

PROPOSED AGENDA
Pacific Fishery Management Council
DoubleTree Hotel - Columbia River
1401 N Hayden Island Drive
Portland, OR 97217
(503) 283-2111
April 8-12, 2002

APRIL 2002 COUNCIL MEETING AGENDA SUMMARY

<i>Monday, April 8</i>	<i>Tuesday, April 9</i>	<i>Wednesday, April 10</i>	<i>Thursday, April 11</i>	<i>Friday, April 12</i>
No Council Session Council ancillary meetings begin Monday (see last pages of detailed Council agenda for daily schedule).	Closed Executive Session	Groundfish Management	Groundfish Management	Salmon Management (If necessary)
	Salmon Management		Pacific Halibut Management	Administrative Matters
	Habitat Issues			
	Marine Reserves	Salmon Management	Salmon Management	
	4 p.m. Public Comment Period (for items <u>not</u> on the agenda)			

Notice to Public

Please note the actual order and timing of agenda items may vary somewhat from the proposed agenda. For example, items not completed on the scheduled day will be carried over to the next day. Items may be moved to an earlier time than shown on this proposed agenda. In accordance with the Magnuson-Stevens Fishery Conservation and Management Act, issues not contained in this agenda may come before this Council for discussion. However, such issues may not be the subject of formal Council action during this meeting unless they are emergency in nature. Formal Council action will be restricted to those nonemergency issues specifically identified as **Council Action** 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 April 2, 2002 will be included in the materials distributed to the Council for consideration at this meeting. Comments received by March 22 will be mailed to Council members prior to the meeting. **After April 2 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). Each copy must include the Agenda Item Topic Number in the upper right hand corner of the front page.**

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

DETAILED COUNCIL MEETING AGENDA

MONDAY, APRIL 8 THROUGH FRIDAY, APRIL 12

ANCILLARY SESSIONS

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

TUESDAY, APRIL 9, 2002

CLOSED SESSION

8 A.M.

Riverview Ballroom

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

GENERAL SESSION

9 A.M.

Riverview Ballroom

A. Call to Order

1. Opening Remarks, Introductions
2. Roll Call
3. Executive Director's Report
4. **Council Action:** Approve Agenda

Hans Radtke, Chair
Don McIsaac
Don McIsaac
Hans Radtke

B. Salmon Management

1. National Marine Fisheries Service (NMFS) Report on Salmon Management
 - a. Columbia River Flow Issues
 - b. Reports and Comments of Advisory Bodies
 - c. Council Discussion
2. Identification of Stocks Not Meeting Escapement Goals for Three Consecutive Years
 - a. Agendum Overview
 - b. Report of the Salmon Technical Team (STT)
 - c. Reports and Comments of Advisory Bodies
 - d. Public Comments
 - e. **Council Action:** Identify any actions necessary under the Council's Overfishing Review Procedure
3. Methodology Review Process for 2002
 - a. Agendum Overview
 - b. Report of the Scientific and Statistical Committee (SSC)
 - c. Recommendations of the States, Tribes, and Federal Agencies
 - d. Reports and Comments of Advisory Bodies
 - e. Public Comment
 - f. **Council Action:** Establish 2002 Schedule and Methodologies To Be Reviewed.

Bill Robinson
Jim Ruff

Chuck Tracy
Dell Simmons

Chuck Tracy
Pete Lawson

LCD
Panel

9 AM, set-up LCD panel

4. Tentative Adoption of 2002 Ocean Salmon Management Measures for Analysis
 - a. Agendum Overview
 - b. Summary of Public Hearings
 - c. Summary of Written Public Comments
 - d. Recommendations of the U.S. Section of the Pacific Salmon Commission
 - e. Recommendations of the North of Cape Falcon Forum
 - f. Recommendations of the Klamath Fishery Management Council (KFMC)
 - g. Update on Estimated Impacts of March Options
 - h. Reports and Comments of Advisory Bodies
 - i. Tribal Comments
 - j. Agency Comments and Recommendations
 - k. Public Comments
 - l. **Council Action:** Tentatively Adopt Management Measures for 2002 Ocean Salmon Fisheries

Chuck Tracy
Hearing Officers
Chuck Tracy
Participants
WA, OR, Tribes
Dan Viele
Dell Simmons

Jim Harp, et. al.

C. Habitat Issues

1. Essential Fish Habitat (EFH) Issues
 - a. Agendum Overview
 - b. Report of the Habitat Committee (HC)
 - c. Reports and Comments of Advisory Bodies
 - d. Public Comment
 - e. **Council Action:** Consider HC Recommendations and Take Action as Necessary

Jennifer Gilden
Stuart Ellis

D. Marine Reserves

1. Review Process for Channel Islands National Marine Sanctuary (CINMS) and Update on Other Marine Reserves Processes
 - a. Agendum Overview
 - b. Agency Reports and Comments
 - c. Reports and Comments of Advisory Bodies
 - d. Public Comment
 - e. **Council Action:** Provide Direction for Review of CINMS Proposal

Jim Seger

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

WEDNESDAY, APRIL 10, 2002

GENERAL SESSION
8 A.M.
Riverview Ballroom

A. Call to Order (reconvene)

Hans Radtke

5. Commencing Remarks

Don McIsaac

E. Groundfish Management

1. NMFS Report on Groundfish Management
 - a. Marine Recreational Fisheries Statistics Survey Update
 - b. Observer Program Update
 - c. 2002 Whiting Fishery
 - d. Reports and Comments of Advisory Bodies
 - e. Public Comment
 - f. Council Discussion

Bill Robinson
Russell Porter
Elizabeth Clarke

2. Groundfish Strategic Plan Implementation
 - a. Agendum Overview
 - b. Report of the Ad Hoc Trawl Permit Stacking Work Group
 - c. Report of the Ad Hoc Open Access Permitting Subcommittee
 - d. Update on California Nearshore Fishery Management Plan (FMP)
 - e. Reports and Comments of Advisory Bodies
 - f. Public Comment
 - g. Council Discussion and Guidance
3. Interpretation of Fixed Gear Sablefish Permit Stacking Provisions (Amendment 14)
 - a. Agendum Overview
 - b. Reports and Comments of Advisory Bodies
 - c. Public Comment
 - d. **Council Action:** Provide Guidance to NMFS
4. Fourth Tier for the Limited Entry Sablefish Daily-Trip-Limit Fishery
 - a. Agendum Overview
 - b. Groundfish Advisory Subpanel Report
 - c. Reports and Comments of Advisory Bodies
 - d. Public Comment
 - e. **Council Action:** Consider Initiating a FMP Amendment
5. Status of Fisheries and Consideration of Inseason Adjustments
 - a. Agendum Overview
 - b. Reports and Comments of Advisory Bodies
 - c. Public Comments
 - d. **Council Action:** Consider and Adopt Inseason Adjustments if Necessary
6. Groundfish FMP Environmental Impact Statements (EIS)
 - a. Agendum Overview/Programmatic EIS
 - b. EFH EIS
 - c. Reports and Comments of Advisory Bodies
 - d. Public Comment
 - e. Council Discussion and Guidance
7. Rebuilding Plans
 - a. Agendum Overview
 - b. Reports and Comments of Advisory Bodies
 - c. Public Comment
 - d. Council Guidance and Schedule for Completing Rebuilding Plan Amendments
8. Groundfish Stock Assessment Review (STAR) Process
 - a. Agendum Overview
 - b. NMFS Report
 - c. SSC Terms of Reference for Stocks with Updated Assessments
 - d. Virgin Biomass (B_0) and Maximum Sustainable Yield (MSY) Calculation Workshop
 - Council Action:** Approve Process and SSC Terms of Reference for Stocks with Updated Assessments, Provide Guidance, and Consider Establishing a Workshop on Groundfish Technical Management Parameters

Dan Waldeck
P. Leipzig/J. Seger
LB Boydstun
LB Boydstun

Jim Seger

Jim Seger
Rod Moore

John DeVore

Jim Glock
Steve Copps

John DeVore

John DeVore
Elizabeth Clarke
Tom Jagielo

Rick Methot

B. Salmon Management (continued)

5. Clarify Council Direction on 2002 Management Measures (If Necessary)
 - a. Agendum Overview
 - b. Reports and Comments of Advisory Bodies
 - c. Public Comment
 - d. Council Guidance and Direction

D. Simmons/C. Tracy

Wednesday could run past
the 8.3 hrs. allotted

THURSDAY, APRIL 11, 2002

GENERAL SESSION
8 A.M.
Riverview Ballroom

A. Call to Order (reconvene)

Hans Radtke

6. Commencing Remarks

Don McIsaac

E. Groundfish Management (continued)

9. Multi-Year Management Cycle

a. Agendum Overview

Dan Waldeck

b. Reports and Comments of Advisory Bodies

c. Public Comment

d. **Council Action:** Consider Initiating a FMP Amendment

10. Transitional Management Cycle in 2002 through 2003

a. Agendum Overview

Dan Waldeck

b. Reports and Comments of Advisory Bodies

c. Public Comment

d. **Council Action:** Establish an Interim Management Process

11. Exempted Fishing Permits (EFP)

a. Agendum Overview

John DeVore

b. Status of Ongoing EFPs

i. Arrowtooth Flounder and Rockfish EFP

Phil Anderson

ii. Chilipepper Rockfish and Bocaccio EFP

LB Boydstun

iii. Vertical Line Gear Selectivity EFP

LB Boydstun

c. New EFP Applications

d. Reports and Comments of Advisory Bodies

e. Public Comment

f. **Council Action:** Recommendations to NMFS on EFPs

12. Yelloweye Rockfish Protection Near Halibut Hotspot Area

a. Agendum Overview

John DeVore

b. Washington Department of Fish and Wildlife Report

Brian Culver

c. Reports and Comments of Advisory Bodies

d. Public Comment

e. **Council Action:** Consider Available Information and Potential Benefits from Closure

F. Pacific Halibut Management

1. Proposed 2002 Incidental Catch Regulations for the Salmon Troll and Fixed Gear Sablefish Fishery

a. Agendum Overview

Chuck Tracy

b. Reports and Comments of Advisory Bodies

c. Public Comment

d. Council Action: Adopt Final Annual Incidental Halibut Harvest Restrictions

B. Salmon Management (continued)

6. Final Action on 2002 Salmon Management Measures

a. Agendum Overview

Chuck Tracy

b. Analysis of Impacts

Dell Simmons

c. Comments of the KPMC

Dan Viele

d. Reports and Comments of Advisory Bodies

e. Tribal Comments

Jim Harp, et. al.

f. Public Comments

g. Council Action: Adopt Final Measures

FRIDAY, APRIL 12, 2002

GENERAL SESSION
8 A.M.
Riverview Ballroom

A. Call to Order (reconvene)

Hans Radtke

7. Commencing Remarks

Don McIsaac

8. **Council Action:** Approve September and November 2001 Minutes

Hans Radtke

B. Salmon Management (continued)

7. Mitchell Act Hatchery and Budget Review

8:03 4/12/02
K.C. Smith and →

Rob Jones

a. NMFS Report

b. Tribal and Agency Comments and Recommendations

c. Reports and Comments of Advisory Bodies

d. Public Comment

e. **Council Action:** Consider Issues and Need for Formal Comments

8. ~~Clarification of Final Action on Salmon Management Measures (If Necessary)~~

Chuck Tracy

a. ~~Agendum Overview~~

b. ~~Reports and Comments of Advisory Bodies~~

c. ~~Public Comments~~

d. **Council Action:** Clarify Final Measures (If Necessary)

G. Administrative Matters

1. Status of Legislation

a. Current Legislation

b. Council Discussion

2. Appointments to Advisory Bodies, Standing Committees, and Other Forums

a. Appointments to Advisory Bodies

i. Scientific and Statistical Committee

ii. Clarify California Tribal Appointments to the Habitat Committee and Salmon Advisory Subpanel

b. Reports and Comments of Advisory Bodies

c. **Council Action:** Appoint New Members

3. Council Staff Work Load Priorities

a. Agendum Overview

b. Council Discussion and Guidance

4. June 2002 Council Meeting Draft Agenda

a. Consider Agenda Options

b. **Council Action:** Adopt Draft Agenda for the June 2002 Meeting

c. Identify Priorities for Advisory Body Consideration

Bdb Alverson
~~Dave Hanson~~

Hans Radtke

John Coon

Don McIsaac

Don McIsaac

ADJOURN

PFMC
03/26/02

→ have Craig Hess make the public
microphones available

SCHEDULE OF ANCILLARY MEETINGS

SUNDAY, APRIL 7, 2002

Klamath Fishery Management Council	2 p.m.	Rogue Room
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MONDAY, APRIL 11, 2002

Council Secretariat	8 a.m.	Wallowa Room
Groundfish Management Team	8 a.m.	Nestucca Room
Salmon Advisory Subpanel	8 a.m.	Umatilla Room
Salmon Technical Team	8 a.m.	Tualatin Room
Scientific and Statistical Committee	8 a.m.	Deschutes Room
Groundfish Advisory Subpanel <i><Hans, DOM, GMT></i>	10 a.m.	Willamette Room
Habitat Committee	10 a.m.	Nehalem Room
<i>Jonathan Brinkman The Oregonian</i> Klamath Fishery Management Council	<i>11 a.m.</i> As necessary	<i>Wallowa Room</i> Rogue Room
<i>Coon / Don</i> Tribal Policy Group	<i>1:30 pm</i> As necessary	<i>Secretariat</i> ↑ Wilson Room
Tribal and Washington Technical Groups	As necessary	Santiam Room
Washington State Delegation <i>Chair's briefing</i>	As necessary <i>2:30</i>	Yakima Room <i>Hans Suite</i>

TUESDAY, APRIL 9, 2002

Council Secretariat	7 a.m.	Wallowa Room
California State Delegation	7 a.m.	Umatilla Room
Oregon State Delegation	7 a.m.	Deschutes Room
Groundfish Advisory Subpanel	8 a.m.	Willamette Room
Groundfish Management Team	8 a.m.	Nestucca Room
Salmon Advisory Subpanel	8 a.m.	Umatilla Room
Salmon Technical Team	8 a.m.	Tualatin Room
Scientific and Statistical Committee	8 a.m.	Deschutes Room
Enforcement Consultants	Immediately following Council session	Umpqua Room
Klamath Fishery Management Council	As necessary	Rogue Room
Tribal Policy Group	As necessary	Wilson Room
Tribal and Washington Technical Groups	As necessary	Santiam Room
Washington State Delegation	As necessary	Yakima Room

SCHEDULE OF ANCILLARY MEETINGS

WEDNESDAY, APRIL 10, 2002

Council Secretariat	7 a.m.	Wallowa Room
California State Delegation	7 a.m.	Umatilla Room
Oregon State Delegation	7 a.m.	Deschutes Room
Groundfish Advisory Subpanel	8 a.m.	Willamette Room
Groundfish Management Team	8 a.m.	Nestucca Room
Salmon Advisory Subpanel	8 a.m.	Umatilla Room
Salmon Technical Team	8 a.m.	Tualatin Room
Enforcement Consultants	As necessary	Umpqua Room
Klamath Fishery Management Council	As necessary	Rogue Room
Tribal Policy Group	As necessary	Wilson Room
Tribal and Washington Technical Groups	As necessary	Santiam Room
Washington State Delegation	As necessary	Yakima Room
<i>Liz Clarke Research Co-op</i>	<i>6pm - 8pm</i>	<i>Deschutes Room</i>

THURSDAY, APRIL 11, 2002

Council Secretariat	7 a.m.	Wallowa Room
California State Delegation	7 a.m.	Umatilla Room
Oregon State Delegation	7 a.m.	Deschutes Room
Groundfish Advisory Subpanel	8 a.m.	Willamette Room
Groundfish Management Team	8 a.m.	Nestucca Room
Salmon Advisory Subpanel	8 a.m.	Umatilla Room
Salmon Technical Team	8 a.m.	Tualatin Room
Enforcement Consultants	As necessary	Umpqua Room
Tribal Policy Group	As necessary	Wilson Room
Tribal and Washington Technical Groups	As necessary	Santiam Room
Washington State Delegation	As necessary	Yakima Room
<i>Mitchell Act Business mtg.</i>		<i>Umatilla Room</i>

FRIDAY, APRIL 12, 2002

Council Secretariat	7 a.m.	Wallowa Room
California State Delegation	7 a.m.	Umatilla Room

SCHEDULE OF ANCILLARY MEETINGS

Oregon State Delegation	7 a.m.	Deschutes Room
Salmon Advisory Subpanel	8 a.m.	Umatilla Room
Salmon Technical Team	8 a.m.	Tualatin Room
Enforcement Consultants	As necessary	Umpqua Room
Tribal Policy Group	As necessary	Wilson Room
Tribal and Washington Technical Groups	As necessary	Santiam Room
Washington State Delegation	As necessary	Yakima Room

Meeting Record and Summary Minutes
Pacific Fishery Management Council
October 29- November 2, 2001

The full record of the Pacific Fishery Management Council (Council) October 29-November 2, 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.
6. A copy of the Winter 2001 Council Newsletter.

DRAFT MINUTES
Pacific Fishery Management Council

Clarion Hotel San Francisco Airport
401 East Millbrae Avenue
Millbrae, CA 94030
(650) 692-6363
October 29 - November 2, 2001

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A. Call to Order

A.1. Opening Remarks, Introductions

Chairman Jim Lone called the 161st meeting of the Pacific Fishery Management Council (Council) to order at 3:05 p.m. Mr. Lone noted there are no Council member appointments for discussion.

A.2. Council Member Appointments

None.

A.3. Roll Call

Dr. McIsaac introduced Lt. CDr. Jeff Jackson of the Coast Guard during this time.

A.4. Executive Director's Report

Dr. McIsaac reported there would be an honorary banquet for outgoing Council member Jack Barraclough.

A.5. Council Action: Approve Agenda

Chairman Lone, under A.6., the September 2001 minutes have not been prepared and have been deferred due to the workload on the groundfish EIS. Under Pacific halibut management between l.d and e. there will be a presentation by Heather Gilroy of the International Pacific Halibut Commission (IPHC). Under Salmon Management there will be a presentation on Klamath Council issues by Dan Viele. On Thursday, under HMS Plan, after Agenda Item 2.b., there will be a presentation by Dr. McIsaac on the "Report to the Western Pacific Fishery Management Council (WPFMC)" on the Pacific Council's draft HMS plan.

Dr. McIsaac noted the Council deferred two components of C.3 to be taken up under C.4. These two matters are (1) bycatch and discard rates and (2) final allocations. Advisory body statements and public comment on these two matters will be taken up under C.4. Mr. Harp requested a tribal comment on Agenda item C.4. (Both the pre-discussions and the final action).

The Council approved the agenda with the changes as discussed above. Mr. Alverson made the motion and Mr. Ralph Brown seconded the motion. (Motion 1)

B. Pacific Halibut Management

B.1. Proposed Changes to the Recreational Catch Sharing Plan and Annual Regulations for 2002 (October 29, 3:25 p.m.)

B.1.a. Agendum Overview

Mr. Chuck Tracy provided the agendum overview.

B.1.b. 2001 Halibut Fisheries Report

Mr. Tracy informed the Council that Exhibit B.1.b, 2001 Halibut Fishery Report, was for informational purposes. He noted that 2001 is the first year of an incidental halibut catch in the primary directed sablefish fishery, the catch to date is approximately 27,000 pounds on a quota of 49,000 pounds, and the quota should not be exceeded by the end of the season.

B.1.c. State Proposals

Mr. Anderson presented Exhibit B.1.c, Supplemental WDFW Proposal, as follows:

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

(f) SPORT FISHERIES

(1) Subarea management

(i) Washington inside waters (Puget Sound) subarea.

*"...The structuring objective for this subarea is to provide a stable sport fishing opportunity and maximize the season length. **To that end, the Puget Sound subarea may be divided into two regions with separate seasons to achieve a fair harvest opportunity within the subarea.** Due to inability to monitor the catch in this area inseason, ~~a fixed~~ **seasons, which may vary and apply to different regions within the subarea,** will be established preseason based on projected catch per day and number of days to achievement of the quota. ~~No~~ inseason adjustments ~~will~~ **may** be made, and estimates of actual catch will be made postseason. The fishery will open in **April or** May and continue ~~at least through July 4, or until a~~ **dates** established preseason (and published in the sport fishery regulations) when the quota is predicted to be taken, or until September 30, whichever is earlier...."*

Mr. Anderson noted that the intent of the proposed change is to allow management flexibility to separate the Puget Sound subarea into two regions with different season dates. Halibut in Puget Sound migrate from the eastern Sound to the western Sound and Straits of Juan de Fuca during the spring, reducing access to halibut by East Sound anglers later in the year. The current opening date in May precludes access to halibut by East Sound anglers. By dividing the Puget Sound subarea into east and west regions and providing an earlier opening date for the East Sound region, East Sound anglers should have increased opportunity to harvest a portion of the subarea allocation.

Mr. Anderson noted that based on comments received at public meetings, no changes to the Columbia River area recreational regulations are recommended.

Mr. Burnie Bohn referred the Council to Exhibit B.1.c, Supplemental Oregon Department of Fish and Wildlife (ODFW) Proposal. Mr. Bohn noted that the proposals were aired at three public hearings and an Oregon Fish and Wildlife Commission (OFWC) meeting. The only change recommended by the state of Oregon is to increase the on-shore possession limit from one to two halibut, consistent with the state of Washington regulations.

B.1.d. Tribal Comments

Mr. Jim Harp presented Exhibit B.1.d., Supplemental Tribal Comments, as follows:

Mr. Chairman, I would like to offer a brief comment on the proposed changes to the catch sharing plan for Pacific halibut.

The tribes propose no changes be made to the catch sharing plan as it relates to the Treaty Indian allocation of halibut for 2002. That allocation would remain at 35% of the Area 2A TAC, plus the 25,000 lb. adjustment be transferred from the non-Treaty Area 2A halibut allocation, as specified in the Stipulation and Order of the U.S. District Court, Subproceeding No. 92-1.

B.1.e. Reports and Comments of Advisory Bodies

IPHC

Ms. Heather Gilroy discussed the third issue referenced in Exhibit B.1.c, Supplemental ODFW Proposal, regarding allocation of the central Oregon recreational quota between charter and private vessels. She indicated that the IPHC issues licenses to charter vessels, but does not verify those licenses. The IPHC does not issue licenses to private vessels. The IPHC does not support using the IPHC charter licenses as an allocation tool. (See Exhibit B.1.f, Supplemental Public Comment 2). The IPHC desires to work with the states on any modification of the current sampling program.

Mr. Alverson inquired about preliminary results of the longline survey. Ms. Gilroy indicated that no results were available, and that the survey went as far south as southern Oregon.

SAS

Mr. Mark Cedergreen presented the Salmon Advisory Subpanel (SAS) report, Exhibit B.1.e, Supplemental SAS Report. Mr. Cedergreen indicated that Mr. Ron Lethin did not support the recommendations of the SAS.

B.1.f. Public Comment

None.

B.1.g. **Council Action:** Adopt Proposed Changes to Recreational Regulations

Mr. Anderson moved to adopt the WDFW (B.1.c) and ODFW (B.1.c, issue 1) proposals to the Pacific halibut recreational regulations for public review (Motion 2). Mr. Alverson seconded the motion.

By adopting the motion, the Council approved the following two changes to the catch sharing plan for Area2A. The first allows separation of the Puget Sound sub-area into two regions with different season dates; this action provides an earlier opening date for the East Sound region and thus increased opportunity to harvest a portion of the sub-area allocation. The second adopted a change in the Oregon on-land possession limit from one halibut to two halibut; this action was to achieve consistency with possession limits for most other species in Oregon and with the Pacific halibut possession limit in Washington.

Mr. Bohn indicated that ODFW will try to increase sampling to further investigate division of the Columbia River quota into Oregon and Washington shares.

C. Groundfish Management

C.1. National Marine Fisheries Service (NMFS) Report (October 30, 8:10 am)

C.1.a. Council Discussion on National Marine Fisheries Service Report

Mr. Bill Robinson updated the Council on regulatory activities and scientific research issues since the last Council meeting.

Ms. Yvonne deReynier explained implementation of the second phase of permit stacking (Amendment 14). She noted that after conferring with the Northwest, Southwest, and Alaska Regions, and between the management and enforcement branches of the agency, NMFS did not believe that the six hour hail-in requirement in the amendment had merit. Council members were concerned that NMFS proposed to make adjustments to this enforcement measure and inquired as to what input the Council could provide at this time. Ms. Cooney noted that the Council would have to wait until the March meeting to take formal action because the issue is not on the November agenda. The change is a regulatory amendment. Mr. Robinson said we need to proceed with the rulemaking and not wait until March since we need to have the full structure available to us next year. Chairman Lone asked if it was Council consensus for NMFS to proceed without the hail-in

requirement? There were no dissenting comments. Mr. Robinson said NMFS will proceed without the six hour hail-in notification requirement.

Dr. Liz Clarke, from the Northwest Fisheries Science Center reported the activities of the science center and gave an update on the observer program. NMFS has contracted with (Pacific States Marine Fisheries Commission (PSMFC) for observers, and NMFS has trained them.

Dr. Gary Stauffer and Dr. Kevin Piner gave an update on the triennial survey.

C.2. Marine Recreational Fisheries Statistics Survey Update (October 30, 9:43 am)

C.2.a. Agendum Overview

Mr. Jim Seger provided the agendum overview.

C.2.b. Report of the Pacific States Marine Fisheries Commission

Mr. Russell Porter asked the Council for guidance on the precision needed in the estimates of recreational groundfish harvest. He suggested that the Council set up a small group to address this question. NMFS generally considers a percent standard error of 20% or less to be adequate.

Mr. Roger Thomas expressed appreciation for the new charter vessel sampling program in California and asked about the survey for private vessels. Mr. Porter indicated that they were very concerned about the sampling program for the private vessels. Meetings will be held to look at alternative ways to collect this information. The charter vessel program is funded through June 2002. They are hoping that NMFS will cover the extra costs of the program so that it can continue in the next grant cycle (July 2002 through June 2003).

Mr. Don Hansen expressed concern that it seemed like estimates of recreational harvest changed substantially every time a new report is issued.

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

GAP

Mr. Rod Moore presented Exhibit C.2.c, Supplemental GAP Report.

The Groundfish Advisory Subpanel (GAP) continues to express its concern about several aspects of the Marine Recreational Fisheries Statistics Survey (MRFSS). Both commercial and recreational fishermen, whose fisheries are affected by management actions based on MRFSS data, have complaints about the accuracy of that data and its use for inseason adjustments, especially since use of the data can lead - and has led - to fisheries closures. Since recreational data is used for some stock assessments, GAP members question the reliability of those assessments (yelloweye rockfish is frequently cited as one example). The GAP believes the California Department of Fish and Game needs to continue to encourage the use of recreational logbooks and follow up with extensive sampling. Further, sampling times need to be based on the realities of the recreational fishery. Sampling when a fishery is closed makes little sense.

C.2.d. Public Comment

Mr. Darby Neil, sportfisherman, Morro Bay, California
Mr. Bill Jencks, Newport, Oregon
Mr. Kurt Solomon, fisherman, Moss Landing, California
Mr. Allen Chin, Emeryville Sportfishing, Emeryville, California
Mr. William Smith, Riptide Sportfishing, Half Moon Bay, California
Mr. Kenyon Hensel, Crescent City hook-and-line Fisherman, Crescent City, California
Mr. Richard Powers, Golden Gate Fishermen's Association, Bodega Bay, California
Mr. Bob Ingles, Golden Gate Fishermen's Association, Half Moon Bay, California

Mr. Josh Churchman, fisherman, Bolinas, California
Ms. Kathy Fosmark, open access, Pebble Beach, California
Mr. Quang Vo, charterboat operator, Berkeley, California
Mr. Trung Vo, sportfishing boat operator, Berkeley, California

C.2.e. Council Discussion on the Marine Recreational Fisheries Statistics Survey (MRFSS) Update

Dr. McIsaac recommended that the Council follow the recommendations of Mr. Porter and provide guidance to PSMFC on the level of precision needed in recreational catch and effort estimates, perhaps putting together a side group to address the issue.

Mr. Anderson reviewed the meetings with Dr. Hogarth on the issues that had occurred since last April. As a result of these discussions, Dr. Hogarth had made available the funds needed for sampling in every wave (2 month period) in the current year and had committed to a review to meet the challenges and needs for recreational data for the West Coast. Given that many Council members will be involved in a December 2001 meeting to address the issue with PSMFC, he questioned the need for a separate Council committee. Messrs. Bohn, Boydston, and Thomas concurred.

Mr. Seger recapped the question of the need for an answer on the level of precision required from MRFSS and suggested that background information on the effects of imprecision needed to be developed in order to answer the question. Mr. Jerry Mallet commented that there needed to be a focus on both precision and accuracy. After further discussion it was decided that, prior to the December 2001 meeting, the Council would coordinate the meeting of a small technical group to outline some of the implications of levels of precision with respect to impacts on management of the fishery.

C.3. Final Harvest Levels for 2002 (October 30, 11:21 am)

C.3.a. Agendum Overview

Mr. John DeVore gave the agendum overview and noted that on Exhibit C.3, Attachment 1, under Sablefish Alternative 1, the 2001 acceptable biological catches (ABCs) and optimum yields (OYs) should read: 7,895 ABC and 7,011 OY.

C.3.b. Bycatch and Discard Rate Committee Report

This information was discussed under Agenda Item C.4.

C.3.c. Reports and Comments of Advisory Bodies (October 30, 1 p.m.)

GMT

Dr. Hastie gave the Groundfish Management Team (GMT) report and commented on Exhibit C.3, Attachment 1. He reported that the GMT recommended the Council-preferred harvest level alternatives and the high ABC/OY alternative for shortspine thornyheads. Dr. Hastie explained the area boundary implications of the survey boundary at Point Conception (34°27' N. lat.) and the management boundary at the Conception/Monterey line (36°00' N. lat.). The GMT-recommended ABCs/OYs for sablefish and shortspine thornyheads reflect the area from the U.S./Canada border to the survey boundary at Pt. Conception. Since there would have to be a fishery management plan (FMP) amendment to change the management boundary for sablefish (due to the Amendment 14 provisions for permit stacking in the fixed gear (FG) sablefish fishery), Dr. Hastie recalculated the GMT harvest level recommendations consistently with the established management area boundary at 36°00' N. lat.

Mr. Alverson asked Dr. Hastie if the sablefish biomass has been reduced to the same extent the recommended ABCs have? Dr. Hastie replied that the recommended harvest levels reflect new stock assessments and the recruitment failures of the 1990s. The biomass has declined significantly. Mr. Alverson asked if the GMT took into account the 2001 shelf survey results? Dr. Hastie stated that environmental conditions have much to do with sablefish recruitment as evidenced by the fact that recruits were high with

a low spawning stock size. Mr. Alverson asked if recommended ABCs were generally set by past recruits? Dr. Hastie replied yes. Mr. Anderson asked for the basis of the high OY GMT recommendation for shortspine thornyhead. Dr. Hastie said the GMT heard the comment from the stock assessment author that the stock assessment was barely sufficient for setting the shortspine OY. Therefore, the GMT looked at an $F=M$ approach with a precautionary reduction of 25% ($F=0.75M$), which approximates $F_{45\%}$ and the GMT recommendation. Mr. Brown asked if the Dover sole stock assessment author recommended $F_{40\%}$ and an ABC and OY of 8,510 mt and 7,440 mt, respectively? Dr. Hastie replied that the ABC was based on $F_{40\%}$ but the total catch OY was calculated using the precautionary 40/10 adjustment and doesn't reflect discard. The recommendation is based on the fact that few stock-recruitment points are above the $F_{40\%}$ replacement line. Mr. Brown asked whether the SSC had previously decided that $F_{40\%}$ was a reasonable proxy for Dover? Dr. Hastie replied yes, but new information resulted in a recommendation for further precaution. The SSC review of proxy MSY harvest rates mostly concerned rockfish. Mr. Brown replied that Jon Brodziak wrote a Dover sole paper that the SSC reviewed to make their harvest rate recommendation. Was there any further GMT analysis than the graphical portrayal of stock-recruitment? Dr. Hastie said the determination of a recommended proxy harvest rate was done with SSC input. Mr. Brown asked if the $F_{40\%}$ replacement line figure did not have the 40-10 adjusted OY? Dr. Hastie replied correct, it did not.

SSC

Mr. Tom Jagielo read into the record Exhibit C.3.c, Supplemental SSC Report. Mr. Anderson stated the SSC supported the low OY option for sablefish at the September Council meeting. Is that recommendation still pertinent? Mr. Jagielo said the November SSC statement was silent on the sablefish specifications except to caution the use of 2001 shelf survey results for a decision on sablefish harvest levels in 2002. Mr. Anderson asked if the SSC was recommending the low OY option for Dover sole as they did in September? Mr. Jagielo said that was correct. The poor recruitments of Dover sole in the 1990s cannot, in the judgement of the SSC, sustain the current high harvest rates. Mr. Alverson asked if the 2001 sablefish stock assessment estimated a much lower biomass than the 1998 assessment? Mr. Jagielo said the lack of recruits led to lower recommended OYs. Mr. Alverson asked what exactly led to the recommendation for a 40% reduction in OY? Mr. Jagielo answered that a risk assessment for avoiding the $B_{25\%}$ overfishing threshold, given the dire biomass and recruitment projections, led to the recommendation. Mr. Alverson asked if assumptions other than the survey index were used in the biomass projection? Mr. Jagielo stated that there are assumptions made in the projections but age composition data does inform us of future recruitment. It was evidenced in the past that even large pulses of juvenile fish don't pan out by the time they are recruited into the fishery. This underscores the need to be careful about using 2001 shelf survey results. Mr. Brown stated that the SSC advised that current harvest rates for Dover sole are not sustainable; however, biomass projections show an increase. Dr. Brodziak indicated in his document that $F_{40\%}$ was probably correct. Mr. Jagielo said that was correct but the stock-recruitment points below the $F_{40\%}$ replacement line were a flag. This could stand further review for Dover since the Harvest Rate Policy Workshop was directed at rockfish.

GAP

Mr. Rod Moore read into the record Exhibit C.3.c, Supplemental GAP Report.

C.3.d. Public Comment

Mr. Peter Leipzig, Fisherman's Marketing Association, Eureka, California
Mr. Bud Femling, F/V Lucky Strike, Neah Bay, Washington
Mr. Steve Bodnar, Coos Bay Trawlers Association, Coos Bay, Oregon
Mr. Josh Churchman, Bolinas, California
Mr. Rick Powers, Golden Gate Fisherman's Association, Bodega Bay, California
Mr. Dennis Burke, crab, trawl, FG sablefish, and shrimp fisherman, Newport, Oregon
Mr. Mike Pettis, F/V Challenge, Newport, Oregon
Mr. Terry Thompson, F/V Olympic, Newport, Oregon
Mr. Rod Moore, West Coast Seafood Processors Association, Portland, Oregon

C.3.e. **Council Action:** Adopt Final Harvest Levels for 2002

Mr. Anderson moved and Mr. Harp seconded the motion to adopt the preferred ABCs and OYs under alternative 4, as identified in Exhibit C.3, Attachment 1 with the following modifications (Motion 3):

Shortspine: OY 955 mt

Dover sole: ABC/OY 8510 mt and 7440 mt, respectively

Mr. Anderson said he was reluctant to go with the high OY option for sablefish. Catch projections for 2002 range from about 3,900 mt to 4,600 mt under density-dependent and regime shift states of nature (with the NMFS model). The risk is we could see sablefish overfished by 2004. We could reassess sablefish using the slope survey results next year before the fishery kicks in. Otherwise we are putting at risk one of the most important species that we have. He favors the 4,000 mt harvest level for 2002 as a reasonable risk averse OY. The Pacific ocean perch recommendation of 350 mt represents a 70% probability of rebuilding the stock within the specified timeframe. He recognizes that the widow is slightly below our overfished definition and the harvest recommendation represents a huge decrease from the 2001 OY. Although there is a lot of uncertainty in the shortspine assessment, the recommended harvest level stems from the best information available. The discussion in using the precautionary approach for shortspine, where $F=0.75M$, results in the recommendation of 955 mt. This approach gave him comfort since it seemed sufficiently precautionary. Darkblotched is at 168 mt (70% rebuilding probability). He was troubled by the discussions on Dover sole. He ended up with the 8,510 mt ABC and 7,440 mt OY values by looking at the STAR panel reports under the section of uncertainty and the recommendation to review the proxy harvest rate. He knows that $F_{40\%}$ may be too aggressive, but he feels going with his numbers is consistent with the 40/10 policy and precautionary approach.

Mr. Bohn moved and Mr. Brown seconded the amendment (amendment to Motion 3) to set the sablefish OY at 4,500 mt instead of 4,000 mt. Mr. Bohn said the information on sablefish is very overpowering in terms of the incidence of juvenile sablefish on the shelf. Based on conversations with various advisory bodies and the GAP, it seems that developing a ramping down policy could be done easily starting at 4,500 mt as well as 4,000 mt.

Mr. Brown hesitantly supports the amendment. This is reminiscent of Dr. Hilborn's statement on whether we should shoot the industry in the head now or in the future. It appears we are still in that position. It is clear that the uncertain data point (2001 shelf survey) gives us no new information on the spawning biomass of sablefish. Perhaps the future looks a little better. It seems that this is the first time that industry/scientists agree on something (abundance of juvenile sablefish). This does not solve any problems, however. The ocean changes and larger abundance of salmon and sardines this year support the environmental hypothesis of regime shifts affecting sablefish recruitment. Regarding Dr. Hilborn's statement, we are going to cut the industry in half but what measures are we going to take?

Mr. Anderson was not in favor the amendment because, according to the summary of the stock assessment review (STAR) report, during the next few years spawning biomass will approach or drop below 25% of the virgin spawning biomass under the density-dependent biomass hypothesis and decline or remain above 30% under the environmental hypothesis. He believes there has been a huge change in the ocean environment and he was compelled to look at the environmentally driven recruitment scenario. Given the uncertainty about the strength of recent recruitment and the importance of the sablefish resource to the industry, he is not sure he could support the 4,500 mt harvest level. He is not interested in driving the stock down. If this recruitment comes in, he hopes to put the numbers back up in the next few years. The 4,500 mt harvest level is at the top of the most liberal assumption. He feels 4,000 mt is a more prudent approach.

Mr. Alverson supported the amendment. The large spike in sablefish juveniles contradicts the GMT and SSC observation of reducing the assumed biomass going into this year. The 1999 survey information had squeezed down allowable harvest. However, a huge spike of juveniles has now shown up. The 4,500 mt harvest level is 286 mt under the ABC, which will either give you status quo or rebuilding at some level; that does not bring the resource down. He does not believe that 4,500 mt puts the industry or resource at more risk. Next year, hopefully, the slope survey will show abundance at least equal to the 1999 survey. He does not believe that the resource has dropped as we are being told to this degree.

Mr. Robinson said he is not convinced that we're not putting the industry at risk here. One, we have the lack of recruitment in the 1990s with a small biomass that is getting smaller. He feels we do have a spike of juvenile sablefish; that is something to be optimistic about. Recall that Dr. Stauffer said there is no certainty that the shelf survey accurately depicted sablefish recruitment. The risk we're taking is that the increase in juveniles does not make it to the spawning population. We have enough optimism to reject the low scenarios.

Dr. Radtke was in favor of the amendment, based on Dr. Stauffer's personal comments. He feels that we are in a precautionary mode and should go for the higher alternative.

Mr. Brown addressed the boundary problem in the Conception area. Mr. Bohn assumed that whichever one of these we finally approve would be the one that Dr. Hastie articulated (the ABC/OY calculated for the Monterey to U.S./Canada border).

Chairman Lone asked for a voice vote on the amendment to Motion 3. The amendment passed.

Mr. Bohn asked for a friendly amendment to temporarily set aside the OY on yelloweye for a separate discussion. The maker and seconder of the motion agreed to accept the friendly amendment.

Mr. Anderson clarified that in his motion the shortspine ABC would be 1,004 mt. Mr. Alverson asked if the Conception percentages of sablefish are actual reductions, or will those be added in? It was noted that the amendment was consistent with the GMT statement.

Mr. Anderson noted that the final whiting numbers would be deferred until March.

Chairman Lone asked for the vote on the main motion including the friendly amendment. Motion 3 passed.

Mr. Bohn was concerned about the coastwide allocation of yelloweye and tribal fishery needs. Chairman Lone asked if we could defer a yelloweye decision until agenda C.4? Mr. DeVore said it would be appropriate to take this up under agenda item C.4. Council members concurred.

Mr. Anderson was a little bit uncomfortable setting a yelloweye OY based on what fishery needs are. He noted that we are in the range of 7% (of virgin biomass) and that we have looked at 2-3 mt in the south and 8-9 mt in the north from a 40-10 policy as a step down until rebuilding projections are developed. Are you suggesting we don't make any decisions on this until we scope out what the fishery needs are?

Mr. Bohn was concerned whether the 11 mt recommendation is inviolate or are there other things to take into consideration. Will it affect the recreational options we may be crafting? He just wanted to avoid any roadblocks.

Mr. Harp said that, at the GMT meeting, the tribal catch projection of yelloweye (1.5- 2 mt) was different than what he has (1-1.5 mt). There needs to be some sort of set aside for yelloweye, but that can be done under agenda item C.4.

Chairman Lone addressed the outstanding issue of yelloweye and directed the Council to proceed with the issue under C.3.

Mr. Bohn referred to Exhibit C.3., Attachment 1: there are three areas where yelloweye is addressed (coastwide, Monterey area, and north of Cape Mendocino). Mr. Bohn moved and Mr. Anderson seconded a motion that for preseason planning purposes in developing the management measures, adopt a total catch OY equal to one-half of the ABCs. For the area north of 40°10' N. lat., the OY would be 11 mt and the Monterey area would be 2.5 mt. (Motion 4)

Mr. Robinson asked for the rationale for adopting an OY by cutting the ABC by 50%? Mr. Anderson said it is a precautionary approach while we are waiting for the work to be done on the rebuilding plan.

Chairman Lone asked for voice vote on motion 4. Motion 4 passed.

C.4. Management Measures for 2002 and Environmental Assessment - Initial Guidance

C.4.a. Agendum Overview (October 30, 2:50 pm)

Mr. DeVore presented the agendum overview. Dr. Hastie explained the bycatch and discard report (Exhibit C.4, Supplemental Attachment 3). Ms. Cooney asked Dr. Hastie to clarify his use of the term bycatch. Dr. Hastie said, within the context of his report, the term bycatch is synonymous with coincident catch. Bycatch rate would therefore be a rate of coincident catch of overfished stocks while prosecuting target fishing strategies for other species. Discard is the amount of bycatch in excess of trip limits. Discard (in his report) only addresses regulatory-induced discard, not market-induced discard, and is estimated using logbook and landings data. Dr. Hastie answered several questions from Council members primarily concerning trawl revenue projections, including calculation of community impacts; how the discard simulation model functions, the vessel participation model, and how model results should be interpreted.

State Comments

Oregon

Mr. Bohn explained Exhibit C.4.b, Supplemental ODFW Report.

Washington

Mr. Anderson summarized Exhibit C.4.b, Supplemental WDFW Report.

California

Mr. Boydston reported the CDFG objectives for the recreational fishery are to stay within the bocaccio OY of 52 mt and 22 mt for canary. The objective for commercial fisheries is to provide a fishery that we can agree to without totally shutting down the recreational groundfish fishery for at least four months.

Tribal Comments

Mr. Harp said there was request from the tribal delegation to address the Council. He invited the Quileute tribal delegation to the table. Mr. Mel Moon, Quileute Tribe, made the following points: they had a meeting last Friday with WDFW (the Makahs could not attend that conference call). Further clarifications were made, and they met with the Makah Tribe this morning and feel confident that the outstanding issues will be ironed out this week. The suballocations of blackcod are predicated on the existence of agreements between the tribes. Sometimes the agreements take until March to finalize. They talked about observer programs and will get more information from the Makah Tribe on that issue. They were concerned about the groundfish annual specifications EA. There were several misleading statements which need to be clarified and he will be working with the tribes and NMFS to iron those out. Quileute concern is to preserve the longline fishery with an emphasis on sablefish and halibut. They talked about the mixture of fisheries and assessments the Quileutes are contemplating for the future. They discussed season lengths. They are not pursuing a trawl fishery at this time. They have arrived at some discussions about getting additional information from the Makah tribe. They are looking for details regarding expected catch. They discussed rewriting the language in the proposed regulations to specify trawl and longline gear. The Quileute Tribe hopes to have those items addressed - especially the rewrite of the EA and regulations and an additional meeting to have the Makah tribe present.

Mr. Harp said there are some questions about the way the proposal was captured in September and the way the EA and regulations have been drafted.

