

**DRAFT**  
**PROPOSED AGENDA**  
**Pacific Fishery Management Council**  
DoubleTree Hotel - Columbia River  
1401 N Hayden Island Drive  
Portland, OR 97217  
(503) 283-2111  
September 9-13, 2002

SEPTEMBER COUNCIL MEETING AGENDA SUMMARY				
Monday, September 9	Tuesday, September 10	Wednesday, September 11	Thursday, September 12	Friday, September 13
No Council Session  Council ancillary meetings begin Saturday (see last pages of detailed Council agenda for daily schedule).	Closed Executive Session - 8 a.m.	Salmon Management	Coastal Pelagic Species Management	Groundfish Management, (continued)
	10 a.m. Habitat Issues			
	Groundfish Management	Marine Reserves		
		Pacific Halibut Management		
	4 p.m. Public Comment Period (For Items <u>Not</u> on the Agenda)	Groundfish Management (continued)	Groundfish Management (continued)	Administrative Matters
Ancillary meetings of advisory panels, technical teams, subcommittees, etc. begin Saturday (see last page of detailed Council agenda daily schedule).				

***Notice to Public***

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

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

**Written comments or materials received at the Council Office by September 3, 2002** will be included in the materials distributed to the Council for consideration at this meeting. Comments received by August 23 will be mailed to Council members prior to the meeting. **After September 3, it is the submitter's responsibility to provide Council staff with an adequate number of copies to assure coverage of the Council (a minimum of 40 copies). Each copy must include the Agenda Item Topic Number in the upper right hand corner of the front page.**

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

# DETAILED COUNCIL MEETING AGENDA

SATURDAY, SEPTEMBER 7 THROUGH FRIDAY, SEPTEMBER 13

## ANCILLARY SESSIONS

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

TUESDAY, SEPTEMBER 10, 2002

## CLOSED SESSION

8 A.M.

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

## GENERAL SESSION

10 A.M.

*Riverview Ballroom*

### A. Call to Order

- |  |                    |
|--|--------------------|
| 1. Opening Remarks, Introductions                              | Hans Radtke, Chair |
| 2. Council Member Appointments - Swearing In of New Members    | NMFS               |
| 3. Roll Call   | Don McIsaac        |
| 4. Executive Director's Report                                 | Don McIsaac        |
| 5. <b>Council Action:</b> Approve Agenda                       | Hans Radtke        |
| 6. <b>Council Action:</b> Approve March and April 2002 Minutes | Hans Radtke        |

### B. Habitat Issues

- |   |               |
|---|---------------|
| 1. Essential Fish Habitat (EFH) Issues                |               |
| a. Habitat Committee (HC) Report                      | Paul Heikkila |
| b. Reports and Comments of Advisory Bodies            |               |
| c. Public Comment                                     |               |
| d. <b>Council Action:</b> Consider HC Recommendations |               |

### C. Groundfish Management

- |   |                |
|---|----------------|
| 1. NMFS Report on Groundfish Management                               |                |
| a. Agendum Overview   | Bill Robinson  |
| b. Reports and Comments of Advisory Bodies                            |                |
| c. Public Comment   |                |
| d. Council Discussion   |                |
| 2. Final Harvest Levels and Other Specifications for 2003             |                |
| a. Agendum Overview   | John DeVore    |
| b. Yelloweye Rockfish Stock Assessment                                | Farron Wallace |
| c. Stock Assessment Review (STAR) Panel Report for Yelloweye Rockfish |                |
| d. Groundfish Management Team (GMT) Report                            | Rick Methot    |
| e. Proposed Treaty Indian Harvest Levels                              | Jim Hastie     |
| f. Reports and Comments of Advisory Bodies                            | Jim Harp       |
| g. Public Comment   |                |
| h. <b>Council Action:</b> Adopt Final 2003 Specification Proposals    |                |
| 3. 2003 Groundfish Management Measures: Tentative Adoption            |                |

for Analysis

- |   |                                       |
|---|---------------------------------------|
| a. Agendum Overview   | John DeVore                           |
| b. Summary of State Hearings  | Phil Anderson/Burnie Bohn/LB Boydston |
| c. Summary of Written Public Comments and<br>Environmental Impact Statement (EIS) Scoping Meeting | Jennifer Gilden/John DeVore           |
| d. Report of the GMT  | Jim Hastie                            |
| e. Report of the Enforcement Consultants (EC) on the Vessel<br>Monitoring System                  | Dave Cleary/Steve Springer            |
| f. Report of the Ad Hoc Allocation Committee  |                                       |
| g. Reports and Comments of Advisory Bodies  |                                       |
| h. Tribal Comments and Recommendations  | Jim Harp                              |
| i. Agency Comments and Recommendations  | Phil Anderson/Burnie Bohn/LB Boydston |
| j. Public Comments  |                                       |
| k. <b>Council Action:</b> Tentatively Adopt 2003 Groundfish<br>Management Measures                |                                       |

PUBLIC COMMENT PERIOD

4 P.M.

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

WEDNESDAY, SEPTEMBER 11, 2002

GENERAL SESSION

8 A.M.

*Riverview Ballroom*

**A. Call to Order (reconvene)**

Hans Radtke

7. Commencing Remarks

Don McIsaac

**D. Salmon Management**

1. NMFS Report

a. Agendum Overview

Bill Robinson

b. Reports and Comments of Advisory Bodies

c. Public Comment

d. Council Discussion

2. Update of Ongoing Fisheries

a. Sequence of Events

Chuck Tracy

b. Status of Fisheries

Dell Simmons

c. Reports and Comments of Advisory Bodies

d. Public Comment

e. Council Discussion

3. Scientific and Statistical Committee (SSC) Methodology Review Priorities

a. Agendum Overview

Chuck Tracy

b. SSC Report

Pete Lawson

- c. Agency and Tribal Reports and Comments
- d. Reports and Comments of Advisory Bodies
- e. Public Comment
- f. **Council Action:** Confirm Salmon Methodology Review Priorities

### **E. Marine Reserves**

1. Marine Reserve Proposals for Channel Islands National Marine Sanctuary
  - a. Agendum Overview
  - b. Ad Hoc Marine Reserves Policy Committee Report
  - c. Reports and Comments of Advisory Bodies
  - d. Public Comment
  - e. **Council Action:** Develop Recommendations to the California Fish and Game Commission
2. Update on Other Marine Reserves Processes
  - a. Agendum Overview
  - b. Reports and Comments of Advisory Bodies
  - c. Public Comment
  - d. Council Discussion

Jim Seger  
LB Boydston

Jim Seger

### **F. Pacific Halibut Management**

1. Status of 2002 Pacific Halibut Fisheries
  - a. Agendum Overview
  - b. NMFS Report
  - c. Reports and Comments of Advisory Bodies
  - d. Public Comment
  - e. Council Discussion
2. Proposed Changes to the Catch Sharing Plan and Annual Regulations
  - a. Agendum Overview
  - b. State Proposals
  - c. Tribal Comments
  - d. Reports and Comments of Advisory Bodies
  - e. Public Comment
  - f. **Council Action:** Adopt Proposed Changes for Public Review

Chuck Tracy  
Yvonne de Reynier

Chuck Tracy  
WDFW/ODFW  
Jim Harp

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

3. 2003 Groundfish Management Measures (continued): Clarify Council Direction
  - l. Agendum Overview
  - m. Reports and Comments of Advisory Bodies
  - n. Public Comment
  - o. Council Guidance and Direction
4. Status of Fisheries and Inseason Adjustments
  - a. Agendum Overview
  - b. Reports and Comments of Advisory Bodies
  - c. Public Comment
  - d. **Council Action:** Consider Adjustments in 2002 Management Measures
5. Exempted Fishing Permits (EFP): Update and New Proposals
  - a. Agendum Overview
  - b. Agency and Tribal Proposals
  - c. Reports and Comments of Advisory Bodies
  - d. Public Comment
  - e. **Council Action:** Preliminary Consideration of Proposals and Recommendations to NMFS

John DeVore

John DeVore

John DeVore  
State and Agency Representatives

THURSDAY, SEPTEMBER 12, 2002

GENERAL SESSION  
8 A.M.  
*Riverview Ballroom*

**A. Call to Order (reconvene)**

Hans Radtke

8. Commencing Remarks

Don McIsaac

**G. Coastal Pelagic Species Management**

1. NMFS Report

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

Svein Fougner

2. Pacific Sardine Fishery Update

- a. Agendum Overview
- b. State Agency Reports and Comments
- c. Reports and Comments of Advisory Bodies
- d. Public Comment
- e. **Council Action:** Consider Reallocation of Harvest  
Guideline per Coastal Pelagic Species Fishery Management  
Plan (FMP) Inseason Action

Dan Waldeck

Phil Anderson/Burnie Bohn/LB Boydston

**C. Groundfish Management (continued)**

6. Groundfish Programmatic and EFH FMP EIS

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

Kit Dahl

Jim Glock/Steve Copps

7. Update on Amendment 16 - Rebuilding Plans

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

Kit Dahl

8. Groundfish Stock Assessment Priorities for 2003

- a. Agendum Overview
- b. NMFS Northwest Fisheries Science Center Report
- c. Reports and Comments of Advisory Bodies
- d. Public Comment
- e. Council Discussion

John DeVore  
Elizabeth Clarke

9. Amendment 17 - Multi-Year Management

- a. Agendum Overview
- b. NMFS Report
- c. Reports and Comments of Advisory Bodies
- d. Public Comment
- e. **Council Action:** Further Consideration of Management Alternatives

Dan Waldeck  
Yvonne de Reynier

4. Status of Fisheries and Inseason Adjustments (**continued if necessary**)

- e. Agendum Overview
- f. Reports and Comments of Advisory Bodies
- g. Public Comment
- h. **Council Action:** Consider Adjustments in 2002 Management Measures

John DeVore

3. 2003 Groundfish Management Measures (**continued**): Clarify Council Direction

- p. Agendum Overview
- q. Reports and Comments of Advisory Bodies
- r. Public Comment
- s. Council Guidance and Direction

John DeVore

10. Scoping for Delegation of Nearshore Management Authority
  - a. Agendum Overview
  - b. California Department of Fish and Game Report
  - c. Reports and Comments of Advisory Bodies
  - d. Public Comment
  - e. **Council Action:** Consider Initiating FMP Amendment Process

Dan Waldeck  
LB Boydston

FRIDAY, SEPTEMBER 13, 2002

GENERAL SESSION  
8 A.M.  
*Riverview Ballroom*

**A. Call to Order (reconvene)**

Hans Radtke

9. Commencing Remarks

Don McIsaac

**C. Groundfish Management (continued)**

3. 2003 Groundfish Management Measures: **Final Action**
  - t. Agendum Overview
  - u. GMT Analysis of Impacts
  - v. Reports and Comments of Advisory Bodies
  - w. Agency and Tribal Comments
  - x. Public Comment
  - y. **Council Action:** Adopt Final Proposed 2003 Regulations

