West Coast Groundfish Observer Program

Dr. Elizabeth Clarke, Director
Fisheries Resource Analysis &
Monitoring Division
Northwest Fisheries Science Center
NOAA Fisheries

NOAA Fisheries

NWFSC NMFS

Total Catch Estimates

- Observers estimate total catch in pounds by either
  - Whole hauling (weighing everything)
  - Measure bin or codend and make a volumetric estimate
  - Visual estimate – special case if bag is not brought on board
  - Retained + discarded

Total Discard Weight

- Observers estimate total discard weight in species complexes by either
  - Whole hauling (weighing everything that is eventually discarded)
  - Bin estimates
  - Average weight of a subsample of baskets multiplied by total number of baskets
  - Total catch minus retained species (if discard cannot be held on deck for space reasons

Species Composition

- Once discard is separated into species complexes, observers
  - Sort by species
    - Weigh
    - Count
    - Determine reason for discard

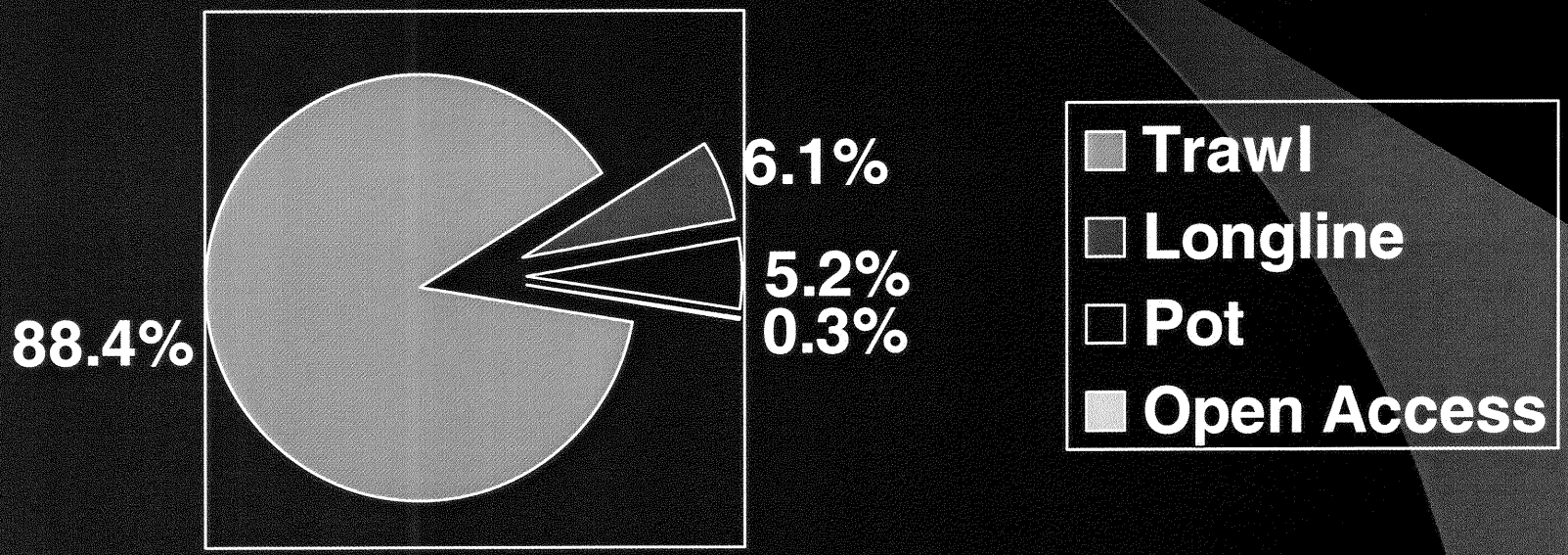
Biological Sampling

- Observers collect
  - Lengths
  - Sex
  - Otoliths
  - Scales
  - Salmon snouts
  - Pinniped snouts

Marine Mammals and Seabirds

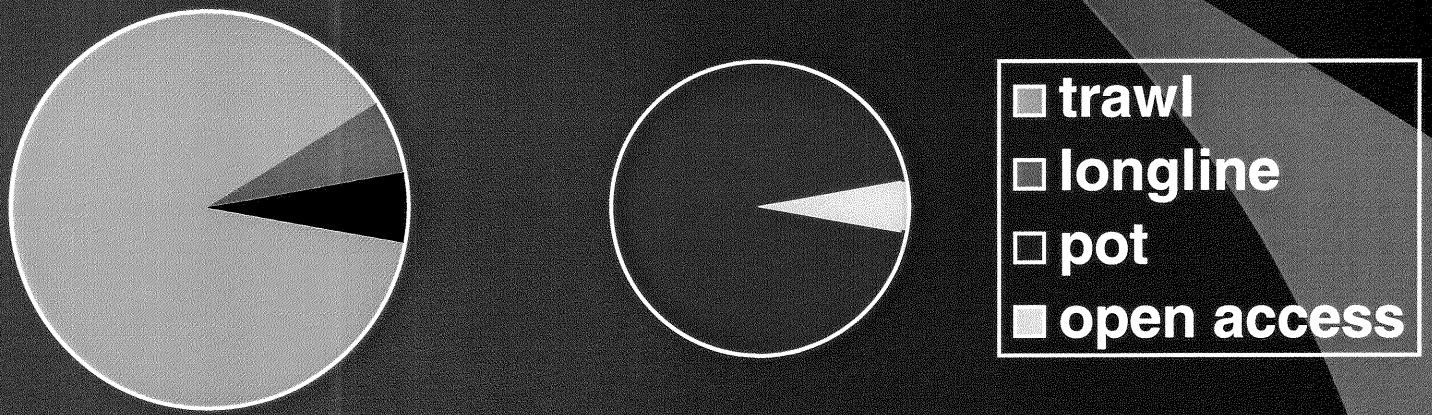
- Observers collect
  - Sighting information on all marine mammals and endangered or threatened seabirds
  - Fishery related interactions
  - Specimens from some incidental takes

Total Observer Days by Gear Type*



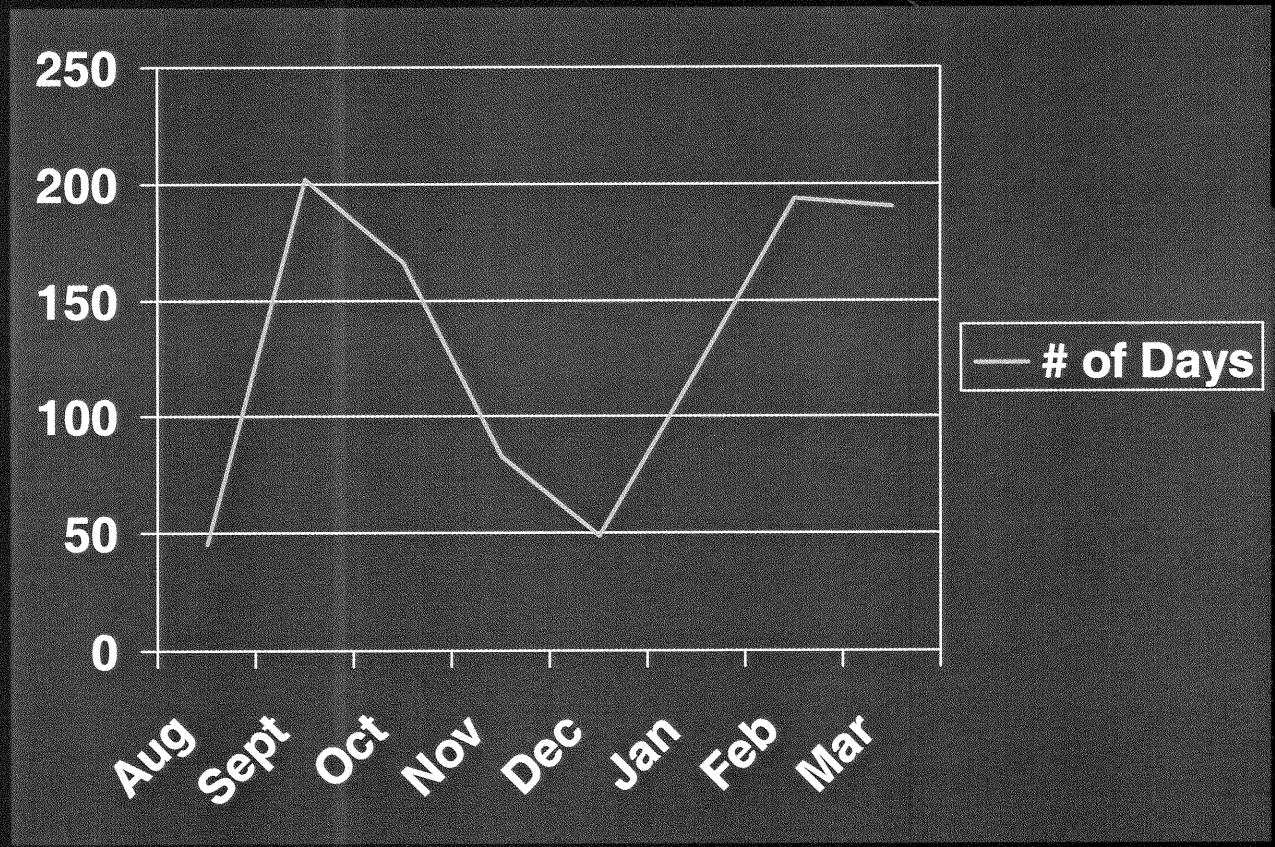
*August 15, 2001 – March 31.2002

Total Observer Days by Gear Type*



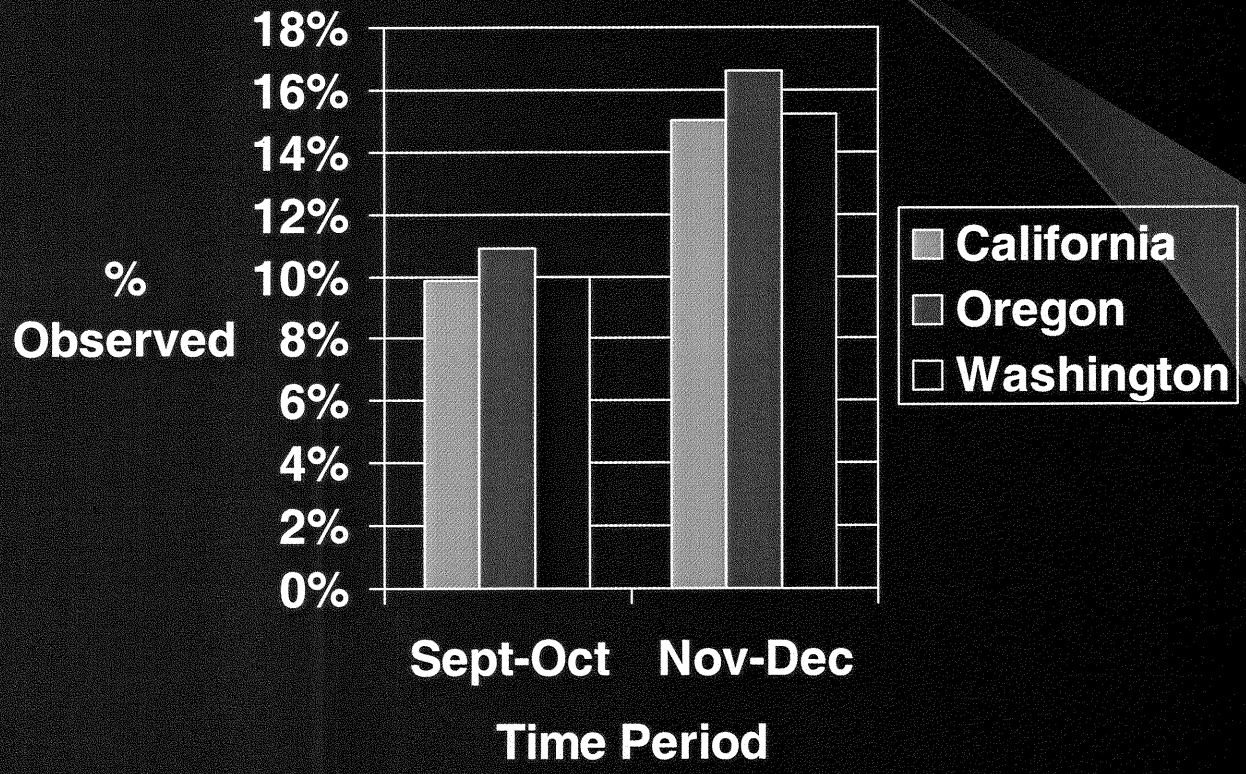
*August 15, 2001 – March 31.2002

Total Observer Days*



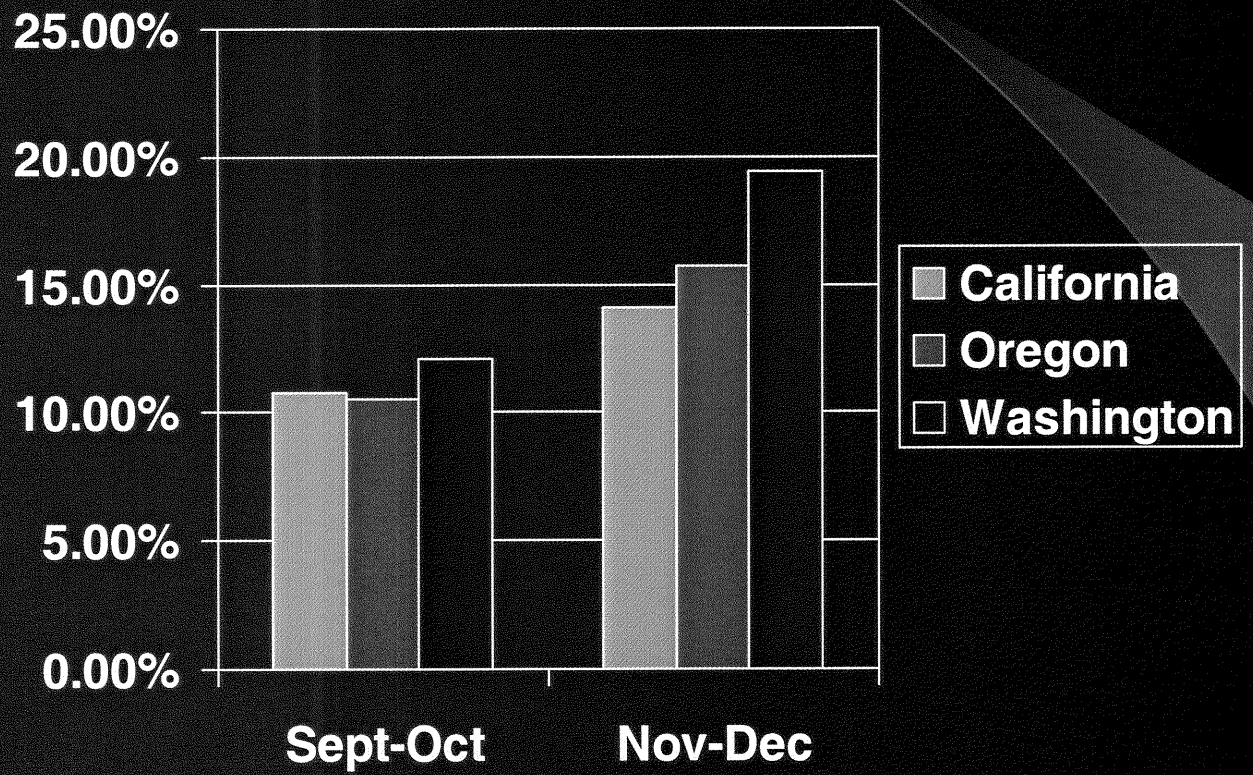
*August 15, 2001 – March 31.2002

2001 Trawl Observer Coverage by Metric Tons*



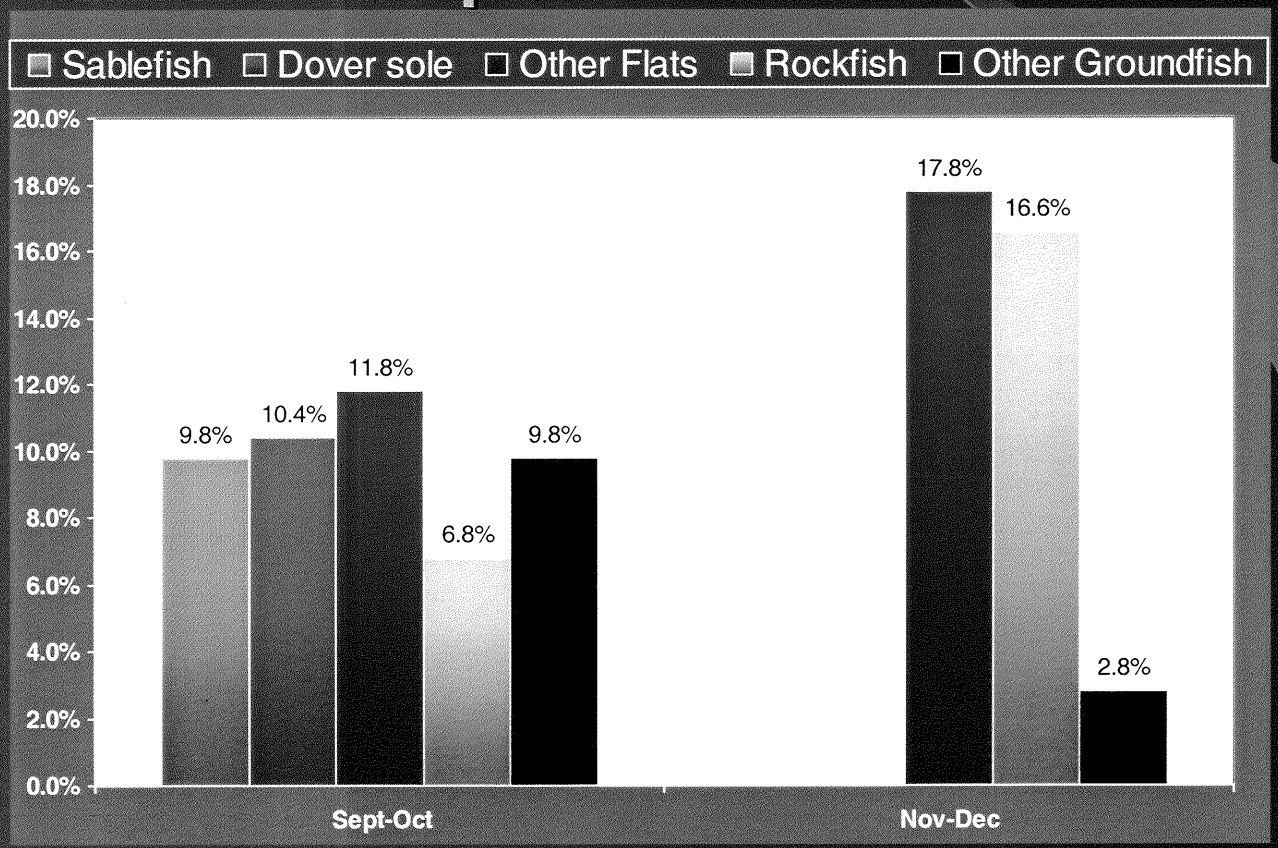
*Includes all non-whiting landings from September-December 2001

2001 Trawl Observer Coverage by Dollars Landed*



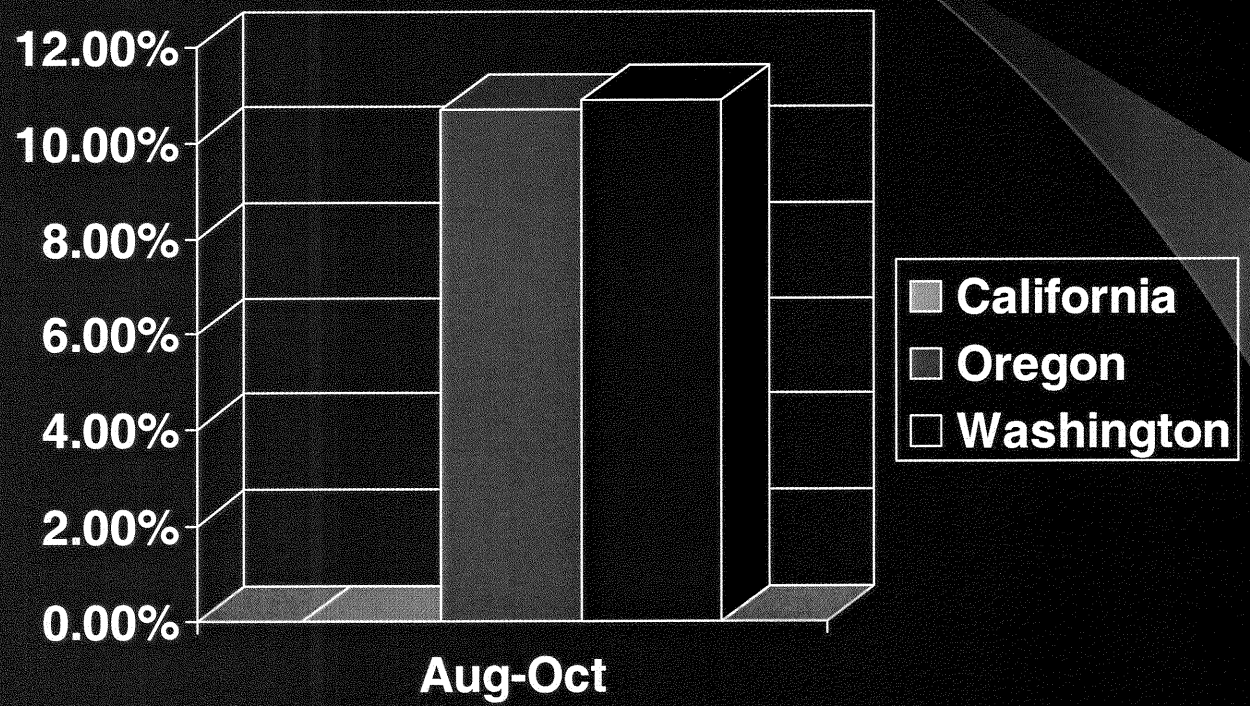
*Includes all non-whiting landings from September-December 2001

2001 Trawl Observer Coverage as percentage of Species or Species Groups Landed *



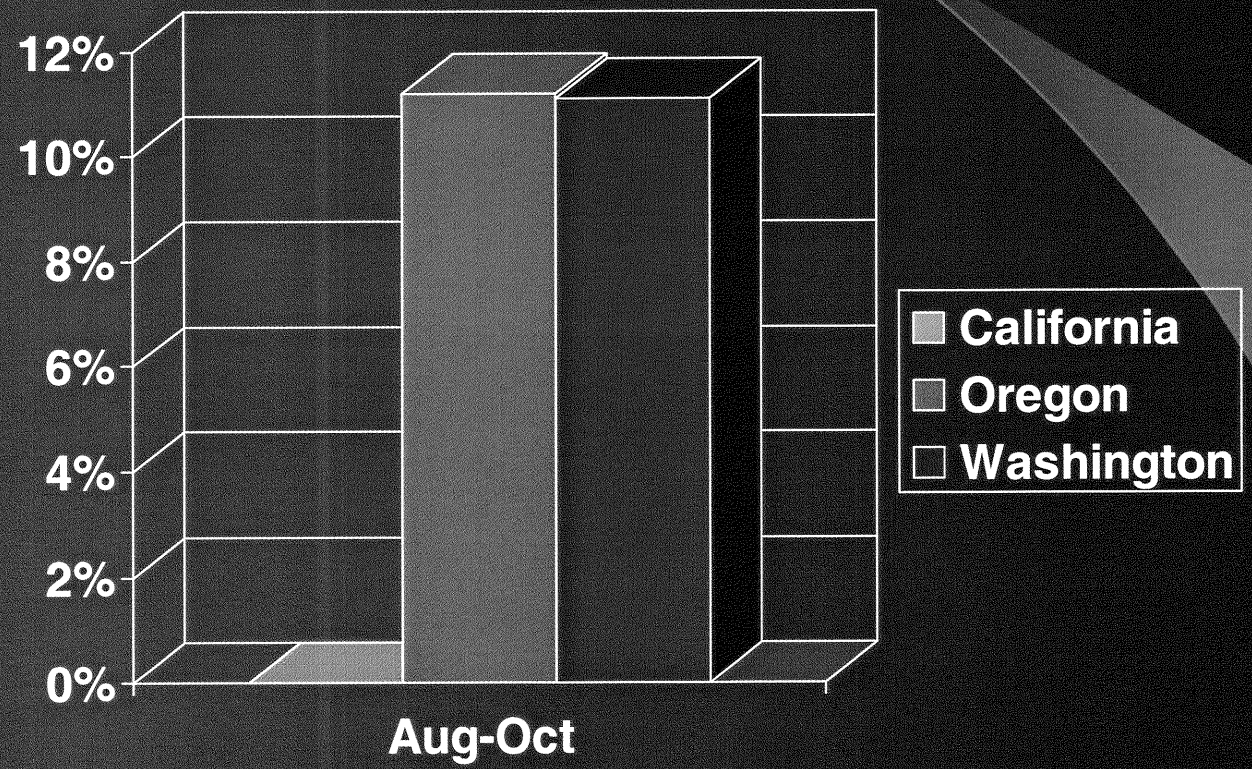
*Includes all non-whiting landings from September-December 2001

2001 Limited Entry Sablefish Coverage by Metric Tons*



*Includes limited entry sablefish landings from August 2001 – October 2001

2001 Limited Entry Sablefish Coverage by Dollars*



*Includes limited entry sablefish landings from August 2001 – October 2001

PACIFIC FISHERY MANAGEMENT COUNCIL

CHAIRMAN
Hans Radtke

7700 NE Ambassador Place, Suite 200
Portland, Oregon 97220-1384

EXECUTIVE DIRECTOR
Donald O. McIsaac

Telephone: 503-326-6352
Fax: 503-326-6831
www.pcouncil.org

April 2, 2002

Ambassador Mary Beth West
Deputy Assistant Secretary for Oceans and Fisheries
Room 7831
U.S. Department of State
Washington, DC 20520-7818

Dr. William T. Hogarth
Assistant Administrator for Fisheries
National Marine Fisheries Service
Building SSMC3, F
1315 East-West Hwy, Rm 14555
Silver Spring, MD 20910

Re: U.S./Canada Catch Sharing of Pacific Whiting

Dear Ambassador West and Dr. Hogarth:

The Pacific Fishery Management Council (Council) met on March 13, 2002 to adopt harvest specifications for Pacific whiting for 2002 West Coast groundfish fisheries. The Council and its advisory bodies reviewed the 2001 Pacific whiting stock assessment and joint U.S./Canada assessment review report. Evidence of a long-term decline in Pacific whiting abundance, including the observation of a record low abundance level in the year 2001, was presented in the stock assessment.

The joint U.S./Canada assessment review panel highlighted the increased exploitation rate on Pacific whiting in the last three years as one of the factors leading to this decline. Two factors are responsible for increased exploitation of Pacific whiting during this period: overestimated biomass in the last (1998) assessment and the setting of the coastwide total allowable biological catch (ABC) above the management target (80% of the coastwide ABC scheduled for U.S. fisheries and 30% scheduled for Canadian fisheries, for a total of 110%). The latter circumstance is primarily due to the U.S. and Canada impasse on international catch sharing of Pacific whiting. The Council urges you to re-initiate negotiations with Canadian representatives to come to agreement on a biologically-based allocation of the coastwide Pacific whiting resource. The fishing economies of both nations will measurably suffer with the collective international overharvest of Pacific whiting since this is one of the more valuable groundfish sectors on the West Coast.

Please do not hesitate to call on the resources of the Pacific Fishery Management Council for aid in developing this important international catch sharing plan for Pacific whiting.

Sincerely,

D. O. McIsaac, Ph.D.
Executive Director

PACIFIC FISHERY MANAGEMENT COUNCIL

7700 NE Ambassador Place, Suite 200
Portland, Oregon 97220-1384

CHAIRMAN
Hans Radtke

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Telephone: 503-326-6352
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March 28, 2002

Mr. Robert Lohn
Regional Administrator
National Marine Fisheries Service
Northwest Region
7600 Sand Point Way NE, Bin C15700
Seattle, WA 98115-0070

Re: Council Recommendations for 2002 Pacific Whiting Harvest Specifications

Dear Mr. Lohn:

The Pacific Fishery Management Council (Council) met on March 13, 2002 to adopt harvest specifications for Pacific whiting for 2002 West Coast groundfish fisheries. These Council-adopted specifications are forwarded as recommendations and are described below. The Council has learned of the subsequent intent to disapprove these recommendations by the National Marine Fisheries Service (NMFS). This letter documents the Council's recommendations for 2002 Pacific whiting harvest for the record.

The Council and its advisory bodies reviewed the 2001 Pacific whiting stock assessment and joint U.S.-Canada assessment review report. The Council took the advice of its Scientific and Statistical Committee and the Groundfish Management Team to adopt an $F_{40\%}$ harvest rate with the precautionary "40-10" adjustment for whiting. The major uncertainty deliberated by the Council and its advisors was the relative strength of the 1999 year class. The Council endorsed a recruitment scenario for the 1999 year class intermediate between a medium and high level of recruitment. The Council chose this recruitment level based on

- evidence in other recent groundfish and non-groundfish fisheries of a sufficiently high abundance of juvenile whiting to indicate there was a low likelihood of a low recruitment scenario,
- the relatively high socioeconomic impacts associated with dramatic reductions in Pacific whiting harvest opportunities, and
- the belief the $F_{40\%}$ harvest rate with the precautionary "40-10" adjustment was adequately precautionary given at least medium recruitment for this species with a relatively high potential productivity.

The resulting harvest levels recommended by the Council are depicted in the following table:

Harvest Specification	Council Recommendation
Coastwide Acceptable Biological Catch	229,500 mt
Coastwide Optimum Yield	190,500 mt
U.S. Acceptable Biological Catch	183,600 mt
U.S. Optimum Yield	152,400 mt

The Council also took the position of advocating resolution of international and domestic whiting allocation issues that have resulted in continued scheduling of fisheries by the U.S. and Canada to take 110% of the sustainable biological catch level. The Council will soon release a letter urging the State Department and NMFS to encourage re-initiation of negotiations with Canada to break the impasse on international catch sharing of whiting. Please let us know how we can be of assistance in this endeavor.

Finally, the Council pledges its support to help NMFS derive a scientifically-based tribal allocation formula for whiting as per the recent 9th Circuit Court of Appeals ruling.

Should you have any questions on these matters, please don't hesitate to contact me.

Sincerely,

D. O. McIsaac, Ph.D.
Executive Director

JDD:kla

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest Region
7600 Sand Point Way N.E., Bldg. 1
Seattle, WA 98115

APR 10 2002

Dr. Hans Radtke
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 200
Portland, OR

Dear Hans:

I am writing to inform you that NMFS has disapproved the Pacific Fishery Management Council (Council) recommended Pacific whiting (whiting) specifications for 2002. At its March 2002 meeting, the Council recommended that NMFS adopt a U.S.-Canada Coastwide OY of 190,500 mt with a U.S. OY of 152,400 mt (80 percent of the coastwide OY) based on a harvest rate of F40% and assuming a medium-high recruitment scenario. NMFS is implementing a U.S.-Canada Coastwide OY of 162,000 mt, with a U.S. OY of 129,600 mt, based on a harvest rate of F40% and assuming a medium recruitment scenario.

As you know, the range of alternative allowable biological catches (ABCs) and optimum yields (OYs) presented to the Council was based on three different recruitment assumptions and on three alternative harvest rates. The three whiting recruitment level assumptions represented different degrees of risk in characterizing the amount of juvenile fish entering the fishery. A low recruitment assumption was the most precautionary and represented a risk averse approach, the medium recruitment was risk neutral, and the high recruitment assumption carried more risk for a timely stock recovery.

Although the Council's Scientific and Statistical Committee (SSC) chose to forward all three recruitment assumptions to the Council, they noted that the medium recruitment assumption was the risk neutral characterization of the incoming recruits. A large amount of juvenile fish, spawned in 1999, are expected to mature and enter the fishery in the near future, however the spawning biomass is not expected to increase above 40 percent (MSY biomass level) of the unfished biomass level for several years. Any increases in the stock will depend on the biomass of juvenile fish that mature and enter the fishery as well as the harvest rates.

The Council's groundfish assessment review (STAR) panel for whiting recommended moving to a more conservative harvest rate proxy of F45%. However, the SSC did not make the same recommendation, but noted that the STAR panel recommendation was a risk-averse policy, not risk-neutral. The SSC identified the F40% rate as a risk neutral policy. While the F45% is by definition more conservative

than the F40%, neither the STAR or SSC were presented with an analysis to evaluate the suitability of the F45% harvest rate proxy.

After consulting with the Northwest fisheries Science Center, I believe that the medium recruitment assumption for the 1999 year class is the best available science. The scientists advise there is an 80% probability that the medium recruitment assumption is correct, and only a 10% probability that the high recruitment assumption is correct. The Council recommendation was based on an average of the medium recruitment assumption and the high recruitment assumption. NMFS is using the medium recruitment assumption. In the absence of a revised harvest rate analysis, I believe the F40% harvest rate proxy should remain in place. Therefore, NMFS has implemented by emergency rule, a whiting ABC based on the risk neutral medium recruitment scenario and an F40% harvest rate, which results in a U.S. ABC of 166,000 mt. The OY, the ABC with the application of the 40/10 harvest policy, is 129,600 mt. The non-tribal commercial OY for whiting is 106,920 mt (the 129,600 mt OY minus the 22,680 mt tribal allocation). As in 2001, each sector will receive a portion of the commercial OY, with the catcher/processors getting 34 percent (36,353 mt), motherships getting 24 percent (25,661 mt), and the shore-based sector getting 42 percent (44,906 mt).

Given the current biomass estimate and the uncertainty associated with the estimates of recent year class strength, a risk neutral approach, instead of one that accepts greater risk, is supported by the best available science The 2002 retrospective analysis of recruitment estimates from the 1998 assessment resulted in recruitment strengths and biomass estimates being revised downward. This suggests that future stock assessments also have a reasonable expectation of revising the estimated strength of the 1999 year class to a lower value. The STAR Panel recognized the high variance associated with forecasting recruitment and suggested caution in using the projections for forecasting future biomass levels.

The U.S. OY recommended by the Council (152,400 mt) represents a 20 percent reduction from the 2001 whiting OY, while the OY that NMFS has adopted (129,600 mt)represents a 32 percent reduction from the 2001 whiting OY. I recognize that in the short term, the reduced OY is expected to have a substantial adverse economic impact on harvesters and processors, however I believe it is necessary for the long-term health of the stock and the fishery.

OVERFISHED STATUS

This letter also serves to inform you that the whiting stock will be declared overfished with the publication of the emergency rule to implement the 2002 whiting specifications. Annually, the status

of the groundfish resources are evaluated against the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the National Standard Guidelines, and the FMP. If a particular species' biomass is less than 25 percent of the unfished biomass then the species is considered overfished.

As a result of the new whiting stock assessment, NMFS has determined that the stock biomass in 2001 was 0.7 million mt, and that the female spawning biomass was less than 20 percent of the unfished biomass. Because the overfished threshold under the FMP is 25 percent of the unfished biomass, the whiting stock was determined to be overfished in 2001 and will be again in 2002. The Magnuson-Stevens Act requires that a rebuilding plan be prepared within 1 year after the Council is notified by NMFS that a particular species is overfished.

Sincerely,

D. Robert Lohn
Administrator, Northwest Region

cc: F/SWR2 (Fougner,) GCNW (Cooney,)

GROUNDFISH ADVISORY SUBPANEL STATEMENT ON 2002 WHITING FISHERY

The Groundfish Advisory Subpanel (GAP) discussed the action taken by the Council on Pacific whiting at the March 2002 Council meeting and the anticipated action by the National Marine Fisheries Service to deny the Council's request for an emergency rule and substitute harvest levels different than those recommended by the Council.

The GAP recognizes the fiscal problems faced by the Council. Nevertheless, the GAP believes it should have had the opportunity to review proposed Council action on whiting and provide appropriate comments to the Council, including proposed harvest levels. In the future, the GAP expects to be allowed to meet prior to major Council groundfish action.

In spite of not being part of the decision process, the majority of the GAP believes the Council based its recommendation on the scientific and economic data available and the input that was provided through public comment as noted in the Council's letter to NMFS (Exhibit E.1.c Supplemental Attachment 2). The majority believes NMFS has no cause to deny the Council's recommendation for an emergency rule and substitute its own numbers. With this in mind, the majority of the GAP recommends that - if the Council's request is overturned - the Council write a follow-up letter to the Under Secretary of Commerce protesting the action taken by NMFS.

A minority of the GAP believes the Council actions on whiting were not cautious enough, and lower levels of harvest should have been recommended.

PFMC
04/09/02

West Coast Seafood Processors Association
P.O. Box 1477, Portland, OR 97207
503-227-5076 / 503-227-0237 (fax)
email: seafood@attglobal.net

Serving the shore based seafood processing industry in California, Oregon and Washington

March 16, 2002

Dr. Hans Radtke
Chairman
Pacific Fishery Management Council
7700 NE Ambassador Pl., Ste. 200
Portland, OR 97220-1384

Dear Hans:

I am writing to express concern about an action taken by the Council at the meeting this week in Sacramento.

On Thursday, after the Pacific whiting agenda had been completed and most of those interested in the issue (including the GAP member who represents at-sea processors) had already left, the Council - without prior notice or opportunity for advisory group input or public comment - made a decision to write a letter to the Department of Commerce urging that talks be re-initiated with Canada on international allocation of Pacific whiting.

My concern is not so much with the action taken - although the experience of the U.S. fishing industry with allocation talks with Canada has been less than positive - but rather the way in which it was taken: no notice, no public comment. Given that the procedural actions of regional fishery management councils and NMFS have been successfully challenged in court by environmental groups, thus creating a horrendous workload for NMFS, the Councils, Council staff, and advisory bodies, I do not believe it appropriate for the Council to act in such an extemporaneous manner.

I hope in the future that the Council will be more deliberate in its actions and especially ensure that its advisory bodies are permitted the opportunity to perform the task for which they are appointed. Thank you for attention to my concerns.

Sincerely,

Rod Moore, Chairman
Groundfish Advisory Subpanel

RECEIVED
MAR 2 5 2002
PFMC

NRDC
THE EARTH'S BEST DEFENSE

The Ocean Conservancy

VIA FACSIMILE (206) 526-6426

March 19, 2002

Mr. Bill Robinson
National Marine Fisheries Service
7600 Sand Point Way NE
Seattle, WA 98115
Re: Council decision on Pacific whiting

Dear Mr. Robinson:

We are writing on behalf of the Natural Resources Defense Council with a half million members, and The Ocean Conservancy with over 900,000 members and volunteers. We urge the National Marine Fisheries Service to disapprove the Pacific Fishery Management Council's decision to set the harvest policy for Coastal Pacific hake/whiting populations at $F_{40\%}$, with a medium-high 1999 year-class recruitment. Instead, we urge NMFS to adopt a harvest policy at $F_{45\%}$ with a 40-10 rule and a low to medium 1999 year-class recruitment.

In a letter dated March 8, 2002 we expressed our concern about the status of the coastal Pacific whiting population and urged the PFMC to set the optimum yield (OY) conservatively, consistent with the findings of the Council's Stock Assessment Review (STAR) Panel and the Canadian Pacific Scientific Advice Review Committee (PSARC). The Joint Panel report found that 2001 mature female biomass is an estimated 20% of the unfished level, which puts this population in the overfished category. Furthermore, the Joint STAR and PSARC Panel concluded that the $F_{45\%}$ policy along with the 40-10 rule is the most appropriate for this stock. A yield range for 2002 would be bounded by the low and medium 1999 year-class recruitment.

The report of the Joint Canada-USA Review Panel on the Stock Assessment of the Coastal Pacific Hake/Whiting Stock (Hesler et al 2002) identified several reasons to adopt a risk-averse approach in setting catch levels for 2002, including that:

- population biomass estimates show a continuous decline since 1987, with the 2001 level the lowest ever observed;
- the 2002 population consists largely (63% by weight) of 3-year-old fish, only two thirds of which are sexually mature;
- over the past three years, exploitation rates have exceeded the levels of the Council's 40-10 policy, which was designed to apply precautionary brakes to the fishing rate as biomass declines so as to avoid ever reaching overfished status.

We believe that the best available science argues for a risk-adverse approach, consistent with the Joint STAR and PSARC Panel. The PFMC's Scientific and Statistical Committee did not take a position on

what the harvest policy should be other than to note that risk neutral advice for whiting would consist of the current default $F_{40\%}$ harvest rate and a yield estimate consistent with the "medium" 1999 year-class recruitment. The SSC's risk-neutral recommendation is consistent with their view that decision makers (e.g. NMFS and the Council), not scientific advisors, should determine the appropriate level of caution to incorporate. The PFMC then chose a risk-prone harvest policy, further exacerbated by the use of a risk-prone assumption about 1999 year-class recruitment. The Joint STAR and PSARC Panel's conclusions, along with consideration of the negative consequences of potentially allowing yet another groundfish population to become deeply depleted, argue strongly that NMFS should choose an $F_{45\%}$ policy along with the 40-10 rule and a medium to low 1999 year-class recruitment.

According to the joint panel report, the uncertainty in the stock assessment is substantial since so much of the biomass is present in a single, young year class that is near the limit of detectability of the survey. Under these conditions, it is highly risky to design a 2002 fishery that will rely heavily on this 1999 year class. In addition, since long-term yields would be increased if these young fish were allowed to grow and spawn prior to being caught, the only prudent course of action is to reduce mortality over the next few years and allow the 1999 year class to reproduce and rebuild the stock.

Another important reason to follow the STAR and PSARC Panel recommendations is the potential adverse effect on the ocean ecosystem of depleting the whiting population, since these fish are a favorite prey for seals, porpoises and small whales, and are eaten by swordfish, sharks, halibut, lingcod and many other creatures including some seabirds.

It is clearly too late to avoid a classification as overfished. It certainly is not too late to reverse the declining trend in this fishery and begin to rebuild the population. As the PFMC's Groundfish Management Team (GMT) noted in their recommendations for Pacific Whiting Allowable Biological Catch, OY, and Allocations, OYs at the upper end of the identified range increase the risk of not being able to rebuild the stock to $B_{40\%}$ within 10 years, particularly if below-average recruitments occur over the next several years. The GMT report further states that several low recruitments during this period, combined with an aggressive short-term harvest policy, could jeopardize the ability to rebuild in a timely manner without imposing future reductions in yields.

We respectfully recommend that NMFS take the following steps:

First, we ask NMFS to identify this fishery as overfished immediately, as called for in the Magnuson-Stevens Act. Specifically, the Act states: "If the Secretary determines at any time that a fishery is overfished, the Secretary shall *immediately* notify the appropriate Council and request that action be taken to end overfishing in the fishery and to implement conservation and management measures to rebuild affected stocks of fish." (16 U.S.C. 1854, Section 304(e), emphasis added.)

Second, we ask NMFS to set the OY designed to begin rebuilding the whiting population, using an $F_{45\%}$ policy along with the 40-10 rule, with conservative assumptions about 1999 year-class recruitment. Third, NMFS should take appropriate steps to negotiate an agreement between the U.S. and Canada that restricts their actual combined catch to 100% of the OY, rather than the 110% or more of the management target that has routinely occurred in the past. We understand this has not been a problem in the past two years due to the distribution of the whiting population. That makes this an opportune time to resolve the problem so it does not reoccur as soon as ocean conditions change.

The expectation that substantial catch cuts can be avoided this year by relying on a hope of future improvement seems particularly unfounded given the trend of modest recruitments and the steady decline in Pacific whiting biomass over the past fifteen years. We are optimistic that adherence to the joint panel's recommendations could rebuild this productive species fairly quickly, or at the very least avoid a more intractable problem. Please promptly disapprove the PFMC decision on Pacific whiting, identify whiting as overfished, and adopt the recommendations of the Joint STAR and PSARC Panel.

We appreciate the opportunity to comment.

Sincerely,

Karen Garrison
Co-Director, NRDC Ocean Initiative

Mark Powell
Fish Conservation Director, TOC

CC: Dr. Don McIsaac
Dr. Elizabeth Clarke

Exhibit E.1
Attachment 1
April 2002

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, Maryland 20910

THE DIRECTOR

MAR - 5 2002

Dr. Donald McIsaac
Executive Director
Pacific Fishery Management Council
7700 NE Ambassador Place
Portland, Oregon 97220

Dear Mr. Don McIsaac:

I have directed that the National Marine Fisheries Service (NMFS) Regions and Headquarters staff continue its work of assessing levels of fish harvesting capacity in Federally-managed fisheries, as explained in more detail in the enclosed memorandum to the NMFS Regional Administrators and Science Center Directors. Because the capacity initiative has obvious implications for the Councils, I wanted to inform you as soon as possible of our plans for dealing with this issue.

As you are aware, NMFS has been engaged in a project to measure fish harvest capacity in Federally-managed fisheries for three years, and I believe that we have made important progress. Most notably, we have prepared a report based on qualitative indicators of capacity in Federally-managed fisheries and convened a panel of experts who endorsed our efforts and provided guidance on the next steps of this project.

Specifically, I have directed NMFS economists to prepare estimates of excess capacity (fleet able to produce more than current harvest level) in Federally-managed fisheries during FY 2002. Subsequently, we will develop estimates of overcapacity during FY 2003. The experts' report defines overcapacity to be a condition in which a boat or fleet's capacity output exceeds the productivity of a fishery resource or is above a desired reference point. In addition, I have asked NMFS staff to continue to explore approaches to provide estimates for the recreational sector. Our long-term goal is to develop methodologies that will incorporate recreational participation into the metrics.

With this information, NMFS will be able to meet certain international reporting obligations, and, more important, help the Councils on a number of key management issues. These management issues include dealing with excess capacity and overfishing, selecting fisheries for buybacks, and, when the moratorium lapses, work with the Councils on selecting those fisheries appropriate for developing new individual fishing quota programs.

As the agency moves forward with this project, I have instructed my staff to work closely with the Councils. As one example, NMFS will be organizing workshops to determine target reference points for the various Federally-managed fisheries. These reference points will be utilized in assessing levels of overcapacity in these fisheries. Hopefully, Council staff will participate at these workshops to provide input for fisheries under their respective jurisdiction. If you have any further questions or comments on this initiative, please contact John H. Dunnigan, Director, Office of Sustainable Fisheries at 301-713-2334.

Sincerely,

Bill

William T. Hogarth , Ph.D.
Assistant Administrator
for Fisheries

Enclosure

National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, MD 20910

THE DIRECTOR

MAR - 5 2002

MEMORANDUM FOR: Regional Administrators
Science Center Directors

FROM: William T. Hogarth, Ph.D.