Mr. Steve Joner, Makah Tribe, answered some questions for Council members. Mr. Anderson asked if the tribes were going to identify regulatory specifications this week to the Council concerning the tribal proposal for slope, shelf, and nearshore rockfish (no limit on retention of incidental harvest during the fully competitive halibut and sablefish fishery; trip limits on retention of rockfish and other fisheries to be determined based on final harvest levels, expected effort, and other relevant factors). Mr. Joner said they have provided estimated

catch numbers to the GMT and there would just be fine tuning at this point. Likewise, there would be fine tuning of the trip limits once we know what the OY and ABCs are and what the 2002 specifications produce. Mr. Anderson asked about the anticipation of a midwater rockfish trawl fishery with maybe 3 to 4 trawl vessels and, in addition, there would be a bottom trawl evaluation fishery - would those be the same vessels? Mr. Joner said yes, and they would be targeting flatfish and Pacific cod. Council-approved bottom trawl gear would be used.

Mr. Harp also provided comments under Agenda Item C.4.b, Tribal Comments, October 30 2001.

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

Public Comment Period on Fishery Issues Not on the Agenda (October 30, 4 pm)

Mr. Brian Peterson, shrimp fisherman, Astoria, Oregon. He spoke to having a canary harvest guideline for the shrimp fishery. He supported a voluntary excluder program.

Mr. Jeff Boardman, Newport, Oregon. Asked if the excluder device item could be on the agenda for the March or April meeting. (see paper). Mr. Bohn said that ODFW will probably have winter meetings to talk about excluder use.

Mr. Frank Warrens, Portland, Oregon. Spoke about the Council meeting locations.

SSC

Mr. Tom Jagielo presented Exhibit C.4.b, Supplemental SSC Report.

GAP

Mr. Rod Moore presented Exhibit C.4.b, Supplemental GAP Report. In answer to questions, he said the GAP discussion was relative to a host of issues including market glut given a seasonal approach. Seasonal marketing was talked about to some degree. The diverse Pacific Coast fishery is affected differently with a seasonal approach with separate geographic needs for the fishing and processing sectors. Mr. Brown asked if the GAP discussed the relative fishery impacts in 2001 resulting from protecting canary rockfish. Mr. Moore said that was not specifically discussed. There was no one offering any canary but many comments regarding too many canary allocated to other sectors of the fishery.

GMT

Council members held a question and answer period with Dr. Hastie. (October 30, 4:44 pm).

Mr. Anderson asked about the management alternatives on pages 25 and 26 of the bycatch and discard report. The way the EA is written, there is some general descriptions of alternative management measures in the EA. He thought Dr. Hastie was trying to flesh some of these issues out. Dr. Hastie stated alternative 1 represents the approach for which the GMT provided the Council estimates in September (more or less uniform limits). This particular example used the preferred OYs adopted at the September meeting. The other 3 alternatives address the times and areas of potential bycatch concern for canary and darkblotched. He went on to explain the other three alternatives. The final alternative has even greater segmentation due to lower flatfish limits early and late in the year. In alternative 4 the highest bycatch rates for canary were in period five. The intent was to provide alternative formats for consideration - greater targeting in different times of the year for these individual targeted fisheries. Dr. Hastie, re-explained table 12c.

Mr. Robinson asked how do we get to a product? Don't we have to, at least initially before narrowing the alternatives, choose or emphasize one of the bycatch scenarios out of the range to apply in the analysis? Dr. Hastie gave some guidance. Step one- to identify one of the scenarios to use and then step two- narrow the alternatives beginning with the baseline and then add in recreational, open access, and tribal fisheries.

Then add to those the recreational options and the allocations/assumptions and analyze those in light of the new OYs we adopted. It was not clear to Dr. Hastie whether it makes sense to select one scenario for one species and another scenario for another species. He thinks that trying to narrow the range of bycatch rates we're looking at is important. His intention is to rework it to the baseline approach. The GMT has not talked to the GAP about whether they want to pursue any of these kinds of structures. He talked about frontloading. There are some opportunities to distribute some of these catches throughout the year which should come out of the discussions with the GAP. He would not pursue modeling at this stage. Now that they have the ABC and OY decisions made today, the critical need is for the Council to provide any recommendations about what bycatch rates to focus on.

C.4.c. Public Comment

Mr. Mark Powell, Ocean Conservancy, Vashon, Washington
Mr. Gordon Murray, trawler, Astoria, Oregon
Mr. Barry Cohen, processor, Grover Beach, California
Mr. Pete Leipzig, Fisherman's Marketing Association, Eureka, California
Mr. Jim Potts, longliner, Fort Bragg, California
Mr. Rick Powers, Golden Gate Fishermen's Association, Bodega Bay, California
Mr. William Smith, F/V Riptide, San Francisco, California
Mr. Rod Moore, West Coast Seafood Processors Association, Portland, Oregon
Mr. Joe Easley, Oregon Trawl Commission, Astoria, Oregon
Mr. Terry Thompson, F/V Olympic, Newport, Oregon
Mr. Josh Churchman, fisherman, Bolinas, California
Mr. Kurt Solomon, fisherman, Moss Landings, California
Mr. Ed Paasch, fixed gear fisherman, Richmond, California
Mr. Mark Cedergreen, Westport Charter Boat Association, Westport, Washington
Mr. Steve Bodnar, Coos Bay Trawlers Association, Coos Bay, Oregon
Ms. Karen Garrison, Natural Resources Defense Council, San Francisco, California
Mr. Mike Pettis, F/V Challenge, Newport, Oregon

C.4.d. Initial Council Guidance and Direction to the Groundfish Management Team and Groundfish Advisory Subpanel on Management Measures for 2002 and Environmental Assessment

Ms. Cooney talked about the need to use consistent terminology. She asked that the Council start using the term "harvest guideline" instead of target, set-aside, or whatever terminology they were using.

Chairman Lone said that the action now is that we are to adopt bycatch and discard rates and final species allocations as well as a first version of final 2002 management measures for the GMT to work on.

Mr. Anderson felt we have three categories of species that need to be addressed (have different methodologies to come up with bycatch rates): 1) those species where we changed bycatch rates based on the analysis of the EDCP information; 2) a broad category of other species (i.e., sablefish in the directed line fisheries, nearshore rockfish, minor shelf rockfish, widow, yellowtail, chilipepper, yelloweye, line gear slope); and 3) the five species focused on in Dr. Hastie's report. There is also a connection with all of this that we are going to try to make preliminary decisions with guidance and terms for the GMT, and as a result of their work, there may be some revision in those bycatch rates which we adopt today. He talked about alternative 5, the six month season issue (Exhibit C.4.b, Supplemental GMT Report - Table 8f of that document). Given those implicit discard rates for canary, for instance, and then comparing with the range of bycatch rates indicates dramatic differences in bycatch rates depending on seasonal strategies. Some strategies can reduce bycatch and discard depending on seasonality. His point is that when we send the GMT and GAP to look at season structures, they may be looking at seasonal approaches. As they go through the process, they may come back with alternatives, which may result in a decision to use a different discard rate. If it sounded like a reasonable approach to look at those three categories to determine bycatch rates, then he would offer guidance. He was prepared to recommend options with rationale and then address allocation of canary, yelloweye, and bocaccio.

Mr. Brown generally agreed with Mr. Anderson's approach but, for trawl trip limits, the critical issue is using the number on top of the charts, not on the bottom of the chart (page 31 of the document table 8a). It is important to recognize that different strategies have different encounter rates of overfished species.

Mr. Robinson cautioned that, as we go through this, the bycatch scenarios basically determine the total catch of the species. That is separate from the discard rate we are going to apply under the trip limit scenarios. The low scenario for bycatch does not necessarily mean the discard rate is as low as implied. We need to separate the total bycatch of the overfished species from the discard rate and then consider discard rates in an iterative fashion.

Mr. Anderson said there are rates that are developed based on the trip limits specified in alternative 1. If we get into the rate discussion, he is not sure we would ever have anything to give to the GMT/GAP. One way to proceed might be looking at the analysis under alternative 1 (GMT year round alternative) and coming up with a discard quantity taken off the OY so we could have an apples to apples comparison. He is counting on that as they go back and make adjustments to alternative 1, they are going to look at the assumptions for discard rates based on the revisions to the trip limits they may come up with. Then they come back to the Council and, based on the changes which were made, they would recommend adjustments to the discard quantification. If we get into specifying rates, he would have a difficult time. Mr. Robinson said we need to focus on specifying the bycatch rates now. There is a tendency to pick the low bycatch rate and thinking that would result in low discard rate and that may not be true. The GMT can derive discard rates dependent on the management options developed with the GAP.

Mr. Anderson then offered the following guidance:

Slope species covered by EDCP, unless otherwise noted - quantify bycatch with the same methodology used in 2001.

Other species, same as 2001, including bycatch for sablefish in the line gear and tribal fishery (8% and 3%, respectively).

Nearshore rockfish - bycatch rate of 5%. Rationale for using the lower percentage is they are fishing in shallow water with a greater opportunity for live release and reduced mortality. These fish have a reasonable chance for survival.

Minor shelf rockfish, widow, chilipepper - stays the same at 16% of the OY.

Yellowtail - uses new information, and would like to put a range of 16%-20% pending some further clarification or new information which would indicate the discard rate of 16% is not sufficient.

Dover sole, thornyhead, sablefish in the trawl fishery - amounts based on EDCP analysis would stay the same as 2001.

(Specifically did not include yelloweye.)

Canary - the logbook information largely used to do the analysis was at a time prior to the regulation that required the use of the small footrope. The results of the EFP in Washington will be provided later today to document this. They had 250 non-directed tows for arrowtooth, and 285 directed tows for arrowtooth. The overall canary bycatch rate for non-directed tows was 0.28%. The tows directed at arrowtooth had a 0.09% encounter rate of canary. If you look at page 23 of the analysis and look at the targeted fishery for arrowtooth and look under canary rockfish under the low bycatch range for period 4, you would see 0.50%. Our EFP fished one month in period 4 and we had 0.09% for periods 4 and 5 combined. That indicates it is reasonable in the case of canary to look at the lower end of the range. Page 37, Table 9 - the annual mean period under model 7 - discard rate shows 13% (read off the figures in that table). This is the data used for the canary to determine the use of 20% as the quantification for bycatch.

POP - Page 45, mid-range shows a 35% bycatch rate; implicit discard rate shows 5%. On Page 15 Table 1b, POP (from the Pikitch study) the discard rate is 10.56%. Based on those two data points, recommend specifying a 16% discard rate.

Ms. Cooney said she was confused about the bycatch rate (analogous to co-occurrence rate in Dr. Hastie's analysis) and discard rate terms used.

Dr. Hastie explained that Table 12c of Exhibit C.3, Supplemental Attachment 3 indicated the difference between the projected catch using an assumed bycatch rate of 35% and the landings recorded. The importance of the 5% suggested that all but 5% of that total catch could have been landed within the landing limits that were provided. In trying to evaluate whether the 35% (or some other rate) is realistic for that fishery, we looked at the results of the EDCP analysis. The logbook data indicated there was a fair amount of targeting of POP during that period which would have produced a higher discard rate as well. The mid-range bycatch rate probably overstates the total amount of catch. However, that choice appeared to be the closest to a set of rates that made sense given the comparison between the "alternative viewpoints".

Mr. Anderson was trying to explain the factors looked at in order to come up with a recommendation. In his earlier discussion he was referring to "discard" rather than "bycatch". The quantification of discard mortalities would be 16% of the OY for POP.

Mr. Robinson asked Dr. Hastie to confirm his understanding of Table 12c. The low bycatch range of POP didn't make sense because the actual catch exceeded the projected catch. Likewise, the high range wasn't reasonable because it presumed a high level of discard would occur before reaching the landing limits. Ultimately the mid range of bycatch rates seemed most reasonable given the model results. Dr. Hastie agreed with Mr. Robinson's conclusion given the EDCP study results.

Ms. Cooney attempted to clarify the model results. In the past, we have taken the discard rate and used it to back-calculate overall harvest. Here, we're looking at the bycatch ranges and projecting total mortality and the discard rate. Dr. Hastie said the approach he used was to compare the estimated bycatch amounts with the total catch OY/HG's that would be available to the trawl fishery. At the final stage, while we are attempting to minimize bycatch and discard, we are still in a position to say that some of the bycatch may be discard. Mr. Anderson is trying to say the bottom line is there is still the likelihood of discard and we are trying to put some bounds on what we think that would be.

Dr. Hastie was asked by Mr. Brown about his bycatch definition and whether he was referring to discard. Dr. Hastie explained (as he did in his report) that he was using the term to mean "coincident catch". Right now we need a sense of what the Council sees as plausible interpretations of the bycatch ranges in order to craft target species limits that will be sufficiently constrained to the available bycatch species harvest guidelines. We need to identify a bycatch scenario for any or all of these species. Discard rates are a secondary product determined after limits are specified.

Mr. Anderson said what he has been trying to do is give the rationale for a range of bycatch rates, what the bycatch percentage would be in looking at each of the individual fishing strategies, and using that rate to come up with an estimate of what the reduction on OY would be in order to accommodate the discard mortality associated with that rate. He was trying to put it in terms that he felt he could compare to what we have done in previous years. The end of the week product would show the actual discard mortality rates assumed for each target fishery. He reviewed his previous motion for canary and POP and introduced in the motion the bycatch rates to be used, as well as the rationale for his choices, for the other three species as follows:

Canary - low bycatch range of canary shown on page 45.

POP - midrange indicated on page 45 on the top table.

Bocaccio - Referring to page 45, the only plausible bycatch rate is in the high range; otherwise, we are assuming a discard rate of -165% in the low range and -33% in the mid-range. Therefore, the only one that seems to make sense would be the high range, which would lead us to the same place we have been: about 16% of the OY under alternative 1.

Lingcod - Bycatch rate now is 40% with a discard mortality rate of 20%. Referring to Table 8e on page 35, the rationale for this choice of a lingcod bycatch range is: 1) with the implementation of the small footrope restriction, the ability of vessels to go in the rocky grounds is highly unlikely, 2) the trip limits have been so low there is little incentive to take a multi-thousand dollar net to catch a small amount of lingcod, and 3) if you allow fisherman to retain lingcod under that 400 lb/month trip limit regime, the implicit discard rates would drop a whole bunch because you are no longer forcing fishermen to discard during those non-retention periods. Assuming we would make a decision that would provide for retention of the 400 pounds during all periods, we feel there is good reason to reduce the discard rate over what we are currently doing since we are allowing them to retain the fish. That leads to a bycatch rate in the mid-range, with the implicit discard rate of 44%. What we would be doing is decreasing that 44% discard rate since there would be retention during those other three periods. We could turn discards into landed catch under that kind of approach and not affect the bycatch rate at all. The point discard mortality rate would equate to about 10% of the OY. This would be reduced in half from current assumptions due to this change in management strategy because we are allowing retention during the other three periods.

Darkblotched - (reference page 31, Table 8a, alternative 1) The implicit discard rates range from 2-20%; the EDCP had a discard rate of 30% for slope rock. The Pikitch study results on page 15 had a rate of 4%. There are a lot of different indicators there. Looking at the species and the size marketability of slope species and the EDCP discard rate of 30%, there would be a lower discard rate for darkblotched because of their larger size. We are looking at a recommendation of 20% due to the difference in the marketability of darkblotched relative to the other slope rockfish. Based on recommendations from Dr. Hastie, the bycatch range would be the medium range identified on page 31.

Mr. Anderson said, with those recommendations and assuming Council concurrence, we would ask the GMT/GAP to work on those alternatives (referring to the management alternatives on pages 24-25) and, in particular, focus on the concepts Dr. Hastie was getting at in alternatives 3 and 4 (optimizing the timeframe to target species cleanly; maximizing catch of healthy target species while minimizing mortalities of the bycatch species). That would give us the general direction to put together a management regime. Also they should come back to the Council to let us know about any additional considerations that are needed. That would leave us the charge to resolve the remaining allocative issues.

Mr. Moore asked Mr. Anderson about darkblotched and whether the discard rate comes out to 7%? Mr. Anderson said it would result in a 20% reduction of the total catch OY. Mr. Moore also asked whether we are going for year round fisheries to the extent that we can? Mr. Anderson said that we're asking for you to take a look at ways to maximize the opportunity to harvest the available OYs while minimizing discards within the other constraints and concerns relative to markets. Alternatives 3 & 4 appear to represent strategies that maximize harvest of healthy stocks while reducing bycatch. He would like the GMT/GAP to focus on such strategies while recognizing the importance of year round product flow.

Mr. Brown does not see that this approach is fundamentally different then what has happened in the past. The difference is that we now have an analytical tool that allows us to evaluate the result better and, through an interactive process, we can tweak things around until we get to the lowest bycatch rate while ensuring that the total mortality of species of concern stay within the levels we set yesterday in the OY components.

Mr. Anderson said he wanted people to look at the difference between the alternatives to restructure the fisheries to reduce bycatch and discard mortality. That is a fundamental concern. He is urging them to do that while understanding that the industry needs to survive.

With regard to limited entry fixed gear in the primary sablefish season, Mr. Moore asked for guidance on alternatives put out at the September meeting (e.g., length, closures, etc). Mr. Alverson, responded that the GAP could provide input on status quo and if there are some months to shorten the season to save fish. On the 300 pound DTL (daily trip limit), look at whether we need 12 months? Is the DTL going to be less than 300 pounds?

Mr. Brown noted that the options we had last time had intentional closures due to the warm water conditions. He calculated that the temperature they were using is 61 degree water. Where he lives it gets to about 56 degrees; the evidence is not real clear that we would lessen mortality if we had those closures.

Dr. McIsaac noted that we need to talk about the sport fisheries. To the extent the sport options affect modeling the commercial fishing alternatives, he urged the Council to consider a first version of their sport options.

Regarding the 300 pound DTL sablefish fishery specification, Mr. Bohn asked if it makes sense to have a limited entry DTL fishery before the primary season? It seems to make sense to save those sablefish for the primary season. The people who want to fish the DTL fishery during the primary season could do it in open access.

Mr. Boydston stated that the recreational proposal for north of Mendocino is the same season as Oregon, except the yelloweye closure provision would not apply. There would be a yelloweye bag limit of one fish with no more than two per boat; 10 rockfish with 1 canary, 1 yelloweye, and two lingcod with a 24 inch size limit. South of Mendocino (shelf rockfish) - a harvest guideline for bocaccio of 70 mt; canary 22 mt; yelloweye 2 mt. Bag limits for bocaccio and canary would be the same as 2001 and same with cowcod (no retention). Yelloweye, one fish, no more than two per vessel. There will be modeling done for the nearshore fishery inside 25 fathoms and he expects to see a result with the nearshore closed for at least four months. Bag limit for nearshore would be 10 rockfish with not more than 2 shelf or slope. The cowcod conservation area would be same as the adjacent areas within 25 fathoms. Lingcod statewide: 2 fish with a 24 inch size limit. Commercial nearshore, shelf, fixed gear: same seasons as recreational. When the GMT is called up tomorrow, we will provide an overview of the analytical techniques used and we will provide written documentation separately.

Mr. Bohn said the OR recreational fishery would be the same as presented in the situation paper. He did note that when we deal with yelloweye in the 3 states, he would like those referred to harvest guidelines since we have an overall quota for the recreational. Inseason, this could all change (the harvest guidelines for individual states/areas) if someone wasn't catching them and if someone else needed them.

Mr. Anderson addressed the Washington halibut issue. When people catch their halibut, they tend to go rockfish fishing and they catch yelloweye. That is where 70% of their yelloweye is taken. Then they fish for black rockfish inshore. Therefore, for the recreational fishery, they are looking at option 1c in terms of bag limit combined with option 2 (prohibit retention of yelloweye when halibut are on board). Relative to the harvest guidelines, their best estimate of canary rockfish in 2001 is 2-2.5 mt for the recreational fishery. They would like to work with Oregon in designing a harvest guideline for each state as we try to stay within the overall guideline. So far this year, 15 mt of yelloweye have been landed. They need to have an analysis of their recreational package in terms of projected savings in yelloweye for all three states. Take the analyses and see where we are relative to the 2002 yelloweye OY, including the catches taken in the tribal fishery. He does not have a harvest guideline yet, that would be developed over the course of the week. The intent would be to get this down in writing as soon as possible.

Mr. Boydston asked about yelloweye bycatch rates? Mr. Anderson asked Dr. Hastie for guidance. Was there some additional data to look at or should we call Farron Wallace? Dr. Hastie said there were concerns about not having a good sense of the degree which yelloweye are caught in the fixed gear sablefish fishery. They will be trying to pursue that. For trawl, their previous work indicated that, following the implementation of the small footrope, they did not see a yelloweye problem since they are more in the rocks than other species. Mr. Anderson said we will also be discussing the halibut fishery and the yelloweye bycatch associated with it.

C.4. Management Measures for 2002 and Environmental Assessment (continued) - Clarification and Guidance (November 1, 9:46 am)

Mr. DeVore stated the GMT and GAP are working on determining commercial fishing structures and need Council guidance on some significant issues in both proposed commercial and recreational fisheries. He recommended the Council call upon Dr. Hastie and Mr. Moore to field their questions and provide guidance.

C.4.e. Report of the GMT

Dr. Hastie modeled the GAP's proposed set of trawl limits last night with the result that canary and darkblotched bycatch was too high over the course of the year. He is in the process of making some modifications to their proposed fishery structure to try to make it work and intends to provide that information to the GAP before noon. They should be able to resolve that commercial trawl limit component issue by this afternoon. He hasn't done the fixed gear limits analysis yet and needs more information on the recreational limit structure from California since it affects the line gear windows of fishing opportunity.

C.4.f. Report of the GAP

Mr. Moore reported that, following Council guidance, the GAP provided as much direction on fishery structures as they could to the GMT. He felt they were making pretty good progress and that this process was very helpful.

C.4.g. Council Guidance and Direction to the Groundfish Management Team (GMT) and Groundfish Advisory Subpanel (GAP) on Management Measures for 2002 and Environmental Assessment

Mr. Anderson asked Mr. Moore to articulate his questions relative to the Oregon/Washington recreational issues. Mr. Moore asked about the effort to try to make the two states' recreational regulations parallel as much as possible. The Washington rockfish bag limit has a sublimit of either 2 canary or 1 canary and 1 yelloweye while the preferred Oregon option has a sublimit of no more than 1 canary and 1 yelloweye. Are the states happy with that? (nod yes). He also asked if there is a desire or need to mention excluders in the pink shrimp section of the report with regard to bycatch and whether use of excluders is voluntary or not?

Mr. Bohn replied ODFW was looking at putting in the same regulations as last year and after the winter meetings coming back in March with an update of the fisheries. ODFW expects to be conducting operations identical to last year (for 2002). He did not know whether or not it is necessary for the report.

Mr. Anderson said WDFW has a proposed rule that would require shrimp excluders in their process as of this moment; however, they are going to be meeting with the pink shrimp fishermen over the course of the next few months and may not be moving forward with that as a recommendation to their commission. The 2001 Washington landings to date are 6.2 million pounds of pink shrimp with only 552 pounds of canary rockfish. The efforts made by the industry last year and the move to use mandatory excluders in August last year worked.

Mr. Brown noted that the term bycatch used here is not the legal definition of the word "bycatch".

C.4. Management Measures for 2002 and Environmental Assessment (continued) - Clarification and Guidance (November 1, 4:48 pm)

Mr. DeVore briefed the Council on five documents: Exhibit C.4.e, Supplemental GMT Report 2 (Limited entry trawl trip limits); Exhibit C.4, Supplemental Tentative CDFG Proposal (CA recreational proposal); Exhibit C.4.e, Supplemental GMT Report 3 (recreational catch projections and GMT statement); Exhibit C.4.e, Supplemental GMT Report 4 (tribal catch projections); and Exhibit C.4, Supplemental Treaty Indian Harvest Levels.

C.4.e. Report of the GMT

Dr. Hastie and Rod Moore briefed the Council on Exhibit C.4.e, Supplemental GMT Report 2. Dr. Hastie talked about the major areas of concern: the canary and darkblotched rockfish bycatch issues. The trawl trip limits are structured using the vessel participation model, the bycatch/discard constraints adopted in earlier Council action, and the directive to maximize target species harvest within those constraints. The trip limit structure looks unusual, especially the DTS limits. Limits were shifted throughout the year within the construct of the model to maximize DTS catch at times when bycatch was at the lowest. The bycatch limits are depicted in Table M2b2. The one remaining problem was darkblotched bycatch which is still not constrained enough in this draft of Limited entry trawl limits. Dr. Hastie expects less of a darkblotched bycatch in the 2002 at-sea whiting fishery (due to an expected decrease in OY), but that assumption alone doesn't provide enough constraint. Do we continue to seek avenues for reducing darkblotched bycatch or should we add 2000

logbook data to the analysis after this Council meeting? Dr. Hastie stated that of all the bycatch species analyzed in his new bycatch model, darkblotched had the least definitive data/information to work with. Flatfish catch has been foregone from the initial point of consideration to reduce darkblotched bycatch. That is the primary area where they were looking for more direction. They were not prepared to produce a complete set of Limited entry fixed gear and OA tables at this point, but should be ready first thing in the morning.

C.4.f. Report of the GAP

The GAP comments were included with Supplemental Exhibit C.4.e Report of the GMT.

C.4.g. Additional Council Guidance and Direction to the GMT and GAP, on Management Measures for 2002 and Environmental Assessment

Mr. Brown asked if the GAP revisions are likely to affect darkblotched? Mr. Moore said there is a possibility that they will because they affect DTS and flatfish. They are trying to craft things to not affect darkblotched. One of the issues is a trade off between potentially affecting the bycatch (co-occurrence) of darkblotched and the discard of substantial amounts of flatfish which are not overfished but are encountered significantly. They are trying to find a way to get around that.

Chairman Lone asked if they were seeking specific guidance? Dr. Hastie replied that the major concern, at this point, is that the revised GMT limited entry trawl trip limit proposal is still about 5 mt over the projected darkblotched harvest guideline. He noted that, since darkblotched has not been identified in the logbooks or the EDCP data, there is a lot of uncertainty in the interpretation and application of the bycatch rates of the data sources we had available. There is opportunity between now and early next year to look at the 2000 logbook data to determine the percentages of darkblotched in the slope rockfish catch and see if the modeling exercises are accurate. Dr. Hastie asked if the Council could live with the 163 mt projection of darkblotched catch and a target harvest guideline of 158 mt (after subtracting projected darkblotched bycatch in the whiting fishery)? If we were to achieve the 158 mt in the modeling exercise, we would have to forego a lot of flatfish or a non-trivial amount of DTS.

Mr. Anderson asked to what extent darkblotched are taken in the whiting fishery? Dr. Hastie said about 7 mt of darkblotched have been taken through September this year. Given the expected decrease in whiting OY in 2002, he has been modeling a projected darkblotched catch of 5 mt. Mr. Anderson asked if it was evenly distributed over time? Dr. Hastie said he did not know, he only had cumulative season numbers. Mr. Anderson asked if we move forward with the 5 mt deficit in darkblotched and we could not come up with any additional information from the year 2000 logbook data by tomorrow and we wait until March to make additional adjustments necessary to stay within the 158 mt, does that mean we're going to make the "hurt worse" by only having 8 or 9 months to make the 5 mt adjustment vs. trying to make it now? Dr. Hastie replied that, from the standpoint of the DTS fishery, the first couple of periods of the year did not have high bycatch rates of darkblotched. However, in the flatfish fishery, period 1 was one of the highest bycatch periods for darkblotched bycatch. The options on how you would address reducing darkblotched bycatch further might be affected by not taking action until March or April. You might be leading toward a DTS answer to the problem rather than flatfish because there are not as many opportunities to save darkblotched later in the year by cutting back on flatfish. There are two issues addressed by further logbook analysis: 1) the degree to which slope rockfish are caught in these other target fisheries; and 2) the composition of the slope rockfish catch.

Mr. Robinson noted the limits for canary and bocaccio in the GMT revised proposal are for two-month periods. We ran out of those species this year and closed fisheries beginning the first of October. Are we in danger in running short of both of those species early again? Dr. Hastie said that was the basis of the modeling exercise. With the limits we have, we could have landed 80-100 mt of canary rockfish. We are relying on setting up a structure of target limits that will allow people to avoid canary rockfish.

Mr. Alverson, in looking at Table m2b2 for the DTS fishery in period 6 - it looks like you are burning up 8.4 mt of darkblotched to catch 352 mt of target species. Is there any way to shift target species limits to another period to catch fewer darkblotched? Dr. Hastie replied that the lower availability of DTS species can be used

to generally accommodate bycatch in the flatfish fishery or used in a directed DTS mode. One of the limitations of the model is that it is a lot easier to model the percentage distributions consistent with historical participation. However, it is difficult to predict how shifting limits to this degree will drive fishers to switch strategies seasonally (i.e., switching from a DTS strategy to a flatfish strategy). It's challenging to shift the Dover sole they would catch in a DTS strategy into a flatfish strategy. You could lower the DTS limits from where they are now but, since we are recommending a 50,000 lb flatfish limit because flatfish has very little impact on darkblotched during that period, you would need something close to 14,000 pounds of Dover sole to accommodate the bycatch.

Mr. Brown asked about Table m2b2 and whether we need to represent the 5 mt of darkblotched in the whiting fishery or is that part of the leftover category? Dr. Hastie said the at-sea whiting bycatch of darkblotched is in addition to what's on the table. Mr. Brown asked if the 2.1 mt of darkblotched in period 3 depicted in the table as leftover? Dr. Hastie said the leftover category was nebulous and contained all the species catch not listed in a target strategy. He suspected that dogfish was one of the "leftover" targets, but he was not sure.

Mr. Anderson asked for input on how best to reduce the darkblotched catch. Dr. Hastie said he could run an alternative set of numbers that get the darkblotched catch down towards 160 mt. He could talk to the GAP to discern what target fisheries are the most expendable at this point. Mr. Anderson said if we did that and if we are able to process more information from logbook data analysis, does that position us with the right set of alternatives to choose from tomorrow? Dr. Hastie said he spent about 3 or 4 hours this morning searching for alternatives. In terms of getting logbook summaries, he still has to run them and that data has to be put into the model. We do not have a complete package of fixed gear LE, OA recommendations. There is quite a bit to do this evening.

Mr. Bohn preferred to not send the group back to find the 5 mt, but rather develop further information over the winter and look at it in March or April.

In response to a question by Mr. Boydston, Dr. Hastie reported that to reduce darkblotched by 5 mt translates into about a 250-500 mt reduction of something else. Dr. Hastie emphasized that the model has limitations at this stage, it is new and has not been refined.

Mr. Robinson asked that if we project 5 mt over the Limited entry total OY and consider all the fisheries, are we going to go over the total OY for darkblotched and be in violation of the Magnuson-Stevens Act. Dr. Hastie said it will not exceed the ABC which is the definition of overfishing.

Mr. Culver referred to the recreational table on Exhibit C.4.e, Supplemental GMT Report 3 and noted the coastwide harvest projection for lingcod is 6 mt over the guideline. However, the CA harvest projection is probably high due to the fact that the projection was based on full shelf fishing opportunities which won't be reality in 2002.

C.4. Management Measures for 2002 and Environmental Assessment (continued) - Final Action (November 2, 8:09 am)

C.4.h. Agendum Overview

Mr. DeVore noted that the documents that we can work through for Council action are Exhibit C.4.e, Supplemental GMT Report 4 (Tribal harvest projections) and Supplemental GMT Report 3 (recreational harvest projections). There is also a California attachment as well.

C.4.i. Reports and Comments of Advisory Bodies

CDFG

Mr. Boydston moved to adopt Exhibit C.4, Supplemental Tentative CDFG Proposal with the following corrections: under the Central Area and Southern Area change "*Inside 25 fathoms*" to "*Inside 20 fathoms*". (Motion 19) Mr. Don Hansen seconded the motion. Upon advisement that this is a comment portion of the

agenda, Mr. Boydstun withdrew his motion. He spoke about the impacts the subject fisheries would generate, as well as the impact of the minor change he proposed.

ODFW

Mr. Bohn noted that the measures stated in Supplemental Exhibit C.4.b, Option 3 still stand.

WDFW

Mr. Anderson stated that footnote "a" in Exhibit C.4.e, Supplemental GMT Report 3, is Washington's preferred option. He noted the yelloweye column in that table and that yelloweye represents a bycatch in all of the fisheries being contemplated at this point. If you add up 3 mt from Washington, 4 mt from Oregon, 1.5 mt from tribal, and the 1.5 mt set aside for the commercial fishery in Washington and Oregon (including trawl and the discard mortality in the line fishery), those values total 10 mt. If you add the California recreational fishery in the central (1.5 mt) and north (0.6 mt) areas, you end up with 12.1 mt. The OY was 11 mt in the north, plus 2 mt in the south for a total of 13 mt. As we put this package together, we have a total discard mortality in the commercial fishery of 1.5 mt. As we are looking at the line fishery, let's keep that in mind because the measures will have to fit within the 13 mt.

Mr. Bohn noted for clarification that we specified the total catch OY as half of the ABC for the Monterey area (2.5 mt) and half of the ABC north of 40°10' (11 mt). The total for yelloweye is actually 13.5 mt not 13 mt as Mr. Anderson said.

Mr. Anderson noted that if we look at those values, and the fisheries combined, we are at 10.6 mt. He would like to focus the 0.4 mt we have got to work with - we're talking about something under 2 mt for the commercial north of 40°10' for discard mortality in the line fishery and a minor catch in the trawl. He is looking at the 11 mt total OY north of 40°10' which includes 1.5 mt for commercial.

Mr. Boydstun agreed with what Mr. Anderson suggests that we do. He would like to ask Mr. DeVore to extend that type of accounting for all the other overfished species today to make sure we are within our OYs. Mr. Brown said that the accounting for yelloweye may be an error. The commercial guideline of 1.5 mt may be for both north and south. Mr. Anderson thought the 2.5 mt guideline in the south reserved 1 mt for commercial leaving 1.5 mt for commercial in the north. Mr. Brown said he thinks the projections earlier were 1.5 mt for both north and south. Mr. Anderson's point was that we need to have a reality check when looking at Limited entry fixed gear and OA fisheries.

TRIBES

Mr. Harp read Exhibit C.4, Supplemental Treaty Indian Harvest Levels.

Regarding the tribal proposal, Mr. Anderson noted the tribes restricted their fisheries in ways they don't necessarily have to. Mr. Anderson spoke to Exhibit C.4, Supplemental GMT Report 4.

Mr. Bohn asked if the tribal observer program would provide monitoring information on discard rates or is it mainly to see if the limits are enforced? Mr. Harp said they will monitor catches in the fishery. The tribes do not feel that the discard rates will be significant. If they reach a trip limit for a species, they will have regulations in place for fish beyond the trip limits. They are trying to reduce discards and are discouraging discard at sea (reason for full retention recommendation with forfeiture of fish exceeding trip limits to the tribe). Forfeited catches will be used in a charitable program. Mr. Harp also noted that in the observer program, the tribes are also interested in meeting with WDFW on the sampling program of the catches to identify the species caught. There is a need to better identify the species in rockfish catches. Also, during 2001 they had copies of species identification guides to help the tribal technical staff better identify species. This will continue in 2002 and beyond. Mr. Anderson noted that WDFW will be meeting with the tribes by the end of November to talk about sampling and how tribal catches can be included in the WDFW data collection system.

STAFF

Mr. DeVore noted that the Council now has Exhibit C.4, Supplemental Bycatch Discard Rate Report - Council Guidance on Discard Mortality Deductions and Bycatch Rates to be Considered When Framing Management Measures for 2002.

STAFF

Mr. DeVore alerted the Council to the following new exhibits: Exhibit C.4.i, Supplemental GMT Report 5 (Limited entry and OA trip limits with bycatch information), Exhibit C.4, Supplemental Economic Tables 11/02/01, 10:15 am, Exhibit C.4.i, Supplemental EC Report (Enforcement Consultants report), and Exhibit C.4.i, Supplemental GAP Report 2.

GMT

Dr. Hastie referred to and explained the values shown on Exhibit C.4.i, Supplemental GMT Report 5.

Limited Entry Trawl limits

Mr. Brown asked about the limited entry trawl rex sole issue. There is a proposed specification of no limit for rex sole using small footropes. Most of the fishery targets petrale and Dover sole using large footropes. This would result in a large discard of rex sole- why is that in there? Dr. Hastie replied that the 1,000 lb trip limit for "other flatfish" would include rex sole.

Mr. Anderson asked about the midwater opportunity for widow and yellowtail in the October timeframe? Dr. Hastie stated that is only as whiting bycatch. There is no directed fishery proposed for these species.

Limited entry Fixed Gear

Mr. Alverson asked if the GMT looked at a shorter season for the 300 lb DTL sablefish fishery for Limited entry or OA and was there any additional savings of yelloweye? Dr. Hastie said they could not estimate the yelloweye numbers resulting from the different seasonal options since they don't know where people fish in the DTL fishery. There is some evidence in Washington that DTL fishers are fishing close to the shelf break where they can encounter yelloweye. Mr. Alverson asked whether the reduction to 5,000 pounds and the 1,000 pounds between January and March addressed the GMT's concern about some of the overfished species on the shelf in the north? Dr. Hastie said that was a slope limit. The idea was to put in a precautionary placeholder and then evaluate the implications of a directed hook and line slope rockfish fishery on darkblotched.

Mr. Boydston asked for clarification on the Limited entry fixed gear proposal for the central CA chilipepper fishery. During the shelf openings there is a 500 lb limit during January, February, July and August. During the shelf openings in the south it is 2,500 pounds - is there a reason for that difference? Dr. Hastie said that the shelf opportunities are driven by concerns over yelloweye primarily as there was a fair amount of yelloweye that showed up in the line gear fishery in central CA during 2000. Higher limits in the south reflected lack of early attainment of the bocaccio OY (unlike in central CA).

In reply to Mr. Anderson, Dr. Hastie confirmed that the Limited entry Fixed gear fishery north of Mendocino for the minor slope rockfish complex includes shortraker and rougheye rockfish. The proposed north of Mendocino limit on the minor shelf is 200 pounds with no retention of yelloweye. Mr. Anderson noted that in 2001 we had hook and line vessels fishing on the 100 fathom break trying to catch shortraker and rougheye rockfish with a fair showing of yelloweye in those catches. What is the rationale for the 1,000 lb/month slope limit at the beginning of the year transitioning into a 5,000 lb monthly limit? Dr. Hastie replied that there were numerous reports of considerable slope rockfish discard in the primary sablefish fishery after lowering slope rockfish limits in the north. Initially the small slope rockfish limits applied to the Limited entry trawl fleet were also applied to the Limited entry fixed gear fleet. The increase in the Limited entry fixed gear limits beginning in April were designed to coincide with the primary sablefish fishery and a desire to better evaluate the potential slope rockfish and yelloweye bycatch in this fishery. Mr. Anderson asked if we move the 1,000 lb monthly limit and have it go through the end of April instead of March, would we have the opportunity to do a more thorough review and would that be a problem? Dr. Hastie said that we have a seven month window

for the Limited entry fixed gear sablefish primary season. There must be a desire to fish sablefish in April or we wouldn't have set the primary season to start then. Fishermen would have to figure out the best timing for the primary sablefish season based on the relative economic value of available slope rockfish in April relative to other opportunities during the rest of the season. We did not have much time to structure the slope rockfish limits due to lack of review of relevant information. The issue of yelloweye came forward after we went through our trip limit and season discussions with the GAP. He assumed delaying the increased slope rockfish limit would not have a significant impact on the fleet.

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Mr. Anderson noted the recommendation to limit the OA DTL trip limit of minor slope rockfish at 25% of the sablefish trip limit? If fishers elected to land 800 pounds of sablefish/week would that mean they could land 200 pounds/week of slope rockfish? Dr. Hastie explained that they are constrained to 2,400 pounds of sablefish/2 months which would equate to 600 pounds of slope rockfish/2 months. Mr. Anderson asked whether a Limited entry fixed gear fisher without a sablefish endorsement who elected to fish the DTL strategy would be able to land 5,000 pounds/2 months of slope rockfish? Dr. Hastie said yes.

Dr. Hastie then went through the back two pages of the report. He noted some corrections for yelloweye: the 1.5 mt tribal amount needs to be added and the 7.6 mt for recreational fisheries north of 40°10'. There is an additional 0.47 mt associated with expected recreational fishery discard which leaves a total of 1.9 mt total catch for the non-tribal commercial fishery.

Chairman Lone asked if the total coastwide catch would be higher than 13.5 mt? Dr. Hastie said the 1.9 mt does not include the discard amount either, it would drop commercial down to about 1.4 mt. Dr. McIsaac asked for clarification on the yelloweye numbers and asked if the total would exceed 11 mt in the north. Dr. Hastie said this wasn't a commercial catch projection. This is simply the residual OY left for the commercial fishery.

STAFF

Mr. Seger explained Exhibit C.4, Supplemental Economic Tables 11/02/01; 10:15 am. The economic effect estimates are based on the GMT Reports handed out on November 1, not on November 2, and do not include whiting.

TRIBAL

Mr. Harp noted that he made the tribal presentation earlier this morning

GAP

Mr. Rod Moore read Exhibit C.4.i, Supplemental GAP Report 2.

EC

Lt. Dave Cleary summarized Exhibit C.4.i, Supplemental EC Report.

C.4.j. Public Comment

Mr. Joe Easley, Oregon Trawl Commission, Astoria, Oregon
Mr. Jim Bassler, Salmon Trollers Marketing Association, Ft. Bragg, California
Mr. Tom Ghio, fixed gear fisherman and GAP member, Moss Landing, California
Mr. Bill James, open access fisherman, Pismo Beach, California
Mr. William Smith, CPFV Riptide, San Francisco, California
Mr. Richard Powers, Golden Gate Fisherman's Association, Bodega Bay, California
Ms. Donna Solomon, commercial fish buyer, Moss Landing, California
Mr. Bob Engles, Golden Gate Fisherman's Association, Hayward, California
Mr. Kurt Solomon, West Coast Shallow Water Alliance, Moss Landing, California

Mr. Mike Harbarth, charter boat owner, Bodega Bay, California

C.4.k. **Council Action:** Adopt Final Proposed Groundfish Regulations for 2002 (November 2, 1:06 pm)

Commercial Presentation by GMT/GAP

Dr. Hastie noted some corrections to Exhibit C.4.i, Supplemental GMT Report 5. Rex sole should be specified with no limit and strike the reference to small footropes (therefore, no footrope restriction either). The Limited entry fixed gear limit for minor slope rockfish has 1,000 pounds/2 months for the first three months (problem with an odd number of months). He suggested specifying 1,000 pounds/2 months through April. The minor nearshore rockfish OA options for the north should specify 3,000 pounds/2 months beginning in November, not October (same problem of an odd number of months for a two month limit). Retention of yelloweye for Limited entry fixed gear and OA is not allowed. However, it shows up on the chart with the minor shelf fishery. NMFS and the states need to make it clear in their notices that there is no yelloweye retention.

Recreational Presentation by GMT/GAP

Mr. Tom Barnes referred to Exhibit C.4.e, Supplemental GMT Report 3. Under footnote "e" the revised impacts driven by slight modifications to the CA recreational proposal need to be recorded. He noted two recreational catch revisions: bocaccio in southern California should be changed from 27 mt to 42 mt and minor nearshore rockfish in southern California should be changed from 75 mt to 71 mt.

In response to questions, Mr. Barnes stated that California would, at a later time, address the fact that the total catch projection for bocaccio is 56 mt compared to a 48 mt guideline.

Mr. Boydston noted that the recreational catch projection of yelloweye in central California is 1.5 mt. He was not sure if he can believe that given recent years' catches. Recent years' catches, even without the closures, have been at least 2 mt or so. With the season structure we have, we only have 4 months total of fishing on the shelf. During our preliminary analysis of contemplated shelf closures, we showed only 0.5 mt of yelloweye. He asked the GMT to take a look at this because this is a very important issue before we leave here.

Mr. Culver continued with the presentation by reading the GMT Statement on the reverse side of Exhibit C.4.e, Supplemental GMT Report 3. He noted the problem areas are bocaccio and the 6 mt excess in the harvest guideline for lingcod. The GMT agrees that the projected lingcod catch is probably high.

Mr. Culver also referenced Exhibit C.4, Supplemental Yelloweye Worksheet 11/01/01 12:50 pm. The worksheet shows the best estimates of recreational catches with some estimate of discard mortality factored in and the anticipated tribal catch factored in. Mr. Culver asked Council to disregard the "with commercial allocation targets in spreadsheet" since these are residuals reserved for the commercial fishery not projections. There would be 2.69 mt of yelloweye available for non-tribal commercial bycatch.

Dr. Hastie noted that the 2000 trawl fishery took about 1.1 mt of yelloweye and the projected target species catches on the shelf represent about a 27% reduction in shelf target opportunities. Therefore, he expects a yelloweye bycatch of about 0.7-1.0 mt of yelloweye discard mortality in the 2002 trawl bycatch which would leave about 1.8-2 mt of yelloweye for Limited entry, fixed gear, and OA. He also noted that the fixed gear fisheries combined catch estimate of yelloweye in 2000 was about 8 mt. However, that was with around 500-1,000 pounds of minor shelf rockfish per trip with probable targeting of valuable yelloweye. More significantly, target opportunities for other shelf rockfish such as yellowtail and widow won't be available in 2002 providing even less reason to fish on the shelf with fixed gear. All of this will reduce fixed gear encounters with yelloweye.