John DeVore  
Jim Hastie

Jim Harp/Agency Representatives

**H. Administrative and Other Matters**

1. Legislative Matters
  - a. Agendum Overview
  - b. Legislative Committee Report
  - c. Reports and Comments of Advisory Bodies
  - d. Public Comment
  - e. **Council Action:** Consider Council Response to Legislative Issues
2. Financial Matters
  - a. Budget Committee Report
  - b. **Council Action:** Consider Recommendations of the Budget Committee
3. Appointments to Advisory Bodies, Standing Committees, and Other Forums
  - a. Appointments to Advisory Bodies
    - i. Tribal Salmon Advisory Subpanel Seats
    - ii. Additional GMT State Seats
    - iii. Other Advisory Body Appointments and Miscellaneous Issues
  - b. Reports and Comments of Advisory Bodies
  - c. **Council Action:** Consider Membership Revisions and Appoint New Members
4. Council Staff Work Load Priorities
  - a. Agendum Overview
  - b. Council Discussion and Guidance
5. November 2002 Council Meeting Draft Agenda
  - a. Consider Agenda Options
  - b. Identify Priorities for Advisory Body Consideration
  - c. **Council Action:** Adopt Draft Agenda for the November 2002 Meeting

Don McIsaac  
Dave Hanson

Jim Harp

John Coon

Don McIsaac

Don McIsaac

ADJOURN

## SCHEDULE OF ANCILLARY MEETINGS

### SATURDAY, SEPTEMBER 7, 2002

Groundfish Management Team	1 p.m.	Deschutes Room
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### SUNDAY, SEPTEMBER 8, 2002

Groundfish Management Team	8 a.m.	Deschutes Room
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### MONDAY, SEPTEMBER 9, 2002

Council Secretariat Opens	8 a.m.	Tualatin Room
Groundfish Advisory Subpanel	8 a.m.	Willamette Room
Groundfish Management Team	8 a.m.	Deschutes Room
Scientific and Statistical Committee	8 a.m.	Umatilla Room
Habitat Committee	10 a.m.	Santiam Room
Legislative Committee	10 a.m.	Nestucca Room
Salmon Advisory Subpanel	10 a.m.	Yakima Room
Salmon Technical Team	10 a.m.	Wallowa Room
Budget Committee	1 p.m.	Nestucca Room

### TUESDAY, SEPTEMBER 10, 2002

Council Secretariat	7 a.m.	Tualatin Room
California State Delegation	7 a.m.	Yakima Room
Oregon State Delegation	7 a.m.	Willamette Room
Washington State Delegation	7 a.m.	Deschutes Room
Groundfish Advisory Subpanel	8 a.m.	Willamette Room
Groundfish Management Team	8 a.m.	Deschutes Room
Salmon Advisory Subpanel	8 a.m.	Yakima Room
Scientific and Statistical Committee	8 a.m.	Umatilla Room
Salmon Technical Team	As Necessary	Wallowa Room
Enforcement Consultants	Immediately Following Council Session	Nestucca Room

### WEDNESDAY, SEPTEMBER 11, 2002

Council Secretariat	7 a.m.	Tualatin Room
California State Delegation	7 a.m.	Yakima Room
Oregon State Delegation	7 a.m.	Willamette Room
Washington State Delegation	7 a.m.	Deschutes Room
Groundfish Advisory Subpanel	8 a.m.	Willamette Room
Coastal Pelagic Species Advisory Subpanel	10 a.m.	Umatilla Room
Enforcement Consultants	As Necessary	Nestucca Room
Groundfish Management Team	As Necessary	Deschutes Room
Salmon Advisory Subpanel	As Necessary	Yakima Room



Salmon Technical Team	As Necessary	Wallowa Room
<u>THURSDAY, SEPTEMBER 12, 2002</u>		
Council Secretariat	7 a.m.	Tualatin Room
California State Delegation	7 a.m.	Yakima Room
Oregon State Delegation	7 a.m.	Willamette Room
Washington State Delegation	7 a.m.	Deschutes Room
Enforcement Consultants	As Necessary	Nestucca Room
Groundfish Advisory Subpanel	As Necessary	Willamette Room
Groundfish Management Team	As Necessary	Deschutes Room
Salmon Advisory Subpanel	As Necessary	Yakima Room
Salmon Technical Team	As Necessary	Wallowa Room

FRIDAY, SEPTEMBER 13, 2002

Council Secretariat	7 a.m.	Tualatin Room
California State Delegation	7 a.m.	Yakima Room
Oregon State Delegation	7 a.m.	Willamette Room
Washington State Delegation	7 a.m.	Deschutes Room
Enforcement Consultants	As Necessary	Nestucca Room

PPMC  
08/07/02

*motion 14*  
*Riverson/mallet*  
*Approved.*

**Meeting Record and Summary Minutes**  
**Pacific Fishery Management Council**  
**March 12-15, 2002**

The full record of the Pacific Fishery Management Council (Council) March 12-15, 2002 meeting is available at the Council office, and consists of the following:

1. The draft agenda.
2. The approved agenda with notations as to the time each agenda item was addressed, with summary minutes of Council proceedings and key Council documents inserted in the relevant agenda item. The summary minutes consists of a narrative (1) on particularly noteworthy elements of the gavel to gavel components of the Council meeting, including the Call to Order segment at the onset of the Council meeting, and (2) summaries of pertinent Council discussion during each Council Guidance, Discussion, or Action item in the Agenda. The summary narrative of Council Guidance, Discussion, or Action items includes detailed descriptions of rationale leading to a motion (or leading to a consensus to not make a motion) and discussion between the initial motion statement and the final vote.
3. A set of audio recordings of the actual testimony, presentations, and discussion that occurred at the meeting. Recordings are labeled so as to facilitate tape review of a particular agenda item, by cross referencing with the time labeled agenda.
4. All written documents produced for consideration at the Council meeting, including (1) the pre-meeting briefing book materials, (2) all pre-meeting supplemental documents for the briefing book, (3) all supplemental documents produced or received at the Council meeting, validated as labeled by the Council Secretariat and distributed to Council Members, and (4) public comments and miscellaneous visual aids or handout materials used in presentations to Council Members during the open session.
5. A copy of the Council Decision Log, a document distributed immediately after the meeting which contains very brief descriptions of Council decisions.
6. A copy of the Spring 2002 Council News Brief.



# DRAFT MINUTES

## Pacific Fishery Management Council

### 162nd Meeting March 12-15, 2002

A. Call to Order .....	3
A.5. <b>Council Action:</b> Approve Agenda .....	3
B. Salmon Management .....	3
B.2.e. <b>Council Action:</b> Consider and Approve Appropriate Methodology Changes to the KOHM and Coho FRAM .....	4
B.4.e. <b>Council Action:</b> Adopt Opening Dates for Fisheries off the Coast of Oregon .....	5
B.5.j. Council Recommended Initial Options for STT Collation and Description .....	7
B.6.f. Council Direction to the STT and Salmon Advisory Subpanel on Option Development and Analysis .....	8
B.7.g. <b>Council Action:</b> Identify Salmon FMP Amendment Issues and Schedule .....	10
B.8.d. Council Guidance and Direction .....	11
B.10.e. <b>Council Action:</b> Adopt 2002 Salmon Management Options for Public Review .....	13
C. Habitat Issues .....	14
C.1.d. <b>Council Action:</b> Consider Habitat Steering Group Recommendations and Take Action if Necessary .....	15
D. Marine Reserves .....	15
D.1.e. Council Discussion and Guidance on Status of National Marine Sanctuary Processes Pertaining to Marine Reserves .....	16
E. Pacific Halibut Management .....	17
E.1.b. Council Discussion .....	17
E.3.g. <b>Council Action:</b> Adopt Proposed 2002 Incidental Halibut Catch Regulations .....	18
F. Groundfish Management .....	19
F.1.f. Council Discussion on NMFS Reports on Status of Amendment 14 .....	20
F.2.d. <b>Council Action:</b> Adopt Proposed 2002 Whiting Harvest Levels .....	21
F.3.d. Council Guidance on Completing Rebuilding Plan Amendments .....	23
F.4.h. Council Discussion on Groundfish Strategic Plan Implementation .....	25
F.5.b. Council Discussion and Guidance on Groundfish Fishery Management Plan (FMP) Environmental Impact Statements .....	25
G. Highly Migratory Species Management .....	25
G.1.a. Council Discussion on NMFS Report on Highly Migratory Species .....	25
G.2.e. <b>Council Action:</b> Adopt HMS FMP for Implementation .....	31
H. Coastal Pelagic Species Management .....	34
H.1.a. Council Discussion on NMFS Report on Coastal Pelagic Species Management .....	34
H.2.e. <b>Council Action:</b> Adopt Draft Amendment 10 for Public Review .....	36
I. Administrative and Other Matters .....	37
I.1.b. Council Discussion on Status of Legislation .....	37
I.2.b. Announce Council Member Appointments to KFMC, IPHC, and Standing Committees ..	37
I.3.b. <b>Council Action:</b> Consider and Adopt Revisions to the Council's "Statement of Organization, Practices, and Procedures" and "Council Operating Procedures" Documents .....	38
I.4.c. Council Discussion and Guidance on Research and Data Needs Process and Economic Data Plan .....	39

I.4.c.	Council Discussion and Guidance on Research and Data Needs Process and Economic Data Plan	
I.5.b.	Council Discussion and Guidance on Council Staff Retreat .....	39
I.6.b.	Council Discussion and Guidance on Staff Work Load Priorities .....	39
I.7.b.	<b>Council Action:</b> Adopt Draft Agenda for the April 2002 Meeting .....	40
I.7.c.	Identify Priorities for Advisory Body Consideration .....	40

## **A. Call to Order**

### **A.1. Opening Remarks, Introductions (03/12/02; 9:51 am)**

Mr. Robert Lohn, National Marine Fisheries Service (NMFS) Northwest Region (NWR) Administrator made a few opening comments.

New staff members Dr. Christopher "Kit" Dahl, Jennifer Gilden, and Donde Hayes were also presented.

### **A.2. Council Member Appointments**

On the 2001 appointment cycle - the Idaho obligatory appointment for 2001-2003 has been left vacant since last August. There was a nomination from Idaho, but due to the regulations, two more applicants are to be submitted to the Secretary of Commerce (SOC).

### **A.3. Roll Call**

Dr. Don McIsaac called the roll. Roll call matrix to be inserted by Council staff before Chairman's signature.

### **A.4. Executive Director's Report**

Dr. McIsaac spoke about a Marine Recreational Fisheries Statistical Survey (MRFSS) workshop to be held in June of 2002 in the San Diego area and the Regional Fishery Management Council's (RFMC) interim chairman's report.

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

The agenda (Exhibit A.5, Council Meeting Agenda) was approved with the following changes: remove Agenda Item A.6 ; under Agenda.B.3 - insert a report from the states and tribes between B.3.a, and B.3.b.; for agenda item G.2., under highly migratory species (HMS) fishery management plan (FMP) - between G.2.b, and G.2.c insert comments from NMFS, states, and tribes; under B.1, NMFS comments will be done under agenda item B.5.e instead; for E.1, NMFS Report, Yvonne deReynier will give those comments. Under B.5., Paul Kirk will be giving the presentation for the Klamath Fishery Management Council (KFMC) instead of Dan Viele. (Motion 1) Mr. Jim Lone moved and Mr. Bob Alverson seconded the motion. Motion 1 passed.

## **B. Salmon Management**

### **B.1. National Marine Fisheries Service (NMFS) Report**

Mr. Bill Robinson deferred this report until Agenda Item B.5.e.

### **B.2. Final Review of Methodology Changes to the Klamath Ocean Harvest Model (KOHM) and Coho Fishery Regulation Assessment Model (FRAM) (03/12/02 10:16 am)**

#### **B.2.a. Agendum Overview**

Mr. Chuck Tracy presented the agendum overview.

