherman, San Francisco, California
Mr. Tom Raftican, United Anglers of Southern California, Huntington Beach, California
Mr. Ron Gaul, Turtle Island Restoration Network, Forest Knolls, California
Mr. Gary Frederic, Sea Breeze II, El Granada, California

F.3.d. **Council Action:** Consider Reconsideration of 1997 Huntington Flats Decision

During public comment data presented by both Ms. Hudson and that presented by the CDFG was disputed.

Mr. Boydston recommended that the Council take no action. The Council already has taken a vote on this issue back in April 1997 and nothing has changed in the analysis. The only thing that has changed is that NMFS is moving forward with the rulemaking. He urged NMFS to continue with that process. Council members concurred, and therefore no additional discussion took place.

F.4. Discard Adjustment for Bocaccio and Lingcod (3:31 PM)

F.4.a. Agendum Overview

Mr. Glock gave the agenda overview.

F.4.b. Reports and Comments of Advisory Bodies

GMT

Dr. Hastie reported the GMT applied a 16% discard adjustment for bocaccio in 2001, but only to the open access part of the commercial catch. To correct this oversight, the limited entry allocation would be reduced from 29 mt to 24 mt for 2001. With respect to lingcod, the GMT previously used a 20% discard mortality assumption for lingcod, based on a report by WDFW several years ago when limits were higher. This rate was applied in 1999, but accidentally overlooked in 2000 and 2001. To correct this, the commercial limited entry allocation would be reduced from 203 mt to 163 mt. He noted 2000 landings were less than ABC, in spite of the oversight, and no trip limit adjustments are necessary at this time.

GAP

Mr. Rod Moore read the GAP Report.

F.4.c. Public Comments

Dr. Mark Powell, Center for Marine Conservation, Vashon, Washington
Mr. Gary Frederic, Sea Breeze II, El Granada, California

F.4.d. **Council Action:** Consider Inseason Adjustments in Discard Assumptions for Bocaccio and Lingcod

Mr. Brown said he thought this had been taken care of at the November 2000 meeting, and was obviously an oversight rather than intentional. Based on the GMT's recommendations (Exhibit F.4, GMT Report), the Council adopted the 16% discard rate for bocaccio and 20% discard rate for lingcod. (Motion 8)

THURSDAY, APRIL 5, 2001

F.5. Status of Fisheries and Consideration of Inseason Adjustments (April 5, 8:16 AM)

F.5.a. Agendum Overview

Mr. Jim Glock summarized the information to be presented to the Council and the necessary Council action.

F.5.b. Reports and Comments of Advisory Bodies

GMT

Dr. Jim Hastie summarized Exhibit F.5.b, Supplemental GMT Report.

Inseason Progress

The Groundfish Management Team (GMT) reviewed a summary of the soft data for landings by the limited-entry and open-access fleets through February and by all vessels combined through March 17. By the end of March, the limited-entry fleet is expected to have taken one-quarter to one-third of its allocations for four species: Dover sole, widow and yellowtail rockfish, and shortspine thornyheads. The first three species (except for Dover sole south of 40° 10') have planned reductions of at least 50% in cumulative limits scheduled to occur beginning May 1. As a result, the GMT has no recommended changes in scheduled cumulative limits for the limited-entry fleet, based on limit attainment. Yellowtail and widow rockfish are currently scheduled for limit increases during portions of the September-December period. We will report at the June meeting on the advisability of implementing these increases. Although bocaccio landings during the first three months are running ahead of this time last year, they still represent less than 20% of the limited-entry allocation. We will continue to monitor this situation, and will recommend appropriate action in June.

The open-access fishery has two species of potential concern at this time: Near-shore rockfish south of 40°10' and canary rockfish. The open-access fleet has a canary allocation of just 5 mt, and landings through March are likely to be close to 2 mt. Although the GMT is not recommending any changes relative to canary at this time, we will attempt to ascertain the species with which canary are being caught, and report back to the Council in June. Landings in the southern near-shore *Sebastes* sub-group through March will comprise more than one-quarter of the allocation. Several factors suggest a reduction in this limit may be appropriate: other near-shore species such as cabezon and greenling are under more restrictive management by the State of California than in the past, and this may be increasing the effort directed towards the rockfish species; effort in this fishery usually increases during the summer months; the industry has conveyed the importance of opportunities for these species during winter months, in order to access more lucrative seasonal markets. We believe that **lowering the open-access Southern Near-shore rockfish cumulative limit from 1,800 lb per two-months to 1,200 lb per two-months, beginning May 1**, will afford a much higher likelihood of extending this fishery through the end of the year.

Other recommendations

Limited-entry northern flatfish

The GMT considered three other issues for possible recommendations during this meeting. The first concerns limits for flatfish species north of 40°10' following April. At previous Council meetings, the GMT conveyed its intention to review available logbook information relative to managing this fishery and potential canary bycatch. Staff from Washington Department of Fish and Wildlife have provided generous assistance to the GMT in developing this analysis. Although the analysis is not complete at this time, examination of the general locations of trawl tows for arrowtooth flounder and other flatfish during the May-October period confirms that the fleet did relocate their activities in 2000 away from the areas of highest canary bycatch identified from the 1998-99 seasons, when canary limits were higher. Based on preliminary results from the analysis, the GMT recommends changing the current limits for flatfish other than Dover sole north of 40°10' during May-June. The current small-footrope limit would allow up to 30,000 lb per month during these months. Our recommendation is for a **small-footrope limit of 50,000 of flatfish other than Dover sole, no more than 15,000 lb of which can be petrale sole, and no more than 10,000 lb of which may be arrowtooth flounder**. We believe that this alternative is more conservative, with respect to canary bycatch than allowing all 30,000 lb of the current limit to be landed as either petrale or arrowtooth. We also hope that it provides a balance set of opportunities for the diverse group of fishers pursuing these species, however we acknowledge that it will not accommodate a directed arrowtooth fishery during these months. It is our intent to refine the logbook analysis in the coming months, and evaluate the potential for a concentrated July-August arrowtooth fishery, as well as alternatives for the entire northern flatfish fishery following June.

In an effort to provide some additional arrowtooth opportunity and encourage pursuit of Dover sole on the slope rather than the shelf during May, we recommend that the reduction of the **large-footrope arrowtooth allowance**, from 20,000 lb per trip to 5,000 per trip, be phased in, allowing **15,000 lb per trip in May** and 5,000 lb per trip from June to October.

Northern Near-shore Rockfish

During the 2000 fishery, over 50% of the available commercial allocations of Near-shore rockfish went unharvested. As illustrated in Table 1, the limited-entry fleet took only 19% of its target poundage. One contributing factor to this situation is that limited-entry vessels using open-access line gear (those other than fixed longline) are constrained to the lower open-access limits. The current difference in limits is shown in Table 2. Raising the open-access limits to provide more opportunity for limited-entry fishers to utilize other gears would likely result in early closure of the open-access fishery.

Table 1.--2000 Northern Near-shore Sebastes landings

	Landed mt	Target mt	% Utilized
Limited entry	32	172	19%
Open access	142	193	74%
Total	174	365	48%

The GMT considered alternatives for managing access to these species, that could benefit most, if not all current participants. Under unusual circumstances, the Council has previously chosen to manage the sablefish daily-trip-limit fishery, for a period, by pooling the limited-entry and open-access amounts, and applying similar limits in both fisheries. In a similar manner, the GMT is presenting the Council with an alternative management proposal for this fishery, that would rely upon managing to a single Near-shore target, across both fisheries, with initial limits as indicated at the bottom of Table 2. This change would be viewed as an experiment intended to allow full utilization of this allocation. Maintaining the current differential caps on species other than black or blue rockfish, was intended to serve as additional protection for the species most commonly associated with the live-fish fishery.