Chairman Lone asked whether we were ready to approve the recreational, tribal, and commercial specifications with particular attention to resolve the bocaccio and yelloweye problems? Mr. DeVore agreed that was the task left for the Council.

Mr. Anderson felt that if we look at the worksheet (without non-tribal commercial), we have 2.69 mt for commercial mortalities. The first thing he noted was that if you take 2.69 mt and Mr. Boydston's comments

about the 1.5 for the southern CA recreational fishery, it seems reasonable we would have a reduction of 0.5 mt or so. The tribes had 1-1.5 mt but, in their representation, 1.5 mt was the high end. Therefore you may have another 0.5 mt. In the trawl fishery we had 1.1 mt in 2000 and with the changes that have been made, there might be about 0.7 mt needed there. In the fixed gear fisheries we had about 8 mt in 2000. The question is where are we going to be in 2002. If we go down to 200 pounds on the shelf with no yelloweye retention, there is an expectation that between 2.5-3 mt would take care of the bycatch mortality in the fixed gear fisheries with the much lower limits on slope rockfish. Looking at 0.7 mt for trawl and 2-2.5 mt for fixed gear keeps us within the range of the 2.69-3.69 mt to cover the discard mortalities in the commercial fishery. Dr. Hastie said it seems like a sensible conclusion.

Mr. Brown noted that in the material handed out that included the trawl trip limits, the expected impact from the trawl fishery on bocaccio is about 13.8 mt. Comparing that with the preliminary proposed ABC/OY for 2002, it shows a bocaccio ABC of 122 mt and a total catch OY of 100 mt. Given the 56 mt projected recreational catch, do we have a problem? Dr. Hastie said there would be a problem if the total commercial catch went over 44 mt. The trawl fishery is expected to catch about 14 mt of bocaccio. That would leave us 7 mt for Limited entry fixed gear and another 16 mt for OA. He did not know what the totals were from this year's fishery, but he could get those.

Mr. Brown noted that the proposals for Limited entry Fixed gear and OA trip limits include quite a few closures. There are far more closures this year than last year--how do those regulations compare? Mr. Barnes replied that with nearshore fishing only in the central part of the state during waves 3 and 5 and the closure during wave 6, there is less opportunity to catch bocaccio in 2002 than in recent years. Mr. Brown asked if the closures he was talking about referred also to the commercial fishery? Mr. Barnes replied the commercial fishery is scheduled to have the same open seasons as the recreational. Dr. Hastie volunteered that through September 2001 the OA bocaccio catch was about 6 mt. That provides an indication that we won't run into a bind with a 44 mt commercial guideline in 2002.

Dr. Hastie said that the OA table does not have recommendations for the pink shrimp fishery. The intent is to continue with the same limits as last year.

Mr. Anderson moved that we adopt the limited entry trawl trip limits for 2002 as presented on Exhibit C.4.i, Supplemental GMT Report 5 with the exception that, under rex sole, all references to the small footrope in November and December be removed. (Motion 27) Mr. Brown seconded the motion.

With confirmation and clarification by Mr. Moore, Mr. Hastie, and Mr. Brown, Mr. Anderson accepted a friendly amendment from Mr. Bohn that the motion include a footnote under minor nearshore rockfish saying no yelloweye retention (except in the Limited entry trawl). It was noted that unlike fixed gear where yelloweye was a target species on the shelf, the trawl fishery rarely encounters yelloweye since the small footrope restriction and it is truly an incidental bycatch. Allowing retention in the Limited entry trawl fishery would not increase targeting of yelloweye but could provide some fishery-dependent biological sampling of yelloweye. Lack of biological sampling of cowcod due to no retention is currently a problem. Mr. Anderson also stated that the small footrope restriction for rex sole during January-April be struck in all four places on the trawl trip limit table. Mr. Brown accepted the friendly amendments.

Mr. Caito stated that last year there was no limit on rex sole for the whole year south of Cape Mendocino. He proposed a friendly amendment to have no limit for rex sole with large footrope south of Cape Mendocino.

Mr. Brown asked if there is a limit for other soles south of Cape Mendocino? Dr. Hastie said this year there was no limit in the south throughout the entire year on rex sole although there was no limit on all other flatfish through the end of September. We have moved into a different regime here (with the fall closures on Dover sole). Mr. Caito said his rationale for the amendment is that when the boats are fishing on the slope for Dover, there is a 1,000 lb limit using large footropes and they would be discarding a lot of rex sole. He has a hard time with discarding rex sole with no need.

Mr. Robinson asked if it makes an impact on other species if we make Mr. Caito's change? Dr. Hastie said it might make some difference in the modeling. It would depend on where they are fishing with large

footropes. He has some concerns about the lack of ability to restrict where large footrope fishing is going on.

Mr. Anderson did not accept it as a friendly amendment since it seems to be a delicate package we have here, it has been modeled for discard rates and so forth and is really uncomfortable not knowing what the result might be. The no limit extends through April and, if the Council wanted, they could request Dr. Hastie to look at this "no limit" proposal and come to us in April with the results of his analysis.

Mr. Caito decided to let it go until April. He did not believe there would be a problem since they would be fishing on the slope and would therefore not encounter yelloweye or canary.

Mr. Anderson said given the estimate of 0.7-1.1 mt of yelloweye in the trawl fishery that Dr. Hastie referred to, the significant trip limit changes for trawl, and the significant changes to other fisheries where yelloweye might be encountered, we think the encounters of yelloweye will be less. We are not gaining one thing by specifying "no retention". It is just a question as to whether the yelloweye is left at sea or brought to the dock. Mortalities are going to happen anyway and we would lose our capacity to collect data (i.e., otoliths for ageing).

Mr. Brown agreed with Mr. Anderson that no one in the trawl fishery is or will be targeting yelloweye and that the catches will be truly incidental and rare. They are a species that probably will not survive discarding.

Mr. Boydston asked if yelloweye are part of the minor shelf or do they have a separate OY? Dr. Hastie said they do have a separate OY but they have been managed as part of the minor shelf complex and there is no reason not to continue to do so. The same is true for darkblotched where they have a separate OY but are managed as part of the minor slope complex without a separate trip limit.

Chairman Lone called for a vote on motion 27. Motion 27 passed.

Mr. Anderson referred to Exhibit C.4.i, Supplemental GMT Report 5 and moved to adopt the limited entry fixed gear trip limits and the OA trip limits for 2002 as presented in the table with the following corrections: 1) the Limited entry Fixed gear minor slope rockfish limit of 1,000 pounds/month extends through April after which it would go to 5,000 pounds/2 months through the end of October, then drop back to 2,000 pounds/ 2 months in November and December; 2) for OA under minor nearshore rockfish, the timeframe in the summer period with a 4,000 pounds/2 month limit would be extended through the month of October (instead of through September); 3) for exempted trawl, specify the pink shrimp trip limits that are recommended under Exhibit C.4.i, Supplemental GAP report 2; and 4) exclude from the motion the recommended minor nearshore rockfish limit/time period change discussed earlier for OA. (Motion 28) Mr. Alverson seconded motion 28.

Mr. Brown asked about his exclusion of the OA minor nearshore rockfish specification since there are several area specifications for minor nearshore rockfish? Mr. Anderson said it is the specification for north of Cape Mendocino with two different alternatives. Dr. Hastie said those are not two different alternatives on the OA table. The second line for minor nearshore rockfish in the north refers to a specified sublimit for species other than black or blue rockfish. He apologized for the confusing table format. Both of the lines for minor nearshore rockfish north (the base limit and the sublimit) could be moved to the end of October (i.e., the summer limit would then apply for the May-October period, not May-September). With the clarification, Mr. Anderson included minor nearshore rockfish in the north (with the base limit and sublimit) in the motion with the revision of the time frame as stated by Dr. Hastie. Mr. Alverson agreed to the clarification and the inclusion of these limits in the motion.

Mr. Brown stated that there does not appear to be a bocaccio problem and he believes commercial fisheries will not catch 44 mt of bocaccio.

Chairman Lone called for a vote on motion 28. Motion 28 passed.

Referring to Exhibit C.4., Supplemental CDFG Proposal, Mr. Boydston moved to adopt the recreational fisheries as shown in that document, but with the clarification that 25 fathoms should be changed to 20 fathoms where it occurs in the proposal. Also add verbiage as follows: Council will consider at its September, 2002 meeting to open the recreational fishery for minor nearshore rockfish and lingcod in the

central California area during November and December based on overall landings of minor nearshore rockfish and lingcod using data from MRFSS through wave 4. (Motion 29) Mr. Thomas seconded the motion.

Mr. Brown asked the intent of Mr. Boydston's last statement. He asked whether both recreational and commercial seasons would remain the same? Mr. Boydston said his intention is to consider opening the November and December nearshore recreational fishery in the central coast area within 20 fathoms using the preseason harvest guidelines that we have in the documents. We could also consider at the time opening the commercial fisheries if there is harvest guideline remaining for those.

Chairman Lone called for a vote on motion 29. Motion 29 passed.

Referring to Exhibit C.4.i, Supplemental GAP Report 2, Mr. Bohn moved to adopt the recreational fisheries as shown in that document but also insert for the inseason adjustment "fishing outside of 20 fathoms or 25 fathoms as determined by inseason evaluation based on EC concerns. (Motion 30) Mr. Brown seconded the motion.

Chairman Lone called for a vote on motion 30. Motion 30 passed.

Mr. Anderson, referring to Exhibit C.4.i, Supplemental GAP Report 2, moved to adopt the Washington recreational fisheries as described. (Motion 31) Mr. Harp seconded the motion.

Chairman Lone called for a vote on motion 31. Motion 31 passed.

Mr. Robinson moved that the EC recommended two options on the DTL fishery and the GAP recommended the second option. Mr. Robinson moved and Mr. Alverson seconded a motion to adopt the 24-hour period recommended by the GAP. (Motion 32) Motion 32 passed.

Mr. Harp moved and Mr. Alverson seconded a motion (Motion 33) to adopt the tribal fisheries as shown in Exhibit C.4, Supplemental Treaty Indian Harvest Levels with a sablefish OY of 423 mt for 2002. Motion 33 passed.

C.5. Groundfish Strategic Plan Implementation (October 31, 2:02 pm)

C.5.a. Agendum Overview

Mr. Dan Waldeck provided the agendum overview and stated the three matters for Council consideration:

1. Consider Executive Director recommendations to establish ad hoc committee and schedule for scoping a multi-year management cycle for the groundfish fishery.
2. Discuss applicability of *The Groundfish Fleet Reduction Information and Analysis Project*.
3. Consider the invitation for Mr. Jim Seger to participate in a meeting to finalize plans for an assessment related to the network of Marine Protected Areas on the West Coast. (Exhibit C.5, Supplemental Marine Reserves Communique).

C.5.b. Multi-year Groundfish Management Cycle

Dr. McIsaac gave an explanation on his ad hoc committee and schedule recommendations.

Mr. Robinson, in terms of the purpose of the committee, noted the committee was originally conceived to consider how to move from annual management to a multi-year cycle. He emphasized that the ad hoc committee consider federal notice and comment requirements in their recommendations for a revised groundfish management process.

Dr. McIsaac noted that the objectives statement, as recommended, contains reference to consideration of federal notice and comment requirements.

Ms. Cooney noted that while consideration of multi-year management is useful in the long-term, compliance with notice and comment requirements will be necessary in 2002. Therefore, it would be prudent for this committee to develop recommendations for addressing notice and comment requirements in the short-term.

Mr. Brown said this committee would perhaps have two charges, developing options for groundfish management in the longer term (e.g., multi-year management) and options for meeting notice and comment requirements in 2002.

C.5.c. EcoTrust/Pacific Marine Conservation Council Capacity Reduction Analysis Proposal

Mr. Waldeck gave a brief overview. Highlighted it was an effort to collect and analyze community and fleet profile information.

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

SSC

Ms. Cindy Thomson provided Exhibit C.5.d, Supplemental SSC Report.

Dr. Astrid Scholz briefed the Scientific and Statistical Committee (SSC) on the Groundfish Fleet Reduction and Analysis (GFR) Project. The GFR project is a joint effort of Ecotrust and the Pacific Marine Conservation Council (PMCC). The goal of the project is to provide databases and policy tools that will facilitate Council deliberations regarding groundfish capacity reduction. The project expects to receive \$150,000 in funding, largely from foundations, and has a stated completion date of September 2002.

The SSC has the following comments regarding the GFR project:

- The project will involve creating databases of existing fishery and community information from a variety of sources, providing spatial depictions and analyses of such data, and developing policy tools that allow the Council to evaluate capacity reduction options in a way that considers fishery, ecosystem and community effects. The analyses will range from descriptive summaries to models that predict industry response to regulatory changes. The project description is not specific enough to allow the SSC to comment on its technical merit. Even given this non-specificity, it is clear the scope of the project is much too ambitious to be accomplished with the available funding or within the stated time frame. The SSC recommends that Ecotrust focus on one or more aspects of the project that will allow them to provide a tangible and useful product by the stated deadline.*
- The SSC commends Ecotrust/PMCC for attempting to develop their project in concert with the Council and the fishing industry. Continuing consultation with the Council family will be important for determining how their databases and analyses should be customized to ensure the results are meaningful and useful for management. Continuing consultations with Council entities, particularly the Groundfish Advisory Subpanel, as well as other members of the fishing community, will also be important for encouraging trust. Without such trust, it will be very difficult for Ecotrust to obtain cooperation or to instill confidence in the results of their project.*
- It is important for Ecotrust to recognize that the willingness of individual members of the Council family to provide input to their project should not necessarily be construed as endorsement of the project. If Ecotrust is seeking endorsement, they should be careful to obtain permission from individuals before using their names or their organizations in that manner.*

GAP

Mr. Dan Waldeck read Exhibit C.5.d, Supplemental GAP Report.

GROUND FISH ADVISORY SUBPANEL STATEMENT ON GROUND FISH STRATEGIC PLAN IMPLEMENTATION

The Groundfish Advisory Subpanel (GAP) received a presentation from Ecotrust on their Groundfish Fleet Reduction Information and Analysis Project.

While the project generated interest and several questions, GAP members are alarmed at the fact that Ecotrust - as a private organization - is receiving confidential data from PacFIN. The fishing industry provides data to PacFIN for use in management with the understanding that such data is confidential and will be used only in aggregate form that prevents identification of individual operations. If data is able to be released in raw or unaggregated form to a private organization, many of those present believe they will not provide such data in the future. The GAP strongly recommends no unaggregated or confidential data be released by PacFIN to any private organization, and the Council should instruct PacFIN not to release confidential data to private organizations unless the Council approves the release. The GAP also requests a copy of PacFIN's protocol on release of data to private organizations.

The GAP also discussed a Council proposal to establish a scoping committee to examine multi-year management. The GAP supports the proposal and the list of members proposed in Exhibit C.5 - Situation Summary.

C.5.e. Public Comment

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

C.5.f. **Council Action:** Establish Ad Hoc Committee, Timeline, and Schedule for Review of the Groundfish Management Cycle (Groundfish Strategic Plan Implementation)

Dr. Hanson explained the protocols and process that PacFIN follows when confidential data is requested. He noted there was no breach of protocol or policy in this case. He recognized there is some concern, and has initiated a review of the policy and the implementation guidelines. He noted that PacFIN is a cooperative initiative of the PSMFC and the states. Thus, it probably is not necessary for the Council to review requests for data.

Mr. Brown moved (Motion 10) that the Council form an ad hoc committee, under the Ad Hoc Groundfish Strategic Plan Implementation Oversight Committee (SPOC), for scoping multi-year management of the groundfish fishery.

Those members are:

Mr. Phil Anderson	Dr. Jim Hastie
Mr. Burnie Bohn	Mr. Jim Lone
Mr. LB Boydston	Dr. Rick Methot
Mr. Ralph Brown	Mr. Rod Moore
Ms. Eileen Cooney	Dr. Steve Ralston
Mr. Bob Eaton	Mr. Bill Robinson

The objective would be to scope multi-year management approaches, synchronized with a multi-year stock assessment schedule and with full accommodation of federal notice and comment requirements. He added that the committee should also provide recommendations to the Council relative to the 2002 management cycle (notably, accommodating notice and comment requirements). Mr. Bohn seconded the motion.

Mr. Bohn commented on the proposed schedule and noted there may be conflicts with other meetings. Mr. Brown suggested that the schedule be removed from the motion and the meeting schedule be left up to the committee. The maker of the motion and seconder agreed.

Motion 10 passed.

Chairman Lone made some general comments on the GFR project, notably relative to the strategic plan. He was concerned that the project may be much more complicated than is necessary at present.

Mr. Brown discussed his concern with the release of the PacFIN information relative to other projects that were not granted access, specifically the buyback proposal developed by Mr. Pete Leipzig. He was concerned that industry was not granted access whereas non-industry groups did receive access.

Mr. Robinson noted that the project is going to go forward and the Council is not being asked to participate or provide resources. Thus, there is nothing we need to do. He believes the project might produce some useful information. He suggests the Council wish them well and review the results when available.

Mr. Brown concurred with Mr. Robinson and noted the project's results would be reviewed by the SSC prior to any Council use of the information.

Mr. Waldeck noted that this was a chance for them to initiate a dialogue with the Council. In the GAP statement there was issues on the PacFIN use, Dr. Hanson commented on that issue. He also noted the SSC had several specific comments as well and suggested the Council consider forwarding those comments to the EcoTrust/Pacific Marine Conservation Council (PMCC) group.

Mr. Anderson, following on Mr. Waldeck's comments, suggested a letter from the Chairman or executive director be sent to the project, forwarding the SSC's comments. It is not sure if this project is directly useful to the Council relative to fleet reduction. However, information about coastal communities and the role of fisheries in those communities is usually useful. He hopes the study will be of value.

Mr. Anderson, on the PacFIN data, if it is a policy issue we need to make sure we address policy questions to the policy makers. If there is a policy issue the representatives to the data-confidentiality committee need to inform to the policy managers before decisions are made.

Mr. Bohn said that he looked forward to seeing the results of the project, and suggested a formal letter might not be necessary. Mr. Waldeck said he would take the initiative that the comments from the SSC and GAP are forwarded to the EcoTrust/PMCC group.

Mr. Waldeck said that the third item is just for information only and does not require Council discussion or action.

Mr. Brown provided a brief update on status of buyback legislation. Additional cosponsors are forthcoming and there is a hope that the legislation will move forward.

Dr. Hanson, in response to Mr. Anderson's comments relative to PacFIN data. It is assumed that NMFS and state employees are in contact with their supervisors when the data-confidentiality committee is considering data requests. Moreover, there are a process and protocols the states have agreed to.

C.6. Rebuilding Plans (October 31, 3:04 pm)

C.6.a. Agendum Overview

Dr. McIsaac provided the agendum overview.

C.6.b. NMFS Report

Mr. Robinson briefed the Council on Exhibit C.6.b, Supplemental NMFS Report. He asked that a workshop be formed and have the current set of rebuilding plans wrapped up in an FMP amendment. The amendment would revise the Amendment 12 to remove the frameworking provisions. The new amendments would include the rebuilding plans. We would like to see and commit to work with the Council staff to complete the rebuilding plans for Council consideration and public review by April 2002. Some of these plans are almost complete, and given the lateness, we think we need to get them transformed into amendments. After the first of the year, we need to meet with Council staff to figure out the structure, whether it is one or multiple amendments.

Mr. Bohn asked Mr. Robinson, if the idea is to have one plan amendment that has several sections for the several rebuilding plans and done in a way that yelloweye could be added to it? Mr. Robinson said there is certainly some logic into what you are proposing. It makes sense to structure it to take an additional rebuilding plan and plug it into the amendment without having to rewrite the amendment.

C.6.c. Reports and Comments of Advisory Bodies

GAP

Mr. Frank Warrens read Exhibit C.6.c, Supplemental GAP Report.

The Groundfish Advisory Subpanel (GAP) briefly discussed guidance to be given for the completion of rebuilding plans. The GAP believes the following comments, which were provided to the Council in September, need to be considered.

First, rebuilding plans need to contain complete social and economic data, including data on the economic impact of the plan alternatives on coastal communities, along with the environmental and biological data already scheduled to be included.

Second, rebuilding plans must be flexible enough to accommodate new information as it becomes available. The Council should not lock itself into a rebuilding strategy such as a constant catch plan that later analysis demonstrates won't work.

Third, a clear strategy for monitoring the progress of rebuilding and responding to that monitoring must be developed.

C.6.d. Public Comment

None.

C.6.e. Council Guidance and Planning on Rebuilding Plans

Mr. Brown noted the concern of the GAP on the monitoring of progress on rebuilding plans. If we don't have the ability to incorporate new science into the rebuilding plan we would be in violation of the MSFCMA. Mr. Robinson said the act requires review of the rebuilding plans every two years. We need to figure out what parts of the rebuilding plans could remain the same in the amendment and what parts will need to change as part of the two-year review process.

C.7. Groundfish Fishery Management Plan Environmental Impact Statement

C.7.a. NMFS Report

Mr. Robinson gave a brief update, noting that NMFS has hired a NEPA expert and they have had an extensive discussion regarding the issue of doing a programmatic EIS and also talked about the lawsuit. The intent was to satisfy both the court order and the ongoing management needs by doing the programmatic EIS. The scope of the alternatives on a programmatic level don't match up well with the alternatives in the court order EFH EIS. Therefore, they made a decision to separate the two somewhat and continue with the programmatic EIS, but not try to satisfy the court order through that document. However, much of the same work for the programmatic EIS would be used for the court order EFH piece. They have a project manager for the Groundfish FMP EIS (Mr. Jim Glock). They have a separate project manager for the EFH EIS who will work with Mr. Glock to coordinate efforts, Mr. Steve Copps who will start on Monday. They look forward to getting together with a Council committee and put together an outline of the programmatic EIS.

C.7.b. Reports and Comments of Advisory Bodies

None.

C.7.c. Public Comment

None.

C.7.d. Council Guidance on Environmental Impact Statement Content and Process

Mr. Anderson asked if there will be a notice for the meeting of the Council's ad hoc group. Mr. Robinson assumed Dr. McIsaac would be setting up the meeting and the Council would be providing the notification. Dr. McIsaac agreed.

C.8. Exempted Fishing Permits (November 1, 8:08 am)

C.8.a. Agendum Overview

Dr. McIsaac provided the agendum overview.

C.8.b. Status of Ongoing EFPs

C.8.b.i. Arrowtooth Flounder and Rockfish Permit

Mr. Anderson made some comments about how much work, training, and effort went into this EFP. Mr. Culver presented his powerpoint presentation.

C.8.b.ii. Chilipepper Rockfish and Bocaccio Permit

Mr. Boydston stated CDFG is just in the administrative and contracting phase of the project right now. Until that process is completed, they will solicit individuals that qualify under the proposed EFP and secure observers through PSMFC.

C.8.b.iii. Vertical Line Gear Selectivity Permit

Mr. Boydston noted this also needed a funding mechanism in order to secure observers.

C.8.c. New EFP Applications

Mr. Anderson noted they are developing a draft of two new EFP's (Supplemental WDFW Proposal 1 and 2).

The goals of the first EFP (Supplemental WDFW Proposal 1) is to:

- Measure bycatch rates for canary and other rockfish associated with the arrowtooth flounder fishery through an at-sea observer program,
- Measure bycatch rates for widow and other rockfish associated with the midwater yellowtail fishery through an at-sea observer program, and
- Augment the NMFS groundfish observer program.

The goals of the second EFP (Supplemental WDFW Proposal 2) is to:

- Measure bycatch rates for widow and other rockfish associated with the midwater yellowtail fishery through an at-sea observer program, and
- Augment the NMFS groundfish observer program.

Mr. Bohn noted that ODFW supports both of the EFP proposals presented by WDFW. ODFW is also developing a proposed EFP.

Mr. Mark Saelens reported that the EFP (Exhibit C.8.c, Supplemental ODFW Proposal) implements an observation program to enumerate the bycatch in whiting harvests delivered to shoreside processing plants for 10 to 15% of all deliveries. The purpose of the EFP is to allow delayed sorting from mid-water trawl

catches of Pacific whiting until the catch is unloaded at a shoreside processing plant. Although this EFP has been listed under the "new" category under this agenda item, ODFW has been operating this EFP on an annual renewal basis for the last 10 years.

Mr. Don Hansen asked how many EFPs can you possibly have? Mr. Robinson said there is no limit on the number we can handle. The real time crunch would depend on how much lead time we have to work with the applicants on the details.

C.8.d. Reports and Comments of Advisory Bodies

GAP

Mr. Frank Warrens presented Exhibit C.8.d, Supplemental GAP Report.

C.8.e. Public Comment

Mr. Mike Pettis, longliner, Newport, Oregon
Mr. Marion Larkin, F/V Larkin, Mt. Vernon, Washington

C.8.f. **Council Action:** Recommendations to NMFS on EFPs

Mr. Anderson asked that the two EFP applications be put on the agenda for March 2002. Due to workload issues, Dr. McIsaac asked if the EFP's could be put on the April agenda. Mr. Anderson said he would ask Mr. Robinson if the NMFS process could be expedited in order to accommodate the implementation of the EFPs.

Mr. Boydston thought that since the ODFW EFP has been going on for ten years, it should be put into a plan amendment. Ms Cooney said there was a plan amendment to get this done. However, the rulemaking never got done due to workload and we just keep on doing the EFP. Mr. Anderson and Mr. Bohn cautioned that making the programs permanent could entail a great deal of work and staff time.

Mr. Boydston requested that we put consideration of a permanent sampling program on the agenda as a workload issue (on Friday's list of workload items).

Mr. Bohn moved to approve the EFP by ODFW as shown in Exhibit C.8.c, Supplemental ODFW Proposal. Mr. Brown seconded the motion. (Motion 12)

Mr. Brown stated that if the arrowtooth flounder EFP is the same as last year we could just go ahead and approve it right now.

Mr. Anderson replied he anticipates that the time period will possibly begin in May, and he would propose to eliminate the limitation that directed tows on arrowtooth be limited to north of 48° N latitude. The other change that needs to be worked out is the addition of the experiment relative to yellowtail and widow. Those are the changes they are requesting and including in their applications to NMFS.

Mr. Brown asked for a friendly amendment to go ahead and approve both of the WDFW EFPs (Exhibit C.8.c, Supplemental WDFW Proposal 1, and Supplemental WDFW Proposal 2, with the conditions that they satisfy NMFS conditions in completing the application process. The maker of the motion agreed to accept the friendly amendment.

Dr. Radtke asked for a vote and Motion 12 passed. [The Council approved the EFP by ODFW as shown in Exhibit C.8.c, Supplemental ODFW Proposal, and the EFPs by WDFW as shown in Exhibit C.8.c, Supplemental WDFW Proposal 1, and Supplemental WDFW Proposal 2, with the conditions that they satisfy NMFS conditions in completing the application process.]

C.9. Status of Fisheries and Inseason Adjustments (November 2, 2:13 pm)

C.9.a. Agendum Overview

John DeVore provided the agendum overview and Dr. Hastie and Mr. Moore presented further details of the issue.

C.9.b. Reports and Comments of Advisory Bodies

GAP

Mr. Moore summarized Exhibit C.9.b, Supplemental GAP Report.

C.9.c. Public Comment

None.

C.9.d. **Council Action:** Consider Inseason Adjustments for Groundfish Management Measures

Mr. Brown moved that we authorize the landing of 1,000 pounds per trip of Dover sole in the month of December. Dr. Radtke seconded the motion. (Motion 34)

Mr Brown believes there is no need for concern that we will exceed the Dover sole limit

Mr. Harp asked when would this take effect? Mr. Brown said in December.

Motion 34 passed.

D. Salmon Management

D.1. NMFS Report (October 31, 10:35 am)

D.1.a. Miscellaneous Matters

Mr. Bill Robinson indicated that there have been no significant regulatory actions taken since the last Council Meeting.

Mr. Dan Viele gave an update on the KFMC membership. Eight of the 11 members have either no current appointment letters on file or letters from inappropriate bodies. Mr. Viele said the Council representatives are two such positions. The Council representatives needs to be appointed by the Secretary of Commerce. The KFMC hopes to get those resolved before the February, 2002 KFMC meeting. One possibility would be to appoint the Chair of the PFMC as the official designee, and allow the Chair to designate an alternate as appropriate. Mr. Viele indicated that no action is necessary at this time, but should be brought up as a matter of discussion under appointments.

D.1.b. Council Discussion

None.

D.2. Update of Ongoing Fisheries (October 31, 10:39 am)

D.2.a. Agendum Overview

Mr. Chuck Tracy provided the agendum overview.

D.2.b. Sequence of Events

Mr. Tracy reviewed the sequence of events provided in Exhibit D.2.b.

D.2.c. Salmon Technical Team (STT) Report

Mr. Tracy notified the Council that the STT report was provided as Exhibit D.2.c, Supplemental STT Report.

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

None.

D.2.e. Public Comment

None.

D.2.f. Council Discussion on Update of Ongoing Salmon Fisheries

None.

D.3. Salmon Option Hearing Sites

D.3.a. Agendum Overview

Mr. Chuck Tracy provided the agendum overview.

D.3.b. 2002 Management Schedule

Mr. Tracy summarized Exhibit D.3.d, 2002 Management Schedule.

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

SAS

Mr. Mark Cedergreen presented Exhibit D.3.c, Supplemental SAS Report.

D.3.d. Public Comment

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

D.3.e. **Council Action:** Approve 2002 Hearing Schedule and Hearing Sites

Mr. Boydston announced a tentative date for the state sponsored Moss Landing hearing during the last week of March, 2002.

Mr. Bohn indicated Oregon will have a state sponsored meeting in Tillamook, but was unsure of the exact date. Regarding the Coos Bay location, he recommend leaving it as is since there was not agreement among Oregon SAS representatives to change the location.

Mr. Anderson moved, and Mr. Alverson seconded, a motion to adopt the Council sponsored salmon hearing sites as shown in Exhibit D.3, Situation Summary, November 2001. (Motion 5) Those hearing sites would be:

April 1, 2002	Westport, Washington and North Bend, Oregon
April 2, 2002	Eureka, California

Motion 5 passed.

By consensus, the Council state representatives noted the following tentative state sponsored hearings:

Week of April 1 in Tillamook, OR
Week of April 1 in Moss Landing, CA

D.4. Sacramento Winter Run Chinook Management (October 31, 10:47 am)

D.4.a. Agendum Overview

Mr. Chuck Tracy provided the agendum overview.

D.4.b. NMFS Report

Mr. Dan Viele presented Exhibit D.4.b, NMFS Report, and Exhibit D.4.b, Supplemental NMFS Power-Point Presentation.

Mr. Boydston, regarding the interim period between 2002 and the completion of the proposed FMP amendment, asked if current commercial size limits would continue, and if early season commercial fishery south of Pt. Sur would have a different opening date. Mr. Viele indicated that NMFS would prefer an opening date of no earlier than May 1 south of Point Sur, and that current size and gear restrictions continue.

Mr. Roth inquired about rationale of the suspension of the 31% increase in cohort replacement rate requirement in the interim period. Mr. Viele indicated that the change in assessment methodology would require development of a new standard. Because most impacts are associated with early season recreational fisheries, maintaining the later opening date should provide adequate protection during the interim period.

Mr. Brown asked where the majority of the commercial impacts occur. Mr. Viele indicated that most impacts in both recreational and commercial fisheries occur in the Monterey and San Francisco area.

D.4.c. Reports and Comments of Advisory Bodies

SAS

Mr. Mark Cedergreen presented the SAS report, Exhibit D.4.c, Supplemental SAS Report.

D.4.d. Public Comment

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

D.4.e. **Council Action:** Comments on Recovery Plan Revisions and Inseason Fishery Management for Sacramento Winter Run Chinook

Potential FMP Amendment:

Mr. Boydston asked about the process of developing an FMP amendment. Dr. McIsaac said that there is a formal Council process on salmon FMP amendments which would be initiated by a motion, and believes that it is a one year process.

Mr. Boydston suggested the Council delay formal action until the March, 2002 meeting. Between now and then he proposed an ad hoc committee to set preliminary goals/objectives and the FMP amendment team composition. The ad hoc committee would include NMFS, CDFG, USFWS, representatives from the three major fishing sectors, and CalFED. This committee would put together a straw-man proposal for the March Council meeting. Mr. Viele agreed with the ad hoc committee concept. By March an interim BO should be completed, and an FMP amendment package should be ready.

Mr. Robinson indicated that the March Council meeting would constitute a scoping session to decide what would go into the FMP amendment, and then the Council would decide whether to proceed with the FMP amendment at that point.

Mr. Roth asked about the involvement of the technical recovery team. Mr. Viele said the members have been appointed, but was unsure if they started working yet. He thought that the KRTAT chair should be included in the ad hoc committee.

Inseason recommendations:

Mr. Roger Thomas moved and Mr. Boydston seconded a motion (Motion 6) to maintain status quo for the 2002 recreational salmon season opening dates: March 30 below Pigeon Pt.; April 13 between Pigeon Pt. and Pt. Arena . Motion 6 passed.

Options for the Interim Biological Opinion:

Mr. Boydston moved and Mr. Thomas seconded a motion (Motion 7) to recommend proceeding with the interim biological opinion (BO) as presented by Mr. Viele. Motion 7 passed.

FMP Amendment Process:

Dr. McIsaac said that the COP indicate the process is from November to November. He went through a quick explanation of the process. The extended process is orderly as proposed by Mr. Boydston's motion. For the amendment to be in effect for the 2004 fishing season, the scoping would not need to begin until after November 2002.

Mr. Boydston said that the Council should start the formal process in March and complete it by the following March; he was not aware of the November/November time frame.

Ms. Cooney said the schedule in the COPS is set up for the fastest way to do it if you want it for that year. If you do it from March to March, the amendment would be adopted, but not implemented until the following year.

Mr. Robinson indicated there is no reason not to do the scoping in March 2002 and complete the process in November 2002.

Mr. Bohn indicated that Amendment 13 was completed fairly quickly, and that he agreed with Mr. Robinson.

Mr. Boydston indicated that he preferred to initiate the process in March 2002 with the objective of implementation for the 2003 management season.

D.5. Results of Scientific and Statistical Committee (SSC) Methodology Review (October 31, 11:28 am)

D.5.a. Agendum Overview

Mr. Chuck Tracy provided the agendum overview.

D.5.b. SSC Report

Dr. Pete Lawson read Exhibit D.5.b, Supplemental SSC Report.

Mr. Gaudet inquired about the effect of Canadian fisheries on the updated coho FRAM. Dr. Lawson indicated that the effects would be minor since Canadian stocks realized little impacts from Council area fisheries.

Mr. Boydston observed that the final review of the two models is in January and February, and that a decision point that close to implementation could risk delay. Dr. Lawson indicated that the momentum for implementation should not be lost.

Mr. Roth observed that the Model Evaluation Subgroup would be important for continuity as current expertise left.

D.5.c. Reports and Comments of Advisory Bodies

STT

Mr. Dell Simmons provided Exhibit D.5.c, Supplemental STT Report.

Mr. Anderson asked if there were any inconsistencies between the STT and SSC reports. Mr. Simmons indicated that there were not.

Mr. Bohn asked if selective coho fisheries would be more accurately assessed, and if there were fewer time/area strata without data. Mr. Simmons indicated that there may be some incremental improvement in assessment of selective fisheries.

Mr. Roth asked if the addition of stocks in the model will delay implementation. Mr. Simmons indicated that it may be challenging, but achievable.

SAS

Mr. Mark Cedergreen read Exhibit D.5.c, Supplemental SAS Report. (October 31, 1:15 pm)

D.5.d. Public Comment

None.

D.5.e. **Council Action:** Adopt Proposed Changes to Methodology Used

Mr. Anderson noted that WDFW will be holding a user group meeting on November 28, 2001. There will also be a meeting on January 3, 2002 between the STT, SSC and WDFW to explain the details of the new coho FRAM.

Mr. Boydstun indicated that the KOHM is 95% complete; however, he was reluctant to recommend approval for 2002 management without review by the KFMC.

Mr. Bohn noted there was a letter from Washington Trollers Association (Exhibit D.5.b, supplemental public comment 2), and inquired if the issues in that letter would be addressed by the coho FRAM revisions. Mr. Tracy indicated that the new cohort analysis does address the issues brought forth in that letter.

Mr. Anderson moved that the Council approve the revised coho FRAM contingent upon completion of the remaining tasks identified by the STT and the SSC. Mr. Jim Lone seconded the motion. - Motion 8

Dr. McIsaac explained the COP on the use of methodology changes.

Mr. Bohn requested to add to the motion, if problems arise with the revised model, the default is to use the old model.

Mr. Roth supported the motion to get the revised models in place.

Mr. Anderson noted that the tribes/states have the North of Falcon meeting process to address preseason forecast issues.

Mr. Boydstun asked for a friendly amendment to include approval of the revised KOHM in the motion based on the recommendation from the KFMC included in Exhibit D.5.d, Supplemental Public Comment 1. The maker and the seconder agreed.

Mr. Brown, asked if the coho FRAM caveats apply to the KOHM regarding resolution of remaining technical issues and use of the old KOHM if those issues are not adequately addressed. Mr. Boydstun responded affirmatively.

Vice-Chair Radtke asked for vote, Motion 8 passed.

D.6. Queets River Coho Status Review (October 31, 1:31 pm)

D.6.a. Agendum Overview

Mr. Chuck Tracy provided the agendum overview.

D.6.b. STT Report

Mr. Dell Simmons provided a brief summary of the STT Report (Exhibit D.6.b, STT Report).

D.6.c. Reports and Comments of Advisory Bodies

SSC

Dr. Pete Lawson read Exhibit D.6.c, Supplemental SSC Report.

HSG

Ms. Michele Robinson read Exhibit D.6.c, Supplemental HSG Report.

SAS

Mr. Mark Cedergreen read Exhibit D.6.c, Supplemental SAS Report.

D.6.d. Public Comment

None.

D.6.e. **Council Action:** Adopt Actions to Prevent Overfishing of Queets River Coho

Mr. Tracy noted that after hearing the recommendations from the advisory bodies, should the Council agree, there would be no action required regarding requiring development of a formal rebuilding plan, or to adopt management measures to end the overfishing concern. The Council may wish to give direction to the HSG to investigate habitat concerns, although habitat and freshwater production were not identified as significant factors in failure of the stock to meet the escapement objective. The HSG did request a presentation of habitat issues from the comanagers.

Mr. Robinson reviewed the history of the decision to require a stock assessment under the overfishing concern in Amendment 14, and the details the Council required in that assessment. He indicated that the STT met the Council's criteria with this report, and agreed with their conclusions and recommendations. He stated that the standard has been met regarding the necessity of developing a rebuilding plan under Amendment 14.

Mr. Harp noted that during 1997-1999, the Council was operating under Amendment 12, and Queets coho were not overfished. During that time WDFW and the Quinault Indian Nation agreed to escapement goals which met conservation constraints. When Amendment 14 was approved, the retroactive application resulted in triggering the overfishing concern. He recommended that the Council accept the report of the STT.

Mr. Gaudet indicated that the STT, HSG, and SSC recommended examination of the lower end of the escapement goal. He thought this would be a comanager responsibility and asked if the Council wished to act on that recommendation.

Mr. Anderson noted relative to the recommendations of the current escapement range, WDFW is prepared to talk with the policy representatives of the Quinault Indian Nation and recognized that the Quinaults compiled the majority of the data in the Queets River system. Regarding the letter from WDFW, the STT was able to address the majority of the concerns raised in that letter in the final report. Regarding the request of the HSG for a presentation of habitat issues, he committed to talk with the Quinault Indian Nation about having them make a presentation to the HSG in April, 2002.

Mr. Harp, in response to Mr. Gaudet's question, indicated that to change the MSY escapement goal range for Queets coho would involve the comanagers at WDFW and the Quinault Indian Nation. Neither of the two agencies can presently commit the manpower to take on those tasks. He stated that in his personal opinion, it is time to review the range for MSY and to narrow that range. The lead people to take on that task is the Quinault Indian Nation, NMFS, WDFW, and USFWS as was done in the early 80's.

Mr. Tracy summarized the discussion: the Council has accepted the STT report; Mr. Anderson will discuss with the comanagers the possibility of a presentation to the HSG on habitat issues; Mr. Anderson and Mr. Harp noted that a review of the MSY escapement range objective would also be discussed by the comanagers.

Mr. Anderson moved to formally accept the STT Report as shown in Exhibit D.6.b, STT Report, November 2001 for Queets River coho; and to concur with the STT conclusions that Queets coho are not currently overfished, not likely to become overfished in near future, that a rebuilding plan is not required, and that no changes in management measures are required to achieve the management objectives for Queets coho. (Motion 9) Mr. Alverson seconded the motion. Motion 9 passed.

E. Habitat Issues

E.1. Essential Fish Habitat Issues (November 1, 9:02 am)

E.1.a. Report of the Habitat Steering Group (HSG)

Ms. Jennifer Bloeser read the HSG report (Exhibit E.1.a, Supplemental HSG Report).

E.1.b. Reports and Comments of Advisory Bodies

None.

E.1.c. Public Comment

None.

E.1.d. Council Action: Consider HSG Recommendations

Mr. Anderson inquired as to the type of assistance Dr. Clarke was requesting from the HSG on updating the HAPC process document and the time line. Ms. Bloeser replied that she was asking the HSG to determine if the document was consistent with current Council policy relative to rebuilding plans and the Groundfish EIS. Ms. Bloeser proposed that the groundfish subgroup of the HSG meet through conference call to work on reviewing the document, and bring it to the Council in March 2002 with the goal of final approval in April 2002.

Mr. Brown asked if the Council has seen the document. Ms. Bloeser said no, the document was only given to the HSG and GAP.

Mr. Bohn inquired about the nature of the FERC programmatic letter scheduled for March 2002 approval by the Council. He noted that letters on that subject require coordination of agencies other than ODFW, and that requires considerable lead time. Ms. Bloeser noted that the HSG protocols require letters for Council approval to be in the briefing book, and asked if that was enough time. Mr. Bohn indicated that more time would be desirable.

Mr. Robinson indicated that the groundfish EIS documents will be considering HAPC in the structure of the alternatives, and how they fit into management. It would be helpful for the Council if such guidelines be established when considering those alternatives. He stated his desire for Dr. Clarke to schedule a presentation by to the Council on that issue in March or April, 2002.

Mr. Boydston asked that Mr. Rhode provide input on Klamath flow issues at the March HSG meeting and whether or not the Council would need to provide comments pursuant to EFH on that situation.

Mr. Anderson indicated that he favored the HSG proceeding with review of the HAPC document, and having Dr. Clarke provide a presentation to the Council in March or April, 2002.

F. Marine Reserves

F.1. Status of Marine Reserves Proposals for Channel Island National Marine Sanctuary (CINMS) (October 31, 3:24 pm)

F.1.a. Agendum Overview

Mr. Jim Seger briefed the Council on the briefing book documents. He noted the following possible topics for Council action: consider the SSC report and provide guidance, if needed; decide on a response to the California Fish and Game Commission (CFGF) marine reserve alternatives; and respond to the CINMS staff report on procedures for federal consideration of marine reserves in the CINMS, if appropriate.

F.1.b. Agency Reports and Recommendations

CDFG

Ms. Marija Vojkovich provided an oral report which outlined CDFG's procedures and process for holding hearings and accepting public comments before the regulations are adopted. The notice on the draft regulations and purpose of action provides for a 30 day comment period. This is followed by the publication of a state environmental analysis for which the comment period is a minimum of 45 days.

Lt. CDr. Matt Pickett, Ms. Stephanie Campbell from NOAA NOS General Counsel, and Mr. Sean Hastings, CINMS, provided a report. Referring to page two of Exhibit F.1.c, Supplemental Attachment 2, Lt. CDr. Matt Pickett announced that it was the National Marine Sanctuary (NMS) program intent to pursue establishment of marine reserves under the National Marine Sanctuary Act for Federal waters in the CINMS. The NMS program will initiate the NEPA process after the state process is completed. They will draft the DEIS and provide the Council opportunity to review and comment on the document during the drafting process. Additionally, they will be working closely with the state during the state process.

Mr. Fougner asked how the CINMS designation document and master plan relate to each other. Ms. Campbell responded that the designation document, or "charter" would have to be amended to allow regulation of fishing by the sanctuary. The NMSA requires that the designation document list the activities that may be subject to regulation. The sanctuary management plan is a separate document. What can be included in the sanctuary management plan is determined by the designation document.

Mr. Boydston, asked whether the CINMS staff would move to amend the designation document before completion of the CFGF process and whether the designation document applied to both state and federal waters. LCDR Pickett replied "Yes," as part of their overall review of the entire sanctuary management plan programs and regulations, they are amending the designation document to allow for "zonal management". Zonal management could include marine reserves. Mr. Boydston, asked whether marine reserves could be created under the designation document without the Council or the CFGF. Ms. Campbell replied that they could not abrogate their responsibility under the NMSA to allow the Council the opportunity to draft fishing regulations for the EEZ portion of the reserve. For the state waters, the governors have an opportunity to voice disapproval of any changes to the terms of the designation document.