SUBJECT: Quantitative Estimates of Fish Harvesting Capacity

Since the Expert Panel has confirmed that our approach to the fish harvesting capacity program is appropriate (see attached report), I have decided to continue with the project to quantitatively estimate excess and overcapacity in Federally-managed fisheries. This work will be completed in two phases.

In the first phase, each regional economics program will provide quantitative estimates of excess capacity (fleet able to produce more than current harvest level) in the Federally-managed fisheries under their jurisdiction by the end of June, 2002. This is a continuation of the estimation program placed on hold in January 2001 pending a peer review of the theory and proposed measurement techniques.

I have decided to fund a contractor to work with Regional Office and Fishery Science Center staffs in preparing their capacity estimates. The contractor will aid in selecting the appropriate software to estimate capacity and assist the regional economist in using the software. This includes, as determined by each region, advising the regional economist in assembling the relevant variables for use in the program, summarizing this data into the appropriate format after the regional economist collects it, answering questions about using the software or in conducting the analysis, and in interpreting the analytical results. If the services of the contractor are required, please contact Jack Dunnigan, Director, Office of Sustainable Fisheries at 301-713-2334.

As recommended in the Expert Panel Report, the second phase of the capacity estimation program will concentrate on developing estimates of overcapacity. The Report defines overcapacity to be a condition in which a boat or fleet's capacity output exceeds the productivity of a fishery resource or is above a desired reference point. Since "off the shelf" software does not exist to produce these estimates, I have asked Dr. Michael Sissenwine to make John Walden available so that he can adapt his excess capacity estimation model using GAMS (General Algebraic Modeling System) software to include measures of overcapacity. While other appropriate methodologies can be developed and used by the regions, this GAMS computer program will be made available to regional economics programs, if they so desire, to estimate overcapacity in each of their Federally-managed fisheries for which they have jurisdiction by June 2003.

THE ASSISTANT ADMINISTRATOR
FOR FISHERIES

If requested, the contractor will be made available to assist the National Marine Fisheries Service (NMFS) staff in preparing their estimates of overcapacity. A training workshop on the GAMS DEA (Data Envelopment Analysis) computer program will be held in Silver Spring Maryland by the contractor assisted by John Walden, if deemed necessary by the regional economists. In addition, the contractor will provide assistance to NMFS economists in developing overcapacity estimates once the training workshop is completed. While not responsible for preparing the estimates, the contractor will be available to assist in data selection, formatting, resolving software problems, and interpreting results on an as needed basis by the regional economists.

Four regional workshops co-hosted by the Offices of Sustainable Fisheries and Science and Technology will be held in locations to be determined in the northeast, Southeast, Southwest, and Northwest/Alaskan Regions. These multi-disciplinary workshops will consist of fishery scientists in the fields of biology, economics, sociology, and anthropology from Fishery Management Councils and NMFS. The objective of each regional workshop is to translate the Fishery Management Council biological reference points into measures that can be used to estimate overcapacity. These biological reference points should be related to the objectives listed in existing fishery management plans for each fishery.

Finally, I have decided that NMFS will continue to explore approaches to provide estimates for the recreational sector. I realize that developing the underlying theory and measurement techniques will require a great deal of additional research.

However, a comprehensive assessment of capacity for our Federally-managed fisheries must consider recreational participation. Therefore, I am directing the Offices of Sustainable Fisheries and Science and Technology to continue investigating methodologies that would incorporate recreational participation into the metrics.

This analytical work on capacity should help the agency do a better job dealing with a variety of international and domestic initiatives. When the above tasks are completed, we will have established the foundation to develop a national plan of action on the management of fishing capacity, a commitment made in the NMFS sponsored 1999 United Nations Food and Agriculture Organization's International Plan of Action. More important, this analytical work will help the agency and the Regional Fishery Management Councils better address some key domestic mandates and objectives, such as reducing excess capacity and overfishing, targeting public funds for buybacks, and developing new management programs.

In summary, I believe we have made a good deal of progress in the capacity initiative over the last few years. The activities outlined in this memorandum should enable the agency to develop and refine the tools and estimates that will provide information for a number of major management issues.

Report

of the

Expert Group on Fish Harvesting Capacity

June 2001

Final Report to the National Oceanic and Atmospheric Administration on Contract # 40-AA-NF-109717.

NMFS REPORT ON GROUNDFISH MANAGEMENT

Situation: The National Marine Fisheries Service (NMFS) will briefly report on recent developments relevant to the West Coast groundfish fishery. These discussion topics include updates on the Marine Recreational Fisheries Statistics Survey (MRFSS), the Groundfish Observer Program, the 2002 Pacific whiting decision, and other issues of interest to the Council.

Council Task:

1. Receive information for discussion.

Reference Materials:

1. Exhibit E.1.e, Public Comment.

Agenda Order:

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

Groundfish Fishery Strategic Plan (GFSP) Consistency Analysis

This agenda item is not expected to require Council decision making that raises issues of consistency with the GFSP.

PFMC
03/26/02

Supplemental Reference Materials

2. Exhibit E.1.c, Supplemental Attachment 2,
3. Exhibit E.1.c, Supplemental Attachment 1,
4. Exhibit E.1.d, Supplemental GAP Report.

TRAWL PERMIT STACKING WORK GROUP REPORT

The Ad Hoc Trawl Permit Stacking Work Group met February 26, 2002. The Work Group:

(1) Developed a draft problem statement and goals and objectives.
(2) Identified major alternatives that should be considered as part of the analytical package.
(3) Agreed on a number of key provisions for the trawl permit stacking program.
(4) Requested analysis on the effect of various implementations of trawl permit stacking on vessel cumulative limits.
(5) Identified a number of key trade-off considerations that should be taken into account in developing permit stacking options.
(6) Planned its next meeting for fall of 2002.

Attached to this report is the beginnings of the analytical package which will support consideration of whether or not a trawl permit stacking should be recommended. The attachment includes the draft problem statement, goals and objectives, a listing of the major alternatives for analysis, and key elements for a permit stacking program. The Work Group identified the 2004 season as the earliest season for which a permit stacking program could be implemented.

Summary of Main Requests for Council Guidance and Work Group Recommendation

The Work Group requests Council guidance on:

1. The degree to which the Work Group should develop the major alternatives to permit stacking (e.g. an individual fishing quota *program).*
2. *The appropriateness of the draft problems statement, goals and objectives.*

Work Group recommendation:

Even though work has begun on developing a trawl permit stacking alternative, the Work Group believes the Council should continue to support a trawl permit buyback program as the first priority for addressing overcapacity in the trawl fleet.

Major Alternatives for Consideration

The Council charged the Work Group with developing several options for Council consideration, including an individual quota program. The following are the major alternatives the Work Group believes should be addressed in the analysis:

- Status Quo (Continue Current Management Structure)
- Buyback
- Trawl Permit Stacking
- Individual Quotas
- Fleet Reduction by Requiring Requalification for Permits Based on Landings

Request for Council Guidance: *The Work Group is uncertain about the degree to which it should develop alternatives for individual quotas or requalification for permits. In addition to the Work Group time required to fully develop these major alternatives, a substantial amount of analytical support would be required.*

Individual Quotas. *Some of the issues requiring detailed deliberation include:*

Initial allocation
Individual quota divisibility, separability, and transferability
Minimizing incentives for discard
Tracking the transfer of individual quotas
Monitoring landings and field enforcement

Requalification for Permits. *Some of the issues requiring detailed deliberation include:*

History to be used for requalification (permit, vessel, owner, other)
Specific levels of participation required for requalification
Time period to be used for requalification

In developing the alternatives, the Council also charged the Work Group with considering the relation between buyback programs and trawl permit stacking. Permit stacking may dilute the effect of a buyback program and may increase the costs of such a program.

Work Group Recomendation: *The Work Group believes that a trawl buyback program should continue to be the first priority alternative for reduction of trawl fleet capacity.*

Draft Problem Statement

The draft problem statement is provided in the attachment to this report. The statement is based on the strategic plan problem statement pertaining to overcapacity. Elements of the problem statement not pertaining to trawl fixed gear were eliminated. Additional detail was provided on the stresses created in the harvest sector, processing sector, and communities.

Draft Goals and Objectives

The draft goals and objectives are provided in the attachment to this report. The draft goal is the first part of the goal related to capacity reduction, as adopted in the strategic plan. Objectives were derived from the problem statement.

Main Provisions for a Trawl Permit Stacking Program

There was agreement in the Work Group on all features of the permit stacking alternative except for (1) the basis for, and amount of, credit that should be provided for stacked permits; and (2) whether the length endorsement on stacked permits would need to be in line with the length of the vessel. The agreed upon features are detailed in the attachment to this report. The Work Group would recommend that stacked permits be required to have a length endorsement appropriate for the vessel only if a full limit is provided for the stacked permit (see discussion below on “full” and “partial” limits).

The Work Group considered but rejected recommendation of options for a number of elements that were considered as part of the fixed gear sablefish permit stacking program. The Work Group noted that each of the following provisions (except the last) would impose restrictions that extend beyond those necessary to implement a trawl permit stacking program and would directly affect the activities of holders of permits that do not choose to stack permits (as well as those choosing to stack permits).

Limits on the Number of Permits That May Be Owned

The Work Group recommends the Council continue to rely on the approach of the Amendment 6 limited entry program: i.e., depend on antitrust measures to prevent excessive aggregation of permit ownership.

Limits on Entry to At-Sea Processing

This provision of the fixed gear sablefish program was intended to provide provide some relief for processors that would be adversely affected by stacking. However, it goes beyond the provisions needed to achieve trawl permit stacking program. It imposes a **direct** restriction on the activities of holders of permits that do not choose to stack (as well as those choosing to stack). The Work Group did not want to take up this ancillary issue at this time.

Owner-on-Board Requirements

The owner-on-board provision for fixed gear sablefish vessels was believed to be needed in order to maintain an important social characteristic of the fleet: the owner-operated vessel. Representatives of the trawl fishery on the Work Group did not believe this characteristic to be as important for the trawl fleet.

U.S. Citizenship Requirements

The Work Group recommends the Council continue to rely on the approach of the Amendment 6 limited entry program: i.e., require that only persons eligible to own U.S. fishing vessels be allowed to own a fixed gear limited entry permit.

Advance Notice of Intent to Land

Trawlers land fish at fewer locations than fixed gear sablefish vessels and believe the locations at which they land are adequately monitored. Fixed gear sablefish vessels, particularly smaller vessels, have greater locational flexibility in landing fish than do trawl vessels. Therefore, an advance notice of intent to land may be less relevant for the trawl fishery than it was for the fixed gear sablefish fishery.

Declaration of Intent to Stack

The purpose of the declaration of intent to stack provision would be to help managers anticipate expected harvest levels and appropriately adjust trip limits before the start of the fishing year or in advance of the start of a cumulative limit period. The Work Group rejected this option because in order for the information to be useful in setting the annual specifications it would likely need to be provided almost a year in advance of the fishing year.

Amount of the Additional Cumulative Limits to be Provided for Stacked Permits

The element of the trawl stacking program that is likely to be most controversial is the amount of the additional cumulative limit to be provided for stacked permits.

The following were identified as possible options for the amount of the additional cumulative limit that would be provided when a permit is stacked.

Option 1. Full cumulative limit
Option 2. Partial cumulative limit based on
- Suboption 2a. A fixed proportion of the total cumulative limit (adjustable over time).
- Suboption 2b. A relationship between permit length and the amount of the cumulative limit.
- Suboption 2c. catch history (different partial limits for different permits depending on associated catch history).

Other options suggested included dividing the permits into subgroups depending on whether the associated vessel was a full-time or part-time participant in the groundfish fishery and on the associated vessel's target fisheries.

In discerning between these options there are two types of limits of concern:

Base Limit: The limit associated with a permit that has not been stacked.
Stacked Limit: The limited associated with a permit that has been stacked.

Under the "full limit" option, the "base limit" and the "stacked limit" would be the same. Under the "partial limit" option, the vessel would have a "base limit" associated with a permit with a size endorsement appropriate for the vessel. Additionally, the vessel would have a "stacked limit" for each additional permit stacked on the vessel. The "stacked limit" would be less than the "base limit." In evaluating options, the following are some of the key trade-offs to be considered.

Key Trade-off 1

When a permit is stacked, if the harvest of a species or species group taken under the permit is greater than the harvest of the species or species group taken under the permit prior to the time it was stacked, the cumulative limit for that species or species group will need to be reduced in order to keep the fleet within the annual harvest (within the optimum yield [OY]).

Under the "full limit" option, it is expected the cumulative limits for all permits would decline as a result of permit stacking. Under the "partial limit" option there may be some opportunity to maintain base limits at levels similar to what they would be without permit stacking.

Key Trade-off 2

If permits are allowed to move between segments of the groundfish fishery, there will be more opportunity for the erosion of base limits in the segments to which permits are moved.

This trade-off is a variation on the first trade-off identified. One concern about the stacking of permits is the potential transfer of effort from one segment of the fishery to another segment, for example, the stacking of a permit used in the nearshore trawl fishery onto a permit mainly used in the Dover sole/ thornyhead/trawl-caught sablefish complex (DTS) fishery. In this situation, the only way to prevent the erosion of the base limit in the DTS fishery would be to provide no additional DTS cumulative limit for the stacked permit. If prevention of such transfers is desirable, then consideration of some kind of a species group endorsement might be appropriate.

Key Trade-off 3:

The smaller the cumulative limit for a stacked permit (relative to an unstacked permit or "base permit") the less likely it is that stacking will occur.

Smaller limits for a stacked permits will result in less permit stacking than would be expected if full limits were provided for stacked permits. Smaller limits may make it less likely that vessels stacking permits will outbid vessels using the permit as a "base" permit.

Next Meeting Planned for Fall 2002

Due to workload considerations, the Work Group does not intend to meet again until next fall, at which time additional information will be available to continue with development of the permit stacking alternative.

Draft Regulatory Package for Trawl Permit Stacking
March 21, 2002

Abstract

1.0 Introduction

1.1 Organization of This Document

This is a draft document which when developed in its entirety will fulfill numerous analytical requirements associated with actions taken under the Magnuson-Stevens Act. In addition to the requirements of the Magnuson-Stevens Act, this document will meet analytical requirements of the National Environmental Policy Act (NEPA), Executive Order 12866, the Regulatory Flexibility Act and other applicable laws.

[INSERT REMAINDER OF DESCRIPTION WHEN DOCUMENT IS FINALIZED FOR PUBLIC REVIEW]

1.2 Purpose and Need

1.2.1 Problem for Resolution

The following is the problem statement on overcapacity contained in the strategic plan. A number of deletions and insertions are recommended in order to adapt this problem statement to the specifics of a permit stacking program. Deleted text is struck through and insertions are underlined.

Overcapacity in the groundfish fishery is at the base of many other problems in the fishery. Overcapitalization often drives fisheries management choices and undermines the effectiveness of management changes. The groundfish fishery has been managed for many years with trip limits and cumulative period landing limits in order to allow the fishery to operate year round. Year-round fishing opportunity is important to the maintenance of processing plants and related jobs in coastal communities. To reduce management-induced discards, trip limits have been replaced by cumulative period landings limits with the time periods for the limits increasing over time. As OYs have declined, so have the cumulative landing limits. With lower landing limits and higher gear efficiency, the opportunities for discards have increased. Small landing limits are reallocative (shifting harvest from larger to smaller producers) and exacerbate the economic inefficiencies resulting from too many boats chasing too few fish.

In addition to the discard, wastage, reallocation, and efficiency problems growing out of reduced landing limits, the fleet is suffering economically from reduced income that has resulted from declines in total harvests. The economic survival problem would be lessened if the per pound exvessel value had increased commensurate with the decrease in total landings or if efficiency gains were enough to compensate for reductions in gross revenues. However, neither has been the case. Low profit levels are leading to deferred investment in vessel maintenance and needed safety gear, resulting in increasingly hazardous conditions in an already hazardous occupation. Impacts of reduced harvest levels are not limited to the harvest sector. As a result of reduced product volume processors and wholesalers are finding their share of the market diminishing. Their diminished place in the market makes it more difficult for them to move pulses of fish that come through when trawlers make large landings. This difficulty ultimately translates to reduced exprocessor and wholesale prices.

According to the Scientific and Statistical Committee (SSC): “The 1994 limited entry program was not sufficiently restrictive to address the overcapitalization that existed at the time of the program’s inception. Moreover, the gap between harvest capacity and groundfish OYs that existed in 1994 has widened as stocks continue their downward decline, new scientific information has become available clarifying the extent and gravity of this decline, and OYs have been reduced to unprecedented low levels.”

Due to political, economic, and biological complexities of West Coast groundfish management, there has been little progress in reducing harvest capacity. These complexities have stalled efforts to develop an industry-funded buyback program for the limited entry trawl fishery

Reducing capacity in the fishery is fundamentally necessary to reducing overfishing, minimizing bycatch and improving the economic outlook for the West Coast fishing industry. Capacity reduction should not be seen as just another type of management measure. Capacity reduction must be a key element of any plan to ensure management effectiveness and economic viability of the West Coast groundfish fishery. Without significant groundfish capacity reduction, the Council will continue to find it difficult, if not impossible, to achieve many of the conservation and economic objectives of the groundfish fishery management plan.

1.2.2 Goal and Objectives

Goal

The following goal for the trawl permit stacking is taken from the first two sentences of the strategic plan goal for capacity reduction.

> To have a level of harvest capacity in the fishery that is appropriate for a sustainable harvest and low discard rates, and which results in a fishery that is diverse, stable, and profitable. This reduced capacity should lead to more effective management for many other fishery problems.

Objectives for Permit Stacking

- Increase Economic Efficiency of the Trawl Fleet.
- Increase Economic Viability of Groundfish Trawlers After Program is Implemented.
- Reduce Management Induced Discards in the Trawl Fishery to Facilitate Better Assessment of Total Mortality and Reduce Economic Wastage.
- Reduce Incidental Harvest of Stocks Being Rebuilt.
- Increase Operational Flexibility.
- Meet Processor, Market and Community Needs for Product Flow from Groundfish.

2.0 Alternatives

All reasonable alternatives need to be addressed in the analytical documents. Rationale should be provided for any alternative that addresses the need for action but is not given detailed consideration.

2.1 Alternatives Considered In This Analysis

Status Quo (Continue Current Management Structure)

Description to be developed.

Buyback

Details to be specified.

Trawl Permit Stacking

Provision 1: Basic Stacking

Participants in the limited entry trawl fishery would be allowed to register multiple trawl endorsed permits for a single vessel (allowed to stack permits). The vessel would have to have at least one trawl permit with a length endorsement appropriate for the size of the vessel, the base permit. The vessel could stack a permit with any size length endorsement.

There would be two types of cumulative limits:

Base Limit	The limit associated with a permit that has not been stacked.
Stacked Limit	The limited associated with a permit that has been stacked.

The vessel would be able to land a base limit for the base permit plus additional stacked limits for each stacked permits.

Provision 2: The Stacked Limits

For each additional stacked permit a vessel would be able to land:

Option 1. A full cumulative limit (the base limit).
Option 2. A partial cumulative limit.

However, for some species the Council may consider not providing additional cumulative limits when permits are stacked. The partial cumulative limit could be based on:

Suboption 2a. A fixed proportion of the total cumulative limit (adjustable over time).
Suboption 2b. A relationship between permit length and the amount of the cumulative limit.
Suboption 2c. Catch history (different partial limits for different permits depending on associated catch history).

Provision 3: Stacked Permits May be Unstacked

Unstacked permits would take their original (prestacked) form with respect to the size endorsement on the permit and other features of the permit. A stacked permit could be unstacked and placed on another vessel, serving as the base permit for that vessel. This flexibility will encourage stacking but any reduction in capacity resulting from permit stacking would not be permanent.

Provision 4: Limits on Permit Transfers

Permits could be transferred any time but only one time per calendar year. Transfers would become effective at the start of the subsequent cumulative limit period.

The limited entry program currently restricts permit transfers to one transfer per calendar year. Increasing the number of transfers to more than once per calendar year would encourage more intense use of the permit, particularly in the context of permit stacking. A vessel out of the groundfish fishery for a short period for maintenance or to take part in other fisheries time might lease its permit to another vessel for the duration of its absence from the fishery. This increase in use of the permit would result in a reduction in the base cumulative limits.

Making permit transfers effective at the start of the subsequent cumulative limit period is intended to simplify the monitoring of landings. This provision means that only one vessel would be able to fish on a permit during any cumulative limit period.

Provisions Rejected

Unlike the fixed gear sablefish stacking program, the proposed program for the stacking of trawl permits would not impose limits on the number of permits stacked on a single vessel or the number of permits owned by one entity. Limits on the number of permits stacked was rejected because with partial limits, vessels may need to stack a substantial number of permits in order to achieve a reasonable economically viable harvest level. Limits on the number of permits owned by a single entity was rejected, because of the complexity of such limits and the trawl industry representatives belief the control rule relied on for Amendment 6 (antitrust law) is sufficient.

Individual Quotas

Details to be developed (guidance from the Council requested).

Fleet Reduction by Requiring Requalification for Permits Based on Landings

Details to be developed (guidance from the Council requested).

2.2 Alternatives Considered but Rejected for Further Analysis for Cause

Removal of all limits (i.e., derby fishery).

Stacking Seasons.

Partial Year Fishery.

REPORT OF THE AD HOC OPEN ACCESS PERMITTING SUBCOMMITTEE

The Open Access Permitting Committee, a subcommittee of the groundfish Strategic Plan Oversight Committee (SPOC), met January 30-31, 2002 and on March 26, 2002.

The near-term objective for the committee has been to lay the groundwork for an fishery management plan amendment to limit entry to the open access segment of the groundfish fishery. Formal work on this amendment is not expected to commence until some other Council high priority issues have been addressed.

The state of California has a mandate to move forward with nearshore management of rockfish species. At some point the state's need to move forward will have to be reconciled with the Council's schedule for consideration of limited entry for the open access fishery and a possible plan amendment to transfer nearshore management authority to the state.

In previous reports to the Council, the committee has provided a problem statement and a qualitative historic description of the development of the open access fishery. At its January and March 2002 meetings, the committee developed goals and objectives and a data request pertaining to the open access fishery. At this Council meeting, the committee would like to solicit comments on the following.

(1) The draft goals and objectives for limiting entry to the directed open access groundfish fishery.
(2) The specifics of the request for data describing the directed and incidental segments of the open access fishery.

The purpose of the data request is not to begin to develop qualifying criteria but rather to help everyone gain a better understanding of the structure of the open access fishery and changes that have occurred over the last dozen years.

Goals and Objectives

Attachment 1 provides a first draft of goals and objectives for a license limitation program covering the directed segment of the open access groundfish fishery. The committee will be evaluating and adjusting these goals and objectives as it proceeds with its work. The goals and objectives were taken directly from the Amendment 6 license limitation program and modified as indicated (underlined text indicates an insertion). It is likely that significantly different goals and objectives will be required for a program to limit capacity for the incidental groundfish fishery.

One of the most significant adjustments recommended is to change the primary objective from "limit or reduce harvest capacity in the West Coast groundfish fishery" to "match harvest capacity to harvest available for the open access groundfish fishery." This adjustment better aligns the objectives with objectives identified in the strategic plan.

Data Request

Attachment 2 provides the committee's request for descriptive data on the open access fishery and Attachment 3 provides an index of the table series that thus far have been generated in response (along with example tables). The request entails separate summarization of data for the incidental and directed open access harvest and further subdivisions of that harvest. The committee has not structured the data request to reflect time periods, divisions of the fleet, or species groups that would necessarily be used in establishing qualification requirements for the open access fishery. With respect to this data request:

· A qualitative description needs to be developed to complement the quantitative description. The NMFS NWR staff has made substantial progress in this area.

- Descriptive information on the fishery should be developed in coordination with analyses being developed for the programmatic groundfish EIS, rebuilding plans, and the environmental assessment for the annual harvest regulations.
- If direct and incidental landings are to be distinguished on the basis of proportion of gross revenue from groundfish, quality of the gross revenue data needs to be evaluated.

Incorporation of the Open Access Fishery into the Limited Entry Program

The committee identified two ways in which a limited entry system for the directed open access fishery might be coordinated with the current groundfish limited entry program.

(1) Maintain a separate allocation and permit status for directed open access vessels qualifying for the new licenses.
(2) Bring open access vessels into the current limited entry system and increase the limited entry allocation by the amount of catch history associated with the qualifying vessels.

Soliciting Public Comment

With the development of state interest in managing the nearshore groundfish fisheries, and implementing limited entry programs for those fisheries, it is understood that confusion may arise between the state and federal actions. Close coordination will be required and frequent public comment should be solicited as a means of detected and reducing confusion.

When an open access permitting program is ready to be reviewed by the public, state help should be requested in contacting participants in fisheries not normally involved with the Council groundfish process.

Limited Entry Goals and Objectives for the Groundfish Directed Segment of the Open Access Fishery

The following are the initial goals and objectives the Open Access Subcommittee is working with in developing a license limitation program for the directed open access groundfish fishery. The goals and objectives were taken directly from the Amendment 6 license limitation program and modified as indicated (underlined text indicates an insertion).

Goals. The goals for the West Coast groundfish fishery limited entry program are to improve stability and economic viability of the industry while recognizing historic participation, meet groundfish management objectives and provide for enforceable laws.

Primary Objective. The primary objective of the limited entry program will be to match harvest capacity to harvest available for the open access groundfish fishery ~~limit or reduce harvest capacity in the West Coast groundfish fishery~~.

Secondary Objectives. In pursuit of the primary objective, the following secondary objectives will be addressed:

Economic

- Promote long-term economic stability.
- Increase net returns from the fishery.
- Allow flexibility for combination vessels.

Management

- Stabilize management regimes by reducing need for frequent inseason changes.
- Reduce the cost of management.
- Reduce by-catch and waste.
- ~~Encourage effort in underutilized species fisheries~~.
- Integrate and coordinate this program with state limited access programs for the nearshore fishery.

Enforcement

- ~~Promote cost-effective enforcement by reducing need for frequent changes and tight trip limits~~.
- Promote cost-effective and logistically viable enforcement ~~by minimizing need to use regulations such as trip limits or subarea closures which are more difficult to enforce~~.

Social

- Recognize and accommodate historical participation of those investing their life and resources in the fishery.
- Maintain a mechanism for fishery entrance/exit and flexibility for change in the fleet.
- Reduce conflicts between user groups by limiting or reducing effort competition for the same resource.
- Provide a stable supply of groundfish to the public at a reasonable price.

Open Access Fishery Descriptive Data Request

Overall request: coordinate development of direct and indirect open access fishery categories with the effort being under taken for the programmatic groundfish EIS.

Groundfish Species Categories

Provide catch and bycatch information on the following groundfish categories.

Sablefish
Lingcod
Cabezon
Kelp Greenling
Other Roundfish

Dover
Other Flatfish

Thornyheads
Widow Rockfish
Yellowtail Rockfish
Chilipepper Rockfish
Canary Rockfish (there will be bad resolution prior to 1994 or 1995)
Bocaccio
Black Rockfish
Blue Rockfish
Other Rockfish (Split between live and dead using a price criteria. Explore $2.50/lb. Adjust by time and area)
Dogfish
Other Groundfish

Geographic Splits

Use port of landing as a proxy for catch area. The catch area field is not very reliable and is often filled out based on port of landing.

Areas

- Washington
- Oregon
  - Northern - north of Coos Bay
  - Southern - Coos Bay south
- California -
  - Northern - north of Cape Mendocino
  - Central - Cape Mendocino to Point Conception
  - South - south of Pont Conception

Time Periods

Provide annual data for 1990 through 2001.

Directed Open Access Groundfish Fisheries

Provide data on the following directed groundfish gears.

Deadfish

Other Hook and Line Gears
- Vertical Hook and Line
- Jig
- Rod and Reel

Longline
Troll/Dinglebar
Pot

Livefish

Stick
Rod and Reel
Pot

Incidental Harvest Fisheries

For the incidental harvest fisheries, provide additional information from the perspective of the nongroundfish target fishery. For example, for the halibut fishery provide

total number of halibut vessels and number with groundfish bycatch,
total pounds of
- halibut caught by all vessels,
- halibut taken in landings with groundfish incidental bycatch
- amount of groundfish bycatch

amount of halibut as bycatch in the groundfish fishery.

In order to identify the universe of vessels for nongroundfish target fisheries, it may be useful to know which incidental fisheries are already under limited entry programs and to acquire permit lists for those fisheries.

Provide information on the following open access incidental fisheries:

Species	Gear	Other Notes	State		
			WA	OR	CA
Pink Shrimp	Trawl		Y	Y	Y
Spot Prawn	Trawl Pot	Give particular attention to sculpin incidental catch in the trawl fishery.	No GF	No GF	Y
California Halibut	Trawl Hook & Line		NA	NA	Y
Pacific Halibut	Longline		Y	Y	Y
Dungeness Crab	Pot		No GF	Y	Y
Salmon	Troll	Split out Trips with - Halibut bycatch - Gf bycatch	Y	Y	Y

Species	Gear	Other Notes	State		
			WA	OR	CA
Sea Cucumber	Trawl		NA	NA	Y
CPS Squid	Round Hall Setnet		No GF	No GF	Y Y
CPS Finfish	Round Hall Setnet		No GF	No GF	Y
Sheephead	Traps		NA		Y
HMS	Troll Longline Pole & Line Driftnet Purse Seine Harpoon		Y	Y	Y
Gillnet Complex (California Halibut, White Sea Bass, Sharks, White Croaker	Drift Gillnet		NA	NA	Y

Note: "No gf" means groundfish may not be legally retained in this fishery.

DRAFT SECTION FROM CDFG NEARSHORE FISHERY MANAGEMENT PLAN

Transfer of Management Authority

Of the 19 species proposed for management under the NFMP, 16 are among the 83 species of groundfish included in the Pacific Coast Groundfish Management Plan developed by the Pacific Fishery Management Council and approved by the U.S. Secretary of Commerce under the Magnuson-Stevens Fishery Conservation and Management Act (Table 4A). Of those 16 nearshore species, the Pacific Council actively manages 14 species through such measures as setting optimum yield levels, commercial allocations, and trips limits for the open access fishery. The Council is considering closing access to the open access fishery, which is made up principally of California fishermen. Of the 14 actively managed species, five rockfishes and California scorpionfish are among the nearshore finfish identified in the MLMA. The Council does not actively manage the other two groundfish species in its plan--cabezon and kelp greenling; these two species also are identified in the MLMA.

Eight of the species under the federal fishery management plan are caught only in waters off California, and for the most part in state rather than federal waters (Tables 2A and 4A???). Like other nearshore species, these eight species are not the target of the large-scale fishing fleets that are the principal focus of federal management and scientific attention. Other of the federal managed nearshore species are caught in Oregon and Washington as well as California, which dominates in the catches of some species and not in others.

For those species actively managed by the Council, the Commission may adopt management measures as long as these measures are consistent with the Council's management or are stricter. For the two species that are not actively managed by the Council, the Commission may adopt whatever management measures it thinks appropriate that are consistent with state law. Likewise, the Commission may adopt management measures for the two species that do not appear in the Council's plan--California sheephead and rock greenling.

These constraints will prevent the state from implementing key features of this NFMP, including restricted access and regional management, including regional quotas and allocations, for most species. As a result, this NFMP proposes that the state request that the Pacific Council transfer to the state of California management authority for cabezon, kelp greenling, and some or all of the nearshore rockfish in the Pacific Coast Groundfish Management Plan. A transfer of management authority for some or all of these species will require that the Pacific Council develop and adopt an amendment to its fishery management plan. This process will require 12-24 months to complete. Any such amendment must meet the objectives of the federal fishery management plan and the standards of the National Environmental Policy Act. During this process, state and federal analyses of available information and Council discussions will determine which species should be transferred to state management.

Actively managing additional species will require additional monitoring and research, increasing the workload of the Department and Commission. However, state management of these species will reduce the complexity of current management under two jurisdictions and will allow for more timely management that reflects regional differences in the state.

Information Table for 16 Nearshore Groundfish Under Consideration for Transfer Authority by California

	Coastal Distribution			Depth* (ft) Distribution				Harvest Recreatonal			Harvest Commercial			Harvest Location				Landings by % weight California					Landing *** Condition		Mgmt Measures		
														% Rec		% Com											
SPECIES	CA	CA+OR	CA+OR+WA	< or = 180	< or = 360	< or = 540	>540	CA	OR	WA	CA	OR	WA	CA Waters	Federal Waters	CA Waters	Federal Waters	Hook-and-line	Trap	Trawl	Net	Miscl/unknown	% Live	% Dead	Min-Size Limits	Species OY+	Group OY++
Black RF			x		x			x	x	x	x	x	x	91	9	70	30	96		3		1	6	94		x	
Blue RF			x	x				x	x	x	x	x		81	19	60	40	96	1	1		2	6	94			x
Cabezon			x	x				x	x	x	x	x		86	14	94	6	73	26			1	84	16	x	x	
China RF			x		x			x	x	x	x	x		100	0	78	22	97		2		1	40	60	x		x
Kelp Grn			x	x				x	x	x	x			92	8	81	19	69	24	6		1	82	18	x	x	
Scorpionfish	x					x		x			x			67	33	50	50	55	7	32	5	1	48	52	x		x
Copper RF			x			x		x	x	x	x	x		84	16	68	32	97		1		2	22	78			x
Brown RF			x	x				x		x	x			100	0	83	17	88	1	9		2	51	49			x
Gopher RF	x			x				x			x			100	0	95	5	88	10	1	1		66	34	x		x
Quillback RF			x	x				x	x	x	x	x	x			74	25	98			1	1	45	55			x
Grass RF	x			x				x	x		x			99	1	99	1	90	9			1	88	12	x		x
Kelp RF	x			x				x			x			100	0	98	2	93	5	1	1		71	29	x		x
Treefish	x			x				x			x			91	9	100	0	85	3	11	1		55	45			x
Olive RF	x			x				x			x			67	33	85	15	95	2	3			28	72			x
Blk&Ylw RF	x			x				x			x			100	0	99	1	72	28				63	37	x		x
Calico RF	x				x			x			x																x

* Common Distribution

** Cmaster Data From 1994-2000

*** Percent Live Verses Dead Based on Condition Recorded on Market Receipts, 1994-2000

\+ Species specific OY black rf PFMC; cabezon and greenlings California

++ Group OY for minor rockfish PFMC

Note: There is very little species specific information in the market receipt or CPFV logbook data regarding calico rockfish

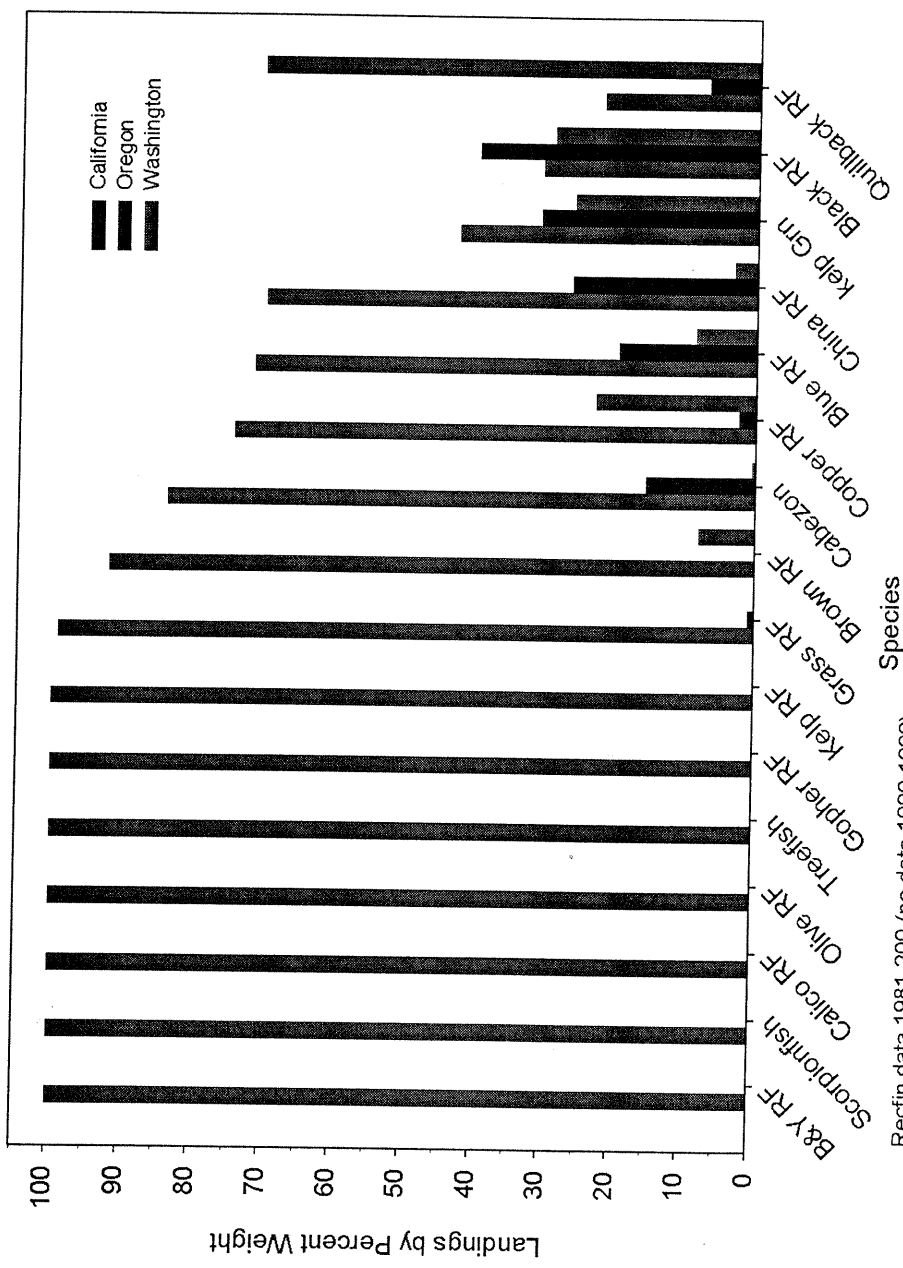

Figure 2. Combined coastwide landings (commercial and recreational) for 16 nearshore groundfish, 1981-2000.

Factors Related to the 19 Species Included in the California Nearshore FMP

Species	Included in CA Marine Life Management Act?	Included in West Coast Groundfish FMP?[1]	Proposed for California nearshore restricted access?	Average annual Recreational ldgs. CA (1993-2000, MT)[2]	Average annual Commercial ldgs. CA (1993-2000, MT)[2]	CPFV % Caught in state waters in CA 1993-2000[2,3]	Commercial % Caught in state waters off CA 1990-2000[2,3]	% of total 3-state landings (and average annual metric tons) for each state, 1993-2000[2]; recreational & commercial landings combined.			Common (and Total) depth range, in feet[4]	Being considered for interim management in Oregon?
								CA	OR	WA		
Monkeyface prickleback Cebidichthys violaceous	Y	N		2.54	0.17	100%	100%	100% [2.71]	0	0	(<80)	
California Sheephead Semicossyphus pulcher	Y	N	Y	74.9	106.25	84%	87%	100% [181.15]	0	0	(<300)	
California Scorpionfish Scorpaena guttata	Y	other rockfish	Y	110.32	37.31	67%	50%	100% [147.63]	0	0	20-450 (<600)	
Black & Yellow Rockfish Sebastes chrysomelas	Y	other rockfish	Y	9.37	12.89	100%	99%	100% [22.26]	0	0	<60 (<120)	Y
Gopher Rockfish Sebastes carnatus	Y	other rockfish	Y	57.06	35.87	100%	95%	>99% [92.93]	<1% [0.002]	0	<120 (<260)	Y
Kelp Rockfish Sebastes atrovirens	Y	other rockfish	Y	14	4.2	100%	98%	100% [18.2]	0	0	<50 (<150)	Y
Grass Rockfish Sebastes rastrelliger	Y	other rockfish	Y	7.96	33.01	99%	99%	>99% [40.97]	<1% [0.54]	0	<20 (<150)	Y
Treefish Sebastes serriceps		other rockfish		12.94	0.75	91%	95%	100% [13.69]	0	0	<90 (<170)	Y
Calico Rockfish Sebastes dallii		other rockfish		0.55	0.07			100% [0.62]	0	0	<300 (<840)	Y
Olive Rockfish Sebastes serranoides		other rockfish		51.76	15.42	67%	85%	100% [67.18]	0	0	<180 (<570)	Y
China Rockfish Sebastes nebulosus		other rockfish	Y	17.95	19.29	100%	78%	64.8% [37.24]	32.8% [18.87]	2.4% [1.38]	<300 (<420)	Y
Cabezon Scorpaenichthys marmoratus	Y	Not actively managed	Y	63.45	96.33	86%	94%	74.2% [159.78]	21% [45.21]	4.8% [10.24]	<90 (<360)	Y
Rock Greenling Hexagrammos lagocephalus	Y	N	Y	4.71	0.002			100% [4.71]	0	0		Y
Kelp Greenling Hexagrammos decagrammus	Y	Not actively managed	Y	19.36	5.59	92%	81%	36% [24.95]	35% [24.29]	29% [20.24]	<50 (<150)	Y
Copper Rockfish Sebastes caurinus		other rockfish		63.11	56.62	84%	68%	76.4% [119.73]	6.2% [9.72]	17.4% [27.22]	<400 (<600)	Y
Quillback Rockfish Sebastes maliger		other rockfish		7.99	11.31		75%	44.6% [19.3]	17.9% [7.77]	37.5% [16.22]	<250 (<900)	Y
Brown Rockfish Sebastes auriculatus		other rockfish		49.86	38.33	100%	83%	99.1% [88.19]	0.1% [0.07]	0.8% [0.73]	<175 (<440)	Y
Blue Rockfish Sebastes mystinus		other rockfish		238.14	58.71	81%	61%	72.6% [296.85]	26.8% [109.7]	0.5% [2.18]	<130 (<1,800)	Y
Black Rockfish Sebastes melanops		North-remaining South-other		164.82	107.37	91%	70%	23.5% [272.19]	54.7% [632.76]	21.7% [251.11]	<300) <1,200)	Y

[1] The species included in both the West Coast Groundfish FMP and the CA NFMP fall into three PFMC management categories. "Remaining rockfish" have been assessed by less rigorous methods than stock assessments. Black rockfish north of Cape Mendocino is the only species in this category. "Other rockfish" do not have quantifiable assessments. However, the remaining and other rockfish are assigned proxy OYs as a group. No OYs are calculated for the "not actively managed" species.

[2] All recreational landing data from RecFin. All commercial landing data from PacFin.

[3] Catch totals determined for state vs. federal waters based on the following criteria: If CDFG block intersected any part of state waters & is contiguous with the coast it was coded as a state block. If the block intersected state waters but is not contiguous with the coast, but the majority of the block fell within state waters, it was coded a state block. If the majority of the block fell into federal waters, it was coded a federal block.

[4] Depth information extracted from the federal Essential Fish Habitat document for West Coast groundfish; Probably More Than You Want To Know About the Fishes of the Pacific Coast (M. Love, 1996) ; A Field Guide to Pacific Coast Fishes (Eschmeyer, Herald, and Hammann, 1983); the Guide to Coastal Marine Fis[illegible] Southern California, Fish Bulletin 157.

GROUNDFISH ADVISORY SUBPANEL STATEMENT ON GROUNDFISH STRATEGIC PLAN IMPLEMENTATION

The Groundfish Advisory Subpanel (GAP) reviewed a number of issues associated with implementation of the groundfish strategic plan and provides the following comments.

In regard to trawl permit stacking, a majority of the GAP believes the Council should move ahead with the effort and identify it as a priority above the Council's "workload line." Given the uncertainties associated with changes in the current Congressional moratorium on individual quotas and the bycatch reduction that can result from permit stacking, the GAP believes this suggestion is justified. However, none of the capacity reduction proposals being considered by the Council or the fishing industry will be truly effective until the Council fully resolves allocation issues among gear types and between commercial and recreational fishermen. A majority of the GAP, therefore, urges, as it has on numerous occasions previously, that the Council conclude the allocation process.

With regard to open access management procedures, the GAP has no recommendations at this time on particular approaches being considered. The GAP believes a better-fleshed out proposal is needed before comprehensive analysis can be provided. The GAP does note that the workload involved in dealing with this issue is substantial and advises that Council workload requirements and capabilities be analyzed before significant Council resources are devoted to this issue to the exclusion of other issues.

In regard to California near-shore management, the GAP appreciates the presentation given by Mr. Steve Wertz of the California Department of Fish and Game. A number of potentially contentious issues were discussed, including the impact of various options on establishing optimum yield levels, harvest allocation among gear types and between commercial and recreational fishermen, management of species which are found in the waters of more than one state and which may be caught in both federal and state waters, and the priority which would be accorded this issue in the context of Council workload. In general, the GAP believes California is moving too quickly on this issue, and several substantive questions need to be addressed. The GAP requests that a copy of the California management plan be forwarded to GAP members in sufficient time prior to the next Council meeting, where this issue will be addressed in order that the GAP can more clearly analyze options.

PFMC
04/10/02

to: Fisheries Managers
re: State control of nearshore species in Oregon and Washington --
a limited entry point of view
March 10, 2002

Dear Managers:

I am a limited entry pot fisherman with landings of nearshore species' in 1998: Oregon (and Washington outside 3 miles); 2000:Washington and I believe I delivered most of the live fish in 2001 for the north and central parts of Oregon. I bought my limited entry pot license in 1997.

I live in Long Beach, Washington but moved my business to Garibaldi, Oregon in April 2001 because in conferring with a WDFW patrol officer, he told me that if I brought live fish into Washington, they were going to "take a real close look at them" meaning most likely not a good outcome for me.

State control means more decisions made from political pressures. I have little clout in either state. The first boat limiting proposal in Oregon maintained a separation between limited entry and open access quotas. I favor this strongly (the status quo) because it keeps the playing field even and doesn't radically change anything for anybody. It is one line of protection for limited entry boats from a boat limiting scheme that has too many boats in it. The latest proposal has 161 boats of which 20 are limited entry.

There are staff members thinking that they might lower limited entry boats to the open access level. From what I know of the limited entry fleet, they are making larger landings per boat than the average open access boat. The open access overcapitalization is not the limited entry sector's fault and they should not suffer for it.

When limited entry was put into effect some years ago, it captured all of the active ground fish boats at the time, including the boats that were targeting rockfish of which there are a number of licenses that are strictly rockfish. Open access mainly grew out of incidental catch allowances. Unfortunately the number of fish allowed were enough to start targeted businesses. It would be a ridiculous chain of events that would now give the open access boats the right to pre-empt the limited entry fleet.

Some in the open access fleet may be viewing this as a chance to step up at the expense of the limited entry nearshore fleet mainly by taking over the limited entry quota. The limited entry nearshore boats need their assigned quota to justify the investment they have made which is much larger than open access boats. Limited entry boats really need a nearshore endorsement that is transferable like their permit.