Table 2.--Current/proposed Northern Near-shore Sebastes limits

	Overall 2-month cum. limit	Cap on species other than black or blue rockfish
Current		
Limited entry fixed-gear	10,000 lb	4,000 lb
Open access	3,000 lb	900 lb
Proposed for joint management		
Limited entry fixed-gear	7,000 lb	4,000 lb
Open access	7,000 lb	900 lb

Salmon bycatch of yellowtail rockfish

The GMT received a request from representatives of the Washington salmon troll fishery to consider increasing the retention of yellowtail rockfish while fishing for salmon. The GMT is neither promoting nor opposing such a change. The following discussion is intended to provide the Council with guidance on limit changes the GMT could support, should the Council wish to take action on this issue.

The current open-access limit for yellowtail rockfish is 100 lb per month. Analysis of landings data from 1997-99 reveals an average of 50-75 lb of yellowtail for all troll salmon landings where yellowtail were present. Many of the individual trips contained more than 100 lb yellowtail rockfish. The vast majority of salmon troll landings during this period contained no yellowtail rockfish. The data reveal that at least 85% of the yellowtail rockfish bycatch in this fishery were landed on trips where they represented less than 50% of the salmon poundage in the landing. Assuming an average salmon weight that is four times that for yellowtail rockfish, **the GMT would support allowing up to two yellowtail rockfish per salmon in a troll landing, with a monthly cumulative limit of 300 lb.** This 300 lb limit would not be additive with the existing 100 lb open-access limit. The GMT examined correlations between yellowtail and canary rockfish in salmon troll landings. While there is co-occurrence, the correlation is not particularly strong. We believe that a 300 lb monthly cap on salmon troll landings will allow most existing yellowtail rockfish bycatch to be landed in this fishery, without providing significant additional incentive to target yellowtail, thereby placing canary at greater risk. The per-trip requirements would also prevent individuals who do not routinely catch much yellowtail with their salmon from making yellowtail-directed trips at the end of a month.

Review of experimental delivery options in the 2000 sablefish daily-trip-limit fishery

During the last months of the 2000 season, the Council implemented an alternative in this fishery that allowed one landing per week, up to a higher poundage than the usual 300-lb daily limit. The GMT indicated it would review the consequences of this option, and report back to the Council regarding re-institution of this option. Due to the fact that complete fishticket data for 2000 were not available until very recently, our analysis of these impacts is not available at this meeting. We intend to provide that review to the Council and the industry for consideration in June.

GAP

Mr. Rod Moore presented the GAP Report.

The Groundfish Advisory Subpanel (GAP) met with the Groundfish Management Team (GMT) to discuss inseason adjustments to the groundfish fishery. The GAP and the GMT agree on the following changes:

Open Access Near Shore Rockfish - South

Beginning May 1, 2001, the trip limit will be reduced to 1,200 pounds per two-month period. This reduction is designed to allow the open access fishery to continue longer during the year.

Near Shore Rockfish - North

If the Council agrees that both the limited access and open access fisheries will be managed to the combined target, then beginning May 1, 2001, both the open access and fixed gear limited entry fisheries will have a cumulative limit of 7,000 pounds per two-month period. For open access, no more than 900 pounds may be species other than black or blue rockfish. For limited entry, no more than 4,000 pounds may be species other than black or blue rockfish.

This change is proposed to allow limited entry fishers to use open access gear without being penalized by a lower limit. As a matter of equity, open access fishers will be allowed the same limit. The sub-limits are those currently in effect and reflect fishing patterns of the two fisheries. The GAP notes that, under the current limits, annual harvest is not being achieved.

Limited Entry Flatfish - North

For the period May 1, 2001 through June 30, 2001, trawl fishers using small footropes may take 50,000 pounds per month of flatfish other than Dover sole, of which no more than 15,000 pounds may be petrale sole and no more than 10,000 pounds may be arrowtooth flounder.

From May 1, 2001 to May 31, 2001, trawl fishers using large footropes may take 15,000 pounds of arrowtooth flounder per trip. From June 1, 2001 to June 30, 2001, those fishers may take 5,000 pounds of arrowtooth flounder per trip.

These changes were recommended following analysis of logbook data examining bycatch of canary rockfish. These limits will allow prosecution of near shore and deep water flatfish fisheries without exacerbating canary bycatch. The GAP and the GMT will continue to review existing data and may recommend additional changes at the June Council meeting.

The GAP also reviewed a proposal from the Washington Trollers Association which would allow an increased yellowtail rockfish bycatch retention in the salmon troll fishery. While the GAP was sympathetic to the desire to avoid discards, a majority of the GAP believed the increased retention would provide an advantage to the salmon troll fishery which is not available to other fisheries. The GAP majority notes that other fisheries have been making efforts to reduce bycatch and have not sought a bycatch increase. Further, the GAP majority is concerned about the effect of the increased yellowtail bycatch limit on canary bycatch.

A minority of the GAP supported the Washington Trollers Association proposal. They believe that the record supports a need for an increased yellowtail bycatch allowance for these open access fishermen, so bycatch can be landed. They further believe the yellowtail bycatch will not have an impact on canary rockfish bycatch.

The GAP minority supports allowing an additional yellowtail bycatch in conjunction with the directed harvest of salmon, under the conditions which the GMT indicated could be accommodated.

EC

Sgt. Dave Cleary presented the comments of the Enforcement Consultants.

Enforcement Consultants (EC) reviewed the inseason management measures and I will be referring to Exhibit F.5.b, Supplemental EC Report.

We have comments in two areas.

The first area deals with the proposed trip limit change for salmon troll for yellowtail.

The EC believe the GMT's recommendation of 2 yellowtail for every salmon is clear and enforceable.

We recommend it be made clear in the salmon regulations that salmon vessels landing groundfish must keep their fishtickets on their vessel for their cumulative period. This could be included in the footnotes where they list the halibut incidental catch restrictions.

States must also reinforce with dealers that they record numbers of fish as well as poundage of fish for salmon trollers. We are not aware of any state fishticket that currently lists numbers of groundfish on their fishtickets.

The other issue we discussed was the language on fish excluders in the state-managed pink shrimp fishery. We are encouraged that all three states appear to be adopting the same excluder devices. However, there are several additional rules that need to be implemented to make this rule more enforceable as we proceed (based on language provided by California). Some examples would be:

- 1. No shrimp trawl net may be possessed on board a vessel that do not include excluders.*
- 2. No shrimp trawl nets may be removed from the vessel prior to the off loading of pink shrimp.*
- 3. Discussion of the language that includes "hand pressure". Enforcement does not know what this means or what industry would interpret this to mean.*
- 4. Current language is not clear that the escape opening for excluders is actually placed forward of the device designed to direct the fish.*
- 5. Language may need to be included in federal rules or by the states that recognizes regulations may be implemented at different times by different states.*

The language would prohibit the taking of groundfish by a vessel in federal waters off the states that require excluders by nonresident vessels that do not comply with that states rules.

We are encouraged the states are working in concert to adopt similar regulations and encourage a tri-state agreement to adopt the same regulation package when implemented by individual states.

F.5.b.i. Report from WDFW Regarding Emergency Funding and EFP

Mr. Brian Culver gave a brief overview of the exempted fishing permit application provided by WDFW (Exhibit F.5.b, Supplemental WDFW Report). The goals of this EFP are to measure bycatch rates for canary and other rockfish associated with the summer arrowtooth flounder fishery. It would include an at-sea observer program and would provide incentives to participate in the observer program by giving fishers the opportunity to land arrowtooth flounder in excess of the current monthly trip limit. Acceptable bycatch limits for other species would be established. WDFW intends to fund the program with emergency disaster relief funds (from the Department of Commerce). WDFW would like to use those emergency disaster relief funds to give fish back to Washington fisherman. WDFW believes that by collecting this data, the Council will be able to establish trip limits in the future that maximize fishing opportunities while meeting conservation goals.

Mr. Anderson noted that they are in a bit of a time crunch. They would like to start this in July. They would like to fully develop this EFP and come back to the Council in June to view the full proposal (and bring it before the Council for consideration in June). He would like Council members to identify any flaws and provide feedback at this meeting.