#### **B.2.b. Scientific and Statistical Committee (SSC) Report**

Dr. Pete Lawson presented the SSC Report (Exhibit B.2.b, Supplemental SSC Report).

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

**STT**

Mr. Dell Simmons presented the Salmon Technical Team (STT) report (Exhibit B.2.c, STT Report).

**SAS**

Mr. Mark Cedergreen presented the Salmon Advisory Subpanel (SAS) Report (Exhibit B.2.c, Supplemental SAS Report).

**Tribes**

Mr. Dave Hillemeier, Yurok Tribe stated the tribes approval of the new KOHM model, and urged precautionary implementation of time/area managed fisheries with high Klamath chinook impacts to prevent excessive harvest.

B.2.d. Public Comment

None.

B.2.e. **Council Action:** Consider and Approve Appropriate Methodology Changes to the KOHM and Coho FRAM

Mr. Bohn moved (Motion 2) to adopt the methodologies for the FRAM and KOHM as presented by the SAS, STT, and SSC.

Mr. Harp seconded the motion. Motion 2 passed.

Mr. Anderson requested that the SSC, STT, state and tribal representatives discuss the SSC's recommendation for model evaluation subgroups, before the Council takes action on that recommendation.

B.3. Review of 2001 Fisheries and Summary of 2002 Stock Abundance Estimates (03/12/02; 10:42 am)

B.3.a. Report of the Salmon Technical Team (STT)

Mr. Simmons indicated that the STT would answer questions on the Salmon Review document, then he briefed the Council on Preseason Report I.

Mr. Anderson asked if the Other Management Information in Preseason Report I, Table A-12 was current. Mr. Tracy indicated that the table was a reproduction from Amendment 14 and has not been updated since that amendment was adopted. Mr. Anderson indicated that the document was an annual product and the information should be current or omitted.

Mr. Boydston asked if the new KOHM effort predictors were used to calculate the coho impacts in Pre-1 Table 3-7. Mr. Burner responded that they were not used for calculating those impacts, but will be used to model impacts in 2002 fisheries, although there will not be a dramatic change in those effort predictors.

*Comments of the States, Agencies, and Tribes*

**WDFW**

CPT. Mike Cenci presented Exhibit B.3.b, Supplemental Washington Department of Fish and Wildlife (WDFW) Report.

Dr. McIsaac asked if unmarked coho retention was mostly the result of ignorance or intentional violation. CPT. Cenci indicated that it was mostly ignorance and that additional education would help.

## USFWS

Mr. Tim Roth stated that despite recent good returns of chinook and coho, the returns in the near future will likely decline. The Council should structure fisheries to take advantage of current abundances but be prepared for more conservative fisheries in the near future. He indicated that for Columbia River stocks, juvenile survival and dam passage mortality need to be optimized in order to offset declines in ocean productivity.

Mr. Robinson stated that in past years Mitchell Act funding included monies for mass marking. Those monies are not available in 2003, and agencies should begin to look elsewhere for funding to continue mass marking programs which support selective fisheries.

### B.3.b. Reports and Comments of Advisory Bodies

## SSC

Dr. Lawson presented the SSC report (Exhibit B.3.b, Supplemental SSC Report).

### B.3.c. Public Comment

Mr. Joel Kawahara, Washington Troller

Mr. Paul Englemeyer, Mid-Coast Watershed Council, Yachats, Oregon

### B.3.d. Council Discussion

Mr. Brown asked if the Spring Creek Hatchery (SCH) chinook age-4 projection is a significant issue. Mr. Roth stated his confidence in the predictor based on the total allowable catch (TAC) consensus forum. Mr. Bohn indicated that SCH tules are dominated by age-3 fish and the effect of errors in age-4 predictions are negligible with respect to the overall run size prediction.

## B.4. Inseason Management Recommendations for Openings Prior to May 1 off the Oregon Coast (03/12/02; 11:41 am)

### B.4.a. Agendum Overview

Mr. Tracy presented the agendum overview

### B.4.b. Oregon Department of Fish and Wildlife (ODFW) Recommendations

Mr. Bohn presented the ODFW recommendations (Exhibit B.4.b, Supplemental ODFW Recommendations).

### B.4.c. Reports and Comments of Advisory Bodies

## SAS

Mr. Cedergreen presented the SAS report (Exhibit B.4.c, Supplemental SAS Report).

### B.4.d. Public Comment

None.

### B.4.e. **Council Action:** Adopt Opening Dates for Fisheries off the Coast of Oregon

Mr. Bohn moved (Motion 3) to adopt the opening dates as provided in Exhibit B.4.b, Supplemental ODFW Presentation.

Mr. Brown seconded the motion.



Mr. Boydston asked if NMFS could open this fishery as quickly as March 20th. Mr. Robinson responded that NMFS can move quickly on this proposal because the 2002 regulations approved last year contemplated this inseason management action. Motion 3 passed.

Mr. Anderson requested information on the process of including options for early openings in future years. Mr. Robinson responded that proposals would require reinitiating consultation if there were potential ESA impacts, and would therefore require consideration in 2002 for openings in 2003. Proposals should include specification of decision points such as the March Council meeting.

B.5. Identification of Management Objectives and Preliminary Definition of 2002 Salmon Management Options (03/12/02; 1:05 pm)

B.5.a. Agendum Overview

Mr. Tracy presented the agendum overview.

B.5.b. Report from the Pacific Salmon Commission

Mr. Bohn presented the Pacific Salmon Commission (PSC) PSC report (Exhibit B.5.b, Supplemental PSC Report).

Dr. Gary Morishima presented Exhibit B.5.b, Supplemental PSC PowerPoint Presentation.

Mr. Anderson asked if necessary management information from Canada can be included in the Council's preseason documents. Dr. Morishima responded yes.

B.5.c. Report of the Klamath Fishery Management Council (KFMC)

Mr. Paul Kirk presented the report of the KFMC (Exhibit B.5.c, Supplemental KFMC Report).

B.5.d. Report of the California Fish and Game Commission

Mr. Boydston presented the report of the California Fish and Game Commission (CFGF), indicating a preliminary allocation of 15% of Klamath fall chinook to the river sport fishery, with the understanding that any adult spawners not used in the ocean fishery will be transferred to the river sport fishery.

B.5.e. NMFS Recommendations

Mr. Robinson presented the NMFS report on Endangered Species Act (ESA) guidance (Exhibit B.1, Supplemental Attachment 1).

Mr. Roth asked if the 31% replacement rate for Sacramento winter chinook was no longer a requirement. Mr. Robinson responded that the 31% replacement rate expired with the previous Biological Opinion (BO), and the new Biological Opinion requires no substantial change in season timing and duration. Mr. Roth responded that the Council would have to determine what substantial was. Mr. Dan Viele indicated that the guidance letter (Exhibit B.1, Supplemental Attachment 1) provided some criteria for determining substantial change.

Mr. Boydston asked for clarification on the Oregon coastal natural coho (OCN) target. Mr. Robinson responded that 15% total ocean and freshwater exploitation rate is a hard ESA constraint, but NMFS recommends taking into account the conservation concerns the state of Oregon has raised, and that 9% to 11% is acceptable for that purpose.

B.5.f. Tribal Recommendations

Mr. Harp presented State/Tribal Puget Sound management objectives (Exhibit B.5.f, Supplemental WDFW/Tribal Recommendations). Mr. Anderson indicated that these conservation objectives were the result of State and Tribal meetings and agreement.

Mr. Mike Orcutt, Hoopa Valley Tribe reported that the Klamath tribes advocate full utilization of Klamath River stocks, but ESA constraints are prohibiting full utilization. The early opening of Oregon commercial fisheries on March 20 may have additional impacts to Klamath spring chinook.

Mr. Harold Blackfoot and Mr. Mike Matylewich presented comments on behalf of the four Columbia River treaty tribes. Mr. Blackfoot reported that the 2001 Columbia River juvenile outmigration was one of the worst on record, and future returns will reflect decreased survival. The tribes expect the states to allow 50% of the upriver coho to pass Bonneville Dam. The tribes are concerned with the reliance on mark selective fisheries.

Mr. Jim Harp presented the NW tribal report (Exhibit B.5.f, Supplemental Preliminary Definition of 2002 Management Options: Tribal Recommendations).

#### B.5.g. State Recommendations

#### **WDFW**

Mr. Anderson noted that the Washington recommendations are reflected in the SAS Report. Management constraints include returning 50% of the upriver coho to Bonneville Dam, OCN exploitation rates, constraints on Puget Sound chinook, the U.S. - Canada agreement relative to interior Fraser coho management unit, and *U.S. v. Oregon* and *U.S. v. Washington* court orders.

#### **CDFG**

Mr. Boydston noted that CDFG held an annual salmon informational meeting February 23, and the preliminary options in the SAS report reflect the outcome of that meeting.

#### **ODFW**

Mr. Bohn presented the ODFW position on integration of OCN and lower Columbia River (LCR) natural coho management (Exhibit B.5.g, ODFW Recommendations), which calls for OCN impacts of 9.4% to 10.9% in ocean fisheries as a surrogate for lower Columbia River natural coho.

Mr. Boydston asked if any Council advisory bodies had reviewed the ODFW analysis. Mr. Tracy responded that the report was part of the briefing materials sent out to the SSC, STT, and SAS. Dr. McIsaac indicated that review of the report was not identified on the SSC agenda. Mr Roth indicated that the report represented a tool to explain the calculation of harvest rates, not a new analysis.

Mr. Anderson observed that ODFW presented the report to WDFW staff and constituents, allowing them time to digest the content of the report.

#### B.5.h. Reports and Comments of Advisory Bodies

#### **SAS**

The Salmon Advisory Subpanel members presented the proposed initial management measures (Exhibit B.5.h, Supplemental SAS Report).

#### B.5.i. Public Comment

Mr. Joel Kawahara, Washington troller  
Mr. Don Stevens, Newberg, Oregon

#### B.5.j. Council Recommended Initial Options for STT Collation and Description

The Council recommended that the STT use Exhibit Report B.5.h, Supplemental SAS Report for STT collation and description with the following modifications:

Mr. Anderson asked that the Option II recreational fishery north of Cape Falcon open May 19 and close June 9.

Mr. Boydstun recommended that the Fort Bragg commercial fishery include one option with an OCN impact of 0.2% or less. For the San Francisco commercial fishery, include one option with an OCN impact of 0.8% or less with July being the closure period if necessary. For the Fort Bragg recreational fishery include one option with a closure from July 9-31 with an objective of an OCN impact of 1.5% or less for the area south of Horse Mt.

Mr. Anderson requested that for the north of Cape Falcon recreational fishery, opening dates for the all species fishery should be aligned in one option. For the commercial fishery he requested a placeholder for an April 20th opener in 2003.

B.6. Council Recommendations for 2002 Management Option Analysis (03/14/02; 10:09 am)

B.6.a. Agendum Overview

Dr. McIsaac presented the agendum overview.

B.6.b. Report of the STT

The STT presented the preliminary analysis of OCN impacts (Exhibit B.6.b, Supplemental STT Report). Mr Grover requested additional guidance to achieve the OCN objective.

B.6.c. KFMC Comments

None.

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

None.

B.6.e. Public Comments

None.