I paid a large amount of money for my pot license with the intention of targeting some nearshore fish (I primarily catch Cabezon, Sea Trout, Wolf Eel & Octopus). Entering at the limited entry level was insurance to me in case of further limitations on these species.

I also spent a large amount of money on pot design and experimentation over a period of 4 years and I have played by the rules in using my gear to redeem my cululative limit. I have worked hard at making a market grow for the species' I catch and I try very hard to keep a consistent supply coming to my customers.

The amount of harvestable nearshore fish(excluding Blackrock or Lingcod) might be in the vicinity of 225,000 lbs. Dividing that number by 161 boats would spread the resource so thin that no one could make a reasonable living. There were only 90 boats that made landings in 2000.

My fishing area is from Newport to Tillamook Head. There is a proposal that includes not limiting boat participation this area. With the large number of limited entry charter boats, five live fish boats and numerous fresh fish boats not to mention all of the other recreational boats from Warrenton, Ilwaco, Garibaldi, Pacific City, Depoe Bay and Newport, it would be irresponsible not to take this present opportunity to limit nearshore ground fish boats. It might even be criminal, taking into consideration the Sustainable Fisheries Act. At the present time, nearshore fishing might be sustainable at 2001 levels. It would be a unprecedented move to open a window of opportunity for new boats to enter a nearshore fishery when you know the number of boats will have to be cut back in the future. I don't want my quota to to go to boats that haven't fished nearshore fish before the cutoff date that was chosen by the commission. I have witnessed up to ten or more new nearshore groundfish businesses starting up or intending to do so. With all that I have witnessed with the strategic plan and other groundfish problems, this development is an invitation to disaster and contrary to ground fish management trends.

My last concern is that I think the State of Washington needs to have a plan that includes commercial harvests of nearshore fish outside of 3 miles.

Sincerely,

Paul Meyer
F/V Network
document #937590

3-22-02

Atten: Chairman Hans Radtke c/o Pacific Fisheries Council

Public comment about allowing the State of California to manage: Nearshore Ground Fisheries

I was shocked and disappointed after attending a recent meeting of California Fish & Game's Restricted Access for Nearshore Fisheries for four reasons.

#1 There seemed to be no real consideration about valid options like fish slotting or closed reserves.

#2 The State appeared to have no desire to restrict kelp cutting and in fact The State leases almost the entire coast line for kelp cutting even though the upper few feet is a habitat for juvenile rock fish that are just out of the larvae stage!

#3 The meeting was more about who would be allowed to fish and who wouldn't. They had four options that they were presenting. One of those options gave 40% of the allowable catch in our area to just 5 fisherman - none of whom even have a Federal Groundfish Permit! It seems like they want to reward the recent fishermen fishing open access at the expense of more conservative fishermen (that realized that how overfished the nearshore was and intentionally avoided fish there waiting for it to improve). In fact they want to have a program where if you don't fish for a year you will lose your permit. How does this encourage conservation?

#4 When limited entry was established in 1992 95% of the volume of total caught groundfish was by permitted gears. (see: Limited entry Amendment #6 part 4.2.1) Of that remaining 5%, 3% was with gill nets and with gill nets removed from the equation only 2% was everything else. The Open Access was initially in place to help the small fisherman that did not have enough landings to qualify for a permit or were using a different gear type in the 1984 to 1991 qualifying window time. It is interesting to note that in November of 1991 The Pacific Fishery Management Council established that that month was the last possible date for allocation of ANY future distribution of groundfish fishing quotas. They did this to prevent a race for future landings that would qualify anyone. But what ended up happening was the "Open Access" became a loop hole for new effort. In fact The State of California has excluded fishermen that qualified for a "A" permit with nearshore landings in the past in favor of newer "Open Access" fisherman with more recent landings. What is the deal with this? Every fisherman that started fishing in 1992 or more recently had to be aware of the groundfish limited entry program and yet the State of California is setting new rules? Are we rewarding people that overfish near shore resources at the expense of "A" permit holders?

Lastly: The State of California seems to not be fully aware of the Federal Limited Entry Program and is attempting to create a new version. **I urge you to NOT give control over to the State of California**. However, I could support the State of California if their efforts were in the area of fish slotting and Marine Reserves (including kelp protection) as these would treat everyone equally and actually benefit the resource.

Sincerely,

Lloyd Reeves

Lloyd Reeves (owner longline "A" permit #0005)
P.O.Box 6908
Los Osos, Ca. 93412

Pacific Marine Conservation Council

"Dedicated to the health and diversity of our marine life and habitat"

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Permit Stacking

Groundfish fleet harvest capacity reduction is one the primary goals of the Pacific Fishery Management Council (PFMC) as part of a long-term strategy to secure resource sustainability. Secondary to vessel and permit buyback, the Council has suggested exploring options for permit stacking, particularly within the trawl fleet.

The PFMC strategic plan envisions a stacking program that actually reduces the harvest capacity of the fleet and does not simply reduce the number of vessels in the fleet. For example, it would be unfortunate to end up with a few large vessels that are so heavily in debt that they can't maintain their economic viability. In this situation they would be forced to continually expand and diversify into other fisheries in order to postpone inevitable economic failure. This would not give us a healthy coastal economy. Similarly, a reduction in vessels would not result in harvest capacity reduction if the remaining vessels were allowed or encouraged to increase their fishing capacity.

A viable stacking program should be designed to safeguard against:

1) Over-accumulation of harvest capacity leading to adverse economic impacts on fishing dependent communities.

2) Emergence of corporately-owned fishing operations, i.e., banks, processors, permit brokers and other outside investors whose interests are different from family-owned businesses.

3) Little or no reduction in harvest capacity because remaining vessels are allowed to "gear up."

In developing a position statement regarding permit stacking, Pacific Marine Conservation Council focused on provisions found within the Sustainable Fisheries Act passed by Congress in 1996 including:

- Bycatch reduction
- Protection of marine habitat
- Sustainable economic viability of our fishing communities
- Promoting the use of selective gear types and fishing strategies

Pacific Marine Conservation Council Position on Permit Stacking

- **Bycatch reduction should be mandatory in the evaluation of candidates for permit stacking.** The scientific community should set acceptable bycatch rates, in line with sustainable harvest rates for individual species. These rates should then be applied to each gear type and measured continuously through observation. If the reduction cannot be achieved and maintained within a specified time, the vessel would forfeit its eligibility to stack permits or be required to phase in other gear or strategies that are proven to meet bycatch reduction standards. In order to achieve these conservation goals, 100% observer coverage must be required on all vessels with stacked permits.

- **Caps must be established on the number of permits that can be acquired or owned by an individual or a corporation.** Excessive accumulation of harvest rights has adverse effects on the economic and social viability of our coastal communities. Localized accumulation could strain the sustainability of the area where the vessel or vessels consolidating the permits traditionally fished. We suggest that no more than two permits should be stacked on any one vessel and permits not be transferred to a vessel more than 10 feet longer than its original endorsement.

- **Permit transfers for stacking should be limited to once in a calendar year.** This would be consistent with the way permits are presently regulated. Unlimited transfers of permits would not be allowed, since this would actually increase fleet harvest capacity and encourage increased fishing pressure on non-groundfish fisheries.

- **Second generation trawl permit owners must be on board while fishing.** This would prevent the consolidation of fishing rights by non-fishing entities.

- **As permits are stacked, there should be reductions in the trip limits for stacked permits.** These reductions should not be arbitrary. Science should inform the reductions to expressly provide conservation benefits to overfished species, species approaching an overfished state and those species whose stock has not been assessed, and to protect habitat.

Subject: [Fwd: Fwd: Written comment for April 8-12,2002 council meeting, Agenda item E.2.f.]
Date: Mon, 01 Apr 2002 09:46:38 -0800
From: "John DeVore" <John.DeVore@noaa.gov> Internal
To: Dan Waldeck <daniel.waldeck@noaa.gov>

-------- Original Message --------
Subject: Fwd: Written comment for April 8-12,2002 council meeting, Agenda item E.2.f.
Date: Mon, 01 Apr 2002 08:18:23 -0800
From: "PFMC Comments" <pfmc.comments@noaa.gov>
To: john.devore@noaa.gov

Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 200
Portland, Oregon 97220-1384
Phone: 503-326-6352
Fax: 503-326-6831
On the web at: http://www.pcouncil.org

Subject: Written comment for April 8-12,2002 council meeting, Agenda item E.2.f.
Date: Thu, 28 Mar 2002 12:28:16 -0800
From: "Laura/Chuck Deach" <lsdeach@rockisland.com>
To: "Pacific Fisheries Management Council" <pfmc.comments@noaa.gov>

E.2.f.

Laura Deach

318 Shark Reef Rd.

Lopez, WA 98261

27 March 2002

Dr. Donald McIsaac, Executive Director

Pacific Fishery Management Council

7700 N.E. Ambassador Place, Suite 200

Portland, OR 97220-1384

Dear Dr. McIsaac:

This letter concerns the PFMC's proposal to limit entry in the open access fleet. Creating the open access fleet was a mistake. Fixing it with another limited entry program would be an even bigger mistake. I request that the council consider the alternative option of closing the directed portion of the open access fleet by 2004, allocate the necessary portion of the open access quota to the open access incidental fisheries, and redistribute the remainder of the open access quota to the existing limited entry fleet and recreational fisheries. Although this alternative appears harsh, I believe it will reduce capacity, bycatch, and target species discards far better than the creation of 200 more groundfish permits. Enforcement and management burdens would be minimized, and greater economic benefits would be realized. The following comments refer to the directed portion of the open access fleet.

In 1990, your SSC commented, "Management tools traditionally used by the council (landing limits, trip frequency limits, ratios and quotas) have reached the limits of their usefulness in achieving the council's conservation goals..." Creating another groundfish limited entry program of 200 permits will institutionalize this broken management: Small Daily Trip Limits Forever. Does the council really want this? Trip limits create target species discards. The smaller the trip limit poundage, and the more frequent the landing period, the greater the discard becomes. (This is reflected in the move to cumulative landing limits.) And, it has become evident that no matter how small the trip limit poundage becomes some fleet, or portion of, will form to catch it, reducing the effectiveness of trip limits. Capacity cannot be controlled with limited entry and trip limit management. When ABC's drop another 30%, which for some species they will, the 200 permits you create today will no longer be in balance with the resource. The trip limits will decrease, there will be too many permits, and the council will request a buyback program for this limited entry program.

What is the discard rate of this fishery? Observers for this fleet are an impossibility, but we can play with numbers. From 1994 to 1999, a six-year period, there were 98,775 landings for the open access directed fishery. If each vessel discarded one five pound fish for each landing, you have half a million pounds discarded in six years. If each vessel discarded ten fish, you have five million pounds thrown away. What if they discard more? With the current conditions on the West coast, permanently adding another fleet with management created discards is unacceptable.

What is the cost of enforcement for this fishery? There were 3500 vessels making 100,000 landings during the six-year period. How many of these deliveries were monitored? How many deliveries weren't recorded because they weren't monitored? Is there poaching occurring? This fishery cannot possibly be enforced. Yet, the council was extremely concerned about reasonable enforcement with respect to implementation of IQ programs. Concerned enough to use "potential enforcement problems" as a main reason not to implement IQ's. Where is the council's concern now?

What is the cost of management for this fishery? What is the expense of processing all those fish tickets? How much time does council and staff spend on estimating fleet size, trip limits, frequency limits, catch rates and inseason adjustments? And, what is this cost compared to the quantity and value of fish being delivered by this fleet?

What purpose does the council's goal of maintaining small daily trip limits for the "small boat fleet" serve today? Is it appropriate given the current conditions of the resource? The premise of maintaining year round opportunity for the trawl fleet is to maintain grocery store shelf space. Is this true for the "small boat fleet?" What defines the "small boat fleet?" Is it vessel size, number of crew, area fished, poundage caught, income earned? It would seem that "small boat fleet" is best defined as vessels earning less than $30,000. Does one boat earning $100,000 put more back into the community than ten boats earning $10,000? Does one boat earning $300,000 put more into the economy than ten boats earning $30,000? If there is not enough to trickle down.... Through trip limit management, higher producing boats always lose fish to smaller producing boats. Is this fair? Why is the "small boat fleet" a sacred cow?

Amendment Six states, "Vessels without permits for longline and fishpot gear and vessels using gears other than groundfish trawl, longline, and fishpot gear would participate in the open access fishery. These exempted gears harvest only about 10% of the value and 5% of the volume of the groundfish resource. Representatives of the exempted gears agreed that they were willing to take the risk that influxes of participants to theses fisheries could occur, reducing the viability of the fishery. All on the committee agreed that members of the exempted gears could come forward at a later date and request **inclusion under the program** if they so desired." (Amend. Six pp.4-3-4). Amendment Six reiterates on page 17-3, "If representative's from these gear groups come forward and request the gear group as a whole be **included under the Limited Entry program**, this may be considered by the council as part of a future amendment." And again, on page 17-8, "...it may be necessary to bring that fishery **under the limited access system**." But, the chickenshit political response I got to these observations was, "Amendment Six doesn't say how open access would be included." Excuse me? "Include, Inclusion, Inclusive" as defined by Webster's 1990 edition, "1. taking everything into account 2. including the terms or limits mentioned". "The" is defined as, "1. that (one) being spoken of or already mentioned 2.that (one) which is present 3. that one designated or identified as by title...." There is a title, and there are terms and limits. There is an established window period and MLR's. But, now the council discusses a completely new limited entry program with a window period fifteen years later. This type of behavior does not build credibility.

What trust does the council expect when you declare that half of the existing limited entry fleet must be eliminated, but the first step is to add 200 more permits? Options to reduce the current fleet include requesting government funds and/or a loan, or requiring two permits to continue fishing, forcing current permitted fishermen to buy or sell. But, first the council is going to issue 200 more permits. And, to who? To "fishers" that either never met the original limited entry requirements, requested exclusion from the program, or were not yet even participating. These "fishers" represent the most recent added excess capacity to the groundfish fishery. Why would the council issue them permits, especially when you struggle to eliminate half of the current, existing permits? This type of behavior irreparably damages the council's trust and credibility. The current situation on the West coast cannot tolerate another 200 permits. Please consider this alternative option.

Sincerely,

Laura Deach

PFMC Comments <pfmc.comments@noaa.gov>

GROUNDFISH STRATEGIC PLAN IMPLEMENTATION

Situation: There are several matters for Council consideration under this agendum. The Trawl Permit Stacking Work Group will provide a process report. The Open Access Permitting Subcommittee will also provide an update to the Council. Finally, California Department of Fish And Game (CDFG) will provide a report on delegation of nearshore groundfish management authority.

Trawl Permit Stacking: The Council appointed the Trawl Permit Stacking Work Group in June 2001. The Work Group held its first meeting February 26, 2002. A full report from the Work Group will be provided.

Open Access Permitting: The Open Access Permitting Subcommittee met January 30-31, 2002 to continue laying conceptual groundwork for limiting entry to the open access fishery. The Subcommittee developed preliminary goals and objectives and requested certain data on the open access fishery. The subcommittee met again March 26, 2002 via a conference call, and will provide a progress report.

Delegation of Nearshore Groundfish Management Authority: CDFG will provide information to the Council about California's Marine Life Management Act and Nearshore Fishery Management Plan (FMP). The FMP's goals and objectives, management regime, and species covered will be discussed in the context of implications and expectations to the Council groundfish FMP.

It is anticipated the Groundfish Advisory Subpanel will provide recommendations to the Council for each of these items.

Council Task:

1. **Provide guidance to the Trawl Permit Stacking Work Group and Open Access Permitting Subcommittee.**
2. **Discuss the information presented by CDFG regarding delegation of nearshore groundfish management authority and provide guidance in the consideration of this issue at future Council meetings.**

Reference Materials:

1. Exhibit E.2.b, Trawl Permit Stacking Work Group Report.
2. Exhibit E.2.c, Open Access Permitting Committee Report.
3. Exhibit E.2.d, CDFG Nearshore Proposal.
4. Exhibit E.2.f, Public Comment.

Groundfish Strategic Plan (GFSP) Consistency Analysis

This agenda item is consistent with the implementation process detailed in the GFSP. Issues covered under this item conform to the implementation priorities adopted by the Council in April 2001.

Agenda Order:

a.	Agendum Overview	Dan Waldeck
b.	Report of the Ad Hoc Trawl Permit Stacking Work Group	P. Leipzig/J. Seger
c.	Report of the Ad Hoc Open Access Permitting Subcommittee	LB Boydstun
d.	Update on California Nearshore Fishery Management Plan	LB Boydstun
e.	Reports and Comments of Advisory Bodies	
f.	Public Comment	
g.	Council Discussion and Guidance	

PFMC
03/27/02

EXCERPTS FROM THE DECISION PACKAGE FOR AMENDMENT 14 TO GROUNDFISH FMP

2.2.2 Permit-Stacking Regime Alternatives [ADOPTED]

The following are the provisions and options considered by the Council for inclusion in the limited entry fixed gear permit-stacking alternative adopted in its final action in November 2000. Where an FMP amendment is required, the related amendment language is provided in Appendix B. For many of the provisions, options have been listed. Provisions/options adopted by the Council are indicated. The permit-stacking alternatives considered by the Council comprise mixes of options that fall under the following major topics.

The Permit-Stacking alternative	
Topic	**Provision**
Permit Stacking	1–Basic Provision: Allow permit stacking 2–Gear Usage: Specify the fixed gear a vessel may use 4–Unstacking Permits: Determine whether, once stacked, permits can be unstacked 8–Stacking Non-sablefish Limits and Sablefish DTLs: Determine whether nonsablefish cumulative limits and/or sablefish DTL limits can be stacked
Accumulation	3–Cumulation Limits: Determine whether there should be limits on the number of permits a person owns and/or limits on the number of permits associated with a vessel, and if so, determine the limits
Season Length	5–Season Duration: Determine the appropriate season length 9–Opportunities for Unendorsed Vessels: Determine whether, given other aspects of the stacking alternatives, adjustments are needed to the regulations specifying fishing opportunities for limited entry vessels not endorsed for sablefish 11–Advance Notice of Landings: Determine whether, given other aspects of the stacking alternatives, advance notice of landings should be required 12–Stacking Deadline: Determine whether a deadline for stacking should be imposed and, if so, specify the deadline
At-Sea Processing	6–Processing Prohibition and Freezer Vessel Endorsement: Determine whether, given other aspects of the stacking alternatives, there should be a prohibition on at-sea processing
Permit-Ownership/Owner-on-Board	7–Individual Ownership Only and Owner-on-Board Requirement: Determine whether, given other aspects of the stacking alternatives, permit ownership should be restricted to individuals and whether the owner should be required to be on-board the vessel during fishing operations
Foreign Control	10–US Citizenship Requirement: Determine whether, given other aspects of the stacking alternatives, additional constraints should be recommended on foreign ownership of permits

Provision 1: Basic Stacking [ADOPTED]

Participants in the limited entry fixed gear (longline and fishpot) primary sablefish fishery would be allowed to register multiple fixed gear sablefish endorsed permits for a single vessel (allowed to stack permits). A vessel would be allowed to take up to the full primary season fixed gear sablefish cumulative limit associated with each permit registered to the vessel. The primary fixed gear sablefish fishery includes the current directed sablefish fishery and the mop-up fishery.

Provision 2: The Base Permit and Gear Usage

When permits are stacked, one of the permits would be designated by the vessel owner as the base permit. The base permit would be required to have a fixed gear sablefish endorsement and meet the length requirement for that vessel. Permits of different fixed gear types (longline and fishpot) could be stacked together.

Options :

2a. When fishing in the primary fixed gear sablefish fishery, the vessel must fish fixed gear sablefish with the gear endorsed on the designated base permit.

2b. When fishing in the primary fixed gear sablefish fishery, the vessel may fish fixed gear sablefish with the gear endorsed on its base permit or any fixed gear endorsed on any of its stacked permits for which the length endorsement associated with the stacked permit is equal to or greater than that of the base permit. For example, a 45-foot longline permit could be stacked with a 55 -foot fishpot permit designated as the base permit and the longline permit tier endorsement would add to the cumulative limit for the 55-foot vessel, but the vessel could only use fishpot gear. On the other hand, if both the base permit and the stacked permit had length endorsements of 55 feet or greater, then the vessel could use either longline or fishpot gear.

2c. **[ADOPTED]** When fishing in the primary fixed gear sablefish fishery, the vessel may fish with any fixed gear endorsed on at least one of its stacked permits.

[ADOPTED] Additionally, if one of the stacked fixed gear sablefish endorsed permits includes an endorsement for trawl gear and the length endorsement is equal to or greater than that of the base permit, the vessel may continue to use trawl gear, but not in the fixed gear fishery. In such a case if the permit is stacked on a vessel that is more than five feet shorter than that specified by the size endorsement for the trawl gear permit, the requirement that the trawl-endorsed permit be downsized will be waived (Section 14.2.9 paragraph 3 of the FMP), unless permits are permanently stacked as specified in Options 4b and 4c.

Note: If Option 4a is adopted, there would be no need to designate a base permit under Options 2b or 2c.

Provision 3: Limits on Stacking and Ownership

Stacking: [ADOPTED] No more than three permits may be stacked on a single vessel.

The analysis includes discussion of other permutations such as limits on stacking two and four permits..

Ownership: The number of fixed gear sablefish permits owned by an individual will be restricted to the following options:

Ownership Options:

(a) two permits
(b) **[ADOPTED]** three permits
(c) four permits, or
(d) an amount with tier limits that add-up to 5% of the total sablefish allocated to the fixed gear primary season

Exceptions would be made for individuals currently holding permits in excess of the limit. These individuals would not be allowed to accumulate more permits. *The possibility of not limiting ownership is discussed in the analysis.* An individual's ownership would be calculated by either

Calculation Suboption (a): **[ADOPTED]** Summing the total permits ~~(or, for ownership option (d), percent harvest represented by a permit)~~ for which an individual holds some ownership interest, regardless of how small, or

Calculation Suboption (b): Summing the individual's percent interest in each permit to determine the number of permits held (or percentage harvest held).

For the purpose of grandfathering in concentrations in excess of proposed limits, the Council ADOPTED November 1, 2000, as the date for determining maximum ownership concentration.

Provision 4: Unstacking Permits

Options:

4a. **Permits May Be Unstacked. [ADOPTED]** Permits that are stacked would retain their original length, gear, fixed gear sablefish and tier endorsements and could be transferred to other vessels in the future (i.e., when unstacked stacked permits would not take on the gear and length endorsement of the vessel's designated base permit when unstacked).

4b. **Permits May Not Be Unstacked and Tier Endorsements Are Not Tradeable.** When permits are stacked on a single vessel, they would be reissued as a single permit that could not be unstacked (redivided); endorsements remaining on the permit would confer the fishing opportunities specified in Provisions 1 and 2. The length endorsement would be the length endorsement on the permit designated as the base permit.

4c. **Permits May Not Be Unstacked and Tier Endorsements are Tradeable Among the Endorsed Fleet.** Same as Option 4b except that tier endorsements could be transferred separate from the permit to another permit with a fixed gear sablefish endorsement. However, at least one tier endorsement must remain with the base permit. Permits would be limited to a maximum number of endorsements as specified in Provision 3.

Provision 5: Fishery Duration

Options:

5a. **The fishery would extend over a number of months (the initial recommended season is April 1 through Oct. 31). [ADOPTED]** For 2001, the fishery would start as soon as possible after April 1, 2000, in order to provide time for regulations to be put in place. *There would be no preseason and postseason closures and vessels would be required to make their final deliveries prior to closure of the season. There would be no mop-up fishery. No stacking deadline would be needed (Provision 12).* ***When transfers occur midseason, the seller (lessor, etc) will be responsible for providing copies of all sablefish fish tickets landed for the year, to date; and the buyer (lessee, etc.) would have to maintain such copies aboard the vessel.***

5b. **Current Situation: The fishery would continue to be managed as a modified derby followed by a mop up.** *The current preseason and postseason closures would continue to apply and vessels would be required to cease fishing upon closure of the fishery. Permits would have to be stacked before some deadline prior to the start of the seasons in order to provide analysts and the Council sufficient time to assess and recommend appropriate cumulative limits and season durations (Provision 12). The steps would include (1) setting the allocation in November, (2) making a preliminary estimate of season lengths and limits and setting season opening date in March, (3) a deadline for stacking of May 15, and (4) final season duration and limits set in June.* (Seasons would continue to be set short enough that many vessels would be unable to fully take the allowed catch. In recent years the season duration has been slightly more than one week. Maintenance of this abbreviated fishery has been necessary to prevent the program from being classified as an individual quota program. Such programs are currently prohibited under the Magnuson-Stevens Act.)

Provision 6: At-Sea Processing

Note that "processing," as defined under the West Coast groundfish FMP includes such activities as

freezing but **excludes heading and gutting.**

Options:

6a. **Prohibit at-sea processing.** At-sea processing would be prohibited in the fixed gear sablefish fishery except for vessels that can demonstrate the landing of at least 2000 pounds of frozen sablefish in 1998, 1999, or 2000.

6b. **Current Situation: Allow at-sea processing.** At-sea processing would be allowed in the fixed gear sablefish fishery. (Note: At-sea processing has not played a significant role in the fishery in recent years because of the short seasons in place since 1996.)

6c. **Prohibit at-sea processing but include grandfather provision. [ADOPTED]** Same as Option 6a except provide that the temporary exemption for vessels able to demonstrate frozen sablefish landings would expire with the transfer of the permit to a different owner. For corporations and partnerships, changes in ownership are defined as a change in the identity of a corporation or partnership, as specified in Provision 7.

Provision 7: **Permit Ownership and Permit-Owner-on-Board Provisions**

Options:

7a. **Permit ownership. [ADOPTED]** Fixed gear sablefish permits could be transferred only to individual human beings (corporations and partnerships and other such business entities would not be allowed to acquire permits unless they already owned permits as of November 1, 2000). The requirement that the permit be owned by an individual would not restrict other aspects of the business operation from being organized as a partnership, corporation, or other type of legal entity ~~(Also see Provision 10)~~.

Grandfathered Corporations and Partnerships. The exemption for a particular corporation or partnership allowing it to own a permit would cease with a change in the identity of that corporation or partnership, as defined below.

Permit owner on board. [ADOPTED] The permit owner would be required to be onboard the vessel during fishing operations, with the exception of those falling under the following grandfather provision.

Grandfathered Absentee Owners: Corporations, partnerships, and individuals who hold sablefish endorsed permits as of November 1, 2000 will not be required to be onboard the vessel on which the permit will be used **[THE FOLLOWING WAS STRUCK FROM THE OPTION AT TIME OF FINAL ADOPTION]** ~~, so long as they also have~~

~~a) 20% ownership interest in the vessel (the amount of ownership required might be at least 20% (as in the North Pacific IFQ program), or~~

~~b) 100% ownership interest in the vessel.~~

~~c) Some other value (specify)~~

~~The percent ownership required will be decided by the Council at the time it makes its final recommendations.~~ Grandfathered absentee owners may acquire additional permits to stack with the permits they own, subject to accumulation caps, and still maintain their exemption from the owner on board provision. ***This exemption from the permit-owner on board requirement will cease if there is any change in the identity of a corporation or partnership owning the stacked permits, as defined below.***

Emergency Exemption: NMFS may grant exemptions from the permit-owner-on-board provision for medical and personal emergencies beyond the control of the permit owner.

Definition: Changes in the Identity of Corporations or Partnerships: A change in the identity of the corporation or partnership will be deemed to occur with a change in the corporate or partner membership, except a change caused by the death of a member providing the death did not result in any new members. Additionally, membership is not deemed to change if a member becomes legally incapacitated and a trustee is appointed to act on his behalf, nor is membership deemed to have changed if the ownership of shares among existing members changes, nor is membership deemed to have changed if a member leaves the corporation or partnership and is not replaced. Changes in

the ownership of publicly held stock will not be deemed changes in ownership of the corporation.

7b. Current Situation: Any business entity eligible to own a US fishing vessel may own a limited entry permit and the permit owner would not be required to be on board the vessel during fishing operations.

7c. ~~Same as 7a, except that the onboard requirement would apply only when permits are stacked.~~ (NOTE: At its September 2000 meting, the Council voted to drop this option. The option number (7c) and discussion of the option will be retained in the analytical document in order to speed the release of the final document.)

Provision 8: Nonsablefish Cumulative Limits and Sablefish Daily Trip Limits

Options:

8a. **[ADOPTED]** The stacking of permits with sablefish endorsements would not allow vessels to harvest more than one cumulative limit for nonsablefish groundfish species. Under the following suboptions for the limited entry sablefish DTL fishery, stacked permits would not convey any harvest opportunity in excess of the DTLs provided for vessels that do not stack permits. Suboptions: (1) Fixed gear sablefish DTL harvest opportunities would run concurrent with and be in addition to the sablefish cumulative limits associated with sablefish endorsed permits. (2) **[ADOPTED]** A vessel with a sablefish-endorsed permit would not be allowed to fish under the fixed gear sablefish DTL regulations until after its tier cumulative limit is exhausted. (3) A vessel with a sablefish-endorsed permit would not be allowed to fish under the fixed gear sablefish DTL regulations except when the primary fishing season is closed (prior to April 1 and after October 31, under Option 5a).

8b. When permits are stacked, some credit would be provided to allow the landing of additional nonsablefish groundfish species. The suboptions for the sablefish DTL fishery are the same as for Option 8a, except that under the 8b DTL suboptions vessels with stacked sablefish permits would be entitled to additional sablefish under the DTL regulations in some proportion to the number of permits stacked.

Provision 9: Vessels without Sablefish Endorsements

Options:

9a. Current Situation: The limited entry daily-trip-limit fishery for vessels without sablefish endorsements would be closed during the primary fixed gear sablefish fishery.

9b. **[ADOPTED]** The limited entry daily-trip-limit fishery (or other sablefish harvest opportunities) for vessels without sablefish endorsements would be allowed to run at the same time as the primary fixed gear sablefish fishery.

Provision 10: US Citizenship Requirement

Options:

10a. Only individual US citizens would be allowed to acquire fixed gear sablefish permits.

10b. **[ADOPTED]** Current situation: Individual human beings and other legal entities eligible to own a US fishing vessel may acquire fixed gear sablefish limited entry permits.

Provision 11: Advance Notice of Landing

Options:

11a. When making landings under stacked permits, fishers would be required to provide six hours' prior notice.

11b. Current situation. No advance notice is required.

11c. **[ADOPTED]** All limited entry fixed gear sablefish fishers would be required to provide six hours' notice when making landings during the primary season. As part of this advance notice, fishers may be asked to provide hail weights and location of landing.

Provision 12: Stacking Deadline (Required Only in Conjunction with Option 5b)

At its November 2000 meeting, the Council adopted Option 12b as a fall back in case an extended season (Option 5a) could not be implemented due to the IFQ moratorium. In December 2000, Congress exempted the West Coast fixed gear sablefish fishery from the IFQ moratorium. Provision 12 would not be needed under the Council recommended option.

Options:

12a. Fishers would be required to declare their intent to stack by June 30 in the year 2001 and by January 15 in all subsequent years; or

12b. All permit stacking would have to occur by June 30 in the year 2001 and by **May 15** in all subsequent years.

12c. Current situation: No notice of intent to stack would be required.

Options 12a and 12b are necessary only if a short season is to be maintained (Option 5b). For 2001, the final set of alternative season durations and cumulative limits will not be available until after the June Council meeting. A process will need to be established to allow NMFS to make the final determination of season duration and cumulative limits. This would be similar to the process established for setting the cumulative limits for the mop up that follows the initial opening of the primary fishery.

APPENDIX B: PROPOSED CHANGES TO GROUNDFISH FMP LANGUAGE (AMENDMENT 14)

This Appendix outlines changes to the FMP text that would constitute Amendment 14 to the groundfish FMP and implement those aspects of the stacking alternative that would require an FMP amendment (see Section 2.3). Text to be added is highlighted in ***bold italics*** and text to be deleted is struck through.

Existing FMP Language Authorizing Permit Stacking

Section 14.2.4 of the FMP authorizes the stacking of permits and reads as follows (**bolded text** added as part of Amendment 13):

14.2.4 Ownership Restriction and Changes in Ownership

1. Only entities (human beings, corporations, etc.) qualified to own a US fishing vessel may be issued or may hold (by ownership or otherwise) an LE permit. (Foreign ownership of LE permits should be limited to the maximum degree possible given what is allowed under the law.)

2. Ownership of a permit will be considered to change when there is an ownership change on US Coast Guard documents, however, an owner can submit documents to demonstrate that the controlling interest has not changed and therefore the change in documentation is not a change in ownership.

3. **An entity qualified to hold an LE permit may hold more than one LE permit. If the Council authorizes a LE permit stacking program, in which a vessel could use more than one permit simultaneously, each LE fishery participant would be required to hold at least one LE "base" permit. An LE base permit is the initial permit necessary to participate in the LE fishery, and subject to all of the requirements described herein for LE permit ownership qualifications, and gear and length endorsements. Requirements and additional priorities for permits "stacked" on to base permits may be authorized in a federal rulemaking.**

Any Provision 2 Stacking Option Combined with Option 4a of the Stacking Alternative [ADOPTED]

Section 14.2.4 gives the Council the authority to create a permit stacking program, however, Provision 2 of the stacking alternative specifies that where a trawl endorsement is involved in permit stacking (i.e. a permit has both a trawl endorsement and at least one fixed gear endorsement), if permits can be unstacked (Option 4a), the downsizing requirement for trawl permits will be waived. The following the changes to the FMP needed to implement any Provision 2 option combined with Option 4a.

14.2.7 Size Endorsement Will Specify the Vessel Length

The LE permit will be endorsed with the length overall (as defined for purposes of US Coast Guard documentation) of the vessel for which the LE permit is initially issued. The length for which the LE permit is endorsed will be changed only when LE permits are combined, as per Section 14.2.10, or, in the case of LE permits endorsed for trawl gear, when the size of the vessel used with the permit is more than five feet less than the originally endorsed length. In the latter case, the LE permit will be reissued with a size endorsement for the length of the smaller vessel. ***Regulations may be promulgated to waive this downsizing requirement if the permit was transferred to a smaller vessel for the purpose of stacking (See Section 14.2.4 paragraph 3).*** Vessels which do not have documents stating their length overall will have to be measured by a marine surveyor or the US Coast Guard and certified for that length.

14.2.9 Transfer of an LE Permit to Different Owners or Vessels of the Same Owner

3. LE permits may be used with vessels greater in length than the endorsed length provided the increase does not exceed five feet of the endorsed length. Original size endorsements will change only when LE permits are combined as per Section 14.2.10, or when an LE permit with a trawl endorsement is transferred to a vessel five feet less in length than the endorsed length. In the latter case, the LE permit will be reissued with a size endorsement for the length of the smaller vessel. ***Regulations may be promulgated to waive this downsizing requirement if the permit was transferred to a smaller vessel for the purpose of stacking (See Section 14.2.4 paragraph 3).***

Option 4c of the Stacking Alternative [NOT ADOPTED]

Section 14.2.4 gives the Council the authority to create a permit stacking program and require that once permits are stacked they cannot be unstacked. However, tier limits are associated with the sablefish endorsement. In order to allow tier limits to be transferred separately from the sablefish endorsements, as specified in Option 4c, Section 14.2.6 paragraph 4 of the FMP would be amended to read:

14.2.6 Fixed Gear Sablefish Endorsements

4. ***If permits are stacked such that a single permit has multiple sablefish endorsements, sablefish endorsements and associated cumulative limits may be transferred to other sablefish-endorsed permits so long as at least one sablefish endorsement and associated tier limit remains with the permit.*** Fixed gear sablefish *endorsements* ***may not be transferred from permits on which there is only one fixed gear sablefish endorsement.*** ~~are not separable from the LE permit and therefore may not be transferred separately from the LE permit.~~

Options 7a and 7c of the Stacking Alternative [OPTION 7A ADOPTED]

Section 14.2.4 gives the Council the authority to create a permit stacking program and require that permit owners be on board the vessel when permits are stacked. However, Option 7a would require all permit owners to be on board while a vessel is participating in the primary fixed gear sablefish fishery, even when permits are not stacked. Additionally, for the purpose of implementing a grandfather clause, Options 7a and 7c would create a definition of change in ownership different from that in the FMP. To implement the grandfather clause Section 14.2.4 of the FMP would need to be modified as follows.

14.2.4 Ownership Restriction and Changes in Ownership

. . . .

4. ***For the purpose of provisions specifically identified by the Council, NMFS may promulgate regulations which define a change in ownership of a permit as a change in the identity or ownership interest of a corporation or partnership owning a permit.***

To implement the owner-on-board requirement for permits that are not stacked (Option 7a), a new section (Section 14.2.12) would be added to the FMP:

14.2.12 Owner-on-board Requirements

In order to preserve the social and historic characteristics and practices in the fishery or to encourage the flow of fishery benefits into fishing communities, on the Council's recommendation, as it deems appropriate and consistent with the goals of the groundfish FMP and National Standards, NMFS may require permit owners to be on-board a vessel during fishing operations.

Option 9b of the Stacking Alternative [ADOPTED]

Under the extended season specified in Option 5a, vessels with fixed gear limited entry permits that do not have sablefish endorsements would not be able to operate for a substantial portion of the season.

If these vessels are to be provided a fixed gear sablefish opportunity during the primary fixed gear fishery, the following changes would be needed in the FMP language.

14.2.6 Fixed Gear Sablefish Endorsements

1. The permit and gear endorsement requirements of the license limitation program limit the number of vessels which may participate in the groundfish fishery, however, there is still substantial opportunity for vessels to shift between segments of the groundfish fishery. One of the segments of the limited entry fishery subject to an increase in the number of vessels participating is the limited entry fixed gear sablefish fishery. To prevent the movement of vessels from nonsablefish segments of the limited entry fixed gear groundfish fishery to the sablefish segment of the fishery, a fixed gear sablefish endorsement for limited entry permits is required for longline and fishpot gear limited entry vessels to take sablefish against the fixed gear limited entry allocation ***and as part of the primary fishery, the major limited entry fixed gear sablefish harvest opportunities north of 36°N latitude. Such endorsements are not required to harvest under fixed gear limited entry daily-trip-limit or other regulations intended to allow low level or incidental harvest.*** ~~during periods of time specified in the regulations. The general intent is to require an endorsement to take part in the major limited entry fixed gear sablefish harvest opportunities north of 36°N latitude, but not when management measures are intended to allow only small or incidental sablefish harvests.~~

14.2.8 An LE Permit and Necessary Gear and Sablefish Fixed Gear Endorsements Will Be Held by the Owner of Record of the Vessel

6. A vessel owner may not use a vessel, or allow a vessel to be used, to catch any Council-managed sablefish with longline or fishpot gear against the LE fixed gear sablefish allocation ~~and under LE fixed gear sablefish regulations during fishing periods~~ ***as part of the primary fixed gear sablefish fishery*** specified in the regulations and north of 36°N latitude, unless the vessel owner holds an LE permit with a longline or fishpot gear endorsement and a fixed gear sablefish endorsement, and the LE permit has been registered with National Marine Fisheries Service (NMFS) for use with that vessel. ***Sablefish endorsements are not required to harvest under fixed gear limited entry daily-trip-limit or other regulations intended to allow low level or incidental harvest.***

Option 10a of the Stacking Alternative [NOT ADOPTED]

14.2.4 Ownership Restriction and Changes in Ownership

1. Only entities (human beings, corporations, etc.) qualified to own a US fishing vessel may be issued or may hold (by ownership or otherwise) an LE permit ***with the exception of limited entry longline and fishpot permits endorsed for sablefish. Longline and fishpot permits endorsed for sablefish maybe owned only by US citizens.*** (Foreign ownership of LE permits should be limited to the maximum degree possible given what is allowed under the law.)

PFMC
06/05/01

JUNE 2001 NMFS REPORT:

AMENDMENT 14 (PERMIT STACKING) REGULATORY SCHEDULE FOR 2001, IMPLEMENTATION ISSUES FOR 2002 AND BEYOND

Amendment 14 Regulatory Schedule for 2001

On May 9, NMFS published a Notice of Availability for Amendment 14 in the *Federal Register*. This notice announced the start of a 60-day public comment period on Amendment 14, ending on July 9. NOAA has 30 days from the end of the comment period to approve, disapprove, or partially approve the amendment. On June 8, NMFS published a proposed rule (attached) to implement the Amendment 14 permit stacking program for 2001, with the public comment period ending on July 9. If NOAA approves or partially approves Amendment 14, we will publish a final rule for the 2001 season as soon as possible after the end of the comment period. The most optimistic schedule would not allow the extended season with permit stacking until August 15, but much of the publication scheduling is now out of the hands of the Region. As discussed at past Council meetings, some portions of Amendment 14 are too complex and time-consuming to implement in time for the 2001 season. These provisions will be implemented in 2002 through a second proposed rulemaking. The table on page 5 provides details on when NMFS expects to implement each of the Amendment 14 provisions.

Amendment 14 Implementation for 2002 and Beyond – Issues for Council Guidance

Requirements for Permit Owners During the Primary Season

Amendment 14 provides three specific requirements for participants in the primary sablefish season. NMFS needs Council guidance on the following requirements:

- Absent specific exceptions, the permit owner must be on board the vessel during fishing operations.
- Stacked permits may only be used for sablefish harvest during the primary season and only to harvest the tiered sablefish cumulative limits.
- Limited entry, fixed gear sablefish fishery participants must provide six hours' notice before making landings during the primary sablefish season.

Amendment 14 is structured so that once the primary season begins, all of a vessel's sablefish landings count toward the tier limits associated with its permit(s). If a vessel harvests all of its tier limit(s) before the end of the primary season, it may then participate in the daily trip limit (DTL) fishery, subject to DTL regulations. Some permit holders may opt to fish for rockfish or other species at the start of the season, with plans to harvest the bulk of their sablefish later in the season. If a vessel does fish for rockfish early in the season, it may also catch sablefish incidentally during rockfish-targeted trips.

NMFS needs clarification on whether a permit owner is required to be on board a vessel during the primary season when the vessel is fishing for sablefish daily trip limits or for species other than sablefish. A vessel may have up to three permits with different gear endorsements and only one permit must match the size of the vessel. When fishing for its primary season, tiered sablefish limits, a vessel may use any of the fixed gears endorsed on any of the permits associated with that vessel. Stacked permits may not be used for additional non-sablefish limits or for additional DTLs. This structure raises some questions:

Issue 1 (Owner on Board)

(a) Must the owner be on board the vessel for all fishing operations during the primary season, even if the vessel takes its tiered sablefish limit(s) during the first few weeks or months? OR

(b) Must the owner be on board during the entire primary season until the primary season sablefish limit has been taken? OR

(c) Must the owner be on board only when sablefish are being harvested toward the primary season limit(s)?

While Option (c) allows the most flexibility for a permit owner who might wish to hire a skipper to operate his boat when fishing for species other than sablefish, it could also result in sablefish discard if the skipper were to catch sablefish incidentally to other fishing operations during times when the permit owner is not on board.

Issue 2 (Gear Use for Permits with Different Size Endorsements)

(a) If a vessel carries a pot permit that matches the length of the vessel and a longline permit that is endorsed for a shorter length than the vessel and the vessel fishes with longline gear for either the sablefish DTLs or for rockfish, may the vessel keep amounts of non-sablefish species up to the limited entry limits for those species? OR

(b) Under the scenario described in (a), would the vessel be allowed to retain non-sablefish species up to the open access limits? (Under limited entry regulations, a pot-endorsed vessel fishing with longline gear is considered a participant in the open access fishery.)

Option (b) would be difficult to enforce. Enforcement agents would not necessarily know what gear was used during fishing operations, and would probably not know the permit that the vessel was fishing against on any particular trip. Enforcement would be more clear under (a), which would allow the vessel to use either gear during the primary season to take its tiered sablefish limits and per vessel rockfish limits. Outside of the primary season, the vessel would be restricted to using only the gear designated on its length-appropriate permit when participating in the limited entry fishery.

Issue 3 (Advance Notice of Landings) Amendment 14 would require vessels to "provide six hours' notice when making landings during the primary season."

(a) Must a vessel provide six hours notice on every trip (regardless of target species) during the primary season, even after it has reached its primary season sablefish limit(s)? OR

(b) Must a vessel provide six hours notice on every trip (regardless of target species) during the primary season until it has harvested its primary season limit(s)? OR

(c) Must a vessel provide six hours notice for every trip in which it harvests sablefish during the primary season? (Including DTLs)

Option (b) would ensure that all primary season sablefish trips are noted by enforcement, regardless of how much sablefish a vessel is landing and whether the vessel catches sablefish through targeting fishing or incidentally to other fisheries. While Option (a) would also ensure enforcement notice of primary season landings, it would be unnecessarily burdensome for vessel to continue to hail in their landings after they have reached their primary season tier limits. Option (c) would be most flexible for the vessels, but would weaken enforcement of the limits because vessels might make small and incidental sablefish landings without hailing in.

Related Question: The required six hours notice is a *minimum* time requirement. What is the *maximum* time before landing that a vessel may provide notice of landing? For example, may a vessel hail in to say that it will be making a sablefish landing 12 hours or 24 hours from the hail-in?

Base Permits and Gear Designation – Under Section 14.2.4, paragraph 3, of the FMP, "If the Council authorizes a limited entry permit stacking program, in which a vessel could use more than one permit simultaneously, each limited entry fishery participant would be required to hold at least one 'base' permit. A limited entry base permit is the initial permit necessary to participate in the limited entry fishery, and subject to all of the requirements described herein for limited entry permit ownership qualifications, and gear and length endorsements. Requirements and additional priorities for permits 'stacked' on to base permits may be authorized in a federal rulemaking."

According to Amendment 14, vessels may stack permits with different gear endorsements. To implement Amendment 14 in keeping with section 14.2.4 of the FMP, permit holders would be required to designate one of their permits as a base permit. That base permit would carry the vessel's appropriate length and gear endorsements. Outside of the primary season, the vessel would operate under the per vessel cumulative limit restrictions appropriate to the gear of the base permit.

Owner-On-Board Exemption – Amendment 14 allows an emergency exemption to the owner-on-board requirement "for medical and personal emergencies beyond the control of the permit owner."

(a) Should NMFS implement this provision using language in its regulations that would allow an emergency exemption to the owner-on-board requirement in cases of "medical and personal emergencies?" OR

(b) Should NMFS implement this provision using similar exemption language to the limited entry program application process, which would allow an emergency exemption to the owner-on-board requirement in cases of "either death, or illness, or injury of the permit owner that prevents the permit owner from participating in the fishery for at least one-half of the duration of the primary season?" OR

(c) Should NMFS implement this provision using the language used by NMFS's Alaska Region for a similar emergency exemption to the owner-on-board requirement in the Alaska sablefish/halibut IQ program, which would allow an emergency exemption "in the event of extreme personal emergency involving the [permit owner] during a fishing trip?"