Mr. Boydstun suggested the EFP include triggers to end the program if protected sensitive species are impacted. Mr. Hansen asked about the timeline. Mr. Robinson said that between now and June, NMFS would work on details with WDFW and publish a Federal Register notice of a proposed EFP. The Council would put it on their June agenda for consideration at that time. Mr. Hansen noted he would like to see this move forward. Mr. Bohn asked about specifics of the program, expressing concerns about the catch limits on arrowtooth if any, and how not to target protected species. Mr. Anderson replied he needs to carefully work out the details about how the program will work, and what incentives to give to fishermen. Mr. Brown was concerned the Washington EFP could result in unexpected high bycatch of canary rockfish that would force closure of shelf fisheries in California and Oregon. Mr. Anderson recognized this problem and intends to have a mechanism to prevent that. They would have a specific pool of vessels participating, and would choose them carefully.

Dr. McIsaac asked Mr. Culver about section D of the proposed permit, what is the assumed bycatch rate going to be? Mr. Culver said that it is about 1.2% canary in the arrowtooth fishery. Mr. Anderson said that they will be working with NMFS in conjunction with the larger observer program, this is not totally independent, but would like to use this data in the larger observer program as well.

F.5.b.ii. Joint State Report on Canary Rockfish Protection Measures in the Pink Shrimp Fishery (9:54 AM)

Mr. Bohn said Oregon's draft rules are still being developed. He expects the Oregon Fish and Wildlife Commission to delegate authority to ODFW to require mandatory use of fish excluders for all shrimp trawl vessels when appropriate, and they have worked with the fleet to define three acceptable excluder models. ODFW has worked with their shrimp fleet and explained the need to avoid canary rockfish. The fishery is already opened under a voluntary excluder program. There may be as many as 20 boats prospecting for shrimp right now off the Oregon coast (Brookings and Astoria), and maybe half are currently using excluders. The shrimp price is only about 25 cents per pound, which is so low the fishery may just go away. If the price does not increase, there could be a fairly substantial tie up in the fleet. He agreed that all three states should agree on same regulation language. The Oregon Fish and Wildlife Commission will adopt that language at their April meeting.

Mr. Boydstun noted when he spoke to the Council about this issue, he said California was considering mandatory use of excluders when the season starts. The CDFG recommendation is for mandatory usage. He does not want a "trigger" to require them because it is pretty certain BRDs will be necessary before the season ends. They have drafted language to define and describe excluder devices based on ODFW documents. That language has been reviewed by the Enforcement Consultants. He believes the three states concur the language should be consistent, and CDFG will continue to work with them in that regard. The problem is the short time before the season opens, and whether CDFG should use the emergency process to modify the regulations. Without emergency implementation, the regulations won't take effect until August.

The other issue is what to do if each state has different requirements. He does not want a situation where vessels from different states are fishing side by side under different regulations.

Mr. Anderson said WDFW had reviewed the bycatch of canary rockfish in the shrimp fishery in recent years. He noted the 5 year average is about 16 mt of canary rockfish, and in 2000 the bycatch reached 11 mt, even though some vessels tied up last year and didn't fish much for shrimp. Reducing canary rockfish from that relatively low level to 5.5 mt this year will require a 50% reduction. He does not think they can do that without using excluders, even at the beginning of the season. A trigger would only work if vessels were required to retain and land all canary rockfish. He believes it is necessary to require excluders throughout the pink shrimp season in order to achieve the reduction, saying it is highly unlikely the shrimp fishery will be able to stay within the 5.5 mt without using excluders during the entire season. He had concerns of using the trigger mechanism as discussed in March at the PSMFC meeting. None of the Washington shrimpers he met with had expressed unwillingness to use the devices; most of them have at least one of the approved devices already and support the use of excluders. But they fear being at a competitive disadvantage if another state does not require the devices. WDFW is prepared to use their emergency rule process to require excluders for the near-term. They talked with CDFG and ODFW representatives to have language "if a vessel was engaged in the pink shrimp fishery off Washington whether he be licensed in OR/WA/CA, they would be required to abide that states fishing regulations." He wanted each state to adopt reciprocal language.

Mr. Bohn wanted a provision to allow fishermen to test different devices or different methods. An EFP provision could be used. Mr. Anderson agreed it would be nice to provide flexibility to experiment, and WDFW would be willing to look at that as well.

Mr. Brown indicated that WDFW could put this in place through emergency rule. He asked how long would it take California? Mr. Boydstun said if they took the emergency path, it would be July 1.

F.5.c. Public Comments

Mr. Pete Leipzig, Fisherman's Marketing Association, Eureka, California
Mr. Charles Brown, F/V Friendship, Mt. Vernon, Washington
Mr. Chuck Boschke, fisherman, Ferndale, Washington
Mr. Robert Briscoe, Jr., trawler, Blaine, Washington
Mr. Doug Fricke, Washington Trollers Association, Hoquiam, Washington
Mr. Joe Easley, Oregon Trawl Commission, Astoria, Oregon
Mr. Bill James, commercial fisherman, Pismo Beach, California
Mr. Marion Larkin, trawler, Mt. Vernon, Washington
Mr. Kenyon Hensel, open access fisherman, Crescent City, California
Mrs. Donna Soloman, West Coast Shallow Water Live Fishery Alliance, Moss Landing, California

F.5.d. **Council Action:** Consider Inseason Adjustments in Groundfish Fisheries

Mr. Boydstun moved, and the Council concurred, to adopt the inseason adjustments as recommended by the GMT Exhibit F.5.b, Supplemental GMT Report, April 2001, with the exception that salmon trollers be allowed one pound of yellowtail rockfish per 2 pounds of salmon. The ratio will be expressed in terms of round pounds of yellowtail per dressed pound of salmon. (Motion 9) Mr. Donald Hansen seconded the motion.

Council members discussed whether it should be in numbers of fish or pounds, and round pounds or dressed pounds. Also, they clarified this would apply only North of Mendocino since in the south yellowtail rockfish is included in the shelf rockfish complex.

Mr. Bohn noted the enforcement folks liked counting the fish - the way we have done it in halibut and salmon we count ratio of fish, it seems like an easier of way of enforcing it. Mr. Boydstun said numbers of fish is

enforceable on the dock, but after that it would have to be enforced by reviewing fish tickets. Numbers of fish are not recorded on the tickets. Mr. Caito agreed, saying it would be pretty tough for the processors to record numbers of fish when unloading. Mr. Anderson said he understands the simplicity for the fishermen, but noted the GMT analysis is based on weights.

Mr. Boydstun clarified he intended the bolded words in the GMT report would be the specific recommendations from the Council to NMFS. Mr. Anderson noted the GMT analysis were adjusted for round weight, not for dressed weight of salmon, but thought that was not important. Motion 9 passed.

Mr. Robinson suggested having an agenda item at the June meeting to hear updates on the progress of the pink shrimp fishery as well as the language for the use of excluders. Mr. Brown suggested the Council get a full report on the status of canary.

Mr. Boydstun then suggested a letter from this Council to the respective commissions to urge them to move in a timely manner and to stress the importance of this issue (on the use of excluders).

Mr. Anderson, speaking about WDFW's EFP proposal, said he will bring the issue back in June for consideration. He encouraged more Council input. Mr. Brown asked CDFG and fisherman in the south to consider this same approach on chili pepper.

F.6. Future Groundfish Management Process and Schedule (11:18 AM)

F.6.a. Agendum Overview

Mr. Waldeck reviewed the situation summary and briefing book material. He noted for the Council the two critical decision points: what to do for the short-term to prevent the problems experienced in recent years, and what to do for the long-term to improve the process.

Dr. McIsaac stressed the importance of Council action for this year and for the long-term. He noted that delaying action could hinder improving the process. He also noted his impression that NMFS headquarters had expressed interest in moving to multi-year management. Finally, he pointed out recently introduced legislation for Individual Fishing Quota (IFQ) programs, noting that, if this becomes law, the Council will need the time to develop IFQ programs for West Coast fisheries.