B.6.f. Council Direction to the STT and Salmon Advisory Subpanel on Option Development and Analysis

Mr. Boydstun requested the STT reduce July time in the Fort Bragg recreational fishery Option I and III, to achieve a 0.7% OCN impact, and that Option II impacts in Fort Bragg and South of Arena be the same as Options I and III. For commercial fishery Option I in Fort Bragg, zero out OCN impacts. For Option III, eliminate one month (July or August) and apply a quota if necessary to achieve 0.2% OCN impacts. For south of Point Arena Option I, reduce time in May to achieve 1.0% OCN impacts. For Option II in the San Francisco area, reduce time in May to achieve 0.8% OCN impacts. For Option III in the San Francisco area, reduce time in June to achieve 0.8% OCN impacts.

Mr. Boydstun asked if the relatively high Fort Bragg OCN impacts were based on the historical effort assumed in the model, and whether by reducing chinook targeted fishing time the model would indicate reduced OCN impacts. Mr. Burner responded yes.

Mr. Bohn asked if chinook or other constraints would limit OCN impacts. Mr. Burner responded that Klamath impacts should not be limiting.

Mr. Anderson stated that the north of Cape Falcon fisheries' OCN impacts were similar to historical levels. He observed that OCN impact allocation is frequently the constraining factor in ocean fisheries.

Mr. Bohn observed that OCN impacts much greater than 11% in ocean fisheries will eliminate Columbia River inside fisheries.

Mr. Anderson stated that his target was for 9.4% to 11.4% in order to achieve the inside fisheries.

Dr. McIsaac indicated that the STT will need additional guidance to achieve three options of less than 11.4% OCN impacts.

Mr. Lone asked if chinook constraints would further limit OCN impacts. Mr. Simmons responded that the Snake River index impacts are within limits and Coweeman tules are not expected to be limiting.

Mr. Boydston recommended expanding the KMZ recreational July closure to achieve 1.1% OCN impacts, similar to 2000 levels. Mr. Bohn agreed.

Mr. Harp indicated that treaty troll impacts on OCN similar to the recent two years for Option II would be appropriate, pending discussions with WDFW.

Mr. Milward requested guidance on the Option I north of Cape Falcon commercial coho and Option II chinook/coho trade. Mr. Anderson responded that the coho should be modeled in the commercial area 1 all species fishery, and the trade should be modified to allow the commercial fishery to proceed as structured.

Mr. Lone requested an explanation of why south of Cape Falcon and KMZ OCN impacts are so much greater than in 2001. Mr. Burner responded that the new KOHM base period and effort predictions affect the outcome.

Mr. Bohn requested Option I central Oregon recreational coho quota be changed to 25,000 and Option II be changed to 20,000.

Mr. Roth indicated that the Council needed to craft an option with OCN impacts no more than 9.4%. Mr. Bohn responded that the total OCN impacts, including freshwater impacts would have to be around 10.5% to achieve a marine exploitation rate on LCR coho of 9.5%.

Mr. Anderson indicated that the total OCN impacts he is targeting is 10.5% to 12.5%, including freshwater and Buoy-10 impacts, to achieve a LCR impact rate of 9%-11% marine exploitation, which will leave sufficient impacts for Columbia River inside fisheries resulting in a total exploitation rate of 14% on LCR natural coho.

Mr. Harp requested the STT maintain interior Fraser coho impacts at no more than 10%.

#### B.7. Salmon FMP Amendment Scoping (03/15/02; 8:50 am)

##### B.7.a. Agendum Overview

Mr. Tracy presented the agendum overview.

##### B.7.b. Central Valley Conservation Objective

Mr. Dan Viele presented the NMFS report on the proposed FMP amendment (Exhibit B.7.b, NMFS Report).

##### B.7.c. Oregon Coastal Natural (OCN) Conservation Objective

Mr. Bohn presented the ODFW report (Exhibit B.7.c, Supplemental ODFW Report). He indicated that the technical appendix for the OCN workgroup matrix should be completed and reviewed by the SSC and STT by the November 2002 meeting. He felt that the matrix could be adopted as a technical amendment, but that the allocation issues associated with the matrix should be resolved in an FMP amendment, which could

include the matrix as well. He observed that the current allocation schedule for coho south of Cape Falcon is not designed to accommodate selective fisheries.

B.7.d. Coho Allocation South of Cape Falcon

Provided in Exhibit B.7.c, Supplemental ODFW Report.

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

**SAS**

Mr. Cedergreen presented the SAS report (Exhibit B.7.e, Supplemental SAS Report).

B.7.f. Public Comment

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

B.7.g. **Council Action:** Identify Salmon FMP Amendment Issues and Schedule

Mr. Boydston asked if the Council meeting served as a scoping session (the first of a four meeting process as outlined in the COPs). Mr. Tracy responded that this meeting could serve that purpose if the Council determined that adequate input had been received.

Mr. Boydston moved (Motion 13) that the Council move forward with the amendment addressing Central Valley chinook.

Mr. Thomas seconded the motion.

Motion 13 passed.

Mr. Bohn moved (Motion 14) to move forward with the schedule for scoping of allocation issues as displayed in the ODFW report, and completion of the technical appendix for the OCN workgroup matrix by the November 2002 Council meeting.

Mr. Brown seconded the motion.

Mr. Tracy observed that the scheduled proposed by ODFW would result in implementation of the FMP amendment in the 2005 season.

Mr. Robinson asked if the matrix could be adopted as part of the Central Valley chinook amendment since most of the work was completed. Mr. Bohn responded yes. Mr. Robinson indicated that the Council could then consider a 3-part amendment, encompassing the OCN matrix, Central Valley winter and Central Valley spring chinook, with the first draft available at the November 2002 Council meeting. Mr. Tracy responded that the Council should consider how to approach the process, separate amendments for chinook and coho, or one amendment for all issues, or some combination thereof.

Dr. McIsaac asked Mr. Bohn to restate the motion emphasizing the schedule. Mr. Bohn responded that the motion (Motion 14) was to move forward with the schedule for scoping of allocation issues as displayed in the ODFW report, and completion of the technical appendix for the OCN workgroup matrix by the November 2002 Council meeting. He indicated that adopting the coho allocation amendment in March 2004 and implementing it in the 2005 season was satisfactory.

Dr. McIsaac asked if the June 2002 Council meeting would serve as the scoping meeting for the allocation issue. Mr. Bohn responded said yes.

Mr. Boydston stated his concern for combining the issues into one FMP, especially the allocation issues, which could delay implementation of the Central Valley chinook amendment.

Motion 14 passed.

Mr. Brown requested the Council staff provide information on other salmon species in the FMP without conservation objectives. Mr. Tracy responded that the information would be provided at a subsequent Council meeting.

**B.8. Council Direction for 2002 Management Options (03/15/02; 8:03 am)**

**B.8.a. Agendum Overview**

Mr. Tracy presented the agendum overview.

**B.8.b. Reports and Comments of Advisory Bodies**

**STT**

Mr. Simmons presented the STT analysis (Exhibit B.8.b, Supplemental STT Report).

**B.8.c Public Comment**

None.

**B.8.d. Council Guidance and Direction**

Mr. Boydston noted that OCN impacts in the KMZ are being modeled on historical fisheries that don't currently exist, and abundance scaling is not used. He requested an analysis of input variables in the Fort Bragg area prior to the April Council meeting. He recommended an option with a May and August commercial fishery in the Fort Bragg area, modeled to achieve the Klamath chinook escapement objective, and allow OCN impacts to be greater than the 12.5% ocean exploitation rate maximum recommended by Oregon. The fishery would represent a placeholder pending review of the OCN input variables. Mr. Robinson responded it is acceptable to present an option for public review with greater OCN impacts than the Council's objective provided it is adequately explained.

Mr. Robinson asked the STT if they could review the FRAM model prior to the April Council meeting. Mr. Burner responded the STT discussion indicated it would be a difficult task. Mr. Grover responded that the STT could further discuss the issue.

Mr. Anderson asked if the proposed May and August Fort Bragg commercial fishery could be monitored. Mr. Boydston responded yes.

Mr. Anderson asked which month, May or August had the greatest relative OCN impacts. Mr. Burner responded May was the greatest.

Mr. Boydston noted that applying a quota would not alleviate the problem since the coho contact rate would be similar. Mr. Grover responded that both the effort predictor and the contact rate affected the outcome. He indicated that an economist may be able to help resolve the effort predictor component by relating historic and current fleet size and effort.

Mr. Boydston recommended including the May and August Fort Bragg commercial fishery in Option I and footnoting that the impacts exceed the Council's objective for OCN, and additional analysis is pending. Mr. Anderson responded that the entire option should be footnoted, not just the Fort Bragg fishery. Mr. Bohn agreed.

Mr. Roth noted that the SSC had responsibility for methodology review. Mr. Boydston responded that the FRAM would not be modified, just an input variable into the FRAM.

Mr. Boydston recommended an option with a KMZ sport fishery through July 4. Mr. Bohn responded that adding days in July was costly in terms of days outside of July, at the rate of about two to one. Mr. Brown responded that the July 1 to 4 fishery could be included in one option to demonstrate the cost. Mr. Boydston requested the STT provide an analysis of the relative cost of the July 1 to 4 fishery.

B.9. Salmon Hearings Officers (03/15/02; 1:24 pm)

B.9.a. Agendum Overview

Mr. Tracy presented the agendum overview.

B.9.b. **Council Action:** Appoint Hearings Officers

The Council appointed the following hearing officers:

Date Time/Day	Location	Council	NMFS	USCG	Staff	Salmon Team
April 1 Monday 7 p.m.	Chateau Westport Beach Room 710 West Hancock Westport, WASHINGTON 98595	J. Lone (officer) P. Anderson J. Harp	B. Robinson	B. Corrigan	J. Gilden	D. Milward
April 1 Monday 7 p.m.	Red Lion Hotel South Umpqua Room 1313 N Bayshore Drive Coos Bay, OR 97420	B. Bohn (officer) H. Radtke	C. Wright	J. Jackson J. Close	C. Tracy	M. Burner
April 2 Tuesday 7 p.m.	Red Lion Hotel Eureka Evergreen Room 1929 Fourth Street Eureka, CALIFORNIA 95501	J. Caito (officer) LB Boydston	D. Viele	P. Duryea	C. Tracy	A. Grover

B.10. Adoption of 2002 Management Options for Public Review (03/15/02; 1:53 pm)

B.10.a. Agendum Overview

Mr. Tracy presented the agendum overview.

B.10.b. Report of the STT

Mr. Simmons presented the STT report (Exhibit B.10.b, Supplemental STT Report) and highlighted changes from the previous package.

Mr. Anderson requested the footnote for Option I regarding exceeding the OCN objective be included in the final version.

Mr. Harp noted that the treaty troll fisheries were being shaped to reduce impacts on Puget Sound and Interior Fraser coho as well as OCN.

B.10.c. Reports and Comments of Advisory Bodies

None.