Mr. Brown asked for clarification about who would approve the amendment. Ms. Campbell replied that the Secretary of Commerce had the statutory authority but had delegated that authority to the Office of Ocean and Coastal Resource Management within the National Ocean Service, a NMFS sister agency.

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

SSC

Ms. Cindy Thomson read Exhibit F.1.c, Supplemental SSC Report.

GAP

Mr. Frank Warrens read Exhibit F.1.d, Supplemental GAP Report.

The Groundfish Advisory Subpanel (GAP) discussed information presented by Council staff on the Channel Islands National Marine Sanctuary (CINMS) marine reserves process. The GAP also reviewed a draft of the Scientific and Statistical Committee's report on its subcommittee analysis of CINMS scientific data. The GAP appreciates the Scientific and Statistical Committee (SSC) sharing their draft report.

After reviewing the SSC report, the majority of the GAP interprets it to mean there is no scientific rationale for establishing a marine protected area in the CINMS comprising 30% to 50% of the CINMS area.

A minority of the GAP supports the full SSC report as drafted.

F.1.d. Public Comment

Mr. Joe Geerer, American Oceans Campaign, Los Angeles, California
Ms. Beth Owen, concerned citizen, Oakland, California
Ms. Kate Wing, Natural Resources Defense Council, San Francisco, California
Ms. Kathy Fosmark, Alliance for Sustainable Fisheries, Pebble Beach, California
Ms. Janice Green, Recreational Fishery Alliance, Umpqua, Oregon
Mr. Tom Raftican, United Anglers of Southern California
Mr. Bob Fletcher, Sportfishing Association of California, San Diego, California

F.1.e. **Council Action:** Response to Proposals and Recommendations for Channel Island National Marine Sanctuary

Mr. Anderson and Mr. Alverson asked Ms. Cooney about the Council's role under the National Marine Sanctuary Act (NMSA). Ms. Cooney said the Council will make a recommendation, the Secretary of Commerce determines if it meets the needs of the sanctuaries and could change the Council recommendations if the need is not met.

In response to a question, Mr. Seger identified three possible courses of actions for the Council with respect to the state process: (1) opt out, let the state process go and take no action; (2) take no action now but look at the documents in the spring if the process is ongoing at that time; or (3) explicitly ask the CFGC to keep their process open long enough for the Council to review the documents and provide comment to the CFGC. With respect to the CINMS process for developing regulations in the Federal waters of the sanctuary, he noted there is no specific action needed at this time. The Council will have an opportunity to participate or opt out in the future. For the CINMS process there appear to be two steps that will occur: (1) amend the CINMS designation document to regulate fisheries and (2) actual development of fishery regulations. Under each step the Council could participate or opt out.

Mr. Boydston moved (Motion 11) the following: write a letter to the CDFC that (1) requests an opportunity to provide input on the alternatives they are considering and accompanying environmental analyses, (2) requests that the Council be given sufficient lead time to distribute and analyze the document, (3) provides a schedule of the Council meeting meetings; (4) clarify our strategy of providing input to the CINMS pursuant to the Council's National Marine Sanctuary Act responsibilities; (5) provides the GAP/SSC reports. Mr. Boydston

suggested that Cindy Thomson from the SSC be a contact person in case the CFGC has questions about the SSC Report. The motion was seconded by Don Hansen.

Mr. Anderson stated that deciding whether the Council would assume a leadership role or advisory role in designing fishery regulations that go along with sanctuaries would be a key call. He expressed concern about setting a precedent that might be applied to proposals for other sanctuaries along the coast. For example, he would not be comfortable with the Council only taking an advisory role in developing management measures for the Olympic Coast National Marine Sanctuary. Mr. Brown and Mr. Harp concurred. Mr. Fougner recognized the concerns and spoke to a middle ground. He noted that the sanctuary will be doing a full analysis with public comment process and will be coming to the Council for advice; that does not abdicate Council responsibility. The Council has indicated it does not have the staff to work on reserves in any significant way. The sanctuary would like to work in partnership with the Council. Mr. Boydston proposed to amend the motion to reflect that there may be two possible courses of action for establishing no fishing areas in Federal waters of the sanctuary to complement areas established by the state (one under the Magnuson-Stevens Act authority and the other under the authority of the National Marine Sanctuaries Act) and that the Council would choose among those paths at a later time. The seconder agreed. Motion 11 passed.

Mr. Anderson asked whether given the location of the Channel Islands, could the fishing restrictions necessary to implement marine reserves be accomplished by adoption of rules under CDFG authority pertaining to California licensed vessels. Mr. Boydston said CDFG has code and regulations which control fishing activity in Federal waters for state managed species and that given how far south the area is he did not believe that there were many vessels that came from out of state. Ms. Cooney indicated that if this were done for state managed fisheries, and the result affected Federally managed fisheries, the Council would likely need to make a consistency determination on the issue. Mr. Fougner indicated that the issue would be similar to Huntington Flats.

Mr. Fougner suggested the Council accept the CINMS offer to keep us advised of the development of their documents and any other information. Ms. Cooney said she assumed the Council would want to be involved in the process and exercise their authority under the NMSA, if the CINMS proceeds to amend its designation document to create no fishing zones. The MS Act authority around the Channel Island would be more fragmented. You would have to look at the goals.

Dr. McIsaac noted that based on Mr. Fougner and Ms. Cooney's comments, the Council should write a letter to the CINMS to ask them for continued communication between the entities even though the Council has not made a decision on how it would prefer to proceed.

G. Highly Migratory Species Management

G.1. NMFS Report (November 1, 10:02 am)

Mr. Svein Fougner briefed the Council on recent domestic and international events related to West Coast highly migratory species fisheries (Exhibit G.1, NMFS Report)

RECENT INTERNATIONAL HMS ACTIONS AND ACTIVITIES

Eastern Pacific - on September 27, 2001, NMFS published the final rule to implement certain recommendations of the Inter-American Tropical Tuna Commission made at its June 2000 meeting. The rule has two components. The first requires fishers to provide information to the SWR for a regional register of all vessels that fish commercially for HMS in the eastern Pacific. We are now mailing out a form to 944 vessel owners who landed HMS in 1999 or 2000 into a West Coast port according to PacFIN records. The form has been partially completed by NMFS using available information sources (U.S. Coast Guard documentation records, High Seas Fishing Compliance Act permit applications, etc.). Vessel owners are to confirm the information filled in and to fill in missing pieces of information. The vessel owner then will submit the form with a picture of the vessel. The second component is regulations to implement the IATTC pilot program to reduce bycatch in the purse seine fishery. This program was originally for 2001 only but was extended through 2002 by

resolution in June 2001. Basically, all tuna brought on board would have to be retained, and all non-tuna would have to be released as quickly and harmlessly as practicable. Special handling and release procedures for sea turtles would be required as well. The intent is to provide a disincentive for completing sets on schools of fish that are so small that their market value is negligible. As there are observers on all large vessels, there should be good monitoring of compliance and effectiveness. The pilot program (and results of IATTC research on alternative means to reduce bycatch such as grids that retain only large fish) will be evaluated in April 2002.

Yellowfin Tuna Closure - On October 28, 2001, the directed purse seine fishery for yellowfin tuna in the IATTC Commission Yellowfin Regulatory Area was closed. From that date through the end of the year, vessels may retain yellowfin tuna taken in purse seine up to 15% by weight of all fish retained from sets made in that period.

U.S.-Canada Albacore Treaty - There have been two negotiating sessions in which the United States is seeking agreement on changes in the Treaty to establish limits on reciprocal fishing under the Treaty. The past 3 years have seen a huge expansion of Canadian fishing in the EEZ and this generated a large amount of concern among the U.S. fleet about crowding or preemption on the fishing grounds and even gear conflicts and fish interception. The Western Fishboat Owners Association has recommended suspension of the Treaty unless Canada agrees to limit its vessels. Canada recently countered a United States proposal, but the counter is clearly not responsive to U.S. industry concerns. No new negotiating sessions are currently planned and the Department of State is considering options including the potential for notifying Canada of intent to terminate the Treaty.

Multilateral High Level Conference for Western Pacific - There is no new activity to report. The United States continues to work with some of the nations that signed the new treaty text to determine if there are ways to accommodate Japanese concerns (Japan has not signed the treaty) without reopening the treaty itself.

Interim Scientific Committee - As indicated at the last meeting, the ISC is scheduled to meet in Japan early next year. The Southwest Fisheries Science Center will be well represented so the scientific results will be readily available for incorporation into the HMS FMP to the extent appropriate.

RECENT DOMESTIC HMS FISHERIES ACTIONS

Shark Finning Prohibition Act - The comment period for the proposed rule to implement this Act ended July 30, 2001. NMFS has been considering the comments made on the proposed rule and is close to publishing a final rule. At this time, it appears that there will not be major changes from the proposed rule. The prohibitions would not apply to activities undertaken in State waters under State jurisdiction. A State could also have more stringent controls than the Federal controls.

Drift Gillnet - No new Federal regulations have been implemented since the last Council meeting. The current regulations are among the alternatives in the Regulatory Document for the HMS FMP.

Hawaii Longline - No new Federal regulations have been implemented since the last Council meeting. The Southwest Region and Western Pacific Council are coordinating in the development of regulations under the Pelagics FMP to take the place of the emergency regulations published by NMFS as described in the Regulatory Document for the HMS FMP.

G.1.a. Council Discussion on NMFS Report for Highly Migratory Species

None.

G.2. Draft Highly Migratory Species Fishery Management Plan (FMP) (November 1, 10:12 am)

G.2.a. Agendum Overview

Mr. Waldeck provided an overview of the agendum topic and briefing book materials.

G.2.b. Highly Migratory Species Plan Development Team Report

Dr. Dale Squires reviewed the organization, contents, and scope of the HMS FMP.

Mr. Anderson enquired about the treaty Indian fishing rights options in the current draft. He wondered if this was the most recent language. It was noted that the treaty Indian fishing rights language in Amendment 9 to the Coastal Pelagic Species FMP is the most current language. Dr. Squires noted that the most current language will be incorporated into the draft before it goes out for public review.

Mr. Fougner, with respect to the option added relative to longlining within the EEZ, the NMFS-SWR added that option without consulting the Team. Dr. Squires noted this alternative would be discussed at the Team meeting next week.

Dr. McIsaac then briefed the Council on a presentation made by the Executive Director to the WPFMC. The presentation briefly discussed the scope and purpose of the FMP, and highlighted the coordination procedures outlined in the FMP. See Exhibit G.2., Supplemental Report on WPFMC Coordination.

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

SSC

Ms. Cindy Thomson read Exhibit G.2.c, Supplemental SSC Report.

SCIENTIFIC AND STATISTICAL COMMITTEE STATEMENT ON DRAFT HIGHLY MIGRATORY SPECIES FISHERY MANAGEMENT PLAN

Dr. Dale Squires, co-chair of the Highly Migratory Species Plan Development Team (HMSPDT), gave the Scientific and Statistical Committee (SSC) a brief overview on the development of the current draft of the Highly Migratory Species (HMS) Fishery Management Plan (FMP) and its supporting appendices. Dr. David Au, HMSPDT member, then presented to the SSC a description of the methods used to develop the productivity estimates for sharks that are presented in Chapter 3 of the FMP. He also addressed specific comments that the HMS Subcommittee of the SSC had made on an earlier draft of the FMP. The SSC discussion of the current draft FMP focused on two issues.

- The exploitation rates presented in Chapter 3 (for example in Table 3-4) are expressed as a fraction of the total population, not as a fraction of the exploitable population as is commonly used. Dr. Au will work with Dr. Andre Punt to revise this.*
- A harvest guideline for common thresher sharks is presented in Chapter 3. This guideline was developed using an innovative approach that expresses the guideline as a local maximum sustainable yield (L_{MSY}). The methods used to develop the guideline should be described in the text of Chapter 3. The SSC recommends that a range for the harvest guideline rather than a single value be included in the draft FMP. An L_{MSY} within that range could then be specified and reviewed periodically.*

The SSC will use the comprehensive list of research and data needs contained in Section 8.5 when we revise the Council's Research and Data Needs and Economic Data Plan next year. The SSC notes that the development of abundance indices for tunas is an important item that needs to be added to that section of the draft FMP.

Finally, the SSC appreciates the efforts of the HMSPDT in preparing the current draft document. The HMSPDT has been responsive to SSC comments on previous drafts of the FMP. The current draft is substantially improved from previous versions and is ready for public comment.

HMSAS

Mr. Bob Fletcher read Exhibit G.2.c, Supplemental HMSAS Report.

HIGHLY MIGRATORY SPECIES ADVISORY SUBPANEL STATEMENT ON
DRAFT HIGHLY MIGRATORY SPECIES FISHERY MANAGEMENT PLAN

The Highly Migratory Species Advisory Subpanel (HMSAS) met October 31 to review the third draft of the highly migratory species (HMS) fishery management plan (FMP) and the first draft of the initial regulatory measures. The HMSAS has a number of recommendations for improving the draft documents, which are identified below. We believe that most of these improvements can be made prior to release of the documents for the formal public review process, without delaying the plan development schedule. Recommendations are by consensus unless otherwise noted.

Suggested improvements include:

- Addition of available historical and economic information on recreational HMS fisheries to FMP Chapter 2, including Orange County information. This information should be included prior to adoption of the final FMP. In addition, for the long term, the Council should get a commitment from NMFS to allocate funds for the collection of economic and biological data on recreational fisheries for HMS.*
- Addition of a new option to part B, section 1.4.2.6, which clearly prohibits longlining in the exclusive economic zone (EEZ), and is not tied to any specific research program or exempted fishing permit (EFP).*
- Addition of a new longline option which is less restrictive than the existing industry proposal (option 1, section 1.4.2.6, part B), but does not allow wide open longlining in the EEZ (vote: 6 yes, 2 no, 2 abstain).*
- Modification of the recreational catch and release program to include all HMS, not just striped marlin (part B, section 1.6).*
- Deletion of the fourth bullet in FMP section 8.2, p. 8-3: "If the stock is overfished and the international fishery organization takes no action, the required rebuilding would be unilateral." (vote: 6 yes, 2 no).*
- Include in the analysis of the options for management authority of the drift gillnet fishery (1.4.1.2, part B) a discussion of how each of the options satisfies the fundamental reasons why the FMP is needed, as described in section 1.5 of the FMP.*
- Some HMSAS members feel that the regulatory document should be part of the FMP and combined into one document, although there was no consensus on this point. Possibly NMFS or NOAA General Counsel can advise the Council on the best approach.*

The HMSAS notes that the HMS Plan Development Team (HMSPDT) has identified certain preferred options in the draft documents for the benefit of the Council at this meeting, but we assume that HMSPDT preferences will be removed from the documents that go out to public review. While the HMSAS did not have time to identify preferred options at this meeting, several members expressed concern about some of the HMSPDT preferred options.

The Council should be aware that some vessels are targeting albacore with small-mesh gillnets, which is currently legal in California. The FMP as currently drafted would define legal drift gillnet gear as having a minimum stretched mesh of 14 inches. This would preclude use of small mesh gillnets to target HMS, although some amount of incidental landing would be allowed under the incidental catch provision.

Finally, the HMSAS recommends that hearings be held in Eureka, California and San Diego, California in addition to the locations recommended in the briefing document. Also, the HMSAS recommends that northern hearings be held in late January and California hearings be held in February, since the drift gillnet fishery operates in January.

Mr. Brown asked Mr. Fletcher about the HMSAS remarks about the Team's preferred options, are you saying we should not go out for public review with preferred options? Mr. Fletcher said the document should note the Council's preferred alternatives rather than the Team's.

Mr. Anderson asked about the HMSAS statement's reference to addition of a new longline option which is less restrictive, was that option specified as to what exactly that would be in terms of how less restrictive? Mr. Fletcher said no, there was not time to truly develop this option and analyze it. However, one member of the HMSAS felt it was important to include a less restrictive option to balance what is seen as a more restrictive option.

Ms. Vojkovich asked Mr. Fletcher about the targeting of albacore with small mesh gillnets, were there recommendations whether this should be added to the FMP. Mr. Fletcher said there was much discussion of the issue, but this was the first chance the HMSAS had to discuss the topic of a small fish gillnet albacore fishery. Several on the HMSAS have heard concerns about the possibility this fishery could expand. There was no consensus from the HMSAS on how to proceed.

Dr. McIsaac noted that the fisheries included in the draft FMP currently exist. Is this a new fishery that should be incorporated into the FMP? Mr. Fletcher responded that reports indicate this is an existing fishery, but had not been regulated or known to regulators. But there is concern that the fishery should be monitored.

G.2.d. Public Comment

Mr. Russell Nelson, The Billfish Foundation, Ft. Lauderdale, Florida
Mr. Pete Dupuy, Federation of Independent Seafood Harvesters, Tarzana, California
Mr. Bob Osborne, United Anglers of Southern California, Lakewood, California
Mr. Tom Raftican, United Anglers of Southern California, Huntington Beach, California
Mr. Bob Fletcher, Sportfishing Association of Southern California, San Diego, California
Ms. Beth Babcock, Wildlife Conservation Society, Bronx, New York
Mr. David Wilmot, Ocean Wildlife Campaign, Soquel, California
Mr. David Clutts, Richmond Pelican Skin Divers, Fairfield, California
Ms. Kate Wing, Natural Resources Defense Council, San Francisco, California
Mr. Peter Flournoy, American Fisheries Research Foundation, San Diego, California
Mr. Doug Fricke, Washington Trollers Association, Hoquiam, Washington
Mr. August Felando, fisherman, San Diego, California
Mr. Chuck Janisse, Federation of Independent Seafood Harvesters, Bridgewater Corners, Vermont
Mr. Ron Gaul, Sea Turtle Restoration Project, Forest Knolls, California

G.2.e. **Council Action:** Adopt Draft Highly Migratory Species FMP for Public Review

Mr. Fougner asked the HMSPDT if they intend to merge the two FMP documents into a single document to with proposed actions, including framework procedures and regulatory actions. Dr. Squires said if the Council desires, they would do that. Mr. Fougner asked about the concept of "local MSY" and how it fits with MSY control rules relative to a stock as a whole. Dr. Au replied that MSY and OY are defined in terms of sustainable yield. For some shark species, catch from entire stock is unknown. Thus, data from local fisheries (West Coast fisheries) is used to define a "local MSY," which is a subset of stock-wide MSY. Local MSY is used to determine OY for west coast management. Mr. Fougner asked if the local MSY was derived from historic catches and changes in size composition over the years (in the local fishery)? Dr. Au replied yes.

Mr. Fletcher interjected to note that on chapter 8, page 11, the HMSAS asked that we add to a word to the definition of "drift gillnet." They suggest it should read "minimum stretch mesh" as this is how mesh size is measured.

Ms. Vojkovich moved (Motion 13) as shown in Exhibit G.2.e, Supplemental CDFG Motion in Writing.

*Page 3-5: Management Unit Species - Option 2
5 tunas, 5 sharks, swordfish, striped marlin, dorado*

*Page 3-7: Prohibited Species - Both Option 1 and 2
white, basking, and megamouth sharks; Pacific halibut and salmon*

*Page 8-7: Framework Process (for Rulemaking Actions) - Option 2
Option 1 plus "Points of Concern" process*

*Page 8-8: Management Cycle - Option 3
biennial management cycle*

*Page 8-21: Treaty Indian Fishing - Option 1
include framework process similar to Treaty Indian Fishery under the CPS Plan*

*Page 3-14: Management Control Rule - Default Control Rule
MSY and MSY Proxies; OY for Vulnerable Species - sharks*

Page 4-11: Essential Fish Habitat - Management Species

Page 8-10: Legal Commercial Gears; harpoon, surface hook and line, drift gillnet and purse seine

Page 8-12: Legal Recreational Gear; rod and reel (pole and line), spear, hook and line

*Page 8-15: Reporting and Monitoring Requirements; Mandatory logbooks for selected fisheries;
surface hook and line, drift gillnet, pelagic longline, small vessel tuna purse seine, harpoon and
charter/party*

Mr. Donald Hansen seconded the motion.

Mr. Brown asked for clarification on legal gear options described in the motion, is pelagic longline included?. Ms. Vojkovich responded that longline gear is handled under a separate option. Legal gears would be those listed on page 8-10 as well as pelagic longline.

Mr. Lone asked for clarification about preferred alternatives. Are the options identified in the motion intended to be the Council's preferred alternatives? Ms. Vojkovich responded, yes.

Mr. Brown asked about unilateral action in response to overfished stocks. Mr. Fougner described two potential scenarios to determine overfishing: (1) is overfishing occurring, i.e., is fishing at a level that would cause a stock to be overfished in two years; or (2) if a stock is determined to be overfished. If overfishing is occurring the Council would document it and provide the information to NMFS and the Department of State (DOS), which would be used by the U.S. in international fora to promote actions to prevent further overfishing. NMFS and DOS would report back to the Council and the Council would determine what actions were needed.

If a stock is determined to be overfished, the Council would assemble the record, present this information and relevant recommendations to DOS/NMFS for use in international fora. The Council would also prepare a rebuilding analysis and plan consistent with the Magnuson-Stevens Act. NMFS and DOS would be expected to promote the Council's recommendations at the international level. As with overfishing, international bodies would notify DOS and NMFS of their intentions, NMFS and DOS would in turn notify the Council of the international agencies proposed actions.

Mr. Fougner offered to work with the HMS PDT to include this language (relevant to the scenarios described above) in the public review draft. The Council concurred.

Mr. Anderson asked if the regulatory options were included in the motion? Ms. Vojkovich responded, no.

Mr. Anderson offered a friendly amendment relative to treaty Indian fishing (Chapter 8, page 8-21, and Chapter 1, page 1-18). On page 1-18, the second paragraph that begins with "NMFS recognizes the areas set forth..." would be restated on page 8-21, under "c" as substitute language. Also, on page 8-22 under

option 2, the sentence that begins "The initial proposed regulations..." strike "as set out in the framework as described above" and replace it with "modeled on CPS regulations at 50 CFR 660.518" and indicate option 2 as revised as the preferred alternative.

The maker and the seconder of the motion accepted the friendly amendment.

Mr. Fougner asked for clarification as to how the motion dealt with small mesh gillnet gear. Even if the gear is not considered legal gear, it will still be necessary to describe the fishery. Moreover, if it is not a legal gear, then the impacts of curtailing an existing fishery will need to be described.

Ms. Vojkovich expected that the small mesh gillnet fishery would be described in the document. Legal drift gillnet gear would be defined as written in the draft FMP, i.e., 14 inches. The FMP provides for incidental catch allowances for gears not defined as legal.

Mr. Fougner asked if two options could be included in the definition for drift gillnet: (1) specify 14 inch stretch mesh, or (2) do not specify a minimum or maximum mesh size. He asked if this was acceptable as a friendly amendment. Mr. Fougner's suggestion was not incorporated into the motion. It was dealt with later (see motion 16, below).

Mr. Alverson asked for clarification on the use of pelagic longline gear. As he understood the motion, the gear would be included as legal gear, but its use would be restricted within the U.S. EEZ. The U.S. of longline gear outside of the EEZ would be allowed and landings into U.S. ports of caught outside the EEZ would be allowed.

Ms. Vojkovich said it was her understanding that her motion, which applies to the FMP portion of the document, speaks to defining legal gears. Regulating the use of fishing gears is dealt with in the regulatory portion of the FMP, which will be taken up in a separate motion.

Chairman Lone asked for vote on motion 13. Motion 13 passed.

Ms. Vojkovich moved (Motion 14) and Jim Caito seconded the following motion:

*Part B Page 1: Commercial Permits - Option 2
commercial permit with gear endorsement*

Part B Page 2: Recreational Permits - No Action

*Part B Page 3: Far Offshore Commercial Fisheries Declarations - Option 3
exempt all trollers from offshore declaration*

*Part B Page 5: Drift Gillnet Fishery, Management Authority - Option 3
federalize selected state regulations and laws under FMP*

*Part B Page 24: Longline Fishery, Management Process - Option 3
includes longlines as actively managed gear and propose initial regulations*

*Part B Page 28: Longline Fishery, Management on High Seas - Option 2
include all management measures included in Western Pacific Pelagics FMP*

Part B Page 47: Longline Fishery, Management in EEZ - No Longlining in EEZ (new option)

*Part B Page 51: Coastal Purse Seine Closure - Both Options 1 & 2
closures off Oregon and Washington*

*Part B Page 54: Sale of Striped Marlin - Option 1
prohibit commercial landing or sale of striped marlin*

*Part B Page 17: Drift Gillnet Fishery Restrictions - Protected Species
implement modified take reduction restrictions*

Mr. Brown, relative to options for coastal purse seine closures, if option 2 is selected (closure North of .44 degrees North) option 1 (closure of the waters adjacent to Washington) would not be necessary.

Mr. Brown also asked about reference to the recreational catch-and-release program. He was unclear as to why it is included in the motion as there are not options to choose from. Ms. Vojkovich said it is included in the regulatory package as is.

Mr. Anderson asked for another friendly amendment to the motion. Relative to drift gillnet fishery management authority, the recommended option (Option 3) does not include some of the elements he would like to see. He asked that the three options inadvertently omitted are to be included (these are identified on Exhibit G.2.b, Supplemental HMSPDT Report, Attachment 2), and all three are to be identified as "Council Preferred" options. Specifically, these options are: 1) federalize existing state closures off CA, OR, and WA; 2) close EEZ north of 45 degrees north latitude; and 3) close EEZ off WA east of 126 degrees, and off OR east of 125 degrees, 30 minutes.

The maker and the seconder agreed to the friendly amendment to motion 14.

Mr. Fougner noted that the management issues relative to Hawaiian fisheries are from June 2001 regulations and there are several additional regulations that may also apply. Ms. Vojkovich responded that her intention was to use the most recent versions of the relevant Hawaiian fishery regulations.

Ms. Cooney asked for clarification on option 3 at page 5 in the "part B" Regulatory document. There are several suboptions, is the intent to federalize all of those?. Ms. Vojkovich agreed that in the public review draft the options that are to be federalized should be clearly stated.

Mr. Fougner, relative to the same option, option 3.a – incorporating the California limited entry program could be problematic as the Council has not established a limited entry program. He recommended that 3.a not be included in the motion.

Chairman Lone asked for a vote on Motion 14. Motion 14 passed.

Mr. Bohn asked for clarification on the motion relative to the FMP document (motion 13), how was the question of mesh size resolved?

Dr. McIsaac stated that motion 13 identified a preferred alternative, but left open the question of whether other alternatives would be identified. As it stands, there is the preferred alternative (14 inch stretch mesh), but no other alternatives were identified (e.g., small mesh gillnet).

Mr. Anderson spoke to the recommendations on the HMSAS Report as well as the issue of the addition of the word "stretch" under drift gillnet page 11 section 8. Referring to Exhibit G.2.b, Supplemental HMSAS Report, Mr. Anderson moved (Motion 15) that the public review draft include the first bullet (i.e., additional historic and economic data) and second bullet. He noted that the previous motions and discussion dealt with several of the HMSAS suggestions. The public review draft will indicate Council preferred alternatives (where appropriate), rather the HMSPDT preferred alternatives. An option for a recreational catch-and-release that covers all HMS in the FMP was added. (Motion 15) Seconded by Mr. Harp.

Mr. Bohn asked if the recommendations in the SSC report (Exhibit G.2.b, Supplemental SSC Report) were also to be included as direction to the HMSPDT. Mr. Anderson said, yes.

Chairman Lone asked for vote on motion 15 - Motion 15 passed.

Mr. Fougner asked the HMSPDT, relative to "Reporting and Monitoring Requirements," he did not see reference to observer or vessel monitoring system (VMS) requirements.

Ms. Robinson replied that the ability to take regulatory action relative to observer programs and/or VMS falls under the framework process in the FMP. Specific options for requiring observers or VMS are not in the document.

Mr. Fougner suggested two additions: (1) on page 8-11, include a second option for defining drift gillnet gear that does not specify a minimum or maximum mesh size; (2) authorize placement of observers contingent on development of an observer program sampling design. (Motion 16) Seconded by Mr. Brown. Motion 16 passed.

Mr. Fougner moved that we add an option for "longline fishing under an EFP only". (Motion 17) motion dropped due to lack of seconder.

Mr. Fougner offered to work with the HMSPDT to develop "baseline conditions," which would be used to compare effect of the alternatives. These will be included in the review draft. He also posited that the two FMP documents should be combined into a single draft environmental impact statement (DEIS). With the Council's concurrence, he would commit to work with all parties to come up with a structured single document to comply with the National Environmental Policy Act and other requirements.

The Council concurred (tacitly) with Mr. Fougner's suggestion.

G.3. Draft FMP Public Hearing Schedule and Sites

G.3.a. Agendum Overview

Mr. Waldeck gave the agendum overview.

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

HMSAS Report

See statement under G.2 (above).

G.3.c. Public Comment

Mr. Doug Fricke, Washington Trollers Association

G.3.d. **Council Action:** Approve Draft HMS FMP Public Hearing Schedule and Sites

Council discussion of when and where the hearing should be held focused on choosing a schedule that would best suit the needs of the interested public.

Based on input from the advisory entities, public and Council member discussion, the Council and Chairman agreed to the following public hearing schedule matrix (start time and dates approximate:

Date	Time	Hearing Officer/Council Member	Place
January 28, 2002	4 or 7 pm	Bob Alverson/ Phil Anderson	Olympia, WA
January 29, 2002	7 pm	Hans Radtke/ Phil Anderson	Astoria, OR
January 30, 2002	7 pm	Ralph Brown	Coos Bay, OR
January 31, 2002	7 pm	Jim Caito	Eureka, CA
February 1, 2002	7 pm	Roger Thomas	Monterey, CA
February 2, 2002	10 am	Marija Vojkovich	Long Beach, CA
February 4, 2002	7 pm	Don Hansen	San Diego, CA

H. Coastal Pelagic Species Management

H.1. NMFS Report (November 1, 3:02 pm)

Mr. Fougner asked Mr. Jim Morgan to present the NMFS report. Per the Council recommendation and in accordance with the Coastal Pelagic Species FMP, reallocation of sardine harvest between the northern and southern subareas was effective October 26, 2001.

H.1.a. Council Discussion on NMFS Coastal Pelagic Species Report

None.

H.2. Amendment 10 to the Coastal Pelagic Species FMP

H.2.a. Agendum Overview

Mr. Waldeck provided an overview of the matters at hand.

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

CPSMT

Dr. Ray Conser presented the market squid Stock Assessment Review (STAR) Panel report (Exhibit H.2.b, Final Workshop Report).

Dr. Paul Crone reviewed the Coastal Pelagic Species Management Team (CPSMT) recommendations for market squid alternatives (Exhibit H.2.b, CPSMT Report; and Exhibit H.2.b, Supplemental CPSMT Report 2).

Ms. Vojkovich asked if the CPSMT discussed the impacts of the recommended approach on the current monitoring and sampling program (which is run by CDFG with cooperation from NMFS). Dr. Crone answered, yes. He noted that, as long as the fishery continued to operate in the same manner, the current sampling program would suffice.

Dr. Kevin Hill reviewed issues related to capacity and permit transferability (Exhibit H.2.b, Supplemental CPSMT Report 3).

SSC

Ms. Cindy Thomson read Exhibit H.2.b, Supplemental SSC Report.

SCIENTIFIC AND STATISTICAL COMMITTEE REPORT ON FINAL REPORT ON MARKET SQUID MAXIMUM SUSTAINABLE YIELD METHODOLOGY WORKSHOP

At the Council's request, the Scientific and Statistical Committee (SSC), in conjunction with the California Department of Fish and Game (CDFG) and the National Marine Fisheries Service (NMFS), held a market squid maximum sustainable yield (MSY) methodology workshop in May of 2001. Dr. Paul Crone of the Coastal Pelagic Species Management Team (CPSMT) presented an overview of the various modeling approaches, and provided considerable detail on the egg escapement approach to assessing the market squid resource. SSC member Dr. Raymond Conser, co-chair of the squid Stock Assessment Review (STAR) Panel, briefed the SSC on the panel's report.

The squid MSY workshop was a highly successful collaboration among CDFG, NMFS, and the SSC. This collaboration was essential to the assembly and analysis of all available biological and fishery data. The panel provided a thorough review of the data and alternative approaches to the squid MSY problem. All of these efforts resulted in productive and timely completion of the review.

The STAT Team and STAR Panel worked together in refining a yield-per-recruit approach based on egg escapement, and both groups recommend this policy for monitoring status of the squid stocks. There are two parts to the egg escapement approach, 1) eggs produced per female in the catch, and 2) recruitment to the spawning grounds. Squid recruitment is highly variable and probably environmentally driven. The egg escapement approach requires an estimate of remaining eggs per female at the time of capture by the fishery. CDFG port samplers are collecting the specimens needed to make this estimate on a seasonal basis. It will be important to provide continuing support for this sampling and for the laboratory work needed to count the eggs.

The egg escapement approach developed by the STAT Team and further refined during the STAR Panel process provides a sound basis for developing a harvest control rule that is based on biological principles. However, there is a continuing need to address uncertainties in the science that were identified during the workshop. To this end, the SSC supports the idea of a STAR Panel review in 2004. It will also be important that the CPSMT develop precautionary management options that reflect uncertainties in the science. The SSC looks forward to reviewing this work as it is incorporated into Amendment 10 of the CPS Fishery Management Plan.

CPSAS

Mr. John Royal read Exhibit H.2.b, Supplemental CPSAS Report.

COASTAL PELAGIC SPECIES ADVISORY SUBPANEL REPORT ON AMENDMENT 10 TO THE COASTAL PELAGIC SPECIES FISHERY MANAGEMENT PLAN

The Coastal Pelagic Species Advisory Subpanel (CPSAS) met Wednesday to discuss portions of Amendment 10 to the Coastal Pelagic Species (CPS) Fishery Management Plan (FMP). There were two issues to consider: 1) options for a market squid maximum sustainable yield (MSY) proxy, and 2) options for limited entry permit transfer and issuance. The CPSAS support the following:

1. Market Squid MSY Proxy

The CPSAS voted unanimously that the suite of four options presented by the CPS Management Team (CPSMT) to determine an MSY proxy for market squid is sufficient to proceed for public review.

The majority of the CPSAS (7 of 8) voted to accept and support the Egg Escapement Approach presented by the CPSMT in its entirety as the CPSAS's preferred option. A minority of the CPSAS supports all aspects of the Egg Escapement Approach, but is concerned that the 30% threshold identified by the CPSMT may not be appropriate and should be higher.

2. Limited entry Permit Transfer and Issuance

The CPSAS heard a presentation from the CPSMT on the options being considered for limited entry permit transfers. The CPSMT agreed to consider two additional options for permit transfer presented by the CPSAS. The CPSAS voted unanimously to support the suite of options moving forward for public review.

The CPSAS also heard options for issuing new permits in the limited entry fishery if the situation becomes necessary in the future. The CPSAS voted unanimously to support the suite of all three options moving forward for public review. The CPSAS voted to support Alternative 2 as their preferred option.

H.2.c. Public Comment

None.

H.2.d. Council Guidance on Content and Process for Amendment 10 to the Coastal Pelagic Species FMP

Mr. Waldeck noted for the Council that no specific action was required. The goal of this agenda item was to review the suite of alternatives in Amendment 10. If these alternatives are sufficient the CPSMT will go forward with developing the analysis and a public review draft for Council consideration in March 2002. Mr. Waldeck noted the options were found under Exhibit H.2.b, Supplemental CPSMT Report 3. The CPSAS also provided recommendations for the Council to consider.

Mr. Alverson asked what was the timeline for final action? Mr. Waldeck noted that the final adoption, at the earliest, would be June 2002.

Mr. Anderson supported the two additional options by the CPSAS to the document for analysis.

Ms. Cooney, on the procedures for issuing new limited entry permits. She noted that in alternative 1 we may not have the authority to do an auction. A lottery may be possible, but would need to be tied to the limited entry standards on the Magnuson-Stevens Act. For alternatives 2 and 3, both would need to be thought through and analyzed in the context of the Magnuson-Stevens Act limited entry criteria.

H.3. Pacific Sardine Harvest Guideline for 2002

H.3.a. Agendum Overview

Mr. Waldeck provided the agendum overview.

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

CPSMT

Dr. Ray Conser highlighted the Pacific sardine stock assessment as shown in Exhibit H.3, Attachment 1.

SSC

Ms. Cindy Thomson read Exhibit H.3.b, Supplemental SSC Report.

SCIENTIFIC AND STATISTICAL COMMITTEE STATEMENT ON
PACIFIC SARDINE HARVEST GUIDELINE FOR 2002

Dr. Ray Conser briefed the Scientific and Statistical Committee (SSC) on the stock assessment results for Pacific sardine and the 2002 U.S. harvest guideline. The assessment model and data analysis are identical to those used in previous years. The analysis incorporates the most recent fishery and survey data.

The data shortcomings identified last year have not been rectified. The First Trilateral Sardine Forum (U.S.A., Mexico, and Canada), which was convened in 2000, was not successful in building the coastwide database (British Columbia through Baja, California) needed for sardine stock assessment. Thus the only option available to the Coastal Pelagic Species Management Team (CPSMT) for 2002 was to update the previous assessment model, which is based on that portion of the sardine population off the southern half of California, and extrapolate the results to include Mexico and the northern areas. The Second Trilateral Sardine Forum will be convened in San Diego during November 29-30, 2001. If successful, the data thus obtained will provide a basis for developing a new coastwide assessment in 2003. The SSC views the Forum as the most promising venue for the Trilateral collaboration needed to improve the assessment, and encourages the U.S. state agencies (Washington, Oregon, and California), federal agencies, and the Council family (CPSMT, Coastal Pelagic Species Advisory Subpanel (CPSAS), SSC, and Council staff) to fully participate in the Forum. For now, the SSC recommends the current assessment be accepted, as it is based on the best available information.

A year ago the SSC recommended that a peer review (similar to the groundfish Stock Assessment Review (STAR) process) be scheduled for Pacific mackerel and Pacific sardine in early 2002. The CPSMT is optimistic that the upcoming Second Trilateral Sardine Forum will be more successful than the 2000 Forum in assembling a coastwide data base. If progress is made, the SSC recommends the peer review that we requested last year be rescheduled for spring of 2003, so the new coastwide sardine assessment can be reviewed, in addition to the Pacific mackerel assessment.

The SSC notes that Pacific sardine is now, along with Pacific whiting, the most abundant fish resource off the West Coast; at one time sardine was the largest single-species fishery in the world. Yet the research program for supporting sardine assessment is seriously underfunded. The current fishery independent surveys are restricted to the southern half of California and only provide indices of sardine egg abundance and daily egg production. The aerial fish spotter index only covers the nearshore areas of the southern California Bight. The adult parameters used in recent biomass estimates are computed on the basis of biological data collected in 1994, at a time when the population was one-tenth of the 2002 biomass. The SSC strongly urges the National Marine Fisheries Service at both the regional and national levels to develop and fund a resource survey plan and budget with a specific time line, including ship time that will sample the sardine population over its range, with the objective of estimating spawning biomass and age composition of the sardine population.

CPSMT

Dr. Kevin Hill read Exhibit H.3.b, Supplemental CPSMT Report.

COASTAL PELAGIC SPECIES MANAGEMENT TEAM STATEMENT ON PACIFIC SARDINE HARVEST GUIDELINE FOR 2002

The Coastal Pelagic Species Management Team (CPSMT) and Coastal Pelagic Species Advisory Subpanel (CPSAS) recently met to review results from the latest Pacific sardine stock assessment which will be used to set a harvest guideline (HG) for the 2002 season. The CPSMT concurs with the stock assessment team's analyses and recommends that the Council adopt a harvest guideline of 118,442 metric tons (mt) for the upcoming season.

The CPSMT discussed questions related to the temperature component of the harvest control rule and identified a need to reevaluate research areas related to this issue. The CPSMT will discuss this issue at their next scheduled meeting, will develop a work schedule, and can provide the Council with an update at the March meeting.

As communicated by the Scientific and Statistical Committee (SSC), it is critical that both industry and management bodies actively pursue additional research funds, which will be necessary to improve future assessments of the sardine population off North America.

Finally, the CPSMT concurs with the SSC regarding a revised stock assessment review schedule for sardine and Pacific mackerel for spring 2003.

CPSAS

Mr. Waldeck read Exhibit H.3.b, Supplemental CPSAS Report.

COASTAL PELAGIC SPECIES ADVISORY SUBPANEL STATEMENT ON PACIFIC SARDINE HARVEST GUIDELINE FOR 2002

The Coastal Pelagic Species Advisory Subpanel (CPSAS) met in Los Alamitos, California, on October 10 to review the latest stock assessment for Pacific sardine and the proposed harvest guideline of 118,442 metric tons for the 2002 season.

The CPSAS appreciates the work done by the Coastal Pelagic Species Management Team (CPSMT) and supports the proposed 2002 harvest guideline. However, the CPSAS still continues to voice concerns about the scope of the stock assessment; for example, the fishery-dependent data collected in the Washington and Oregon fisheries are not currently incorporated into the assessment. The CPSMT and stock assessment authors assure the CPSAS that these efforts will be considered in future efforts as the current model is refined to include coastwide information. The CPSAS will continue to support any of these efforts as we feel it is imperative to achieve an accurate coast-wide biomass estimate.

Lastly, the CPSAS would like to encourage the state agencies to send representatives to the Tri-National Sardine Forum in San Diego beginning November 29th. This is an important meeting that includes needed input from both Mexico and Canada. It is critical representatives from the northern states are able to participate in the meeting, so they are able to contribute vital regional information.

H.3.c. Public Comment

None.

H.3.d. **Council Action:** Adopt Pacific Sardine Harvest Guideline for 2002

Ms. Vojkovich moved to adopt a harvest guideline for Pacific sardine for 2002 of 118,442 mt and that FMP subarea allocation ratios be used. (Motion 18) Mr. Anderson seconded the motion. Motion 18 passed.

Ms. Vojkovich suggested the CPSMT be encouraged to continue development of the CPS stock assessment review process, focusing on the areas identified in their report.

Mr. Brown asked about the Tri-National Sardine Forum and if Council advisors would attend. Mr. Fougner explained the scope and purpose of the Forum. It was noted that representatives from the CPSMT and CPSAS will attend.

I. Administrative and Other Matters

I.1. Status of Legislation (November 2, 10:03 am)

I.1.a. Current Legislation

The legislative update is shown in Exhibit I.3, Supplemental Budget Committee Report. The report notes that the Congressional conference committees to resolve fiscal year 2002 appropriations (including the Council's calendar year budget) are expected to meet in the next two weeks. However, it now appears final budget approval will likely come in an omnibus bill after Thanksgiving.

I.1.b. Council Discussion on Current Legislation

None.

I.2. Elections and Appointments to Advisory Bodies (10:04 am)

I.2.a. Appointments to Advisory Bodies

I.2.a.i. Coastal Pelagic Species Advisory Subpanel

There were no names submitted for nomination to the northern California charter position on the CPSAS, therefore the Council concurred that this vacancy would be readvertised and nominees considered at the March 2002 Council meeting.

I.2.a.ii. Habitat Steering Group

Council members expressed a desire to postpone filling this position. Mr. Anderson moved (Motion 21) to ask the Executive Director to readvertise the recreational fisher vacancy on the HSG. Mr. Harp seconded the motion. Motion 21 passed.

I.2.a.iii. Highly Migratory Species Advisory Subpanel

Mr. Boydston moved to appoint (Motion 20) Dr. Doyle Hanan to the public at -large seat on the HMSAS. Mr. Caito seconded the motion. Motion 20 passed.

I.2.b. Elect Council Chair and Vice Chair

Mr. Bohn moved to appoint Dr. Hans Radtke to Council Chair for 2002 (Motion 23), seconded by Mr. Brown. Motion 23 passed. Mr. Boydston moved to appoint Mr. Don Hansen Council Vice Chair 2002 (Motion 24), seconded by Mr. Thomas. Motion 24 passed.

I.2.c. Other Appointments

Groundfish Advisory Subpanel Membership

Chairman Lone noted there was a recommendation by Ms. Janice Green at the last meeting that an additional sport fisher position be added to the GAP.

Mr. Anderson noted that we have two sport fishers on the GAP as well as a charter representative from each of the three states and he believes that provides enough representation. The recreational fisheries are more "place oriented" and the states have processes within their geographical areas to bring the recreational fishers together to address their concerns before Council meetings. The commercial fisheries are highly mobile, have more sectors and strategies among the states, and it is imperative to have those sectors represented on the GAP since they often don't have the state meetings. He recommended no changes be made to the GAP membership. The Council concurred.

Consideration of Criteria for the Public-At-Large Positions

Mr. Anderson spoke to Exhibit I.2, Attachment 2, which provides the proposed criteria for public-at-large positions on Council advisory bodies. The proposed criteria were developed at the September meeting to help guide selection of the public-at-large position on the HMSAS. Mr. Anderson moved (Motion 22) that the criteria for public-at-large positions on the subpanels identified in Attachment 2 apply to all those subpanels covered under COP 2; seconded by Mr. Boydston. It would not include the HSG or the SSC which are covered under COP 3. Motion 22 passed.

I.3. Report of the Budget Committee (November 2, 10:14 am)

Mr. Jim Harp read Exhibit I.3, Supplemental Budget Committee Report.