Ms. Cooney provided additional background about the history of the current process and the inherent limitations to deal with current management issues. She detailed three issues that needed to be balanced and tradeoffs among them considered: (1) more time to develop optimum yield (OY) and management measures (e.g., moving to June consideration of OY and ABC); (2) multi-year management – many West Coast groundfish are long lived species that possibly could be managed under a multi-year approach, but if a species is detected to be overfished immediate action would be required, thus, a framework for emergency action would be useful; (3) time for development and public review of proposed and final rulemaking prior to the start of the fishery (e.g., provide more time by delaying the start of the fishery).

F.6.b. Reports and Comments of Advisory Bodies

SSC

Ms. Cindy Thomson.

The Scientific and Statistical Committee (SSC) discussed the groundfish management process and schedule for the upcoming year. In recent years, the Council's groundfish process has become increasingly more complex with each management cycle. Growing demands on the system coupled with inherently difficult management decisions have taxed all elements of the Council family. Completion of advisory committee documents and analyses – needed to support Council decision making – is often delayed until late in the calendar year, leaving little time for reflection and discussion.

The Council has established an Ad Hoc Groundfish Management Process Review Committee (GMPC) to address these issues. The GMPC has met twice and developed several ideas to investigate alternatives. Dr. Don McIsaac presented the draft report of the GMPC (Exhibit F.6.b) to the SSC.

While the SSC fully appreciates the multifaceted problems facing the groundfish management process, the SSC is best suited to address the stock assessment review (STAR) elements of the overall process. The STAR process was developed after long and involved negotiations among the Council's groundfish entities, the SSC, and NMFS to resolve the problem of providing independent and comprehensive review of stock assessments. This has been a resource and time-consuming process, and the challenge has always been to complete the process sufficiently early within the annual groundfish cycle (including assessment documents and STAR Panel reports) to allow for full Council deliberation without sacrificing the quality and reliability of the stock assessments. The SSC is concerned that some of the options for changing the groundfish management process – as outlined in the draft GMPC report – may result in the inability to use the most recent data in stock assessments. More specifically, modification of the present “2-meeting” sequence to either the “3-meeting” or “4-meeting” sequences considered in the draft GMPC report (p.3), will reduce the time available for stock assessment and review, with concomitant reduction in quality of the products. If the status quo “2-meeting” sequence is to be modified, the SSC prefers the “3-meeting” sequence (June, September, and November).

With respect to the other possible changes delineated in the draft GMPC report, the SSC sees both pros and cons for most of these changes. Implementing multi-year management, for example, would have the undesirable effect of generally increasing the lag between stock assessments and the consequent implementation of management actions. However if properly structured, multi-year management could offer the benefits of an “off-year” for assessment and review during which assessment scientists and the SSC could work on development of assessment methods and computer software that should, over time, lead to a more state-of-the-art, efficient, and productive process. As such, the SSC recommends that if a change is made to multi-year management, the stock assessments and reviews should be done on same cycle as Council management, e.g., if the Council changes to a 2-year cycle (Table 6 of the draft GMPC report), groundfish stock assessment and review should be conducted every other year with the “off-year” dedicated to improving assessment methods and software, organizing special workshops (e.g., marine reserves), bioeconomic studies (e.g., capacity reduction), etc. The Council should also be aware that a transition period is likely to be necessary if a 2-year cycle is adopted. While certain efficiencies will accrue over time leading to more stock assessments per year, it will not be practical in the short term to double the number of assessments done in the “on-years.”

Finally, the “science barrier” or “wall of science” (as depicted in Table 6 of the draft GMPC report) has been the basis of the SSC's groundfish STAR process development. In practice, the barrier has worked better in some years than others, but the SSC remains steadfast in supporting the concept of a science barrier in order to ensure that Council decisions have a solid scientific foundation.

GMT

Dr. Hastie provided a verbal report. The GMT sees obstacles in moving to a multi-year approach, it would require a great deal of initial effort to put in place. The GMT prefers a three meeting groundfish process, annual specifications, and a January 1 start date. This would help improve the process without requiring a major re-tooling. As to changing the fishing year, the GMT prefers starting the fishery January 1 and suggested using interim management rather than delaying the start date. They fear negative effects on data systems, especially effect on compatibility of data.

GAP

Mr. Rod Moore read the statement of the GAP.

The Groundfish Advisory Subpanel (GAP) met with Council Executive Director Don McIsaac and NOAA General Counsel Eileen Cooney to discuss changes in the groundfish management process.

GAP members agreed the current process is unworkable, and changes could be made to promote efficiency and allow better decision-making.

After considerable discussion, the GAP endorsed the 3-meeting process which begins adoption of annual specifications at the June Council meeting. While some concern was expressed about the continued short time frame to allow discussion of regulatory measures between September and November, the GAP agreed this cost was less than the loss of current scientific data which would result from adoption of a 4-meeting process. Fisheries are already being managed on the basis of data which is from 4 to 6 years old; the GAP believes that adding another year will put us even more out of sync between stock assessments and current reality.

On the issue of 1 year versus 2 year management cycles, the GAP would support a 2-year cycle if several issues and questions are addressed, as follows:

- 1. Which cycle do Council staff and NMFS think will provide them with the greatest benefits in terms of workload and answering pressing scientific questions?*
- 2. Will a 2-year cycle provide the opportunity for the Council to evaluate the effectiveness of existing regulations? As the GAP has noted on several previous occasions, there is concern that regulations keep changing without allowing adequate time to determine if existing regulations are doing the job. This evaluation is extremely important.*
- 3. What will be the trigger for making changes in the 2-year cycle? Will that trigger take into account increased abundance as well as declines? Who pulls the trigger?*
- 4. Will use of a 2-year cycle require additional "precautionary" reductions at the beginning of the 2-year period, or can we presume that regulations will follow their normal course?*
- 5. Will the 2-year cycle gain us anything in terms of time, efficiency, workload, or knowledge, or will we still wind up dealing with frequent changes?*

In regard to the groundfish season start date, the GAP sees no reason at this time to change from January to a later date. A late start can have adverse consequences for small boat fisheries that take place in the summer and for those fisheries that have been pushed into the winter months to reduce bycatch of sensitive species. The GAP recommends the fishery continue to begin on January 1st.

F.6.c. Public Comments

Mr. Drew Capputo, Natural Resources Defense Council,

F.6.d. **Council Action:** Consider Changes to the Existing Groundfish Management Process and Schedule

Mr. Bohn made a motion, and the Council concurred, to adopt the three meeting process as described in the GMPC Report (i.e., June – Preliminary ABC/OY, September – Final ABC/OY, Preliminary Management Measures, November – Final Management Measures). (Motion 10)

Mr. Boydston spoke in support of the motion. He stressed the "final" adoption of ABC and OY in September would not preclude adjustments if warranted. He also noted that the "science barrier" was critical to completing work before the June meeting in preparation for Council action on ABC and OY.

Mr. Anderson supported the motion. He noted it would provide more opportunity for public comment.

Mr. Robinson spoke in favor of the motion. He noted that, for the short-term, adopting the three meeting process made sense. It will be fairly easy to implement this year, but with some cost to the stock assessment and review (STAR) process. He stressed that the Council will need to stick to their commitment to lay out preliminary management measures in September, with tentative adoption for public review.

Dr. Radtke asked Mr. Bohn if his motion included consideration of annual versus multi-year management?

Mr. Bohn responded that his intention was for annual management for the time being, but that the Council should continue to think about moving to a multi-year approach.

Mr. Boydston noted that the Council may want to consider delaying the 2002 STAR process until 2004.

Mr. Anderson stressed that tentative ("final") adoption of ABC and OY in September means that the Council will not change these values between September and November unless there is a compelling reason. He noted that OY ranges make it difficult to develop management measures.

Mr. Bohn and Mr. Boydston agreed with Mr. Anderson.

The motion passed unanimously.

F.7. Rebuilding Plan Status Report (1:36 PM)

F.7.a. Agendum Overview

Mr. Jim Glock provided an agendum overview, noting only the canary rockfish rebuilding plan was ready for Council action at this time, and it only became available Monday. It is intended to be a template for future rebuilding plans.