B.10.d. Public Comments

Dave Bitts, KFMC, California  
Don Stevens, Oregon troller, Newberg, Oregon  
Duncan MacLean, California troller, El Granada, California

B.10.e. **Council Action:** Adopt 2002 Salmon Management Options for Public Review

Mr. Harp read the following statement of the Hoopa Valley Tribe:

*The Hoopa Valley Tribe (Tribe) expresses concern that ESA constraints to ocean fisheries are adversely affecting total allocation of Klamath chinook to tribal harvest. The Tribe is committed to exploring a solution to this issue within the KFMC. The solution would be consistent with several principles previously developed by the KFMC. These include (1) the concept of full-utilization of the harvestable surplus and, (2) that limitations to harvest resulting from ESA constraints on other stocks should not compromise the ability to fully utilize Klamath fish by fisheries which are not constrained. Absent ESA constraints to ocean fisheries, the allocation th the Yurok and Hoopa Valley tribes would have approximated 52,000 adult chinook in the 2002 management year. In developing its management alternatives, the Tribe shall compare the conditional allocation of 52,000 adult fish to the alternatives developed by the PFMC today.*

*The Tribe reserves the option to develop full utilization strategies for Klamath Basin spring chinook. The Tribe has repeatedly called for the KFMC to develop spring chinook management strategies, has noted instances of unregulated impacts to spring chinook in other fisheries, and recognizes an opportunity to exploit this stock. In 2001 the Tribe shared with the KFMC its proposed harvest management plan for a commercial fishery for spring chinook. This plan recognized a strong hatchery component in the annual return of spring chinook to the Trinity River Hatchery. Further, the Tribe addressed a method for minimizing impacts th the non-hatchery component of the run to provide protection to these sub-stocks.*

Mr. Anderson moved (Motion 19) that the Council adopt the ocean salmon fishery management options for public review as proposed in the Exhibit B.10.b, Supplemental STT Report.

Mr. Lone seconded the motion. Motion 19 passed.

Mr. Anderson noted that the Quileute Tribal proposal for a charter fishery (Exhibit B.5.f, Supplemental Quileute Information 1 and 2) was not included in the Council adopted treaty fishery options that are going out for public review. Mr. Harp responded that there were no proposals for tribal suballocation for charter fisheries.

Mr. Bohn moved (Motion 20) to reconsider Motion 19. Mr. Brown seconded. Motion 20 passed.

Mr. Bohn moved (Motion 21) to include the following amendments to Motion 19: Commercial Option II, Cape Falcon to Florence south jetty: March 20 through June 30; August 1 through August 29. Florence south jetty to Humbug Mt. March 20 through July 21; August 1 through August 29. Humbug Mt. to Oregon/California border in July, change the quota to 3,000 in Option II and to 4,500 in Option III.

Mr. Brown seconded the motion.

Mr. Bohn observed that there are two other key issues in these options: Option 1 does not meet inside management needs for Columbia River late hatchery coho, and may not meet the needs for LCR natural tules.

Motion 21 passed.

**4 PM Public Comment Period for Fishery Issues Not on the Agenda (03/13/02; 3:54 pm)**

Mr. Mark Cedergreen, representing Washington Recreational Fisheries Association, spoke about salmon marking from Mitchell Act funding. They are concerned that the funding is eroding and wish to establish an agenda item to answer the questions contained in the public comment period exhibit "Request for Mitchell Act Funding". Council members spoke to the fact that they would like to have a discussion on this issue at



the April meeting and felt it was important to talk about it. Mr. Tim Roth, USFWS, said he could answer some of those questions. There could be some serious decline in program funding if the Mitchell Act funding deteriorates. Mr. Anderson requested both NMFS and USFWS coordinate their report to the Council.

Mr. Mike Orcutt and Mr. Lloyd Farris, Hoopa Valley Tribe. (Referred to the letter he provided under public comment).

Mr. Brian Peterson, Shrimp Producers Marketing Cooperative. He hoped to see shrimp related issues on this agenda. (Referred to his 4 pm public comment letter). Talked about fish excluders.

Mr. Dave Bitts, Humboldt Fisherman's Marketing Association. There has been a real positive change in the salmon process. The salmon team is great and they are really interested in making the numbers reflect what is really out there. Three of the people have shown outstanding dedication in eliminating bias in the numbers. Talked very highly about the KOHM. Recognized the California members of the STT.

Mr. Dave Hillemeier, Yurok Tribe, commented on the advisory panel appointments. He talked about the letter from the Yurok tribe which we have.

Dr. Don McIsaac made a note of the written letters received under public comment which have not been spoken to.

### **C. Habitat Issues**

#### **C.1. Essential Fish Habitat Issues**

##### **C.1.a. Report of the Habitat Steering Group (HSG)**

Mr. Paul Heikkila provided the report of the HSG (Exhibit C.1.a, Supplemental HSG Report). He noted that Dr. McIsaac had suggested changing the name of the HSG. In Council discussions on Friday, the name was changed to the Habitat Committee. Mr. Heikkila also mentioned that the Hoopa Valley Tribe gave them a report on a record of decision (ROD) on Trinity River flows. The ROD allowed almost 50% of historical flows in the Trinity. It was challenged by the San Joaquin Irrigation District, and the challenge is being heard by a Fresno judge.

Mr. Bernie Bohn said that ODFW will need to see any letter about Klamath/Trinity flows long before the April council meeting due to the contentiousness of the issue. Mr. Heikkila said the letter may not be ready until the June meeting.

##### **C.1.b. Reports and Comments of Advisory Bodies**

###### **Tribes**

Mr. Dave Hillemeier, Yurok Tribe, commented on Klamath flow issues. He talked about the Bureau of Reclamations (BOR) biological opinion (BO) on Klamath flows and described how the low flows called for by the BO would harm fisheries. He asked that in reviewing the HSG's letter on Klamath flows, the Council be willing to represent the concerns of the fisherman, and not just the water users in the upper Klamath Basin.

##### **C.1.c. Public Comment**

Mr. Paul Engelmeyer, National Audubon Society, Yachats, Oregon, voiced his support for the letter to the Federal Energy Regulatory Commission, and reported on a United States Geological Survey (USGS)/EPA study that found PCBs and DDT in salmon smolts in coastal basins. He urged the Council to get a briefing from the EPA on this issue. Mr. Engelmeyer also talked about the Klamath Water Operations Plan, and

urged the Council to stay engaged with this issue in regard to salmon. Finally, he urged the Council to be involved in Columbia River dredging issues.

Mr. Joel Kawahara, troller, read from the Pacific Salmon Treaty to emphasize the importance of habitat issues for natural stocks.

**C.1.d. Council Action:** Consider Habitat Steering Group Recommendations and Take Action if Necessary

Dr. McIsaac noted that the name change of the HSG will be dealt with under Agenda Item I.3. He gave some background about the name and purpose of the HSG and said that the HSG's request for a name change would be dealt with on Friday.

Mr. Ralph Brown noted that in terms of a HSG subpanel dealing with habitat areas of particular concern, normally a subpanel reports back to the full group rather than reporting directly to the Council.

Other Announcements

Mr. Dave Bitts, representing California Trollers, announced the annual fisheries forum is at the Capitol this week. He invited the entire Council family to attend the reception on Wednesday evening. Dr. McIsaac said we are still working on transportation arrangements.

Mr. Anderson, under B.5.f, the tribal recommendations on salmon, there were two exhibits that were distributed (Supplemental Quileute Reports) - Resolution A-73 and A-74. These issues were discussed last year during the North of Falcon process. From WDFW's perspective there are two avenues that a tribal fishery could occur 1) the catch that would take place would be accounted for under the tribal ocean share (the historic treaty troll share - which has legal issues such as certain restrictions on who may participate in the prosecution of a tribal fishery as well as a state statute of having a non-Indian being onboard a tribal fishing boat catching fish); 2) it could occur by having the catches subtracted from the non-Indian share for that area; if that were to occur, those vessels and anglers would have to have the appropriate licenses from WDFW as well as the tribes licenses (if they wanted). If the first scenario were the intent - those fish were to be subtracted from the tribal share, that would need to go out as a part of the options for consideration between now and the April council meeting. There was no testimony or recommendation that came from the tribes under this agenda item.

**D. Marine Reserves**

**D.1. Status of National Marine Sanctuary Processes Pertaining to Marine Reserves (03/13/02; 8:06 am)**

**D.1.a. Agendum Overview**

Mr. Jim Seger gave a brief overview of the reference materials. The major issue was the California process for considering marine reserves in state waters of the Channel Islands National Marine Sanctuary (CINMS). He noted no Council action was anticipated at this meeting. The joint scoping document for revisions to the sanctuary management plans for Monterey Bay, Farallone Islands and Cordell Banks national marine sanctuaries was provided to Council members in Exhibit D.1.a, Attachment 1.

**D.1.b. Agency Reports and Comments**

**CDFG**

Ms. Maria Vojkavich gave an update on the California process for considering marine reserves in the CINMS. The CFGC received public comment at its February meeting and will continue to accept comments throughout the process. CDFG is preparing an environmental document pertaining to the establishment of

marine reserves in the Channel Islands off the southern California coast and will forward the document to the Council as soon as it is completed.

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

**HSG**

The Supplemental HSG Report was read by Mr. Seger.

The Habitat Steering Group (HSG) discussed the State of California marine reserves process, the Channel Islands Marine Reserve development process, and the Cordell Banks/Monterey/Farallon Islands Marine Reserve process. We were concerned about the following items:

1. The California alternatives do not appear to address any specific groundfish rebuilding goals.
2. The Channel Islands effort targets biodiversity, but does not address how their plans will fit into the Council's concern with rebuilding groundfish stocks.
3. We do not have specific proposals from the Cordell Banks/Monterey/Farallon Islands process at this time.

There was a consensus the Council should request that these other entities provide some analysis of how their proposals fit in with rebuilding objectives. At the same time, we recommend the Council set goals for marine protected areas and describe how they fit with external proposals.

D.1.d. Public Comment

Mr. Chris Miller, California Lobster and Trap Fishermen's Association; Santa Barbara, California,  
Mr. Richard Charter, Environmental Defense; Oakland, California  
Mrs. Kathy Fosmark, Alliance of Communities for Sustainable Fisheries; Pebble Beach, California

D.1.e. Council Discussion and Guidance on Status of National Marine Sanctuary Processes Pertaining to Marine Reserves

Mr. Boydston noted that the SSC's review of the reserve size issue had been quite helpful to the CFGC. This is not just one issue there are a lot of things involved in this proposal (biodiversity and fisheries). Integrating biodiversity and fisheries is difficult. The Council's situation paper on this issue notes that marine reserves for the CINMS relates to an objective in our strategic plan. Mr. Boydston suggested that at the April meeting the Council form a working group to review all the analytical documents developed for the state process and develop Council recommendations. At a later time prior to the June meeting, that group should get together with National Oceanic and Atmospheric Administration (NOAA) General Counsels for NMFS and the sanctuary program to receive information on what the legal parameters are and what is expected of the Council pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (MS-Act) and Sanctuary Act.

Mr. Brown noted that the Council continues to work on the marine reserve issue even though other urgent issues, some with Congressional deadlines, have been set aside due to workload constraints and marine reserves were given a lower priority relative to some of these other issues when priorities were set for the actions called for in the strategic plan.

Mr. Anderson expressed appreciation for Mr. Brown's comments but noted that the letter the Council sent the CFGC, asked CFGC not to take any action until the Council had opportunity to review the documents. The Council has already committed to that and it needs to follow through. He supported Mr. Boydston's approach.

## **E. Pacific Halibut Management**

### **E.1. NMFS Report (03/13/02; 8:43 am)**

#### **E.1.a. Status of Council Management Measure Recommendations for 2002**

Ms. Yvonne deReynier presented the NMFS report (Exhibit E.1.a, Attachment 1)

#### **E.1.b. Council Discussion**

None.

### **E.2. Report on International Pacific Halibut Commission (IPHC) Annual Meeting (03/13/02; 8:45 am)**

Mr. Lone presented the summary of the January 22-25, 2002 International Pacific Halibut Commission IPHC meeting in Seattle and associated materials (Exhibit E.2, Attachments 1-8). He reported there was confusion regarding Area 2A bycatch estimates between Area 2A representatives and IPHC staff resulting from discrepancies with the information provided to the IPHC from NMFS Northwest Fisheries Science Center (NWFSC).