Option (b) is the most clear of the three options and leaves less discretion to the NMFS Regional Administrator. Providing a time constraint on "illness or injury" limits potential for frivolous use of the exemption. Phrases like "medical and personal emergencies" or "extreme personal emergency" are vague and provide broad opportunities for abuse. Option (b) is in keeping with the level of discretion that this Council has traditionally granted to the Regional Administrator.

Defining Ownership in Sablefish-Endorsed Permits

- No person, partnership, or corporation may own more than 3 sablefish-endorsed permits unless that person, partnership or corporation owned more than 3 permits as of 11/1/00.
- No partnership or corporation may own a sablefish-endorsed permit unless that partnership or corporation owned that sablefish-endorsed permit as of 11/1/00.
- For any permit purchased after 11/1/00, the permit owner must be on board the vessel while the vessel is fishing against its primary sablefish fishery limits.

Although there are some public records available to NMFS to determine the individual persons who own shares in a partnership or corporations, NMFS cannot guarantee that it will always be able to know the identities of all persons involved in a corportion. Neither can NMFS guarantee that it will be able to know whether a permit is in fact owned by an individual person, as opposed to being owned by a corporation that is contracting a particular individual to serve as an "owner" on NMFS paperwork. These ownership provisions were modeled after the Alaska halibut/sablefish IFQ program. In implementing that program, NMFS asks quota share owners to self-certify the names of the person(s) owning the quota shares. For example:

"I, Bob Jones, certify that I am the sole owner of this limited entry permit #GF0XXX, ___(sign here)___ "

or, "We, Bob Jones and Shirley Jones, certify that we are the only persons with ownership interest in Jones, Inc., which owns this limited entry permit #GF0XXX, _____(sign here)_____, _____(sign here_____ "

NMFS would be unable to verify the truth of these statements through normally-accessible public records. A criminal investigation into activities counter to the Magnuson-Stevens Act might lead enforcement agents to take a closer look at corporate ownership structure, but the NMFS permits office would not undertake that level of investigation.

Ownership Limits Versus "Holdership" Limits – In the Amendment 14 EA/RIR (page 8 of 3/01 draft), under Provision 3, no more than three sablefish-endorsed permits that may be owned by an individual, unless that person held more than three permits as of November 1, 2000. Under the current groundfish regulations, at 50 CFR 660.302, "permit owner" and "permit holder" are defined as follows:

"*Permit holder* means a permit owner or a permit lessee."
"*Permit owner* means a person who owns a limited entry permit."

NMFS needs clarification from the Council on the following questions:

(a) Is a person restricted to *owning* no more than three permits, or is a person restricted to *holding* no more than three permits? For example, may a person own three permits and then lease additional permits beyond those three owned permits? If a person owns no permits, is there a restriction on the number of permits he/she may *hold*?

(b) If a person *held* more than three permits as of November 1, 2000, but did not *own* more than three permits as of November 1, 2000, is that person grandfathered for the privilege of *holding* more than three permits? In other words, are we grandfathering the privilege of *ownership* or of *holdership*?

Mid-Season Permit Transfers – If a permit owner wishes to transfer a permit from one vessel to another vessel during the primary sablefish season, NMFS may not be able to verify the amount of sablefish landed against that permit by the first vessel until after the end of the season. For 2001, NMFS will only be able to caution the owner of the second vessel that he needs to be aware of the first vessel's sablefish landings before fishing against the received permit. NMFS and appropriate state enforcement officers will receive lists of vessel names connected with permits via a mid-season transfer for post-season investigations. For 2002 and beyond, NMFS would require submission of fish tickets for a mid-season transfer of a sablefish endorsed permit. Even with fish tickets, however, preventing "double-dipping" on a permit will be difficult and enforcement will most likely occur post-season. If double-dipping occurs, both the permit transferor and transferee could be prosecuted for exceeding the sablefish trip limit.

Allowing At-Sea Processing – Amendment 14 includes a provision to allow at-sea processing for permit owners who can demonstrate the landing of at least 2,000 lb of frozen sablefish in 1998, 1999, or 2000. Sablefish cumulative limits are given in round weight, while landings are made both dressed and round. Frozen, processed sablefish is usually sold dressed.

Should the freezing-at-sea landings qualification apply to dressed or round weight sablefish?

Fish tickets do not usually specify whether a product has been landed frozen. A vessel that has purchased a freezer may or may not be using that freezer for sablefish, thus shipyard receipts of freezer installation may not be useful evidence of a history of freezing sablefish.

What evidence should NMFS accept in trying to verify that the at-sea freezing qualification requirements have been met?

Implementation Schedule for 2001 and 2002 Seasons

Amendment 14 has many detailed provisions for managing the limited entry, fixed gear sablefish permit stacking program. If NOAA approves Amendment 14, NMFS will implement some of those provisions in time for the 2001 fishery and the remainder for the 2002 fishery. Implementing some aspects of Amendment 14 would require a six-month Paperwork Reduction Act (PRA) authorization process followed by a three- to four-month application and permitting process with NMFS. The agency plans to implement the provisions most desired by the public in time for an extended 2001 fishery. A second set of amending proposed and final rules would be needed for the 2002 season.

2001	2002
Permit Stacking – A single vessel may carry up to three permits during the 2001 season. Permits may be unstacked and transferred within the restrictions of the permit transfer regulations.	No change.
Season Length – If NMFS encounters no unanticipated problems, the agency anticipates an August 15 through October 31 season.	April 1 through October 31.
Gear Used – Vessel may use any fixed gear type specified on at least one of the permits associated with the vessel.	No change.
# of Permits per Person – No more than 3 permits per person, although persons who owned more than 3 permits as of 11/01/00 may continue to own those particular permits. However, permit owners will not need to submit detailed ownership information until 2002, so individual ownership within corporations and partnerships may be difficult to track.	No more than 3 permits per person, although persons who owned more than 3 permits as of 11/01/00 may continue to own those particular permits. Permit owners will be required to provide ownership information to ensure that no single individual human has ownership interest in more than 3 permits.
Permits owned by Partnerships/Corporations – No partnership or corporation may own or hold a sablefish-endorsed permit unless it owned a permit before 11/01/00. (NMFS will only transfer permits to individuals, or to corporations or partnerships that owned permits as of 11/01/00.)	Partnerships and corporations will be required to provide the details of their ownership structures to NMFS, as they existed on 11/01/00.
At-Sea Processing – No prohibition.	Vessel owners who provide proof to NMFS that their vessels landed at least 2,000 lb frozen, Council-managed sablefish in 1998, 1999, or 2000 will be allowed to process (freeze) sablefish at sea. Otherwise, at-sea processing will be prohibited.
Owner-on-Board – No requirement.	Persons with no ownership interest in a sablefish-endorsed permit as of 11/01/00 who now own permits must be on board their vessels during primary sablefish fishery.
Limits for Species Other Than Sablefish – Cumulative limits for species other than sablefish remain per-vessel limits and may not be stacked.	No change.
Daily Trip Limit Fishery – DTL fishery for sablefish will be open during the primary season. Vessels with stacked permits that have already taken their cumulative limits for the primary season will be subject to per-vessel limits in the DTL fishery.	No change.
Advance Notice of Landing – No requirement	Vessels landing sablefish against their primary fishery cumulative limits will be required to "hail in" at least 6 hours before making a landing.

JUNE 2001 COUNCIL MINUTES, EXCERPT

C.7. Limited Entry Fixed Gear Sablefish Permit Stacking and Season for 2001 and Beyond

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C.7.b. NMFS Report on Implementation Status, Needed Clarifications, and Cumulative Limits

[Exhibit E.3.a, Attachment 4, April 2002]

C.7.c. Comments of Advisory Bodies

GAP

Mr. Frank Warrens read the report of the GAP.

The Groundfish Advisory Subpanel (GAP) met with NMFS staff to discuss implementation issues for nontrawl sablefish permit stacking. The GAP used Exhibit C.7.b, "Supplemental NMFS Report" as the basis for its discussions, and this statement reflects comments made on that document.

Requirements for Permit Holders
Issue 1 (Owner on Board) - the GAP believes a modified option (b) should be used, which would require the owner to be on board during the entire primary season until the primary season limit has been taken, but only when the vessel is fishing for groundfish. Since some vessels fish for nongroundfish species such as crab, retaining the owner on board requirement for these fisheries seems excessive.

Issue 2 (Gear Use for Permits with Different Size Endorsements) - the GAP believes option (a) makes the most sense, and notes NMFS's concerns with enforceability of other options.

Issue 3 (Advance Notice of Landings) - the GAP agrees with NMFS that option (b) is the best choice, again citing the problems with enforcement. The GAP further suggests a maximum time for notification of 24 hours be established. The GAP appreciates the input provided by the Enforcement Consultants in resolving this issue.

Owner on Board Exemption
The GAP believes a modified option (b) would be the best choice. The modification consists of removing the language regarding "for at least one half of the primary season." GAP members note that vessels are engaged in a variety of fisheries and permit holders may choose to conduct their sablefish fishery late in the season. If an injury occurs just before a vessel begins fishing in September, for example, most of the primary season will have been exhausted and an exemption would not be allowed.

Ownership versus "Holdership"
The GAP believes the intent of this language was to grandfather ownership of permits, but a person cannot hold more than 3 permits for the purposes of stacking.

Mid-Season Transfers
The GAP notes that both the Alaska individual transferable quota longline fishery and the Canadian groundfish fishery have moved to use of a "card-swipe" system to track landings. The GAP believes a similar system would have benefits for management of all groundfish fisheries in this region and urges NMFS to invest the necessary funds to establish such a system. Given the work now being done on electronic logbooks by NMFS Northwest Fisheries Science Center, such a system might have even greater benefits for enforcement and data collection.

At-sea Processing
In supporting an exemption window, the GAP intended to recognize investments in freezing equipment made by fishermen prior to approval of Amendment 14. The GAP believes evidence of such investments can be clearly demonstrated through receipts from buyers or exporters purchasing frozen product, receipts from equipment and packaging suppliers, and invoices from shipyards where freezer equipment has been installed.

EC

Sgt. Dave Cleary read the report of the Enforcement Consultants.

The Enforcement Consultants (EC) discussed the issues outlined in Exhibit C.7.b, Supplemental NMFS Report.

Issue 1 - Owner on Board
The three options are policy decisions and language could be adopted to enforce all three.

The EC spoke with the Groundfish Advisory Subpanel (GAP), and they have an option that states:

> *...a modified option (b) should be used, which would require the owner to be on board during the entire primary season until the primary season limit has been taken, but only when the vessel is fishing for groundfish. Since some vessels fish for nongroundfish species such as crab, retaining the owner on board requirement for these fisheries seems excessive.*

The EC supports that option.

The EC would ask that the permits, when issued, simply state whether owner on board is required.

Issue 2 - Gear Use for Permits with Different Size Endorsements
The EC sees this again as a policy issue. The EC does not have the capability to monitor the fishing activities of the fleet for six months at sea as well as dockside (on a trip-by-trip basis). Our recommendation is that as the permits are stacked, the vessel would be endorsed for both gears and would be limited only by the limited entry limits when using any of the listed gears.

If the boat then went to another fishery using open access gear (hook-and-line), the boat would be required to abide by the most restrictive limit.

Issue 3 - Advance Notice of Landings
The EC had a short discussion with the GAP and NMFS on this issue. We need to look at the logistics of maintaining a call-in system for six months.

In the past, call-in systems have been used for short durations or for small numbers of vessels, rather than for a longer season with many vessels. We would like to explore what is being done in Alaska.

Owner on Board Exemption
The EC asks that NMFS look at requiring documentation from a doctor in the event of an illness, or possibly limiting the ability to use an exemption to once in a three-year period.

C.7.e. **Council Action:** Consider Implementation of Limited Entry Fixed Gear Sablefish Permit Stacking and Season for 2001 and Beyond (Advice to NMFS)

. . . .

Mr. Brown, commented that the notification requirement does not go into effect until 2002, this will give the enforcement consultants time to talk about it how best to apply it.

VOTING LOG

. . . .

MOTION 6: On the issue of implementing the limited entry fixed gear sablefish permit stacking and season for 2001 and beyond (as advice to NMFS), accept the GAP recommendations as outlined in their report (Exhibit C.7.c), except under Issue 2, choose option (b). For clarification, include the conversion of round weight for freezing and the start date would be August 15 as recommended by NMFS .

Moved by: Donald Hansen Seconded by: LB Boydstun
Motion 6 passed.

. . . .

NOVEMBER 2001 NMFS REPORT:

AMENDMENT 14 (PERMIT STACKING) IMPLEMENTATION ISSUES FOR 2002 AND BEYOND

NMFS Northwest Region is drafting a Proposed Rule to implement those Amendment 14 management measures that were not implemented through the 2001 season final rule, published on August 7, 2001. Proposed regulatory changes for 2002 and beyond would include: a primary season framework so that the season may be of any duration within the period April 1 through October 31; permit owners would be required to document their ownership interests in their permits to ensure that no person holds more than three permits; vessels that do not meet minimum frozen sablefish historic landing requirements would not be allowed to process sablefish at sea; an owner-on-board requirement for permit owners who did not own sablefish endorsed permits on November 1, 2000; and the definition of the term "base permit."

When the Council adopted regulatory recommendations to implement Amendment 14, it recommended that NMFS require vessels to provide six hours' notice when making sablefish landings during the primary season. This provision was included in the regulatory recommendations because a similar provision is in place for the Alaska halibut/sablefish individual fishing quota (IFQ) fishery. For the Alaska fisheries, the hail-in requirement was part of the original IFQ/CDQ program first proposed at 57 FR 57130, on December 3, 1992. In that proposed rule, NMFS wrote:

> "A capability to monitor an IFQ landing and enforce provisions of the IFQ rules is necessary to all IFQ landings. A requirement to give prior notice of an IFQ landing is proposed to satisfy this need. The operator of any vessel making an IFQ landing would be required to give NMFS notice of the landing no less than 6 hours before landing IFQ species...The intent of this requirement is to give monitoring and enforcement personnel an option of observing the landing and inspecting the vessel making the landing. The real potential of such monitoring is expected to inspire most fishermen to comply with reporting and landing requirements..."

NMFS discussed the merits of requiring hail-in for West Coast sablefish landings internally between its Northwest, Southwest, and Alaska Regions, and between the management and enforcement branches of the agency. The agency has determined that this hail-in requirement would be unnecessarily burdensome for fishers and less useful in enforcing West Coast fisheries regulations than it may be in Alaska waters. Over 1,000 vessels participate in the sablefish/halibut IFQ fisheries off Alaska, each landing a vessel-specific amount of fish based on that vessel's particular quota shares. In the West Coast primary sablefish fishery, there are only 164 sablefish-endorsed permits, which means that no more than 164 vessels could participate in the fishery. Additionally, each permit is assigned to one of three tiers, which means that there is a limited number of possible landings amounts available to the vessels participating in the primary fishery. This relatively simple cumulative limit system and the small number of vessels involved make a hail-in requirement unnecessary. NMFS does not now have hail-in requirements for any other West Coast groundfish species or fishery and does not believe that primary sablefish season cumulative limit management differs significantly enough from the rest of the groundfish fishery's cumulative limit management to warrant this additional enforcement and reporting burden.

NMFS would be pleased to hear any comments the Council and its advisory entities may have on this issue, and would incorporate those comments into the preamble text of the Proposed Rule to implement additional Amendment 14 regulatory measures for 2002 and beyond.

provided by Yvonne dekeynier

AMENDMENT 14 (PERMIT STACKING) IMPLEMENTATION ISSUES FOR 2003 AND BEYOND

On August 7, 2001, NMFS published a final rule implementing Amendment 14 to the groundfish fishery management plan. The final rule established the basic "permit stacking" program for sablefish-endorsed limited entry permits (66 FR 41152). Under this program, up to 3 limited entry permits with sablefish endorsements may be registered for use with a single vessel during the primary sablefish season; permits may only be owned by one individual human person; and no person may have an ownership interest in, or hold (i.e. lease), more than 3 permits. An exception to the individual ownership requirement and the limitation to 3 permits is made for entities (corporations, partnerships, and individuals) that owned sablefish-endorsed permits on November 1, 2000. These entities are "grandfathered," and are not subject to the individual ownership requirement, the "no more than 3 permits" rule, or to the "owner-on-board" requirement described below. To minimize confusion in this document, permit owners who owned permits on November 1, 2000 will be referred to as "first generation" (or "grandfathered") permit owners, while a permit owner that did not own a sablefish- endorsed permit on November 1, 2000 will be referred to as a "second generation" permit owner. Requirements discussed here apply to all sablefish-endorsed permits, even if they are not stacked.

In the *Federal Register* notice announcing the final rule, NMFS indicated that the agency would implement the more complex provisions of Amendment 14 through a second set of regulations for the start of the 2002 primary sablefish season. However, the agency has not yet implemented these provisions due to the workload resulting from recent groundfish litigation, and to the need for clarification of the Council's intent regarding some of the more complicated Amendment 14 provisions. To date, only the April 1 through October 31 primary sablefish season has been implemented for 2002.

Following consultation with the Council and its advisory bodies at the April 2002 Council meeting, NMFS expects to implement the following provisions as regulations for 2003 and beyond, consistent with Amendment 14:

1) An owner on-board requirement for permit owners who did not own sablefish endorsed permits on November 1, 2000;

2) A requirement that corporations and partnerships provide documentation listing all individuals with ownership interest in the entity (i.e., shareholders, partners, etc.) as of Nov. 1, 2000, in order to determine the number of permits owned by an individual and in order to document the ownership structure of the owning entity for determining when grandfather rights terminate;

3) A determination of which sablefish-endorsed vessels have sufficient frozen sablefish landings to qualify for the exemption from a prohibition on the at-sea processing of sablefish.

In preparing to implement these provisions, NMFS has received many questions from the affected fishers about ownership structure and limitations. Many fishermen have expressed surprise and dismay at the effects of the new requirements. NMFS wants to bring these issues to the Council's attention. In some cases NMFS would like clarification on how things should be implemented. In other cases NMFS wants to ensure that the affected public fully understands the effect of these provisions on their fishing operations and business arrangements. The provisions will generally impact most existing permit owners' business and family arrangements related to their fishing operations, as well as the fishing operations themselves. Examples of specific issues that have caused concern are: 1) the requirement that the owner of a permit be physically aboard the vessel when the permit is being fished (e.g., if a vessel operator will land fish caught under two leased permits, the owners of those two permits must be aboard the vessel); 2) how the owner-on-board requirement will affect vessel operators as they age and become physically less able to cope with the demands of fishing; 3) what happens with the surviving spouse if the permit owner dies and the owner-on-board requirement applies; and 4) effect on desired family business arrangements of any or all of the requirements.

Of the three numbered items listed above, the latter two are reasonably straightforward to implement, although their implementation requires Paperwork Reduction Act clearance from the Office of

Management and Budget. NMFS could benefit from Council guidance regarding the owner-on-board requirement, and issues stemming from this.

Background. The intent of the owner-on-board and individual-owner provisions is to keep the fishery as an owner-operated fishery, preventing permits from being purchased by absentee owners who then lease permits to the fishermen. Thus, the permit stacking program requires the permit owner to be physically aboard the vessel when it takes its sablefish under a permit (referred to as the "owner-on-board" requirement). This requirement is applied only to second generation owners in order to avoid unnecessary disruption to current business arrangements. Second generation owners are also required to be individuals rather than business entities. In order to determine when the first generation ownership changes (which triggers the owner-on-board and individual ownership requirements), NMFS needs to know exactly what the ownership entity was, and what individuals had ownership interests in the entity, as of November 1, 2000. NMFS records show that ownership entities (permit owners of record) as of November 1, 2000 included corporations, partnerships, trusts, joint tenancies, tenancies in common, marital communities, and individuals. It is also necessary to define what events cause changes in an ownership entity such that it is no longer grandfathered, and the second generation requirements come into play.

Under the Council's regulatory recommendations for implementing Amendment 14, "the permit owner would be required to be onboard the vessel during fishing operations, with the exception of those falling under the following grandfather provision: Corporations, partnerships, and individuals who hold sablefish endorsed permits as of November 1, 2000 will not be required to be onboard the vessel on which the permit will be used. Grandfathered absentee owners may acquire additional permits to stack with the permits they own, subject to accumulation caps, and still maintain their exemption from the owner on board provision. This exemption will cease if there is any change in the identity of a corporation or partnership owning the stacked permits."

Amendment 14 regulatory recommendations further defined a "change in the identity" as the addition of a new member to the grandfathered corporation or partnership (subtraction of a member would not cause a change in the identity of the ownership entity). For purposes of determining what ownership entity is grandfathered, NMFS will not investigate permit ownership outside of what was listed in its permit records as of November 1, 2000. Therefore, for purposes of implementing this system, the permit owner of record in NMFS records as of November 1, 2000 is the grandfathered ownership entity.

In June 2001, the Council provided NMFS with guidance for the owner-on-board provision, clarifying that permit owners who are subject to the owner-on-board requirement must be on board the vessel whenever sablefish is taken, starting from April 1 through whenever the vessel has harvested the primary sablefish limits associated with the permits registered for use with that vessel. Only persons, partnerships or corporations that, as of November 1, 2000, owned the sablefish-endorsed permits registered for use with the vessel would be exempt from this requirement.

Owner-on-Board Points of Clarification

Issue 1. What is the duration of the owner-on-board exemption for first generation owners? Three possible options are presented below.

(A) A first generation owner is exempt from the owner-on-board provision for as long as he/she is alive, or for business entities, as long as the ownership entity does not change.

(B) A first generation owner is exempt from the owner-on-board provision for as long as the entity owns at least one sablefish endorsed limited entry permit.

(C) A first generation owner is exempt from the owner-on-board provision for as long as the entity owns at least one sablefish endorsed limited entry permit, and has not had a break in the ownership of such permits of longer than 6 months (a year, duration?). In other words, a first generation owner could sell its permit, buy another permit within the specified time frame, and retain its exemption from the owner-on-board requirement.

Issue 2. If a partnership or a corporation is a first generation owner, how are the individual persons with ownership interest in that partnership or corporation affected by the owner-on-board provision?

(A) A person who has ownership interest in a partnership or corporation that is a first generation owner is exempt from the owner-on-board provision if he/she wishes to own a permit under his/her own name, even if he/she did not own a permit under his/her own name as of November 1, 2000. That is, the *individuals* with ownership interest would be exempt.

[This interpretation would raise additional questions. For example, if a new owner is added to the grandfathered ownership entity, that entity loses its grandfathered status and must become a second generation owner. Would the individuals with ownership interest in this entity still individually be considered first generation owners and exempt from the owner on board? Or would their grandfathered status also expire?]

(B) A person who has ownership interest in a partnership or corporation that is a first generation owner is *not* exempt from the owner-on-board provision for permits owned under his/her own name unless he/she owned a permit under his/her own name as of November 1, 2000. That is, the *ownership entity* is what is exempt.

Issue 3. How is the owner-on-board requirement applied when a first generation individual permit owner dies?

(A) The next owner of the permit is a second generation owner, and must be an individual that must be aboard the vessel when it is fishing against its tiered sablefish limits. During the period that the permit is owned by the estate and has not been transferred to an individual it cannot be used.

(B) The estate of the deceased permit owner has a period of time in which to transfer the permit to an individual. This period allows the estate to hire a skipper to fish the permit while the estate is being settled. Once the permit is transferred, the new owner must be on board the vessel. The grace period could be 1 year, 2 years, 3 years. NMFS Alaska Region allows a grace period under their regulations. NMFS strongly recommends the grace period.

[Under this interpretation, if a spouse inherits a permit, the permit could be fished by anyone while the estate is being settled, up to the end of the grace period. However, once the estate is settled and the permit has passed to the spouse, then the spouse is the second generation owner and must be on the vessel when the tier limit is being taken.]

Issue 4. Under the Council's regulatory recommendations for implementing Amendment 14, a partnership or corporation that adds a new member would lose its exemption from both the owner-on-board provision and from the provision that allows only individual persons to be permit owners. Many partnerships or corporations that own sablefish endorsed permits are family-owned entities.

(A) Continue this provision, which would abolish a partnership or corporation's exemptions in the event that the partnership or corporation adds a new member. [Under this option, a husband and wife that own a permit could not add a son or daughter to the permit without losing first generation status. Similarly, a fisherman who wants to take on new a partner because an existing partner is retiring could not add that new partner without losing first generation status.]

(B) Remove this provision, allowing partnerships or corporations to add new members without losing their exemptions. [This option could allow a partnership or corporation to remain exempt from the owner-on-board provision and the individual owner provision for as long as the corporation exists (i.e., forever).]

Issue 5. Under the current structure, an individual who is a first generation permit owner could not add another person as a permit owner, because as described under Issue 4, that person would lose his/her first generation status. [Therefore, if a permit owner gets married or has a child, he/she could not add the new spouse or child as an owner. In addition, since second generation owners must be individuals, a

husband and wife will not be able to be listed as second generation permit owners. Only one person may be listed, and that permit owner must always be on the vessel. Additionally, two business partners could not own a permit together and fish that permit at separate times, as only one person could be listed as the permit owner.]

Issue 6. One issue that has come up is that in some states, a husband and wife may both own the permit under community property law. However, some permits may be listed in the NMFS records with both spouses being the permit owner, and for other permits, only one spouse may be listed as the permit owner. It would not be appropriate or practical for NMFS to attempt to discern whether permits are community property or not. As part of implementing this rule, NMFS believes that the agency should allow first generation permit owners that were married on the control date to correct permit ownership records as of that control date if they wish. Permit owners could then add a not-listed spouse as a co- owner without losing the grandfather status.

Issue 7. If an owner must be on board when a permit is being fished, in the case where permits of different owners are being used on one vessel, there must be some way to record what permit is being used, and who is on board. Currently, permit numbers are not recorded on fish tickets in each state, and there is no set way to determine who is on board when those permits are being fished. One way to enforce this to develop a method to record on fish tickets the permit number of the permit being fished (in addition to the "base" permit number, if that is already recorded), and the signature of the permit owner. NMFS and the Council must work with the states to develop a workable tracking system.

Limitations on Permit Ownership and Permit Holdership

Under the Council's initial regulatory recommendations for implementing Amendment 14, no more than three sablefish endorsed permits may be owned by a person, partnership or corporation, unless that person, partnership, or corporation held more than three permits as of November 1, 2000. In June 2001, the Council clarified this recommendation, saying that it had intended to restrict each person, partnership, or corporation to holding (owning or leasing) no more than three permits. The Council further clarified that the grandfathered exception to the 3 permits restriction allowed only those persons, partnerships, or corporations that had owned more than 3 permits as of November 1, 2000 to continue to own those without acquiring additional permits.

Under the current groundfish regulations, at 50 CFR 660.302, "permit owner" and "permit holder" are defined as follows:

"*Permit holder* means a permit owner or a permit lessee."
"*Permit owner* means a person who owns a limited entry permit."

The current regulations also provide at 50 CFR 660.333(a) that:

"In order for a vessel to participate in the limited entry fishery, the vessel owner must hold (by ownership or lease) a limited entry permit and, through [NMFS] must register that permit for use with his/her vessel."

This is the basic structure of the entire limited entry scheme - a permit must be registered to the vessel with which it is being used, and the owner of the vessel is the "holder" of the permit.

NMFS codified the Council's recommendations on ownership and holdership limits at 50 CFR 660.334(d)(3) as follows:

"(3) Ownership Requirements and Limitations [*for sablefish endorsed limited entry permits*].
(i) No partnership or corporation may own a limited entry permit with a sablefish endorsement unless that partnership or corporation owned a limited entry permit with a sablefish endorsement on November 1, 2000. Otherwise, only individual human persons may own limited entry permits with sablefish endorsements.
(ii) No person, partnership, or corporation may have ownership interest in or hold more than three permits with sablefish endorsements, except for persons, partnerships, or corporations that had ownership interest in more than 3 permits with sablefish endorsements as of November 1, 2000. The

exemption from the maximum ownership level of 3 permits only applies to ownership of the particular permits that were owned on November 1, 2000. Persons, partnerships or corporations that had ownership interest 3 or more permits with sablefish endorsements as of November 1, 2000 may not acquire additional permits beyond those particular permits owned on November 1, 2000 until they own fewer than 3 permits; at that time they may not exceed the ownership cap of 3 permits. . ."

In more plain English, this means that no one may have control over or ownership interest in more than three permits, unless he/she owned more than three permits as of November 1, 2000. It also means that anyone who owned more than three permits as of November 1, 2000 may not have control over additional permits beyond those owned as of November 1, 2000.

The Council and NMFS have received a request from a limited entry permit owner that the Council recommend revising these limited entry permit program regulations so that vessel owners would no longer have to "hold" limited entry permits to participate in the limited entry fishery. This would completely change the limited entry program structure. The real issue here is not the definition of "hold". Rather the issue is whether the three permit per person restriction should include permits that an entity "owns", or also ones the entity leases to use on his or her vessels. Two possible scenarios under different ownership/holdership rules:

(A) Under the current regulations, a person could own three permits and two (or more) vessels. The person could not stack an additional permit beyond the original three permits on his vessels. Or a first generation owner could own five permits and three vessels. He would not be able to stack any additional permits on the vessels beyond the original five permits.

(B) If there is no restriction on "leasing" permits, the first owner could lease any number of permits. He could stack his 3 permits on vessel 1, and lease three additional permits for his second vessel. If he leased from first generation owners, neither he nor the other owners would need to be on the vessel. If he leased from second generation owners, the second generation owners would have to be on the vessels. For the second person, he could use the 5 permits, and lease an additional 4 permits. Again, if the permits were leased from a first generation owner, neither owner would need to be on the vessel. If they were leased from a second generation owner, the permit owner would need to be on the vessel when the permit is being fished.

ENFORCEMENT CONSULTANTS REPORT ON INTERPRETATION OF FIXED GEAR SABLEFISH PERMIT STACKING PROVISIONS (AMENDMENT 14)

Tracking of sablefish landings are dependent upon the state fishticket programs. Going into this 2002 fishing season, the state fishticket tracking systems are inadequate for tracking stacked permits either for purposes of enforcement monitoring and auditing, fisheries management, or recording individual permit histories. This situation will be further complicated through inseason permit transfers and next years proposed owner on board requirement.

At best, for this year, the state fishticket program can track individual and gross landings per **vessel,** poundage per individual **vessel** landing, and gross pounds per **vessel**. To accommodate stacked permits, state fishtickets programs will need to be modified to accommodate the tracking of up to three permits per vessel, and three permit owners per vessel, with the added provision of declaring what permit the landing is attributed to. In some landing situations, multiple permits will be required to accommodate the poundage of the landing. These are all significant changes to the current status quo and should not be assumed as just a matter of changing reporting requirements, but will require significant changes to the state fishticket infrastructure.

In the case of permit transfers during the primary season, the individual relinquishing the permit should be required to provide landing history to NMFS and the receiving party for the purposes of documenting the inseason landing history of that permit. Disclosure of all inseason landing documents is necessary to prevent fraudulent activity.

Applications for permits/permit transfers should include a statement advising applicants:

"It is a violation of federal criminal law to give false or incomplete information."

In addition, permits should contain the following information:

1. Owner(s) Name and Address
2. Vessel Name and Document Number
3. Effective Date of Transfer
4. Permit With Grandfathered Owners Identified (If Applicable)
5. Tier Assignment
6. In the Case of Transfer, The Identification of Previous Vessel Permit Assignment for that Fishing Year

PFMC
04/10/02

GROUNDFISH ADVISORY SUBPANEL STATEMENT
ON INTERPRETATION OF AMENDMENT 14

The Groundfish Advisory Subpanel (GAP) met with NMFS and Council staff to discuss interpretation of the fixed gear permit stacking amendment. We offer the following comments, based on Exhibit 3.a, Supplemental Attachment 7.

Issue 1, Duration of owner-on-board exemption

The GAP supports Option C, with two changes: the break in ownership can be up to 1 year; and an additional provision should be added as follows: a person who qualified for the exemption as of the control date, but later divested, a permit can retain rights to an owner-on-board exemption as long as that person obtains another permit within 1 year of the date the owner-on-board regulations are implemented.

The GAP believes this additional language will solve problems for those who temporarily left the fishery without undermining the intent of this provision of Amendment 14.

Issue 2, Affect on individuals who are corporate owners

The majority of the GAP supports Option A with a minor change as follows: "A person who has ***a 30% or greater*** ownership interest..."

The majority believed the original Option A was too broad and Option B was too restrictive. The additional language would constrain expansion of ownership exemptions while still recognizing the complexities of vessel and permit ownership in the fishery.

A minority of the GAP believes Option B more clearly reflected the intent of the Council in approving this provision of Amendment 14.

Issue 3, Deceased owners

The majority of the GAP supports Option B with a 3-year grace period. This option is preferred by NMFS and parallels similar regulations in the Alaskan fishery. A minority of the GAP believes a 1-year grace period is sufficient.

Issue 4, Loss of exemption

The GAP supports Option A, continuing the provision regarding exemption loss. The GAP fully understands the implications for permit owners.

Issues 5 and 6, Joint ownership of permits

The GAP discussed these issues, continues to support the provisions, and agrees that NMFS should be allowed to make corrections to the records as discussed in the Exhibit.

Issue 7, Permit numbers on fishtickets

The GAP believes it is desirable to modify fishtickets to include space for recording permit numbers and urges the Council to request the states make those modifications. Until new fishtickets are available, states should require permit numbers be written on some appropriate place on the ticket. Over the long term, the GAP urges NMFS to develop a "card swipe" system to track landings which should be made available for all groundfish species and all gear types where cumulative limits (including sablefish tier limits) are used.

The GAP then discussed proposed regulatory changes which might be used to resolve problems faced by

individuals who have been affected by the interaction of Amendment 14 regulations and general groundfish limited entry regulations. Mr. Mike Pettis of Oregon gave a presentation to the GAP on the problems that he, his wife, and his son have faced.

The GAP examined a regulatory option involving an increase in the number of permits that could be leased without violating the stacking limit (Option B on page 5 of the Exhibit). After a lengthy discussion involving the GAP, the NMFS representative, Council staff, Mr. Pettis, and members of the public the GAP voted on whether to maintain the status quo or recommend the proposed regulatory change. Of the members present and voting, 8 favored the status quo; 4 favored recommending the regulatory change; and 4 abstained.

PFMC
04/10/02

Michael D. Pettis
310 SE Yaquina View Dr.
Newport, Or 97365

November 13, 2001

To: NMFS
Attention: William Robinson, Director

Dear Bill,

As you know, I have been in the fishing business for quite a while now, twenty six years to be exact. I have tried to invest in the facets of the fishing business that I thought would likely be the most viable in the future. This effort resulted in my wife and I being "Grandfathered" with 4 & 2/3 fixed gear (Sablefish endorsed) fishing permits.

After two years of college, and having completed his general education credits, my son Tony came home from school and said he wished to try fishing for a career. He has fished with me in the summers since he was twelve years old.

I wanted him to have a safe platform to work from, and with the plan of eventually being partners with my son, I bought the 60 ft. fishing vessel "HEIDI SUE".

Tony has also invested in two Sablefish fishing permits. He has worked very hard and is ready financially to buy into the "HEIDI SUE". But there is a problem....

If my son buys an interest in the "HEIDI SUE", he will not be able to fish his Sablefish fishing permits on his own boat, as long as his mother and I still own an interest in the boat and our name appears on the Federal Document Papers. A quote from an August 6th letter from Kevin Ford in the NMFS permit office to me states, "Vessel owners are considered permit holders"... Since his mother and I still have our fishing permits and since we will still have an interest in the boat, he will not be able to fish his permits on "his" boat.

It seems the term "Hold" is the key to all of this.

I took my concerns on this issue to Bob Alverson, PFMC voting member who was on the Council when this issue was discussed. It is Bob's view that owning a vessel that a permit is fished on should not constitute "holding" the permit. He feels that the permit OWNER who decides which boat his permit is fished on , actually controls or "HOLDS" the permit. Mr. Alverson suggested that I write you this letter, and that I request NMFS ask for "Clarification" from the PFMC on the term "HOLD". Specifically, should the ownership of a vessel be considered when determining "HOLDING" of a permit.

Mr. Alverson also said I should request this subject be put on the agenda for an up coming council meeting so that clarification on the term "HOLD" could be discussed, perhaps by the Groundfish Advisory Panel first, and then by the Council, with the GAP recommendations.

Michael D. Pettis
310 SE Yaquina View Dr.
Newport, Or 97365

The NMFS current interpretation would prevent me from helping my son get a start in his desired career choice. Was this the intent of the council?

Thank you for your consideration on this matter.

Sincerely

Michael D. Pettis

Michael D.Pettis

cc: Bob Alverson
Don McIsaac

INTERPRETATION OF FIXED GEAR SABLEFISH PERMIT STACKING PROVISIONS (AMENDMENT 14)

Situation: At the March 2002 Council meeting, NMFS presented the Council with a number of questions regarding interpretation of the owner-on-board provision of the fixed gear sablefish permit stacking program (Exhibit E.3.a, Attachment 1). Additionally, a letter from Mr. Michael Pettis has raised questions about the interpretation of the permit accumulation cap and the definition of the term "hold" (Exhibit E.3.c, Public Comment). The Council placed both of these issues on the April Council agenda in order to receive advice and comment on how to proceed.

On August 6, 2001, NMFS approved (Exhibit E.3.a, Attachment 2) the permit stacking program recommended by the Council at the November 2000 Council meeting (Exhibit E.3.a, Attachment 3) and implemented key provisions for the 2001 and 2002 fixed gear sablefish fisheries. In a letter dated February 14, 2002 to fixed gear permit holders, NMFS identified several provisions on which it would be soliciting advice from the Council before moving to final implementation:

- An owner-on-board requirement for permit owners who did not own sablefish endorsed permits on November 1, 2000.
- A requirement that permit owners document their ownership interests in their permits, so the agency can ensure that no person holds more than three permits.
- A prohibition against processing sablefish at sea by vessels that do not meet minimum frozen sablefish historic landing requirements.

Two other provisions in Amendment 14 that NMFS approved but have not yet been implemented are:

- a requirement that permit owners transferring a permit part way through the sablefish season provide copies of all fishtickets (landings receipts), and
- a requirement that vessels provide advance notice of their intent to land fixed gear sablefish.

The advance notice requirement was addressed at the June 2001 Council meeting (prior to NMFS approval of the Council recommendations) and at the November 2001 Council meeting (after NMFS approval of the Council recommendation). At the June Council meeting, the Council adopted Groundfish Advisory Subpanel recommendations on interpretation of the advance notice of landing provisions (Exhibit E.3.a, Attachments 4 and 5). At the November Council meeting, NMFS presented Council members with a proposal to drop the advance notice of landings provisions (Exhibit E.3.a, Attachment 6). At that time, no Council members raised objection to the proposal.

The permit stacking program the Council has approved was based on the central elements of a fixed gear sablefish individual quota program developed by the Council in the early 1990s. Before it was released for public comment, the West Coast individual trip quota program, including owner-on-board, advance notice of landing requirements and caps on ownership concentration went through a number of committee processes. Among the commtitee's reviewing the proposal was a NMFS, industry, enforcement group appointed to develop a workable low cost monitoring and enforcement system. Designs were based on a system in which any landing made would be credited against a particular individual fishing quota. Several of the problems identified in the NMFS letter may be resolved if sablefish landings were associated with a particular groundfish limited entry permit. A similar potential need has been identified for the trawl permit stacking program (Agenda Item E.2). When trawl permits are stacked, members of industry are interested in clear specification of the landings associated with a particular permit. This interest arises in anticipation the likely use of catch history for future modifications of the limited entry permit system (such as the issuance of species endorsements).

Council Action:

1. **Provide Guidance to NMFS on further implementation of Amendment 14.**

Reference Materials:

1. February 20, 2002 letter from the National Marine Fisheries Service to Dr. Hans Radtke, Chairman, Pacific Fishery Management Council (Exhibit E.3.a, Attachment 1).
2. August 2, 2001 letter from the National Marine Fisheries Service to Mr. Jim Lone, Chairman, Pacific Fishery Management Council (Exhibit E.3.a, Attachment 2).
3. Excerpts from the Decision Package for Amendment 14 to the Groundfish FMP (Exhibit E.3.a, Attachment 3).
4. June 2001 NMFS Report: Amendment 14 (Permit Stacking) Regulatory Schedule for 2001 Implementation Issues for 2002 and Beyond (Exhibit E.3.a, Attachment 4).
5. June 2001 Council Minutes, Excerpt (Exhibit E.3.a, Attachment 5).
6. November 2001 NMFS Report: Amendment 14 (Permit Stacking) Implementation Issues for 2002 and Beyond (Exhibit E.3.a, Attachment 6).
7. November 13, 2001 letter from Michael D. Pettis to William Robinson, National Marine Fisheries Service (Exhibit E.3.c, Public Comment).

Agenda Order:

a. Agendum Overview — Jim Seger
b. Reports and Comments of Advisory Bodies
c. Public Comment
d. **Council Action:** Provide Guidance to NMFS

Groundfish Fishery Strategic Plan (GFSP) Consistency Analysis

The GFSP calls for the development of a permit stacking program for the limited entry fixed gear fishery. The main provisions of the stacking program have been implemented. The issues of this agenda item pertain to clarification of Council intent with respect to some of the provisions that have yet to be implemented.

PFMC
03/27/02

Supplemental Reference Materials

8. Exhibit E.3.a, Supplemental Attachment 7.
9. Exhibit E.3.b, Supplemental GAP Report.
10. Exhibit E.3.b, Supplemental EC Report.

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest Region
7600 Sand Point Way N.E., BLDG. 1
BIN C15700
Seattle, Washington 98115-0070

Mr. James Lone
Pacific Fishery Management Council
7700 NE Ambassador Place
Portland, OR 97220

Dear Jim:

I am writing to inform you that I have approved Amendment 14 to the Pacific Coast Groundfish Fishery Management Plan (FMP). As you know, Amendment 14 creates a permit stacking program for limited entry, sablefish endorsement holders in the Pacific coast groundfish fishery and increases the duration of the fishery. NMFS expects that Amendment 14 will significantly increase safety in the fishery, allow individual fishery participants to more fully use their existing vessel capacity, and reduce overall capacity in the fixed gear fishery.

A proposed rule to implement Amendment 14 was published on June 8, 2001 (66 FR 30869), and we expect to have the final rule effective by August 1, 2001. The final rule announces the 2001 primary sablefish season, which begins on August 15, 2001, and ends on October 31, 2001. For 2002 and beyond, NMFS will propose further regulatory changes to implement Amendment 14. These additional changes include: scheduling the primary sablefish season for April 1 through October 31; persons, partnerships, and corporations owning sablefish endorsed limited entry permits would be required to document the ownership interests in those permits; only vessels that meet historic frozen sablefish landing requirements would be allowed to process sablefish at sea; persons who own sablefish endorsed limited entry permits who did not own sablefish endorsed permits on November 1, 2000, would be required to be on board their vessels while those vessels are participating in the primary sablefish fishery; vessels landing sablefish against their primary season cumulative limits would be required to report in to enforcement officers before making any sablefish landings; participants would be charged a fee to cover the management of this program.

Amendment 14 introduces a complex group of new management provisions to the limited entry, fixed gear sablefish fishery. In 2004-2005, NMFS plans to review the effects of Amendment 14 on

sablefish management and the sablefish fishery. In particular, the agency wishes to evaluate how Amendment 14 has affected vessel participation in the primary sablefish and other limited entry fixed gear fisheries, the effect of the owner-on-board requirement, and the effect of the provision that only individual humans may own permits.

NMFS appreciates the Council's efforts in improving vessel safety in this fishery. We also look forward to working with the Council on future capacity reduction programs.

Sincerely,

for Donna Darm
Acting Regional Administrator

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7600 Sand Point Way N.E., BLDG. 1
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for Donna Darm
Acting Regional Administrator

GROUNDFISH ADVISORY SUBPANEL STATEMENT ON THE FOURTH TIER FOR THE LIMITED ENTRY SABLEFISH DAILY-TRIP LIMIT FISHERY

The Groundfish Advisory Subpanel (GAP) held a lengthy discussion on a proposal to eliminate the limited entry sablefish daily-trip-limit (DTL) fishery and establish a fourth tier of endorsed sablefish permits.

While the GAP recognizes that elimination of the DTL fishery for limited entry permit holders would reduce discards and high-grading in this fishery, it would still allow fourth tier fishermen to participate in the open access DTL fishery once their regular season fishery was concluded. Since similar discard and high-grading problems presumably exist in the open access DTL fishery, the GAP does not believe that discards will actually be reduced.

In addition, it is unclear how many fishermen would be affected by this proposal, whether the economic effects would be positive or negative, or whether the proposal would have negative effects on other species or other fishermen. In short, too little data exists to properly examine the potential effects of this proposal.

Finally, the GAP notes that gathering the necessary data and examining biological and economic impacts would require an excessive amount of work for Council staff and committees at a time when higher priority issues need to be resolved.

Therefore, the GAP cannot recommend at this time the proposal be given consideration by the Council.

PFMC
04/10/02

FISHING VESSEL OWNERS' ASSOCIATION
INCORPORATED
ROOM 232, WEST WALL BUILDING • 4005 20TH AVE. W.
SEATTLE, WASHINGTON 98199-1290
PHONE (206) 284-4720 • FAX (206) 283-3341
SINCE 1914

February 12, 2002

Dr. Donald McIsaac, Executive Director
Pacific Fishery Management Council
7700 N.E. Ambassador Place, Suite 200
Portland, OR 97220-1384

RE: **Proposed Groundfish Amendments**

Dear Dr. McIsaac:

The following groundfish amendments would be compatible with the Rationalization Committee's recommendations for fixed-gear operations. The proposed action would affect fixed- gear limited-entry sablefish-endorsed and non-endorsed operations that participate in the 300-pound daily trip-limit fishery.

Currently, 12 percent of the limited-entry fixed-gear quota is set aside to be accessed by limited-entry fixed-gear vessels both endorsed and unendorsed for sablefish. This proposal would eliminate this fishery and add a fourth tier endorsement for those permit holders that are not endorsed for the tiered fishery.

Proposal #1: End the daily trip-limit fishery for sablefish endorsed fixed-gear limited-entry permit holders. Make a determination of what percent of the 15% set-aside has been caught by this group the last two years and add an equal amount to each of the existing tiers. The remaining portion of the set-aside would belong to the unendorsed fixed-gear license holders. Allocate the remainder equally among this group as a new tier 4.

OR

Proposal #2: For the endorsed permit holders who participated during the last two years in the 300 lb. set-aside fishery, allocate equally their collective share of the 15% set-aside. Add this amount to their existing tier. The remaining portion of the 15% set-aside would belong to the unendorsed fixed-gear license holders. Allocate the remainder equally among those who participated from this group as a new tier 4.

This action would be an amendment to the current tiered program and thereby, would not be a new IFQ program.

Some of the supporting reasons for this are:

(1) The current daily trip limit fishery generates more high grading of sablefish at a time of resource decline. This proposed action would tend to force a person to fish the allocated 4th tier in a rational-like basis more probably in one trip rather than many small costly trips.