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

SSC

Ms. Cindy Thomson read the report of the SSC.

Terms of Reference for Groundfish Rebuilding Analyses

At the March 2001 meeting, the Scientific and Statistical Committee (SSC) completed the 3rd draft of the Terms of Reference for Groundfish Rebuilding Analyses, which was circulated to members of the Groundfish Management Team, Groundfish Advisory Subpanel, and other Council entities over the last month. The Terms of Reference was also distributed to 19 West Coast groundfish stock analysts for comment. The SSC reviewed all comments that were received and revised the Terms of Reference accordingly (4th draft).

Widow Rockfish

*The SSC reviewed the most recent rebuilding analysis for widow rockfish (Exhibit F.7, Attachment 6). The Council should note that this analysis differs from the rebuilding analysis in the 2000 widow stock assessment (Williams *et al.* 2000) in which recruitment values for the stock projections were erroneously twice what they should have been. As a result, the rebuilding calculations in the current report present a more realistic view of the future.*

The SSC would like to highlight the following points about the new analysis:

- T_{max} (time to rebuild under no fishing) is estimated to be 34 years under the default option for stock projection.

- Rebuilding projections are made by incorporating observed catches through the year 2000 and the 2,300 mt optimum yield (OY) for 2001.
- If the Council follows the pattern of selecting a harvest rate which gives a 60% probability of rebuilding to $B_{40\%}$ by T_{max} , then $OY_{2002} = 944$ mt.
- If rebuilding takes place on schedule, then indications are that the rebuilt stock will be able to sustain an annual harvest of about 3,900 mt. This corresponds to a fishing mortality rate that is less than $F_{50\%}$.

Canary Rockfish

The SSC received the new canary rockfish rebuilding plan in its supplemental briefing materials but, due to its length and late arrival, was unable to provide a comprehensive review at this meeting. However, the rebuilding analysis that is included in the plan is apparently unchanged from that already endorsed by the SSC. The SSC groundfish subcommittee will review the document and will provide Council staff with whatever comments the subcommittee has in the near future.

GMT

Dr. Jim Hastie summarized the GMT statement.

Although it may be premature to present detailed analysis of management alternatives that will be needed to achieve specific rebuilding targets for widow rockfish, the GMT believes it is important to give the Council and the industry a heads-up on the magnitude of changes that will be needed. It is not too early to begin thinking about how the available widow can best be utilized next year.

The analysis submitted by Dr. Alec MacCall identifies a range of roughly 900-1,000 mt for harvest in 2002. The 2001 total catch OY for widow rockfish 2,300 mt, with roughly 2,200 mt available for the limited-entry fishery. Given this year's assumed bycatch in the at-sea whiting fishery of 250 mt and discard in the shore-based fishery, the landed catch available to the directed groundfish fishery is just over 1,600 mt. If the same set-asides for recreational (40 mt) and at-sea catch were used in conjunction with a 1,000 mt total catch target, the landed catch available for the directed limited-entry fishery would be 570 mt. Through March 17th of 2001, the limited-entry fleet landed 622 mt, with a mid-water limit of 20,000 lb per two months. Through March of 2000, the fleet landed just under 600 mt, with a mid-water limit of 30,000 lb per two months. Even if at-sea bycatch of widow could be cut in half, there would be insufficient fish available to allow for a mid-water target fishery for more than 3 months and accommodate incidental catch during the remainder of the year. Because of the co-occurrence of widow and yellowtail, this situation will also affect our ability to extend a mid-water opportunity for yellowtail rockfish throughout the year.

HSG

Ms. Michele Robinson read the report of the HSG.

The December 7, 2000, letter from the National Marine Fisheries Service (NMFS) to the Pacific Council (Exhibit F.7., Attachment 3) suggests components to be included in rebuilding plans to meet fishery management plan (FMP) requirements for overfished species. The suggestions include:

"A description of the geographic distribution of the stock, particularly noting any habitat needs, and whether that habitat is adversely affected by human activity (fishing or non-fishing)."

The Habitat Steering Group (HSG) would like to endorse this suggested inclusion for all Council rebuilding plans. In June 1999, the HSG requested the Council include habitat information, such as essential fish habitat data, bottom typing, catch and logbook, and ocean condition data into Council rebuilding plans. This was done for the rebuilding plans for lingcod, Pacific ocean perch, and

bocaccio, but was inadvertently left out of the canary rockfish and cowcod plans. In our November 2000 report to the Council, the HSG requested this oversight be corrected before the final plans are sent out to NMFS for review.

In addition, a goal for habitat protection was added to the rebuilding plans for canary and cowcod rockfish. The HSG believes that a goal for habitat protection and an objective toward achieving that goal should be included in all of the Council's rebuilding plans.

Further, given the elements of the Council's Strategic Plan for Groundfish which includes marine reserves as a management tool, and the primary objectives adopted by the Council for marine reserves, it would be helpful if rebuilding plans considered whether the use of marine reserves is a feasible tool for that overfished species or not. One of the problems associated with establishing marine reserves for groundfish is that they may work for some species more effectively than for others. Having the recommendation in the rebuilding plan as to whether marine reserves could contribute toward the rebuilding of that particular species (based on its life history parameters and stock distribution) would greatly assist the Council as it proceeds with using marine reserves as a management tool.

Recommendations:

1. We would like to request that habitat information, such as essential fish habitat data, bottom typing, catch and logbook, and ocean condition data be included in the canary, cowcod, darkblotched, and widow rockfish plans and all future Council rebuilding plans.
2. We request that habitat goals and objectives be included in the darkblotched and widow rockfish rebuilding plans and in future Council rebuilding plans as well. Suggested language for a goal and objectives follows:

Goal - To protect the quantity and quality of habitat necessary to support the stock at healthy levels in the future.

Objectives -

- Identify any critical or important habitat areas and implement measures to ensure their protection.
 - Identify fishing and non-fishing activities that are adversely impacting EFH and implement measures to avoid or minimize those impacts.
3. We request that rebuilding plans contain a section which evaluates the feasibility of the use of marine reserves as a rebuilding tool for that overfished species.
 4. Finally, the HSG needs adequate time to review habitat portions of rebuilding plans to provide recommendations to the Council before the Council adopts the final plans. Specifically, we request that the adoption of the canary rockfish and cowcod plans be delayed, at a minimum, until June.

F.7.c. Public Comment (1:57 PM)

Dr. Mark Powell, Center for Marine Conservation, Vashon, Washington
Mr. Bob Eaton, Pacific Marine Conservation Council, Astoria, Oregon

F.7.d. **Council Action:** Final Action on Cowcod and Canary Plans; Council Guidance on Widow, Darkblotched, Pacific Ocean Perch, Bocaccio, and Lingcod Plans

Mr. Anderson noted that the HSG made some recommendations about items that should be included in the rebuilding plans and asked for a list of requirements for rebuilding plans. Mr. Glock noted the canary rebuilding plan document includes an excerpt from the FMP that outlines the goals, objectives and other

contents of rebuilding plans, as well as discussion of the process for developing and improving them. In addition, the letter from NMFS (provided in the briefing material) outlines their advice on contents of the rebuilding plans. Mr. Anderson asked if the HSG had an opportunity to review both the letter from NMFS and the canary plan. Ms. Michele Robinson said no.

Mr. Robinson noted the NMFS letter said there should be a description of geographic distribution of the stock and a general description of the habitat, but rebuilding plans must not be held up for that type of in-depth research. Rather, they should gather the information we already have on fish habitat.

Mr. Brown wanted a detailed description of past assessments and management of widow rockfish because this species has been assessed better than most groundfish, and it still ended up overfished. He also asked whether the draft schedule would be revised. Mr. Glock said yes; the remaining plans would be available in June, with the exceptions of darkblotched rockfish, widow rockfish and Pacific ocean perch. The rebuilding analyses for those should be ready in June, but not the full plans. Mr. Brown said the basic widow analysis is far enough along that we can start thinking about management strategies.