Dr. McIsaac noted the confusion resulted from a communication problem between the IPHC, NMFS, and Area 2A representatives, and that correspondence among the parties (Attachments 5-8) is intended to prevent such communication problems in the future.

Mr. Robinson indicated that the NWFSC has already instituted protocols addressing the issue.

### **E.3. Proposed 2002 Incidental Catch Regulations for the Salmon Troll and Fixed Gear Sablefish Fisheries (03/12/02; 8:54 am)**

#### **E.3.a. Agendum Overview**

Mr. Tracy presented the agendum overview.

#### **E.3.b. State Proposals for the Salmon Troll Fishery**

## **ODFW**

Mr. Bohn indicated that Oregon proposed the status quo option.

## **WDFW**

Mr. Anderson inquired about including a more conservative option for public review because the chinook allocation in the May-June fishery is likely to be greater than 2001, and although the halibut quota is slightly greater, the 2001 halibut quota was obtained by June 8.

Mr. Anderson stated that WDFW has asked NMFS to expand the recreational halibut hotspot closed area (between Neah Bay and LaPush) 4 nautical miles to the south, to include areas believed to result in high incidental catch of yelloweye rockfish. He proposed to include the expanded hotspot closure in the options for incidental halibut retention in the non-Indian commercial salmon fishery (See Exhibit E.3.b, supplemental WDFW Proposal).

Ms. Cooney requested clarification on the fisheries affected by the proposed closure of the expanded halibut hotspot. Mr. Anderson responded the WDFW will propose the area be closed to all fishing, not just Halibut fishing.

### E.3.c. State Proposals for the Fixed Gear Sablefish Fishery

#### WDFW

Mr. Anderson presented Exhibit E.3.c, WDFW Proposal and Supplemental WDFW Proposal 2. One of the options included closure of the expanded halibut "hotspot" area for protection of yelloweye rockfish.

Mr. Brown asked about the fisheries affected by closure of the halibut hotspot. Mr. Anderson responded that the intent was to close the area to the fixed gear sablefish, non-Indian commercial salmon, recreational salmon, and recreational halibut fisheries during times that halibut retention was permitted. Mr. Brown indicated that implementation may require groundfish management measures as well, and include GAP and GMT input.

Mr. Alverson asked if stacked permits on a vessel allowed incidental halibut catch for the combined sablefish allotment, or just the primary vessel permit as was the case in 2001. Mr. Anderson responded that the entire vessel allotment would be included in the halibut landing ratio. Mr. Alverson remarked in that case, the number of sablefish permits fishing in 2002 may be considerably higher than the number of vessels/permits in 2001.

### E.3.d. Tribal Comments

Mr. Jim Harp presented the tribal comments (Exhibit E.3.d, Supplemental Tribal Comments). He remarked that the tribes were considering opening their commercial halibut fishery March 18 for 48 to 60 hours without landing restrictions, and opening a second fishery for 30 days with landing restrictions.

### E.3.e. Reports and Comments of Advisory Bodies

#### SAS

Mr. Jim Olson presented the SAS recommendation (Exhibit E.3.e, Supplemental SAS Report).

Mr. Brown asked about the effect of the halibut hotspot closure on the salmon troll fishery. Mr. Olson responded that the area was included in the Cape Flattery control zone closure so effects would be negligible.

### E.3.f. Public Comment

None.

### E.3.g. **Council Action:** Adopt Proposed 2002 Incidental Halibut Catch Regulations

Mr. Anderson moved (Motion 4) to adopt for public review the options in Exhibit E.3.c, Supplemental WDFW Proposal 2 for incidental halibut landings in the fixed gear sablefish fishery.

Mr. Lone seconded the motion.

Mr. Robinson asked if an inseason closure would be included in the motion in case of reaching the halibut quota prior to the end of the sablefish fishery. Mr. Anderson responded yes.

Mr. Brown requested an update on implementation of the potential halibut hotspot closure in regards to groundfish fisheries at the April Council meeting.

Motion 4 passed.

Mr. Anderson moved (Motion 5) the Council adopt for public review the following options for the incidental catch of halibut in the non-Indian commercial salmon fishery: 1) status quo regulations from 2001 - one halibut for each 3 chinook plus one additional halibut; 2) the regulations put in place for 1999 -one halibut for each 5 chinook plus one additional halibut, and 3) an option for the closure of the halibut "hotspot" area as defined

in the Pacific Council Halibut Catch Sharing Plan in the North Coast subarea (Washington Marine Area 3), and extending the closure south to 48°00'00"N latitude, for protection of yelloweye rockfish.

Mr. Alverson seconded the motion.

Motion 5 passed.

Mr. Brown requested that at the April meeting the Council look at the distribution of yelloweye that are in sablefish landings that have halibut landed as an incidental catch vs. those that have sablefish absent halibut in the landings.

## **F. Groundfish Management**

### **F.1. NMFS Report (03/13/02; 10 am)**

#### **F.1.a. Status of Amendment 14**

Mr. Bill Robinson reported on a list of regulatory actions that occurred since the last Council meeting.

Ms. deReynier reported on the status of Amendment 14 (sablefish permit stacking) and a list of questions for the Council concerning implementation of the permit stacking regulations which are contained in Exhibit F.1.a, Attachments 1 and 2). She requested that the Council consider the questions in detail at the April Council meeting when she could provide a document with redline and strikeout for the Council to see the results of different answers to the questions.

Ms. Cooney agreed with the need to consider the permit stacking issues in April and stated the Council needs to carefully consider the various permit owner restrictions and the breadth of their impacts (e.g., the definition of the word "hold" with regard to controlling the ownership or leasing of a permit).

Ms. deReynier also noted that the PacFIN data committee has requested that the fish tickets have a spot for permit numbers.

Mr. Alverson requested that the Groundfish Advisory Subpanel (GAP) be asked to review the permit stacking issues for the next meeting. He believes they can flesh out the important issues and it would not be as complex as NMFS has indicated.

Mr. Anderson reported on state enacted closures to protect yelloweye which affect recreational halibut fishers in the area of LaPush. Meetings were held with the fishermen and the State enacted a zero bag limit for yelloweye in the Washington recreational fishery and recommended that NMFS do the same in federal regulations. By emergency rule, the State also extended the halibut hotspot closed area southward to prevent heavy concentrations of anglers from catching and releasing yelloweye.

#### **F.1.b. Stock Assessment Review (STAR) Process Update**

Dr. Elizabeth Clarke reported on the STAR process and noted changes in meeting dates.

#### **F.1.c. Observer Program Update**

Dr. Clarke gave an update on the observer program. They are planning a larger report at the April Council meeting.

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

**SSC**

Dr. Tom Jagielo provided Exhibit F.1.d, Supplemental SSC Report.

F.1.e. Public Comment

Mr. Tony Pettis, fisherman; Newport, Oregon

Mr. Mike Pettis, fisherman; Newport, Oregon

F.1.f. Council Discussion on NMFS Reports on Status of Amendment 14

The Council discussed the complexities of the permit stacking issues in Amendment 14. Ms. Cooney noted problems with the ownership issue and the definition of "hold" as well as how many permits you can have registered to your boat. Mr. Alverson believes the control is with the ownership of the permit holder and not the boat owner. He wanted to know where and when the Council started tying the ownership of the boat to the ownership of permit? Mr. Robinson said the association of owning and holding goes back to Amendment 6.

Mr. Alverson asked that this topic be on the April agenda item (with the same situation paper) and request the GAP to comment and provide recommendations on how to deal with it.

F.2. Pacific Whiting Harvest Levels for 2002

F.2.a. Agendum Overview (03/13/02; 11 am)

Mr. John DeVore listed the reference materials for the Council.

Ms. Cooney gave a summary of the results of the court case concerning the treaty tribes' allocation of Pacific whiting. The Court basically said NMFS needs to justify whatever allocation is used based on the best science available. At the present time, NMFS plans to proceed with the current sliding scale allocation as we believe that is the best and only science available at this time. In the future, NMFS will have to scientifically justify the allocation, whether it be the current one or something developed that is different. So far, the only submissions regarding science are from NMFS and tribes.

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

**Stock Assessment Authors**

Dr. Tom Jagielo and Dr. Helser held a question and answer period about the Stock Assessment of Pacific Whiting in U.S. and Canadian Waters in 2001 (February 2001), Exhibit F.2, Supplemental Attachment 2.

**SSC** (03/13/02; 1 pm)

Exhibit F.2.b, Supplemental SSC Report was given by Dr. Jagielo.

**GMT**

Exhibit F.2.b, Supplemental Attachment 4 was given by Dr. Jim Hastie.

F.2.c. Public Comment

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

Mr. Vidar Weststad, Pacific Whiting Cooperative; Lynnwood, Washington

Mr. Dave Benson, Trident Seafoods; Seattle, Washington

Mr. Rod Moore, West Coast Seafood Processors Association; Portland, Oregon  
Mr. Dennis Rydman, Merinos Seafoods; Westport, Washington

**F.2.d. Council Action:** Adopt Proposed 2002 Whiting Harvest Levels (03/13/02; 2:33 pm)

Mr. Boydstun noted that the growth of the whiting population can respond very quickly to an average recruitment. Under the current assessment, coastwide yield of whiting for this coming year is 162,000 mt and it would move to 217,000 mt the following year and then to 228,000 mt a year later. Mr. Jagielo clarified that this growth is also affected by the 40:10 policy.

Mr. Bohn moved (Motion 6) and Mr. Brown seconded that the Council adopt, for consideration, the third line of the table in the middle of Exhibit F.2, Supplemental Attachment 4 (i.e.,  $F_{40}$ , 1999 strength at high, coastwide acceptable biological catch (ABC) 251,000 mt; US ABC at 200,000; etc.)

Mr. Bohn said his motion is based on a review of the material and the Groundfish Management Team's (GMT) statement "regardless of which state of nature is assumed in 1999 recruitment, use of an  $F_{40}$  harvest rate in 2002 is estimated to result in a higher spawning biomass in 2003 even if the low recruitment scenario is the true state." He also referred to Supplemental Attachment 6 (Alternative 5, page 3 and page 21). On page 21 there is a biological matrix to review five essential biological issues. At least three of the issues (two, four, and five) are identical to the medium criteria used in the GMT table and say no measurable change over Alternative 1 which is status quo (190,000). The only place where this option is less conservative is in the area of fishing mortality and the recruitment assumptions. He noted that for the kind of disruption that might occur in the whiting fishery, if in fact we're going to be reviewing the issue for 2003 and make a more definitive decision based on better information on the 1999 brood, then one year of following our own 40:10 rule is precautionary and would get us where we need to go for the future.

Mr. Robinson said he is starting from the assumption that we're dealing with a stock that will likely be declared overfished based on the best available science and the Council will then have to develop a rebuilding plan. The plan must rebuild the stock as quickly as possible which, in the absence of fishing, is defined as a maximum of ten years. The language in the act does not say take the maximum, but rebuild as soon as possible. The objective is not just to increase the biomass, but put it on a plan that would get it close to the MSY level. He referenced the SSC statement of  $F_{40}$  being risk -neutral. That is the science. However, when we have applied our harvest policies in the past, we have adopted policies that are greater than 50% probability of rebuilding (not using a risk-neutral but a risk-adverse approach). We factor in economic factors. Risk adverse would require us to use  $F_{45}$  not  $F_{40}$ . He reminded the Council that due to the fact we are not operating under the old framework provisions, whatever is adopted will be a request for NMFS to do an emergency rule. This is the only way it can be implemented by April 1.