I.3.a. **Council Action:** Adopt Recommendations of the Budget Committee

Mr. Bohn moved and Mr. Mallet seconded a motion (Motion 25) to adopt the report of the Budget Committee absent the meeting location issue. Motion 25 passed.

Mr. Harp addressed the selection of 2003 Council meeting sites. He would like the Council to consider alternative sites to those in the Budget Committee report and allow the Council staff flexibility to get the best possible meeting locations over the broadest area within Council jurisdiction. Mr. Harp moved (Motion 26) and Mr. Bohn seconded a motion to allow Council staff to negotiate contracts for 2003 in the following locations, with the provision that costs be held essentially neutral with the bids for 2003 by the Hotels used in 2001: Sacramento in March, Portland/Vancouver in April, San Francisco area in June, Seattle in

September, and San Diego or the southern California area in November. In the event near budget neutrality could not be achieved, staff are to use the Budget Committee report selections.

Mr. Boydston noted that groundfish management could be on a three meeting cycle in 2003 and we would be in southern California during the groundfish adoptions. Mr. Harp agreed, but noted the Budget Committee had discussed this issue and determined there was also a need to have meetings in southern California for the benefit of highly migratory species management. Mr. Robinson stated there is some uncertainty with regard to the implementation of a new groundfish management cycle and action could occur in September in Seattle.

Chairman Lone, who made the motion in the Budget Committee, stated his purpose was to establish a simple routine of alternating meetings between Portland/Vancouver and Sacramento on a constant basis. From the information he saw, it didn't seem cost effective to hold meetings in Seattle.

Mr. Anderson questioned the objectives for considering alternate locations. He didn't believe they would provide any better access to the Council process.

Dr. McIsaac noted that the Council SOPPs provide for meetings to be held throughout the Council area. While we have not done a formal survey on meeting locations, we have heard complaints and requests from advisors and the public for other meeting sites in different areas. Also, it is currently a buyer's market as hotels are hungry for business. This gives us more opportunities to select other locations and more adequate meeting facilities without increasing costs.

Mr. Bohn reminded Council members that the operative words were "essentially neutral in costs". The default position is the paragraph in the budget report. Mr. Harp agreed with Mr. Bohn's comments and stated he is confident the Executive Director could negotiate a good site while keeping budget neutrality. He also noted the problem with limited flights in and out of Sacramento.

On a roll call vote, Motion 26 passed (Mr. Brown abstained).

I.4. Council Staff Work Load Priorities (November 2, 10:37 am)

Dr. McIsaac referred the Council to Exhibit I.4, Supplemental Staff Workload Report. The report covers the work time from November 5, 2001 through April 12, 2002. Dr. McIsaac stated that it has been very difficult to address the Council's priorities without exceeding the staff capability during this time period and the report shows significant overtime for each staff member. The projection is especially difficult because our total 2002 budget is not known at this time and will affect when and how many new employees we might be able to hire. He was open to suggestions from the Council.

Mr. Don Hansen questioned how accurate the workload estimates were. Dr. McIsaac noted that he and the Council Chair had considered having the staff formally track the estimates and may do so in the future. He noted that staff generally have found the estimates to be on the low side, especially of the big projects like the rebuilding plans and environmental assessments. Council members recommended the workload assessment be refined in January when more budget details are available and total staff capacity can be clarified.

I.5. March 2002 Council Meeting Draft Agenda (November 2, 10:46 am)

I.5.a. Consider Agenda Options

Council members held a discussion with the Executive Director regarding agenda items. Dr. McIsaac stated that the proposed draft agenda will be sent to the Council members in late January.

I.5.b. **Council Action:** Adopt Draft Agenda for the March 2002 Meeting

The Council generally approved the preliminary draft agenda with comments as provided below. Mr. Brown stated that the March agenda should include Pacific whiting management specifications and there may be a need to cover a pink shrimp issue as well.

Mr. Boydstun recommended that unless we expect to receive the regulations and environmental document by the Briefing Book deadline, that we not put marine reserves on the agenda. He also asked that a report from the Open Access Permitting Committee be included under E.2.

Mr. Bohn asked about trying to have a report on Columbia River flow issues which as been postponed from earlier meetings. Dr. Coon stated that it would be on the Council's April agenda since we are in Portland. Mr. Roth agreed.

I.5.c. Identify Priorities for Advisory Body Consideration

Dr. McIsaac noted the priorities for the SSC are listed in the draft agenda and the HSG's recommendations for issues to present to the Council are contained in their report.

Mr. Boydstun asked how and when the review would take place of Dr. Hastie's discard document using logbook data for 2000? Dr. McIsaac and Mr. Robinson indicated there would be a workshop type meeting put together. The Council would see the issue again in April since the GAP and GMT meet then. Mr. Anderson said the analysis is a significant workload issue for his staff. Mr. Boydstun noted that California logbooks need to be included as well. He recommended the NMFS staff report at the April Council meeting on the log book analysis.

ADJOURN

The Council meeting was adjourned at 2:19 p.m. on Friday, November 2, 2001.

PFMC
03/27/02

NOTE: The voting log will be supplemental.

Meeting Record and Summary Minutes
Pacific Fishery Management Council
September 10-14, 2001

The full record of the Pacific Fishery Management Council (Council) September 10-14, 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.
6. A copy of the Pacific Council News Brief (September 11-14, 2001).

*Ralph / Caito
passed
both Sept/Nov.
motion 28*

DRAFT MINUTES
160th Meeting
Pacific Fishery Management Council
September 11-14, 2001

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A. Call to Order

A.1. Opening Remarks, Introductions (09/11/01, 11:36 am)

The 160th meeting was called to order by Dr. Hans Radtke, Vice Chairman, at 11:36 am. Mr. Bill Robinson noted the northwest region has a new northwest regional administrator, Mr. Robert Lohn. Mr. Steve Copps was also introduced as a new hire from National Marine Fisheries Service (NMFS) Northwest Region Office (NWR) to work on groundfish and National Environmental Policy Act (NEPA) issues.

A.2. Council Member Appointments

Mr. Robinson noted that Mr. Roger Thomas has been reappointed to the Council for another term.

A.3. Roll Call

Dr. Don McIsaac called the roll. Captain Ted Lindstrom was not available (national emergency). Mr. Jim Lone was not present on Tuesday or Wednesday.

A.4. Executive Director's Report

Dr. Don McIsaac provided comments on the office move; location of a new hotel for San Francisco area meetings; and strategy for the work this week, including adoption of acceptable biological catches (ABCs) and optimum yields (OYs) to allow more time for the Groundfish Advisory Subpanel (GAP) and Groundfish Management Team (GMT) to develop management strategies. He noted the Strategic Plan Oversight Committee (SPOC) has recommendations on marine reserves and that the Council will need to provide substantial staff workload prioritization on Friday. He also reported that Dr. Bill Hogarth has been appointed as the National Marine Fisheries Service Administrator.

A.5. Council Action: Approve Agenda

The Council approved the agenda as shown in Exhibit A.5., September Council Meeting Agenda. Mr. Boydston moved and Mr. Brown seconded the motion. (Motion 1)

A.6. Council Action: Approve June 2001 Minutes

The Council approved the June 2001 minutes. Mr. Anderson moved to approve the minutes; Mr. Alverson seconded the motion. (Motion 2)

B. Pacific Halibut Management

B.1. Status of 2001 Pacific Halibut Fisheries

Mr. Chuck Tracy provided the agendum overview and summarized the report on halibut harvest (Exhibit B.1, Attachment 1).

B.1.a. Reports and Comments of Advisory Bodies

None.

B.1.b. Public Comment

None.

B.2. Status of Bycatch Estimate

Mr. Chuck Tracy introduced the issue and provided the agendum overview. Dr. Rick Methot presented the report estimating the Pacific halibut bycatch in the groundfish fishery (Exhibit B.2, Supplemental Attachment 1 NMFS Report).

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

SSC

Dr. Kevin Hill presented the SSC report. The SSC recommended the authors proceed to finalize the report and transmit it to the IPHC.

B.2.b. Public Comment

There were no public comments on this agenda item.

B.2.c. Council Guidance on Status of Bycatch Estimate

Mr. Anderson moved to forward the new estimate of halibut discard mortality to the International Pacific Halibut Commission. Mr. Brown seconded the motion. (Motion 3) Motion 3 passed.

B.3. Proposed Changes to the Catch Sharing Plan and Annual Regulations

B.3.a. Agendum Overview

Mr. Chuck Tracy provided the agendum overview.

B.3.b. State Proposals

WDFW

Mr. Anderson provided the Washington state proposal (Supplemental WDFW Report B.3.b).

ODFW

Mr. Bohn spoke to Supplemental ODFW Report B.3.b.

B.3.c. Tribal Comments

Mr. Harp made the following comments:

Mr. Chairman, I would like to offer a very brief comment on the proposed changes to the catch sharing plan for Pacific halibut.

The tribes propose no changes to the catch sharing plan as it relates to the Treaty Indian allocation of halibut for 2002. That allocation would remain at 35% of the Area TAC, plus the 25,000 lb. adjustment, as specified in the Stipulation and Order of the U.S. District Court, Subproceeding No. 92-1.

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

GAP

Mr. Frank Warrens provided the GAP comments.

B.3.e. Public Comment

Ms. Janice Green, Recreational Fishing Alliance, Umpqua, Oregon

Mr. Ron Lethin, charterboat owner/operator, Hammond, Oregon

B.3.f. Council Action: Adopt Proposed Changes to the Catch Sharing Plan and Annual Regulations for Public Review

The Council adopted to put out for public review, the proposals as set forth in Exhibit B.3.b, Supplemental WDFW Report. Moved by Mr. Anderson and seconded by Mr. Harp. (Motion 4)

Mr. Bohn moved to adopt the three options as suggested in Exhibit B.3.b, Supplemental ODFW Report. Mr. Ralph Brown seconded the motion. Mr. Anderson asked about the proposed splitting of the areas, and that it was considered and rejected, could that be included in your proposals for public review? Mr. Bohn said he would support having that in for public review, along with the delayed opening for comment. This could leave us more flexibility in coming up with an option. This was accepted as a friendly amendment by both the maker and seconder of the motion. Mr. Robinson asked Mr. Bohn if he would like NMFS assistance to draft an EA to analyze the impacts of the proposals. Mr. Bohn said yes, he did discuss with his staff that they will provide assistance in the analysis as well. Dr. Radtke asked for a vote, Motion 5 passed.

C. Groundfish Management

C.1. National Marine Fisheries Service (NMFS) Report

Mr. Bill Robinson gave the report. He spoke about regulatory actions taken by National Marine Fisheries Service, and noted Liz Clark will give information from the Northwest Fisheries Science Center as well as the observer program.

C.1.a. Council Discussion on NMFS Report

Mr. Robinson noted that there are issues about reapportionment of whiting. They will be looking at whether that has an effect on or changes the assumption for canary bycatch. Mr. Anderson, not wanting to get into inseason management discussions today, said we need to keep this issue noted when we're talking about this on Thursday. Mr. Robinson agreed.

C.2. Marine Recreational Fisheries Statistics Survey Update

C.2.a. Agendum Overview

Mr. Jim Seger provided the agendum overview.

C.2.b. Report of the Pacific States Marine Fisheries Commission

Mr. Russell Porter, Pacific States Marine Fisheries Commission (PSMFC) and Dr. Dave Van Vorhees, NMFS: Mr. Porter noted that Dr. Hogarth had indicated his intent to allocate \$50,000 toward an effort to see how Marine Recreational Fisheries Statistics Survey (MRFSS) and Recreational Fisheries Information Network (RecFIN) can better respond to management needs. He also spoke to the 2001 sampling through RecFIN, the 2001 catch estimates to-date, and the issue of the need for \$50,000 to hold a series of meetings to see how RecFIN and MRFSS could provide better management information for groundfish. Dr. Van Vorhees also spoke about the request for \$50,000 for the proposed meetings. He indicated that NMFS will commit their staff time and travel expenses to an accelerated evaluation of the recreational fishery data system. He emphasized the need to know the target levels of precision desired by the Council.

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

SSC

Dr. Pete Lawson provided the report for the SSC.

GAP

Mr. Frank Warrens provided the comments for the GAP.

C.2.d. Public Comment

There were no public comments.

C.2.e. Council Discussion on Marine Recreational Fisheries Statistics Survey Update

Mr. Anderson noted his thanks to Mr. Porter and Dr. Van Vorhees. He looked forward to the PSMFC coordinating a meeting between the RecFIN statistical subcommittee and the fishery managers. Mr. Boydston said they are committed to working with RecFIN and its statistical subcommittee to see how California can contribute to an enhanced program.

4 PM PUBLIC COMMENT PERIOD

4 P.M. (taken at 3:35 PM)

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

Ms. Janice Green, Recreational Fishing Alliance, Umpqua, Oregon. Spoke to her letter under the general information tab. She asked that the Council consider increasing the representation of non-charter fishermen on the GAP.

Mr. Brian Petersen, shrimp fisherman, Astoria, Oregon. Spoke about using excluders in the shrimp fishery this year. He felt the use of excluders accomplished the goal of reducing canary bycatch. The shrimp fleet would like to continue to develop the use of the excluders voluntarily until the canary bycatch issue comes into play again.

Ms. Heather Munro, fishery consultant, Waldport, Oregon. spoke about sardine allocation. (Ms. Munro's testimony given 09/12/01 at 8:05 am)

C.3. Preliminary Harvest Levels and Other Specifications for 2002 (09/12/01, 8:10 am)

C.3.a. Agendum Overview

Mr. John DeVore gave the agendum overview. Ms. Cooney was asked to talk about litigation. The lawsuits challenged the discard assumptions used for annual specifications, the progress for setting annual specifications, Groundfish FMP Amendment 12, and our NEPA compliance. The judge ruled we had not adequately explained or given enough rationale for Council decisions on bycatch, discard, and management measures. She talked about proposed rulemaking requirements. She said we have used the abbreviated rulemaking process for the last ten years (waiving the public comment). She said we now need to have a proposed and final rule with public comment as ruled by the judge. The court also ruled there is not adequate NEPA compliance for the annual specifications, or an adequate look at a reasonable range of alternatives. The focus is the discard rates, and coming up with a hard look at a reasonable range of alternatives. For Amendment 12, the rebuilding plans need to be plan amendments or regulations; we need to redo Amendment 12 and reformat the rebuilding plans. We need to figure out the exact format and process.

Mr. Bill Robinson spoke on the issue of notice and comment. For this year the Council should proceed as planned. For the future, we need to look at the annual process and consider making changes to that process. On the rebuilding plans, what we will need to do is to come back in November with a plan that indicates how to take the rebuilding plans and turn them into FMP amendments or regulations. The immediate issue is evaluating the bycatch and discards. He said in order to comply with the court's order, the Council must begin

now to make sure that the SSC and GMT work together to do a full and complete evaluation of how the Council sets discard rates and annual management measures. He said the reasonable alternative approaches, including the approach proposed by the plaintiffs, need to be looked at in dealing with discards and final setting of the specifications. He said the group needs to give their items to the Council in writing for the record. He asked for written reports from this group prior to the November meeting and the results of this analysis and report be included in the NEPA EA, which is to be before the Council before it takes its final vote at the November meeting. The group should include one member from the environmental community which would help to make the results more credible and open to the public. He then talked about having an observer program that is just underway. There is a longer term process the Council needs to put into effect to determine discards based on observer data. We need to have the SSC develop a process for a plan with the best methodology and have the Council consider that plan and adopt it sometime in the future. Both of those evaluations (developing short and long term methodologies) need to be done at the top of our workload priorities.

Dr. McIsaac asked Ms. Cooney about achieving NEPA compliance. When the Council looks at the preliminary ABCs and OYs, what type of justification is needed in the record for narrowing the range. Ms. Cooney said the Council should identify whether or not they have a preferred alternative and should include a reasonable range of alternatives that are analyzed. The analysis needs to show the "what ifs", including socioeconomic impacts, to provide adequate information for public comment and Council consideration.

Mr. Anderson was concerned that we come out of this meeting with as few moving parts as we can. We have about seven species that have ranges that are being proposed to us for consideration. We will likely have a group of people looking at bycatch rates, adding to the variables. If we go out with so many variables, the managers will not have any idea how to determine and analyze a range of alternatives. He feels that we should identify alternatives with a range...If we go out of here with a range for seven species with potential changes in bycatch and discard mortality rates, no one is going to be able to comment with any certainty as to what the 2002 management measures are going to be. We need to provide stability in our decision making to allow us to develop '02 measures in a meaningful way.

Mr. Robinson said the NEPA document (range of alternatives) is an explanation or a record saying the Council understood the implications of the different spots in the range. We could, for public comment, identify a range as Mr. Anderson said.

Ms. Cooney said that in the past, we have tended to work and talk in shorthand. Information does not get articulated in writing since so many of us have been around in the process and know what the risks are. Mr. Anderson's comment is on target- it will be difficult for the analysts to come up with a package that makes sense.

C.3.b. Preliminary Estimates of Acceptable Biological Catch, Optimum Yield, and Economic Analysis

Dr. Jim Hastie explained the GMT recommendations for preliminary ABCs and OYs (Exhibit C.3, Attachment 1), with a question/discussion period on those specific numbers. Mr Anderson asked about the shortspine thornyhead GMT recommendation. Will that recommendation lead to a larger total and landed catch in 2002 relative to 2001? Dr. Hastie replied yes. Mr. Anderson stated that the assessment author noted that uncertainty in the assessment led him to conclude that setting specifications using that data should be done with caution. He asked whether the GMT considered a precautionary recommendation for shortspine. Dr. Hastie said the GMT did discuss the management approach with the assessment author. In the past the SSC and GMT concluded that an $F=.75M$ approach for shortspine approximated an $F_{50\%}$ harvest rate. The GMT recommendation is more conservative in that it is based on an $F=.75*.75M$ strategy which approximates an $F_{56\%}$ harvest rate. Mr. Brown then noted the assessment author clearly recommended in the stock assessment review (STAR) panel report that the survey be used as an index. Dr. Hastie said they would view that as a much broader harvest policy issue and would look toward the SSC for advice. The GMT would not initiate this on its own. Mr. Anderson, for clarification, relative to sablefish: is the GMT recommending the range on the table here, or proposing some other approach for addressing the sablefish issue? Dr. Hastie said that currently the GMT is looking at the entire range including a ramp-down strategy to get to the lower harvest level in the near future. Mr. Anderson asked if the inclusion of the 4,000 mt harvest represents the first year of the "step-down" strategy? Dr. Hastie replied that was correct.

Dr. Hastie talked about the discard rates issue. He referenced Exhibit C.3, Attachments 3 and 4, which provided an overview of actions taken by PFMC to account for and minimize bycatch. He emphasized that the time between the September and November meetings is very short. He feels it will be difficult to get the new information completed and summarized in written form for the next briefing book. They did talk with the SSC on Monday, and will attempt to coordinate the efforts; they do not have a meeting set up at this time, but plan to include the SSC in discussions of the review of the results prior to the Council meeting. Dr. Hastie noted that a joint meeting would take time away from the personnel involved in putting together the documents/analysis, etc. He then gave more explanation of discard rates, Exhibit C.3.b, Attachment 2 and the process for doing more evaluation before the November Council meeting. Mr. Brown noted his concern about excluding the industry. He asked if this was done intentionally, and if the industry can participate in developing discard rates and developing management measures. Mr. Robinson responded that we're talking about a method to evaluate the effects of the management measures, which is different than the construction of the management measures. He does believe that the industry is a critical component, and is not advocating excluding the GAP or the industry from the process of developing management measures. This process is evaluating data to determine the best estimates of discard rates which should be applied in management. Dr. Hastie added that over the past couple of years we have had discussions with the GAP on the numbers that come out of logbook analyses, and the reasons why those numbers are flawed. We have relied upon the information from the industry and the GAP on where bycatch rates are relative to available logbook data observations, and do not discount the overwhelming importance of gear changes, strategic differences, fishing targets that have taken place over the years.

Council members then continued questions that pertained to Attachment 2. Mr. Bohn asked about the assumed discard mortality rate for cowcod. Dr. Hastie said the last information available was 2000 landings where 8 mt of cowcod were landed. Cowcod were highly targetable then. The GMT believed setting a small landed catch OY for cowcod would result in some targeting. No retention regulations were designed to eliminate target opportunities with the hope that incidental discard mortality is less than 5 mt. Mr. Boydston said that we need to include for public comment, a range of how we apportion the very small amount of yelloweye rockfish available. Dr. Hastie said this will be difficult and needs to be discussed in terms of developing management measures for next year. Mr. Alverson asked about sablefish and the $F_{50\%}$ SSC recommendation. Given that the Council moved last year to adopt an $F_{45\%}$ harvest rate, how do we interpret this recommendation? What is the rationale? Dr. Radtke asked to hold this conversation until after receiving the SSC report.

C.3.c. Proposed Treaty Indian Harvest Levels

Mr. Jim Harp made the following comments:

The tribes are proposing essentially status quo harvest limits for 2002 tribal fisheries. The Makah Tribe has additional fisheries proposed in Exhibit C.3.c Supplemental Treaty Indian Harvest Levels.

The Council should adopt the following options for 2002 tribal fisheries:

Black Rockfish - *The 2002 tribal harvest guidelines will be set at 20,000 pounds for the management area between the US/Canada border and Cape Alava, and 10,000 pounds for the management area located between Destruction Island and Leadbetter Point. As with the non-treaty regulations, for the management area between Cape Alava and Destruction Island, no tribal harvest restrictions are proposed.*

Sablefish - *The 2002 tribal set aside for sablefish will be set at 10 percent of the Monterey through Vancouver area OY.*

Thornyhead rockfish - *Tribal fisheries will be restricted to a 300 pound per trip limit for all fisheries. This trip limit will be for shortspine and longspine thornyheads combined.*

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

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

Other rockfish species - *The 2002 tribal longline restrictions regarding the landing of other rockfish species will operate under trip and cumulative limits. For other rockfish, tribal fisheries will operate under the same trip limits as the 2001 tribal fishery was structured, (except as indicated in Exhibit C.3.c Supplemental Treaty Indian Harvest Levels proposed by the Makah tribe). Because of the relatively small expected catches of the tribal fisheries, the trip limits established at the beginning of the year will not be adjusted downward, nor will time restrictions be imposed, unless the harvest guidelines are achieved or unless in-season catch statistics demonstrate that the tribes have taken half of the harvest in the tribal area.*

Pacific Whiting – *For tribal Pacific whiting fisheries, I recommend that the Council adopt a tribal set aside of 27,500 mt (based on the ABC of 238,000 mt). However, the tribal set aside could change if a different OY is finally adopted.*

Mr. Steve Joner, Makah Tribe, explained Exhibit C.3.c, Supplemental Treaty Indian Harvest Levels. There were some differences (i.e., recommended slope, minor shelf, and nearshore rockfish specifications) between the Exhibit C.3.c and what Mr. Harp proposed above. Mr. Joner said the lingcod specifications were also different from what was proposed. The Makah Tribe is proposing full retention for all their longline sablefish and halibut fisheries. In the fully competitive fisheries (3 days in halibut season and 2-3 weeks in sablefish in 2001), they will also require full retention and allow sale of rockfish bycatch. These fisheries don't target rockfish but full retention allows full accountability of bycatch. They will require full retention in their other fisheries as well, but sales will be limited to the adopted non-treaty fishery trip limits. Additional bycatch would be forfeited to the tribe. Proposed midwater trip limits for yellowtail and other species is an aggregate trip limit of 30,000 pounds per vessel per two month period. There are currently 3 vessels in this fishery with the expectation of a fourth vessel in 2002. The tribes would adjust this trip limit to minimize bycatches of widow and canary rockfish. All adjustments would try to target an equivalent of 30,000 pounds per vessel per two month period. Observers will be on all midwater trawl vessels. Limits will be adjusted downward if effort increases from 3-4 vessels and they are attaining the 30,000 pound limit. A 300 pound trip limit for multiple day trips with a weekly limit of 900 pounds is proposed for lingcod. This shouldn't lead to targeting lingcod. The bottom trawl fishery will be limited to 3-4 vessels and constrained by the sablefish allocation to this fishery. This is a new (evaluation) fishery and will be stopped once the sablefish allocation is reached.

Mr. Anderson asked Mr. Harp about an increase in canary rockfish landings in 2001 tribal fisheries. Should we assume a similar catch in 2002 or will the tribes ask for an increased allocation? Mr. Harp replied that the landings of canary in 2001 to date are 1.7 mt, which is consistent with the 2 mt projection made last November. Mr. Harp proposes the same trip limits and fisheries for 2002 and projects a 2 mt canary rockfish catch. Dr. Radtke asked Mr. Anderson when would the tribes and Washington get together to discuss where they are out of sync on catch projections for 2001. Mr. Anderson replied this week and Mr. Harp concurred. If it is resolved this week, they will report that before the week is over. Mr. Anderson asked about specifying a yelloweye OY; will the tribes take the steps to separate this from their rockfish species landed? Mr. Harp replied that the tribes have begun to implement a more intensive sampling program to get a better estimate of the composition of the different rockfish species and anticipate that will continue in 2002. He thinks the Makah Tribe already has some catch sampling programs in place for their fishery. Mr. Joner said yes, they are continuing that and they also discussed the need for a full-time port sampler. Mr. Bohn said the Council will probably be trying to hold the commercial fishery coastwide to less than 800 fish (yelloweye) – hopefully that species composition sampling will give us the information we need.

Mr. Harp asked Mr. Joner about his proposal, item #7, those are trawl vessels? Mr. Joner said yes, mid-water trawl. Mr. Harp asked for an estimate for the full retention they are proposing, what levels they are looking at under rockfish. Mr. Joner said our catch so far this year fishing under the trip limits have been around 7 mt this year, but he does not have this broken down by species. The 7 mt does not include yellowtail rockfish. Dr. McIsaac asked whether full retention is defined under their program as all fish or all marketable fish? Mr. Joner replied that it is defined as all fish fit for human consumption.

C.3.d. Reports and Comments of Advisory Bodies

SSC

Mr. Tom Jagielo provided the SSC's report. Mr. Alverson asked Mr. Jagielo if the SSC had any comments about sablefish. Mr. Jagielo explained that the SSC noted that most recent recruitments were below the replacement line and, in fact most recruitment points are below the $F_{45\%}$ replacement line. The SSC therefore thinks there should be further review of the F_{MSY} proxy for sablefish. Would new survey results prior to the November Council meeting influence a recommendation? Mr Jagielo said that the new information probably would not influence the recommendation; however, explicit results were not available to be discussed by the SSC. Mr. Anderson asked if the SSC had any comments regarding shortspine thornyhead in light of the uncertainties in the assessment and comments by the STAR Panel? Mr. Jagielo said the SSC did not address shortspine thornyhead which was probably an oversight. Mr. Brown asked why the SSC is not recommending a zero catch of sablefish given that three of four scenarios in both assessments project future overfishing? Mr. Jagielo didn't recommend a zero yield because there was a sense that recruitment would stabilize under the low OY option of 3,200 mt. Mr. Brown asked whether that was in conflict with his answer to Mr. Alverson that the recommendation should be based on results in hand. Mr. Jagielo said the SSC recommendation was based on the available assessment results. Mr. Robinson was interested in pursuing development of a multi-species model that incorporates fishery observer and survey data. Would the SSC Groundfish Subcommittee be willing to participate in this exercise? Mr. Jagielo said yes there was much interest in the SSC to do this. Dr. Ralston and Dr. Hastie have been talking to start this initiative which will take some time to develop. Mr. Don Hansen asked about bocaccio and yelloweye OY recommendations from the SSC. Mr. Jagielo said the SSC did not have any explicit guidance for those species. Mr. Hansen asked if the same (lack of a recommendation) existed for yellowtail or canary rockfish? Mr. Jagielo replied that was correct.

GAP

Mr. Rod Moore presented the report from the GAP. He added to the statement by saying that if the Council intends to convene a working group to assess bycatch rates and invite as an ad hoc member somebody from outside the Council's advisory committees, then the invitation should be extended to either a GAP member or someone from the industry.

C.3.e. Public Comment

Mr. Rod Moore, West Coast Seafood Processors Association, Portland, Oregon
Ms. Karen Garrison, Natural Resources Defense Council, San Francisco, California
Dr. Mark Powell, The Ocean Conservancy, Vashon, Washington
Mr. Joe Easley, Oregon Trawl Commission, Astoria, Oregon
Mr. Phil Kline, American Oceans Campaign, Washington, DC

C.3.f. **Council Action:** Preliminary Harvest Levels and Other Specifications for 2002 -- Adopt Specifications for Public Review

Mr. Boydstun asked Dr. Hastie if the 11 mt and 4 mt catches of yelloweye should be included. Dr. Hastie said yes, it should be in there, we should carry forth the discussion from the Allocation Committee meeting. The 8 mt we had in there for OR/WA were based on the 40/10 precautionary adjustment to the $F_{50\%}$ harvest rate. In response to further questions, Dr. Hastie confirmed that the partitioning of the 11 mt provided 2 mt south of Cape Mendocino, 1 mt for CA north of Cape Mendocino, and 8 mt for WA/OR combined.

Mr. Don Hansen asked if we should we think about a two year cycle? Mr. Robinson said we are pretty much locked into the normal cycle for this year. Mr. Hansen asked when do we go with a two year cycle? Mr. Robinson said once we get through the annual cycle for this year, it is not too soon to talk about the process for 2003, in particular, and all the odd years after that.

Mr. Anderson asked Mr. DeVore about the specs for widow and darkblotched - delay until we hear the rebuilding plans; POP as well, should we also wait on POP? Mr. DeVore said it is appropriate to have a preferred option right now; but it will have a direct influence on what we do under C.5., the rebuilding plans.

Mr. Anderson moved the following: Council adopt the preliminary ABCs/OYs for 2002 as indicated in Exhibit C.3, Attachment 1 with the following changes:

- Note that whiting is pending a new assessment;
- Sablefish north of conception: the 2002 ABC is a range from 4786 mt to 4062 mt; the OY is 3200 mt to 4500 mt with a preferred alternative of 4000 mt;
- Dover sole: ABC ranges from 6142 mt to 7221 mt; the total catch OY ranges from 5520 mt to 6410 mt with a preferred alternative of 6410 mt;
- Shortspine: ABC as represented; OY ranges from 955 mt to 751 mt;
- Widow: not included in the motion;
- POP: not included in the motion;
- Exclude darkblotched from the motion;
- Bocaccio: the value addressed in public comment to anticipate bycatch mortalities, we need to ensure it is in there;
- Yelloweye: recommend to leave it as is, not represent the range as discussed earlier;
- Remaining values as represented.

Mr. Boydston seconded the motion. (Motion 6)

Mr. Anderson spoke to the need for a preferred alternative of 4,000 mt for sablefish and the relative proportion that recruitment and environmental factors (ocean productivity) have contributed to the decline of this species. The information from fishermen that they are encountering significant numbers of Dover sole and the information provided by the STAR panel, SSC, GMT indicate we need to look at the middle value for Dover sole. Concerns for shortspine are long standing. Widow, POP, and darkblotched need to be dealt with separately so we don't get confused with our rebuilding plan actions. Relative to yelloweye, there has been some preliminary work done on a rebuilding plan that has produced something lower than the 11 mt shown; to use that number in representing a range does not seem reasonable, he felt the 11 mt we have matches up with the 40/10 policy in the north and represents about a 3 mt harvest allowance in the south where the stock is thought to be in worse shape than in the northern part.

Mr. Boydston seconded the motion assuming he could get a friendly amendment for yelloweye specifications. His amendment would be for a catch of yelloweye in the Monterey area of 2-3 mt. The partitioning of that 1 mt between the CA/OR border and Cape Mendocino needs more development. We need to have that discussion and the coastwide harvest would stay at 11 mt. For recreational fisheries in the Monterey area, the motion would have a range to correspond with 1.5 to 2.0 mt with the remainder to the nontribal commercial (0.5 to 1.0 mt). He has not done the calculations for recreational or tribal for the north as part of this motion.

Mr. Anderson said he agreed with the friendly amendment.

Mr. Brown asked for the Dover sole $F_{40\%}$ harvest level to be included as part of the range as shown in Attachment 1. Friendly amendment accepted by maker and seconder of the motion.

Mr. Brown then said that canary rockfish should be part of the mixed stock exception. He asked for an amendment to the motion that would include an option of 110 mt of canary rockfish. Mr. Bohn seconded the amendment to motion 6.

Mr. Brown said that we are not suggesting to adopt this as an option, but this needs to be evaluated. This species fits the mixed stock exception. He talked about the restrictions, changes in fishing gear, etc. He believes that the analysis would be appropriate.

Mr. Anderson was not in favor of the amendment. He is concerned that people are going to focus their planning on the 110 mt. Unless we are actually going to seriously consider going to 110 mt and offer that as an alternative, he thinks we're setting the industry up for planning for a 110 mt harvest level of canary rockfish.

Mr. Bohn said that in the suit we are in, the issue of a mixed stock exception, it is not clear we will win on that one. We would still manage for the 93 mt, still adopt management measures to reflect that; but if we had consideration for the mixed stock exception and if in our work we did not get there, but ended up at 100 mt or 105 mt, we would not be contemplating that further down the road (i.e. inseason adjustments). Just for that reason, it needs to be in there.

Mr. Boydston asked Mr. Brown how he would distribute that 110 mt?-- 5 mt to research and the rest as previously allocated (i.e., as shown in the Attachment 1 table)? Mr. Brown said yes.

Ms. Cooney said she did not know how this amendment would trigger the mixed stock exception and relate to rebuilding plans. Mr. Brown then said canary rockfish appears to be a mixed stock for nearly every fishery on the west coast. We have made various restrictions up and down the coast with very little analysis. At the same time, the difference between the rebuilding level of harvest (the equilibrium yield was in excess of 200 mt)- we are not proposing we go that far - but he does propose to analyze a longer rebuilding time than the statutory rebuilding plan. It is not that we don't rebuild, but that we analyze looking at a little longer timeframe due to the economics over that period.

Dr. Radtke asked for a roll call vote for Mr. Brown's amendment to motion 6 which resulted in 6 yes, 5 no. Dr. Radtke abstained from the vote. Amendment to the motion passed.

Mr. Alverson asked Dr. Hastie if new survey information would be available between now and October that could verify increased juvenile abundance in the sablefish fishery and inform us of juvenile sablefish abundance relative to the $F_{45\%}$ line? Dr. Hastie said there may be preliminary reports on length frequency of survey catches, but there would be no time to age those fish. The normal procedures for evaluating year class strength would be derived from the modeling exercise. He cannot speak for the people that did the sablefish stock assessment and whether new data can be incorporated in the assessment between now and November. Mr. Alverson asked if the raw numbers could be given to us? Dr. Hastie said we could try to make that data available.

Mr. Alverson asked Mr. Jagielo about the assumed discard rates in the SSC report: on page 2, the SSC noted Dr. Powell's presentation and recommendation, where does that lead? If we have a resource with 1000 mt OY, with a 20% discard rate- what this suggests is, if part of that resource (1%) has a natural co-occurrence with Dover sole for example, then we need to account for that. If our TL is large enough to accommodate for those natural co-occurrences, that would not necessarily drive our bycatch assumptions up, but they could go down. His (Dr. Powell's) assumptions do not necessarily only drive numbers up, do they? Mr. Jagielo said no, the assumptions could drive bycatch up or down. He clarified that there would not be a 200 mt discard rate - it nets out to about a 13% discard rate factor. Mr. Alverson then said he was only talking about a "generic what if". Dr. Jagielo then said the distinction is that co-occurrence rates affect bycatch rates, but the leap from bycatch to discard is significant, and requires substantial analysis of fishing strategies, etc. They recognize that those fairly simple fractions from co-occurrence rates don't get you to discard. Mr. Alverson then said that Dr. Powell's proposal seems more comprehensive, but does not necessarily drive the discard assumptions up. Dr. Jagielo said he did not think it would.

Relative to canary, Mr. Anderson thought the amendment added a number to the range being represented, but then heard it replaced the number 88 mt with 110 mt? Dr. McIsaac said he understood the range would be 93 mt to 110 mt. Mr. Brown said his intention was to be able to look at arrowtooth flounder in the north and find out how much more additional arrowtooth could be caught with that kind of increase in canary or if there is a shrimp fishery, how much more additional shrimp could be caught with that kind of increase in canary rockfish.

Mr. Robinson said we need to be consistent to include both spectrums of the catches knowing that both ends of the range need to include 5 mt for research.

Ms. Cooney said that if the Council goes forward with this range of 110 mt, this needs to be well analyzed with serious proposals at both ends of the range. Mr. Brown said the burden of proof would be much higher at the high end of the range, that is why it is called an "exception" and those circumstances are spelled out in the

regulations. There has to be a definite national benefit. He thinks the burden of proof is quite high, you do need to demonstrate the benefit, and we need to do an analysis to show that.

Mr. Anderson then noted we had an alternative when we adopted the rebuilding plan (60 mt) and we tried to develop management measures for that 60 mt. That was difficult. We, as a Council, have adopted the rebuilding plan and the 93 mt associated with that rebuilding plan. If this motion passes as amended, we need to re-rank the canary rebuilding model at 110 mt so we can see what the repercussions are. Mr. Brown said that we have two parts to this analysis, biological and economical. If there is an overall benefit to the country, this needs to be heavily weighted. The economics have to outweigh the biological risks. Mr. Brown then said that, in terms of research, there is 5 mt set aside for that.

Mr. Jim Caito, on Mr. Brown's comments of benefits to the nation, are we going to get any economic data on the different options to see what the economic damage is going to be to the industry? Dr. McIsaac said that we are going to have a full set of NEPA documents (which includes an economic analysis) before we go to any votes on the final deal in November.

Mr. Robinson said that Mr. Brown did make it clear that there is 5 mt for research, the real range is 93 mt to 110 mt.

Mr. Anderson stated there was a question about yelloweye and the apportionment to the north. He is contemplating zeroing out the commercial hook and line harvest to get to where we need to be. The best information he has is about 1 mt for the trawl fishery to prosecute the other fisheries on the table with 2 mt for hook and line associated with the black cod fishery. In the range of 8 to 9 mt, the breakdown would be 3 mt to 4 mt for commercial and the rest to recreational.

Mr. Anderson clarified that the management intent is to develop a regime to stay within 93 mt and look at the additional fisheries that may or may not be provided by going up to 110 mt.

Mr. Brown said that these fisheries would be crafted with the understanding that the burden of proof increases with the increased harvest. We may find that a one or two ton increase may be okay, or it may never be justified. He just wants this analyzed.

Mr. Boydston, confirmed that the ABC for lingcod is as presented at 745 mt. Mr. Anderson said that is correct.

Motion 6, as amended, passed. Dr. Radtke abstained and Mr. Anderson and Mr. Robinson voted no.

Dr. McIsaac then went through the items that may possibly be left from C.3.

Mr. Robinson offered his perspective of Ralph's amendment. He was concerned principally with the level of documentation and analysis required to apply the mixed stock exception for canary rockfish. This would be a substantial diversion of workload and time before the October meeting. In view of recent litigation, this would not be the time or place to test this exception. Considering the status of the groundfish stocks, requirements of the MS Act and guidelines for rebuilding, and the workload issue, the probability that NMFS would approve using the mixed stock exception would be somewhere between very low and zero.

Dr. Hanson was asked for help on how this would work. Mr. Alverson moved to reconsider the previous motion 6. (Motion 7). Mr. Alverson noted that Mr. Robinson expressed his concerns.

Mr. Brown asked if NMFS would deny any mixed stock exception, regardless of the results of the analysis? Mr. Robinson said that he is not sure there is time to do that kind of analysis and this is not the time and place to apply that mixed stock exception.

Mr. Anderson asked the parliamentarian if we could amend the main motion? Dr. Hanson said you have to vote to reconsider the main motion first.

Dr. McIsaac called the roll for Motion 7 (reconsideration of Motion 6). Mr. Brown and Mr. Caito voted no. Dr. Radtke abstained. Motion 7 passed.

Mr. Boydston moved (Motion 8) to reconsider the amendment to motion 6 regarding the range in canary rockfish OY from 93 mt to 110 mt, including 5 mt for research. Mr. Donald Hansen seconded motion 8. Mr. Boydston concurred with Mr. Robinson's concerns and appreciates concerns about the constraints of the canary OY on the fisheries coastwide. At some point we do have to look at the mixed stock exception, but believes this is not the time or place to do that. In light of the litigation and repercussions, he is making this motion to reconsider the amendment.

Dr. McIsaac called the roll on Motion 8 (motion to reconsider the amendment to Motion 6). Mr. Caito and Mr. Brown voted no. Dr. Radtke abstained. Motion 8 passed.

Mr. Boydston moved to amend Motion 6 (Motion 9) by retaining the canary OY as originally provided in Exhibit C.3, in the original motion (93 mt; 88 mt for harvest and 5 mt for research). Mr. Donald Hansen seconded the motion.

After some discussion, Mr. Boydston withdrew his motion (Motion 9).

Mr. Brown's amendment to have a range of canary OY was proposed as Motion 10. Motion 10 failed on a roll call vote with. Dr. Radtke abstained.

Dr. Hanson noted the main (original) motion is now in front of the Council without any amendments (except the friendly amendments) (Motion 11). Motion 11 passed on a roll call vote.

Mr. Anderson made the following motion (Motion 12): For widow rockfish, adopt an ABC of 3,727mt and an OY of 726-856 mt with the preferred alternative of 856 mt (60% probability of rebuilding). For POP adopt an ABC of 640 mt with an OY of 290-410 mt with a preferred alternative of 350 mt (70% probability of rebuilding). For darkblotched rockfish, adopt an ABC of 187 mt and an OY of 157-181 mt with a preferred alternative of 168 mt (70% probability of rebuilding). Mr. Alverson seconded the motion.

Mr. Anderson noted the rationale for selecting his preferred alternative for widow: widow is a species that is taken in midwater complex and is critical to allow us to get any kind of access to the more abundant yellowtail species. Looking at the rebuilding plan, he felt this would give us a very real and reasonable probability of recovery, while at the same time allowing flexibility to target yellowtail. For POP, the 2001 OY was 303 mt and again, this is a species caught in a complex, and would give flexibility for recovery while targeting other species. Same rationale for darkblotched.

Motion 12 passed. Dr. Radtke abstained from the vote.

Mr. Anderson proposed pulling together a group of experts including the SSC's Groundfish Subcommittee and other individuals to do a review of assumed bycatch/discard rates. Mr. Robinson asked that we expand the group to the SSC Groundfish Subcommittee, GMT, one GAP member, and one member from the environmental community (possibly Dr. Mark Powel) to make recommendations at the November Council meeting. This same group could also be used in a long term process. The group would function by consensus. Failing consensus, they could provide majority and dissenting views.

Mr. Anderson said he would prefer to task the SSC to bring together the appropriate folks, including an environmental participant (they can select), a GAP member, and the GMT, and come back to the SSC with recommendations (the SSC would be responsible for coming back to the Council). After further discussion it was agreed that the SSC would review the GMT's work and invite a member of the environmental community and a GAP member.

Mr. DeVore asked for clarification of the tribal allocation. Mr. Harp confirmed that the tribes are recommending status quo with the exception of the Makah's proposal for full retention. Mr. Joner did explain his proposal to the Council as well as passed it around. Mr. Anderson stated that Gordon Smith could help and if there are any changes in the expected catch levels, he would be available to help plug those in to the process.

Mr. Moore and Dr. Hastie requested clarification on establishing details such as trip limits, bag limits, seasons, etc. Mr. Anderson, referred to the Allocation Committee's report (Exhibit C.7, Supplemental Attachment 1). In that meeting they did talk about allocations and had recommendations to the Council (page 12). Regarding the discussion from Mr. Moore about ranges and preferred alternatives, we do have ranges for sablefish and Dover sole. Given the restrictions on Dover sole and sablefish, the range set for shortspine should allow access to the other DTS species. Mr. Anderson then went on to explain what was on page 12 of the Allocation Committee meeting minutes. Mr. Brown, recalling the NRDC lawsuit, we did not have a reasonable range of alternatives for analysis. In our ranges, we have something above and below our preferred alternatives (talking about the ranges specified in the allocation report).

Mr. DeVore said that it is not very clear that the tribal proposals have been acted upon.

Mr. Harp made the following motion (Motion 13):

To facilitate Council Action on preliminary 2002 groundfish harvest limits for the Treaty tribes, I would like to make a Motion for tribal fisheries.

Motion:

For Tribal groundfish fisheries, I move that the Council adopt for public review the proposed limits as outlined in the Tribal proposal C.3.c. for the 2002 fisheries and the additional elements contained in Exhibit C.3.c. Supplemental Treaty Indian Harvest Levels submitted by the Makah tribe.

I will reiterate the tribal proposal that was presented earlier.

The Council should adopt the following options for 2002 tribal fisheries:

Black Rockfish - The 2002 tribal harvest guidelines will be set at 20,000 pounds for the management area between the US/Canada border and Cape Alava, and 10,000 pounds for the management area located between Destruction Island and Leadbetter Point. As with the non-treaty regulations, for the management area between Cape Alava and Destruction Island, no tribal harvest restrictions are proposed.