(2) The original intent of the 300 lbs. daily trip limit was to allow a bycatch of sablefish with the directed rock fish catchers. The new restriction on rock fish basically eliminates most directed rock fish operations by hook and line vessels. Hence, there is no need for the bycatch allowance.

(3) The current tiered amounts will be reduced by 38 percent for the 2002 season due to needed cuts in quota. Eliminating the 300-pound daily trip limit allows a more rational harvest of quota. The 300 pound trip limit encourages more trips on the water at increased costs and potentially, more bycatch of rock fish. Allowing for a new tier and consolidation of the 12% set-aside could reduce rock fish retention as the fleet would more probably target deeper water for their sablefish.

Sincerely,

Eric Olsen
President

cmb

FOURTH TIER FOR THE LIMITED ENTRY SABLEFISH DAILY-TRIP-LIMIT FISHERY

Situation: The Council has received a Fishing Vessel Owner Association (FVOA) proposal to take the sablefish allocated to the limited entry sablefish daily-trip-limit (DTL) fishery and allocate it to the primary fishery (Exhibit E.4, Public Comment). All vessels with fixed gear limited entry permits can fish in the limited entry DTL fishey, but only vessels with sablefish endorsed fixed gear limited entry permits can fish in the primary fishery. Sablefish endorsed permits are divided into three tiers that determine the level of harvest authorized under the permit. To accommodate those fixed gear limited entry vessels that have fished the sablefish DTL fishery but do not have sablefish endorsed permits, a fourth tier sablefish endorsement would be created. This proposal would not affect the open access sablefish DTL fishery nor would it affect the allocation between limited entry and open access vessels.

The sablefish DTL fishery is a year-round fishery adopted to accommodate sablefish bycatch and small volume trips targeted on sablefish. Sablefish DTL fisheries are maintained for both the open access and the fixed gear limited entry fleets. The sablefish for the limited entry fixed gear fishery is allocated 15% to the year-round DTL fishery and 85% to a primary fishery. The primary fishery lasts 7 months (April through October).

FVOA has put forward two versions of their proposal. Under both versions, the limited entry DTL fishery would be eliminated. Fixed gear limited entry vessels without sablefish endorsements would be provided a sablefish tier endorsement (an endorsement for a fourth tier). The fourth tier would be allocated a proportion of the harvest equivalent to the portion of the 2000-2001 harvest taken by these unendorsed limited entry vessels. The amount allocated to the fourth tier would be divided equally among all unendorsed limited entry vessels.

The difference between the two FVOA proposals comes in the division of the DTL harvest taken by sablefish endorsed vessels (vessels fishing under the current three tier system). Under the first FVOA proposal, this portion would be divided equally among existing tiers. (A clarification is needed as to whether this means to allocate an equal amount to each sablefish endorsed vessel or to allocate an equal amount to each tier and then divide the allocation to the tier among the permits in the tier.) Under the second FVOA proposal, the proportion of the DTL harvest landed by vessels of each tier would be allocated to that tier. (A clarification is needed as to whether this means to allocate an equal amount of sablefish to every member of the tier or only to those members that participated in the DTL fishery).

With the proposed elimination of the limited entry DTL fishery, it may be appropriate to consider whether adjustments would be made to accommodate the incidental take of sablefish by limited entry fixed gear vessels outside of the seven months of the primary season.

Council Action:

1. Consider Initiating Needed FMP and/or Regulatory Amendments

Reference Materials:

1. Letter from the Fishing Vessel Owners' Association Incorporated to Dr. Donald McIsaac dated February 12, 2002 regarding Proposed Groundfish Amendments (Exhibit E.4, Attachment 1).

Agenda Order:

a. Agendum Overview	Jim Seger
b. Groundfish Advisory Subpanel Report	Rod Moore
c. Reports and Comments of Advisory Bodies	
d. Public Comment	
e. **Council Action**: Consider Initiating a FMP Admendment	

Groundfish Fishery Strategic Plan (GFSP) Consistency Analysis

The GFSP calls for the development of a permit stacking program for the limited entry fixed gear fishery. Such a stacking program has been implemented. This proposal would bring more sablefish and vessel harvest capacity under the scope of the current stacking program.

PFMC
03/26/02

Supplemental Reference Materials

2. Exhibit E.4.b, Supplemental GAP Report.

Exhibit E.5.b
Supplemental GAP Report
April 2002

GROUNDFISH ADVISORY SUBPANEL STATEMENT ON
INSEASON ADJUSTMENTS

The Groundfish Advisory Subpanel (GAP) met jointly with the Groundfish Management Team (GMT) to discuss inseason adjustments. The GAP agreed with the GMT on the following changes:

LIMITED ENTRY SMALL FOOTROPE TRAWL

Chilipepper rockfish, south of 40°10': 4,000 pounds/2 months, beginning May 1.

Lingcod: 1,000 pounds/2 months, May 1 through October 31.

Southern slope rockfish, between 40°10' and 36°: 14,000 pounds/2 months, beginning May 1.

Splitnose rockfish, between 40°10' and 36°: 14,000 pounds/2 months beginning May 1.

Shelf rockfish: Set a 300 pound sublimit on yelloweye rockfish.

LIMITED ENTRY FIXED GEAR

Northern nearshore rockfish: 6,000 pounds/2 months, of which no more than 3,000 pounds can be species other than black or blue, beginning May 1.

OPEN ACCESS FIXED GEAR

Northern near-shore rockfish: 6,000 pounds/2 months, of which no more than 3,000 pounds can be species other than black or blue, beginning May 1.

Troll salmon fishery north of 40°10': Allowance of 1 pound of yellowtail rockfish for every 2 pounds of salmon, up to 300 pounds/month of yellowtail rockfish.

FIXED GEAR SABLEFISH SOUTH OF POINT CONCEPTION

300 pounds/day or 1 delivery of up to 900 pounds/week

The proposed changes, as explained by the GMT, are designed to achieve Council goals of maintaining a year-round fishery and protecting sensitive species.

OPEN ACCESS SHRIMP TRAWL

Clarify that yelloweye rockfish may not be retained in shrimp trawls.

PFMC
04/10/02

Revised GMT/GAP recommendations for inseason changes to address darkblotched bycatch

	2-month limits	
	Current July-August	Proposed July-August
Limited-entry Trawl, N. of 40°10'		
Dover sole	28,000	14,000
Sablefish	6,000	3,000
Shortspine	2,600	1,500
Longspine	3,000	1,500

Results in a projected darkblotched bycatch savings of 6 mt

Because every ton of darkblotched caught in the Monterey Area is not included in the current bycatch modeling and will have to be made up elsewhere, these changes are recommended as a means of minimizing this potential problem

	2-month limits			
	Current limits		Proposed changes	
	May-June	July-August	May-June	July-August
All limited-entry and open access, N. of 36° and S. of 40°10'				
Minor slope rockfish				
LE Trawl	50,000		5,000	
LE fixed gear	25,000		5,000	
OA	10,000		5,000	
Limited-entry trawl and fixed gear, N. of 36° and S. of 40°10'				
Splitnose	25,000		5,000	

#27

Exhibit E.5.b
Supplemental GMT overhead
April 2002

Administrative Record

Groundfish Management Team recommendations for trip limit changes beginning May 1.

Chilipepper, S. of 40°10', Trawl, small footrope

Current limit	7,500 lb / 2 months
Proposed change	4,000 lb / 2 months May 1 on
Rationale	- Higher than projected landings of bocaccio rockfish in the first 2-month period.

Lingcod, Trawl, small footrope

Current limit	800 lb / 2 months
Proposed change	1,000 lb / 2 months, May-October
Rationale	- Industry requested higher allowance to accommodate bycatch.
	- Estimated bycatch of LE lingcod is 40 mt below harvest guideline, including fixed gear.
	- LE landings in 2001 were 80 mt and the LE landed HG in 2002 is 163 mt.

Sablefish, S. of ~~Pt. Conception~~ 36°, Fixed-gear

Current limit	350 lb per day, or 1 delivery of up to 1,050 lb per week
Proposed change	300 lb per day, or 1 delivery of up to 900 lb per week May 1 on
Rationale	- 23% of annual HG landed in the first 2-month period, though pace slowed in March.

Near-shore rockfish, N. of 40°10', LE+OA fixed gear

Current limit - LE	5,000 lb / 2 months, no more than 2,000 lb of which species other than Black/Blue
Current limit - OA	4,000 lb / 2 months, no more than 1,600 lb of which species other than Black/Blue
Proposed change - both	6,000 lb / 2 months, no more than 3,000 lb of which species other than Black/Blue
Rationale	- Allow attainment of the commercial near-shore harvest guideline May 1 on

Bycatch of yellowtail rockfish in the troll salmon fishery, N. of 40°10', OA fixed gear

Current limit	200 lb / month limit for combined minor shelf, yellowtail, and widow.
Proposed change	Up to 1 lb of yellowtail per 2 lb of salmon, up to 300 lb / month May 1 on
Rationale	- Re-instatement of bycatch provision begun in 2001.

Yelloweye rockfish, Trawl, small footrope

Current limit	1,000 lb / month limit for all minor shelf
Proposed change	1,000 lb / month limit for minor shelf, no more than 300 lb of which may be yelloweye
Rationale	- Remove any possible incentive to target yelloweye May - Oct.

Limited entry slope rockfish, N. of 36° and S. of 40°10' (Monterey INPFC)

Current limit - trawl	50,000 lb / 2 months
Current limit - FG	25,000 lb / 2 months
Proposed change - both	14,000 lb / 2 months May 1 on
Rationale	- New information regarding darkblotched landings in the Monterey area.

Splitnose rockfish, N. of 36° and S. of 40°10', ~~Trawl, small footrope~~ All limited entry

Current limit - both	25,000 lb / 2 months
Proposed change	14,000 lb / 2 months May 1 on
Rationale	- New information regarding darkblotched landings in the Monterey area.

Pink Shrimp - No Retention of yelloweye

Substitute w/ Exhibit E.5.b Supplemental GMT/GAP report 2

GROUNDFISH MANAGEMENT TEAM (GMT) RECOMMENDATIONS FOR INSEASON TRIP LIMIT CHANGES BEGINNING MAY 1

After discussing several inseason adjustments with the Groundfish Advisory Panel (GAP), the GMT recommends that the changes summarized in the attached table be implemented May 1. Most of these changes are routine in nature, however the last two respond to a potentially more severe problem that was brought to light at this meeting.

Bocaccio

For four of the five overfished species included in last fall's bycatch modeling of management alternatives, actual landings plus assumed discards during the first 2-month period of 2002 are close to or below the projected levels of bycatch. However, for bocaccio projected January-February trawl bycatch was 1.3 mt and limited-entry landings, the vast majority of which are from trawl gear, were 5 mt. This amount of landings corresponds to 6 mt of total catch using the currently assumed 16% rate of discard. It is important to stress that although this first-period catch is higher than projected, the projected annual bycatch for 2002 (13.8 mt) was well below the 25 mt total catch harvest guideline for the limited entry fleet. Because fish ticket data are not yet available from this fishery, it is not known what other species are being landed with bocaccio. However, previous examinations of rockfish associations have prompted the GMT to recommend a reduction in the small-footrope trawl limit for chilipepper rockfish south of 40°10' from 7,500 lb per 2-months to 4,000 lb per 2-months for the remainder of the year, pending further evaluation. By the June Council meeting, fish tickets will be examined and if bocaccio landings continue to track ahead of the projected pace, further adjustments will be recommended at that time.

Lingcod

The first period lingcod catch (actual landings plus assumed discard) of 6 mt is slightly ahead of the projected amount of 4.8 mt. As opposed to bocaccio, this difference of 1.2 mt is very small relative to the amount by which the limited-entry harvest guideline exceeds the projected annual bycatch in the fishery, roughly 40 mt. Members of the GAP requested consideration of a higher retention allowance for lingcod during the summer to reduce discard mortality associated with shelf target fisheries. The GMT subsequently reviewed the projections and harvest guidelines for lingcod, and also the 2001 fishery, where limited-entry landings amounted to only one-half of the landed catch harvest guideline. The GMT is therefore recommending that the trawl trip limit for lingcod be increased from 800 lb per 2-months to 1,000 lb per 2-months from May through October. The increase is recommended for this time frame because higher summer water and air temperatures may reduce the survival of lingcod discards, relative to remaining months. It is important to emphasize that the purpose for recommending the increase is not to fully take the landed-catch harvest guideline for this species, but to reduce discard mortality in a manner that will neither encourage targeting nor result in excessive catch. Furthermore, this change in the retention allowance should not affect the level of projected bycatch that will occur in available target fisheries, only the amount of that bycatch that may be retained.

Conception sablefish

During the first period rockfish closure south of Pt. Conception, the daily-trip-limit fishery for sablefish south of 36° produced landings of 47 mt, an amount that was not achieved in 2001 until May. This represented more than 20% of the harvest guideline, though the pace of the fishery has slowed in March. With a similar rockfish closure scheduled for December-November and the desire of fishery participants to ensure that a meaningful sablefish opportunity remains available during that period, the GMT recommends that the current limit of 350 lb per day or one delivery of up to 1,050 lb per week be lowered to 300 lb per day or one delivery of up to 900 lb per week.

Northern minor nearshore rockfish

The nearshore rockfish fisheries north of 40°10' are running behind last year's pace through March. Despite the reduction in harvest guidelines for these fisheries in 2002, annual landings during 2001 were below the current harvest guidelines. As a result, the GMT is recommending that trip limits for both

limited entry and open access be increased to 6,000 lb per 2-months, no more than 3,000 lb of which may be species other than black or blue rockfish. This limit remains less than the 7,000 lb per 2-months that was in place from May through September of 2001. If 2002 participation in this fishery is similar to that observed in 2001, this limit increase is not expected to result in early attainment. As in 2001, it is expected that because of restrictions on gear used to fish on limited-entry limits, it may again be necessary to manage the limited-entry and open-access components of the fishery for the combined harvest guideline in order to fully harvest these species.

Yellowtail rockfish, north of 40°10'

Prior to the April 2001 Council meeting, the GMT conducted an analysis of yellowtail and canary rockfish bycatch in the commercial troll salmon fishery. That analysis indicated that the amount of canary rockfish present in troll salmon landings was not highly correlated with the amount of yellowtail present. Following presentation of these findings, the Council approved the GMT's recommendation for a yellowtail bycatch limit in the troll salmon fishery of 1 lb of yellowtail for every 2 lb of salmon, up to 300 lb per month. This allowed an additional 200 lb of yellowtail to be landed, relative to the basic open-access trip limit for yellowtail. It was believed that this small increase would help reduce discard in that fishery, without providing an incentive for targeting yellowtail. This provision was inadvertently not carried forward in last fall's recommendations for 2002. The GMT recommends reinstating this bycatch limit beginning May 1.

Yelloweye rockfish

Two other changes involve retention of yelloweye rockfish in trawl fisheries. The limited entry trawl trip limit for minor shelf rockfish is scheduled to increase to 1,000 lb per month in May. Although trawl landings of yelloweye rockfish have been minimal since implementation of the small footrope requirement, the GMT believes it is prudent to add a restriction that yelloweye cannot comprise more than 300 lb of that 1,000 lb.

Darkblotched issues

The final two recommended changes relate to the broader issue of darkblotched bycatch, and necessitate a bit broader background discussion.

Prior to the April meeting, review of DTS and flatfish landings north of 40°10' revealed higher than projected effort during the first 2-month period. Additional modeling was also conducted to examine the potential effects of the lower whiting harvest guideline on DTS effort during the July-August period. These two sources of increased target species effort, along with expected research catch of 2 mt that had not been previously included, led to the conclusion that a reduction of roughly 5 mt of darkblotched bycatch would need to be achieved over the remainder of the year.

During GMT discussion of this issue at the April Council meeting, data was presented indicating that landings of darkblotched in the Monterey area, which had been assumed to be zero, were apparently about 40 mt in both 2000 and 2001. If these landings represent catch coming from south of 40°10', this would represent a source of bycatch mortality that was not included in the bycatch model developed last fall. Although California landings of darkblotched, including the Eureka area, reported in PacFIN's QSM system for the first 2-month period are only 2 mt, it is not clear whether all this amount reflects complete sorting of darkblotched by fishers. The GMT plans to review darkblotched landings data for the Monterey area as thoroughly as is possible prior to the June Council meeting. Of particular interest will be determination of whether landings into the Monterey INPFC area represent catch occurring in that area or in the Eureka INPFC area. It should be noted that because there was no sorting requirement for darkblotched prior to 2001, logbook data will be of very limited use in identifying darkblotched bycatch rates in the Monterey INPFC area, and the other two sources of observer-based estimates included in the 2001 bycatch modeling did not include fishing in this area.

It is very important to emphasize that if the current data are validated, the GMT anticipates that in order to constrain coastwide darkblotched catch to the rebuilding harvest guideline, a severe action, such as closure of all slope target fisheries, may be needed by September or October.

Limited Entry southern minor slope rockfish and splitnose rockfish

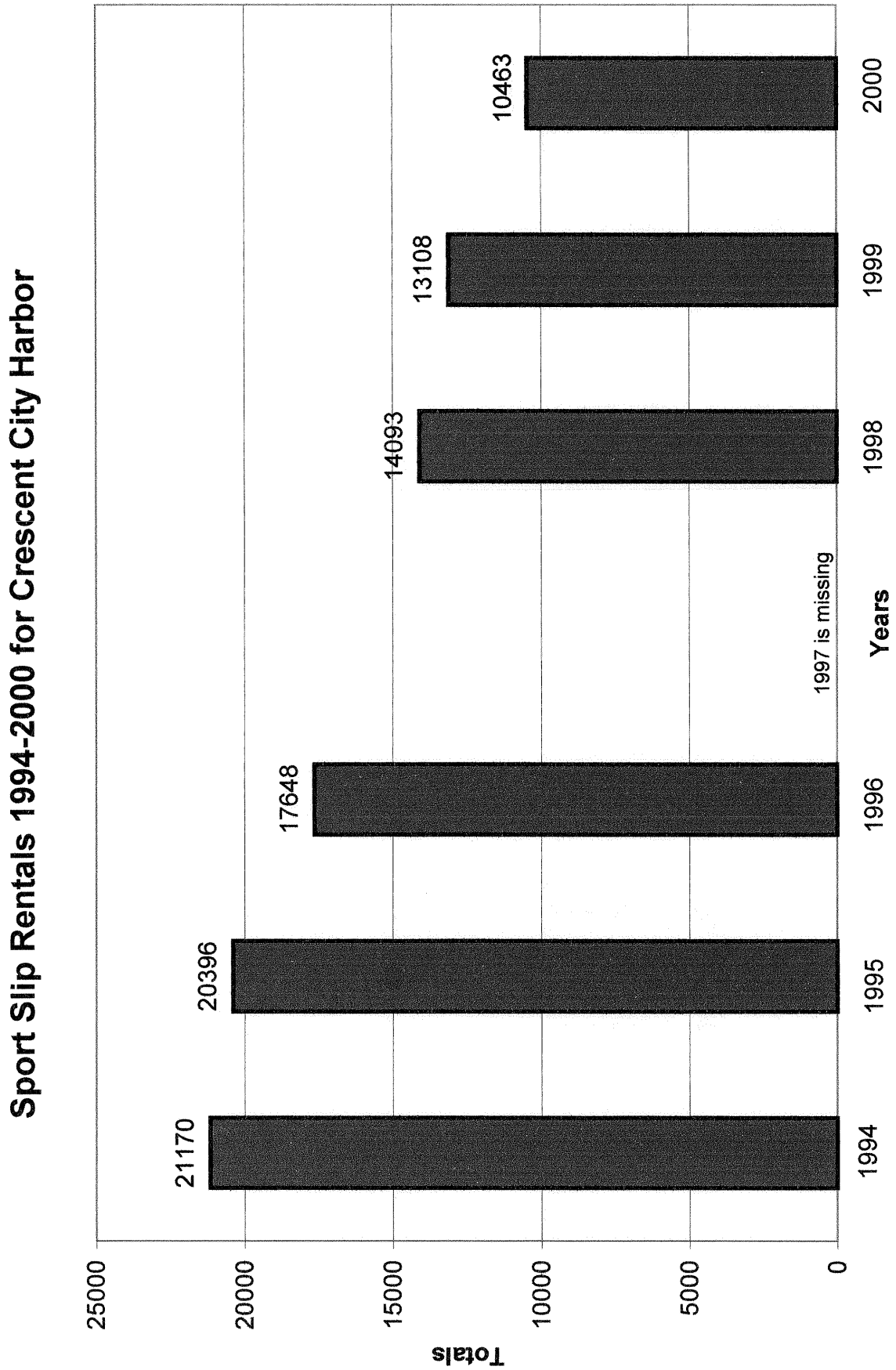
Between now and June, the GMT recommends in the Monterey INPFC area (north of 36° and south of

40°10') reducing each of the limits for minor slope rockfish and splitnose to 14,000 lb per 2-months, for trawl and fixed-gear . Trip limits for these species would remain unchanged south of 36°. The 36° line has not been used previously for managing slope rockfish, but was viewed as a means of facilitating continued slope rockfish catch in the area where darkblotched has not been caught, while reducing the slope rockfish limit in the area of current concern. In order to avoid excessive concentration of slope rockfish catch in one portion of this management area, the GMT will also endeavor between now and June to identify reasonable thresholds for removals of slope rockfish, in general, and blackgill rockfish, in particular, from within the Conception INPFC sub-area of the Council's southern rockfish area.

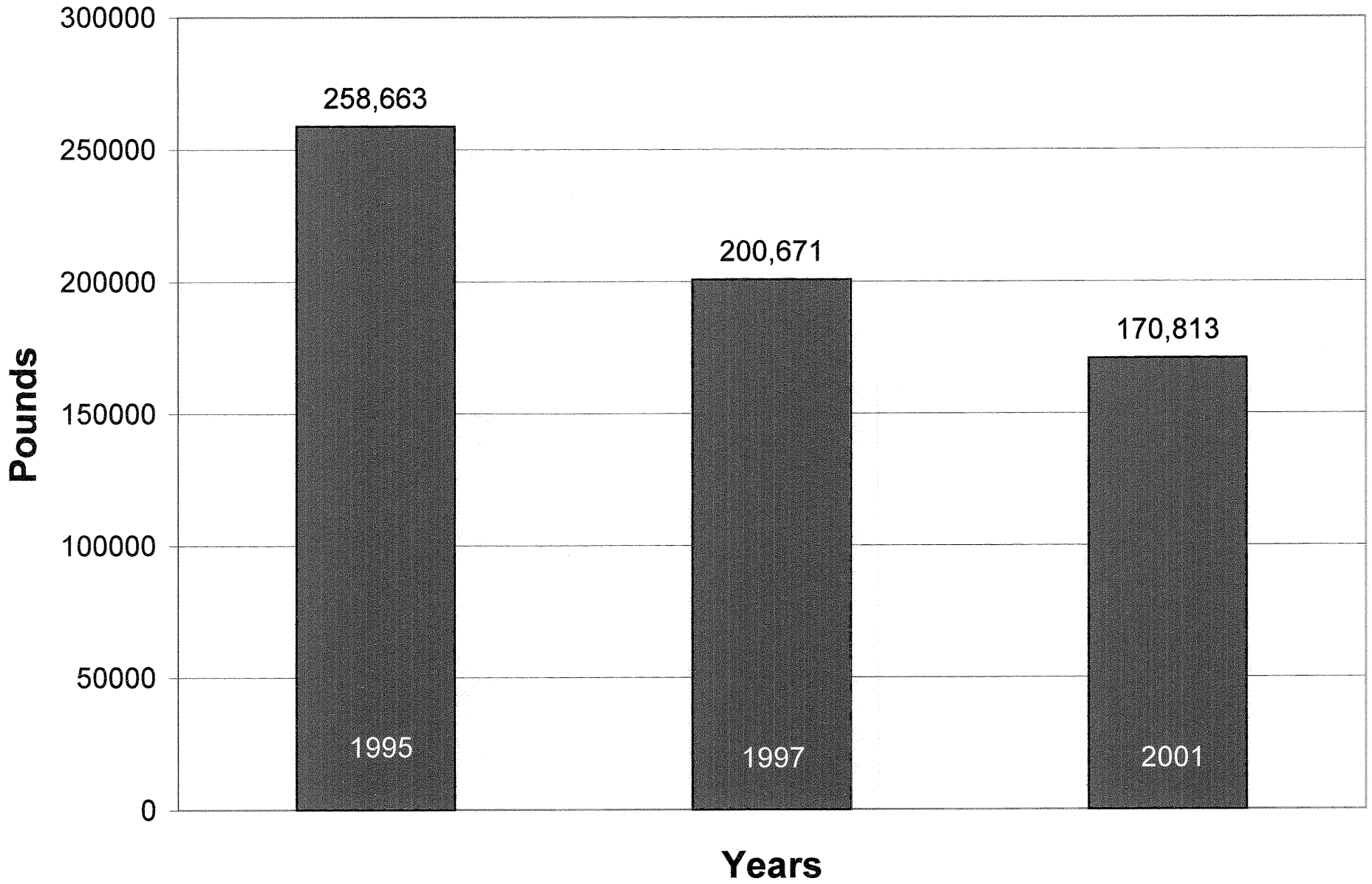
Data issues

The GMT emphasizes that the ability to recommend appropriate inseason adjustments is heavily reliant upon the accuracy and timeliness of catch information provided by the states. Although much of the imprecision in projecting catches results from the dynamic nature of the fisheries, and unpredictable factors such as weather and market conditions, uncertainty also results from imperfect catch data. The GMT urges the states to require increased compliance with the sorting and reporting requirements put in place to support management, and provide fish ticket and species composition data in a manner timely enough to support inseason management.

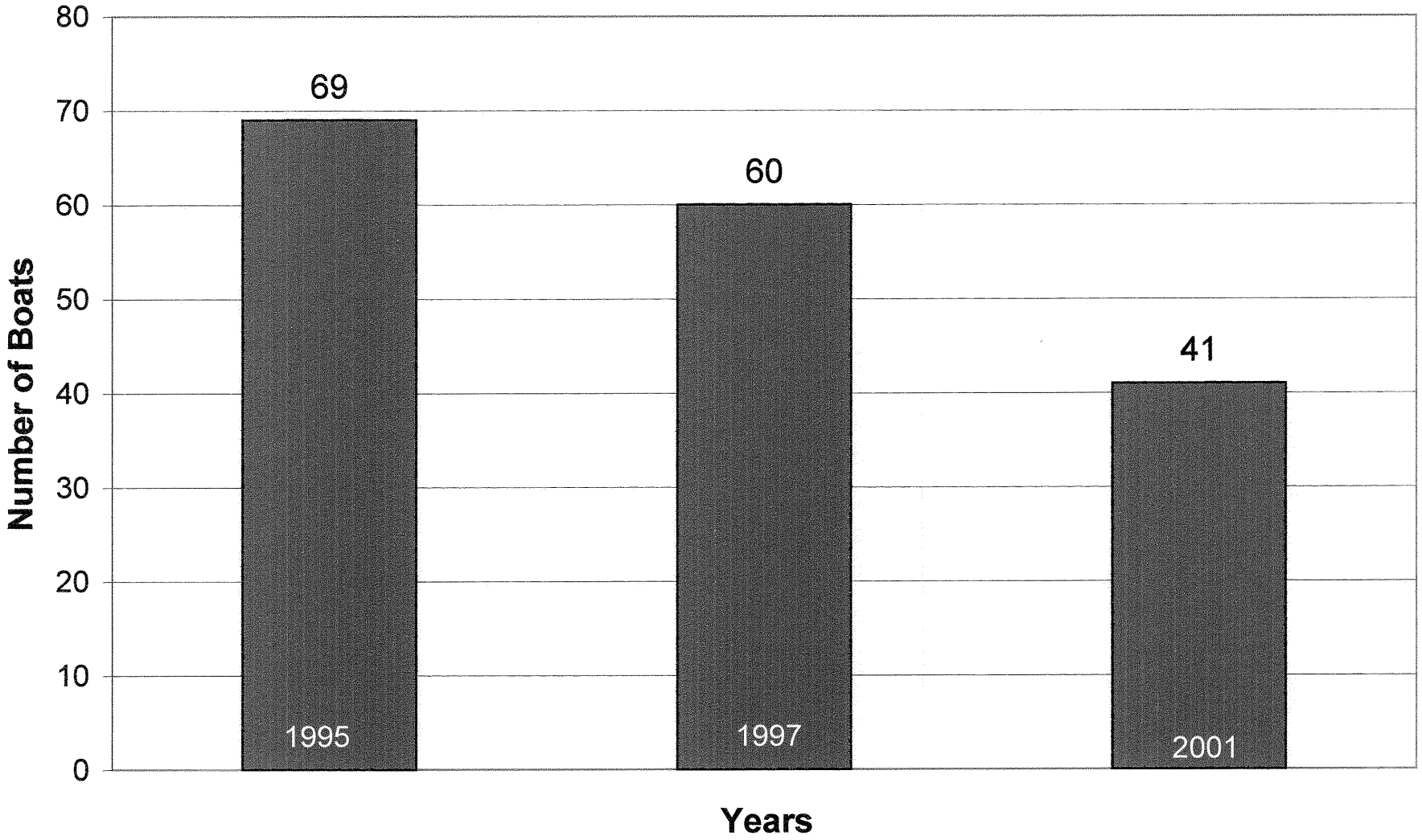
Exhibit E.5.c.
Supplemental Kenyon Hensel overheads (Public Comment)
For Administrative Record April 2002



Open Access Catch in Pounds for Crescent City



Number of Hook & Line Open Access Boats for Crescent City



STATUS OF FISHERIES AND CONSIDERATION OF INSEASON ADJUSTMENTS

Situation: In the current groundfish management program, the Council sets annual harvest targets (optimum yield [OY] levels) and individual vessel landing limits for specified periods, with the understanding these vessel landing limits will likely need to be adjusted periodically through the year in order to attain, but not exceed, the OYs. The initial vessel landing limits are based on predicted participation rates, estimates of how successful participants will be at attaining their limits for each period, and comparisons with previous years. The Groundfish Management Team (GMT) tracks landings data throughout the year and periodically makes projections based on all the information available. The GMT presents these landings data and projections to the Groundfish Advisory Subpanel (GAP), and they discuss adjustments that may be necessary and beneficial.

The Council is to consider advice from the GMT, the GAP, and the public on recommended inseason adjustments to the groundfish fishery and adopt changes as necessary.

Council Action:

1. Adopt inseason adjustments as necessary.

Reference Materials: None.

Agenda Order:

a. Agendum Overview — John DeVore
b. Reports and Comments of Advisory Bodies
c. Public Comments
d. **Council Action:** Consider and Adopt Inseason Adjustments if Necessary

Groundfish Fishery Strategic Plan (GFSP) Consistency Analysis

The GFSP supports establishing an allowable level of catch that prevents overfishing while achieving optimum yield based on best available science (Sec. II.A.2). The GFSP also supports establishing and maintaining a management process that is transparent, participatory, understandable, accessible, consistent, effective, and adaptable (Sec. II.C). The Council process of adopting inseason adjustments to landing limits is consistent with these GFSP principles.

PFMC
03/26/02

Supplemental Reference Materials

1. Exhibit E.5, b, Supplemental GMT Report.
2. Exhibit E.5.b, Supplemental GAP Report.

GROUNDFISH ADVISORY SUBPANEL STATEMENT ON GROUNDFISH FISHERY MANAGEMENT PLAN ENVIRONMENTAL IMPACT STATEMENTS

The Groundfish Advisory Subpanel (GAP) received a joint presentation from Mr. Jim Glock and Mr. Steve Copps on the process being used to complete environmental impact statements (EISs) on the groundfish fishery and groundfish EIS.

The GAP appreciated the presentation and asked that they be kept informed of progress as it occurs. Several questions were raised about the process, the data that will be collected, and how that data will be analyzed and presented. Due to the complexity of the issues involved and the limited amount of time available, the GAP was unable to comment on specific proposals or options. Individual GAP members will be providing comments on the draft EISs as those documents are developed and the GAP as a whole may submit comments at some future meeting.

PFMC
04/10/02

Exhibit E.6.c
Supplemental SSC Report
April 2002

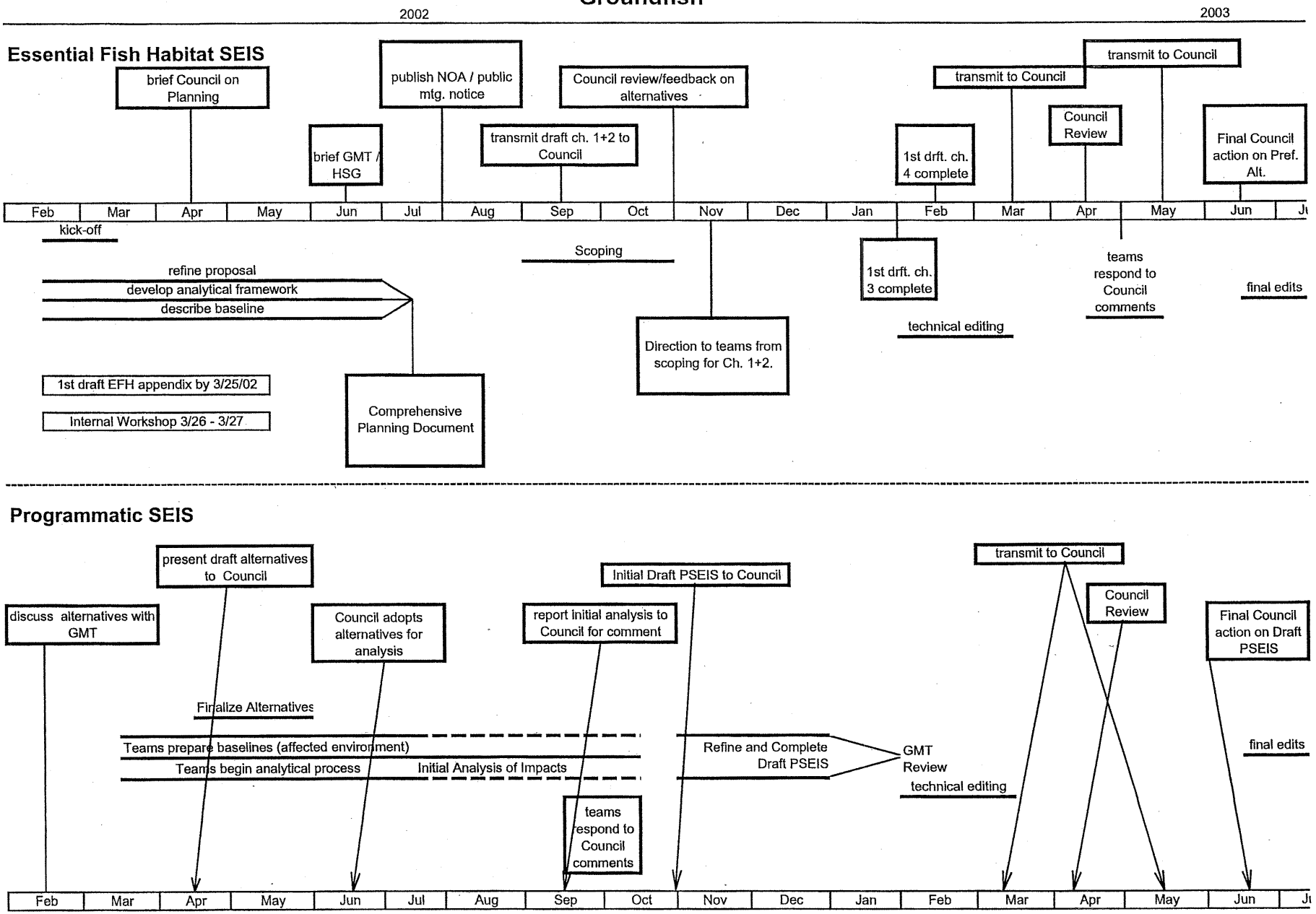
SCIENTIFIC AND STATISTICAL COMMITTEE COMMENTS ON GROUNDFISH FISHERY MANAGEMENT PLAN ENVIRONMENTAL IMPACT STATEMENTS

The Scientific and Statistical Committee (SSC) was briefed by Mr. Jim Glock and Mr. Steve Copps, who provided an update on progress towards completing the groundfish Programmatic Supplemental Environmental Impact Statement (PSEIS) and the Essential Fish Habitat Environmental Impact Statement (EFH EIS). While there will be significant overlap between the two documents, they have been placed on separate completion schedules because of legal considerations. A range of PSEIS alternatives for analysis is expected to be available at the June Council meeting. At this time, however, there were no specific issues for the SSC to consider.

The PSEIS will establish the basic policies, goals, and objectives of groundfish management into the future and, as a consequence, the recently completed Groundfish Strategic Plan should prove useful in developing the range of options, as well as selecting a preferred option from the range of alternatives analyzed. While the PSEIS will not alter the fishery management plan, a subsequent amendment may redefine the goals of groundfish management, consistent with the groundfish strategic plan.

PFMC
04/10/02

Timeline and Major Milestones for Two Supplemental Environmental Impact Statements on Pacific Coast Groundfish

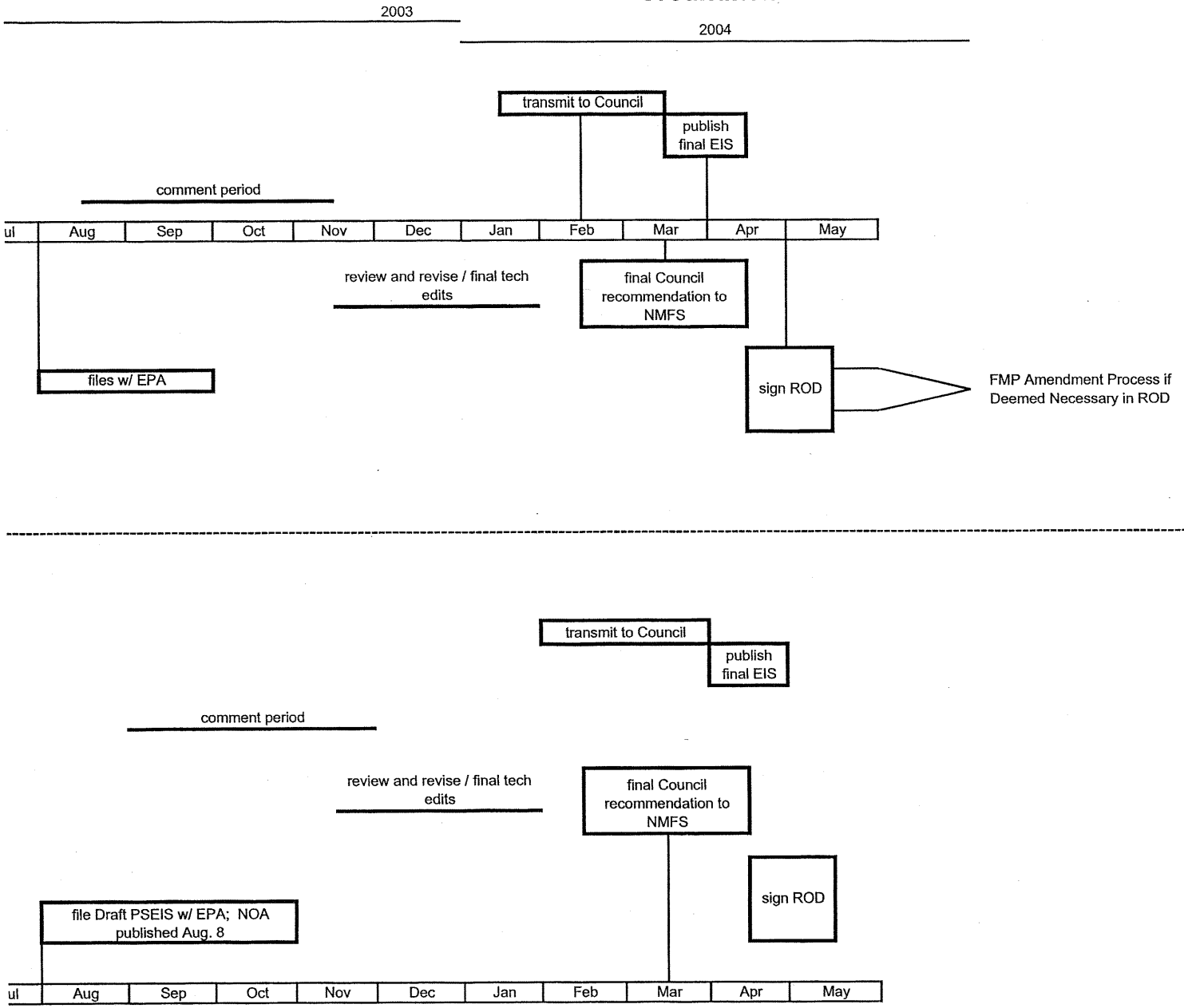


Timeline and milestones subject to approval by Pacific Fishery Management Council.

March 14, 2002

Exhibit E.6
Attachment 1
April 2002

Timeline and Major Milestones for Two Supplemental Environmental Impact Statements on Pacific Coast Groundfish



Timeline and milestones subject to approval by Pacific Fishery Management Council.

March 14, 2002

Programmatic Supplemental Environmental Impact Statement
Draft Proposed Alternatives Matrix

CONCEPT: If our perception is that fishing has

Little or no impact on natural environment ——— Potentially substantial impact on the natural environment

Then

little need for protection ——— Major restrictions needed to prevent significant impacts

FMP Component	**General Structure of Programmatic Alternatives**				
	Alternative 1	Alternative 2	Alternative 3	Alternative 4	Alternative 5
Groundfish (Target Species) Component	**Policy Objective** **Control rule/ standard** **Types of management tools** that may be used	**Policy Objective** **Control rule/ standard** **Types of management tools** that may be used	**Policy Objective** **Control rule/ standard** **Types of management tool**s that may be used	**Policy Objective** **Control rule/ standard** **Types of management tools** that may be used	**Policy Objective** **Control rule/ standard** **Types of management tools** that may be used
Non-target Species (non-groundfish, salmon, sea birds, marine mammals, turtles)	**Policy Objective** **Control rule/ standard** **Types of management tools** that may be used	**Policy Objective** **Control rule/ standard** **Types of management tools** that may be used	**Policy Objective** **Control rule/ standard** **Types of management tools** that may be used	**Policy Objective** **Control rule/ standard** **Types of management tools** that may be used	**Policy Objective** **Control rule/ standard** **Types of management tools** that may be used
Habitat and ecosystem Component (including other marine fish species)	**Policy Objective** **Control rule/ standard** **Types of management tools** that may be used	**Policy Objective** **Control rule/ standard** **Types of management tools** that may be used	**Policy Objective** **Control rule/ standard** **Types of management tools** that may be used	**Policy Objective** **Control rule/ standard** **Types of management tools** that may be used	**Policy Objective** **Control rule/ standard** **Types of management tools** that may be used
Socio-economic Component	**Policy Objective** **Control rule/**	**Policy Objective** **Control rule/**	**Policy Objective** **Control rule/**	**Policy Objective** **Control rule/**	**Policy Objective** **Control rule/**

	standard **Types of management tools** that may be used	**standard** **Types of management tools** that may be used	**standard** **Types of management tools** that may be used	**standard** **Types of management tools** that may be used	**standard** **Types of management tools** that may be used
Data/ monitoring component	**Policy Objective** **Control rule/ standard** **Types of management tools** that may be used	**Policy Objective** **Control rule/ standard** **Types of management tools** that may be used	**Policy Objective** **Control rule/ standard** **Types of management tools** that may be used	**Policy Objective** **Control rule/ standard** **Types of management tools** that may be used	**Policy Objective** **Control rule/ standard** **Types of management tools** that may be used

FMP Component	Generic ***Examples*** of Programmatic Alternatives				
	Alternative 1	Alternative 2	Alternative 3	Alternative 4	Alternative 5
Groundfish (Target Species) Component	**Policy Objective:** *set a level of protection for groundfish stocks*	**Policy Objective:** *increase the level of protection for groundfish stocks*	**Policy Objective:** *establish a very precautionary level of protection for groundfish stocks*	**Policy Objective:** *establish a highly precautionary level of protection for groundfish stocks*	**Policy Objective**: *establish a policy to preserve the least productive stocks at near-pristine levels*
	Control rule/ standard: *Status quo, Fmsy = $F_{40\%}$, $B_{MSY} = B_{40\%}$ $B_{OF} = B_{25\%}$, 40-10; rebuild overfished stocks to $B_{40\%}$*	**Example Control rule/ standard**: *$F_{msy} = F_{45\%}$, $B_{MSY} = B_{40\%}$ $B_{OF} = B_{27\%}$, 42-10; rebuild overfished stocks to $B_{42\%}$*	**Example Control rule/ standard**: *$F_{msy} = F_{50\%}$, $B_{MSY} = B_{45\%}$ $B_{OF} = B_{27\%}$, 45-10; rebuild overfished stocks to $B_{45\%}$*	**Example Control rule/ standard**: *$F_{msy} = F_{55\%}$, $B_{MSY} = B_{50\%}$ $B_{OF} = B_{30\%}$, 45-10; rebuild overfished stocks to $B_{45\%}$*	**Example Control rule/ standard**: *$F_{msy} = F_{60\%}$, $B_{MSY} = B_{60\%}$ $B_{OF} = B_{35\%}$, 60-25; rebuild overfished stocks to $B_{60\%}$*
	Types of management tools that may be used: *OY setting, gear definitions, seasons*	**Types of management tools** that may be used: *OY setting, gear definitions, seasons*	**Types of management tools** that may be used: *OY setting, gear definitions, seasons, area closures*	**Types of management tools** that may be used: *OY setting, gear definitions, seasons, area closures*	**Types of management tools** that may be used: *OY setting, gear definitions, seasons, area closures*
Non-target Species (non-groundfish, salmon, sea birds, marine mammals, turtles)	**Policy Objective:** *protect ESA and MMPA non-target species from direct impacts; restrict ground fishing only when it is the significant*	**Policy Objective:** *establish a policy to acknowledge general needs of non-target species in decision-making process*	**Policy Objective:** *establish a policy to protect non-target species from direct and indirect impacts (including habitat and*	**Policy Objective:** *establish a policy to protect non-target species from direct and indirect impacts (including habitat and*	**Policy Objective:** *establish a policy to protect non-target species, from all known direct and indirect impacts*

	factor		*forage)*	*forage)*	*(including habitat and forage)*
	Control rule/ standard: *none*	**Control rule/ standard**	**Control rule/ standard**	**Control rule/ standard**	**Control rule/ standard**
	Types of management tools that may be used	**Types of management tools** that may be used	**Types of management tools** that may be used	**Types of management tools** that may be used	**Types of management tools** that may be used
Habitat and ecosystem Component (including other marine fish species)	**Policy Objective:** *(what level of protection should be established within EFH?)*	**Policy Objective:** *(what level of protection should be established within EFH?)*	**Policy Objective:** *(what level of protection should be established within EFH?)*	**Policy Objective:** *(what level of protection should be established within EFH?)*	**Policy Objective:** *(what level of protection should be established within EFH?)*
	Control rule/ standard	**Control rule/ standard**	**Control rule/ standard**	**Control rule/ standard**	**Control rule/ standard**
	Types of management tools that may be used	**Types of management tools** that may be used	**Types of management tools** that may be used	**Types of management tools** that may be used	**Types of management tools** that may be used
Socio-economic Component	**Policy Objective**	**Policy Objective**	**Policy Objective**	**Policy Objective**	**Policy Objective**
	Control rule/ standard	Control rule/ standard	Control rule/ standard	Control rule/ standard	Control rule/ standard
	Types of management tools that may be used	**Types of management tools** that may be used	**Types of management tools** that may be used	**Types of management tools** that may be used	**Types of management tools** that may be used
Data/ monitoring component	**Policy Objective**	**Policy Objective**	**Policy Objective**	**Policy Objective**	**Policy Objective**
	Control rule/standard	**Control rule/standard**	**Control rule/standard**	**Control rule/standard**	**Control rule/standard**
	Types of management tools that may be used	**Types of management tools** that may be used	**Types of management tools** that may be used	**Types of management tools** that may be used	**Types of management tools** that may be used

Alternative1: No action. Continue management under the current FMP and implementing regulation. The current FMP is process-oriented rather than a clear course of action
with standards, milestones, etc. The current management program is based on a combination of policies and program objectives developed in the late 1970s and revised slightly in 1990.
Alternative 2: Modified FMP incorporating specific goals and objectives of the Strategic Plan and a clear intention to develop management measures to achieve them. Major components include capacity reduction (reducing the number of commercial fishing vessels licensed to fish for groundfish) and establishment of Marine Protected Areas to reduce fishing impacts on habitat, mitigate for uncertainty in stock abundance estimates, reduce bycatch, and for scientific research.
Alternative 3: Modified FMP incorporating the elements of the Strategic Plan in Alternative 2, but with mandatory capacity reduction elements, bycatch reduction standards, and specific criteria for MPAs (those suggested by the SSC).
Alternative 4: Modified FMP to achieve goals and objectives of the Strategic Plan but using different standards and/or program elements to achieve those goals and objectives.
Alternative 5: Assumes any level of fishing has potentially substantial impacts on the environment, including EFH and groundfish and other species. This alternative would offer the maximum protection to minimize the effects of fishing on the natural environment.