Mr. Anderson stated the considerations in his mind are resource conservation, fishing industry, and our legal obligations. We have received information from our STAR Panel, advisory bodies, and public. In making the determination of what harvest policy and what strength in terms of the 1999 year class to use, we need to consider the recent trends of the biomass, information on the 1999 year class, and the status of the stock. In looking at the 1999 year class, and the conversation about what we see on page 55 of the stock assessment – he feels that we should not be in on one of the "tails" neither high or low - but in the "high medium" side. We should look at the assumption of a 1999 year class that falls between medium and high. As far as harvest policy, you could choose current harvest policy and a more conservative approach to 1999 year class strength (an  $F_{40}$  harvest policy adjusted with the 40:10 rule and looking at a value between the medium and high. This would give a coastwide optimum yield (OY) of 190,500 mt (US OY of 152,400 mt) and a harvest rate exploitation rate of about 13.6%. That is a different approach than what Burnie had.

Mr. Brown did not feel comfortable on voting on the 1999 year class strength. Our assumption not only makes a big difference in what we choose for next year, but for the next number of years. He would prefer to pick a harvest level for next year with two recommendations for future actions: 1) explore further the calculation of  $B_0$  which may be much lower than we are projecting, and 2) further examination of the strength of the 1999 year class. It is a fast growing fish and should be showing up in the fishery this year.



He believes that it is a tremendously large year class. We should establish a harvest guideline for this year and see what it really is.

Chair Radtke called for a roll call vote on Motion 6: 5 yes, 8 no. Motion 6 failed.

Mr. Boydston moved (Motion 7) and Mr. Anderson seconded the following motion: that for 2002 management we adopt a coastwide OY of 190,500 mt based on an assumption of a recruitment event for the 1999 year class intermediate to the medium and high levels. This follows the recommendation provided earlier by Mr. Anderson.

Mr. Boydston said we are above the low recruitment level and not at the high. So we are somewhere in the medium range but the exact location cannot be pinpointed. Even if it is a medium recruitment there will be a 55,000 mt jump between 2002 and 2003. Taking half of that amount and adding it to the medium recruitment puts you right back at around 190,000 mt.

Mr. Bohn said he would vote for that. We could have downgraded his 40:10 rule about 10% to be at the same place.

Mr. Anderson said the US OY was 152,400 mt.

Mr. Brown asked Mr. Robinson about the different scenarios and different stock status. What criteria are you going to look at to determine overfishing? Mr. Robinson said it would be the B25 threshold established in the FMP; and we would be obligated to use the best available science at the time. He did not know when that evaluation would occur.

Mr. Brown said he would vote for the motion, but urged that we have future discussions about whether the stock is really overfished or not. What we vote on here does not matter in the fish world but in the political world.

Mr. Robinson said he wanted to remind the Council that it has been a long time since the Council has asked for an emergency rule. He has been instructed to vote no regardless of the motion.

Mr. Harp noted that the motion by Mr. Boydston was for a coastwide OY of 190,500 mt and 152,400 mt for the U.S. OY.

Mr. Anderson said that the ABC is mid-point between 251,000 mt and 208,000 mt.

Mr. Boydston clarified that the motion uses F40 with an intermediate recruitment assumption.

Chair Radtke called for a voice vote on Motion 7 which passed with Mr. Robinson recording a "no" vote.

Mr. Harp moved (Motion 8) and Mr. Bohn seconded that the whiting allocation for the Makah tribe in 2002 continue with the sliding scale that has been used in recent years. Under the ABC and optimum yield (OY) adopted in Motion 7, this would provide 25,000 mt for the tribe.

Mr. Harp noted that treaty fishing rights have been affirmed, including Pacific whiting, at 50% of the harvestable surplus passing through the usual and accustomed tribal fishing area (U & A). He also stated that the Makah tribe has done some scientific evaluation as well that indicates all of the whiting pass through their usual and accustomed area. The present sliding scale provides less than half of the total allowable harvest.

Mr. Robinson said he has read the 9th Circuit Court decision. It does not indicate the sliding scale allocation is wrong or that it is within the treaty right; but that we did not articulate appropriately how we got to it. He interpreted the Court as saying that prior to coming up with the allocation, we needed to use the best available science to determine what the allocation was based upon the amount of whiting that passed through the U&A. We think we have expressed what is the best available science and the sliding scale

allocation we agreed to with the Makah is in fact a reasonable accommodation of the tribes need and entitlement. He has not heard of anyone offering an alternative "science" to indicate that the entitlement should be something different. In the absence of any alternative he believes we should go forward with the sliding scale allocation.

Mr. Anderson supported Motion 8. He noted the tribes are entitled to a fair share. The quantification of whiting has not been litigated nor is he advocating that we do that. The motion is consistent with the treaty right and supports it.

Motion 8 passed. Mr. Caito voted no. Mr. Brown abstained.

F.3. Update on Revision of Amendment 12 - Rebuilding Plans (03/13/02; 3:36 pm)

F.3.a. Agendum Overview

Mr. Devore provided and agendum overview.

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

### **SSC**

Exhibit F.3.b, Supplemental SSC Report was provided by Dr. Jagielo.

### **GMT**

Exhibit F.3.b, GMT Report on Rebuilding Plans was provided by Mr. Brian Culver.

### **HSG**

Exhibit F.3.b, Supplemental HSG Report was provided by Mr. DeVore.

F.3.c. Public Comment

None.

F.3.d. Council Guidance on Completing Rebuilding Plan Amendments

Mr. Robinson noted we originally started out with an ambitious goal of completing the rebuilding amendments with all of the supporting documentation for the Council in April. He questioned, given the comments of the GMT and SSC and the progress that has been made, whether will we make that goal and if we might need to think about different scheduling?

Dr. McIsaac pointed out that the briefing book deadline for the April meeting is next Wednesday. That is when the drafts need to be very complete. If one wants to strive for a higher quality draft, then we should look at a delayed schedule. On Friday we will look at workload schedules and point out what that will be.

Mr. Robinson stated we are caught in a three way trap. We have been mandated by the court to get these done as quickly as possible. However, there is a great deal of new information coming in and Dr. Hogarth has asked all of the Council's to improve our ability to defend ourselves in the face of increasing litigation. To meet these requirements, all of the supporting documents need to be complete and accurate and in front of the Council before bringing action to a final vote. We should review our progress again in April and be able to lay out a specific schedule which we can do our best to meet.

#### F.4. Groundfish Strategic Plan Implementation (03/14/02; 8:24 am)

##### F.4.a. Agendum Overview

Mr. Dan Waldeck reviewed the topics covered under this item, how the information would be presented to the Council, and anticipated Council task. He also reviewed the briefing book material.

##### F.4.b. Multi-Year Management Cycle Update

Mr. Robinson spoke to Exhibit F.4.b, GMMC Report.

He noted the increased complexity of the groundfish management process is dominating Council workload. Multi-year management might be a way to ease the work burden and increase compatibility between science and management. He highlighted the requirements for full federal rulemaking, including public notice and comment. NMFS believes five months is necessary to complete federal rulemaking. The Council schedule, fishery start date, and science process are other key considerations. An FMP amendment will be required to change the management process and/or the fishery start date. Transition (i.e., management schedule for 2002) was also discussed, notably the change to a June-September meeting schedule for developing ABC, OY, and management measures for the 2003 groundfish fishery.

The GMMC report highlights issues stressing the groundfish management process, pros and cons of multi-year management, concerns related to changing fishery start date, and GMMC recommended alternatives for revising the management process. Timeliness of science and federal rulemaking requirements are two key issues for Council consideration.

Dr. McIsaac noted the significance of changing from a three-meeting specification setting process (i.e., June-September-November) to a two-meeting process (i.e., June-September).

Ms. Cooney highlighted the importance of Council progress on this issue, especially in light of the recent court decision (*NRDC v Evans*). The GMMC has considered and described many of the critical issues. She suggested the Council and advisors critically review the information provided by the GMMC and keep in mind the time required to complete the full federal rulemaking process. Management timing, timeliness of science, federal rulemaking requirements, and fishery start date are the key issues.

##### F.4.c. Trawl Permit Stacking Update

Mr. Seger noted that the trawl permit stacking committee had met, Mr. Pete Leipzig had agreed to serve as chair and that a full report would be provided at the April 2002 Council meeting. No action was required at this meeting.

##### F.4.d. Open Access Update

Mr. Seger referenced Exhibit F.4.d (Open Access Permitting Subcommittee Report). He noted that a full report would be provided at the April Council meeting. He also noted that Mr. Boydston agreed to serve as the committee chairman. No action was required at this meeting.

##### F.4.e. Delegation of Nearshore Groundfish Management Authority

Mr. Boydston referred the Council to Exhibit F.4.e (Supplemental CDFG Report). He noted the Council groundfish strategic plan contains recommendations for transfer of management authority over nearshore groundfish species to the states. The California Department of Fish and Game (CDFG) is requesting the Council consider a proposal for the transfer of management authority for cabezon, kelp greenling, and all minor nearshore rockfish harvested off California to the state of California. CDFG staff is nearing completion of a nearshore FMP for California, effectiveness of this FMP is contingent on transfer of management authority. There are nineteen species proposed for management, sixteen of which are currently managed under the Council's groundfish FMP. He stressed these species are principally caught within state waters.

He noted that Council consideration of this topic will add to Council workload. CDFG staff will take on the majority of this workload burden.

Mr. Alverson asked if management standards as specified in the Magnuson-Stevens Act would be the basis for California's nearshore FMP. Mr. Boydston responded that under delegation of authority the sixteen species would remain in the Council's groundfish FMP, only management authority would be delegated. Under this scenario, Magnuson-Stevens Act standards would apply.

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

None.

F.4.g. Public Comment

Mr. Jim Bassler, Salmon Trollers Marketing Association; Fort Bragg, California  
Mr. Peter Huhtala, Pacific Marine Conservation Council; Astoria, Oregon  
Mr. Steve Bodnar, Coos Bay Trawlers Association; Coos Bay, Oregon  
Mr. Rod Moore, West Coast Seafood Processors Association; Portland, Oregon

F.4.h. Council Discussion on Groundfish Strategic Plan Implementation

Dr. McIsaac noted that the GMMC materials will be provided to the Council's groundfish advisory bodies and SSC. Subject to Council workload discussions on Friday, this topic will be on the Council's agenda for the April 2002 meeting.

F.5. Groundfish Fishery Management Plan (FMP) Environmental Impact Statements (03/14/02; 8:08 am)

F.5.a. NMFS Report

Mr. Jim Glock gave a summary of the progress to date in the programmatic EIS development and asked the Council to activate the Council's Ad Hoc EIS Oversight Committee. The schedule calls for completion for initial drafts of various sections by September of this year. Those materials will be given to the Council at their November meeting with next April having the initial completed document available. Final approval of the draft public comment document will be in June 2003 with the hearings starting in August of 2003. Final adoption of the final document will be in March of 2004, which will make it a "groundfish" meeting.

He referred to Exhibit F.5, Supplemental Attachment 1 and asked for a meeting in late April or May to get this started.

F.5.b. Council Discussion and Guidance on Groundfish Fishery Management Plan (FMP) Environmental Impact Statements

Dr. McIsaac noted that we do have this on the workload schedule. The Council budget is receiving some monies to provide participation and the EIS Oversight Committee has been designated and is ready to meet.