Sablefish - The 2002 tribal set aside for sablefish will be set at 10 percent of the Monterey through Vancouver area OY.

Thornyhead rockfish - Tribal fisheries will be restricted to a 300 pound per trip limit for all fisheries. This trip limit will be for shortspine and longspine thornyheads combined.

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

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

Other rockfish species - The 2002 tribal longline restrictions regarding the landing of other rockfish species will operate under trip and cumulative limits. For other rockfish, tribal fisheries will operate under the same trip limits as the 2001 tribal fishery was structured, (except as indicated in Exhibit C.3.c Supplemental Treaty Indian Harvest Levels proposed by the Makah tribe). Because of the relatively small expected catches of the Treaty fisheries, the trip limits established at the beginning of the year will not be adjusted downward, nor will time restrictions be imposed, unless the harvest guidelines are achieved or unless in-season catch statistics demonstrate that the tribes have taken ½ of the harvest in the tribal area.

Pacific Whiting – For tribal Pacific whiting fisheries, I recommend that the Council adopt a tribal set aside of 27,500 mt (based on the ABC of 238,000 mt). However, the tribal set aside could change if a different OY is finally adopted.

Mr. Anderson seconded the motion. Motion 13 passed.

C.4. Groundfish Strategic Plan Implementation (09/12/01, 4:29 pm)

C.4.a. Agendum Overview

Mr. Dan Waldeck provided the agendum overview.

C.4.b. Ad Hoc Groundfish Strategic Plan Implementation Oversight Committee (SPOC) Report

Mr. Waldeck reviewed the recommendations of the SPOC (see italicized text in Exhibit C.4, Supplemental SPOC Report).

Mr. Brown asked General Counsel if the recent court decision affected the Strategic Plan implementation priorities adopted by the Council; notably – number 3 (revision of the groundfish management process) and number 11 (regulatory incentives to reduce bycatch). Ms. Cooney responded that the Council may want to revisit the implementation priorities.

Mr. Anderson highlighted that allocation would be critical to capacity reduction under the Strategic Plan, notably – development of a trawl permit stacking program and rationalization of the open access fishery. He noted that the Council should seek to address allocation issues as soon as possible.

Dr. McIsaac discussed revision of the groundfish management process, specifically, use of multi-year management. He noted the interest of NMFS-HQ in multi-year management and reiterated that multi-year management could provide some relief from the current stress. The initial steps could include scoping and developing of a multi-year management framework, and how to synchronize the assessment cycle. He highlighted the SPOC recommendation that a SPOC subcommittee be formed.

Mr. Robinson noted that even under multi-year management, notice and comment prior to the start of the fishing season would need to be accommodated, and the crush between September and November could still occur. He suggested two alternatives: (1) set management specifications using a June – September framework, which would accommodate notice and comment prior to start of fishery (January 1); or (2) move the fishery start date to March 1 and use a three meeting (June, September, November) specification setting process. We need to determine the best management cycle that works for one year, two years, and three years, and accommodates notice and comment.

C.4.c. Report of the Open Access Permit Scoping Group

The Open Access report was included in the SPOC report (for details refer to Exhibit C.4.c).

C.4.d. Reports and Comments of Advisory Bodies

GAP

Mr. Waldeck read the GAP statement, Exhibit C.4.d.

The Groundfish Advisory Subpanel (GAP) received a report from Council staff regarding the meeting of the Council's Ad Hoc Groundfish Strategic Plan Implementation Oversight Committee (SPOC) and offers the following comments on that Committee's report.

Open Access Restrictions: The GAP agrees with the SPOC recommendation to delay work on this issue until after the Council's October meeting. However, the issue should remain on the Council's workload list.

Trawl Permit Stacking: The GAP agrees this should be a high priority for Council workload, as it is unclear whether buyback legislation will be enacted and funded in this Congress. While the GAP

recognizes there may not be time to convene a meeting of the permit stacking committee before the Council's October meeting, work should begin soon thereafter.

Marine Reserves: The GAP offered extensive comments on marine reserves and Council response under agenda item D.1 and will not repeat them here.

Allocation: The GAP unanimously repeats its request that the Council engage in a formal allocation process rather than the ad hoc approach that has been taken to date. Continued restrictions on species that are harvested by all gear types and both commercial and recreational fisheries make it imperative a formal allocation take place.

Multi-year Management: The GAP believes the Council should explore this approach to management as a means of providing some continuity for the fisheries. However, a multi-year approach must include a mechanism to adopt recent scientific information, especially in cases where there are significant questions of stock assessment results.

C.4.e. Public Comment

Mr. Steve Bodnar, Coos Bay Trawlers Association, Coos Bay, Oregon
Mr. Kenyon Hensel, commercial fisherman, Crescent City, California

C.4.f. **Council Action:** Consider SPOC Recommendations

Mr. Anderson spoke to the issue of multi-year management, noting the difficulties inherent in the current process. He believes the SPOC should devote attention to the issue and moved that the Council direct the Executive Director to develop (1) a list of prospective names for a SPOC subcommittee to work on the multi-year management issue, (2) a timeline for development of a multi-year approach, and (3) schedule of meetings. Mr. Brown seconded the motion. (Motion 14) Motion 14 passed.

Mr. Boydston spoke to permitting in the open access fishery issue. He suggested convening the ad hoc subcommittee after the October/November Council meeting.

Mr. Waldeck noted the three SPOC recommendations regarding the open access fishery, trawl permit stacking, and multi-year management. Mr. Anderson's motion addressed multi-year management. The Council has yet to address the other two.

Mr. Brown suggested the items be taken up on Friday under the workload agenda.

Mr. Anderson moved to accept the SPOC recommendations and consider their recommendations under the workload agenda item, Agendum I.4. (Motion 15) Mr. Brown seconded Motion 15 which passed.

C.5. Rebuilding Plans

C.5.a. Agendum Overview

Mr. John DeVore introduced the agendum overview.

Mr. Bill Robinson noted the most important thing is the rebuilding analysis and time trajectory and harvest rates that relate to our harvest decisions. As a consequence of the litigation, NMFS and NOAA GC will need to come back and advise the Council at the November meeting what these plans need to look like in terms of substance and format in order to be considered amendments as well as any other items that need to be taken care of. He also mentioned putting multiple plans into a single amendment.

Dr. Rick Methot presented a powerpoint presentation on Pacific Ocean Perch and a separate presentation for darkblotched rockfish.

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

SSC

Mr. Tom Jagielo presented the SSC report.

GAP

Mr. John DeVore read the GAP statement.

HSG

Ms. Jennifer Bloeser read the report for the HSG.

C.5.c. Public Comment

Mr. Steve Bodnar, Coos Bay Trawlers Association, Coos Bay, Oregon

C.5.d. **Council Action:** Consider Rebuilding Drafts

Mr. DeVore reported that the Council adopted preferred alternatives for 2002 OYs that are consistent with specific rebuilding strategies. In considering the rebuilding plans it may be helpful to start with widow rockfish under Attachment 7.

Mr. Anderson referred to Attachment 7 for widow rockfish and highlighted the alternatives that were consistent with our earlier action today or previous actions. He recommended that under 2.5, we choose Alternative 5 instead of Alternative 2. He suggested we apply the same logic in moving through the alternatives for the other plans.

Mr. Anderson moved the Council adopt the new rebuilding analyses that have been presented and include them in the rebuilding plans. Seconded by Mr. Boydston. (Motion 16) In response to questions, Mr. Anderson clarified that the motion calls for adopting the new analyses to be put into the rebuilding plans which would come back to us in the future for final adoption. Motion 16 passed.

Mr. DeVore noted his understanding that the OYs are to be consistent with the rebuilding plan for final adoption at a later date (after analysis). He noted a typo on POP in the table.

Mr. Anderson requested that the authors of the rebuilding plan respond to the request of the HSG regarding habitat concerns. He also suggested that some sort of coordinating person or group review the plans to make sure they are all consistent. Mr. Bohn opposed the formation of additional committees and recommended coordinating the rebuilding plans through the Council staff who in turn coordinate with the authors. Mr. Robinson confirmed that this was occurring.

In answer to questions, Mr. DeVore said the rebuilding plan adoption schedule is somewhat uncertain due in part to current litigation. There should be a presentation at the next Council meeting to help guide the form and scheduled adoption of the plans.

C.6. Exempted Fishing Permits (09/12/01; 6:40 pm)

C.6.a. Agendum Overview

Mr. John DeVore gave the agendum overview.

C.6.b. Status of Ongoing EFPs

C.6.b.i. Arrowtooth Flounder and Rockfish Permit

Ms. Michele Robinson presented "Preliminary Update on the WDFW Arrowtooth Flounder EFP, Exhibit C.6.b.i, Supplemental WDFW Report".

C.6.b.ii. Chilipepper and Bocaccio Rockfish Permit

Ms. Jennifer Bloeser said they have continued to be in contact with Mr. Kenyon Hensel and NMFS staff. Currently we are waiting for funding from the state to employ the observers proposed in the EFP. They still have a CDFG biologist who is willing to put some time in with Mr. Hensel for the months of September and October.

C.6.b.iii. Vertical Line Gear Selectivity Permit

Mr. Boydston reported funds were not available to proceed.

C.6.c. New EFP Applications

None.

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

GAP

Dr. Don McIsaac read the report for the GAP.

C.6.e. Public Comment

None.

C.6.f. **Council Action:** Recommendations to NMFS on EFPs

None.

C.7. Proposed Management Measures for 2002

C.7.a. Agendum Overview (09/14/01; 10:56 A.M.- see note below on the agenda schedule change)

Mr. John DeVore gave the agendum overview. Dr. McIsaac stressed that the Council's job at this time is to adopt a reasonable range of management alternatives with specified preferred alternatives and to eliminate those that don't warrant consideration. These would go into a draft EA which would be before the Council when the decision is made in November. Chairman Lone thought we didn't need to revisit C.7.b since that was done on 09/13/01. Mr. Anderson agreed. Mr. DeVore recommended proceeding to the reports of the Advisory Bodies, then the States' Reports, Public Comment, followed by Council action. Mr. Anderson thought we should refer to the Ad Hoc Allocation Committee minutes and review the "Management Challenges" on page 12 of Exhibit C.7, Supplemental Attachment 1. (see C.7.b 09/14/01 minutes below).

C.7.b. Ad Hoc Allocation Committee Report (09/13/01; 1:38 pm)

Mr. Phil Anderson highlighted the recommendations of the Ad Hoc Allocation Committee contained in their report (Exhibit C.7, Supplemental Attachment 1). He felt that the Ad Hoc Allocation Committee's recommendations needed to be adopted before the Council took action on agenda item C.8. as well as C.7. Agendum C.7 was then postponed until 09/14/01.

{Council took the following action before Agenda Items C.8. and C.7.}

Mr. Anderson moved to accept the Ad Hoc Allocation Committee recommendations as represented in Exhibit C.7, Supplemental Attachment 1 (Motion 18). Mr. Bob Alverson seconded the motion. (09/13/01; 1:51 pm)

Mr. Brown noted, under "alternative management strategies", he concurs with the motion to adopt the recommendation, but will be cognizant to consider increasing economic benefits.

Mr. Anderson said it means just what it says, it means to "consider". If we don't ask them to consider it, then they won't consider it. Right now, he did not say there was no one willing to consider it, it just means he would like them to talk about it and have a meaningful discussion.

Mr. Boydston said that he is in favor of the motion, with the understanding that the recreational set asides should be consistent with the specifications adopted at the meeting yesterday. Motion 18 passed.

{Council then went back to Agenda Item C.8. followed by Agenda Item C.7.}

Mr. Anderson reviewed and explained the "Management Challenges" on page 12 of Exhibit C.7, Supplemental Attachment 1. Mr. Brown reiterated the need to clearly articulate the rationale for any decisions made today. These need to be captured in the EA. Mr. Anderson explained that the Allocation Committee and GMT minutes are improved and help make the process more transparent.

C.7.c. Reports and Comments of Advisory Bodies (09/14/01; 11:04 A.M.)

GMT

Mr. Brian Culver discussed the GMT statement, Exhibit C.7.c, Supplemental GMT Report 1. Mr. Anderson asked about the statement that the Council and NMFS do not have inseason control of recreational fisheries. Does this refer to the EEZ? Mr. Culver said the statement was based on the frustration in having to rely on inaccurate MRFSS estimates/projections and the fact that recreational fisheries have chronically exceeded set asides forcing inseason restrictions to the commercial fisheries. Mr. Brown asked whether the process would be helped if the Council were to adopt specific sport/commercial allocations instead of set asides? Mr. Culver agreed that would help if the states coordinated inseason management of sport fisheries.

Mr. Culver read and discussed the GMT-proposed trawl trip limits (Exhibit C.7.c, Supplemental GMT Report 2). Mr. Brown asked about trawl recommendations for rex sole--why limit rex sole with large footropes? Mr. Culver said the concern is the need to limit large footrope effort on the shelf to reduce incidental catches of canary and other overfished stocks. Mr. Anderson wanted to know if the GMT discussed a seasonal fishery structure? Perhaps a staggered approach to target fishing strategies/opportunities that would allow larger trip limits? Mr. Culver said the GMT has looked at such structures in the past. The problem always has been that one size does not fit all. There is the large v. small boat issue, the north/south issue, and processor issues. When the GMT has developed such staggered strategies they don't fit all sectors of the fishery. The GMT needs specific direction from industry and the Council to model such scenarios.

Mr. Caito asked what the recommendation was with regard to fishing for rex sole with large footrope south of Cape Mendocino. Mr. Culver said he is at a loss to answer since the California GMT representative (Mr. Thomas) helped structure those specifications. The answer was deferred until Mr. Thomas was available. Mr. Brown asked about yellowtail and widow specifications during March and April (not clear on table). Mr. Culver said the GMT is only proposing a two month (Jan-Feb) midwater fishery. Mr. Culver then discussed the limited entry fixed gear limits proposed by the GMT (Exhibit C.7.c, Supplemental GMT Report 2). Mr. Alverson asked about the primary sablefish fishery. Mr. Culver said those specifications were missing because Dr. Hastie hasn't had time to calculate the tier limits yet. Mr. Alverson stated the season has been set but wanted to know whether the Council would have estimated tier limits in November. Mr. Culver said there was some discussion about the reduced tier limits but the bycatch/discard analysis hasn't been done yet. At this point the GMT is not sure the reduced tier limits and expected bycatch can support the extended primary season that is on the books. The GMT needs to do more work on this.

Mr. Robinson wanted to know how to account for discards when tier limits are set in November. Mr. Culver said the GMT would be prepared to address that in November at the Council meeting. Mr. Anderson asked if the three sablefish options are connected with the range of preliminary harvest levels adopted earlier in the week? Mr. Culver said that was correct. Mr. Anderson asked if the same apportionment of sablefish between the primary season and the DTL fishery (as used in 2001) was used in the 2002 specifications recommendation? Mr. Culver said that was correct. Mr. Anderson said if we wanted to examine a different apportionment, we would need to specify that today. Mr. Culver stated that, without specific direction on allocation options from the Council, the GMT would only model current allocations.

Mr. Brown asked if, in the extreme case where the Council would elect to do away with the DTL fishery, would we run into problems vis a vis endorsement qualification rationale, etc.? Ms. Cooney recalled that the allocation between the primary and DTL fishery was not set in the FMP; however, that was part of the consideration in the equity issues. She thinks any allocational adjustments need to be accompanied by clear rationale (i.e., for bycatch reasons). Mr. Alverson was confused why the GMT would have problems calculating tier limits by November. Mr. Culver responded that he meant they couldn't calculate that today--we need to get an allocation decision, etc.

Ms. Cooney questioned the recommendation to shift the management line south to Pt. Conception from the Conception/Monterey border. How do we account for catches with a different OY and management line? This needs to be resolved before next meeting.

Mr. Culver then reviewed the open access (OA) recommendations. Mr. Brown asked about Open access limits other than exempted trawl--what about allowable canary catch in the pink shrimp fishery? Is the allowable yellowtail catch in the pink shrimp fishery 200 lbs/mo? Mr. Culver said that these specific limits were not included in the table and still need to be calculated. Mr. Robinson asked whether the GMT was planning on calculating discards for those fisheries where there is year-round non-retention? Mr. Culver replied that we will have to do that but he's not sure how to calculate total fishing-related mortality in the non-trawl fisheries. Mr. Boydstun was confused why we're not allowing chilipepper in the south as part of the minor shelf rockfish allowance in the limited entry and open access sectors. Is the 200 lbs/mo allowance to allow bycatch in other target fisheries? Mr. Culver said the minor shelf limits are to allow bycatch in other fisheries such as sablefish. Bocaccio problems also played into the limit, but he would have to defer to Mr. Thomas on some of these southern issues.

Ms. Cooney commented that the DTL fishery in Open access was missing the footnote regarding 36° N. lat. Mr. Culver acknowledged that. Mr. Culver said the recommendations are based on modifying the existing year-round trip limits to accommodate the newly recommended harvest levels. If we want to move in a different direction, the GMT needs specific guidance from the Council. Mr. Anderson reminded the Council that there needs to be a discussion on how we can effectively adopt regulations for January and February given the revised process and how that affects decisions in November.

GAP

Mr. Moore reviewed the GAP report. Recommendations were not discussed in the GAP as a whole body but are proffered by sector representatives and combined in the GAP statement. He recommended that some of the proposals represent a range of options. He urged the Council to adopt a range of proposals as preliminary measures, thus allowing the GAP to work with the GMT to analyze these options before the November meeting. Mr. Moore pointed out some typographical errors on the GAP tables. Mr. Alverson asked about proposed summer closures in the sablefish fishery--did the trawl industry endorse this? Mr. Moore said the options were developed independently with no time for other GAP members to review and discuss them. Mr. Brown wanted Mr. Moore to address his rex sole concern. Mr. Moore's understanding is the trawl group failed to discern a differentiation of rex sole specifications north and south and also overlooked the large footrope issue Mr. Brown brought up earlier. He urged the Council to adopt a range to cover the various alternatives. Mr. Bohn noted the lack of the pink shrimp Open access exemptions in the GMT or GAP recommendations. Mr. Moore stated that it wasn't addressed in the GAP.

WDFW

Mr. Anderson reviewed the WDFW recreational fishery proposals in Exhibit C.7.c, Supplemental WDFW Report.

ODFW

Mr. Bohn reviewed the ODFW recreational fishery options in Exhibit C.7.c, Supplemental ODFW Report. He pointed out a typo in the first ODFW proposal—where it says one lingcod, it should say two.

CDFG

Mr. Boydstun spoke to Exhibit C.7.c, Supplemental CDFG Report 2. Mr. Brown asked if these are the worst case scenario, would current regulations be the best case? Mr. Boydstun said yes.

EC

Lt. Dave Cleary gave the Enforcement Consultants (EC) report. The EC recommends all states adopt a 20 fathom curve for consistency and the language about prohibiting other species while in possession of nearshore rockfish be considered. Mr. Anderson said Washington has a 4 mile closure on crab approximating the 25 fathom contour. They'll coordinate with Capt. Cenci to work out the depth contour in their regulations. Mr. Boydstun said they would reword their proposals to address the EC recommendation (re: possession of nearshore rockfish language) and adopt language regarding shallow water rocks and pinnacles near nearshore islands.

C.7.d. Public Comment

Mr. Joe Easley, Oregon Trawl Commission, Astoria, Oregon
Ms. Michele Longo Eder, fixed gear sablefish, Newport, Oregon
Mr. Mark Cedergreen, Westport Charterboat Association, Westport, Washington
Mr. David Glimm, fixed gear sablefish, Seattle, Washington

C.7.e. **Council Action:** Adopt Proposed 2002 Management Measures for Public Review

Dr. McIsaac asked Ms. Cooney to talk about adopting a reasonable range of alternatives for consideration and how to consider "new" options/ideas that might come up in November. Ms. Cooney said the best plan is to adopt a reasonable range of alternatives today. This range applies not only to a range of trip limits but also other fishery structures. Dr. McIsaac posed a hypothetical: if the Council were to adopt a fixed gear sablefish season now, but in November the Council wanted to adopt a summer closure that wasn't analyzed in the EA—is that OK? Ms. Cooney said if that is an option, it would be best if it were adopted now and analyzed. This is short of being prohibited from doing something different if it makes sense or new information becomes available. Mr. Robinson said that where possible a range should be adopted. Mr. Don Hansen asked whether economic information needs to be included in the EA? Mr. Robinson said that an analysis of effects on the human environment is a NEPA requirement.

Mr. Brown said the process this year would probably be an emergency regulation to start the season in January. Mr. Robinson said the operating assumption is that emergency regulations will be adopted for the beginning of the year. He's still uncertain whether those emergency regulations will be for the entire year or the first two months. Ms. Cooney said there will be a public comment period for proposed regulations that may only include specifications for a portion of the year (March-December).

Mr. Robinson said that to the extent we could identify factors that would influence a final decision, they should be identified now. However, if the Council wants to consider something further afield such as a staggered seasonal fishery structure, then that should be identified now as an alternative. Mr. Brown asked how specific do we need to be in those options? Mr. Robinson replied that the more specificity, the better the analysis.

It's hard to draw that line. Ms. Cooney offered that if a logical connection or rationale from the NEPA analysis can be made to justify a decision that was outside the range of considered alternatives, that is better than one that isn't supported at all by the EA. Don't choose the range based on ease of analysis- it needs to make sense.

Mr. Anderson asked if we incorporate a range of alternatives offered by the GMT and GAP, and added state recreational options and a general description of a new seasonal fishery structure, who develops this further? This is a daunting challenge. Once bycatch rates are applied, we might be faced with trip limits that are unacceptably small. With regard to the primary species and strategies, we could structure a seasonal approach where any one strategy could only be prosecuted for four months. This would give direction to the analysts. Mr. Brown is concerned that we adopt alternatives without GMT and GAP input.

Mr. Bohn moved to adopt for consideration the state recreational fishery proposals identified in Exhibit C.7.c, Supplemental WDFW Report, Supplemental ODFW Report, Supplemental CDFG Report 2, and the EC comments. Mr. Brown seconded. Mr. Robinson asked Mr. Boydston about hook restrictions, dress requirements, and other miscellaneous regulations that were in place in 2001. Is it the intent to carry those over into 2002? Mr. Boydston answered that it was and is explicit in the written proposal. Motion carried.

Mr. Anderson moved to adopt for consideration the proposed GMT trip limits (Exhibit C.7.c, Supplemental GMT Report 2), the proposed GAP trip limits (Exhibit C.7.c, Supplemental GAP Report), and in addition, include for the limited entry fixed gear primary season an alternative season length of three months and an alternative midwater fishery, DTS, and flatfish fishery designed to not exceed four months. Mr. Brown seconded. Mr. Brown asked for a friendly amendment of a suboption for full retention in the limited entry fixed gear sablefish fishery during July-September. Mr. Anderson agreed. Mr. Anderson also wanted to include the necessary correction to the trawl rex sole specifications. Mr. Boydston asked about the DTS, midwater, and flatfish option--do the four months overlap? Mr. Anderson said it is not specified in the motion but left to the analysts. Mr. Boydston asked about the rex sole issue- an option of no limit across the board. Mr. Anderson believed that was when using large footropes. Mr. Brown's concern was that rex sole was left out of the large footrope restriction (already included in small footrope specs.). Mr. Boydston understands that yelloweye would have a non-retention restriction in limited entry trawl- it's not addressed. Mr. Anderson said that isn't included in the motion and would like an opportunity to discuss this before he accepts this as a friendly amendment. He thought there was a calculation for yelloweye bycatch in limited entry trawl of 1-2 mt. He wanted to put a trip limit on yelloweye in limited entry trawl to accommodate bycatch. Mr. Boydston offered as a friendly amendment an alternative of no retention of yelloweye in limited entry trawl. Mr. Anderson and Mr. Brown accepted.

Mr. Boydston on limited entry fixed gear, offered as a friendly amendment to put chilipepper south of Cape Mendocino into the minor shelf rockfish. Mr. Anderson and Mr. Brown accepted. Mr. Boydston, on open access, requested the same friendly amendment for chilipepper in Open access as in limited entry fixed gear. Add south of Pt. Conception DTL regulation in Open access and add the pink shrimp specifications. Mr. Anderson and Mr. Brown accepted.

Ms. Cooney asked about the pink shrimp limits--are they specified? Mr. Bohn was going to suggest to add the limits in place for 2001 (he read the specifications) as a placeholder. Mr. Anderson accepted with the added language that they would change if needed to stay within 2002 OYs. Mr. Alverson requested a friendly amendment to add a fourth Limited entry fixed gear sablefish option of an April-October season with a June-August closure and a suboption of an allowance to fish in June-August in depths greater than 150 fathoms. Mr. Alverson explained his rationale for proffering his friendly amendment. He recommended that the 150 fathom caveat would only work if it's enforceable with a vessel monitoring system (VMS). Mr. Anderson and Mr. Brown accepted.

Ms. Cooney asked if the vessel owners would purchase the VMS equipment and NMFS would set up the system? Mr. Alverson said NMFS in Juneau offered the equipment to vessel owners; if it's not available, purchase cost would be on the owner. Dr. McIsaac asked for details about VMS and Mr. Alverson explained that VMS allows remote monitoring of vessel location. Mr. Anderson went into specificity in the GAP alternatives that are part of his motion. Dr. McIsaac expressed concern about the season option and the desire to have the designers structure this option. He thought the Council should design the structure.

Mr. Anderson contemplates assembling a group of individuals to meet soon and design the structure of this alternative. Mr. Robinson assumes that would be the GMT and Council staff.

Mr. Anderson reconsidered the season option and how it gets developed. He presented two alternatives for doing this. The simpler approach would be to specify the season alternative. Mr. Brown said we could add a specific season option in addition to one that is flexibly designed by GMT and Council staff. Mr. Robinson suggested specifying criteria such as structuring the season at times when bycatch is lowest, etc. Mr. Brown thought it would be difficult to follow Mr. Robinson's suggestion- there are geographic differences, etc. that make the criteria unreasonable to design or analyze coastwide.

Dr. McIsaac suggested voting on everything but the seasonal option. The seasonal option could still be specified as long as it brackets a reasonable range of season structures. The actual decision could still be different. Mr. Bohn recommended adopting the simpler (specified) season alternative for analysis. Mr. Anderson suggested removing the season option from the motion, voting, and then readdressing the season option.

Dr. McIsaac restated the revised motion. Mr. Alverson asked whether the limited entry Fixed gear sablefish April-October status quo season is part of the motion? Dr. McIsaac stated that it was not part of the motion but may be part of the convention (NEPA requires analysis of status quo). Ms. Cooney stated that the season was part of the proposal last year (when 2001 management measures were decided) but is not in the regulations yet. Chairman Lone asked if it's inherent in the motion? Mr. Anderson said that if it isn't, it is now. Mr. Brown said it is part of the status quo. Mr. Robinson said the six month season is status quo in the FMP but wasn't adopted as a regulation because of the shortened season this year (to adopt permit stacking). Mr. Anderson said for clarity the April-October season is in the motion (as a friendly amendment). Mr. Brown accepted as second. Motion carried.

Mr. Brown asked if we were to have Mr. Moore, Mr. Culver, Dr. Hastie, and Mr. Leipzig get together and address qualitatively the seasonal approach, would that be an acceptable NEPA analysis? Dr. McIsaac said we are looking for something to analyze for the EA before the final decision in November. Ms. Cooney said they could identify issues but you need enough analytical information to reach a conclusion.

Chairman Lone said he now expected a motion to be made (to address preliminary measures left out of original motions). Mr. Robinson said it appears that, without a motion, we are left with a year round season option. Mr. Anderson said since OYs are "falling like a rock" he's having a hard time accepting that we are only going to dial down trip limits to allow a year-round fishery. Mr. Bohn then moved to adopt a seasonal groundfish alternative: open January-March and October-December, and closed April-September except for the primary whiting fishery. He recommends that the GMT and Council staff develop the analysis and EA. Seconded by Mr. Alverson.

Mr. Boydston asked if this would be for just trawl or all limited entry? Mr. Bohn said just trawl and the challenge would be designing the limits. Mr. Brown said this would be a complicated analysis without pre-developed information such as the best times to market different species. Would the analysts be contacting industry folks to get critical information? Mr. Bohn said yes; there was time for the GMT to contact industry representatives prior to the September GMT meeting in two weeks. Mr. Anderson asked if this would not apply to line gear (LE fixed gear)? Mr. Bohn said he wouldn't preclude it, a seasonal approach could apply to trawl and fixed gear. Mr. Anderson thought that we could segregate DTS, shelf flatfish, midwater, whiting, and directed rockfish fisheries and stagger seasons that would allow less discard and year-round product flow with the reduced harvest levels we have. Chairman Lone asked Mr. Bohn if his motion was contemplating different seasons for different strategies? Mr. Bohn said that his motion was specific for ease of analysis.

Dr. McIsaac stated that the motion opens the door for consideration of a seasonal approach. Mr. Brown stated the analysis has a dual purpose of determining why we do some things and don't do other things. There are extreme difficulties with a seasonal approach that may come out in the analysis. Mr. Anderson asked for a friendly amendment to include a seasonal approach for limited entry fixed gear and open access? Mr. Bohn accepted. Mr. Robinson said that a reasonable range seems to be covered with the preliminary options adopted. Ms. Cooney agreed, especially with the friendly amendment to consider a seasonal

approach for Open access and LE fixed gear. Dr. McIsaac then restated the motion and asked Mr. Alverson (the seconder) if he would accept Mr. Anderson's friendly amendment (he did). Motion carried.

C.8. Status of Fisheries and Inseason Adjustments (09/13/01; 1:56 pm)

C.8.a. Agendum Overview

Mr. John DeVore presented the agendum overview.

C.8.b. Reports and Comments of Advisory Bodies

GMT

Dr. Hastie presented the GMT Report. Mr. Brown asked about the in-column landings in the QSM report, do they include discards? Dr. Hastie said they don't but the allocation amounts on the table are landed catch allocations and therefore directly comparable to the displayed landed catches. Mr. Brown asked if the GMT considered closing the trawl fishery in November and what that would mean for sablefish re-allocation? Dr. Hastie explained that there was discussion regarding what would happen in October and an expectation that trawlers would scramble to fill their cumulative landing limits. The GMT would be willing to craft alternatives that would redirect shelf flatfish effort away from Dover sole and petrale where canary bycatch is a concern. The GMT could also structure a plan to close the trawl fishery in October and November and reconsider later what to do in December.

Mr. Brown asked about bycatch rates in the midwater trawl fishery. Dr. Hastie said the bycatch rate from logbooks in the fourth quarter of 1999 was actually 0.00018%. We don't know if a fishery shifted to target yellowtail would produce the same results. There is not enough data for informed modeling. Expected observations of new fishing strategies such as midwater targeting of yellowtail will help in crafting future measures.

Mr. Jim Caito asked about canary landings in QSM- did the unused 3 mt from the whiting fishery get factored in the QSM analysis? Dr. Hastie replied that the landed catch targets for directed commercial fisheries did not include the 3 mt set aside for the at-sea whiting fishery. Adding 1 mt of canary not used in the whiting fishery would result in .84 mt of added landed catch for the commercial fishery. Dr. Radtke asked about the 0.00018% canary bycatch. Dr. Hastie explained that was the recorded canary bycatch in association with landed widow rockfish in midwater trawl fisheries in the 4th quarter of 1999.

Mr. Alverson wanted to confirm the idea of transferring sablefish from fixed gear to trawl. Wouldn't there still be problems with darkblotched, canary, and other species? Dr. Hastie explained the soft data estimates from California were high and have been subsequently adjusted downward. The GMT expects there will be an additional 300 mt of Dover sole available from California (the California rebate) but we won't know that until the end of the year. Mr. Alverson still wondered about increased bycatch of darkblotched and canary. Where is the benefit to the resource? Dr. Hastie represented that there are economic and conservation trade-offs. For example an additional 30,000 pounds of petrale in a targeted trawl fishery would lead to a bycatch of about 100 pounds of darkblotched rockfish.

Mr. Brown asked how the fishery attained their canary rockfish relative to the projections made last year? Dr. Hastie replied that the data obtained, which is reasonably complete through July, indicated that the shrimp fishery caught 6 mt of canary prior to mandating excluders. Fixed gear caught about 6-7 mt of canary. Along with some troll caught canary, the GMT believes that the annual catch of canary will be less than the 31 mt allocated to commercial fisheries.

Mr. Boydston asked about the limited entry fixed gear and open access recommendation of 500 pounds/month south of Mendocino- is that correct? Dr. Hastie said that was the recommendation discussed with the GAP. Mr. Robinson asked about the projected lack of attainment of sablefish in limited entry fixed gear and open access. Will there be sablefish left over? Dr. Hastie said some left over is projected which is why a limit increase in these sectors is an option. Mr. Robinson asked about the option of shifting sablefish to limited entry trawl being accompanied by a decreased limit in the DTL fishery.

Dr. Hastie explained that the options recommended attempted to keep limited entry fixed gear and open access opportunities available while providing some sablefish to the trawl sector. Mr. Anderson asked if canary retention would be allowed in the trawl fishery when it is specifically not recommended for limited entry fixed gear or open access? Dr. Hastie said that wasn't recommended because the GMT was trying not to provide target rockfish opportunities on the shelf. Allowing retention in the trawl fishery would give us a handle of incidental catches of canary where targeting isn't occurring given gear restrictions, etc.

Mr. Anderson asked if the regulations in place allow 300 pounds/month of canary (in the trawl fishery) in October and 100 pounds/month in November and December? Dr. Hastie said that was correct. Mr. Anderson recalled that targeting yellowtail in the midwater trawl fishery has the consequence of increased canary bycatch relative to strategies that target widow. Was this discussed in the GMT/GAP? Dr. Hastie said not specifically but they could shape a more balanced strategy of accessing widow and yellowtail while attempting to minimize canary bycatch. Dr. Radtke asked about the economic impacts of closing the trawl fishery. Dr. Hastie said that he has not projected the impacts of closing trawl. The petrale fishery is especially important in the winter and the implications of closing trawl in the winter go beyond the lost ex-vessel revenues. The industry is impacted relative to market shares and other economic considerations that could have a more long-lasting impact. Dr. Radtke said he was aware of that but lost ex-vessel revenue would still be important for him to understand the impacts.

Mr. Alverson asked for an explanation for reducing the canary limits in limited entry fixed gear in the northern nearshore. Dr. Hastie said the recreational catch is projected to be 200 mt over the set aside for 2001. The commercial fishery therefore has 200 mt less than what was set aside. Mr. Alverson asked if the trawl industry is being held harmless by taking the potential yield out of the LE fixed gear sector? Dr. Hastie said the trawl sector doesn't have a target in the nearshore fishery, only a small incidental bycatch. Mr. Alverson asked whether the trawl fishery has an incidental bycatch of canary elsewhere? Dr. Hastie explained that this wasn't a canary issue but a nearshore rockfish issue. Part of the reason to eliminate canary retention in the LE fixed gear fishery is to eliminate shelf rockfish target opportunities which is driven largely by the need to protect yelloweye.

Mr. Anderson asked whether there was any thought to closing trawl opportunities for Dover sole in October, assessing actual landings, and deciding later whether to reinstate some Dover opportunity later in the year? Dr. Hastie said the lag in data flow compromises the plan but by the next Council meeting in October/November, he should have catch accounting through September. Mr. Brown asked whether sablefish catch accounting in California has the same problems as the accounting of Dover sole? Dr. Hastie said no major adjustments have occurred in the soft/hard data systems in California for sablefish. He doesn't know why that is the case.

GAP

Mr. Rod Moore presented the GAP Report. He reported that the GAP did speak about the allocation items, and felt Mr. Anderson was misinformed that the GAP did not discuss allocation issues (Agenda Item C.7).

EC

Lt. Dave Cleary gave the comments for the Enforcement Consultants (EC).

C.8.c. Public Comment

Mr. Kenyon Hensel, commercial fisherman, Crescent City, California
Mr. Kelly Smotherman, commercial trawler, Hammond, Oregon
Mr. Peter Leipzig, Fishermen's Marketing Association, Eureka, California
Mr. Jim Ponts, fixed gear fisherman, Fort Bragg, California
Mr. Tommy Ancona, Fishermen's Marketing Association, Fort Bragg, California
Mr. Rod Moore, West Coast Seafood Processors Association, Portland, Oregon
Ms. Michele Longo Eder, fixed gear sablefish, Newport, Oregon
Mr. Marion Larkin, trawler, Mt. Vernon, Washington
Mr. Robert Briscoe, Jr., trawler, Ferndale, Washington

Mr. Joe Easley, Oregon Trawl Commission, Astoria, Oregon
Mr. David Glenn, Fishing Vessel Owners Association, Kingston, Washington

C.8.d. **Council Action:** Consider Inseason Adjustments in Management Measures

Mr. Brown asked Mr. Anderson about what he said to Mr. Larkin about the closure of yellowtail and widow due to bycatch, "I think we closed it because widow was coming in too fast". Mr. Anderson said he did not say it was due to bycatch, it was just that he was trying to address the issue of canary bycatch in the midwater trawl fishery.

Mr. Anderson stated he believes there is a significant difference between the last time we came up against this and now. There was some sablefish available in the trawl which was rolled into the fixed gear then. This is a different situation. There is an opportunity to reconstruct the trip limits in the Open access and fixed gear to allow the trawl fishery to continue. He is not advocating making a shift from the fixed gear and open access sablefish to the trawl. He said we are also nearly out of the species that support the trawl fishery. We need to make a good decision here and recognize that we just don't have many fish to work with here. He is focusing on the species where we do have surplus left and how can we construct a package to allow access to those fish while recognizing and taking into account the concerns for the other species where we are bumping up against or are over our OYS.

For discussion purposes, Mr. Anderson suggested looking at Exhibit C.8.b, Supplemental GMT Report and, for flatfish, moving ahead with the package as proposed for those species (which is the same for October-December). We should apply a discard mortality for the species that are taken incidental to those as bycatch and the three species he would identify for making an adjustment for bycatch mortality of sablefish. He understands the estimate is a 5% bycatch rate for those fisheries. He thinks we need and would advocate to use the best rate the GMT has. For Dover sole the bycatch rate is 0.8% and for shortspine the rate is 0.5%. He feels we can stay within our OY for Dover and shortspine and recognize we are going to be over a little bit on sablefish and accept that as part of our management. We know our OY is set below the ABC, we're not fishing over the ABC and he does not expect to go over the 102% projected by the GMT. The other issue is canary rockfish for which the GMT has an overhead. Dr. Hastie made note of past petrale target tows as captured in logbook data. The fishery targets petrale in the fall at the outer edge of the depth range for canary; he estimates a low incidental catch of canary based on this data.

Mr. Anderson continued by stating the lingcod would be left as proposed. The widow and yellowtail is more problematic relative to canary and what he suggests is that the Council consult with Dr. Elizabeth Clarke and see if we can essentially put every available observer we have to observe midwater trawl effort this fall and allow us to collect bycatch data. The only vessels allowed to participate would be those with observers on board. Then come back at the end of October and at that time we may have the latest catch information. We should have information from those observed midwater fisheries, which would allow us to construct the fisheries starting November 15. We would be leaving the flatfish fishery running as proposed, but this would allow us to augment fishing opportunities after we had a chance to collect the latest information on the catch for all the species, along with the observer information from the midwater fisheries.

Mr. Brown asked about the proposal relative to widow and yellowtail, are you saying the only boats that can fish are those that have observers, yet we only have 22 observers and 220 or so vessels that may want to participate? Mr. Anderson said you heard me correctly. I want to be really cautious about what we do with those fisheries because we are at 117% of the canary OY. He then said the selection of the vessels that are provided the opportunity is probably a can of worms at best - we need either a random way to choose, or have vessels interested in participating be in a random draw.

Mr. Caito suggested having the names of the boats on a random draw and then have the observers go from boat to boat. He did not know if that was doable.

Mr. Brown said it would be helpful to know how many midwater boats we're talking about. He said he did not know what level of participation we are talking about. He's not sure that all midwater boats need to be observed. What is the concentration of observer coverage per vessel— half day? Full day?

Dr. Radtke suggested that since there are two objectives--gain more information and have more economic information--could the boat offer to pay for the observer in order to do this?

Mr. Alverson commented that for limited entry fixed gear and open access, he recommended the thought of continuing the current schedule as shown without an increase for the remainder of the year or at least through October.

Mr. Robinson said if you want to discuss the placement of observers, it would be wise to call Dr. Clarke to the podium when she comes in. He concurs with Mr. Anderson's proposal. He is concerned about setting up an infrastructure based on vessels being lucky enough to have an observer onboard which is not really an easy regulatory action. This is beyond the scope of an inseason action. There also has to be an environmental assessment (EA) or NEPA compliance or some type of experimental fishing permit (EFP) arrangement. An inseason action to setup that complex structure is probably difficult and beyond the scope of what we can do.

Mr. Brown, the actual number of midwater boats is about 100-150; with 22 observers you have a 22% observation rate, which is very little. This is larger than the pilot projects we're running on fixed gear, etc. There probably is an opportunity for these observers to be able to observe on more than one vessel. Mr. Robinson said we have some flexibility on deploying the observers. Some of that flexibility can be exercised to focus on the trawl fleet. He is concerned about the part that said "only boats with an observer can fish" which is beyond the scope of this regulatory action.

Dr. Hanson noted we shouldn't use the observer program to chase the latest hot issue. We have to go very carefully here on how we implement the observer program.

Mr. Anderson said he did not disagree with Dr. Hanson's comments. He felt this is an emergency, and was just trying to get access to these fish for the folks involved in this fishery. If we need to take a little time here at this meeting to figure out the widow/yellowtail piece, let's take that time.

Dr. Clarke was asked about potential observer coverage. Mr. Anderson restated his intent in the proposal (getting focused observer coverage for vessels engaged in the midwater fishery targeting widow and yellowtail this fall). He asked what flexibility we have. Dr. Clarke responded that we have some flexibility because we're worried about how many trawl vessels will be fishing. By default that will give us flexibility on available observer coverage. For September/October the observers and vessels have been selected, but since vessels are not expected to fish everyday, observers could be relocated in October. The most critical issue would be how fast we could get that information to the Council for their use. She could not guarantee how fast the October observer information could be made available to the Council. Mr. Robinson was concerned that with this new observer program, we need acceptance with the fishing fleet. The idea of right off the bat collecting information and using it inseason to close fisheries or provide additional opportunity without a thorough evaluation of the data may be unwise. There are issues of using observer information to generate inseason data which gives him discomfort.

Mr. Brown understands the concerns on the observer program, as we want it to be accurate and functional. An important consideration of vessel selection for observer coverage is how we use the results. Typically in November/December a lot of boats quit groundfish and go crab fishing. He did not know how many boats stay in the trawl fishery during that timeframe. The odds of being selected are quite a bit higher in the winter than in the summer; and if we got the number of boats that go out into the fishery with midwater gear, the odds are there will be a fair amount of observations on those boats. It will be useful information. We will also have information on the other fishery (flatfish) going on at that time. We don't have to target particular strategies to get useful information.

Mr. Bohn said it would be fair to say we already have the boats selected for September/October and some of those boats will probably be known to be midwater gear users. Without making adjustments to the observer program, we could just use that information to gauge the success of the program. This is more for an accountability situation since we are already over on canary. He thinks it would work with the observers already in place and signed up.

Mr. Robinson asked how comfortable is the Science Center in using new observer information fresh off the boats inseason? He is concerned about the problem of us being over on canary and darkblotched. It is hard to justify any kind of strategy with significant bycatch of either of those stocks. The only strategies that should continue are those where the target species is available and the bycatch of canary and darkblotched can be minimized. In order to continue fishing over the OY, we have to be confident the bycatch rate is going to be very low.

Mr. Boydstun remarked that this is a difficult issue. There are issues to the south of Mendocino. Was canary an issue in the south? There is the issue of bocaccio in the south, as well as slope rockfish and chilipepper. He looked at the GMT table and noted the total fleet QSM for chilipepper, splitnose, and slope rockfish indicates under-attainment. If there is going to be more data crunching, we would like to construct increased trawl opportunity for chilipepper and slope rockfish to the south.

Mr. Caito, when we were looking at the slope rockfish and Mr. Anderson was looking at the flatfish, I took it that his bycatch rates for sablefish would be included. That is the reason we brought this up. It would not make any sense to discard these fish since they are not darkblotched. Mr. Anderson said his understanding is that the concern is for darkblotched and there was about a 5% incidence of darkblotched in that slope complex.

Dr. Clarke said the Science Center feels it is very risky to use the observer data for inseason management; the program was not designed to do that.

Chairman Lone asked Dr. Hastie to come to the podium. Dr. Hastie talked about the logbook data and noted the rates estimated from last year's data (as a percentage of landed petrale) were as follows: slope rockfish = 0.7% (not all darkblotched, probably about 50% of slope in fall and winter), therefore would use 0.35% darkblotched as a percent of petrale; shortspine = 0.5%; sablefish less than 5.0%; Dover = 0.8%. For rates as a percentage of target shelf flatfish strategies: canary = 0.01%-0.04% depending on depth; sablefish = 0.01%-0.41%; and Dover = 0.5%--3.0%.