FMP Component	Examples of Programmatic Alternatives				
	Alternative 1	Alternative 2	Alternative 3	Alternative 4	Alternative 5
Groundfish (Target Species) Component	**Policy Objective:** Provide protection for target species by applying a combination of management measures in OY-setting, gear restrictions, effort restrictions and landing limits (trip limits)	**Policy Objective:** Provide protection for target species by applying a combination of any or all of the following management measures: **(TO BE COMPLETED**)	**Policy Objective:** Provide increased protection for target species by prescribing highly conservative risk averse measures associated with OY-setting, time/area closures, gear restrictions, and bycatch limits.	**Policy Objective:** Provide increased protection for target species by prescribing highly conservative risk averse measures associated with OY-setting, time/area closures, gear restrictions, and bycatch limits.	**Policy Objective**: Maximize protection for target species without consideration of a viable fishery (within MSA)
	Control rule/ Standard: last table below	**Control rule/ Standard**: last table below	**Control rule/ Standard**: last table below	**Control rule/ Standard**: last table below	**Control rule/ Standard**: last table below
	Tools: OY-setting; time/area mgt; allocation; gear restrictions, effort restrictions, trip limits	**Tools:** OY-setting; gear restrictions; limited entry; time/area mgt; allocations; trip limits; allocation	**Tools: (TO BE COMPLETED)**	**Tools:** OY-setting, time/area mgt, gear restrictions, catch/bycatch limits	**Tools:** OY-setting, time/area closures, gear restrictions, catch/bycatch limits

	Alternative 1	Alternative 2	Alternative 3	Alternative 4	Alternative 5
Non-target species Component including finfish and protected species (non-groundfish, salmon, sea birds, marine mammals, turtles)	**Policy Objective:** Provide protection for non-target species by applying a combination of management measures in OY-setting, gear restrictions, effort restrictions and landing limits (trip limits)	**Policy Objective:** Provide protection for non-target species by applying a combination of management measures in OY-setting, gear restrictions, effort restrictions and landing limits (trip limits)	**Policy Objective:** Provide protection for non-target species by applying a combination of any or all of the following management measures: **(TO BE COMPLETED)**	**Policy Objective:** Provide increased protection for non-target species by prescribing highly conservative risk averse measures associated with OY-setting, time/area closures, gear restrictions, catch and bycatch limits.	**Policy Objective:** Maximize protection for non-target species without consideration of a viable fishery (within MSA)
	Control rule/ standard: last table below	**Control rule/ standard**: last table below	**Control rule/ standard**: last table below	**Control rule/ standard**: last table below	**Control rule/ standard**: last table below
	Tools: OY-setting; time/area closures	**Tools:** OY-setting; Gear Restrictions; limited entry; time/area closures; allocations; and trip limits	**Tools:** OY-setting; Gear Restrictions; limited entry; time/area closures; allocations; and trip limits	**Tools:** OY-setting, time/area closures, gear restrictions and catch/bycatch limits	**Tools:** OY-setting, time/area closures, gear restrictions and catch/bycatch limits

	Alternative 1	Alternative 2	Alternative 3	Alternative 4	Alternative 5
Habitat Component (including other marine fish species)	**Policy Objective:** Minimal protection for habitat within the constraints of statutory requirements (MAGNUSON-STEVENS ACT).	**Policy Objective:** Provide protection for habitat by applying a combination of spatial and temporal management measures and gear restrictions.	**Policy Objective:** Provide protection for habitat by applying a combination of any or all of the following management measures: **(TO BE COMPLETED)**	**Policy Objective:** Provide increased protection for habitat by prescribing highly conservative risk averse measures associated with spatial and temporal closures, gear allocation and gear restrictions.	**Policy Objective:** Maximize protection for habitat without consideration of a viable fishery (within MAGNUSON-STEVENS ACT)
	Control rule/ standard: last table below	**Control rule/ standard**: last table below	**Control rule/ standard**: last table below	**Control rule/ standard**: last table below	**Control rule/ standard**: last table below
	Tools: Gear restrictions; time/area closures; OY-setting	**Tools:** Gear restrictions; time/area closures; OY-setting; effort restrictions	**Tools:** Gear restrictions; time/area closures; OY-setting; effort restrictions	**Tools:** Gear restrictions; time/area closures; OY-setting; effort restrictions	**Tools:** Gear restrictions; time/area closures; OY-setting; effort restrictions

	Alternative 1	Alternative 2	Alternative 3	Alternative 4	Alternative 5
Socio-economic Component	**Policy Objective:** Provide protection for economic and socio-economic viability of the fishery by applying a combination of management measures including OY-setting and allocations.	**Policy Objective:** Provide protection for economic and socio-economic viability of the fishery by applying a combination of management measures including OY-setting and allocations and permits.	**Policy Objective:** Provide protection for economic and socio-economic viability of the fishery by applying a combination of management measures including OY-setting, permit stacking, and rights-based management.	**Policy Objective:** Provide protection for economic and socio-economic viability of the fishery by applying a combination of management measures including OY-setting, permit stacking, and rights-based management.	**Policy Objective:** Provide protection for economic and socio-economic viability of the fishery by applying a combination of management measures including OY-setting, permit stacking, and rights-based management.
	Control rule/ standard: last table below	**Control rule/ standard**: last table below	**Control rule/ standard**: last table below	**Control rule/ standard**: last table below	**Control rule/ standard**: last table below
	Tools: OY setting and allocations.	**Tools:** OY setting and allocations; Permit conditions	**Tools:** Permit conditions; Rights-based management (IFQs, Coops)	**Tools:** Permit conditions; Rights-based management (IFQs, Coops)	**Tools:** Permit conditions; Rights-based management (IFQs, Coops)

	Alternative 1	Alternative 2	Alternative 3	Alternative4	Alternative 5
Reporting, Record-keeping & Observers Component	**Policy Objective:** No federal vessel reporting requirements for catch and bycatch; partial observer program.	**Policy Objective:** Reporting requirements for catch and bycatch; observer program	**Policy Objective:** Provide for increased reporting requirements of catch, bycatch, and biological information by applying a combination of any or all of the following management measures: (**TO BE COMPLETED)**	**Policy Objective:** Provide for increased reporting requirements of catch, bycatch, and biological information by prescribing highly conservative risk averse measures associated with a combination of observer coverage, adequate program funding, data collection, industry data collection, economic data reporting, VMS, etc.	**Policy Objective:** Maximize reporting requirements of catch, bycatch, biological and economic information.
	Control rule/ standard: last table below	**Control rule/ standard**: last table below	**Control rule/ standard**: last table below	**Control rule/ standard**: last table below	**Control rule/ standard**: last table below
	Tools: State reporting requirements; partial observer coverage	**Tools:** State and fed reporting requirements; more observer coverage	**Tools:** State and fed reporting requirements; more observer coverage	**Tools:** State and fed reporting requirements; more observer coverage, VMS	**Tools:** Federal reporting requirements; full observer coverage

Examples of potential control rules/ standards

Less impact on natural environment — More likely substantial impact on habitat

Components	Alternative 1 (status quo)	Alternative 2 (strat plan 1)	Alternative 3 (strat plan 2)	Alternative 4 (other emphasis)	Alternative 5 (max protection)
Harvest Policy	40-10 OY	40-10 OY	40-10 OY	40-10 OY	40-10 OY
certainty that ABC≥ABCi	50%	60%	70%	75%	80%
Unassessed stocks	ABC x 50%	ABC x 50%	ABC x 40%	ABC x 30%	ABC x 30%
Rebuilding likelihood	≥50%	≥60%	≥70%	≥80%	≥80%
Bycatch					
accounting					
reduction certainty					
Capacity		Goal: 50% reduction from 2000 level, voluntary	Goal: 50% reduction from 2000 level, mandatory	Goal: 50% reduction from **2002** level,	
Habitat					

PROGRAMMATIC SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT DRAFT PURPOSE AND NEED

1.0 Purpose of and Need for Action

1.1 The Proposed Action: Who, What, and Why?

1.1.1 Summary of the Proposed Action

The National Marine Fisheries Service (NMFS) believes it may be necessary to amend the Pacific Groundfish Fishery Management Plan (FMP) to more fully comply with the Nation's primary fishery policy established in the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). NMFS and the Pacific Fishery Management Council (Council) are reviewing the current policies, goals, and objectives of the federal fishing program for west coast groundfish, as well as the overall effectiveness of the groundfish FMP. The Council is considering an amendment to the groundfish FMP to revise its policies, goals and objectives. This FMP amendment and evaluation of the groundfish management program are being conducted in accordance with the National Environmental Policy Act (NEPA); the analysis will be a programmatic supplement to the original environmental impact statement (EIS) for the groundfish program. NEPA requires federal agencies to evaluate the status quo and reasonable alternatives to achieve the agencies' mandates. NMFS and the Council are considering a range of alternatives to the current management program. This programmatic supplemental EIS (PSEIS) will aid the Council and NMFS in planning future actions to achieve the mandates laid out in the Magnuson-Stevens Act.

1.1.2 Purpose and need for action

Many changes have occurred since the mid-1970s when NMFS prepared its preliminary fishery management plan and environmental impact statement (EIS) to regulate foreign groundfish fisheries off the states of Washington, Oregon, and California. In the late 1970s, the Council prepared its FMP and a supplemental EIS (SEIS) for both domestic and foreign fishing, guided by the original Magnuson-Stevens Act (at that time referred to as the Fishery Conservation and Management Act, or FCMA). A primary national policy at that time was to modernize and expand the American fishing industry so it could replace the foreign fisheries occurring in U.S. waters. Foreign fishing vessels were taking much of the available U.S. harvest, and Congress wanted American fishers to receive the benefits of our fish resources. The FMP reflected the goal of fostering U.S. fishery development. That goal was achieved in 1991 when U.S. fishers harvested the entire groundfish harvest for the first time, ending foreign fishing in American waters off the West Coast. Since 1992, much of the management focus has been on allocating the harvest among competing groups of American fishers and maintaining year round opportunities for fishing and marketing .

In 1996, the focus of the Magnuson-Stevens Act shifted from fishery development to preventing overfishing, rebuilding overfished stocks, and protecting essential fish habitat (EFH). Those

changes required substantial revision to all FMPs nationwide, and the groundfish FMP was amended in 1998 to comply with the new provisions.

The abundance of several groundfish stocks has declined substantially since the original FMP was approved, to the point they are now classified as overfished. Harvests of many groundfish species have been reduced, and both the commercial and recreational fisheries are facing severe economic and social stresses. The Council developed a Strategic Plan for addressing these problems and is making changes to the groundfish management program to achieve the Strategic Plan's goals and objectives.

Since the 1996 Magnuson-Stevens Act amendments, the Council, NMFS and the States have established regulations that are much more restrictive and complicated than in the past. Recreational fishing opportunities have been substantially cut back in order to protect stressed and overfished stocks. The commercial fishing industry that has depended on the groundfish resources has been declared an economic disaster. Scientists estimate it will take several decades for some stocks to recover, even with restrictive management. Segments of the public, particularly environmental groups, have expressed concerns that fish habitat destruction has contributed to the overfished condition of these groundfish stocks. They are concerned ocean fish habitat has been seriously degraded by many years of fishing activities, especially bottom trawling.

These social, economic, and environmental changes could properly be considered "cumulative environmental impacts" which have not been evaluated in a comprehensive manner. NMFS has initiated this PSEIS as an integral part of that evaluation. NMFS believes the fundamental goals, policies and available management tools for managing the groundfish fishery are in need of a broad review and evaluation, and that this type of evaluation is best accomplished by a programmatic environmental impact statement. A programmatic EIS is the comprehensive document in which an agency considers a number of related actions or projects being decided within one program. As such, a programmatic EIS looks to the environmental consequences of a program as a whole. One of its purposes is to assess the impact of connected and cumulative actions under one programmatic umbrella in order to determine significant impacts to the environment. In it, the analysis of environmental impacts is tied to an entire program. The individual and cumulative effects of each major component (considered both individually and all components combined) are analyzed in a way which allows senior level decision makers to examine the implications of their programs. A programmatic EIS "examines an entire policy initiative rather than performing a piecemeal analysis, within the structure of a single agency action."

1.1.3 Objectives

Groundfish management goals and objectives are based primarily on the Magnuson-Stevens Act and NMFS's mission. The current goals and objectives were developed by the Council and are included in the FMP. Several of the most important goals have been in place since the original FMP, while others have been added or modified in any of the 13 FMP amendments. The overarching objectives are set in the National Standards as stated in the Magnuson-Stevens Act.

1.1.4 Selection Criteria (TO BE COMPLETED)

1.2 Relation to other NEPA Documents (TO BE COMPLETED)

1.3 Decisions that must be made and other agencies involved in the NEPA analysis (TO BE COMPLETED)

1.4 Purpose of the Proposed Action

In a programmatic EIS or SEIS such as this, the purpose of the proposed action is "the agency's formulation of a comprehensive management framework to address a wide array of subsequent and perhaps disparate and as yet unknown field activities." In this case, the program is the groundfish FMP, fishing regulations, and management measures authorized by the FMP, as of January 2002. The proposed action is to amend the FMP.

Five basic components are addressed in a fishery management program: target species; non-target species; habitat, especially EFH; socio-economics; and reporting, record-keeping, and monitoring. Within each component are goals and objectives and various management tools to achieve the specified goals and objectives. These components and management tools overlap considerably, as do the goals and objectives. The current FMP is generally a "framework" or set of procedures the Council and NMFS will follow as the Council makes revisions to the current management program. Although the FMP sets priorities among the goals and objectives when changes are made, many goals and objectives conflict.

The FMP does not include a vision of the future, a clear set of goals, or a direction and plan to achieve the vision. The Council's *Strategic Plan for Groundfish* provides a much clearer vision, set of goals, and even a time line to achieve them. NMFS believes the FMP should be amended to reflect such a strategic plan.

The Pacific Coast Groundfish FMP authorizes fishing for about 85 marine fish species within certain constraints. The Magnuson-Stevens Act mandates conservation and management of the Nation's marine fish resources, requiring fishery management plans to provide opportunities to harvest fish in ways that bring optimum benefits to the Nation while protecting the long term health of these resources for future generations. Appropriate harvest levels are an essential part of any long term management program, and every fish or other marine animal killed or injured by human activities (including bycatch) affects the current and future condition of the resource. Also, Congress recognized that abundant and productive habitat is essential to the long term reproduction, growth and survival of fish and fish populations. Destruction of habitat and needless waste of useable fish are costs that are contrary to wise use.

The use of other human resources in extracting value from the marine resources is also an issue. That is, the costs of fishing activities (capital, time, etc.) should be less than the benefits (food, monetary, and social values) the Nation receives. Current over-capitalization of fishing and processing sectors contributes to environmental, social and economic conditions and impacts.

1.4.1 Target Species Component, Including Harvest Policies

The purpose of this action is to amend the FMP and its implementing regulations to comply with section 303(a)(11) of the Magnuson-Stevens Act. More specifically, the purpose is to establish measures necessary and appropriate for the conservation and management of the fishery to prevent overfishing and rebuild overfished stocks, and to protect, restore and promote the long-term health and stability of the fishery. This action is being undertaken to ensure the conservation and management as required under the Magnuson-Stevens Act.

1.4.2 Non-target Species Component, including Fish, Marine Mammals, Seabirds, Turtles and other Marine Animals

The primary purpose of this action is to amend the FMP and its implementing regulations to comply with section 303(a)(11) of the Magnuson-Stevens Act. More specifically, the purpose is to establish conservation and management measures that, to the extent practicable and in the following priority– (A) minimize bycatch; and (B) minimize the mortality of bycatch which cannot be avoided. This provision of the Magnuson-Stevens Act refers specifically to fish; however, other non-target marine animals may be affected by the groundfish fishery. The secondary purpose of this action is to evaluate the effects of groundfish fishing on other non-target species to ensure that fishery management does not result in conflicts with other legal mandates. This action is being undertaken to ensure the conservation and management as required under the Magnuson-Stevens Act , Marine Mammal Protection Act (MMPA), Endangered Species Act (ESA) and other applicable federal laws.

1.4.3 Habitat, Including Essential Fish Habitat

The purpose of this action is to amend the FMP and its implementing regulations to comply with section 303(a)(7) of the Magnuson-Stevens Act. More specifically, the purpose is to describe and identify essential fish habitat for the fishery based on the guidelines established by the Secretary under section 305(b)(1)(A), minimize to the extent practicable adverse effects on such habitat caused by fishing, and identify other actions to encourage the conservation and enhancement of such habitat. This action is being undertaken to ensure the conservation and enhancement of EFH as required under the Magnuson-Stevens Act.

1.4.4 Socio-economic Component, Including the Balance Between Harvest Capacity and Established Harvest Levels

The purpose of this action is to achieve social and economic benefits from the groundfish resources, including benefits to fishing communities. One component of the action is to reduce the harvest capacity of the commercial groundfish sector to bring it into balance with current and future harvest levels. Specifically, the purpose is to amend the FMP and its implementing regulations, consistent with sections 303(b)(3) and (4) of the Magnuson-Stevens Act: (3) establish specified limitations which are necessary and appropriate for the conservation and management of the fishery on the – (A) catch of fish (based on area, species, size, number, weight, sex, bycatch, total biomass, or other factors); (4) prohibit, limit, condition, or require the use of specified types and quantities of fishing gear, fishing vessels, or equipment for such

vessels ...; and (6) establish a limited access system for the fishery in order to achieve optimum yield ... These actions are being undertaken to ensure the conservation and management of west coast groundfish as required under the Magnuson-Stevens Act.

1.4.5 Reporting, Record keeping and Monitoring Component

The purpose of this action is to amend the FMP and its implementing regulations to comply with sections 303(a)(5) and (11) and (discretionary) section 303(b)(8) of the Magnuson-Stevens Act. More specifically, the purpose is to (a)(5) specify the pertinent data which shall be submitted to the Secretary with respect to commercial, recreational, and charter fishing in the fishery, including, but not limited to, information regarding the type and quantity of fishing gear used, catch by species in numbers of fish or weight thereof, areas in which fishing was engaged in, time of fishing, [and] number of hauls... ; (11) establish a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery; and (b)(8) require that one or more observers be carried on board a vessel of the United States engaged in fishing for species that are subject to the plan, for the purpose of collecting data necessary for the conservation and management of the fishery.

1.5 Need for Action

Each major issue and need for action is discussed separately below.

1.5.1 Target Species Management, Including Harvest Policies

Prevention of overfishing and rebuilding overfished stocks are essential for the long-term health and stability of the fishery and the needs of fishing communities. Each FMP must include provisions to limit harvest and to account for amounts harvested. Harvest includes all fish that are captured, whether intentional or not, and all fish that are killed, whether retained by the fisher.

Numerous stock assessments in recent years have demonstrated that abundance of many important groundfish species has declined substantially, with several at such low levels of abundance they are considered overfished. Recent scientific advances have concluded that past harvest policies, although based on the best scientific information available at the time, allowed too many groundfish to be caught. New information about ocean climate changes indicates productivity of many long-lived groundfish species has been far below previous estimates. Now, several stocks must be rebuilt, which will require substantial harvest reductions for a number of years.

The management policies and types of management tools used to prevent overfishing, and those related to avoiding harvest of depleted groundfish species, are in need of review and evaluation. Are the current management policies and tools appropriate in light of the current state of science and information availability? Do they adequately account for natural variations in stock abundance, climate change, and other factors that are outside human control? As a policy, what level of precaution is appropriate?

1.5.2 Non-target Species Management

Groundfish are one component of the marine ecosystem, and fishing for groundfish affects other components of the marine environment. Non-groundfish species may be captured and/or killed directly by groundfish fishing gears or fishing methods. Even some groundfish species may be subjected to additional mortality, such as being captured and released. Groundfish fishing may reduce food sources (forage) for other marine animals. In some cases, groundfish species may be the forage. In other cases, the forage may be other species that are affected by groundfish fishing.

Harvest includes all fish that are captured, whether intentional or not, and all fish that are killed, whether retained by the fisher. Fish that are captured and released or discarded are called bycatch. In addition, groundfish fishing could directly or indirectly affect other marine animals such as marine mammals, seabirds and turtles. Policies relating to non-target species should be considered. The PSEIS will evaluate such potential effects and could indicate the need for management measures to mitigate such impacts.

1.5.3 Habitat, Including Essential Fish Habitat (EFH)

In the 1996 reauthorization of the Magnuson-Stevens Act, Congress recognized one of the greatest long-term threats to the viability of commercial and recreational fisheries is the continuing loss of marine, estuarine, and other aquatic habitats. To ensure habitat considerations receive increased attention for the conservation and management of fishery resources, the amendments to the Magnuson-Stevens Act included new EFH requirements, and each fishery management plan must now include specific EFH provisions.

As required by the Magnuson-Stevens Act, NMFS developed guidelines at 50 CFR part 600, Subpart J, to assist the Councils in the description and identification of EFH and in the consideration of actions to ensure the conservation and enhancement of EFH. There is a critical need to evaluate the current habitat protection policies and alternatives to those policies, including designation of EFH, identification of habitat areas of particular concern (HAPCs), and the types of management measures appropriate to implement the habitat protection policies.

1.5.4 Socio-Economic Management, Including Allocation and the Balance Between Harvest Capacity and Established Harvest Levels

In line with federal fishery development policies of the 1970s and 1980s, the West Coast groundfish fleet expanded and modernized in order to take the entire allowable harvest each year. During that period, groundfish stocks were larger that today, and harvest levels were set much higher, in some cases at unsustainably high levels. Harvest capacity increased as stock abundance decreased, and harvest capacity greatly exceeds sustainable harvest levels. The Council took steps to slow the expansion by establishing a license limitation program that went into effect in 1994. In retrospect, that program allowed too many participants to continue fishing, and also provided an opening for new entrants. The open access fishery was intended to allow small scale fishers to continue and new fishers to work their way up from entry-level to full participation in the limited entry fishery. Overcapacity has resulted in excessive competition

within and between user groups, severe economic impacts, and excessive bycatch. The social and economic well-being of West Coast fishing communities has also been impacted.

The Council's *Strategic Plan for Groundfish* states there is a need to reduce fleet fishing capacity by at least 50% in order to bring commercial catching capacity into balance with current harvest levels. Since the strategic plan was adopted, additional harvest reductions have been implemented, meaning capacity would need to be reduced even more. The Magnuson-Stevens Act provides ways to reduce the number of fishery participants, but not the means to compensate displaced fishers. FMPs may include provisions to limit catch and also prohibit or limit the number of fishing vessels or equipment for such vessels.

The appropriate level of capacity reduction needs to be reevaluated in view of current and projected future conditions. Potential methods of achieving capacity reduction should be identified and evaluated. Other policies relating to social and economic issues should also be evaluated.

1.5.5 Reporting, Record keeping and Monitoring Component

The Magnuson-Stevens Act requires each FMP to identify the information necessary for conservation and management of the fishery, and to specify the pertinent data which shall be submitted to the Secretary. This includes information about both intended catch and unintended/ discarded catch (i.e., bycatch). In order to determine the effectiveness of the groundfish management program, a monitoring program is necessary. Such a program must at least focus on the amount of groundfish captured and also to gather information necessary to assess the health of the resources. The current management program requires fishers to discard all groundfish in excess of the specified landing limits but does not require that information about discards be recorded and reported.

The Magnuson-Stevens Act requires that each FMP establish a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery. Policies relating to information collection need to be reevaluated in light of current federal law, fishery monitoring methods should be evaluated, and standards should be established.

1.6 The NEPA Analysis and Fishery Management Plan Actions

NEPA provides a mechanism for identifying and evaluating the full spectrum of environmental issues associated with Federal actions, and for considering a reasonable range of alternatives to avoid or minimize adverse environmental impacts. NMFS and the Council will consider any new information and alternatives discussed in the EIS to determine whether changes to the EFH provisions of the fishery management plans previously approved by NMFS are warranted. The alternatives NMFS must consider under NEPA are not restricted to the options originally presented in FMP and regulatory amendments submitted by the Council.

1.7 Scoping Process

NMFS published a Notice of Intent (NOI) to prepare a supplemental EIS for the EFH components of the Pacific Coast Groundfish Fishery Management Plan on April 10, 2001. The public comment period was open until June 30, 2001. NMFS solicited public comment to identify a range of alternatives for identifying and describing EFH and HAPCs and requested information on adverse effects of fishing activities on EFH and HAPCs. NMFS solicited public comment on appropriate management measures and alternatives to minimize, to the extent practicable, any adverse effects of fishing on EFH. NMFS held 6 public scoping meetings. The meetings occurred in Newport, Oregon; Astoria, Oregon; Eureka, California; Los Alamitos, California; Seattle, Washington; and Burlingame, California. A summary of the public comments and primary issues raised during the meetings is in the Scoping Report (Appendix X).

NMFS and the Council will consider any new information and alternatives discussed in the EIS to determine whether changes to the harvest policy, bycatch and capacity provisions of the groundfish FMP and regulations previously approved by NMFS are warranted. As noted above, the alternatives NMFS must consider under NEPA are not restricted to the options originally presented in previous FMP amendments and regulatory amendments. In addition, NMFS is mandated to ensure its procedures comply with NEPA.

Exhibit E.6
Attachment 4
April 2002

Draft Management Tools/Effects Matrix

This chart is intended to show which management tools can be used and how effective they may be in mitigating impacts on the various ecosystem components.

General Types of Management Tools	GEAR DEFINITIONS/REGULATIONS																			VESSEL LANDING LIMITS									VESSEL CATCH LIMITS									TIME/AREA CLOSURES						HARVEST LEVELS (OY)					CAPACITY (including rights-based measures)								DATA REPORTING, RECORDKEEPING, AND MONITORING												
More Specific Categories of Management Tools	TRAWL						HOOK-AND-LINE					POT				SETNET (California)				BY SPECIES			BY SPECIES COMPLEX			BY DAYS AT SEA			BY SPECIES			BY SPECIES COMPLEX			BY DAYS AT SEA			SIZE, SHAPE, LOCATION				DURATION		VARIOUS LEVELS OF PRECAUTION					PERMITS				ALLOCATION				REPORTING REQUIRMNTS				MONITORING SYSTEM			MANDATORY RETENTION (without verification)			MANDATORY RETENTION (with verification)		
Specific Management Tools&Measures	mesh size	ftrope diameter	ftrope length	net height	codend	pelagic only	number of hooks	hook size and type	line length	"Anti-bird devices"	off-bottom only	limited number	size	mesh size	escape port	Minimum mesh size	Area/Depth	Length	Height	By Sector	By Permit	By vessel	By Sector	By Permit	By vessel	By Sector	By Permit	By vessel	By Sector	By Permit	By vessel	By sector	by permit	by vessel	By Sector	By Permit	By vessel	Large	Small	by depth	by straight lines	seasonal	permanent	by species	by complex	yearly	multi yr	by area	Limited	Unlimited	Gear-specific	Area-specific	By Sector	By Fisher	By Vessel	By Area	State fish tickets	State Logbooks	Federal fish tickets	Federal logbooks	Processor Repts	Observer Program	Vessel monitoring s	All species	All Finfish	All Groundfish	All species	All Finfish	All Groundfish
Target Species																																																																					
rockfish																																																																					
flatfish																																																																					
"roundfish"																																																																					
other species																																																																					
Non-Target Species																																																																					
Finfish																																																																					
Salmon																																																																					
Pacific halibut																																																																					
pink shrimp																																																																					
Protected species																																																																					
Marine mammals																																																																					
Seabirds																																																																					
Turtles																																																																					
Habitat/Ecosystem																																																																					
Bottom - hard																																																																					
Bottom - soft																																																																					
Water column																																																																					
Bottom fauna																																																																					
Socioeconomic																																																																					
vessel revenues																																																																					
groundfish																																																																					
other species																																																																					
community impacts																																																																					
travel time																																																																					
Fishery-Dependent Data																																																																					

One Example of How Matrix Could be Filled In

GEAR DEFINITIONS/REGULATIONS

General Types of Management Tools	GEAR DEFINITIONS/REGULATIONS																		
More Specific Categories of Management Tools	TRAWL						HOOK-AND-LINE					POT				SETNET (California)			
Specific Management Tools&Measures	mesh size	ftrope diameter	ftrope length	net height	codend	pelagic only	number of hooks	hook size and type	line length	"Anti-bird devices"	off-bottom only	limited number	size	mesh size	escape port	Minimum mesh size	Area/Depth	Length	Height
Target Species																			
rockfish	+	+	+	+	+	+	+		+		+					+	+	+	+
flatfish	+	+	+	+	+														
"roundfish"	+	+	+	+	+	+	+	+	+	-	+	+	+	+	+	+	+	+	+
other species	+	+	+	+	+	+									+	+	+	+	+
Non-Target Species																			
Finfish	+	+	+	+	+	+													
Salmon	+	+	+	+	+	+													
Pacific halibut																			
pink shrimp																			
Protected species																			
Marine mammals																			
Seabirds									+	+									
Turtles																			
Habitat/Ecosystem																			
Bottom - hard		+	+	+	+	+													
Bottom - soft		+	+	+	+	+													
Water column																			
Bottom fauna		+	+	+	+	+													
Socioeconomic																			
vessel revenues																			
groundfish	-	-	-	-	-	-													
other species																			
community impacts																			
travel time																			
Fishery-Dependent Data																			

VESSEL LANDING LIMITS and VESSEL CATCH LIMITS

General Types of Management Tools	VESSEL LANDING LIMITS									VESSEL CATCH LIMITS								
More Specific Categories of Management Tools	BY SPECIES			BY SPECIES COMPLEX			BY DAYS AT SEA			BY SPECIES			BY SPECIES COMPLEX			BY DAYS AT SEA		
Specific Management Tools&Measures	By Sector	By Permit	By vessel	By Sector	By Permit	By vessel	By Sector	By Permit	By vessel	By Sector	By Permit	By vessel	By sector	by permit	by vessel	By Sector	By Permit	By vessel
Target Species																		
rockfish	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
flatfish	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
"roundfish"	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
other species	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
Non-Target Species																		
Finfish										+	+	+	+	+	+	+	+	+
Salmon										+	+	+	+	+	+	+	+	+
Pacific halibut										+	+	+	+	+	+	+	+	+
pink shrimp																		
Protected species																		
Marine mammals																		
Seabirds																		
Turtles																		
Habitat/Ecosystem																		
Bottom - hard										+	+	+	+	+	+	+	+	+
Bottom - soft										+	+	+	+	+	+	+	+	+
Water column										+	+	+	+	+	+	+	+	+
Bottom fauna										+	+	+	+	+	+	+	+	+
Socioeconomic																		
vessel revenues																		
groundfish																		
other species																		
community impacts																		
travel time																		
Fishery-Dependent Data	-	-	-	-	-	-	-	-	-	+	+	+	+	+	+			

TIME/AREA CLOSURES, HARVEST LEVELS (OY), CAPACITY

General Types of Management Tools	TIME/AREA CLOSURES						HARVEST LEVELS (OY)					CAPACITY (including rights-based measures)							
More Specific Categories of Management Tools	SIZE, SHAPE, LOCATION				DURATION		VARIOUS LEVELS OF PRECAUTION					PERMITS				ALLOCATION			
Specific Management Tools&Measures	Large	Small	by depth	by straight lines	seasonal	permanent	by species	by complex	yearly	multi yr	by area	Limited	Unlimited	Gear-specific	Area-specific	By Sector	By Fisher	By Vessel	By Area
Target Species																			
rockfish	+	+	+	+	+	+	+		+	+	+	+		+	+	+	+	+	+
flatfish	+	+	+	+	+	+													
"roundfish"	+	+	+	+	+	+													
other species	+	+	+	+	+	+													
Non-Target Species																			
Finfish																			
Salmon	+	+	+	+	+	+													
Pacific halibut	+	+	+	+	+	+													
pink shrimp																			
Protected species																			
Marine mammals	+	+	+	+	+	+	+	+	+	+	+								
Seabirds	+	+	+	+	+	+	+	+	+	+	+								
Turtles	+	+	+	+	+	+	+	+	+	+	+								
Habitat/Ecosystem																			
Bottom - hard	+	+	+	+	+	+	+	+	+	+	+								
Bottom - soft	+	+	+	+	+	+	+	+	+	+	+								
Water column	+	+	+	+	+	+	+	+	+	+	+								
Bottom fauna	+	+	+	+	+	+	+	+	+	+	+								
Socioeconomic																			
vessel revenues																			
groundfish																			
other species																			
community impacts																			
travel time																			
Fishery-Dependent Data																			

DATA REPORTING, RECORDKEEPING, AND MONITORING

General Types of Management Tools	DATA REPORTING, RECORDKEEPING, AND MONITORING												
More Specific Categories of Management Tools	REPORTING REQUIRMNTS				MONITORING SYSTEM			MANDATORY RETENTION (without verification)			MANDATORY RETENTION (with verification)		
Specific Management Tools&Measures	State fish tickets	State Logbooks	Federal fish tickets	Federal logbooks	Processor Repts	Observer Program	Vessel monitoring sy	All species	All Finfish	All Groundfish	All species	All Finfish	All Groundfish
Target Species													
rockfish	+	+					+						
flatfish													
"roundfish"													
other species													
Non-Target Species													
Finfish													
Salmon													
Pacific halibut													
pink shrimp													
Protected species													
Marine mammals													
Seabirds													
Turtles													
Habitat/Ecosystem													
Bottom - hard													
Bottom - soft													
Water column													
Bottom fauna													
Socioeconomic													
vessel revenues													
groundfish													
other species													
community impacts													
travel time													
Fishery-Dependent Data	+	+	+	+	+	+	+						

+ means "affects positively" or "works"
- means "affects negatively"
(blank) means "does not affect" or not applicable
+ means "works really well"
- means "affects really negatively"
? means unknown, uncertain, controversial, etc

GROUNDFISH FMP ENVIRONMENTAL IMPACT STATEMENTS

Situation: The Council has been briefed on the NMFS decision to develop two Supplemental Environmental Impact Statements (SEISs) to (1) analyze programmatic alternatives for West Coast groundfish management and (2) analyze alternatives for designating and protecting essential fish habitat (EFH). The programmatic SEIS (PSEIS) will review the current status of the federal groundfish management program, condition of the groundfish resource, and the socioeconomic conditions of the fishery. The PSEIS will examine a range of future policy alternatives and implementation options, including provisions in the Council's Groundfish Fishery Strategic Plan (GFSP). The EFH SEIS will examine options for designating EFH as well as minimizing the adverse effects of fishing on EFH. The NMFS project managers for these respective SEISs will brief the Council on progress to date and discuss a timeline for SEIS development (Exhibit E.6, Attachment 1).

The relevant Council advisors will review the Attachments and provide initial comments to the Council at this meeting. The timeline calls for Council adoption of the PSEIS alternatives for analysis at the June 2002 meeting. The alternatives will form the basis for an amendment to the groundfish fishery management plan.

The Council should consider tasking the EIS oversight committee with relevant assignments to further Council input and take advantage of opportunities made available by this effort.

Council Task:

1. **Discuss and provide guidance to NMFS on developing the Groundfish Programmatic SEIS and the SEIS for Essential Fish Habitat.**

Reference Materials:

1. Timeline and Major Milestones for Two Supplemental Environmental Impact Statements on Pacific Coast Groundfish (Exhibit E.6, Attachment 1).
2. Programmatic Supplemental Environmental Impact Statement Draft Proposed Alternatives Matrix (Exhibit E.6, Attachment 2).
3. Programmatic Supplemental Environmental Impact Statement Draft Purpose and Need (Exhibit E.6, Attachment 3).
4. Draft Management Tools/Effects Matrix (Exhibit E.6, Attachment 4).

Agenda Order:

a. Agendum Overview/Programmatic EIS	Jim Glock
b. EFH EIS	Steve Copps
c. Reports and Comments of Advisory Bodies	
d. Public Comment	
e. Council Discussion and Guidance	

Groundfish Fishery Strategic Plan (GFSP) Consistency Analysis

The GFSP broadly supports effective public involvement during and beyond the transition to sustainable groundfish fishery management. The GFSP also specifically seeks to update the goals and objectives in the current groundfish FMP to incorporate GFSP visions and goals (Sec. II.C.(d)3). The Programmatic SEIS will provide a public forum vehicle for assessing and incorporating GFSP visions and goals into the Groundfish FMP. The GFSP also seeks protect, maintain, and/or recover those habitats necessary for healthy fish populations and the productivity of those habitats (Sec. II.A.(b)7). The EFH SEIS will examine options and establish a management framework consistent with these GFSP goals.

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over →

Supplemental Reference Materials

5. Table => One Example of How Matrix Could be Filled In (Exhibit E.6, Supplemental Attachment 4a).
6. Exhibit E.6.c, Supplemental GAP Report.
7. Exhibit E.6.c, Supplemental SSC Report.

HABITAT COMMITTEE COMMENTS ON REBUILDING PLANS

The Habitat Committee (HC) would like to emphasize that it needs to see rebuilding plans as early as possible to give the HC time to analyze them.

PFMC
04/10/02

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest Region
7600 Sand Point Way N.E., Bldg. 1
Seattle, WA 98115

April 5, 2002

Dr. Hans Radtke, Chairman
Pacific Fishery Management Council
7700 NE Ambassador Place
Portland, OR 97220

Dear Dr. Radtke:

RE: Contents of Individual Rebuilding Plans

At its April 2002 meeting, the Council will be considering its process for developing fishery management plan (FMP) amendments to address the overfished species rebuilding requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). There has been much discussion within the Council family, both formal and informal, about the structuring of individual rebuilding plans. One question we have all struggled with is exactly what parts of the rebuilding timeframe and strategy are locked into the rebuilding plan and can only be changed by plan amendment, and what might change with a new stock assessment. Based on the requirements of the Magnuson-Stevens Act, the National Standard Guidelines, and examples provided by rebuilding plans from other councils, I believe that rebuilding FMP amendments should contain the following parameters:

1. A best estimate of B_{MSY}, or its proxy, where B_{MSY} is the biomass target for achieving rebuilding. It would be helpful to the Council's plan development process if the Scientific and Statistical Committee and the Groundfish Management Team could discuss the trade-offs of expressing B_{MSY} as a formula (example: 40% of current best scientific estimate of B_{zero}) versus numeric quantification. The Plan should also state the conditions under which the B_{MSY} calculations will be updated. This would range from a technical update with each subsequent stock assessment to a FMP amendment.

2. A fixed rebuilding period, including the minimum possible time to rebuild to the B_{MSY} level in the absence of fishing with a 50% probability (T_{MIN}.) Rebuilding plans must also include the maximum allowable time to rebuild (T_{MAX}) and mean generation time if the rebuilding time exceeds 10 years, as well as the target time for rebuilding (T_{TARGET}.) These times should be expressed numerically and should be fixed within the FMP such that they are changeable only by FMP amendment. Whenever T_{TARGET} is set greater than T_{MIN}, the socioeconomic benefits from the extended rebuilding period should be greater than the benefits that would accrue from more rapid rebuilding.

3. The probability of achieving the rebuilding goal (B_{MSY}) within T_{TARGET} years.

4. The rebuilding harvest control rule that will annually set harvest rates for the species in question and will be applied to the most current stock assessment. Additionally, the current forecast for the rebuilding trajectory should, at a minimum, be analyzed in background documents for each rebuilding plan and be included within the FMP where appropriate for a given species. Harvest strategies may include: constant catch strategy – where catch is held constant over time until the stock reaches B_{MSY}; a constant fishing mortality rate – where a constant proportion of the stock is removed annually until the stock reaches B_{MSY}, or a combination of these strategies. Protocols for adjusting the harvest control rule should be detailed in the rebuilding plan FMP. Potential protocols range from a technical adjustment with each stock assessment to keep the probability of rebuilding from falling below 50%, to a full FMP amendment.

NMFS has provided guidance on other elements of the rebuilding plans at past Council meetings and that guidance has not changed. In this letter, we wished to highlight the above issues as an aid to your upcoming discussions. NMFS is looking forward to working with the Council in developing and implementing these rebuilding plans.

Sincerely,

William L. Robinson
Assistant Regional Administrator
for Sustainable Fisheries

Exhibit E.7.b
Supplemental SSC Report
April 2002

SCIENTIFIC AND STATISTICAL COMMITTEE STATEMENT ON REBUILDING PLANS

Mr. John DeVore briefed the Scientific and Statistical Committee (SSC) on the planning and progress toward rebuilding amendments to the groundfish fishery management plan (FMP). The expectation is that rebuilding plans for cowcod, darkblotched rockfish, lingcod, Pacific ocean perch, and widow rockfish will be incorporated in the first rebuilding FMP amendment scheduled for Council adoption in September 2002. A second rebuilding amendment – scheduled for Council adoption in November 2002 – will include bocaccio, canary, and yelloweye rockfish.

As highlighted in the SSC's March 2002 statement, the Council should expect numeric details of rebuilding plans (e.g., B_{MSY} in metric tons) to change over time – whether due to improved estimates of these parameters from updated stock assessments or due to technical errors that were not caught in the previous stock assessment review. The use of hard numbers in the rebuilding amendment should be minimized in order to avoid the need to repeatedly amend the FMP with each stock assessment cycle. Instead, formulae and algorithms should be specified whenever possible (e.g., $B_{MSY} = 0.4\ B_0$), and Stock Assessment Team (STAT) teams should be asked to identify and explore assessment models that will be more robust with respect to the numeric values that do need to be specified. The terms of reference for STAT teams and Stock Assessment Review Panels should be modified accordingly.

Further, it is important to distinguish between the biological and policy parameters that collectively govern the rebuilding process. Virgin biomass(B_0), biomass target for rebuilding (B_{MSY}), and minimum rebuilding time (T_{min}) are examples of biological parameters; while the target rebuilding time (T_{target}) and the probability of achieving the rebuilding goal (B_{MSY}) within T_{target} years are examples of policy parameters. While it should be possible to specify numerically some or all of the policy parameters, only the formulae and algorithms for biological parameters should be specified in FMP amendments.

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REBUILDING PLANS

Situation: The Council was briefed in March 2002 of the intent to incorporate rebuilding plans for overfished groundfish species in at least two Fishery Management Plan (FMP) amendments. It was also determined in March the soonest a draft FMP amendment with rebuilding plans could be available for Council and public review would be at the June 2002 Council meeting. The expectation is that rebuilding plans for cowcod, darkblotched rockfish, lingcod, Pacific ocean perch, and widow rockfish will be incorporated in the first rebuilding FMP amendment. The proposed schedule is Council adoption of the first draft rebuilding FMP amendment with rebuilding plans for these species for public review in June and final Council adoption in September.

New assessments and rebuilding analyses for bocaccio and canary rockfish are expected in June for Council review and adoption. Likewise, a rebuilding analysis for yelloweye rockfish should be available by the June Council meeting. These are critical precursors for rebuilding plans for these species. Therefore, the Council might consider delaying adoption of draft rebuilding plans for these species for public review until after new rebuilding analyses are reviewed and approved in June. If this is the Council's guidance, then the earliest rebuilding plans and the associated FMP amendment for these species could be distributed for public review would be at the September 2002 Council meeting with final Council adoption at the November Council meeting.

Rebuilding plan elements and associated FMP amendments will be analyzed in an Environmental Impact Statement (EIS). A *Federal Register* notice of intent to prepare an EIS for rebuilding plans has been filed. Although considerable scoping for rebuilding plans has already occurred through the Council process, further scoping will continue. Council and NMFS staff will continue to work with Council advisory bodies and the general public to further scope the content of plans including the necessary rebuilding targets and analytical components.

The Council will be briefed at this meeting on the proposed content of rebuilding plans and amendments. The Council is asked to provide guidance on the content and the schedule for completing draft rebuilding plans for public review and subsequent Council adoption.

Council Task:

1. **Provide guidance to NMFS and Council staff on the content and schedule for completing rebuilding plans.**

Reference Materials: None.

Agenda Order:

a. Agendum Overview — John DeVore
b. Reports and Comments of Advisory Bodies
c. Public Comment
d. Council Guidance and Schedule for Completing Rebuilding Plan Amendments

Supplemental Reference Materials

1. Exhibit E.7, Supplemental Attachment 1
2. Exhibit E.7., Supplemental Attachment 2.
3. Exhibit E.7.b, Supplemental HC Report.
4. Exhibit E.7.b, Supplemental NMFS Report,
5. Exhibit E.7.b, Supplemental SSC Report.