Mr. Bohn asked that the schedule be revised and brought back in June.

Mr. Anderson moved, and the Council concurred, to adopt the terms of reference as recommended by the SSC. (Motion 11)

Mr. Anderson wondered how to respond to the recommendations of the HSG. Mr. Bohn suggested references to marine reserves be labeled as "to be determined later," noting the Council has not developed ground rules for marine reserves. Mr. Brown reminded the Council that area closures were a major component of the cowcod rebuilding plan - there should be some sort of description that should come out of that. If it is a major component of the plan, it needs to be in there; second it would probably eventually be put into the bocaccio plan.

Mr. Glock quickly summarized the contents of the canary rockfish rebuilding plan and described the changes made since November 2000. He pointed out most of the HSG recommendations had been incorporated already, but they had not had a chance to review the revised document. Mr. Anderson asked staff to put together a generic outline that follows along the lines of the canary and bring it back to us in June. He asked the Council to delay action on the canary rockfish plan until the June meeting, and that the HSG's concerns be addressed as much as possible. Council members concurred. Mr. Brown noted that the fact that we deferred action does not mean that we disagree with the conclusions and contents of the plan; the numbers as represented will not change.

Mr. Anderson asked Ms. Cooney about the process in the FMP for developing and adopting rebuilding plans, and whether it is unlawful. Ms. Cooney said that is the issue we are litigating right now. We believe that the process approved is fine, it is similar to other framework plans we have had; we are adopting the process as a plan amendment and implementing each plan through either annual specifications or regulations.

FRIDAY, APRIL 6, 2001

F.8. Observer Program (April 6; 8 AM)

F.8.a. Implementation Status Report

Dr. Rick Methot and Ms. Cyreis Schmit gave a presentation.

F.8.b. Reports and Comments of Advisory Bodies

GAP

Mr. Moore gave the following GAP statement.

The Groundfish Advisory Subpanel (GAP) met with representatives of NMFS to discuss implementation of groundfish observer programs.

GAP members raised a number of questions about the program, which NMFS will provide answers for. The GAP encourages NMFS to move forward with implementation of a groundfish observer program.

F.8.c. Public Comment

Mr. Phil Kline, American Oceans Campaign, Washington, DC
Mr. Peter Huhtala, Pacific Marine Conservation Council, Astoria, Oregon
Mr. Joe Easley, Oregon Trawl Commission, Astoria, Oregon

F.8.d. Council Guidance on Groundfish Observer Program

Council members held a discussion with questions for Dr. Methot and Ms. Schmitt during their presentation.

Mr. Boydston requested a follow-up meeting as has happened in the past.

Mr. Brown then noted the vessel selection and notification section has greatly improved. He still was a little concerned about the 24-hour short notice, especially in bad weather. Mr. Brown talked about mis-identification of species in the shoreside program and was wondering how that would be handled. He asked about insurance, page 6; page 8 under vessel obligations it also mentions insurance; what additional insurance is going to have to be carried by the vessel owner as it relates to observers. Mr. Brown would like to make sure the vessel owner knows this information ahead of time. Back to hiring/training issue - species identification you will not get from any college program, you may well want to re examine that. You are excluding very valuable people from this. (Earlier Dr. Radtke said he would like to see local people who have experience, not necessarily a college degree to be involved in this program).

Mr. Alverson asked about whether or not Dr. Methot has interviewed Alaska observer program participants (regarding the insurance issue).

Ted Lindstrom noted that you would want more than just the decal for a two year program - and that you could be putting observers on vessels with equipment that could be out of date. Dr. Methot said that is why we would like to have a meeting with all parties involved, and make people aware of the situation.

Mr. Anderson asked if there will be a conference call for NMFS, PSMFC, and the states to discuss the points raised today, in specifics the terms of what the state coordinators are supposed to do. Also, time is short, and if we're going to fulfill this, we would need a firm read on financial status to make the necessary preparations to carry this out. Dr. Methot answered that should be available during the next two weeks.

Mr. Brown, on the notification to the fleet, perhaps pre-notification notification would be of value. The earlier the notification, the better.

Mr. Brown asked Dr. Methot another question: "During the presentation you showed a chart of fishing trips on the coast - and it has been documented on page 16 also, regarding shrimp trips, are you going to put observers on those trips as well?" He replied it would be limited entry vessels, the trips that would be encountering groundfish would be from the limited entry. He thinks it is going to be a little difficult as we get into open access (selecting the vessels, providing coverage). Mr. Brown then said he urged that information is specifically given to the public also.

F.9. Bycatch Full Retention Options (9:46 AM)

F.9.a. Agendum Overview

Mr. Glock offered a brief summary of the situation.

F.9.b. Report of the Groundfish Management Team

GMT

Mr. Brian Culver summarized the report of the GMT.

The GMT is concerned there may be sufficient uncertainty in our current estimates of total fishing mortality to compromise rebuilding efforts. This is especially important, because the small harvest targets required by some of the current rockfish rebuilding plans may be creating incentives for fishers not to land even their legal catches. In order to better quantify total mortality, the GMT believes the Council should consider exploring mandatory retention of all shelf and slope rockfish caught by commercial fishers. Such a program provides more meaningful results than a program to voluntarily land trip limit overages.

The GMT discussed some of the pros and cons of such a measure. Among the benefits identified from such a management measure are:

- Mortality is nearly 100% for rockfish caught in trawl gear or with line gear from any significant depth. Therefore, if fishing practices remained consistent, overall mortality would not be increased by a mandatory full retention program. The value would be captured for dead fish which would otherwise be discarded. Since capture mortality is less than 100% for shallow-water rockfish taken with line or trap gear, nearshore species (or fisheries) could be excluded from the mandatory landing requirement.*
- Rockfish mortality would be directly enumerated rather than estimated.*
- Most rockfish are marketable. Focusing a full retention program on rockfish avoids the problem of requiring the landing of large amounts of unmarketable fish which could occur with other species. While some rockfish are discarded due to size (i.e., too small to be sold), rather than because the trip limit has been exceeded, the GMT has received informal information indicating this amount is likely small. Additionally, analysis conducted by Dr. Erik Williams points out the importance of identifying any difference between the size of retained and discarded rockfish.*
- If our current estimate of discard mortality of 16% is reasonable, it would not appear markets would be greatly affected if landings were to be increased by an amount of this general magnitude.*
- Revenues generated by the landing of overages could be channeled into the at-sea monitoring efforts necessary to ensure compliance with a mandatory landing requirement.*
- Statistical comparison between the fleet as a whole and the pending observer program would provided an indirect measure of compliance with a mandatory retention program.*

Among the negatives of a mandatory program are:

- Substantial at-sea monitoring may be required to ensure compliance.*
- Overall rockfish harvest rates could accelerate since fishers could fish right up to trip limit allowances with no penalty.*

- *Fishers might be financially disadvantaged if they were required to use hold space to retain and deliver an overage without value which would otherwise have been used for marketable catch.*

If the Council agrees that mandatory full retention for rockfish is a reasonable management option, the GMT will continue to explore the issue among itself and with industry and report back to the Council in June.

Mr. Anderson noted the Council has acted on this in the past but believed there are significant differences between this proposal and previous Council recommendations. In particular, the previous recommendation was for a voluntary program that would not provide a clear indication of total catch. However, some of that past work may be appropriate here as well. Mr. Culver agreed, suggesting it would be good to look at it again, with all of the user groups. Mr. Alverson asked if the GMT considered interaction of mandatory retention and the new observer program. Mr. Culver suggest a pilot program would not yield all of the benefits, but would help with respect to the mechanisms and procedures.

Mr. Robinson noted that the observer program proposal includes a small pilot program regarding full retention on observed boats. It appears the GMT is looking at the broader, fleet-wide issue of waste of rockfish.

Mr. Alverson asked about shoreside enforcement, and how do we make sure that the overages are recorded properly. Dave Cleary responded that there are very few observations at the dock, only about 5% of all landings. Without at-sea enforcement operations, there would be no way to guarantee all rockfish were retained and not discarded.