Mr. Caito asked if the rates are for the northern area? Dr. Hastie said yes, the most recent logbook data we had for California was from 1997. We don't have any recent logbook data for the south (for California). We would not be able to calculate the percentages of Dover, sablefish, slope rockfish, etc. relative to target trawl fisheries in the south. We are also making assumptions about the percentage of darkblotched in the slope complexes since this species wasn't required to be sorted. We have similar uncertainty in the bycatch of bocaccio and canary in the south.

Mr. Bohn, speaking of canary and looking at the midwater fishery, what is the expected bycatch of canary in October/November/December? Dr. Hastie said it would be negligible if we used the widow rate. The percentage derived from looking at the summer whiting at-sea fishery where we had observations was about 1.3 mt of canary with about 95 mt of yellowtail and 95 mt of widow. Dr. Hastie explained that the ratio of widow to canary in the at-sea whiting fishery would be higher than in a directed midwater widow fishery. There is also a seasonal difference. Actual rates are unknown at this time. Based on logbook data, the canary bycatch in a widow directed fishery in the fourth quarter would be quite low.

Mr. Bohn, to Mr. Robinson, if we want to continue fisheries knowing we're over, you would want to continue fisheries where the bycatch is the lowest. This information suggests that this is as safe or is safer than the shelf flatfish fishery bycatch we were talking about earlier. Mr. Robinson said that was particularly true if the fishery was tailored to a ratio that more favored widow. Dr. Hastie explained that there is no logbook data available for midwater fisheries targeting yellowtail because we hadn't invoked the small footrope requirement at that point and created the differential trip limit structure. We could pare down the amount of yellowtail provided in the limit. He would want to look at the data again before commenting on whether it is safe to raise the widow limit much.

Mr. Anderson stated the comments he has heard over time about yellowtail and canary is that they are very difficult to target one without the other; he has not heard that about widow. That is why he has been concerned about the canary bycatch in yellowtail tows. Now it appears that even if we have observers on the

boats we're not going to have any data to look at anyway to tell us about that strategy. This leaves me in a pretty tough position when talking about yellowtail.

Mr. Brown, on yellowtail, he reminded everyone that the directed midwater fishery for yellowtail prior to the small footrope regulation occasionally occurred but was not common. If the footrope is not down pretty hard on the bottom, you will not catch canary. Given that, he would feel better about potential canary catch in the midwater nets.

Mr. Anderson asked for assistance with the rationale as to why we went from 10,000 pounds/mo and 15,000 pounds/mo (for widow and yellowtail, respectively in October) to 10,000 pounds and 20,000 pounds in November and December. Mr. Anderson was told it was a two month total in November-December and represents a reduction.

Mr. Bohn asked is it the ratio between yellowtail and widow indicating whether or not we have a problem? If we want to have this go forward, you could reduce the yellowtail down to match the widow, what is the issue? Are we really going to reduce canary bycatch by changing widow and yellowtail limits/strategies?

Mr. Anderson replied if we're going to do something in a strategy that we know in the past (with all the qualifiers) has had a bycatch of canary and if we were going to move forward with something that will allow that to occur, we will need to make a discard rate calculation and quantify that discard rate for canary. Another way to do this is to go with the flatfish strategy as previously mentioned, and be ready to move forward with the widow and yellowtail opportunity in the November-December timeframe. If we waited, would there be any additional information derived from the data we already have to estimate what the canary bycatch would be? He would like to delay the decision on that piece and see if the GMT could give us information on that to make an informed decision.

Mr. Brown said the question is - are you proposing we don't change the scheduled increases at this time? Or that we do? If we don't, we do have information on the widow rockfish part of that - we should at least go ahead with that portion of it.

Mr. Boydston explained he was trying to understand exactly what this fishery is we're framing. There are north/south differences in these trawl fisheries. He would like the fishery framed for him. Mr. Boydston requested the GMT and GAP have some time.

Chairman Lone asked if the GMT, GAP, and the states can spend more time on this tonight.

Mr. Anderson is in support of the part where the GMT and GAP take a look at what we propose, without getting too crazy on us. Maybe give them a half hour or so and then we can check in with them and in the interim we can move on to other things. He then reiterated what he is proposing for the trawl fishery, recognizing there may be holes in the south: a flatfish fishery with the new limits proposed coastwide, and not have allowance for retention of the species that are above that, and apply a discard rate for sablefish, Dover sole, and shortspines consistent with what Dr. Hastie proposed; that we leave lingcod as proposed; that we move forward with the widow rockfish portion for the midwater fishery strategy as identified in the GMT Report; and at the moment, we leave yellowtail off to the side to see if there is a way to access them while addressing the canary concern. We would ask the GMT/GAP to talk about that.

Mr. Moore said we could talk about that with the GMT. He asked Mr. Anderson for clarification, there are several other species such as slope rockfish in the south that under current regulations are going to be ongoing. The document presented to the Council dealt only with increases/decreases as appropriate; are we assuming all other species are as is in the current regulations? Mr. Anderson replied yes.

Mr. Alverson moved to adopt the second page of the GMT Report and include the top section where it says without shift of sablefish (the current schedule); below that line, everything to the right column (the third under "column proposed - beginning with canary rockfish". (Motion 19). Mr. Anderson seconded the motion.

Mr. Anderson asked what is the rationale for not including the proposal to raise LE fixed gear and Open access limits to attain their allocation? Mr. Alverson looked at the cumulative and monthly reports in August

and they jumped up during that month for fixed gear sablefish and felt the existing trip limit regime is probably going to get close to their OY. Mr. Caito asked if it is the either or 2,000 pounds nearshore part of it? Mr. Alverson said it was for the nearshore rockfish. Mr. Anderson asked for a calculation for the yelloweye discard mortality under this regime. Mr. Alverson said perhaps we send this proposed motion to the GMT/GAP which is in session with the question of the yelloweye concern.

Mr. Robinson said on the current schedule, the 4,000 pounds and 900 pounds are believed to be the black and blue exceptions, where is the allowance for those?

Mr. Alverson withdrew his motion at the request of the Chairman (Motion 19).

Ms. Cooney said we have to provide the public opportunity to comment on this after new information is presented.

Dr. McIsaac said if we could finish with the trawl segment, then there is the recreational segment. If people could come back in the morning with a motion in writing that would be good. Chairman Lone proposed that we call it a night. Mr. Anderson said he had a sense we will get something back from the GMT and GAP real soon and talked about the public comment. We could be here until 7 pm notwithstanding the recreational pieces. We may have to cut short the CPS and HMS agenda items. Mr. Fougner said he will work with Council staff to keep HMS and CPS short.

Mr. John DeVore framed the pending issues and stated that Exhibit C.8.b, Supplemental GMT/GAP Report addresses the LE trawl and LE fixed gear inseason adjustment recommendations of the GMT and GAP. Exhibit C.8.d, Supplemental CDFG Motion details the CDFG motion for inseason adjustments to the California recreational fishery. After hearing those reports, the Council needs to provide for public comment.

Mr. Culver reviewed Exhibit C.8.b, Supplemental GMT/GAP Report. Mr. Brown asked about the discard rates used and requested that those rates be put on the record for legal purposes. Mr. Culver said he would put the entire Excel spreadsheet into the Council record after conclusion of this agenda item. Dr. Hanson asked about the large footrope trawl limit for other flatfish, the exhibit report indicates 1,000 pound/trip and Mr. Culver said 1,000 lb/mo. Mr. Culver said it is supposed to be 1,000 pound/trip. Mr. Anderson addressed a concern about potential canary bycatch in the midwater fishery. The limited entry fixed gear recommendation is no retention of canary and the logic of yellowtail and widow trip limits is to minimize canary bycatch- is that correct? Mr. Culver said the lower trip limit of yellowtail relative to widow is designed to minimize canary bycatch which is expected in a widow target fishery. The smaller yellowtail limit accommodates incidental catches of that species. Mr. Anderson thought it important to communicate to industry that this strategy is at risk in the future if they attempt to target yellowtail and thereby increase canary bycatch. Mr. DeVore pointed out some inconsistencies in Exhibit C.8.b, Supplemental GMT/GAP Report: trawl bocaccio limits no retention starting October 1; limited entry fixed gear chilipepper no retention for limited entry and open access; bocaccio, chilipepper, and lingcod in the south apply to LE fixed gear and OA. Mr. Culver and Mr. Moore agreed with those changes to the report.

C.8.d Public Comment (continued)

Mr. Gary Richter, Pt. Conception Groundfish Fishers Assoc., southern California
Mr. Robert Briscoe, Jr., trawler, Ferndale, Washington

Mr. Boydston reviewed Exhibit C.8.d, Supplemental CDFG Motion.

Chairman Lone invited additional public comment. There was none.

Mr. Robinson reminded the Council we may want to also address reapportionment of 10,000 mt of whiting to the non-treaty whiting fishery. He explained that 10,000 mt of the 27,000 mt of whiting allocated to the tribes is available for the non-tribal fishery. The allocation of the 10,000 mt would be as per the prescribed allocation of the non-treaty whiting sectors. The main issue is canary bycatch. He reviewed the canary bycatch assumptions and the observed bycatch of canary in the at-sea sector to date. Total canary bycatch to date (in all sectors) without reapportionment is 3.83 mt compared to the assumed set aside of 4.96 mt of canary.

With reapportionment, an additional 0.38 mt of canary projected to be incidentally caught. The total projected canary bycatch would be less than the set aside. He proposes to reapportion the 10,000 mt of whiting.

Chairman Lone invited public comment. Mr. Rod Moore stated that the GAP recommends reapportionment and industry is hoping to get these fish. Dr. Radtke noted that this represents about a \$5M increase to coastal economies.

C.8.e Council Action

Mr. Bohn moved to reapportion 10,000 mt of whiting from the tribal to the non-tribal fishery. Dr. Radtke seconded. Mr. Anderson asked how that would be allocated to the whiting sectors? Mr. Bohn replied it would be apportioned as Mr. Robinson described. Motion carried (Motion 21).

Mr. Boydston moved to adopt the inseason adjustments as described in Exhibit C.8.b, Supplemental GMT/GAP Report. Seconded by Mr. Caito (Motion 22). Chairman Lone asked if that motion included the editorial changes previously noted. Mr. Boydston said yes. Mr. Caito asked about the B platoon and whether they would be extended to October 15 or do those fisheries end October 1? Ms. Cooney said the B platoon starts Sept. 16 and the ending period needs to be clarified. Mr. Robinson thought the B platoon would be extended to October 15. Mr. Moore remarked that the GMT and GAP recommended all other measures not addressed would remain in effect. Mr. Anderson was still unclear on the B platoon and how it affects QSM projections. Will this project higher catches than in the QSM report. Mr. Culver stated that the QSM assumes the B platoon extension. Mr. Anderson asked if trawlers will switch to B platoon? Mr. Robinson stated that they have to declare at the beginning of the year and can't shift. Mr. Boydston said he understood that the distribution of vessels is heavily skewed to the A platoon. Mr. Moore agreed that the number of B platoon boats is very low. Mr. Culver stated that B platoon boats often land their cumulative limits in the first part of the limit period. He concurred that closing in the middle of the limit period shouldn't be a big problem. Ms. Cooney asked if B platoon boats working a two month limit would start on Nov. 16 and end at the end of the year? In the past she thought the B platoon ended at the end of the year. Is this part of Mr. Boydston's motion? Mr. Boydston requested more explanation. Ms. Cooney explained the first scenario already described where the B platoon has six weeks (November 16-December 31) to land an end of year two month limit. But the second scenario, where monthly limits are prescribed in November and December, they would have a month for November but only two weeks (December 16-31) to land that monthly limit. In the past they have allowed B platoon boats to combine their two monthly limits in the final period (November and December) into one six week period (November 16-December 31). Mr. Robinson agreed that was the way to construct limits if the Council decides to adopt monthly trawl limits at the end of the year. Mr. Moore said the GMT and GAP intent was not to change the management structure beyond the recommended trip limit changes. Mr. Anderson offered this B platoon specification as a friendly amendment which Mr. Boydston accepted. Motion carried.

Mr. Boydston drew attention to Exhibit C.8.d, Supplemental CDFG Motion and moved to adopt the specifications referring to California recreational adjustments as described in the written motion. He corrected the reference to sport catch projections through Wave 4 to read through Wave 3. Seconded by Mr. Caito (Motion 23). He commented on the annual regulation structure and explained the CDFG Commission meeting schedule and the need to obtain authorization to close fisheries from that body. Mr. Robinson asked whether by catches he was referring to landings plus discards? Mr. Boydston said yes. Mr. Brown asked if the landings for canary and bocaccio exceeded the set aside already. Mr. Boydston said the MRFSS-based sport catch projections changed downward this week and he is uncertain what projected catch will be. That is why the motion describes an action to close pending updated projections through Wave 3. The CDFG will confer with NMFS on the need to close. Mr. Brown asked if the intention is to close if the set aside is projected to be exceeded? Mr. Boydston said yes- a decision would be made by mid-October. Mr. Hansen asked if in the case of the recreational fishery projecting to exceed and the commercial fishery projecting to not attain their allocation and the total catch OY is not projected to be exceeded, could the recreational fishery continue? Mr. Bohn asked about the Enforcement Consultants recommendation to specify the 20 fathom contour in structuring the fishery. Is that accounted for in the motion? Mr. Boydston accepts that as a friendly amendment which Mr. Caito (the seconder) also accepts. Mr. Robinson said what he expects to happen is for the MRFSS people to give the best projection they can to CDFG, PSMFC, and NMFS and act according to the motion. Is that correct? Mr. Anderson asked about Mr. Brown's question and the fact that a decision

would be made by mid-October. When would the regulations change? Mr. Boydston said that is when a decision would be made pending the CDFG Commission agreeing to delegate authority to CDFG to make a quick inseason change. Mr. Brown is still confused. If projections indicate you won't be over until November, would you close then? Is this a process you are setting up? Mr. Boydston said this is a process because we don't have a good projection at this point. He committed to immediately close the fishery if the projection is that the catch will exceed OY. Ms. Cooney said there are two things: a request to CDFG Commission to delegate authority to close the fishery if needed and a request to NMFS to also close the EEZ at the same time. She wanted to know whether early closure would also apply to non-trawl commercial fisheries as well. Mr. Boydston explained that we just took action on the commercial fishery. To make his motion in writing clearer, he offered the following changes: strike "non-trawl" and the word "and" after "NMFS adopts ...". It would now read, "NMFS adopts recreational regulations in the EEZ consistent with numbers one and two above". Mr. Caito agreed with the modified language. Motion 23 passed.

C.9. Amendment 15 to the Groundfish Fishery Management Plan (FMP) - American Fisheries Act (09/13/01; 10:15 am)

C.9.a. Agendum Overview

Mr. Waldeck provided an overview of the agenda topic and the briefing book material. He suggested a process for getting through the agenda item. He also reviewed progress to date on developing Amendment 15, the matters currently before the Council, and possible Council action.

Mr. Jim Seger reviewed the analysis of the proposed management alternatives (Exhibit C.9, Attachment 2).

C.9.b. Reports and Comments of Advisory Bodies

GAP

Mr. Dale Myer presented the GAP report (Exhibit C.9.b, Supplemental GAP Report).

The Groundfish Advisory Subpanel (GAP) reviewed options for a fishery management plan (FMP) amendment to address impacts of the American Fisheries Act (AFA). A majority of the GAP supported the following as preferred alternatives for public review. Our comments are based on the issues and analysis laid out in Exhibit C.9, Attachment 2. The majority GAP opinion reflects a presentation made by whiting fishermen and offshore processors.

Issue 1 - Qualification and Subdivision

Question 1: Should AFA catcher vessel participation be limited?

The majority of the GAP prefers Option 1.a, limit vessels by sector (at-sea, shore-side, non-whiting).

Question 2: Should qualification require that a permit be held on a specific date?

The GAP supports Option 1.a, no date requirement.

Question 3: What landing requirement should be used?

The qualifying landings must have occurred during the period of January 1, 1994 to September 16, 1999.

In regard to landing requirements, the GAP believes that one additional piece of analysis needs to be done in order to determine whether a 50 ton or a 500 ton requirement is most appropriate. The GAP requests that a simple analysis be done for vessels that qualify for non-whiting groundfish using the 50 ton criterion. The

analysis should list: the length of the vessels qualified; the years that those vessels delivered non-whiting groundfish; the number of trips by each vessel per year during the qualifying period; and the poundage of non-whiting groundfish delivered per vessel per year. This will help determine if the 50 ton limit is sufficient to provide the protections required under the American Fisheries Act.

Issue 2 - Catcher Vessel Restrictions

The majority of the GAP supports Option 2.a, which requires issuance of a medallion. Vessels qualifying by virtue of having met landing requirements would be issued a medallion which restricts the vessel to participation in the sectors for which the vessel qualifies. Medallions would be transferable under the same conditions and restrictions as apply to limited entry permits. However, medallions would be transferable only as a whole. In other words, a vessel qualifying for more than one sector cannot subdivide its medallion among those sectors.

Issue 3: Catcher - Processors

The GAP supports Option 3.a

Issue 4: Motherships

The GAP supports option 4.a

Issue 5: Duration

The GAP supports Option 5.b

Issue 6: Appeals and Technical Amendment

The GAP supports Option 6.b and the technical amendments regarding permit review proposed by Council staff.

C.9.c. Public Comment

Mr. John Henderschedt, Premier Pacific Seafoods, Seattle, Washington
Mr. Brent Paine, United Catcher Boats, Seattle, Washington
Mr. David Jincks, Midwater Trawlers Cooperative, Newport, Oregon
Mr. Dale Myer, Arctic Storm, Inc., Seattle, Washington
Mr. Chris Petersen, F/V Pacific Challenger, Auburn, Washington
Mr. Bill Clingan, Merinos Seafoods, Westport, Washington
Mr. Joseph Bersch, Supreme Alaska Seafoods, Seattle, Washington

C.9.d. Council Guidance on Staff Recommendations for Amendment 15 to the Groundfish Fishery Management Plan (FMP) - American Fisheries Act

Mr. Waldeck reviewed for the Council the matter at hand. He noted that the Council had reviewed excerpts from Amendment 15 and an analysis of the management alternatives, as well as received recommendations from the GAP and comments from the public. He noted two issues in front of the Council: (1) inclusion of GAP AFA option 2 (from June 2001 – see Exhibit C.9, Attachment 3, September 2001), and (2) selection of preferred alternatives and adoption of a public review draft.

Mr. Alverson spoke to GAP AFA option 2, he noted that restrictions under this option relied on groundfish landing by species. If the Council does not go forward with GAP AFA option 2, he wanted the record to reflect that one of the reasons was the complexity associated with the option. In comparison, GAP AFA option 1 appeared much simpler. He suggests GAP AFA option 2 not be included.

Mr. Brown noted that the two options address different things. He noted that putting people into a category of delivery (per GAP AFA option 2) does not necessarily mean they would have more flexibility in terms of participation in Bering Sea fisheries and West Coast fisheries, but there could be some preemption. This is because of the flexibility provided under the AFA, AFA vessels have the potential of spending more time in West Coast fisheries. At this point, the effect seems isolated to the whiting fishery, but could spill over into other groundfish issues. Flexibility in participation in Bering Sea fisheries could allow greater participation, not necessarily in whether they were here or not, but the amount of effort they put into West Coast fisheries.

Mr. Bohn noted that in the June GAP report, the GAP expressed no preference for either GAP AFA option 1 or 2. His expectation was, that if GAP AFA option 2 were still in play, the GAP would have recommended that option in their September report. As the GAP does not refer to the option, he agrees with Mr. Alverson's comments that Option 2 would not need to be pursued.

Mr. Anderson's interpretation was that the GAP felt further work on option 2 would make the alternatives more complicated. In an effort to simplify the alternatives, the GAP developed their current recommendations for preferred alternatives based on the suite of alternatives in the analysis and, thus, did not speak to GAP AFA option 2.

Mr. Alverson asked for clarification on potential Council action.

Mr. Waldeck stated that if the Council requested inclusion of GAP AFA option 2, additional analysis would be required and Council adoption of a public review draft would be delayed until 2002. Whereas, if the Council did not include GAP AFA option 2, the Council could select preferred alternatives and adopt a public review draft at this time.

Mr. Brown moved that the Council adopt for public review the draft amendment (Exhibit C.9, Attachment 1) with the exception of including an additional analysis to address Question #3 as presented in Exhibit C.9.c, Supplemental GAP Report. The preferred alternatives are specified as those in the GAP Report. (Motion 17) Mr. Alverson seconded the motion.

Mr. Robinson, in terms of putting together the public review draft, he would like to see a little more explanation in the beginning of the document to explain what is meant by harm and what forms the harm might take if AFA vessels are not restricted in the manner specified by the alternatives. In addition, it would help to have a description of how each of the options address the issue of harm. He also requested flexibility in how NMFS implements the "medallion" requirement. He suggested there may be a simpler way to accomplish the intent without establishing a new type of permit (i.e., medallion).

Mr. Brown accepted as a friendly amendment Mr. Robinson's suggestion of adding additional explanation in Amendment 15 describing "harm". Both the maker and the seconder of the motion agreed to the friendly amendment. Mr. Brown also agreed with Mr. Robinson's request for flexibility in implementing the medallion requirement.

Mr. Anderson requested an analysis, for those AFA vessels that would qualify to participate in either the shoreside or at-sea whiting fishery, of the potential harm if those vessels were able to participate in both the shoreside and at-sea sectors. Both the maker and the seconder of the motion took that suggestion as a friendly amendment.

Ms. Cooney stated it would help to have more explanation of the reasons for the specified qualifying years and landing requirements, how they were derived, and the rationale for the preferred alternatives. Ms. Cooney also asked for an explanation about the new analysis (requested by the GAP) as to what it is supposed to demonstrate and why it is relevant to protecting against harm caused by the AFA. Motion 17 passed.

C.10: Groundfish FMP Environmental Impact Statement (09/13/01; 8:00 am)

Mr. Jim Glock reported on the groundfish supplemental environmental impact statement (SEIS): NMFS briefed the Council in June on the scoping process and general schedule. Referencing Attachment 1, Scoping Summary Report, need for SEIS Based in Groundfish Strategic Plan and Litigation.

Mr. Anderson noted this discussion and question should be under Council guidance, when he looks at the description of the types of things the EIS is going to cover, they are extremely broad; it also has major overlaps with issues that the Council is already dealing with or has dealt with. He is interested in knowing how will we achieve close coordination/collaboration between the efforts to develop the document and the Council. He heard Mr. Glock say that this is something they are preparing for. If we don't coordinate, we will go down two separate tracks, we put ourselves at risk for running into difficulties; difficulties that can be avoided.

Mr. Glock noted he will be coordinating with the Council staff, as other assessments are prepared (ie rebuilding plans) all of those will be background and reference material for the EIS. The EIS will not be replowing those areas. His goal is to make sure this is coordinated so we are getting the best use of the resources and make sure it is comprehensible as possible.

Mr. Alverson asked Mr. Glock about the economic parts of this, is this going to be incorporated? Will we leave fish on the table will there be a section to address economic losses? Mr. Glock said we will be looking at the whole suite of the costs/benefits and value of fish left; the value to the extent possible of what is currently being thrown away and the social impacts. He noted Mr. Seger has been working on the community baseline document. He hopes to be looking into the costs of the different approaches.

Mr. Robinson said the approach towards the EIS is going to be more of a major policy issue document. There will be an attempt to not get bogged down with specific regulations, but dealing at a more programmatic level. As far as consulting with the Council, this is at the top of our list.

C.10.a. Reports and Comments of Advisory Bodies

GAP

Mr. Frank Warrens presented the comments of the GAP.

HSG

Ms. Michele Robinson presented the comments of the HSG.

C.10.b. Public Comment

None.

C.10.c. Council Guidance on Groundfish FMP Environmental Impact Statement Process

Mr. Anderson was struggling with what and how we're going to prepare ourselves to interact with the development of this document; what kind of group should be put together; what sectors of the Council family should be included; how much funding is available; and what their charge would be. Relative to their charge, he thought they would be a coordinating body interacting with NMFS as the document was developed. But in terms of what is ultimately in the document, that decision was ultimately with NMFS (that was his understanding). Could we have Dr. McIsaac and Mr. Bill Robinson talk about the funding, function.

Dr. McIsaac noted there was discussion in the budget committee meeting. Our application to NOAA grants says that the Council could consider details on the EIS at every meeting and make recommendations to NMFS. The model is to have a subcommittee of Council members that would do that and bring back their recommendations to Council. The money is available for subcommittee members (about \$16,000 travel, compensation \$23,000). The GMT will be doing analytical work (six focused meetings with travel money budgeted and salary compensation budgeted as well). There is also budgeted SSC review of the groundfish analysis including travel. A GAP review meeting with travel and compensation is also budgeted. With regard to HSG and other input from other advisory bodies, those could be included at the Council meetings.

Dr. McIsaac said this money has not been authorized by NOAA grants at this time, but there is near certainty that the money will be there.

Mr. Robinson said he thought that Mr. Anderson described the relationship between the Council and NMFS that NMFS does ultimately decide what the final alternatives are and NMFS is looking forward to the Council and its advisory entities input. Mr. Brown asked what are our expectations for input? Mr. Robinson said he envisions that we are working on this full time, and will take the lead in developing the 'strawman' approach, and see if it matches policy alternatives the committee feels are appropriate. He is expecting direct interaction and feedback from this committee, while at the same time the Council's advisory entities will also have input.

Mr. Alverson was not sure about options? This is not for plan amendments under the GF FMP; could you explain please? Mr. Robinson noted these alternatives could be: the EIS, like the strategic plan would provide a set of FMP amendments that would guide management in the future, provide the information base. It could very likely result in one or more FMP amendments. We want to look at the major policy choices the Council would like to make (ie habitat protection, bycatch reduction). Do we want to rebuild overfished stocks one at a time or through a strategy that addresses complexes. Those are the types of things we are trying to get at. We also want the EIS to be the basic source of data and analysis to comply with all the different federal laws (biological opinions, etc). So later, the job of complying with NEPA on individual decisions, this would make them easier since the analysis pieces have been done. The EIS would serve as background.

Dr. McIsaac, what will we have when the EIS is over? What happens to the existing GF FMP? Mr. Robinson said that will be up to the Council. We hope that the EIS will lay out a full range of benefits and consequences of these policy choices. The Council may want to embark on one or more of these and have a new FMP.

Mr. Brown, depending on the options chosen and the way the analysis is done, the Council may not have any choice but to go down a particular road. The difference in the committees is very different (how they direct the analysis, chooses what goes in it).

Mr. Bohn asked if the new EIS leads the Council to a decision that they need to do a significant overhaul of the FMP with several amendments, when those are done, does that trigger the need for a new EIS? Will this keep rolling over for the next couple of years.

Mr. Robinson said the discussion is "tiering". Depending upon actions the Council may take, to the extent they are not entirely analyzed in the EIS, they will have to have their own NEPA documents. The "tiering" concept is that they don't have to be as comprehensive since the previous EIS will serve as background.

Mr. Anderson, on the composition of the committee and ensuring the funding Dr. McIsaac referenced – is this a wise use of our time as opposed to appointing a small group of Council members to come up with the composition and bring that to the Council for consideration. He would prefer that. Dr. McIsaac suggested that the Chairman and Mr. Robinson and the four state seats meet at the conclusion of today's business to discuss how to make that recommendation tomorrow.

C.11. Full Retention Measures (09/13/01; 8:58 am)

Mr. John DeVore gave the agenda overview.

C.11.a. Report of the Ad Hoc Full Retention Committee

Mr. Brian Culver presented the Report of the Ad Hoc Full Retention Committee. He referred the Council to the minutes of that meeting (Exhibit C.11.a).

C.11.b. Reports and Comments of Advisory Bodies

GAP

Mr. Frank Warrens presented the GAP Report.

C.11.c. Public Comment

Ms. Michele Longo Eder, F/V Nesika, Newport, Oregon
Mr. Joe Rock, commercial shrimp fisherman, Newport, Oregon
Mr. Jeff Boardman, shrimp fisherman, Newport, Oregon

C.11.d. Council Guidance on Full Retention Measures Process

Mr. Anderson said he heard the comments from Mr. Brown and Mr. Don Hansen, we need to have the objectives up front - give those to our committee. They recommend it would be useful to meet over the winter after the information is given to us. He suggested that we make the opportunity available for the committee to meet over the winter. The implementation measures need to be tied to the objectives and need to be identified next time they come back to us.

Mr. Brown suggested that they look seriously at recapturing the economic value of those fish. They will probably start out with a pilot project (the trawl fishery); it really does not make any difference if we count dead fish - we need to look at getting economic value out of these fish.

C.12. 2002 Stock Assessment Schedule

Dr. Clark presented the proposed STAR Schedule for 2002 (Exhibit C.12.a, Supplemental NMFS Report).

C.12.a. Reports and Comments of Advisory Bodies

GAP

Mr. Frank Warrens presented the GAP report.

C.12.b. Public Comment

There were no public comments.

C.12.c. Council Guidance on Proposed 2002 Stock Assessment Schedule

Mr. Brown asked about the cabezon assessment, when will you know when it is going to happen. If you find out it is not going to happen, are there plans for substituting another species? Dr. Clarke said they do not have a plan, but was pretty much assured CDFG will be available for the cabezon assessment. Mr. Brown, in looking ahead, he knows there is a push to update the sablefish assessment with new information coming in from the triennial survey, is that a major workload issue? Dr. Clarke said no, it is not to update that; but this is something we would like to speak to the SSC about since updates are not a part of the STAR process. Since it is outside the usual STAR process, she would like permission to allow the SSC to do that.

Mr. Donald Hansen noted his concerns about the Pt. Conception line? Dr. Clarke says the trawl survey really does stop at Pt. Conception. Mr. Hansen said he was concerned that there are a lot of fish south of conception, what about those? Dr. Clarke said that they use the data from the states. Mr. Hansen said he is not really sure if you are getting the data from the state of California. We are looking at major closures because of bocaccio. Dr. Clarke said she would give us an update on what data are potentially and have been included in the bocaccio assessment along with new data sources.

Mr. Bohn, relative to the GAP statement, the third paragraph, do other Council members feel the same - he believes if you have a peer reviewed model which is agreed to, if it is simply the matter of inputting the new information, that should be strongly considered. If you set up a system that is not flexible, it becomes dysfunctional. We should add the new data.

Mr. Brown said the STAR panel process was set up due to contention of stock assessments; if the base models were being used unreviewed, I would continue to be the one causing contention. He still believes there is a major difference of reusing an accepted model with updated data sets vs. coming in with a new

model and then running it without review. He still has concerns about the model which has been reviewed. He urged the SSC to consider that during their deliberations. He feels it is important, ie dover sole and sablefish, the importance of those fisheries – we need to look at every possibility that we're being overly restrictive.

Dr. McIsaac, complemented Dr. Clarke on the accommodation of schedule changes. He asked her about the multi-year management measure process. As we move through the year of 2002, if the Council decides to go to a two year management cycle for groundfish, would your group be able to react to a two year management cycle? Dr. Clarke says it looks doable on the surface, but would still like to take a look at the historical documents about this subject. It is not obvious to her that there would be a problem. If you would allow her to look at those documents, she could give a report at the November meeting on how it would all work, along with the state processes for data.

Dr. McIsaac, noted there have been suggestions for tinkering. We could accept or reject the proposal for the star report schedule. With regard to Dr. Clarke's offer to bring up the subject of future stock assessments, she could react to some of the suggestions for tinkering and firm up some of these at the November meeting.

D. Marine Reserves

D.1. Review of West Coast Marine Reserve Efforts (09/12/01, 2:34 pm)

Mr. Jim Seger reviewed a report on the Status of Efforts to Consider Marine Reserves on the West Coast (Exhibit D.1.a, Staff Report), the list of members for the Ad Hoc Marine Reserves Steering Group (Exhibit D.1.b, Attachment 1) and a Federal Register notice requesting nominations for the Federal Advisory Committee on Marine Protected Areas. Ms. Cindy Thomson provided a report on the status of the SSC's review of the marine reserve size issue (see SSC statement under D.2).

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

GAP

Mr. Gordon Smith read the report for the GAP.

The Groundfish Advisory Subpanel (GAP) held two separate meetings with Council staff and staff of the California Department of Fish and Game (CDFG) to discuss marine reserve efforts on the West Coast. Because all of the marine reserves issues are related, the GAP is providing a single comment on this agenda item which also reflects discussions on agenda item D.2, Channel Islands National Marine Sanctuary.

First and foremost, the GAP repeats comments made at several previous Council meetings that there is a desperate need for coordination of marine reserves efforts along the entire coast. The GAP appreciates the Council adopting its suggestion for a coordinating committee consisting of representatives of Council advisory entities, which will help the Council better manage marine reserves efforts. The Council needs to ensure that this committee is used effectively and not just as a paper flow monitor. However, coordination among other federal and state entities is still lacking.

To this end, the GAP believes California should submit a consistency determination request for any marine reserves proposals being made under California's Marine Life Protection Act (MLPA). Removal of access to fishable grounds and potentially substantial amounts of biomass will have an effect that extends far beyond the State of California, especially for those species where a coast-wide harvest limit is in effect. The same situation applies to either of the other coastal states that move to establish marine reserves. State regulations affecting Council-managed fisheries outside of state boundaries must be found consistent with Council management plans.

As a potential means of forestalling a multitude of requests for consistency, the Council, the states, and NOAA should consider the approach taken by the South Atlantic Fishery Management Council of establishing a memorandum of understanding (MOU) which clearly delineates the roles and responsibilities of all parties. Any such MOU should not, however, relinquish the Council's fishery management responsibilities.

Second, while the GAP does not oppose marine reserves per se, their establishment should be fully justified, based on clear (not theoretical) science and put in place only after extensive consultation with affected resource users. To date, the GAP has seen no scientific justification for the system of marine reserves being considered in California under the MLPA, nor for the marine reserve proposals being discussed in the Channel Islands. At the last meeting with Channel Island representatives in June, the GAP asked specific questions about scientific justification and benefits, and pointed out studies which were contradictory as to the effects of marine reserves. To date, no reply has been received from any GAP inquiries.

Third, before embarking on establishment of a wholesale system of marine reserves, there is a need to examine the effects of existing management measures, especially in relation to how those measures have decreased effort and reduced harvest of sensitive species. As we have said before, we need to examine what has already been done before embarking on new, untested efforts.

Fourth, any proposals submitted to the Council involving marine reserves should be complete proposals. The Council does not have the time, money, or staff to complete all of the required paperwork on every marine reserve measure, including documents needed to comply with the National Environmental Policy Act. Those proposing marine reserves should pay the cost of making sure proposals are complete, accurate, and legally defensible.

Fifth, entities proposing marine reserves should consider establishing smaller, more discrete areas to determine whether marine reserve theory translates into fact in regard to West Coast fisheries. Jumping immediately to vast tracts of areas being set aside without determining if these will make a difference is illogical and harmful to those who are displaced.

Sixth, if marine reserves are established based on the principles above, they should be phased in to avoid overwhelming economic impacts.

Finally, because establishment of a system of marine reserves will result in additional harvest displacement, the Council should move forward on its goal of capacity reduction before moving to establish a system of reserves.

D.1.f. Public Comment

Ms. Avalon Taylor, Audubon Society of Portland, Portland, Oregon
Ms. Jennifer Bloeser, Pacific Marine Conservation Council, Arcata, California
Mr. Kenyon Hensel, commercial fisherman, Crescent City, California

D.1.g. Council Discussion on Review of West Coast Marine Reserve Efforts

Mr. Brown, reminded those advocating for Council action on marine reserves that due to the need to respond to recent law suits there were a number of important Council activities that were being moved down in the priority list and that marine reserves will likely be among them.

Mr. Boydston suggested that the steering group be put on hold. Mr. Brown said that it had been noted that people may come to us with proposals for marine reserves. The Council may not be able to respond, in which case response may fall to the Secretary of Commerce. Mr. Anderson added that the Council has a capable group of advisory bodies available to advise the Council on marine reserve issues. The issue here is that we don't want to create another committee right now, it is not timely due to workload issues.

With respect to the request for nominations to the Federal Advisory Committee on Marine Protected Areas, Mr. Boydston noted that the states would be sending in their own nominations and he therefore recommended that the Council not go forward with a nomination for that particular group.

D.2. Marine Reserve Proposals for Channel Island National Marine Sanctuary

D.2.a. Agendum Overview

Jim Seger

D.2.b. Agency Reports

Mr. Sean Hastings reviewed the process for consideration of marine reserves for the Channel Island National Marine Sanctuary (CINMS) Area and maps that had been developed. Ms. Patty Wolff reported that a composite map had been forwarded by the CDFG and sanctuary staff to the California Fish and Game Commission (CFGF). The composite map would include 25% of the area in marine reserves. It includes marine reserves in the Anacapa and Santa Barbara Island area for which the Marine Reserve Working Group did not reach consensus. The California Fish and Game Commission will be considering three basic options, (1) create marine reserves in 12%-38% of the CINMS area, (2) no action, or (3) include the issue of marine reserves for the CINMS area as part of the consideration of marine reserves under the Marine Life Protection Act process. Mr. Hastings indicated that they had not yet determined how best to proceed with consideration of marine reserves for the federal waters of the CINMS area and would be communicating with Council staff about the issue.

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

SSC

Ms. Cindy Thomson provided the comments for the SSC.

The Scientific and Statistical Committee (SSC) was briefed by Mr. Sean Hastings, Channel Island National Marine Sanctuary (CINMS), and Ms. Patty Wolf, California Department of Fish and Game, on the current status of the process to develop a network of marine reserves within the Sanctuary's boundaries. The California Fish and Game Commission is currently considering a number of options for the size and placement of reserves at CINMS. They may select an option as early as February 2002. This is ahead of the time frame in which the Council is likely to come to its own conclusions. The process through which consistent state and federal fishery regulations will be developed is not clear.

It will be important that there be close coordination between CINMS and the Council. In accordance with National Environmental Policy Act (NEPA) requirements, it will also be important that the Council receive a full regulatory analysis of reserve size and location alternatives considered by the CINMS. These documents should include a socioeconomic as well as an ecological comparison of options. These analyses are necessary to inform Council deliberations on this issue, and the Council should not be expected to take action without these analyses. The SSC looks forward to reviewing these documents when they become available.

The SSC Ad Hoc Marine Reserves Subcommittee will be meeting with the CINMS Science Panel on October 1 and 2, 2001 in Santa Barbara, California to discuss the Science Panel's findings and recommendations. This meeting will focus on the Science Panel's recommended reserve size and how they determined the potential fishery benefits that would result from a marine reserve network in the CINMS. The SSC will present a statement to the Council at the November meeting on the results of this meeting.

HSG

Ms. Jennifer Bloeser read the report of the HSG.

The Habitat Steering Group (HSG) received a briefing on the Channel Islands National Marine Sanctuary (CINMS) reserve proposal process from Ms. Patty Wolf, California Department of Fish and Game (CDFG) and Mr. Sean Hastings, CINMS staff. It is our understanding that CDFG staff are in the process of developing proposed regulation language for the options identified by the California Fish and Game Commission (Commission). The Commission may take public input on these options at its December meeting in Long Beach, California with final adoption potentially scheduled for its February 2002 meeting. If marine reserves at the Channel Islands are adopted by the Commission, then the next step would be for CINMS to propose complementary closures in federal waters for the Council's consideration.

The HSG would like to reiterate its support for active participation by the Council in marine reserve initiatives. The HSG plans to continue to track the CINMS marine reserve process and receive periodic updates from CDFG and CINMS staff on their progress. The HSG also intends to support the Council by working with the Ad Hoc Marine Reserves Committee and will review any marine reserve proposals which are developed outside of the Council process and presented to the Council for consideration.

D.2.d. Public Comment

None.

D.2.e. **Council Action:** Marine Reserve Proposals for Channel Island National Marine Sanctuary -- Consider Update or Recommendations of the Source Agencies

Mr. Boydstun commented that it would be difficult for the Council to provide much comment based on information provided at this meeting but that he thought additional information would be available for the Council after the October CFGC meeting. He suggested the Council advisors review any documents that are available prior to the November Council meeting. He expressed concern that after the Council's October/November meeting, there would not be another opportunity for Council comment until the Council's March meeting. Dr. McIsaac noted that the Council had asked the SSC to invest time in this issue and that it should therefore be put on the November Council agenda. Mr. Anderson expressed concern that advisory bodies set aside time at the November meeting to review CDFG and SSC reports and comment to the Council.

E. Habitat Issues

E.1. Essential Fish Habitat Issues (September 12; 4:16 pm)

E.1.a. Report of the Habitat Steering Group (HSG)

Ms. Jennifer Bloeser and Ms. Michele Robinson presented the report for the HSG (Exhibit E.1.a, Supplemental HSG report). Ms. Robinson also provided a indicated that the HSG developed a list of agenda items for the November HSG meeting. Mr. Brown requested that the HSG provide the list in writing. Mr. Tracy indicated that the list would be provided under agenda I.5.c, Identify Priorities for Advisory Body Consideration (see Exhibit I.5.c, Supplemental Attachment 1, HSG Report).

E.1.b. Reports and Comments of Advisory Bodies

None.

E.1.c. Public Comment

None.

E.1.d. **Council Action:** Consider HSG Recommendations

None.

F. Salmon Management

F.1. NMFS Report (September 14; 7:44 am)

F.1.a. Columbia River Flow Issues

This item was postponed until the March 2002 Council meeting.

F.1.b. Miscellaneous Matters

Mr. Svein Fougner requested the Council include an agendum for the November meeting relating to the development of an FMP amendment that would allow adjustment of harvest levels for Sacramento winter and spring run chinook.

F.1.c. Council Discussion on NMFS Reports

Mr. Thomas asked if Mr. Fougner will provide a review the Sacramento winter chinook Biological Opinion prior to the November Council meeting, which could allow changes to next year's early recreational openings south of Point Arena. Mr. Fougner indicated that NMFS would provide that review.

Mr. Bohn noted there was a recent development in a lawsuit relative to ESA listing of Oregon Coast Natural coho (Exhibit F.1.b, Supplemental Court Report). He asked Ms. Cooney if she had comments on this issue. Ms. Cooney had not read the entire court ruling, but indicated that the plaintiffs had challenged the listing based on exclusion of hatchery fish, and the judge had apparently agreed.

F.2. Update of Ongoing Fisheries (September 14; 7:48 am)

F.2.a. Sequence of Events

Mr. Tracy requested that the Council read Exhibit F.2.a Sequence of Events as time allowed.

F.2.b. Status of Fisheries

Mr. Tracy requested that the Council read Exhibit F.2.b, Supplemental STT Report, as time allowed.

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

Mr. Bohn asked the Council to read Exhibit F.2.c, Supplemental ODFW Report as time allowed.

F.2.d. Public Comment

None. Mr. Bohn noted there were some letters in the briefing book and ODFW received calls and letters about the improved fisheries, which have provided a positive impact on coastal communities.

F.2.e. Council Discussion on Update of Ongoing Salmon Fisheries

None.

F.3. Update on Scientific and Statistical Committee (SSC) Methodology Review (September 14; 7:52 am)

F.3.a. Agendum Overview

None.

F.3.b. SSC Report

Ms. Cindy Thomson provided the SSC Report (Exhibit F.3.b).

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

None.

F.3.d. Public Comment

None.

F.3.e. Council Guidance on Scientific and Statistical Committee (SSC) Methodology Review Priorities

None.

F.4. Queets River Coho Status Review

This item was postponed until the November Council meeting.

G. Highly Migratory Species Management

G.1. NMFS Report (09/14/01; 7:55 a.m.)

In the interest of time, rather than reporting in detail on recent international and domestic activities, Mr. Fougner will provide a written report at a later date on domestic regulations for the drift gill net fishery, Hawaii longline fishery, shark finning prohibitions, and High Seas Fishing Compliance Act; on the international front, his report will include updates on the IATTC activities, US/Canada Albacore Treaty discussions, and the MHLCC. He specifically noted a letter from Dr. Michael Tillman (SWFSC) to the Council about a meeting about North Pacific and Pacific tuna and tuna-like species in Japan in January 2002.

G.1.a. Council Discussion on NMFS HMS Report

None.

G.2.. Update on FMP Development (09/14/01; 7:58 a.m.)

G.2.a. Agendum Overview

Mr. Waldeck provided a review of the agenda item. He reminded the Council of the plan development schedule. He highlighted that the Council continues to receive numerous letters about pelagic longlines.

G.2.b. Highly Migratory Species Plan Development Team Report

Ms. Michele Robinson provided a PowerPoint presentation.

The highpoints of her presentation were – (1) status of the FMP, working toward completion of draft in time for consideration at October/November meeting; (2) per Council directive, developing two documents that will form the basis of the FMP and regulatory alternatives; (3) economic survey information ongoing, but information still being collected, will not be ready for inclusion in October draft; (4) legal gear options, clarified the implications of the proposed legal gear options, especially pelagic longline gear; (5) sought Council guidance on readiness of FMP (given status of economic data), legal gear options (prohibition of pelagic longlines outside the U.S. EEZ), and completeness of pelagic longline and drift gill net gear options.