Groundfish Fishery Strategic Plan (GFSP) Consistency Analysis

Rebuilding overfished species, as mandated by the Magnuson-Stevens Fishery Conservation and Management Act, was a primary motive for developing and implementing the GFSP. Many sections of the GFSP describe how rebuilding plans factor into short- and long-term Council priorities for conducting groundfish conservation and management. GFSP objectives such as developing sustainable and effective harvest policies (Sec. II.A.2), achieving fleet capacity reduction (Sec. II.A.3.(b)), allocating groundfish resources (Sec. II.A.4), developing an effective Observer Program (Sec. II.A.5), and development of marine reserves as a groundfish management tool (Sec. II.A.6) are grounded by the need to accomplish the goal of rebuilding overfished groundfish stocks.

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03/26/02

An Exploration of Monte Carlo Uncertainty for Rebuilding Analyses for Four Overfished Groundfish Resources

Andre E. Punt
School of Aquatic and Fishery Sciences, University of Washington, Seattle, WA 98195-5020

Background

The rebuilding analyses for overfished groundfish species are based on conducting projections into the future for a range of different levels of constant fishing mortality or constant catch. The projections all start from the best estimates of the age-structure of the population based on the most recent assessment. Future recruitment is determined by either generating a recruitment from a sub-set of historical estimates or by generating a recruits/spawner ratio from a sub-set of the historical estimates and multiplying this by the spawner stock size for the year for which a recruitment is needed. A large number of simulations are conducted for a range of fishing mortalities / constant catches to identify the levels that correspond to a set of pre-specified probabilities of the spawner stock size exceeding the target level of 40% of the virgin spawner stock size in some future year (10 years after the species was first declared overfished or the minimum time to rebuild plus one mean generation).

Although the algorithm for conducting rebuilding analyses is fully specified (Punt, 2002a), it involves Monte Carlo simulation so a rebuilding analysis should be considered to be a form of estimation rather than of calculation. This is because there is some (Monte Carlo) uncertainty associated with the outcomes from a rebuilding analysis due to the fact that it is not feasible to conduct projections for every combination of year and recruits/spawner ratio for example. The extent of Monte Carlo uncertainty would be greater if aspects of the rebuilding analysis, other than just future recruitment (e.g. the initial age-structure), were considered uncertain.

Four of the rebuilding analyses on which Council decisions have been based (those for widow rockfish, Pacific Ocean Perch, lingcod, and darkblotched rockfish) were conducted using software (Punt, 2002a) developed to implement the guidelines for conducting rebuilding analyses developed by the PFMC Scientific and Statistical Committee[1]. This document examines the impact of Monte Carlo uncertainty for the rebuilding analyses for these four species.

Results and Discussion

Table 1 lists 2002 OYs corresponding to rebuilding probabilities of 50%, 60%, 70% and 80% for the four groundfish species based on 10 applications of the rebuilding analysis software. Results are shown separately for the northern and southern populations of lingcod as the rebuilding analysis software is applied to each separately, and the results combined to provide advice for the whole stock. The sensitivity of the results to the number of simulations, N, is examined by conducting analyses for N=100, 1000 and 2000. The results for the 10 applications for each choice of N are summarized by the mean, standard deviation and coefficient of variation in Table 1. Table 2 summarizes the results for the four species in terms of the means and coefficients of variation for each choice for N. This table also lists the 2002 OYs from the most recent rebuilding analyses available to the Council.

[1] The rebuilding analyses for the remaining species (bocaccio, cowcod, and canary rockfish) have been conducted using custom-developed software.

Tables 1 and 2 confirm several expectations concerning Monte Carlo uncertainty.

- The mean OYs are essentially independent of N and the coefficients of variation drop as the value of N is increased.
- The extent of Monte Carlo uncertainty is case-specific (the 2002 OYs for darkblotched rockfish tend to be the most precise while those for Pacific Ocean Perch tend to be the least precise).
- The extent of Monte Carlo uncertainty differs among quantities, being lowest for the 2002 OYs corresponding to a 50% probability of recovery and highest for an 80% probability of recovery – this is not unexpected because the high probabilities correspond to results in the tails of the distribution.

As expected from Punt (2002b), the 2002 OYs for widow rockfish based on the most recent rebuilding analysis presented to the council are outside the intervals based solely on Monte Carlo uncertainty. However, the 2002 OYs presented to the Council for the remaining species correspond fairly closely with the means reported in Tables 1 and 2.

Conclusions

- It is not possible to specify a 'best' value for N because the extent of Monte Carlo uncertainty depends on the specifics of the species concerned as well as the quantity of interest.
- A prescribed standard deviation or coefficient of variation may be more appropriate if a standard / guideline is needed. However, for some species (e.g. Pacific Ocean Perch) achieving very low coefficients of variation may lead to prohibitively large numbers of simulations.
- Although the previous OYs for widow rockfish differ noticeably from those obtained using the most recent version of the rebuilding software, this is not the case for Pacific Ocean Perch, darkblotched rockfish, and lingcod.

References

Punt, A.E. 2002a. SSC default rebuilding analysis: Technical specifications and User Manual (18pp).

Punt, A.E. 2002b. Some issues related to conducting rebuilding analyses for overfished groundfish resources. Pacific Fishery Management Council. 2130 SW Fifth Avenue, Suite 224, Portland, OR 97201 (3pp).

Acknowledgements

Tom Jagielo (WDFW) and Richard Methot (NMFS, NWFSC) are thanked for providing the rebuilding files for lingcod and darkblotched rockfish.

Table 1. 2002 OYs for four groundfish species (results are presented separately for the northern and southern populations of lingcod) based on 10 applications of the rebuilding analysis software for each of three choices for the number of simulations, *N*. Results are shown for rebuilding probabilities of 50%, 60%, 70% and 80%.

(a) Widow rockfish

	Probability of recovery											
	***N*=100**				***N*=1000**				***N*=2000**			
Run	**50**	**60**	**70**	**80**	**50**	**60**	**70**	**80**	**50**	**60**	**70**	**80**
1	1028	928	783	678	965	879	794	686	996	917	835	733
2	1017	954	828	684	1009	939	835	727	1009	935	841	734
3	1036	918	834	729	1005	918	841	737	976	893	817	718
4	1013	901	842	767	999	912	828	717	990	907	826	722
5	986	875	774	691	978	886	798	705	987	896	809	707
6	1000	870	788	708	1021	930	834	747	1009	925	830	744
7	936	882	835	724	1009	911	823	724	1017	928	831	731
8	991	892	834	721	986	886	792	690	1001	912	826	721
9	990	936	847	719	1001	922	832	726	1005	923	834	725
10	976	895	792	695	963	879	789	682	994	917	837	735
Average	997	905	816	712	994	906	817	714	998	915	829	727
SD	28.89	27.90	27.93	26.32	19.71	22.12	20.72	22.33	12.16	13.47	9.65	10.48
CV	2.90	3.08	3.43	3.70	1.98	2.44	2.54	3.13	1.22	1.47	1.16	1.44

(Table 1 Continued)

(b) Pacific Ocean Perch

	Probability of recovery											
	N=100				*N*=1000				*N*=2000			
Run	**50**	**60**	**70**	**80**	**50**	**60**	**70**	**80**	**50**	**60**	**70**	**80**
1	480	415	347	296	457	402	339	277	468	412	349	291
2	480	419	367	315	471	415	365	314	465	411	362	301
3	449	370	318	279	450	398	337	285	460	406	350	291
4	471	420	365	276	472	420	359	302	465	408	349	294
5	482	419	377	270	465	412	351	291	465	411	354	292
6	470	405	319	265	467	409	351	288	470	413	357	290
7	441	389	306	248	448	397	348	277	455	407	351	286
8	444	386	344	295	462	405	365	306	470	415	366	305
9	490	407	360	296	465	410	344	281	467	416	355	287
10	439	359	286	247	465	410	354	284	463	409	352	286
Average	465	399	339	279	462	408	351	290	465	411	354	292
SD	19.52	21.86	30.03	22.19	8.31	7.32	9.62	12.66	4.43	3.34	5.55	6.43
CV	4.20	5.48	8.86	7.97	1.80	1.80	2.74	4.36	0.95	0.81	1.57	2.20

(Table 1 Continued)

(c) Darkblotched rockfish

	Probability of recovery											
	N=100				*N*=1000				*N*=2000			
Run	**50**	**60**	**70**	**80**	**50**	**60**	**70**	**80**	**50**	**60**	**70**	**80**
1	188	177	170	160	188	176.5	166	154	188	178	167	155
2	188	183	177	165	189	178.9	169	156	189	178	167	155
3	191	181	171	152	191	179.4	171	157	190	179	169	155
4	194	186	179	164.	188	178.2	169	153	187	177	166	152
5	196	187	172	160	189	178.7	167	155	190	179	168	156
6	195	188	179	157	189	179.1	168	156	189	179	167	154
7	194	186	176	159	190	180	169	156	190	180	168	155
8	194	185	169	158	192	180.8	170	158	190	179	168	156
9	196	187	175	156	190	180	169	155	190	180	170	157
10	189	179	169	154	189	179	168	154	189	179	167	154
Average	192	184	174	159	189	179	168	155	189	179	168	155
SD	3.20	3.80	4.02	4.09	1.19	1.16	1.41	1.47	1.08	1.01	1.18	1.34
CV	1.66	2.07	2.32	2.58	0.63	0.65	0.84	0.95	0.57	0.57	0.70	0.86

(Table 1 Continued)

(d) Lingcod (north)

	Probability of recovery											
	N=100				*N*=1000				*N*=2000			
Run	**50**	**60**	**70**	**80**	**50**	**60**	**70**	**80**	**50**	**60**	**70**	**80**
1	386	363	321	281	368	341	310	281	369	344	315	285
2	385	369	343	317	369	346	322	291	367	344	320	290
3	372	344	304	268	366	342	316	282	368	343	316	284
4	354	339	300	276	366	341	311	286	368	342	314	286
5	376	343	323	286	371	347	321	286	368	345	320	289
6	378	346	326	305	374	346	321	288	374	347	320	288
7	383	353	337	312	368	345	320	291	367	344	319	288
8	362	342	314	278	369	349	324	288	369	349	323	290
9	363	342	322	293	369	349	322	289	369	348	321	292
10	379	350	322	294	375	350	321	292	369	344	318	286
Average	374	349	321	291	369	346	319	287	369	345	319	288
SD	10.86	9.64	13.16	16.14	3.04	3.16	4.65	3.72	1.96	2.24	2.85	2.53
CV	2.90	2.76	4.10	5.55	0.82	0.92	1.46	1.29	0.53	0.65	0.89	0.88

(Table 1 Continued)

(e) Lingcod (south)

	Probability of recovery											
	N=100				*N*=1000				*N*=2000			
Run	**50**	**60**	**70**	**80**	**50**	**60**	**70**	**80**	**50**	**60**	**70**	**80**
1	271	244	219	180	253	230	196	166	253	229	197	165
2	261	230	191	158	261	236	211	177	260	234	208	173
3	260	235	211	179	253	227	202	169	253	227	200	167
4	243	221	183	156	249	222	198	169	254	229	200	171
5	276	255	221	174	259	230	202	169	257	230	204	172
6	264	238	195	169	257	231	202	169	256	229	201	170
7	261	230	195	165	259	234	204	172	258	234	204	169
8	257	227	198	164	254	231	201	172	254	231	201	167
9	246	220	190	167	255	228	198	166	252	225	196	166
10	249	220	208	185	253	225	199	172	257	230	202	173
Average	259	232	201	170	255	229	201	170	255	230	201	169
SD	10.65	11.31	12.97	9.59	3.75	4.13	4.15	3.33	2.61	2.86	3.44	2.81
CV	4.11	4.87	6.45	5.65	1.47	1.80	2.06	1.96	1.02	1.25	1.71	1.66

Table 2. 2002 OYs corresponding to rebuilding probabilities of 50%, 60%, 70% and 80% for four groundfish species (results are presented separately for the northern and southern populations of lingcod) based on 10 applications of the rebuilding analysis software for each of three choices for the number of simulations, *N*. The results are summarized by the means and coefficients of variation over the 10 applications for each choice of *N*. The row 'current' lists the 2002 OYs based on the most recent rebuilding analyses presented to the Council.

	Species / Probability of recovery											
	Widow rockfish				***Pacific Ocean Perch***				***Darkblotched rockfish***			
Run	**50**	**60**	**70**	**80**	**50**	**60**	**70**	**80**	**50**	**60**	**70**	**80**
Current	*921*	*856*	*777*	*726*	*464*	*410*	*353*	*290*	*190*	*181*	*169*	*158*
N=100	997	905	816	712	465	399	339	279	192	184	174	159
	2.90	3.08	3.43	3.70	4.20	5.48	8.86	7.97	1.66	2.07	2.32	2.58
N=1000	994	906	817	714	462	408	351	290	189	179	168	155
	1.98	2.44	2.54	3.13	1.80	1.80	2.74	4.36	0.63	0.65	0.84	0.95
N=2000	998	915	829	727	465	411	354	292	189	179	168	155
	1.22	1.47	1.16	1.44	0.95	0.81	1.57	2.20	0.57	0.57	0.70	0.86

	Species / Probability of recovery							
	Lingcod (north)				***Lingcod (south)***			
Run	**50**	**60**	**70**	**80**	**50**	**60**	**70**	**80**
Current	384	337	324	302	262	240	211	187
N=100	374	349	321	291	259	232	201	170
	2.90	2.76	4.10	5.55	4.11	4.87	6.45	5.65
N=1000	369	346	319	287	255	229	201	170
	0.82	0.92	1.46	1.29	1.47	1.80	2.06	1.96
N=2000	369	345	319	288	255	230	201	169
	0.53	0.65	0.89	0.88	1.02	1.25	1.71	1.66

Billing Code: 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D.]

Pacific Fishery Management Council; Notice of Intent

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of intent to prepare an environmental impact statement (EIS); request for written comments; notice of public scoping meetings.

SUMMARY: NMFS and the Pacific Fishery Management Council (Council) announce their intent to prepare an Environmental Impact Statement (EIS) in accordance with the National Environmental Policy Act of 1969 (NEPA) for Amendment 16 to the Pacific Coast Groundfish Fishery Management Plan (Groundfish FMP). This amendment will incorporate rebuilding plans for groundfish species that have been declared overfished by the Secretary of Commerce pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The amendment will also establish procedures for periodic review and revision of rebuilding plans.

The Council has already held public scoping meetings and will continue to accept written comments to determine the issues of concern and the appropriate range of management alternatives to be addressed in the EIS.

DATES: Written comments will be accepted on or before May 31, 2002.

ADDRESSES: Written comments on issues and alternatives for the EIS should be sent to Mr. John DeVore, Pacific Fishery Management Council, 7700 NE Ambassador Pl., Suite 200, Portland OR, 97220 or Ms. Becky Renko, NMFS, Northwest Region, 7600 Sand Point Way NE, BIN C15700, Bldg. 1, Seattle, WA 98115-0070. Comments also may be sent via facsimile (fax) to 503-326-6831. Comments will not be accepted if submitted via e-mail or Internet.

Council Address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 200, Portland, OR 97220-1384.

FOR FURTHER INFORMATION CONTACT: Mr. William L. Robinson, NMFS, Northwest Region, 206-526-6140; fax: 206-526-6736 and e-mail: bill.robinson@noaa.gov.

SUPPLEMENTARY INFORMATION: Under the Magnuson-Stevens Act, the United States has management authority over all living marine resources within the exclusive economic zone (EEZ), which extends from three to 200 nautical miles offshore. Eight regional Fishery Management Councils prepare FMPs, and amendments to FMPs, for approval and implementation by the Secretary of Commerce. The Council develops FMPs and FMP amendments governing fisheries off the coasts of California, Oregon and Washington.

The Council implemented the original Groundfish FMP in 1982. Groundfish stocks are harvested in numerous commercial, recreational, and tribal fisheries in state and federal waters off the West Coast. Groundfish are also harvested incidentally in non-groundfish fisheries, most notably fisheries for pink shrimp, spot and ridgeback prawns, California halibut, and sea cucumbers.

The Groundfish FMP manages 82 species, of which eight have been declared overfished by the Secretary of Commerce pursuant to the Magnuson-Stevens Act and overfishing criteria adopted by the Council under Amendment 11 to the Groundfish FMP. Under Section 304(e)(3) of the Magnuson-Stevens Act [16 U.S.C. 1854(e)(3)], the Council is required, within one year, to prepare an FMP, FMP amendment, or proposed regulations to rebuild any species that has been declared overfished. In 2000, after three species had been declared overfished, NMFS approved Amendment 12 to the Groundfish FMP. Amendment 12 provided that rebuilding plans would be developed according to so-called "framework procedures" under the Groundfish FMP, but would not be incorporated directly into the FMP itself. Amendment 12 was subsequently deemed inconsistent with the Magnuson-Stevens Act in the case of Natural Resources Defense Council v. Evans, 168 F. Supp.2d 1149 (N.D. Calif. 2001), in that the rebuilding plans were not made part of the FMP. The court also found that the EA prepared for Amendment 12 was deficient under NEPA for failure to adequately discuss appropriate alternatives.

Amendment 16 to the Groundfish FMP, which is now in development, is intended to comply with the court's directive to include rebuilding plans in the FMP, and also to provide for rebuilding of additional species that have been declared overfished. Specifically, rebuilding plans for five of the eight overfished stocks (lingcod, cowcod, Pacific ocean perch, widow rockfish, and darkblotched rockfish) will be incorporated into the FMP through Amendment 16. Three additional rebuilding plans (for bocaccio, canary rockfish and yelloweye rockfish)are pending the completion of new stock assessments and rebuilding analyses, and will be adopted in subsequent plan amendments.

Initially, NMFS intended to prepare an environmental assessment (EA) for Amendment 16. An EA is used to determine whether the proposed action (in this case adopting rebuilding plans and procedures) will have a significant impact on the human environment, as defined by NEPA and its implementing regulations. If a significant impact is anticipated to occur, an EIS must be prepared. During public scoping for the EA, it became apparent that the proposed action may cause significant impacts, so NMFS decided to proceed with an EIS rather than an EA.

Alternatives

As currently planned, the Amendment 16 EIS will evaluate the effects of two sets of alternatives that might be adopted under Amendment 16. The first set of alternatives will address the effects of different procedures that might be followed for revising rebuilding plans. This could include a variety of strategies based on the results of the biennial reviews of rebuilding plans required by Section 304(e)(7) of the Magnuson-Stevens Act at 16 U.S.C. 1854(e)(7). The second set of alternatives will analyze effects of different rebuilding parameters. These parameters include the target rebuilding period, the fishing mortality management strategy (e.g., constant catch versus constant fishing mortality rate) and rates associated with the strategy, and levels of probability or risk that rebuilding targets will be achieved.

Scoping

Public involvement in the scoping of issues and alternatives is an important part of the EIS process. Meetings of the Pacific Fishery Management Council have been and will continue to be the principal opportunities for public participation in scoping Amendment 16 alternatives and issues. Scoping began in March 1999 when lingcod and Pacific ocean perch were the first groundfish species to be declared overfished. Since that time there has been substantial opportunity for public input at 11 Pacific Fishery Management Council meetings. Since the proposed action has already been subject to a lengthy development process that has included early and meaningful opportunity for public participation, no additional public hearings are planned. However, written comments on the scope of issues and alternatives may be submitted as described under ADDRESSES.

Authority: 16 U.S.C. 1801 et seq.

Dated:

DRAFT – Appendix E: Terms of Reference for Expedited Stock Assessment Updates

While the ordinary STAR process is designed to provide a general framework for obtaining a comprehensive, independent review of a stock assessment, in other situations a less rigorous review of assessment results is desirable. This is especially true in situations where a "model" has already been critically examined and the objective is to simply update the model by incorporating the most recent data. In this context a model refers not only to the population dynamics model *per se*, but to the particular data sources that are used as inputs to the model, the statistical framework for fitting the data, and the analytical treatment of model outputs used in providing management advice, including reference points, the allowable biological catch (ABC) and optimum yield (OY). When this type of situation occurs, it is an inefficient use of scarce personnel resources to assemble a 6 person panel for a whole week to evaluate an accepted modeling framework. These terms of reference establish a procedure that can accommodate an abbreviated form of review for stock assessment models that fall into this latter category. **However, it is recognized that what in theory may seem to be a simple update, may in practice result in a situation that is impossible to resolve in an abbreviated process. In these cases, it may not be possible to update the assessment – rather the assessment may need to be revised in the next full assessment review cycle.**

Qualification

The Scientific and Statistical Committee (SSC) will determine when a stock assessment qualifies for an expedited update under these terms of reference. To qualify, a stock assessment must carry forward its fundamental structure from a model that was previously reviewed and endorsed by a full STAR panel. In practice this means similarity in: (a) the particular sources of data used, (b) the analytical methods used to summarize data prior to input to the model, (c) the ~~actual computer~~ software used in programming the assessment, (d) the assumptions and structure of the population dynamics model underlying the stock assessment, (e) the statistical framework for fitting the model to the data and determining goodness of fit, (f) the weighting of the various data components, and (g) the analytical treatment of model outputs in determining management reference points, including F_{msy}, B_{msy}, and B_0. It is the SSC's intention to employ an expedited stock assessment update in situations where no significant change in these 7 factors has occurred, other than extending time series of data elements within particular data components used by the model, e.g., adding information from a recently completed survey with an update of landings. In practice there will always be valid reasons for altering a model, as defined in this broad context, although, in the interests of stability, such changes should be resisted when possible. Instead, significant alterations should be addressed in the next subsequent full assessment and review. ~~Nonetheless, there are bound to be occasions where relatively minor changes to a model's structure are desirable and which could be accommodated under this process.~~ In principle, an expedited update is reserved for stock assessments that maintain fidelity to an accepted modeling framework, but the SSC does not wish to prescribe in advance what particular changes may or may not be implemented. Such a determination will need to be made on a case by case basis.

Composition of the Review Panel

The groundfish subcommittee of the SSC will conduct the review of an expedited stock assessment update. A **review** panel chairman will be designated by **the chairman of the groundfish subcommittee from among its** ~~consensus among~~ member**ship** ~~of the groundfish subcommittee~~ and it will be the **panel** chairman's responsibility to insure the review is completed properly and that a written report of the proceedings is produced. Other members of the subcommittee will participate in the review to the extent possible, i.e., input from all members will not be required to finalize a report. At a minimum, one member of the SSC's groundfish subcommittee will be needed to conduct a review (i.e., the panel chairman). In addition, the groundfish management team (GMT) and the groundfish advisory panel (GAP) will designate one person each to participate in the review, although the GMT and GAP panelists will serve in an advisory capacity only.

Review Format

Typically, a formal meeting will not be required to complete an expedited review of an updated stock assessment. Rather, materials can distributed electronically and individuals will largely be expected to interact by email and telephone. Initially, the STAT team that is preparing the stock assessment update will distribute to review panelists a document that summarizes the team's findings. In addition, council staff will provide panelists with a copy of the last stock assessment reviewed under the full STAR process, as well as the previous STAR panel report. Each panelist will carefully review the materials provided and ~~will be given the opportunity to request further analysis by the STAT team, as coordinated through the panel chairman.~~ **a conference call among participants will be arranged by the panel chairman, which will provide an opportunity to discuss and clarify issues arising during the review.** A dialogue will ensue among the panelists and the STAT team over a period of time that generally should not exceed one week. Upon completion of the interactive phase of the review, the panel chairman may, if necessary, convene a **second** conference call to reach a consensus among panel members and will draft a report of the panel's findings regarding the updated assessment. The whole process should be scheduled to occur within a two week period and the STAT team and panelists should be prepared to complete there work within that time frame. It will be the chairman's responsibility to insure that the review is completed in a timely manner.

STAT Team Deliverables

It is the STAT team's responsibility to provide a description of the updated stock assessment to the panel at the beginning of the review. To streamline the process, the team can reference whatever material it chooses, which was presented in the previous stock assessment (e.g., a description of methods, data sources, stock structure, etc.). However, it is essential that any new information being incorporated into the assessment be presented in enough detail, so that the review panel can determine whether the update satisfactorily meets the Council's requirement to use the best available scientific information. Of particular importance will be a retrospective analysis showing the performance of the model with and without the updated data streams. Likewise, a decision table that highlights the consequences of mis-management under alternative states of nature ~~(i.e., old versus new model)~~ would be useful to the Council in adopting annual specifications. Similarly, if any minor changes to the "model" structure are adopted, above and beyond updating specific data streams, a sensitivity analysis to those changes may be required.

In addition to documenting changes in the performance of the model, the STAT team will be required to present key assessment outputs in tabular form. Specifically, the STAT team's final update document should include the following:

- Title page and list of preparers
- Executive Summary (see Appendix C)
- Introduction
- Documentation of updated data sources
- Short description of overall model structure
- Base-run results (largely tabular and graphical)
- Uncertainty analysis, including retrospective analysis, decision table, etc.
- 10 year harvest projections under default harvest policy ~~for alternative states of nature~~

Review Panel Report

The expedited stock assessment review panel will issue a report that will include the following items:

- Name and affiliation of panelists
- ~~List of analyses requested by the panel~~
- Comments on the technical merits and/or deficiencies of the update
- Explanation of areas of disagreement among panelists and between the panel and STAT team
- Recommendation regarding the adequacy of the updated assessment for use in management

Exhibit E.8.e
Supplemental GAP Report
April 2002

GROUNDFISH ADVISORY SUBPANEL STATEMENT ON STOCK ASSESSMENT REVIEW PROCESS

The Groundfish Advisory Subpanel (GAP) discussed the Stock Assessment Review (STAR) process with Dr. Richard Methot of the National Marine Fisheries Service Northwest Fisheries Science Center.

The GAP has always supported the STAR process and continues to do so. The GAP intends to continue to be actively involved in STAR Panel reviews and deliberations. The GAP believes that an abbreviated STAR process (known as "STAR-Light") offers a potentially innovative way to deal with stock assessments where an agreed-upon and accepted stock assessment model is available; sablefish falls in this category. However, the Terms of Reference for the STAR-Light should recognize the appropriate roles of advisory bodies, including the GAP.

In regard to the Terms of Reference for formal STAR Panels, the GAP notes that additional discussions will take place later this year and intends to participate actively. One issue that needs to be resolved is the provision of advice to the Council in STAR Panel reports. Traditionally, such reports deal with scientific and not management advice. The Terms of Reference need to clearly identify how management and scientific advice will be separated.

Finally, the GAP discussed the suggestion raised in March of conducting a workshop on the calculation of maximum sustainable yield and virgin biomass levels. While the workshop may need to be delayed until later this year in order to accommodate more urgent Council business and the development of new national guidelines, the GAP believes a workshop should be conducted as soon as possible given the importance of the virgin biomass calculation to determinations of overfished status. The GAP urges that it be appropriately represented at the workshop.

PFMC
04/10/02

SCIENTIFIC AND STATISTICAL COMMITTEE REPORT ON GROUNDFISH STOCK ASSESSMENT REVIEW PROCESS

The Scientific and Statistical Committee (SSC) and Dr. Rick Methot, Northwest Fisheries Science Center, discussed (1) the groundfish Stock Assessment Review (STAR) process for 2001 and 2002, (2) the Terms of Reference for Expedited Stock Assessment Updates to be used in 2002, and (3) the possibility of a future workshop to address issues related to the uncertainty of estimating initial stock abundance and rebuilding parameters.

(1) STAR Process in 2001 and 2002

Typically, the STAR process is reviewed at the November Council meeting of each year. However, that review did not take place in 2001, and instead an informal review was conducted by way of a phone conference in December 2001. The phone conference included some SSC participation, but the SSC never formally approved the review. Consequently, stock assessment teams used the draft Terms of Reference during 2001 and 2002. Ideally, the assignment of STAR panels, scheduling of reviews, and all other related procedural matters for the following year should be made available by the November Council meeting.

(2) Terms of Reference for Expedited Stock Assessment Updates

A final version of the draft Terms of Reference for Expedited Stock Assessment Updates (revised version of Exhibit E.8.c) has been approved by the SSC and is ready for Council review. More generally, the SSC suggests that consideration for expedited review be a formal part of the STAR planning process. The timeframe for expedited review of sablefish for this year will be limited. The SSC Groundfish Subcommittee expects to receive the draft sablefish assessment on May 1, have a conference call on May 6, and complete work by May 10th. This sequence of events will allow the expedited review to be available to the Groundfish Management Team (GMT) in time for their meeting on May 13. The phone conference schedule will likely need to be published in the *Federal Register* twenty-three working days prior to the conference call.

(3) Workshop on Stock Abundance and Rebuilding Parameters

Dr. Methot informed the SSC about ongoing national (and international) efforts to define overfishing and characterize stocks in an overfished condition. The set of issues involved is complex and much broader than West Coast groundfish. The SSC agrees that such a formal workshop for Council staff and advisors is worthwhile. The SSC recommends the decision to proceed with this workshop be revisited in November 2002.

PFMC
04/10/02

GROUNDFISH STOCK ASSESSMENT REVIEW (STAR) PROCESS

Situation: The Stock Assessment Review (STAR) Process for analyzing and disseminating critical groundfish stock status information has evolved in response to demands for rebuilding overfished species and changes to the annual management cycle. In order to meet the new legal mandate of proper notice and comment for deciding and implementing annual groundfish management measures, the Council is expected to change this year's management cycle to adopt alternatives for 2003 management measures in June with final adoption in September (see Attachment E.10). The STAR process will need to adapt to a multi-year groundfish management cycle as well if the Council ultimately decides to implement this change (see agendums E.9 and E.10). The Council will be briefed at this meeting of STAR process changes that have occurred to meet this year's management cycle demands and the changes that may have to occur when considering multi-year management and the accelerated schedule for annual specifications for 2003.

Another STAR process change implemented this year has been the incorporation of an expedited process to update stock assessments. The Scientific and Statistical Committee (SSC) has developed a Terms of Reference for such expedited STAR Panel reviews. The Council task is to consider and approve the revised SSC Terms of Reference for expedited STAR Panel reviews.

Discussions with NMFS scientists, SSC members, and other advisors to the Council groundfish management process have highlighted concerns regarding technical analyses that are incorporated in stock assessments, rebuilding plans, and Council decision documents. These concerns focus on how virgin biomass (B_0) maximum sustainable yield (MSY) and some of the rebuilding parameters, and other technical parameters are calculated. Improved analyses could benefit Council management decision-making. The Council might consider sponsoring a technical workshop to address these issues.

Council Action:

1. **Approve STAR process and SSC Terms of Reference for stocks with updated assessments.**
2. **Provide guidance and consider establishing a technical workshop on establishing groundfish technical management parameters.**

Reference Materials:

1. Draft Terms of Reference for Updated Assessment (Exhibit E.8.c.).

Agenda Order: over

a.	Agendum Overview	John DeVore
b.	NMFS Report	Elizabeth Clarke
c.	SSC Terms of Reference for Stocks with Updated Assessments	Tom Jagielo
d.	Virgin Biomass (B_0) and Maximum Sustainable Yield (MSY) Calculation Workshop	Rick Methot
e.	**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	

Groundfish Fishery Strategic Plan (GFSP) Consistency Analysis

This agenda item is consistent with GFSP goals for science, data collection, monitoring, and analysis (Sec. II.B).

PFMC
03/26/02

Supplemental Reference Materials

1. Exhibit E.8.C, Supplemental Revised Terms of Reference for Updated Assessments.
2. Exhibit E.8.e, Supplemental GAP Report.
3. Exhibit E.8.e, Supplemental SSC Report.

Exhibit E.9.b
Supplemental GAP Report
April 2002

GROUNDFISH ADVISORY SUBPANEL STATEMENT
ON MULTI-YEAR MANAGEMENT CYCLE

The Groundfish Advisory Subpanel (GAP) discussed the issue of multi-year management with Council staff and representatives of NMFS.

The GAP recognizes the current one-year management process has led to an overwhelming workload for Council staff and advisors. This has been exacerbated by recent court decisions that add new steps to the management process. As a result, other issues which should be of high priority for the Council have been put aside. Further, potential advancements in scientific research have been foregone as scientists deal with the requirements of groundfish management.

A majority of the GAP, therefore, believes that movement to a multi-year management cycle is needed and the Council should take the necessary steps to prepare an amendment to the Pacific groundfish fishery management plan (FMP) to accomplish this goal. The amendment should include a range of options such as those described in Exhibit E.9, Attachment 1. The GAP recognizes there are positive and negative implications resulting from all of the options listed and chose not to thoroughly review them at this time until the Council decides whether to proceed with a FMP amendment.

The GAP also strongly supported maintaining the existing groundfish season start date of January 1st, regardless of whether the Council chooses to pursue multi-year management options. Fishery business decisions and fishing strategies have long been based on a January 1st start date and a change will cause unnecessary disruption without providing any savings in time or workload. Further, changing the season start date could cause problems for groundfish catch monitoring and tracking, as well as making decisions on inseason management. Since sound inseason changes will be crucial in implementing multi-year management, we should not be taking arbitrary steps to reduce the validity of inseason analysis.

PFMC
04/10/02

SCIENTIFIC AND STATISTICAL COMMITTEE REPORT ONGROUNDFISH MULTI-YEAR MANAGEMENT CYCLE

The Scientific and Statistical Committee (SSC) discussed the implications of multi-year management for the science that underlies the advice provided to the Council, if the assessment process involves “on” and “off” years. Under one scenario, assessments would be conducted during “on” years and more strategic issues, such as model development, would occur during “off” years. The SSC re-iterates the importance of basing management advice on the most recent data, to the extent possible.

Changing to a multi-year management process may have unanticipated impacts. However, many of the identified disadvantages of multi-year management (e.g., the use in management of assessments not based on the most recent survey data) are common to the *status-quo* management process. The SSC recommends, however, that an analysis of the implications of setting acceptable biological catches (ABCs) for several years (3 to 4 years at present for some species) be conducted. The SSC also highlights the need to develop a process for selecting the assessments to be conducted during an “on” year and how each assessment is to be reviewed (through a full or expedited stock assessment review process).

The SSC identifies the following issues related to providing management advice for groundfish. It notes that these issues relate both to the *status-quo* and a multi-year management process.

- There is currently a lack of sufficient agency staff to conduct assessments. The ability to conduct many assessments during an “on” year would be increased if the data used commonly for assessment purposes were stored in a standardized database. Extracting the basic data needed for assessments could be accomplished by support staff allowing analysts additional time to conduct assessments. There remains, however, a need for constant contact between analysts and data support staff to ensure that assessments consider the key uncertainties related to the data.
- The use of standardized models would simplify the process of reviewing assessments.
- A two-year assessment process would be consistent with the schedule for updating rebuilding analyses.
- There will be a need for adequate resources (e.g., funds for travel and workshops) and co-ordination of activities, to maximize the benefits from research during the “off” year.

The recreational data used for assessment purposes are summarized in two waves while the commercial data are summarized by quarter. The SSC notes that changing the start of the fishing year to other than July 1 would, therefore, lead to a mismatch with the time strata for the commercial and recreational data.

PFMC
04/11/02

AD HOC GROUNDFISH MULTI-YEAR MANAGEMENT COMMITTEE REPORT

Introduction

The purpose of the Groundfish Multi-year Management Committee (GMMC) was to scope multi-year management approaches for the West Coast groundfish fishery. The approaches developed by the GMMC are to be synchronized with a multi-year groundfish stock assessment schedule, as well as full accommodation of federal notice and comment requirements.

Overarching this change to the groundfish management process is the need to balance changing groundfish management with working on the myriad other groundfish items (e.g., capacity reduction, Environmental Impact Statement (EIS), rebuilding plans, strategic plan initiatives). Moreover, these groundfish workload items must also be balanced against the suite of other Council managed fisheries and related projects (e.g., salmon, coastal pelagic species, highly migratory species, halibut, habitat).

This report reviews current management constraints and a variety of solutions discussed by the GMMC. Detailed multi-year management approaches are provided in the attached tables. The approaches in these tables represent the range of scenarios discussed by the GMMC. The committee's recommendations focus on the management approaches deemed most practical by the GMMC.

Two public meetings of the GMMC were held – December 13-14, 2001 and January 31-February 1, 2002.

This report is organized as follows: this Introduction provides background to the work of the GMMC; Issues and Solutions discussed by the GMMC are then presented; Multi-year Management is discussed, including rationale, constraints, science considerations, fishery start date considerations, and a recommended range of alternatives; Transition issues and recommendations are discussed; and a summary of specific Recommendations is provided at the end.

Issues and Solutions

As noted above, the central issues considered by the GMMC included:

- optimize development of management specifications and measures;
- fully accommodate federal rulemaking, public notice and comment;
- ensure timeliness of science; and
- ease management process burden (i.e., optimization should decrease the burden).

Associated issues (i.e., issues to be considered and issues that shape available solutions) included:

- How many Council meetings are needed to develop specifications and management measures?
- When should the fishing season start?
- What needs to be done to coordinate with state management?
- How many transition years will be necessary prior to implementation of the revised management process?
- How quickly can the fishery management plan (FMP) amendment be developed and implemented?
- Will single year or multi-year specifications be used?
- When will new assessments be done? How many? How will assessment updates be handled in the Stock Assessment Review (STAR) process?
- When will new science be used in the management process?
- It is estimated that it takes (at least) 3 months to develop specifications and the environmental assessment (EA) prior to final Council action, and 5 months for federal rulemaking process after final Council action. Any option that does not provide (adequate) time for developing EA, Council consideration, and rulemaking process will not be considered as viable.

Three general scenarios were discussed as means to provide for development of specifications and management measures, and time for federal rulemaking –

1. Multi-year management.
2. Change fishery start date (e.g., from January 1 to March 1 or May 1).
3. Change Council meeting schedule.

For multi-year management to be effective (i.e., provide the time necessary) it would have to be combined with, at least, (2) and, possibly, (3). If accommodating federal rulemaking is the only objective, changing the fishery start date could provide the time necessary for public notice and comment. Both scenarios 1 and 2 require an amendment to the FMP. Changing the fishing season start date could have several negative impacts – market disruption, compromise data time series, timing of specific fisheries (e.g., whiting) – and will likely require broad public discussion.

Multi-Year Management

The GMMC discussed numerous reasons in support of multi-year management:

- At least 8 months is required to develop and implement groundfish specifications and management measures, multi-year management may provide a better fit than annual management.

- Long-lived, slow growing species predominate the groundfish species complex. Year-to-year management changes might not significantly affect these populations. Thus, multi-year management may be a better fit.

- Multi-year management could make time available for other groundfish workload items, e.g., capacity reduction and strategic plan implementation.

- Multi-year management could make time available to improve the science process. If designed with an "off" year (i.e., assessments done every other year) scientists might have more time to develop and review new methodologies. These science improvements could facilitate more assessments during "on" years.

- At present, major management changes are introduced with new specifications. Thus, full rulemaking and public notice and comment is necessary to provide time for stakeholders to review and comment on the recommended management actions.

- Current management complexity (i.e., rebuilding depleted stocks, constructing trip limits, maintaining year-round fishing opportunities, balancing recreational and commercial opportunities) necessitates several Council meetings to develop specifications and management measures. If multi-year management reduces this complexity, fewer meeting might be necessary for the management process.

The GMMC also discussed constraints on multi-year management:

- Multi-year management could create a larger lag between when science is developed and when it is used to manage the fishery. The design of the program can minimize the lag, but it is still likely to be greater than at present.

- Multi-year management would have to be synchronized with development, use, and two-year mandated review of rebuilding plans and rebuilding analyses.

- If species assessments are to occur only every other year, resources (staff and funding) would be needed to effectively do a larger number of assessments.

- As resource surveys become more frequent, more information will be available annually. A concerted effort will be necessary to prevent unprocessed data from triggering mid-cycle changes to the management specifications. A process might be needed to perform mid-cycle reviews of fisheries and new data to ensure management is on the right track.

Several issues related to science will need to be considered in crafting a multi-year management process:

- The timeliness of the science is critical to management effectiveness. Any management scenario will need to provide the necessary time to develop and review science.
- In analyzing the current management process versus a new system, current delays will need to be compared to the expected delays from a revised process.
- The earliest that the science can be ready for the management process is prior to the June Council meeting. Assessments are done the first of the year and the STAR process occurs in Spring.
- Some fishery dependent data might be available earlier, e.g., catch data. However, age composition information and resource survey data are not available prior to January.
- There was some discussion of not doing stock assessments in 2003. However, these assessments will be needed to set 2004 (or 2004-2005 if multi-year) specifications.

Relative to the fishery start date two major themes emerged:

- Starting the fishery January 1 is impractical given the amount of time needed for development of the management specifications and the federal rulemaking process. That is, even if the Council were to take final action on management specifications in September there is not enough time for rulemaking and notice and comment prior to January 1.
- In contrast, fishing interests provided several reasons against a change from January 1. These include ensuring even year-round product flow to preserve markets. In addition, West Coast fisher are very diverse, different sectors fish at different times of the year. The timing of the whiting fishery is also of concern, the April shoreside whiting fishery would need to be accommodated.

Timeliness of science will also influence the fishery start date. Accommodating a January 1 fishery start date requires the Council to take final action on management specifications and measures in June of the prior year. Because new science is not available until June, this management scenario would require use of the previous year's science. For example, for January 1, 2004 fishery – specifications and measures would be set in June 2003, but based on science from June 2002.

In contrast, with a March 1 fishery start, final Council action could be in September and based on science from June of the same year. For example, for March 1, 2004 fishery – specifications and measures would be set in September 2003 based on June 2003 science. A March 1 start date might also provide enough time for a 3-meeting Council process (e.g., June, September, November), with 5 months for federal rulemaking and notice and comment.

In addition to the issue of timeliness, a change to the start date would alter historic fishery dependent data series. In the short term, work would be necessary to ensure the data collected under the new fishing regime would be comparable to historic data.

Alternatives:

The attached tables provide a wide range of possible multi-year management scenarios. The attachments also include a description of the various issues involved.

Based on the considerations above, the GMMC suggests the Council consider evaluating the following alternatives as a reasonable range of what is most practical:

A. 2-meeting annual process, Sept. (proposed) and Nov. (final), Fishing Year starts Jan 1.
B. 2-meeting biennial process, June (proposed) and mid-August (final), Fishing Year starts Jan 1.
C. 3-meeting biennial process, April (proposed ABC/OY), June (final ABC/OY, proposed management), and Sept (final management) Fishing year starts March 1.

D. 3-meeting biennial process, Nov (proposed ABC/OY), April (final ABC/OY, proposed management), and June (final management) Fishing year starts Jan 1.
E. 3-meeting biennial process, June (proposed ABC/OY), Sept. (final ABC/OY, proposed management), and Nov. (final management) Fishing year starts May 1.
F. 2-meeting biennial process, June (proposed) and Sept (final), Fishing Year starts March 1.

Transition to the Revised Management Process

Setting 2003 Specifications

For setting 2003 specifications, neither a June, September, November process with the fishery starting January 1; nor a June, September process with the fishery starting January 1 accommodate the 5 months needed for rulemaking/notice and comment after a Council decision. Delaying the start of the fishery would make either June-November or June-September possible. However, delaying the start of the fishery requires an FMP amendment, which might not be in place by January 1, 2003.

Given the time needed for rulemaking and the inability to delay the fishery start, the GMMC discussed the possibility of using interim regulations to cover the period prior to March 1 (if the Council takes final action in September) or May 1 (if the Council takes final action in November).

Two transition options were suggested:

1. June, September, November Council process with EA developed prior to the November meeting; December through April 30 rulemaking and notice and comment period; fishery start May 1; 4 months of interim regulations.

2. June, September Council process with EA developed prior to the September meeting; October through February 28 rulemaking and notice and comment period; fishery start March 1; 2 months of interim regulations.

It was highlighted that while the two-meeting process (June-September) provides time for federal rulemaking, it confines the Council process and workload into two meetings. Conversely, the three-meeting process provides more time for the Council, but makes it harder to accommodate the (5 month) rulemaking process.

It was suggested that interim regulations of two months might be deemed more reasonable than interim regulations for five months. Thus, the GMMC suggests the June-September alternative would be more practical.

In 2002, the management process would be as follows – in June the Council takes preliminary action on ABC/OY and management measures for 2003; final action occurs in September; for January 1 through February 28, either interim regulations are used or management specifications from this time period in 2002 are used. This would provide October through February 28 for federal rulemaking and notice and comment. Concurrent to developing 2003 specifications an FMP amendment would be developed for multi-year management and/or modification of the fishery start date.

Interim regulations could be developed during 2002 (based on new information), i.e., "revised interim." Or, 2002 regulations for the January through February period could be used, i.e., "roll over interim."

Prior to the June Council meeting, the Ad-hoc Allocation Committee would need to be apprized of preliminary ABC and OY values, and begin to devise management measure recommendations.

Beyond 2003 Specifications

Relative to transitioning to multi-year management, if the expectation is that multi-year management will be implemented starting in 2004 specifications could be developed for longer than 12 months. For example, 16 month regulations (January 2003 - February 28, 2004) would provide for a multi-year management approach with a new fishing year starting in March 2004. Other transition options also exist

Recommendations

The GMMC recommends the Council forward the issues and options related to multi-year management, federal rule making, timeliness of science, and fishery start date to the SSC and groundfish advisory bodies for consideration at the April Council meeting. Further, the GMMC recommends that in April the Council consider initiating the FMP amendment process to address multi-year management and/or changing the fishery start date. The aim would be to complete the FMP amendment in 2002, the new process would be used in 2003 for developing the 2004 (2004-2005) specifications.

For setting 2003 specifications, the GMMC recommends altering the three-meeting process adopted for use in 2002 to a June-September Council meeting process with interim regulations for January and February 2003.

PFMC
03/21/02

Groundfish Multi-Year Management Issues

The Groundfish Multi-Year Management Committee (GMMC) met December 13-14, 2001 and January 31-February 1, 2002 to discuss multi-year management alternatives to the current annual groundfish management process and ways to accommodate notice and comment rulemaking into the specifications and management measures process. Several issues arose in discussion that would affect the timing of both the science process and the Council/NMFS management process. The GMMC also discussed transitional issues for moving from the current annual specifications and management measures cycle to a multi-year cycle.

Process Issues	
Council Meeting Discussion Two-meeting or three- meeting Council processes	Whether two-meeting or three-meeting, the Council process would include development of ABCs/OYs, management measures to achieve ABCs/OYs of healthy stocks while protecting overfished stocks, and a National Environmental Policy Act (NEPA)/ Regulatory Flexibility Act (RFA) analysis of the environmental and socio-economic effects of setting the specifications and management measures. • In a two-meeting process, both specifications *and* management measures would be proposed in Meeting 1 and finalized in Meeting 2, with complete NEPA/RFA analysis available prior to Meeting 2. For Council staff workload, work time is needed between proposed and final meetings – six-week September-November period in 2001 proved inadequate. • In a three-meeting process, specifications would be proposed in Meeting 1 and nearly finalized in Meeting 2, then management measures would be proposed in Meeting 2 and finalized along with specifications in Meeting 3; complete NEPA/RFA analysis available prior to Meeting 3. For Council staff workload, work time is most needed between 2nd and 3rd meetings – six-week September-November period in 2001 proved inadequate. • Regardless of how many meetings are chosen, if preferred alternative includes an April meeting, could be a conflict with typically salmon-intensive meetings.
NMFS Publication/ Decision Proposed and Final Rule notice and comment process mandated by courts	For 2002, the annual specifications and management measures are expected to be finalized by 3/1/02, four months after the Council's 11/1/01 final recommendation. This publication has been on the fast track at all levels of NOAA and was still slowed by factors not under the agency's control (Federal Register publication difficulties.) The publication/decision process from Council recommendation to final rule commonly takes 6 months. For future specifications proposed rule drafting, 30-day comment period and response time, agency/public will require no less than 5 months. • Jan. 1 season start date requires Council final decision by end of July • March 1 season start date requires Council final decision by end of Sept. • May 1 season start date requires Council final decision by end of Nov.