Mr. Don Hansen noted the key word is "full" retention. He did not know how we can get full retention. Mr. Culver noted the GMT focused on rockfish because there are often severe market limits on flatfish and market constraints on some species.

F.9.c. Reports and Comments of Advisory Bodies

GAP

Mr. Moore gave the GAP comments.

The Groundfish Advisory Subpanel (GAP) met with the Groundfish Management Team (GMT) to review the GMT's proposal for full retention options for rockfish.

The GAP generally supports the concept of full retention, but notes there are many details that need to be worked out before any such proposal is made final. The GAP recommends a committee comprising appropriate members of the GAP and GMT be established to develop the proposal before the Council takes any final action.

Further, the GAP notes the Council has already approved establishment of a voluntary full retention program for all groundfish, which has not been acted upon by NMFS. The GAP recommends this program be unearthed from the Northwest Region office and reviewed before embarking on a new effort at full retention.

F.9.d. Public Comment

Mr. Joe Easley, Oregon Trawl Commission, Astoria, Oregon
 Mr. Rod Moore, West Coast Seafood Processors Association, Portland, Oregon
 Mr. Robert Brisco, commercial trawler, Washington
 Mr. Bob Eaton, Pacific Marine Conservation Council, Astoria, Oregon

F.9.e. **Council Action:** Consider Implementation of Full Retention Measures

Mr. Anderson supported the GMT's recommendations but was concerned about workload and financing. Mr. Brown agreed but thought the observer program would give us this bycatch information. He complained that we are having these problems because we have too large a fleet and are managing by imposing inefficiencies. It comes down to making the fleet smaller. He noted the 25% overage limit in the last program was an attempt to limit the "license to steal" Mr. Moore alluded to. Mr. Brown said he has always wanted full retention, but it is a lot easier to say than to do. There are financial and economic considerations that have to be considered, and implications for marketing. We wanted the GMT to explore this further and work out details.

Mr. Robinson agreed this should be more fully explored and developed. How can we better estimate total mortalities? He thought the observer program would be the primary method, but then should be compared to un-observed trips. Dr. Radtke said he would like to see the program go ahead. If the observer program works, we should have all the information we need. Then the full retention program is more to capture the value of all the fish. Part of the challenge will be how to create a market for these fish. We need both programs (full retention and observer program).

Mr. Barraclough said the public is irritated about waste, and this issue is more timely and important now. Mr. Brown noted that without careful design of this (compliance and full support of the fleet and processors), this could make our data worse than it is now. Misreporting would be a major issue if we think we are observing the total catch.

G. Pacific Halibut Management

G.1. Proposed Incidental Catch Regulations for Sablefish Longline Fishery North of Point Chehalis (April 5, 3:35 PM)

G.1.a. Agendum Overview

Dr. Coon referred the Council to the situation summary in Exhibit G.1. He stated the Council must adopt, for implementation, a framework mechanism (as proposed in March) which would allow the establishment of annual landing restrictions for incidental halibut caught in the directed longline sablefish fishery north of Point Chehalis. In addition, the Council must adopt proposed annual restrictions for the 2001 fishing season (beginning in August) to provide for public review and final adoption at the June 2001 meeting. He reviewed the proposed framework regulations and annual restrictions, and environmental assessment (EA)/regulatory impact review (RIR) for the proposed action as provided in Exhibits G.1, Supplemental Attachments 1 and 2.

G.1.b. State Proposals for the Sablefish Longline Fishery

Mr. Anderson agreed that the previous proposal and approaches discussed with NMFS were contained in Supplemental Attachments 1 and 2. However, he was uncomfortable with the way the approaches to the annual restrictions are laid out in Supplemental Attachment 2 and asked to delay action on this item until Friday to provide further time to study the proposal.

On Friday morning, WDFW distributed the following report (Exhibit G.1.d, Supplemental WDFW Report) which slightly modified the information presented in Supplemental Attachment 2:

	Regulatory Approach	Concerns/Advantages
1	<i>Pounds of halibut per pound of sablefish</i>	<ul style="list-style-type: none">• <i>It may be difficult to accurately estimate the weight of halibut</i>• <i>Fishers may highgrade to obtain larger halibut</i>• <i>Enforcement will have to be at-sea or dockside</i>

	Regulatory Approach	Concerns/Advantages
2	Number of halibut per pounds of sablefish (ratio)	<ul style="list-style-type: none"> • Regulation has to be based on an assumed average weight of halibut in the commercial fishery • If ratios are set too conservatively, fishers may not be able to take full amount of harvest allowed • Fishers may highgrade to obtain larger halibut • Enforcement will have to be at-sea or dockside
3	Number of halibut per pounds of sablefish plus a cumulative limit for the season (based on the amount of sablefish a vessel can land)	<ul style="list-style-type: none"> • May more equitably distribute the opportunity for all fishers to access the available incidental harvest allowed • Individual cumulative limits must be enforced after the season by auditing fish tickets in the same manner as will likely occur for the directed sablefish fishery (number of halibut are also recorded in the IPHC required logbook) • Fishers may highgrade to obtain larger halibut • Enforcement have to be at-sea or dockside

NOTE: WDFW will have to monitor the fishery inseason to ensure that the overall harvest allocation (47,946 pounds) is not exceeded under any of the regulatory approaches identified above.

G.1.c. Tribal Comments

None.

G.1.d. Reports and Comments of Advisory Bodies

GAP

Mr. Rod Moore gave the GAP statement.

The Groundfish Advisory Subpanel (GAP) received a briefing from Council staff on a proposed framework to provide halibut incidental allowances to the longline fishery north of Pt. Chehalis.

The GAP generally supports the framework approach, but does caution the Council that this could cause an effort increase in this area, which should be monitored.

G.1.e. Public Comments

None.

G.1.f. **Council Action:** Adopt Framework Regulations and Proposed Options for Incidental Halibut Catch Regulations (April 6; 8:10 AM)

Mr. Anderson referred the Council to Exhibit G.1.d, Supplemental WDFW Report, which contains a modification to the proposed annual restrictions which WDFW proposes to substitute for the table on page 2 in Supplemental Attachment 2.

Mr. Anderson moved to adopt for implementation by NMFS the proposed framework mechanism for considering and establishing annual management restrictions as contained in Exhibit G.1, Supplemental Attachments 1 and 2; and adopt for public review the proposed options for annual management restrictions in 2001 as modified by the WDFW table (Exhibit G.1.d, Supplemental WDFW Report). (Motion 16 - seconded by Mr. Alverson and passed by the Council)

H. Administrative and Other Matters

A.5. Approve November 2000 Council Meeting Minutes (April 6, 8 AM)

The Council approved the November 2000 Minutes as provided in the draft with one minor editorial: "Amendment 13 should read "Amendment 14" in the Salmon Management Section. (Motion 17)

H.1. Appointments to Advisory Bodies or Other Council Positions

Chairman Lone appointed Mr. Phil Anderson as the Council representative to the U.S.-Canada Treaty Negotiations, and Mr. Stuart Ellis as the tribal representative on the HSG.

H.2. Council Staff Work Load Priorities

Because the Council has serious concerns relative to our ability to monitor the recreational fisheries, Mr. Seger provided an overview of the RecFin contract and budget shortfall of about \$230,000 which will result in cutting out two sampling phases (November and December of 2001, and January and February of 2002). Mr. Boydston said he will attend a meeting in about two weeks in Washington DC and believes this issue will be discussed at that meeting. He recommended that we defer writing a letter concerning the shortfall until after the meeting when we will know further details of the situation. This situation is not unusual and fortunately, in the past, this money has been brought back in at some point.

Council members, the Executive Director, and staff discussed the workload priorities as presented in Exhibit H.2, Supplemental Staff Workload Report. The Council considered trade offs in regard to completing the communities document, Amendment 10 to the CPS FMP, and the AFA. Mr. Fougner suggested the communities document might be handled through a contract. For June, the Council decided to include the AFA on its agenda and defer action on Amendment 10. Mr. Seger would coordinate with the Southwest Region and HMSPTD chairs on how to handle components of the communities document pertinent to the HMS FMP.