Mr. Brown asked for clarification of the Ocean Wildlife Campaign (OWC) proposal for a research longline fishery and how it differed from an Exempted Fishery. Ms. Robinson noted that rather than a prohibition on longline gear, OWC seeks an indefinite moratorium on pelagic longline gear. The research fishery is intended

to provide information for determining whether to lift the moratorium, and is intended to not be an exempted fishery.

Mr. Fougner noted that OWC believes there is a substantive difference between their proposed fishery and an exempted fishery. That is, their proposal is for a fishery solely for research, rather than an exempted fishery where commercial fishing is the primary objective and research is secondary.

Mr. Brown stated his concern that research under the OWC proposal was less likely to occur as no one would be willing to fund the research. Whereas under an exempted fishery, industry would be willing to pay for the research.

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

HMSAS

Mr. Larry Six provided the comments for the HMSAS (Exhibit G.2.c, Supplemental HMSAS Report).

The Highly Migratory Species Advisory Subpanel (HMSAS) met August 26-27, 2001 with some members of the Highly Migratory Species Plan Development Team (HMSAS) to review changes to fishery management plan (FMP) chapters 3 and 8 and a first partial draft of the initial regulatory measures. Following are comments on the FMP. No formal comments are provided at this time on the regulatory document, which has not been completed.

The HMSPDT should draft a separate document that analyzes the management unit option which excludes sharks and present it to the Council at the September meeting.

The HMSAS notes that maximum sustainable yield (MSY) has not been estimated for some HMS due to lack of information and recommends that NMFS provide guidance on the legal requirement for MSY estimates in data poor cases and on any precedent for including species in the management unit without an MSY estimate.

The HMSAS also believes NMFS needs to clarify requirements for unilateral U.S. action to rebuild overfished HMS in the Pacific in cases where U.S. catch is a small fraction of the total harvest.

The term "local depletion" needs to be defined in the FMP.

The HMSAS supports an annual management cycle for HMS fisheries, but points out that June and September are not good times for commercial and recreational participants to attend meetings, because of ongoing fisheries. We further recommend the Council start holding meetings in southern California as soon as practicable.

The definitions of surface hook-and-line and longline gears need to be revised to make sure there is a clear distinction between these gears. The definitions of HMS gear in the Code of Federal Regulations need to be reviewed and incorporated in the FMP where appropriate.

One option in the legal gear section would not include longlines as legal gear, as requested by the Council in June. Was it the Council's intent that this option would prohibit all landings of HMS with longline gear (including fish harvested beyond the exclusive economic zone [EEZ]), or was it the intent to prohibit longline fishing only in the EEZ?

The HMSAS recommends that shark finning not be addressed as an option in the FMP since these regulations will be implemented by NMFS in a separate process to implement the new legislation. Shark finning restrictions should be referenced in chapter 9 which describes other applicable law.

The HMSAS would like to meet during the November Council meeting to comment on the next draft of the FMP and regulatory document prior to adoption for the public review process.

HSG

Ms. Michele Robinson provided the comments for the HSG (Exhibit G.2.c, Supplemental HSG Report).

The Habitat Steering Group (HSG) would like to thank the Highly Migratory Species Plan Development Team (HMSPDT) for incorporating our suggested essential fish habitat changes into the next draft fishery management plan (FMP). The HSG urges the HMSPDT to adhere to the proposed timeline of having a draft ready for the November Council meeting with final adoption scheduled for March 2002. The HSG plans to have a more thorough review of the draft FMP following the November Council meeting and will make suggested changes, as appropriate, prior to final adoption.

G.2.d. Public Comment

None.

G.2.e. Council Guidance on Completion of Draft FMP

Mr. Fougner stated for the record that NMFS – SWR and SWFSC are committed to working with the HMSPDT and HMSAS to address legal issues or other questions relevant to development of the FMP. He does not believe the questions raised by the committees present any problems which would delay the FMP.

Mr. Anderson asked Ms. Robinson to display the slide from her presentation that outlined the issues for which the HMSPDT was seeking Council guidance.

These issues include:

- Readiness of the draft FMP for the November Council meeting (i.e., economic surveys are ongoing and not ready, what are the NEPA requirements?)
- Legal gear options (they would like clarification on whether it was the Council's intent to exclude pelagic longline from the U.S. EEZ. and the high seas)
- Pelagic longline and drift gill net options (do they cover the full range)

Mr. Anderson asked what fisheries were involved in the economic surveys. Ms. Robinson responded that surveys are ongoing with the troll fishery, drift gill net fishery, and charterboat fishery. The results will not be available by the October/November Council meeting deadline; but will be available for inclusion in the March 2002 draft.

Mr. Fougner noted that the surveys are “cost and earnings surveys,” which will provide useful information, but are not critical to analysis of the draft management options. Further, the initial regulations will not address the albacore fishery (troll fishery) nor charterboat fisheries, so the relative importance of the survey information is low. For the drift gill net fishery, economic analyses have been done for other purposes, which could provide sufficient information for the October/November draft.

Mr. Fougner believes the current options represent the full range of reasonable alternatives. He noted, that while it may be extreme, given the heightened concern about pelagic longline gear it is not unreasonable to have an option that would eliminate the use of pelagic longline gear by West Coast-based HMS fishing vessels.

Mr. Brown agrees that the current options cover the range. However, the HMSPDT should fully explain the implications of each option. He reiterated his concern that the Ocean Wildlife Campaign option would exclude research sponsored by the fishing industry.

H. Coastal Pelagic Species Management

H.1. NMFS Report (09/14/01; 8:29 a.m.)

Mr. Fougner reported there was nothing new to report.

H.1.a. Council Discussion on NMFS Report for CPS

H.2. Final Report on Market Squid Maximum Sustainable Yield Methodology Workshop (09/14/01; 8:30 a.m.)

H.2.a. Agendum Overview

Mr. Waldeck described scheduled Council action. However, because the CPSAS was unable to meet they will not have the opportunity to comment on the squid MSY workshop. Therefore, the report of the workshop will be delayed until the October/November Council meeting. As a result of this delay, preliminary action on Amendment 10 to the CPS FMP will be delayed until March 2002. The Council does have the option of decoupling limited entry provisions from squid MSY provisions in Amendment 10. Limiting the scope of Amendment 10 to the limited entry provisions could allow preliminary action on Amendment 10 in November 2001. He noted that the presentations and reports noted on the agenda will be delayed until October/November, but opportunity for public comment should be provided at this time.

H.2.b. Final Workshop Report

Delayed until the October/November Council meeting.

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

Delayed until the October/November Council meeting.

H.2.d. Public Comment

Ms. Heather Munro, representing West Coast Seafood Processors Association, Waldport, Oregon

H.2.e. Council Guidance on Final Report on Market Squid Maximum Sustainable Yield Methodology Workshop

The Council discussed whether to separate the limited entry provisions from the squid MSY provisions in Amendment 10 in terms of delaying work on Amendment 10.

Mr. Fougner asked for information about how far along the CPSMT is in developing the limited entry portions of Amendment 10. Mr. Waldeck indicated the CPSMT made significant progress in developing the amendment, but there are several subissues for which they would like guidance from the CPSAS.

Ms. Vojkovich noted that the issues of squid MSY and limited entry permit transfer are linked. Moreover, CDFG is in the process of developing limited entry in market squid fishery. Delay of Amendment 10 would provide for coordination between the CDFG process and Council process. She recommends delaying Amendment 10.

Mr. Brown noted his concern about the impact to individuals in the fishery if limited entry permit transferability is delayed for an extended time. That is, holding up the Council process in order to coordinate with the CDFG process could have an impact on fishermen.

Mr. Fougner encouraged staff, the CPSMT, and CPSAS to work together on developing a game plan for proceeding on Amendment 10. He asked the CPSMT to report back on when the limited entry portions would be ready, when the squid MSY portions could be ready, and when the Council could expect to take action on either or both. That is, he would like to know how long it will take to develop the squid MSY provisions and what impact that would have in terms of delaying implementation of limited entry permit transferability. If the limited entry provisions were isolated, how quickly could the amendment be done?

Dr. Hill (CPSMT chair) noted the CPSMT has made considerable progress on Amendment 10. The Council has selected preferred options for a limited entry capacity goal and limited entry permit transferability. He noted there are several subissues specific to limited entry that would benefit from CPSAS review. Those include (1) alternatives for adjusting permit transferability and (2) the process for considering issuance of new permits. The question is whether the Council wants to move ahead on the limited entry portion without the inclusion of CPSAS comments on the subissues. He also highlighted the workload facing the CPSMT, and noted a delay could provide for development of a more complete draft amendment.

Mr. Brown asked Dr. Hill, if the CPSAS thought the current draft options were adequate, would the amendment be ready for preliminary action in November?

Dr. Hill said the limited entry portions of the amendment have been developed and if the CPSAS was satisfied with the alternatives developed for the subissues (i.e., did not request additional options), then, perhaps, Amendment 10 could be developed in time for Council consideration in November. However, he noted the other analyses that accompany the EA/RIR/IRFA are still being developed and would benefit from additional time.

Mr. Brown felt that, if the limited entry provisions of Amendment 10 could be completed in time for the October/November meeting, perhaps the Council should consider decoupling the squid MSY portions. He requested that work on the limited entry portions of Amendment 10 proceed, and that the CPSMT and CPSAS report back at the October/November meeting in terms of the readiness of both Amendment 10 as a whole and its component parts. He stressed that the squid MSY provisions should not delay action on limited entry permit transferability.

Mr. Waldeck reiterated the guidance provided by the Council and discussed the next several steps. In November, the Council will review Amendment 10 and discuss how to proceed on the contents, i.e., whether to sever the squid MSY portions from Amendment 10 and proceed with only the limited entry provisions. The Council expects input from the CPSMT and CPSAS on the readiness of the limited entry portions of Amendment 10 and the schedule for completion if both squid MSY and limited entry provisions are included.

H.3. Pacific Sardine Fishery Update (09/14/01; 9:23 a.m.)

H.3.a. Agendum Overview

Mr. Waldeck briefed the Council on the matter at hand.

H.3.b. Reports from Coastal States

H.3.b.i., Washington; and H.3.b.ii., Oregon

Ms. Michele Robinson, Washington Department of Fish and Wildlife and Ms. Jean McCrae, Oregon Department of Fish and Wildlife presented a PowerPoint presentation. Ms. Robinson also referenced Exhibit H.3.b.i, Supplemental WDFW Report, the WDFW preliminary report of the 2001 trial purse seine fishery for Pacific sardine.

H.3.b.iii. California

Dr. Kevin Hill updated the California's Pacific sardine fishery in 2001 (Exhibit H.3.b.iii, Supplemental CDFG Report).

Between January and August of 2001, California's purse seine fishery landed approximately 35,206 metric tons of sardine; 34,430 mt in the southern allocation subarea, and only 776 mt in the northern subarea based in Monterey. This represents 63% percent of the total U.S. catch to date, but only 26% of the total U.S. harvest guideline for the current season.

The southern California sardine fishery typically peaks from late-fall through early-spring, and usually coincides with the market squid fishing season. The southern California fishery had a strong start in 2001, but was soon impacted by closure of the directed Pacific mackerel fishery. Stringent incidental catch restrictions and high percentage mixes of mackerel in sardine hauls hindered normal

prosecution of the fishery from April through June. Many of the traditional CPS finfish vessels have been targeting more lucrative market squid. Los Angeles area fish markets and processors have been paying \$250/ton for market squid, while the ex-vessel price for sardine remains from \$80-120/ton. In spite of the above, the southern California fishery resumed at a steady pace in July, and cumulative landings were 34,430 mt by the end of August, with 55,395 mt remaining on the southern allocation.

The northern California fishery, based in Monterey Bay, has had a very slow sardine season so far this year. Unseasonably cool water temperatures from late winter through spring pushed sardine offshore making them inaccessible to the local fleet. Sardine eggs sampled during the April CalCOFI cruise indicate that spawning population was at least 50 miles off the coast. The Monterey fishery has only landed 776 mt to date, most of which was caught in January, and the purse seine fleet has resorted to fishing for anchovy (over 17,000 mt) and market squid (2,200 mt). The Monterey sardine fishery typically peaks between June and October, so there is still a chance that this fishery will increase in the next two months.

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

Dr. Kevin Hill read the CPSMT statement (Exhibit H.3.c, Supplemental CPSMT Report).

At the August 14-15 meeting of the Coastal Pelagic Species Management Team (CPSMT), the CPSMT held a discussion on the status of the 2001 Pacific sardine fishing season. State representatives provided brief overviews of landings to date, along with projections for the remainder of the year. Landings and remaining harvest guidelines for northern and southern allocation areas were discussed with respect to the October 1 reallocation authorized by the fishery management plan (FMP). The Oregon and Washington fisheries have had relatively high landings to date, but the Monterey, California fishery has had negligible landings due to poor resource availability. The Monterey fishery is anticipated to increase in the fall if a more typical season resumes. Given the possibility that the Oregon and Washington fisheries could preempt the Monterey fishery from the northern harvest guideline, the CPSMT recommends that the October 1 reallocation schedule, as specified in the FMP, be executed. This will ensure the harvest guideline is achieved, and the Monterey, California fishery is provided opportunity to harvest a reasonable share of the harvest guideline.

H.3.d. Public Comment

Ms. Heather Munro, representing West Coast Seafood Processors Association, Waldport, Oregon

H.3.e. **Council Action:** Consider Inseason Management Measures for Pacific Sardine Fishery

Mr. Waldeck noted no specific Council action is required. There are provisions in the FMP for NMFS to reallocate the uncaught portion of the sardine harvest guideline as an automatic measure. At the Council's discretion a recommendation could be made to NMFS to trigger reallocation per the FMP.

Mr. Anderson moved that the Council recommend to NMFS that the reallocation of the sardine harvest guideline between the southern area and the northern area be executed per the FMP, effective October 1. Mr. Brown seconded the motion. (Motion 20) Motion 20 passed.

I. Administrative and Other Matters

I.1. Status of Legislation

Dr. McIsaac referred the Council to the briefing book exhibit and attachments for their reference. Discussion was limited in the interest of completing the remaining Council agenda.

I.1.a. Magnuson-Stevens Act Reauthorization

No comments.

I.1.b. Other Current Legislation

No comments.

I.1.c. Council Discussion on Legislation

No comments.

I.2. Appointments to Advisory Bodies

The Council appointed the following persons to fill recent vacancies in various Advisory Bodies: Ms. Kathleen Fosmark to the southern open access position on the Groundfish Advisory Subpanel; Ms. Heather Munro to the northern processor position on the Highly Migratory Species Advisory Subpanel (HMSAS); and Mr. Robert Osborn to the private recreational position on the HMSAS. The Council did not fill the public-at-large vacancy on the HMSAS, but will re-issue a call for nominations for that position along with suggested criteria to help determine appropriate candidates. All persons previously nominated for this position will remain under consideration when the Council again considers nominees at the November Council meeting. The Council will also issue requests for nominations to the northern California charter/sport position on the Coastal Pelagic Species Advisory Subpanel and the recreational fisher position on the Habitat Steering Group.

The Council also appointed an ad hoc Groundfish FMP EIS oversight committee to help coordinate development of the EIS. The appointed members are: Messrs. Phil Anderson; Burnie Bohn; Ralph Brown; LB Boydston; Robert Eaton; Jim Lone; Paul Heikkila; and Rod Moore. This committee will be supported by the SSC, GMT, and HSG. In view of current management and workload priorities, the Council delayed action to appoint an ad hoc Marine Reserve Steering Group.

I.3. Report of the Budget Committee

Mr. Jim Harp read the report of the Budget Committee (Exhibit I.3).

I.3.a. **Council Action:** Adopt Recommendations of the Budget Committee

The Council adopted the Budget Committee Report (Exhibit I.3).

I.4. Council Staff Work Load Priorities

The Council reviewed the proposed staff workload (Exhibit I.4, Supplemental Staff Workload Report). Dr. McIsaac noted that the proposed work plan exceeded the full time efforts of the staff. He stated that overtime would be necessary in this case, but that he did not want to get in the habit of expecting overtime on a continuing basis. The Council approved the proposed work priorities.

I.5. November 2001 Council Meeting Draft Agenda

I.5.a. Consider Agenda Options

The Council made minor modifications to the proposed agenda (Exhibit I.5) which included adding a session on the Marine Recreational Fisheries Statistics Survey and some rearrangement of agenda items to help the orderly and efficient development and adoption of the 2002 management measures for groundfish.

I.5.b. **Council Action:** Adopt Draft Agenda for the November 2001 Meeting

The Council approved the draft agenda with changes as noted above.

I.5.c. Identify Priorities for Advisory Body Consideration for the November 2001 Meeting

The Council approved the priorities for issues to be considered by the SSC as provided in the draft agenda.

ADJOURN

The Council meeting adjourned on Friday, September 14, 2001 at 4:53 p.m.

PFMC
03/27/02

NOTE: The voting log will be supplemental.

DRAFT VOTING LOG
Pacific Fishery Management Council
161st Meeting
October 29 - November 2, 2001

MOTION 1: Approve the agenda.

Moved by: Bob Alverson
Motion 1 passed.

Seconded by: Ralph Brown

MOTION 2: Adopt the Washington Department of Fish and Wildlife (WDFW)/Oregon Department of Fish and Wildlife (ODFW) proposals to the Pacific halibut recreational regulations for public review.

Moved by: Phil Anderson
Motion 2 passed.

Seconded by: Bob Alverson

MOTION 3: Adopt alternative 4 for 2002 preferred acceptable biological catches (ABCs) and optimum yields (OYs) as identified in Exhibit C.3, Attachment 1, with the following clarification/modifications:

Shortspine Thornyheads: set the ABC at 1,004 and the OY at 955 mt.
Dover Sole: set the ABC at 8,510 mt and the OY at 7,440 mt.

Moved by: Phil Anderson

Seconded by: Jim Harp

Amendment 1: For sablefish, set the OY at 4,500 mt instead of 4,000 mt.

Moved by: Burnie Bohn
Roll call vote on amendment.
Amendment 1 to motion 3 passed.

Seconded by: Ralph Brown

Main motion 3 passed as amended, including a friendly amendment to exclude yelloweye until Agenda Item C.4.

MOTION 4: Relative to the OY for planning purposes on the management measures for yelloweye, set the ABC and OY of 5 and 2.5 for the Monterey area and 22 and 11 for the area north of 40° 10' N latitude.

Moved by: Burnie Bohn
Motion 4 passed.

Seconded by: Phil Anderson

MOTION 5: Adopt the hearing sites as shown in Exhibit D.3, Situation Summary, November 2001. Those hearing sites would be:

April 1 Westport, Washington and North Bend, Oregon
April 2 Eureka, California

Moved by: Phil Anderson
Motion 5 passed.

Seconded by: Bob Alverson

MOTION 6: Leave the season opening structure the same as it is, below Pigeon Pt. the last Saturday in March (30) up to Pt. Arena (April 13th) - (leave the same as in the regulatory measures already in effect).

Moved by: Roger Thomas
Motion 6 passed.

Seconded by: LB Boydston

MOTION 7: Proceed with the interim Biological Opinion for listed Central Valley spring chinook and Sacramento winter chinook as presented by Mr. Dan Viele.

Moved by: LB Boydston
Motion 7 passed.

Seconded by: Roger Thomas

MOTION 8: Tentatively approve the use of the new Klamath Ocean Harvest Model and the new cohort analysis for the coho Fishery Regulation Assessment Model for the 2002 salmon management season, contingent on completion of remaining technical issues, satisfactory testing of the models, and consideration of final recommendations from the Scientific and Statistical Committee (SSC) and Salmon Technical Team (STT) at the March 2002 Council meeting.

Moved by: Phil Anderson
Motion 8 passed.

Seconded by: Jim Lone

MOTION 9: Accept the STT Report as shown in Exhibit D.6.b, STT Report, November 2001 for Queets River coho that Queets coho are not currently overfished, not likely to become overfished in near future, that a rebuilding plan is not required, and that no changes in management measures are required to achieve the management objectives for Queets coho.

Moved by: Phil Anderson
Motion 9 passed.

Seconded by: Bob Alverson

MOTION 10: Form an ad hoc committee, under the Ad Hoc Groundfish Strategic Plan Implementation Oversight Committee (SPOC), for scoping multi-year management of the groundfish fishery.

Those members are:

Mr. Phil Anderson	Dr. Jim Hastie
Mr. Burnie Bohn	Mr. Jim Lone
Mr. LB Boydston	Dr. Rick Methot
Mr. Ralph Brown	Mr. Rod Moore
Ms. Eileen Cooney	Dr. Steve Ralston
Mr. Bob Eaton	Mr. Bill Robinson

The objective would be to scope multi-year management approaches, synchronized with a multi-year stock assessment schedule and with full accommodation of federal notice and comment requirements. The schedule for the meetings for this committee would be set by the Executive Director.

Moved by: Ralph Brown
Motion 10 passed.

Seconded by: Burnie Bohn

- MOTION 11: Adopt the following: Write a letter to the California Fish and Game Commission (CFGC) to respond to the process and request opportunity to provide input on the alternatives and their environmental document; given sufficient lead time to distribute and analyze the document, enclose a schedule of our meetings; specify there may be two possible courses of action for establishing no fishing areas in Federal waters of the sanctuary to complement areas established by the state (one under the Magnuson-Stevens Act authority and the other under the authority of the National Marine Sanctuaries Act), the Council will choose among those paths at a later time; enclose the Groundfish Advisory Subpanel (GAP) and SSC Reports with that letter. (Ms. Cindy Thomson from the SSC be a contact person in case the commission has questions about the SSC Report).

Moved by: LB Boydston
Motion 11 passed.

Seconded by: Donald Hansen

- MOTION 12: Approve the exempted fishing permit (EFP) by ODFW as shown in Exhibit C.8.c, Supplemental ODFW Proposal. Also approve the EFPs by WDFW as shown in Exhibit C.8.c, Supplemental WDFW Proposal 1, and Supplemental WDFW Proposal 2, with the conditions they satisfy National Marine Fisheries Service (NMFS) conditions in completing the application process.

Moved by: Burnie Bohn
Motion 12 passed.

Seconded by: Ralph Brown

- MOTION 13: Adopt the following motion for the draft highly migratory species (HMS) fishery management plan (FMP): (as shown in Exhibit G.2.e, Supplemental CDFG Motion in Writing).

Page 3-5: Management Unit Species - Option 2
5 tunas, 5 sharks, swordfish, striped marlin, dorado

Page 3-7: Prohibited Species - Both Option 1 and 2
white, basking, and megamouth sharks; Pacific halibut and salmon

Page 8-7: Framework Process (for Rulemaking Actions) - Option 2
Option 1 plus "Points of Concern" process

Page 8-8: Management Cycle - Option 3
biennial management cycle

Page 8-21: Treaty Indian Fishing - Option 1
include framework process similar to Treaty Indian Fishery under the Coastal Pelagic Species plan

Page 3-14: Management Control Rule - Default Control Rule
MSY and MSY Proxies; OY for Vulnerable Species - sharks

Page 4-11: Essential Fish Habitat - Management Species

Page 8-10: Legal Commercial Gears; harpoon, surface hook and line, drift gillnet and purse seine

Page 8-12: Legal Recreational Gear; rod and reel (pole and line), spear, hook and line

Page 8-15: Reporting and Monitoring Requirements; Mandatory logbooks for selected fisheries;

surface hook and line, drift gillnet, pelagic longline, small vessel tuna purse seine, harpoon and charter/party

Moved by: Marija Vojkovich
Motion 13 passed.

Seconded by: Donald Hansen

MOTION 14: Adopt the following motion for the draft HMS FMP:

*Part B Page 1: Commercial Permits - Option 2
commercial permit with gear endorsement*

Part B Page 2: Recreational Permits - No Action

*Part B Page 3: Far Offshore Commercial Fisheries Declarations - Option 3
exempt all trollers from offshore declaration*

*Part B Page 5: Drift Gillnet Fishery, Management Authority - Option 3
federalize selected state regulations and laws under FMP*

*Part B Page 24: Longline Fishery, Management Process - Option 3
includes longlines as actively managed gear and propose initial regulations*

*Part B Page 28: Longline Fishery, Management on High Seas - Option 2
include all management measures included in Western Pacific Pelagics FMP*

Part B Page 47: Longline Fishery, Management in EEZ - No Longlining in EEZ (new option)

*Part B Page 51: Coastal Purse Seine Closure - Both Options 1 & 2
closures off Oregon and Washington*

*Part B Page 54: Sale of Striped Marlin - Option 1
prohibit commercial landing or sale of striped marlin*

*Part B Page 17: Drift Gillnet Fishery Restrictions - Protected Species
implement modified take reduction restrictions*

Also include relative to drift gillnet fishery management authority, include the three options inadvertently omitted (these are identified on Exhibit G.2.b, Supplemental HMS PDT Report, Attachment 2), and all three are to be identified as "Council Preferred" options. Specifically, these options are: 1) federalize existing state closures off California, Oregon, and Washington; 2) close EEZ north of 45° n latitude; and 3) close EEZ off Washington east of 126°, and off OR east of 125°, 30 minutes.

Moved by: Marija Vojkovich
Motion 14 passed.

Seconded by: Jim Caito

MOTION 15: Add an additional option for the recreational catch and release program to the draft HMS FMP.

Moved by: Phil Anderson
Motion 15 passed.

Seconded by: Jim Harp

MOTION 16: Include two additions to the draft HMS FMP: (1) on page 8-11, include a second option for defining drift gillnet gear that does not specify a minimum or maximum mesh size; (2) authorize placement of observers contingent on development of an observer program sampling design.

Moved by: Svein Fougner
Motion 16 passed.

Seconded by: Ralph Brown

MOTION 17: For the draft HMS FMP, add the option of "longline fishing under an EFP only".

Moved by: Svein Fougner
Motion dropped due to lack of seconder.

Seconded by: (no seconder)

MOTION 18: Adopt a harvest guideline for Pacific sardine for 2002 of 118,442 mt and that FMP subarea allocation ratios be used.

Moved by: Marija Vojkovich
Motion 18 passed.

Seconded by: Phil Anderson

MOTION 19: Adopt Exhibit C.4, Supplemental Tentative CDFG Proposal with the following corrections: under the Central Area and Southern Area change "*Inside 25 fathoms*" to "*Inside 20 fathoms*".

Moved by: LB Boydston
Motion 19 withdrawn, not voted on.

Seconded by: Don Hansen

MOTION 20: Appoint Dr. Doyle Hanan to the public at -large seat on the Highly Migratory Species Advisory Subpanel (HMSAS).

Moved by: LB Boydston
Motion 20 passed.

Seconded by: Jim Caito

MOTION 21: Instruct the Council Executive Director to readvertise the recreational fisher vacancy on the Habitat Steering Group (HSG).

Moved by: Phil Anderson
Motion 21 passed.

Seconded by: Jim Harp

MOTION 22: Adopt the criteria for the public-at-large positions on the subpanels identified in Attachment 2 to apply to all those subpanels covered under Council Operating Procedure (COP) 2.

Moved by: Phil Anderson
Motion 22 passed.

Seconded by: LB Boydston

MOTION 23: Appoint Dr. Hans Radtke to serve as Council Chairman for 2002.

Moved by: Burnie Bohn
Motion 23 passed.

Seconded by: Ralph Brown

MOTION 24: Appoint Mr. Donald Hansen to serve as Council Vice Chairman for 2002.

Moved by: LB Boydston
Motion 24 passed.

Seconded by: Roger Thomas

MOTION 25: Adopt the report of the Budget Committee as shown in Exhibit I.3, Supplemental Budget Committee Report, absent the meeting location issue.

Moved by: Burnie Bohn
Motion 25 passed.

Seconded by: Jerry Mallet

MOTION 26: Regarding Council meeting sites in 2003, give the staff flexibility to obtain the best possible meeting locations over the broadest area within the Council jurisdiction by allowing staff to negotiate contracts for 2003 in the locations listed below with the provision that costs be held essentially neutral (i.e., with the bids for 2003 by the hotels used in 2001). The following locations are to be looked at in 2003:

March	Sacramento, California
April	Portland/Vancouver Metropolitan Area
June	San Francisco Metropolitan Area
September	Seattle, Washington
November	San Diego or Southern California Area

In the event near budget neutrality could not be achieved, the Council staff will use the recommendations for meeting locations as noted in the Budget Committee Report.

Moved by: Jim Harp
Roll call vote.
Motion 26 passed.

Seconded by: Burnie Bohn

MOTION 27: Adopt the limited entry trawl trip limits for 2002 as presented on Exhibit C.4.i, Supplemental GMT Report 5 with the exception that, under rex sole, all references to the small footrope in November and December be removed. Include a footnote under minor nearshore rockfish saying no yelloweye retention (except in the limited entry trawl).

Moved by: Phil Anderson
Motion 27 passed.

Seconded by: Ralph Brown

MOTION 28: Referring to Exhibit C.4.i, Supplemental GMT Report 5 adopt the limited entry fixed gear trip limits and the open access (OA) trip limits for 2002 as presented in the table with the following corrections: 1) the limited entry fixed gear minor slope rockfish limit of 1,000 pounds/month extends through April after which it would go to 5,000 pounds/2 months through the end of October, then drop back to 2,000 pounds/ 2 months in November and December; 2) for OA under minor nearshore rockfish, the timeframe in the summer period with a 4,000 pounds/2 month limit would be extended through the month of October (instead of through September); 3) for exempted trawl, specify the pink shrimp trip limits that are recommended under Exhibit C.4.i, Supplemental GAP report 2; and 4) exclude from the motion the recommended minor nearshore rockfish limit/time period change discussed

earlier for OA. Include minor nearshore rockfish in the north (with the base limit and sublimit) in the motion with the revision of the time frame as stated by Dr. Hastie (Dr. Hastie said those are not two different alternatives on the OA table). The second line for minor nearshore rockfish in the north refers to a specified sublimit for species other than black or blue rockfish. He apologized for the confusing table format. Both of the lines for minor nearshore rockfish north (the base limit and the sublimit) could be moved to the end of October (i.e., the summer limit would then apply for the May-October period, not May-September).

Moved by: Phil Anderson
Motion 28 passed.

Seconded by: Bob Alverson

MOTION 29: Referring to Exhibit C.4., Supplemental CDFG Proposal, adopt the recreational fisheries as shown in that document, but with the clarification that 25 fathoms should be changed to 20 fathoms where it occurs in the proposal. Also add verbiage as follows: Council will consider at its September, 2002 meeting to open the recreational fishery for minor nearshore rockfish and lingcod in the central California area during November and December based on overall landings of minor nearshore rockfish and lingcod using data from the Marine Recreational Fisheries Statistics Survey (MRFSS) through wave 4.

Moved by: LB Boydston
Motion 29 passed.

Seconded by: Roger Thomas

MOTION 30: Referring to Exhibit C.4.i, Supplemental GAP Report 2, adopt the recreational fisheries as shown in that document but also insert for the inseason adjustment "fishing outside of 20 fathoms or 25 fathoms "as determined by inseason evaluation based on Enforcement Consultant concerns.

Moved by: Burnie Bohn
Motion 30 passed.

Seconded by: Ralph Brown

MOTION 31: Referring to Exhibit C.4.i, Supplemental GAP Report 2, adopt the Washington recreational fisheries as described.

Moved by: Phil Anderson
Motion 31 passed.

Seconded by: Jim Harp

MOTION 32: Adopt the 24-hour period recommended by the GAP.

Moved by: Bill Robinson
Motion 32 passed.

Seconded by: Bob Alverson

MOTION 33: Adopt the tribal fisheries as shown in Exhibit C.4, Supplemental Treaty Indian Harvest Levels with a sablefish OY of 423 mt for 2002.

Moved by: Jim Harp
Motion 33 passed.

Seconded by: Bob Alverson

MOTION 34: Authorize the landing of 1,000 pounds per trip of Dover sole in the month of December.

Moved by: Ralph Brown
Motion 34 passed.

Seconded by: Hans Radkte

DRAFT VOTING LOG
Pacific Fishery Management Council
160th Meeting
September 11-14, 2001

MOTION 1: Approve the agenda as shown in Exhibit A.5., September Council Meeting Agenda.

Moved by: LB Boydstun
Motion 1 passed.

Seconded by: Ralph Brown

MOTION 2: Approve the June 2001 minutes as shown in Exhibit A.6, June 2001 Council Meeting Minutes.

Moved by: Phil Anderson
Motion 2 passed.

Seconded by: Bob Alverson

MOTION 3: Forward the new estimate of halibut discard mortality to the International Pacific Halibut Commission.

Moved by: Phil Anderson
Motion 3 passed.

Seconded by: Ralph Brown

MOTION 4: For changes to the 2001 Pacific Halibut Catch Sharing Plan, adopt for public review, the proposals as set forth in Exhibit B.3.b, Supplemental WDFW Report.

Moved by: Phil Anderson
Motion 4 passed.

Seconded by: Jim Harp

MOTION 5: For changes to the 2001 Pacific Halibut Catch Sharing Plan, adopt for public review, the three options as shown in Exhibit B.3.b, Supplemental ODFW Report. Also include options for a delayed opening and splitting of the areas.

Moved by: Burnie Bohn
Motion 5 passed.

Seconded by: Mr. Ralph Brown

MOTION 6: Adopt for the 2002 groundfish fisheries, the preliminary acceptable biological catches (ABCs) and optimum yields (OYs) as indicated in Exhibit C.3.c, Attachment 1, with the following changes:

- Note that whiting is pending a new assessment;
- Sablefish north of conception: the 2002 ABC is a range from 4786 mt to 4062 mt; the OY is 3200 mt to 4500 mt with a preferred alternative of 4000 mt;
- Dover sole: ABC ranges from 6142 mt to 7221 mt; the total catch OY ranges from 5520 mt to 6410 mt with a preferred alternative of 6410 mt; and F_{40%} harvest level;
- Shortspine: ABC as represented; OY ranges from 955 mt to 751 mt;
- Widow: not included in the motion;
- Pacific Ocean perch: not included in the motion;
- Exclude darkblotched from the motion;

- Bocaccio: the value addressed in public comment to anticipate bycatch mortalities, we need to ensure it is in there;
- Yelloweye: coastwide harvest of 11 mt (partitioned to provide 2-3 mt in the Monterey area, 1 mt Cape Mendocino to Oregon/California border and other details to be worked out);
- Remaining values as represented.

Moved by: Phil Anderson Seconded by: LB Boydstun
Motion 6 passed.

Amendment: Include an option of 110 mt of canary rockfish.

Moved by: Ralph Brown Seconded by: Burnie Bohn
Roll Call Vote: 6 yes, 5 no. Dr. Radtke abstained.
Amendment to the motion passed.
Motion 6 as amended passed.

MOTION 7: Reconsider the previous motion (Motion 6).

Moved by: Bob Alverson Seconded by: Mr. Anderson
Roll call vote. Dr. Radtke abstained. (Messrs. Brown and Caito voted no).
Motion 7 passed.

MOTION 8: Reconsider the amendment to Motion 6 regarding canary rockfish OY, regarding the increase from 93 mt to 110 mt to provide a range, including 5 mt for research.

Moved by: LB Boydstun Seconded by: Donald Hansen
Roll call vote. Dr. Radtke abstained. (Messrs. Brown and Caito voted no).
Motion 8 passed.

MOTION 9: Amend Motion 6 to retain the canary OY as originally contained in Exhibit C.3., (88 mt with 5 mt for research).

Moved by: LB Boydstun Seconded by: Donald Hansen
Motion withdrawn, not voted on.

MOTION 10: Adopt an amendment (include an option of 110 mt of canary rockfish).

Moved by: Ralph Brown Seconded by: Burnie Bohn
Roll call vote. All voted no with the exception of Messrs. Brown and Caito voted yes.
Motion 10 failed.

MOTION 11: Vote on the main motion (Motion 6) without any additional amendments (except the friendly amendments).

Moved by: Phil Anderson Seconded by: LB Boydstun
Roll call vote. All voted yes, except Messrs. Brown and Caito voted no.
Motion 11 passed.

MOTION 12: For widow rockfish, adopt an ABC of 3,727 and an OY range of 726-856 mt with the preferred alternative of 856 mt. For POP adopt an ABC of 640 mt with an OY range of 290-410 mt with a preferred alternative of 350 mt. For darkblotched rockfish, adopt an ABC of 187 mt and an OY range of 157-181 mt with a preferred alternative of 168 mt.

Moved by: Phil Anderson Seconded by: Bob Alverson
Dr. Radtke abstained from the vote.
Motion 12 passed.

MOTION 13: For Tribal groundfish fisheries, adopt for public review the proposed limits as outlined in the Tribal Proposal C.3.c. for the 2002 fisheries and the additional elements contained in Exhibit C.3.c. Supplemental Treaty Indian Harvest Levels submitted by the Makah Tribe.

The Council should adopt the following options for 2002 tribal fisheries:

Black Rockfish - The 2002 tribal harvest guidelines will be set at 20,000 pounds for the management area between the US/Canada border and Cape Alava, and 10,000 pounds for the management area located between Destruction Island and Leadbetter Point. As with the non-treaty regulations, for the management area between Cape Alava and Destruction Island, no tribal harvest restrictions are proposed.

Sablefish - The 2002 tribal set aside for sablefish will be set at 10% of the Monterey through Vancouver area OY.

Thornyhead rockfish - Tribal fisheries will be restricted to a 300-pound per trip limit for all fisheries. This trip limit will be for shortspine and longspine thornyheads combined.

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

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

Other rockfish species - The 2002 tribal longline restrictions regarding the landing of other rockfish species will operate under trip and cumulative limits. For other rockfish, tribal fisheries will operate under the same trip limits as the 2001 tribal fishery was structured, (except as indicated in Exhibit C.3.c Supplemental Treaty Indian Harvest Levels proposed by the Makah tribe). Because of the relatively small expected catches of the Treaty fisheries, the trip limits established at the beginning of the year will not be adjusted downward, nor will time restrictions be imposed, unless the harvest guidelines are achieved or unless in-season catch statistics demonstrate that the tribes have taken ½ of the harvest in the tribal area.

Pacific Whiting – For tribal Pacific whiting fisheries, I recommend the Council adopt a tribal set aside of 27,500 mt (based on the ABC of 238,000 mt). However, the tribal set aside could change if a different OY is finally adopted.

Moved by: Jim Harp Seconded by: Phil Anderson
Motion 13 passed. Dr. Radtke abstained.

MOTION 14: Ask the Council Executive Director to bring to the November meeting a recommendation that includes the following: a composition of a subcommittee of the Groundfish Strategic Plan Implementation Oversight Committee (SPOC), a timeline with dates for that subcommittee to meet (schedule of events between the November and March meetings), and have that subcommittee bring their proposals to the Council at its March meeting.

Moved by: Phil Anderson Seconded by: Ralph Brown
Motion 14 passed. Dr. Radtke abstained.

MOTION 15: Accept the SPOC recommendations and consider their recommendations under the workload agenda item (Agenda Item I.4).

Moved by: Phil Anderson Seconded by: Ralph Brown
Motion 15 passed. Dr. Radtke abstained.

MOTION 16: Adopt the new rebuilding analyses that has been presented and include them in the rebuilding plans.

Moved by: Phil Anderson Seconded by: LB Boydstun
Motion 16 passed.

MOTION 17: Adopt the draft American Fisheries Act document as contained in Exhibit C.9, Attachment 1 with the exception of asking for additional work to answer question number 3 as presented in Exhibit C.9.c, Supplemental GAP Report, and also use the preferred alternatives as specified in that GAP Report. Also include in the document: 1) an additional explanation to describe what is meant by "to cause harm" and 2) an explanation on what harm would or could occur if vessels could qualify in either the shoreside or at-sea whiting fishery (have the ability to participate in both sectors).

Moved by: Ralph Brown Seconded by: Bob Alverson
Motion 17 passed.

MOTION 18: Accept the Ad Hoc Allocation Committee recommendations as represented in Exhibit C.7, Supplemental Attachment 1.

Moved by: Phil Anderson Seconded by: Bob Alverson
Motion 18 passed.

MOTION 19: Adopt the second page of the Supplemental Groundfish Management Team (GMT) Report, and include the top section where it says without shift of sablefish. Below that line, everything to the right column (the third under "column proposed – beginning with canary rockfish").

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

MOTION 20: Recommend to NMFS to reallocate the sardine harvest guideline between the south and north effective October 1.

Moved by: Phil Anderson Seconded by: Ralph Brown
Motion 20 passed.

MOTION 21: Approve the rollover in the whiting fishery for the 10,000 mt from the tribal to the non-tribal; and distribute the rollover to the three gear sectors in the same proportions per season regulations already in effect.

Moved by: Burnie Bohn
Motion 21 passed.

Seconded by: Hans Radtke

MOTION 22: Adopt the inseason adjustments recommended by the GMT/GAP as shown in Exhibit C.8. Supplemental GMT/GAP Report. The motion also includes the small editorial changes provided earlier, as well as the understanding that the "B" platoon would be included in the time period October 16th to the end of the year (what is already on the books for that those "B" participants).

Moved by: LB Boydston
Motion 22 passed.

Seconded by: Jim Caito

MOTION 23: Request California Fish and Game Commission:

1. Adopt regulations for South of Point Conception consistent with January-February if total bocaccio catches and landings are greater than 100 mt and recreational catches are greater than 52 mt.
2. For the area between Cape Mendocino and Point Conception, close consistent with March-June if canary rockfish recreational catches are greater than 44 mt coastwide and greater than 22 mt south of Cape Mendocino.

NMFS adopt recreational regulations in the exclusive economic zone consistent with numbers 1 and 2 above.

As soon as possible through December 31.

California Department of Fish and Game and NMFS will make projections after Wave 4 and consider Wave 1-3 new effort data.

Moved by: LB Boydston
Motion 23 passed.

Seconded by: Jim Caito?

MOTION 24: Adopt for consideration the state recreational fishery proposals identified in Exhibit C.7.c, Supplemental WDFW Report, Supplemental ODFW Report, Supplemental CDFG Report 2, and the Enforcement Consultants comments.

Moved by: Burnie Bohn
Motion 24 passed.

Seconded by: Ralph Brown

MOTION 25: Adopt for consideration the proposed GMT trip limits (Exhibit C.7.c, Supplemental GMT Report 2), the proposed GAP trip limits (Exhibit C.7.c, Supplemental GAP Report), and in addition, include for the limited entry fixed gear primary season an alternative season length of three months and an alternative midwater fishery, Dover sole/thornyhead/trawl-caught sablefish complex, and flatfish fishery designed to not exceed four months. Include a suboption for full retention in the limited entry fixed gear sablefish fishery during July-September. Include an alternative of no retention of yelloweye in limited entry trawl. Also put chilipepper south of Cape Mendocino into the minor shelf rockfish. For open access, request the same for chilipepper in open access as in limited entry fixed gear. Add south of Pt.

Conception DTL regulation in open access and add the pink shrimp specifications. Add a fourth limited entry fixed gear sablefish option of an April-October season with a June-August closure and a suboption of an allowance to fish in June-August in depths greater than 150 fathoms (the 150 fathom caveat would only work if it's enforceable with a vessel monitoring system [VMS]).

Moved by: Phil Anderson
Motion 25 passed.

Seconded by: Ralph Brown

MOTION 26: Adopt a seasonal groundfish alternative: open January-March and October-December, and closed April-September except for the primary whiting fishery. Recommend the GMT and Council staff develop the analysis and environmental assessment. Include a seasonal approach for limited entry fixed gear and open access

Moved by: Burnie Bohn
Motion 26 passed.

Seconded by: Bob Alverson

MOTION 27: Appoint the following persons to fill recent vacancies in various Advisory Bodies: Ms. Kathleen A. Fosmark to the southern open access position on the Groundfish Advisory Subpanel; Ms. Heather Munro to the northern processor position on the Highly Migratory Species Advisory Subpanel (HMSAS); and Mr. Robert Osborn to the private recreational position on the HMSAS.

Moved by: LB Boydstun
Motion 27 passed.

Seconded by: Phil Anderson

MOTION 28: Delay appointment of the ad hoc Marine Reserve Steering Group.

Moved by: Ralph Brown
Motion 28 passed.

Seconded by: Hans Radtke

MOTION 29: Appoint the following persons to the Groundfish Environmental Impact Statement Fishery Management Plan Oversight Committee, based on recommendations developed by Council and advisory body members: Messrs. Phil Anderson, Burnie Bohn, LB Boydstun, Ralph Brown, Bob Eaton, Jim Lone, Paul Heikkila, and an appointee from the GAP to be designated by Mr. Rod Moore (later identified as Mr. Tom Ghio); with the understanding that yet-to-be designated members of the Scientific and Statistical Committee, GMT, and Habitat Steering Group would be called upon to give support to this group.

Moved by: Burnie Bohn
Motion 29 passed.

Seconded by: Jerry Mallet

MOTION 30: Approve the report of the Budget Committee as contained in Exhibit I.3, Supplemental Budget Committee Report.

Moved by: Bob Alverson
Mr. Anderson voted no.
Motion 30 passed.

Seconded by: Ralph Brown