Process Issues, continued	
Stock Assessments Scientific process of moving from survey to completed assessment, with peer review	For species with stock assessments, an assessment for a particular species is now conducted once every 3 years. These assessments use data from a variety of sources, but rely most heavily on the NMFS shelf and slope survey data. • Science centers developing new groundfish survey schedules, with surveys likely occurring biennially or annually. • Science centers developing new STAR process that would continue rigorous STAR process for new modeling and assessment methodology, or for newly assessed species, but with an accelerated review for already-assessed species in which data is plugged into peer-reviewed models ("STAR-lite" review for "turn-the-crank" assessments) Science Centers could go to a two-year schedule of Assessment Year, Modeling Year, Assessment Year, Modeling Year, etc. Full STAR processes could occur in each year, depending on the models/species considered.
"Age" of Data" When is survey data assessed and used in fishing?	Because stocks are assessed every 3 years, harvest levels in any one year will be based on survey data that is 3-5 years old for the different species managed, when assessments are completed on schedule. For those species not assessed on schedule, harvest levels may be based on 6-7 year old data. • How does management option chosen affect the use of best available data? • Is the most *recently* available data also the *best* available data? Up-to-the-minute data may not be the best available data if it has not been reviewed for completeness and accuracy.
Mid-Cycle Review End-of-year review for harvest levels and specifications in a multi- year process	Even if the Council goes to a multi-year specifications and management measures process, new stock status information from surveys will be available to government agencies and the groundfish-interest public. • If stock assessments are available only every other year, should Council build prohibitions into the FMP that would disallow mid-cycle adjustments to ABCs/OYs based on assumptions about survey data? • Alternatively, could Council build in a mid-cycle review with triggers for changes to harvest levels when new stock information indicates that the stock is above or below pre-established trigger points?

Process Issues, continued	
Rebuilding Plans From stock assessment through declaration as overfished to FMP amendment	The Council must integrate the rebuilding plan process into the management plan process. When a stock assessment is prepared during the management development process, it could show that a stock is overfished. As is currently the case, when the final ABC/OY are adopted, they will be adopted based on this information and the stock will be declared overfished. The following year, an off-year for management, the rebuilding plan must be developed as an FMP amendment and submitted to NMFS for review and approval. The approval decision should be made prior to action on the specifications and management measures so that implementation of the rebuilding plan can be taken into account in development of the specifications and management measures, the on-year for management. • A two year cycle would be: Rebuilding Amendment Year, Specifications Development Year, Rebuilding Amendment year, Specifications Development Year, etc. • Overfished species, particularly newly declared overfished species, will likely involve more rigorous Science Center efforts than other species. How do we integrate two-year science schedule with two-year management schedule?
Changing Fishing Year	• Changing the fishing year from current calendar year schedule would have initial "start up" costs for science programs to ensure that BEFORE and AFTER data were comparable. • If fishing year start date is altered, new start date should be a MRFSS wave start date. • With March/May start date, Council and industry would need to be disciplined about calling for inseason increases that might lead to early closures at the end of the cycle, which would occur during stronger winter marketing months. • May 1 start date would force Council family to re-think whiting and fixed-gear primary sablefish seasons, which now begin in April. May 1 start date could also disrupt marketing opportunities during Lent, a stronger fish-marketing period. • How would the proposed change in fishing year affect our ability to monitor and structure catch inseason, particularly in the November through April period? GAP/GMT meetings in March? • Any state-managed fisheries that would be negatively affected by changing the fishing year?

"Getting There" Issues	
Transition Year	For each multi-year management option considered by the Council, we will likely need a transition year for moving from the current process to the new process: • Moving to multi-year management would require an FMP amendment. GMMC has proposed April 2002 (scoping), June 2002 (proposed), September 2002 (final) for Council process. • How would the two-year science schedule fit into transition year? • If 2003 is the transition year, how much of 2002 specifications and management measures package could be used as draft for 2003? • Should 2003 EA be written to cover 2004 management in case we have to change fishing start dates?
Changing Council Schedule	Could any of the scenarios devised under "Process Issues" be improved for participants through a change in the timing of Council meetings? For example, an August meeting instead of a September meeting? • What kind of lead time does Council staff need to change hotel arrangements? • Will we need to hold GAP/GMT meetings in March? • Would changing Council schedule affect non-groundfish fisheries management schedules?

Groundfish Multi-Year Management Options Considerations
("Y" = "Year")

Option	Science Process *Stock assessments occur Jan-May needed for all options. Different schedule indicated when more time available.*	Data/Stock Assessment Use *May not survey all stocks in all years. Y1 survey data used in Y2 assessment process.*	Council Process *Council process and workload more or less burdensome depending on whether 2- or 3-meeting process*	NMFS Process * 5 months minimum needed for proposed rule, comment period and response time*	Industry Needs/Effects *Where process is 2-years, discipline is needed in 1st fishing year to not push limits higher in Council process – otherwise fewer fish available for 2nd year, possible early closures*
A. Status quo, 2-meeting annual process, 1/1 start, same PFMC dates. Annual process PFMC meets Sept. (proposed) and Nov. (final), Fishing Year starts Jan 1.	• 1/3 of stocks each year (labelled as groups A, B, and C in next box ➜) • STAR process for all assessed species, each year	• Year 1 survey info used in Y3 fishing for stock group A • Y1-2 survey info used in Y4 fishing for stock group B • Y1-3 survey info used in Y5 fishing for stock group C	• 7 months for Council staff and committees work on NEPA/RFA, SAFE documents • Less overall Council time for issues other than specifications	• 2 months for implementation, inadequate • Less overall NMFS time for issues other than specifications	• Start date the same, process same, so little/no industry adjustment • Less Council/NMFS time to work on other industry issues
B. 2-meeting, biennial process, 1/1 start, change PFMC dates. PFMC meets June (proposed) and mid-August (final), Fishing Year starts Jan 1	• All stocks assessed every other year with STAR or STAR-lite review • Intervening years have STAR process for models, new overfished spp.	• Year 1 survey info used in Y3-4 fishing for all stocks • Y2 survey info used in Y5-6 fishing • Y3 survey info used in Y5-6 fishing	• 7 months for Council staff and committees work on NEPA/RFA, SAFE documents • More time for issues other than specifications • Change in meeting dates required	• 4.5 months for implementation, inadequate • More NMFS time for issues other than specifications	• Start date the same • 2-year process, possible early closures if limits not controlled • More Council/ NMFS time to work on other industry issues

Option	Science Process *Stock assessments occur Jan-May for all options. Different schedule indicated when more time available.*	Data/Stock Assessment Use *May not survey all stocks in all years. Y1 survey data used in Y2 assessment process.*	Council Process *Council process and workload more or less burdensome depending on whether 2- or 3-meeting process*	NMFS Process * 5 months minimum needed for proposed rule, comment period and response time*	Industry Needs/Effects *Where process is 2-years, discipline is needed in 1st fishing year to not push limits higher in Council process – otherwise fewer fish available for 2nd year, possible early closures*
C. 3-meeting, biennial process, 3/1 start, same PFMC dates. PFMC meets April (proposed ABC/OY), June (final ABC/OY, proposed management), and Sept (final management) Fishing year starts March 1	• Stock assessments could occur Jan-Mar of following Y • All stocks assessed every other year with STAR or STAR-lite review • Intervening years have STAR process for models, new overfished spp.	• Year 1 survey info used in Y4-5 fishing for all stocks • Y2 survey info used in Y6-7 fishing • Y3 survey info used in Y6-7 fishing	• 11-19 months for Council staff and committees work on NEPA/RFA, SAFE documents • More time for issues other than specifications • Inseason adjustments for last 3 months made at Nov meeting. • Conflict with salmon management schedule	• 5.5 months for implementation, adequate • More NMFS time for issues other than specifications	• Change in fishing year requires business planning changes for industry • 2-year process, possible early closures if limits not controlled • More Council/ NMFS time to work on other industry issues • Fishing based on older data than in options A, B, E, F
D. 3-meeting, biennial process, 1/1 start, same PFMC dates. PFMC meets Nov (proposed ABC/OY), April (final ABC/OY, proposed management), and June (final management) Fishing year starts Jan 1	• Stock assessments occur Jan-Oct • All stocks assessed every other year with STAR or STAR-lite review • Intervening years have STAR process for models, new overfished spp.	• Year 1 survey info used in Y4-5 fishing for all stocks • Y2 survey info used in Y6-7 fishing • Y3 survey info used in Y6-7 fishing	• 14 months for Council staff and committees work on NEPA/RFA, SAFE documents • More time for issues other than specifications • No change in meeting dates • Conflict with salmon management schedule	• 6.5 months for implementation, adequate time • More NMFS time for issues other than specifications	• Start date the same • 2-year process, possible early closures if limits not controlled • Fishing based on older data than in options A, B, E, F • More Council/ NMFS time to work on other industry issues

Option	Science Process *Stock assessments occur Jan-May for all options. Different schedule indicated when more time available.*	Data/Stock Assessment Use *May not survey all stocks in all years. Y1 survey data used in Y2 assessment process.*	Council Process *Council process and workload more or less burdensome depending on whether 2- or 3-meeting process*	NMFS Process * 5 months minimum needed for proposed rule, comment period and response time*	Industry Needs/Effects *Where process is 2-years, discipline is needed in 1st fishing year to not push limits higher in Council process – otherwise fewer fish available for 2nd year, possible early closures*
E. 3-meeting, biennial process, 3/1 start, same PFMC dates. PFMC meets June (proposed ABC/OY), Sept. (final ABC/OY, proposed management), and Nov. (final management) Fishing year starts May 1	• All stocks assessed every other year with STAR or STAR-lite review • Intervening years have STAR process for models, new overfished spp. • Database adjusting for change in fishing year	• Year 1 survey info used in Y3-4 fishing for all stocks • Y2 survey info used in Y5-6 fishing • Y3 survey info used in Y5-6 fishing	• 9 months for Council staff and committees work on NEPA/RFA, SAFE documents • More time for issues other than specifications • Inseason adjustments in Nov. and March possibly ill-timed for May 1 fishery start • Re-evaluation of whiting and fixed gear sablefish season management required	• 6 months for implementation, adequate • More NMFS time for issues other than specifications	• Change in fishing year requires business planning changes for industry • 2-year process, possible early closures if limits not controlled • 5/1 fishery start conflicts with current whiting and fixed gear sablefish seasons, interrupts Lenten marketing period. • More Council/ NMFS time to work on other industry issues
F. 2-meeting, biennial process, 3/1 start, same PFMC dates. PFMC meets June (proposed) and Sept (final), Fishing Year starts March 1	• All stocks assessed every other year with STAR-lite • Intervening years have STAR process for models, new overfished spp. • Database adjusting for change in fishing year	• Year 1 survey info used in Y3-4 fishing for all stocks • Y2 survey info used in Y5-6 fishing • Y3 survey info used in Y5-6 fishing	• 9 months for Council staff and committees work on NEPA/RFA, SAFE documents • More time for issues other than specifications • No change in meeting dates • Inseason adjustments for last 2-3 months made at Nov meeting	• 5.5 months for implementation, adequate • More NMFS time for issues other than specifications	• Change in fishing year requires business planning changes for industry • 2-year process, possible early closures if limits not controlled • More Council/ NMFS time to work on other industry issues

MULTI-YEAR MANAGEMENT CYCLE

Situation: The Pacific Fishery Management Council (Council) appointed the Ad Hoc Groundfish Multi-year Management Committee (GMMC) to scope multi-year management approaches for the West Coast groundfish fishery and asked the approaches developed by the GMMC be synchronized with a multi-year groundfish stock assessment schedule, as well as full accommodation of federal notice and comment requirements. Two public meetings of the GMMC were held – December 13-14, 2001 and January 31-February 1, 2002. At these meetings the committee discussed issues related to revising the groundfish management process.

At the March 2002 Council meeting, the Council reviewed the findings and recommendations of the GMMC (Exhibit E.9, Attachment 1). The GMMC report outlines the suite of issues discussed by the GMMC, and provides specific recommendations for Council consideration. The Council requested this information be provided to the Scientific and Statistical Committee (SSC) and the groundfish advisory bodies for review and comment at the April meeting.

The primary GMMC recommendation is for an amendment to the groundfish fishery management plan (FMP) to incorporate multi-year management potentially involving significant changes such as a change to the fishing season start date, a change in the stock assessment schedule, and increased capabilities for other Council consideration. The Council is seeking the advice of the SSC and groundfish advisors on the issues and alternative management cycles presented in the GMMC report. If the Council initiates an amendment to the groundfish FMP, scoping sessions will be required to develop and analyze a complete range of alternative management schedules. It is anticipated that a preliminary draft of the FMP amendment would be reviewed by the Council at the June 2002 meeting.

In addition, to accommodate the August 2001 Ninth Circuit Court decision on required federal notice and comment rulemaking procedures after a final Council decision, the GMMC also recommended shortening the adopted three-Council-meeting process for 2002 (June-September-November Council meetings) and accelerating the timing to a June-September Council meeting process. This issue is covered under agendum E.10 – Transitional Management Cycle (see Exhibit E.10).

Council Action:

1. **Consider initiating a FMP amendment.**

Reference Materials:

1. Exhibit E.9, Attachment 1, GMMC report.
2. Exhibit E.9.b, Supplemental SSC Report, received 4-11-02
3. Exhibit E.9.b, Supplemental GMT Report
4. Exhibit E.9.b, Supplemental GAP Report received 4-10-02

Agenda Order:

a. Agendum Overview — Dan Waldeck
b. Reports and Comments of Advisory Bodies
c. Public Comment
d. **Council Action**: Consider Initiating a FMP Amendment

PFMC
03/26/02

TRANSITIONAL MANAGEMENT CYCLE IN 2002 THROUGH 2003

Situation: In response to a recent court decision requiring full federal rulemaking prior to implementation of annual groundfish specifications, the Council is to consider modifying the three-meeting groundfish management specification process. Under the revised schedule, 2002 would be a "transition" year in preparation for multi-year management or a changed fishing year start date per the fishery management plan (FMP) amendment the Council considered under Agendum E.9.

For setting 2003 specifications, the Groundfish Multi-year Management Committee recommends altering the three-meeting process (June-September-November) adopted for use in 2002 to a June-September Council meeting process. The basis for this recommendation is to provide October 2002 through February 2003 for federal rulemaking, including public notice and comment. Because the final rule for 2003 management specifications will not be in place prior to February 28, 2003, some type of interim regulations will be necessary for January and February 2003.

With Council concurrence, in 2002, the management process would be as follows – in June the Council takes preliminary action on acceptable biological catch, optimum yield, and management measures for 2003; final action occurs in September. For fishing January 1 through February 28, 2003, interim regulations could be developed during 2002 (based on new information), i.e., "revised interim;" or, 2002 regulations for the January through February period could be used, (i.e., "roll over interim.")

Prior to the June 2002 Council meeting, the Ad Hoc Allocation Committee would need to be apprized of preliminary acceptable biological catch and optimum yield values, and begin to devise management measure recommendations.

The Groundfish Management Team, Groundfish Advisory Subpanel, and Scientific and Statistical Committee are expected to provide reports to the Council on this issue. After hearing from the advisors and public, the Council should consider the GMMC recommendation and the proposed schedule for 2002. The Council should also consider scheduling a meeting of the Ad Hoc Allocation Committee. Finally, the Council should also discuss whether interim regulations will be based on "roll over" of 2002 specifications or on new information.

Council Action:

1. **Adopt modified meeting schedule for developing 2003 annual specifications and management measures.**

Reference Materials: None.

Agenda Order:

a. Agendum Overview — Dan Waldeck
b. Reports and Comments of Advisory Bodies
c. Public Comment
d. **Council Action**: Establish an Interim Management Process

Groundfish Strategic Plan (GFSP) Consistency Analysis

This agenda item is not related to the Groundfish Strategic Plan. Because of the court decision in *NRDC v. Evans* (Judge James Larson, August 2001), full federal rulemaking, including public notice and comment, is required for implementing annual groundfish management specifications. NMFS informs the Council the full rulemaking process requires five months. In order to provide these five months, the Council will need to take final action on 2003 specifications at the September 2002 Council meeting.

PFMC
03/26/02

Exhibit E.11.b.i
Supplemental WDFW Report
April 2002

PRELIMINARY UPDATE ON WASHINGTON DEPARTMENT OF FISH AND WILDLIFE ARROWTOOTH FLOUNDER AND YELLOWTAIL ROCKFISH EXEMPTED FISHERIES (EFPs)

- Arrowtooth Flounder EFP Scheduled for May 1 - August 31, 2002
- Yellowtail Rockfish EFP Scheduled for May 1- June 30, 2002
    - Plan to hire eight at-sea observers (six for the arrowtooth vessels, and two for the midwater yellowtail vessels) and one observer coordinator who is stationed in Bellingham
    - WDFW is coordinating with the NMFS observer program to integrate federal observer coverage during the EFP periods
    - Observers will have extensive 10-day training session which will include:
        - U.S. Coast Guard safety training–including survival suit immersion test and vessel safety
        - Department training on:
            - Fish Identification
            - Random Sampling Theory
            - Data Collection Methods
            - Current Groundfish Management Issues
            - Safety
- Observers are collecting data on a per tow basis for:
    - Volume of canary rockfish (trigger species)
    - Volume of widow rockfish in midwater tows (trigger species)
    - Estimates of total rockfish catch
    - Species composition of mixed rockfish categories
- As a reminder, the Department is requiring participating vessels to retain all of their rockfish under the EFP. As a result, shoreside port samplers are collecting data on a per trip basis for:
    - Volume and species composition of total rockfish catch, including unmarketable catch
- Because the EFP is being granted to the Department, we are also requiring vessels and processors to secure individual contracts with the Department in order to participate
- The Department has agreements with vessels and NMFS that we will not release any data resulting from the EFPs until they are completed and reviewed by all parties involved

Compensation Fish for NWFSC Slope Survey

2001 Survey Results

Four vessels were chartered for the survey. The costs for each vessel's participation in the survey were paid with 50% cash and 50% compensation fish. At least half of the compensation fish were required to be Dover sole by weight with the remainder a combination of sablefish, shortspine thornyhead, and longspine thornyhead, according to the preferences of the chartered vessels.

Compensation Fish:

Species	Amount Requested	Amount Granted
Dover Sole	131.7 mt	110.3 mt
Sablefish	34.7 mt	24.0 mt
Longspine Thornyhead	23.8 mt	2.8 mt
Shortspine Thornyhead	4.7 mt	3.2 mt

Exempted fishing permits (EFPs) for compensation fish were issued to each vessel at the conclusion of its participation in the survey. Under these EFPs, compensation fish may have been taken anytime up to one year following issuance, and concluding no later than October 31, 2002.

2002 Survey Request

As in 2001, four vessels will be chartered. The survey will begin on or about June 20 and end by September 30, 2002 and cover the same geographic area as past surveys.

Proposed Compensation: The formula for compensation fish would be the same as for the 2001 survey. Maximum Amounts Required are:

Species	Amount Requested	% of 2002 OY
Dover Sole	131.7 mt	1.7%
Sablefish	34.7 mt	0.7%
Longspine Thornyhead	23.8 mt	0.9%
Shortspine Thornyhead	4.7 mt	0.5%

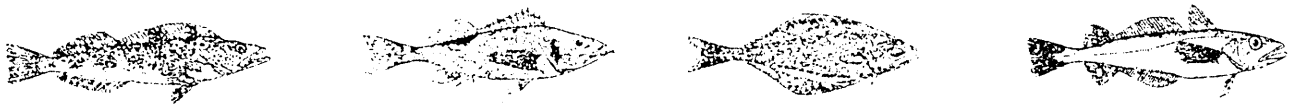
The amounts actually granted for compensation are expected to be substantially less than that requested. An EFP will be issued to each vessel at the conclusion of its participation in the survey. If the survey is completed as scheduled, two EFPs would be issued in September and two would be issued in October. The duration of these EFPs would be for one year, concluding no later than October 31, 2003.

National Marine Fisheries Service, Northwest Region
7600 Sand Point Way Northeast, Seattle, WA 98115

Public Notice

For Information Contact:
Bill Robinson (206) 526-6140
Svein Fougner (562) 980-4000

NMFS-SEA-02-05
FOR IMMEDIATE RELEASE
April 8, 2002



Exempted Fishing Permits

1) What is an Exempted Fishing Permit? An exempted fishing permit (EFP) authorizes a vessel to engage in an activity that is otherwise prohibited by the Magnuson Stevens Fishery Conservation and Management Act or other fishery regulations, for the purpose of collecting limited experimental data.

2) To whom can an EFP be issued? EFPs can be issued to federal or state agencies, marine fish commissions, or other entities, including individuals. An EFP applicant need not be the owner or operator of the vessel(s) for which the EFP is requested.

3) How do I submit an EFP application? Applicants must submit a written application to D. Robert Lohn, NMFS Northwest Regional Administrator, at least 60 days before the proposed effective date of the permit. This required period allows adequate time for review and publication of a *Federal Register* notice that includes a request for comments.- - - -⇨

EFP Application Requirements

1. Date
2. Name/address/phone
3. Purposes and goals of the exempted fishing
4. Name of each vessel to be covered by the EFP
5. Vessel information including: USCG documentation and owner's name/address/phone
6. Species - incidental and targeted expected to be harvested including the: 1) amount expected to be harvested, 2) disposition of regulated species, and 3) anticipated impacts on marine mammals and/or Endangered Species Act (ESA) listed species
7. The approximate time and place that fishing will take place
8. Signature of applicant

4) What is the process for reviewing EFP applications

- Applications are submitted to Northwest Region where they are checked for completeness. A copy is sent to the Council and the Northwest Fishery Science Center.
- The Council and its committees review applications and makes recommendations to NMFS. The SSC and GMT provide comment on methodology and relevance to management data needs. The public may comment at the Council meeting.
- Northwest Fishery Science Center reviews applications.
- Northwest Region notifies applicants of intent to issue or deny EFP.
- Federal Register notice published to announce receipt of the application and request comments from the public.

5) When do EFP applications need to be submitted?
Beginning in June 2002, the Northwest Region and Northwest Fishery Science Center will identify priority areas where NMFS believes that EFP fishing could be used to meet defined data needs. Specific EFP application periods, when applications will be accepted, reviewed and approved, will be identified in advance.

6) What are the considerations for approval of EFPs?

1. Effect on groundfish species' allowable harvest levels.
2. The purpose of the exempted fishing and consistency with management objectives.
3. Biological impacts, including impacts on marine mammals and species listed under the ESA.
4. Appropriateness of methodology and relevance of data to be gathered to management data needs.
5. Council, SSC, GMT, Northwest Science Center, and public comments and recommendations.
6. Enforcement concerns.
7. Issuance cannot be solely for economic gain.
8. Consistency with the FMP, MS-Act or other laws.
9. Scope of the EFP fishing -- the terms and conditions that limit harvest, number of participants, time and/or area of operation, gear use, special conditions (observers or monitoring systems), recordkeeping and reporting requirements, data release or other necessary conditions.

EXEMPTED FISHING PERMITS (EFPs)

Situation: Four exempted fishing permits (EFPs) were approved at the November 2002 Council meeting. The goal of the first EFP, sponsored by Washington Department of Fish and Wildlife (WDFW), is to measure bycatch rates of canary and other rockfish associated with targeted arrowtooth flounder fishing through an at-sea observer program. A second EFP, also sponsored by the WDFW, will test the ability of midwater trawls in Washington waters to selectively harvest yellowtail rockfish while minimizing the incidental catch of widow rockfish. The third EFP, sponsored by the California Department of Fish and Game (CDFG), seeks to test the ability of trawls to selectively harvest chillipepper rockfish while minimizing the incidental catch of bocaccio rockfish in California waters. The primary purpose of the fourth EFP, sponsored by CDFG, Pacific Marine Conservation Council, and Mr. Kenyon Hensel, is to quantify the capacity for vertical hook-and-line gear to selectively catch yellowtail rockfish while minimizing the incidental catch of canary rockfish. Sponsors of these approved EFPs will report on their progress in implementing their respective EFP fisheries. The Council will receive update briefings on these ongoing EFPs.

The National Marine Fisheries Service (NMFS) will conduct its annual survey of the continental slope groundfish resources this summer using private commercial vessels as research platforms. NMFS may compensate these vessels for their participation in research activities by setting aside amounts of groundfish for them to harvest after their research activities have been completed. These amounts are in addition to any trip limits that may be in effect. An EFP is necessary to allow these vessels to take these compensation fish. The EFP specifies the amount of fish and conditions for compensation fishing. NMFS will present its estimates of the quantities and species of fish to be made available for compensating the vessels. The amounts of fish actually caught will be deducted from the 2003 acceptable biological catch levels when the Council addresses this issue in September 2002. NMFS may also discuss an EFP to allow vessels that carry state or federal biologists to take small amounts of fish that will be used for specific research and data collection projects, such as depth-specific size and distribution studies.

Additional EFP applications may be considered at this time if any are submitted for Council consideration.

Council Action:

1. **Consider recommendations on existing EFPs.**
2. **Consider newly submitted EFP applications.**

Reference Materials: None.

Agenda Order:

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	

Supplemental Reference Materials

1. Exhibit E.11.C, Supplemental NMFS Report.
2. Exhibit E.11.d, Supplemental NMFS Report 2.
3. Exhibit E.11.b.i, Supplemental WDFW Report.

Groundfish Fishery Strategic Plan (GFSP) Consistency Analysis

The GFSP supports bycatch reduction efforts and development of selective fishing techniques. The approved EFPs are designed to gather information on methods to selectively harvest abundant species and determine bycatch rates of canary rockfish, bocaccio rockfish, and other groundfish species of concern. The proposed EFP from NMFS is consistent with GFSP objectives related to science, data collection, monitoring and analysis (Sec. II.B). Any additional EFP applications will need to be reviewed for consistency with overall GFSP objectives.

PFMC
03/26/02

`Exhibit E.12.b
Supplemental WDFW Report
April 2002

WASHINGTON DEPARTMENT OF FISH AND WILDLIFE (WDFW) REPORT ON YELLOWEYE ROCKFISH PROTECTION NEAR HALIBUT HOTSPOT AREA

Following the November 2001 Council meeting, the Washington Department of Fish and Wildlife (WDFW) continued its analysis of the occurrence of yelloweye rockfish catches in the Washington recreational fishery. We have also worked closely with our recreational constituents in further assessing our strategy to stay within the yelloweye harvest guideline and avoid a premature closure to the halibut fishery. It is apparent that the majority of the yelloweye rockfish catch occurs along the northern Washington coast where yelloweye are more available. Due to the large areas of rocky reef habitat accessed by fishers out of the northern ports of Neah Bay and La Push, the yelloweye catch out of these ports has continued to accelerate over time despite severe bag limit reductions for yelloweye (Figure 1.). In addition, most of the yelloweye catch is associated with trips that also took halibut (Figure 2.), primarily during the months of May and June (Figure 3.). Recreational anglers and charter representatives reported that much of the yelloweye catch associated with halibut occurred from specific yelloweye targeting by recreational anglers following the conclusion of halibut fishing. Constituents also reported that the fishing grounds immediately to the south of the halibut hotspot closure have a high incidence of yelloweye rockfish. All stakeholders present at the meeting agreed that extending the hotspot a few miles to the south to encompass this area of high yelloweye availability would substantially reduce the recreational yelloweye catch. WDFW, in conjunction with the National Marine Fisheries Service (NMFS), acted upon this information and extended the hotspot closure 4 miles to the south (Figure 4.). Because of their size and desirability, there was also concern that yelloweye would still be targeted even with a one-fish bag limit. Therefore, WDFW and NMFS also acted to prohibit the retention of yelloweye in Washington recreational fisheries.

In 2002, incidental halibut retention will again be available to the primary sablefish fishery north of Pt. Chehalis, Washington, as well as in the salmon troll fishery. WDFW believes the information from the recreational fishery regarding the availability of yelloweye rockfish near the halibut hotspot area should be used to reduce yelloweye mortality in the commercial fisheries. Therefore, WDFW is proposing that the Council ***request*** commercial fishers to avoid fishing in the four-mile by seven-mile area described by the following points:

48°04'00"N; 125°11'00"W
48°04'00"N; 124°59'00"W
48°00'00"N; 125°11'00"W
48°00'00"N; 124°59'00"W

Since yelloweye rockfish are highly associated with rough, rocky habitat, the 8-inch footrope restriction on groundfish trawls has almost eliminated their catch from that fishery (Figure 5.); therefore, no further trawl restrictions are being proposed. This request for ***voluntary*** compliance should not impede commercial fishers from successfully prosecuting their target fisheries, while at the same time provides additional protection for yelloweye rockfish.

WDFW is also working aggressively with fishers regarding the need to avoid yelloweye. This includes meeting with charter organizations and other stakeholder groups, posting website information, issuing news releases, and distributing an informational pamphlet providing background on the yelloweye conservation need and an appeal to fishers to alter their fishing strategies to avoid yelloweye rockfish.

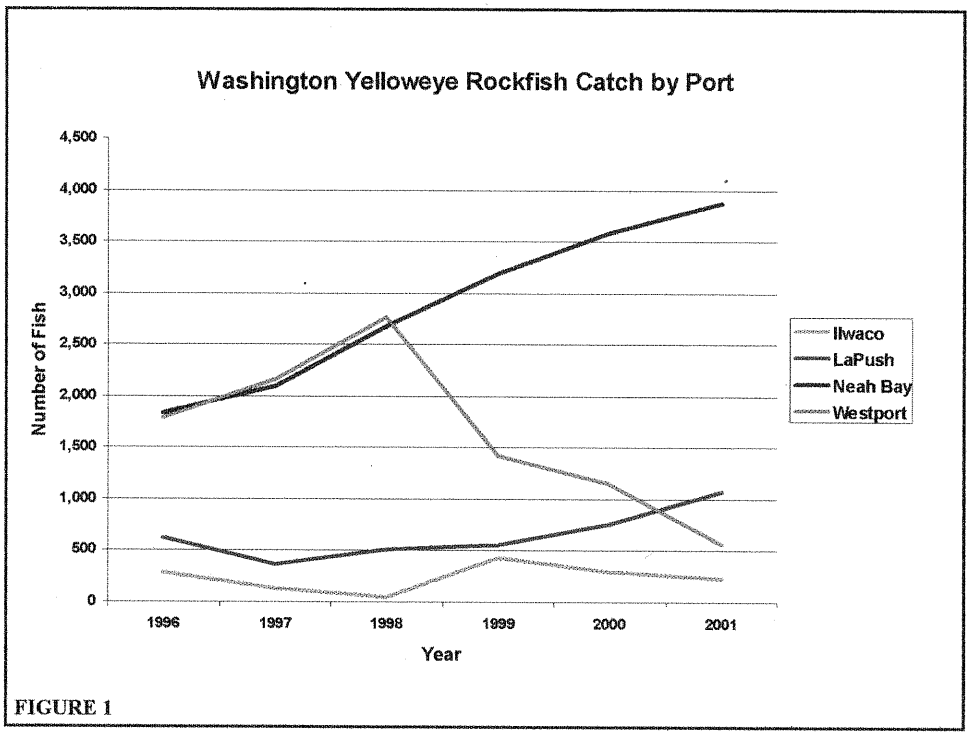


FIGURE 1

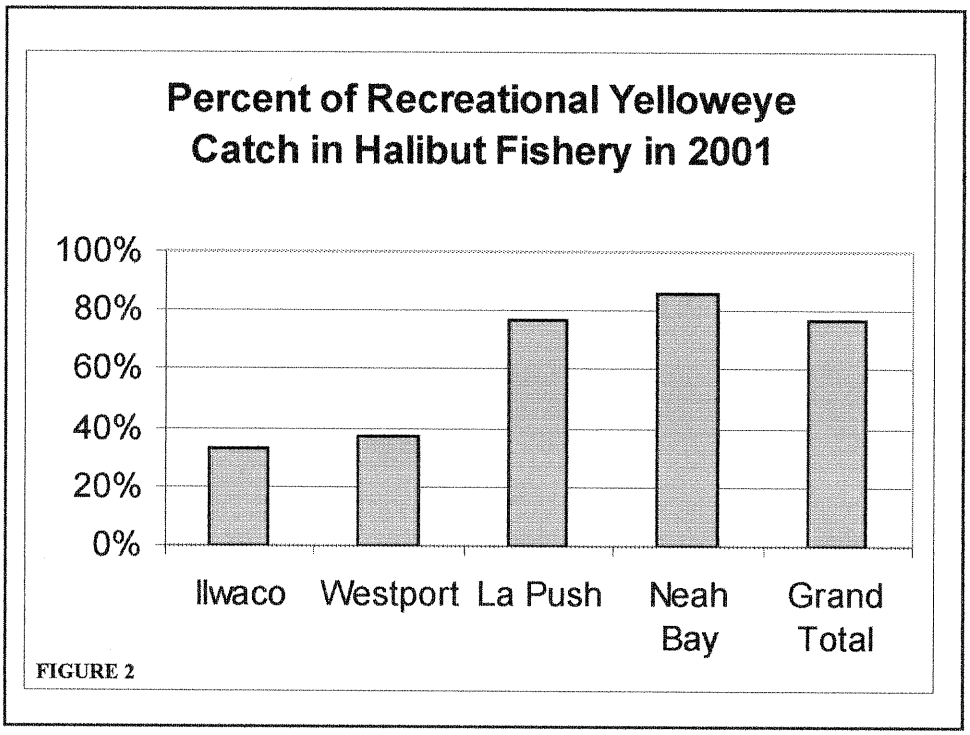


FIGURE 2

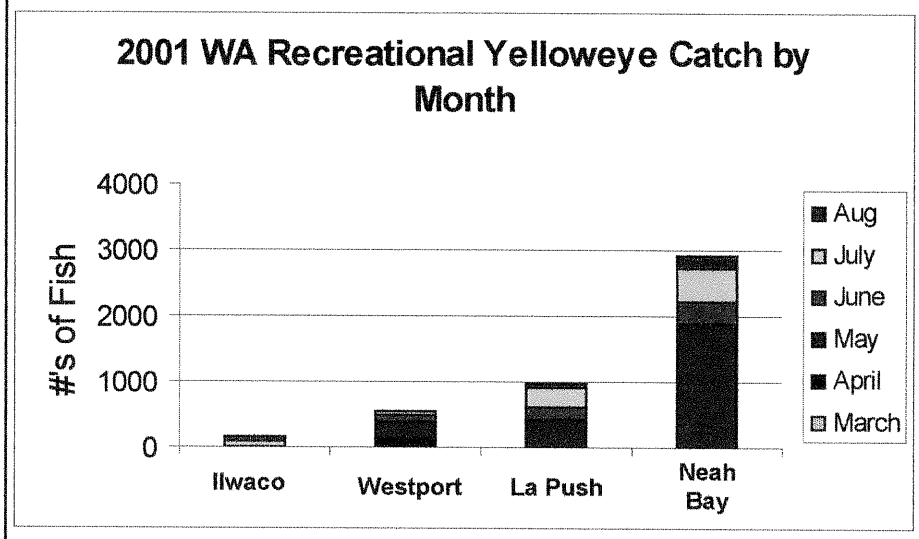


FIGURE 3

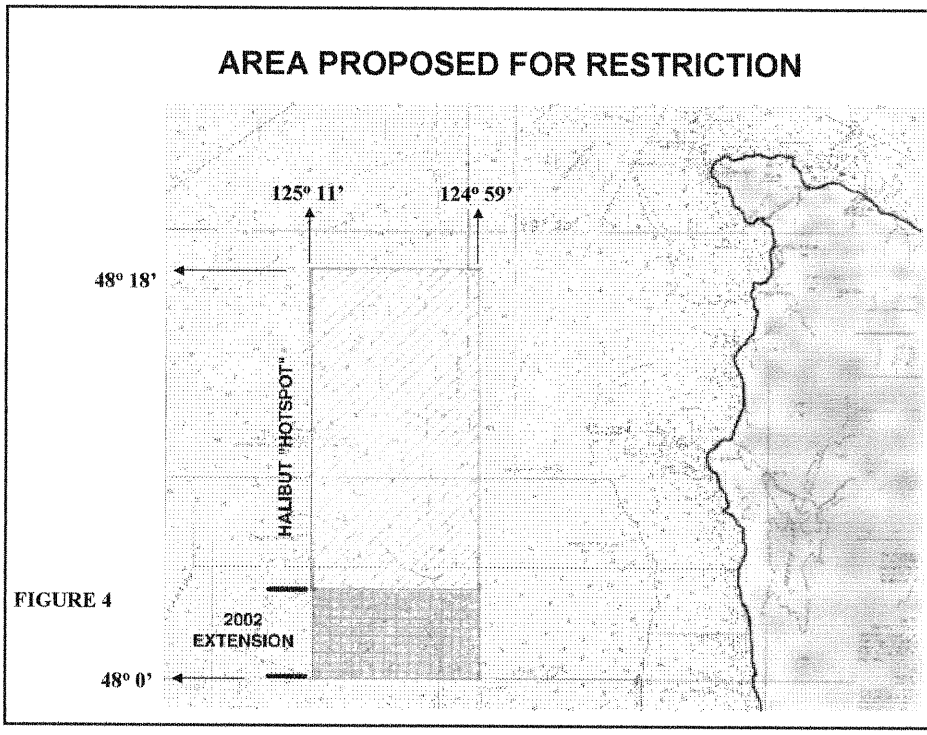


FIGURE 4

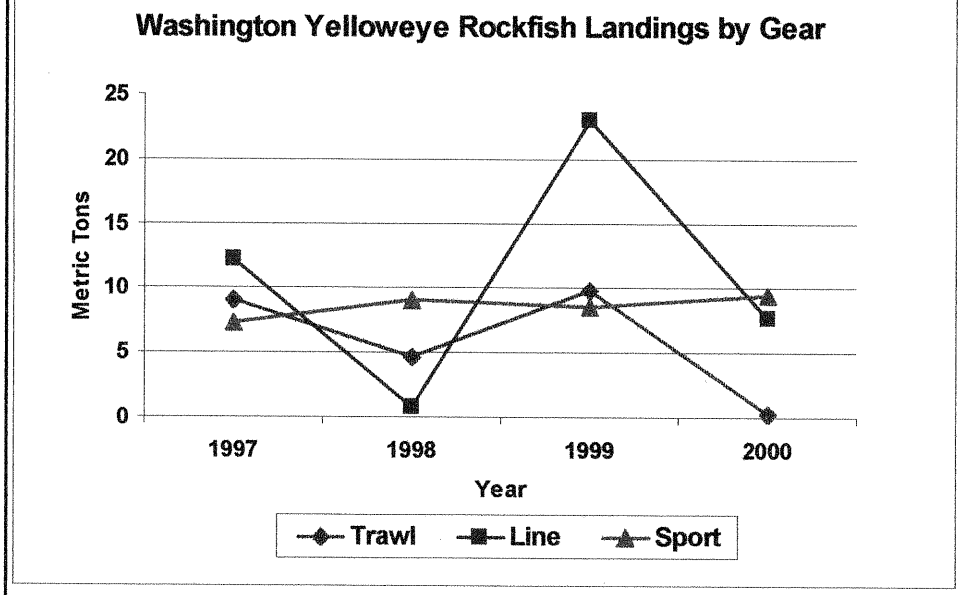

Washington Yelloweye Rockfish Landings by Gear
Metric Tons
25
20
15
10
5
0
1997
1998
1999
2000
Year
Trawl
Line
Sport

FIGURE 5

Exhibit E.12.c
Supplemental GAP Report
April 2002

GROUNDFISH ADVISORY SUBPANEL STATEMENT ON
YELLOWEYE ROCKFISH PROTECTION NEAR HALIBUT HOTSPOT AREA

The Groundfish Advisory Subpanel (GAP) received information on proposed voluntary yelloweye rockfish protection measures from the Washington Department of Fish and Wildlife (WDFW).

The GAP notes that information leading to an existing closed area and the proposed voluntary measures was provided by recreational and commercial fishermen. The GAP applauds WDFW's use of anecdotal data to achieve management goals and suggests that other fisheries management agencies recognize the importance that anecdotal data can have in properly designing management measures. Scientists and managers have an under-utilized resource in the first hand knowledge of fishermen and processors and should follow WDFW's lead in using that knowledge.

Further, the GAP is pleased to see that WDFW is attempting to use voluntary compliance as a first step. A similar method was used by Oregon in promoting use of fish excluder devices in the shrimp fishery. Giving users the incentive to comply by fully including them in the management process is often far more productive than immediately instituting mandatory measures.

The GAP fully supports WDFW's efforts in developing voluntary measures for yelloweye rockfish protection and urges all affected fishermen to do their part to contribute to such sound fisheries management.

PFMC
04/10/02

Administrative Record

Exhibit E.12 d
Supplemental Public Comment
April 2002

Public Testimony to the Pacific Fisheries Management Council April 11,2002
By Kris Northcut- Harvest Manager, Quileute Tribe LaPush, Washington

There will be economic impacts in LaPush that will be felt by the Quileute tribe as a direct result of this closure for recreational fishing. As a result of these impacts and after reviewing Exhibit E.12 and E.12.b the following questions were raised in response.

1. Were the proper steps followed in the closure being brought forth?

2. What was the data used to make this decision?

3. What other alternative site were reviewed, and was an analysis provided to NMFS and the tribes regarding other Yellow eye habitat?

4. Was there a public comment period or forum, and if there was a forum where and when was it held?

5. Is this closure part of a Pacific Coast wide plan? The decision making process consider Oregon and California data as well. If Oregon and California data was considered were alternative closure areas delineated?

6. In the document E.12.b it sounds like the WDFW and NMFS are getting biological opinions from the charter fishermen. This is good for some local knowledge, but should this precedent be used to form a biological opinion that can result in a fishery closure, and not include more exhaustive science

7. There is a discrepancy in the total catch of Yellow eye for Neah Bay. For the year 2001 Figure #1 represents just short of 4000 fish being landed and in figure #3 Represents the catch being just short of 3000 fish. This is a 1000 fish discrepancy.

8. Figure #2 was badly labeled and potentially misleading.

9. Figure #1 & 3 shows the highest catch of Yelloweye coming into their port. LaPush only has one good halibut spot within 20 miles. Were other closure sites delineated for Neah Bay?

11. Looking at the data in figure #1 it looks as if Westport's Yelloweye numbers crashed by looking at how far they went down in numbers in 3 years. Was there some restrictions in place or was there a shift in fishing pressure, and if so to where. Looking at this chart this would have been something that would of caught my eye right away.

12. The question that comes to mind when looking at figure #4 is why add on to the Southern end of the closure zone. What is the basis for this decision? Was there a habitat assessment done in this area and this was the best available or was this just drawn out of a hat. There has to be biologically valid reasons for expanding an area for closure, and a process for disseminating the data to all stakeholders.

13. Figure #5, all other figures have 2001 #'s, why does figure #5 not have 2001 Numbers. The data for last year's numbers were left out.

Exhibit E.12.d
Supplemental Public Comment
April 2002

Administrative Record

Public Testimony to the Pacific Fisheries Management Council April 11, 2002
By R. Daniel Leinan Clerk – Treasurer, City of Forks, Washington

Review of written testimony of local citizens.

Confusion (differences) over exhibit E.12 and E.12.b

- Proposals
- Information received
- Council action / request for voluntary compliance (commercial)

? We could have voluntary compliance in the Recreational fishery also? Why not

Issue #1 **Safety**: Small boat owners are going to be required to push the safety envelop beyond what they are currently doing in order to Access the Halibut grounds. You are placing these citizens in harms way for no reason.

Issue #2 **Economic Impacts**: Has there been an economic analysis of this closure? There have been a lot of investments made in our community based on recreational fishing access.

Issue #3 **Science**: Is this regulation implementation based on scientific analysis? Is this the only spot in the Ocean where Halibut and Yelloweye swim together? Is there a Yelloweye recovery plan in place? Does removing Halibut from an area help or hurt the Yelloweye population? Did original planned regulations include Yelloweye harvest?

Issue #4 **Process**: Were all of the State and Federal rule making requirements followed? Were there public hearings held that were advertised and accessible to the interested citizens?

Issue #5 **Fairness**: Is this regulation fair? We support the non-retention rule that treats all areas equally. Does this rule treat all areas equally or provide equal opportunity for all user groups? Why is area 3 required to pay the entire conservation price for the entire Coast? In the words of one citizens testimony "Who's looking out for the little guy"?

YELLOWEYE ROCKFISH PROTECTION NEAR HALIBUT HOTSPOT AREA

Situation: The "halibut hotspot" is an area off the Washington coast (within a rectangle defined by these four corners: 48°18' N Latitude/125°11' W Longitude, 48°18' N Latitude/124°59' W Longitude, 48°04' N latitude/125°11' W Longitude, and 48°04' N Latitude/124°59' W Longitude) approximately 20 miles south of Cape Flattery that is closed to recreational halibut fishing under the Area 2A Halibut Catch Sharing Plan. The Washington Department of Fish and Wildlife (WDFW) has received information from the recreational charter boat fleet that fisheries operating adjacent to this area incidentally encounter yelloweye rockfish at a relatively high frequency. Given the extremely low optimum yield for yelloweye rockfish and the need to control all sources of fishing-related mortality, the WDFW proposes extending the hotspot closure 4 additional miles to the south (to 48°00' N Latitude) and would like the Council to evaluate the potential benefits of closing the halibut hotspot and adjacent areas to all fishing activities that may result in a yelloweye rockfish bycatch. The WDFW will report on the potential for yelloweye rockfish bycatch in fisheries operating in the affected area and recommend a management strategy for decreasing this bycatch. Note that agendum F.1 under Pacific Halibut Management also addresses fisheries operating in and near the halibut hotspot.

Council Action:

1. **Consider available information and potential benefits from closing the halibut hotspot and adjacent areas to fishing activities.**

Reference Materials: None.

Agenda Order:

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	

Groundfish Fishery Strategic Plan (GFSP) Consistency Analysis

The GFSP calls for the Council to "use marine reserves as a fishery management tool that contributes to groundfish conservation and management goals, has measurable effects, and is integrated with other fishery management approaches" (Sec. II.A.6(b)).

PFMC
03/26/02

Supplemental Reference Materials

1. Exhibit E.12.b, Supplemental WDFW Report.
2. Exhibit E.12.c, Supplemental GAP Report.