H.3. June 2001 Council Meeting Draft Agenda

H.3.a. Consider Agenda Options

Dr. McIsaac referred the Council to Exhibit H.3, Supplemental June 2001 Council Meeting Agenda. Scheduling of the various items was discussed to provide Council guidance to Dr. McIsaac.

H.3.b. **Council Action:** Adopt Draft Agenda for the June 2001 Meeting

The Council concurred in the general development of the draft agenda as provided in Supplemental June 2001 Council Meeting Agenda. Mr. Boydston recommended the HSG schedule time with a subcommittee of Council members during their meeting on Monday in June. He would like to talk about the relationship between the HSG and the other committees.

H.3.c. Consider Advisory Body Analysis Priorities for the June 2001 Meeting

Council members, staff, and the Executive Director held a discussion to set priorities for the Council's advisory bodies. The June agendas for each advisory entity will reflect those discussions which emphasized that the SSC review rebuilding plans, the science behind the marine reserve proposals for the Channel Islands, the squid MSY workshop, and the request for an EFP for vertical fishing lines.

ADJOURN

The Council adjourned on April 6, 2001 at 11:51 AM.

DRAFT

Jim Lone, Council Chairman

Date

DRAFT VOTING LOG
Pacific Fishery Management Council
April 3-6, 2001

MOTION 1: Approve the agenda (Exhibit A.4, April Council Meeting Agenda) with the following recommended changes: move the November 2000 minutes action item to "H. Administrative Items". Under F.3., insert between F.3.a and F.3.b a report from CDFG. Under F.1, add a public comment period to that agenda item as it pertains to the EFP presented under the briefing book materials. Between Agenda Items F.5.b and F.5.c, insert reports from the states on the use of excluders in the pink shrimp trawl fishery.

Moved by: Bob Alverson
Motion 1 passed.

Seconded by: Jim Harp

MOTION 2: Adopt the recommendations of the SSC for salmon methodology reviews for 2001 as shown in Exhibit B.3.a, Supplemental SSC Report.

Moved by: Jim Lone
Motion 2 passed.

Seconded by: Burnie Bohn

MOTION 3: Tentatively adopt the management measures for 2001 ocean salmon fisheries for STT collation as presented in Exhibit B.4.g, Supplemental SAS Report, April 2001

Moved by: Burnie Bohn
Motion 3 passed.

Seconded by: Rich Lincoln

MOTION 4: Adopt the following treaty troll management measures for tentative adoption and for analysis by the Salmon Technical Team:

A treaty troll coho quota of 90,000 and a chinook quota of 37,000.

This would consist of a May/June chinook only fishery and a July/August/September all species fishery. Where the chinook will be split 50% into each fishery (18,500 in May/June and 18,500 in all species). In all species fishery, the coho will have a split of 25,000 in July; 65,000 in August, with a carry over into September. Gear restrictions, size limits, and other appropriate regulations would be as stated in previous Salmon Technical Team analysis.

Moved by: Jim Harp
Motion 4 passed.

Seconded by: Rich Lincoln

MOTION 5: For the 2001 ocean salmon fisheries, adopt the fishing gear regulations as shown in Supplemental Revised Attachment 1, Exhibit B.4., dated 03/27/01.

Moved by: LB Boydston
Motion 5 passed.

Seconded by: Rich Lincoln

MOTION 6: Adopt the CPSMT and CPSAS recommendations for the capacity goal for the CPS finfish limited entry fishery as contained in Exhibit E.2.b, CPSMT Report (which is

Option I). That goal is included as part of the CPS FMP. Also adopt the CPSMT and CPSAS recommendations for permit transferability (Option III). Have the CPSMT review the capacity goal for the fleet every two years commencing in 2003 and make recommendations to the Council relative to the capacity goal and transferability provisions.

Moved by: LB Boydston
Motion 6 passed.

Seconded by: Burnie Bohn

MOTION 7: For the purposes of implementing the Strategic Plan adopt the list of priorities recommended by the SPOC as listed in Exhibit F.2, Attachment 1, on page 4.

Moved by: Phil Anderson
Motion 7 passed.

Seconded by: Ralph Brown

MOTION 8: Based on the GMT's recommendations (Exhibit F.4, GMT Report), implement a 16% discard rate for bocaccio and a 20% discard rate for lingcod.

Moved by: LB Boydston
Motion 8 passed.

Seconded by: Donald Hansen

MOTION 9: Adopt the groundfish inseason adjustments as recommended by the GMT Exhibit F.5.b, Supplemental GMT Report, April 2001, with one exception, on the yellowtail in the salmon fishery, that ratio be expressed as in terms of pounds of yellowtail per pound of salmon (2 pounds of salmon per one pound of yellowtail).

Moved by: LB Boydston
Motion 9 passed.

Seconded by: Donald Hansen

MOTION 10: Regarding the future groundfish management process and schedule, adopt the three-meeting process as recommended by our advisory entities.

Moved by: Burnie Bohn
Motion 10 passed.

Seconded by: Hans Radtke

MOTION 11: Adopt the terms of reference as recommended by the SSC in their fourth draft. (Motion 11)

Moved by: Phil Anderson
Motion 11 passed.

Seconded by: Bob Alverson

MOTION 12: Using the document entitled *Salmon Technical Team Analysis of Tentative Salmon Management Measures for 2001 Ocean Fisheries* (Exhibit B.6.b, Supplemental STT Report, April 2001), adopt the non-Indian commercial troll and recreational salmon management measures as outlined, relative to the area North of Cape Falcon 60,000 chinook and 300,000 coho. Also include the language that the SAS offered on page 5, of the Cape Alava area "unless modified through inseason action". Also include the adoption of the halibut incidental catch listed under option I, page 4 as recommended by the SAS. Include the friendly amendments to adopt the entire Oregon package as well as the entire California package.

Moved by: Phil Anderson
Motion 12 passed.

Seconded by: Jim Harp

MOTION 13: Adopt the definitions of non-Indian commercial troll gear as defined in Exhibit B.4. Attachment 1.

Moved by: Phil Anderson
Motion 13 passed.

Seconded by: Bob Alverson

MOTION 14: For the 2001 ocean treaty troll salmon fishery in the area from the U.S./Canada border to Cape Falcon, Oregon, adopt the following management structure:

The Treaty Indian ocean troll fishery would have a quota of 37,000 chinook and 90,000 coho. The overall chinook quota would be divided into an 18,500 chinook sub-quota for May 1 through June 30, and an 18,500 chinook sub-quota for an all species fishery in July, August, and September. If the chinook quota for the May-June fishery is not fully utilized, the remaining fish would not be rolled over into all species fishery. The treaty troll fishery would close upon the projected attainment of either the chinook or coho quota. Other applicable regulations are shown in Table 3 of STT Report B.6.b.

Moved by: Jim Harp
Motion 14 passed.

Seconded by: Phil Anderson

MOTION 15: 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: LB Boydstun
Motion 15 passed.

Seconded by: Phil Anderson

MOTION 16: For the incidental catch regulations for the sablefish longline fishery north of Point Chehalis, adopt for implementation by NMFS, the proposed framework mechanism for considering and establishing annual management restrictions as contained in Exhibit G.1, Supplemental Attachment 2; as well as the EIS/RIR (Exhibit G.1, Supplemental Attachment 1), and adopt for public review the proposed options for annual management restrictions in 2001 (but substitute the table on page 2 of that report with the table which is contained in Exhibit G.1, Supplemental WDFW Report. Mr. Alverson seconded the motion.

Moved by: Phil Anderson
Motion 16 passed.

Seconded by: Bob Alverson

MOTION 17: Approve the November 2000 Council Meeting Minutes as shown in Exhibit A.5, Supplemental November Council Meeting Minutes, with one minor editorial: Amendment 13 should read "Amendment 14".

Moved by: Bob Alverson
Motion 17 passed.

Seconded by: Jim Harp