## **G. Highly Migratory Species Management**

G.1. NMFS Report (03/14/02; 10:58 am)

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

Mr. Fougner reported on recent domestic and international issues related to West Coast HMS fisheries (Exhibit G.1, Supplemental NMFS Report). He reviewed the Shark Finning Final Rule (Exhibit G.1, Attachment 1), regulations that prohibit shark finning by U.S. fishermen. The Inter-American Tropical Tuna Commission (IATTC) is discussing revisions to its convention. Mr. Fougner will keep the Council apprized. The IATTC continues work on bycatch in the purse seine fishery. The IATTC's fleet capacity workgroup

discussed using the vessel registry as a starting point for national limited entry programs by those nations party to the IATTC, as a means to stem capacity increases.

He briefly reviewed progress on re-negotiation of the U.S.-Canada albacore treaty. The U.S. might act to end the treaty if catch sharing arrangements are not worked out. Negotiations are underway and he will keep the Council apprized.

Mr. Anderson noted for the Council that he is the Council's representative on the U.S. delegation and has been involved in the discussions referenced by Mr. Fougner. He stressed that he would be unavailable to attend the upcoming meeting.

## G.2. Highly Migratory Species (HMS) FMP (03/14/02; 11:05 am)

### G.2.a. Agendum Overview

Mr. Waldeck reviewed the matter at hand. Scheduled action was final adoption of the FMP for West Coast HMS fisheries. He highlighted the material in the briefing book and indicated the advisory bodies expected to report to the Council. He also summarized public comments received. Finally, he reviewed the agency letters received in reference to the draft HMS FMP.

### G.2.b. Draft FMP and EIS

Ms. Michele Robinson and Mr. Steve Crooke presented an overview of the HMS FMP and several of the specific provisions proposed in the FMP. They also highlighted several necessary corrections and additions to the FMP. These include – characterization of the small mesh drift gill net fishery, including interaction with marine mammals and protected species; occurrence of HMS in other fisheries; incorporation of essential fish habitat (EFH) final rule into HMS FMP EFH sections; Regulatory Impact Review and Regulatory Flexibility Analysis, including new economic data and analysis.

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

#### **NMFS comments on the draft HMS FMP**

Mr. Fougner referred to Exhibit G.2.c. Mr. Fougner complimented the hard, quality work of the HMSPDT and others in completing the current draft of the HMS FMP. However, in line with the NMFS regulatory streamlining program, all relevant information and analyses should be available to the Council prior to taking final action and submission to NMFS. The intent is to improve the decision making process and provide greater consistency with Magnuson-Stevens Act requirements, including describing the proposed action, impacts of proposed action, and how those impacts would be distributed. Section 303 (a) of the Magnuson-Stevens Act explicitly details FMP requirements. Exhibit G.2.c is a compilation of comments derived from a thorough review of the draft FMP. It might be possible to complete the information requested by NMFS prior to the June Council meeting. Exhibit G.2.c contains a proposed schedule for FMP completion. He emphasized that NMFS-SWR will do all it can to ensure the work is done as quickly as possible.

Mr. Anderson was surprised by the comments in the NMFS letter given the large number of NMFS staff involved in developing the draft FMP. Mr. Fougner's comments about the NMFS review process allayed some of that concern. Mr. Anderson asked for clarification on the NMFS request for MSY specifications for three additional species. For comparison, in the Western Pacific Fishery Management Council (WPFMC) pelagic maximum sustainable yield (MSY) for several species are categorized as unknown. He asked if the PFMC being held to a higher standard.

Mr. Fougner stated that in the Atlantic HMS FMP and the WPFMC pelagic FMP, yes, MSY for some species is currently unknown. However, NMFS is being asked to increase scrutiny of MSY designations. For the West Coast HMS FMP, he suggests it is prudent to either provide MSY values for the three species referred to in the NMFS letter or re-categorize them as monitored species. If there is a strong rationale for keeping these species in the actively managed unit without determining MSY, this rationale needs to be included in the FMP.

Mr. Anderson then asked about the section on bycatch, specifically requirements for an observer program. He asked if the Council was being asked to develop an observer program and identify specific fisheries in need of observer coverage.

Mr. Fougner said NMFS is not requesting the Council specify observer level requirements. It would be helpful for the Council to identify observer coverage priorities among the fishery sectors. This would provide a starting point for developing observer programs. The NMFS request is for more descriptive information from the Council about priorities for observer coverage.

Mr. Anderson asked about the monitoring and compliance section. Is NMFS asking for vessel monitoring systems (VMS) to be required and specified in the FMP? Mr. Fougner said yes, but the comments focus on longline vessels, and many of the current longline vessels currently possess VMS equipment. The Council should be clear in the FMP if the longline sector will be required to use VMS equipment.

Mr. Anderson noted, relative to the incidental catch allowance, currently there is a range 10-30%. Is more specificity needed? Mr. Fougner said yes, if an incidental allowance is to be set it should be specified, the affected sector should be identified, and the rationale for the incidental limit should be stated.

Mr. Anderson then asked if the current frameworking provision (which relied on the 10-30% range) could not be used. That is, the process and range are specified, but the application (e.g., gear, fishery) is left to later decision making. In response, it was stated that it needs to be clearer what fisheries would be subject to an incidental allowance and what factors would be considered in applying an incidental allowance.

Ms. Vojkovich asked Mr. Fougner to clarify those items in the NMFS letter that are critical to NMFS approval of the HMS FMP. Mr. Fougner responded that those items required by the Magnuson-Stevens Act should be completed. However, many of the other items might be simple tasks, which should not be too burdensome. Moreover, NMFS staff are drafting regulations to implement the HMS FMP. The Council should have all of this information prior to final adoption of the HMS FMP.

Briefly discussed HMSPDT meeting scheduling and public notice requirements. The earliest the HMSPDT could meet is April 17, 2002.

Mr. Lone, given the extensive issues in the NMFS letter, will the document need to go out for public review? Mr. Fougner responded not necessarily given that new alternatives are not to be developed, rather more information and analyses are to be added.

#### **USFWS comments on the draft HMS FMP**

Mr. Tim Roth read Exhibit G.2.b.i, Supplemental USFWS Comments.

He highlighted several key points, but generally read from the USFWS letter. Of the fishery sectors, the pelagic longline fishery could have the greatest potential impact on seabirds. The consequences of the small mesh drift net fishery on seabirds is unknown and interactions with coastal purse seine fisheries is poorly documented. USFWS recommends a monitoring section be added that addresses how seabird impacts should be monitored and fishery impacts determined.

USFWS is concerned that the FMP does not address potential impacts of proposed actions upon USFWS listed species. Recommend NMFS initiate informal consultations with USFWS. Ms. Vojkovich asked Mr. Roth how long it takes to establish informal consultations? Mr. Roth responded it could occur quickly.

#### **HMSPDT**

Exhibit G.2.c, Supplemental HMSPDT Report was read by Ms. Michele Robinson.

*The Highly Migratory Species Plan Development Team (HMSPDT) discussed the changes described in the March 8, 2002, letter from the National Marine Fisheries Service (NMFS) Southwest Region. First of all, the HMSPDT would like to acknowledge its agreement with points raised in the letter and*

believes the changes would significantly improve the HMS fishery management plan (FMP). However, given the volume and nature of the changes being suggested, we think we can successfully address only some of these issues by the June Council meeting.

The HMSPDT and the Council has received compliments on its transparent and open public processes throughout the development of the FMP. Many of the changes being proposed by NMFS will require substantial HMSPDT discussion, drafting time, and public input in order for them to be adequately addressed. Specifically, the changes regarding maximum sustainable yield (MSY) proxies for three of the management unit species (item #1), the essential fish habitat updates (#2), the bycatch changes (#3), most of the monitoring and compliance changes (#5), and the incidental catch allowance amounts (#10) will take a considerable amount of time and effort.

Because the HMSPDT would like to address all of the changes being proposed by NMFS and address them in an open, satisfactory manner, the HMSPDT is proposing delaying the adoption of the final HMS FMP until the September 2002 Council meeting. If the Council decides the final FMP must be completed in time for its June meeting, then the HMSPDT will likely not be able to adequately address the proposed changes listed above.

Ms. Robinson suggested that three HMSPDT meetings would be required to complete the items identified in their statement (paragraph 2).

## **HMSAS**

Exhibit G.2.d, Supplemental HMSAS Report was read by Mr. Bob Fletcher.

*The Highly Migratory Species Advisory Subpanel (HMSAS) met March 13 to discuss the December 2001 draft Environmental Impact Statement (EIS)/Fishery Management Plan (FMP) and has the following comments.*

### Small-Mesh Gillnet Fishery

*One unresolved issue is the treatment of the small-mesh drift gillnet fishery for albacore and bluefin. The Highly Migratory Species Plan Development Team (HMSPDT) is in the process of analyzing information on this fishery. The HMSAS reserves comment on this issue until the new information is presented.*

### Drift Gillnet Fishery Measures

*Drift gillnet fishery representatives believe the federal regulations should include all of the existing state drift gillnet measures, including the California limited entry program. While there was no consensus on this point, HMSAS members agreed this issue needs further review by the Council and NMFS, since there may be some duplication of regulations at the state level.*

*The HMSAS voted (9 yes, 1 no) to recommend deletion of the proposed closure of the drift gillnet fishery north of 45° N Latitude, and inclusion of a closure east of 125° W Longitude off Oregon and Washington.*

### Longline Fishery Measures

*The HMSAS voted (5 yes, 4 no, 1 abstain) to recommend longline alternative 3: authorize a limited entry pelagic longline fishery for tunas and swordfish with effort and area restrictions to evaluate longlines as an alternative to drift gillnets to reduce bycatch (industry proposal).*

### Purse Seine Fishery Measures

*There is consensus there is insufficient justification in the FMP for prohibiting purse seine fishing north of 44° N Latitude. The HMSAS recommends the Council develop an alternative which closes the area east of a certain longitude north of 44°.*

#### *Sale of Striped Marlin*

*Some members felt that, while the FMP states that no initial allocations are proposed, the preferred alternative of prohibiting the sale of striped marlin in effect allocates this species to the sport fishery.*

*Some members representing the sport fishery suggest the language on page 8-25 needs to be revised to make it clear that sale of all striped marlin caught in waters under the jurisdiction of the Council is prohibited.*

#### *Permits*

*The HMSAS is concerned with the requirement for gear endorsements on HMS permits. If some evidence of minimal participation in a fishery is required to get an endorsement, this could be considered a limited entry program. It may be desirable to find a way of achieving the objective of the endorsement without creating a limited entry program. The HMSAS recommends the Council explore with NMFS the possible impacts of an endorsement.*

*Hook-and-line fishery representatives proposed that the FMP address permit requirements for Canadian troll vessels fishing in U.S. waters.*

#### *Sale of Prohibited Species*

*Several members expressed support for a complete prohibition on the sale of prohibited shark species. The FMP allows the sale to recognized scientific institutions. There was no consensus on this point.*

#### *Bluefin Net Pens*

*A description of the net pen operation for bluefin tuna needs to be included in chapter 2.*

#### *Charter Survey*

*There was consensus to recommend the Pacific States Marine Fisheries Commission look at the economic information for the Commercial Passenger Fishing Vessel fleet throughout the entire coast. The current data in the FMP is limited to southern California.*

#### *Management Cycle*

*Some members expressed concern about making decisions at the September Council meeting, during the middle of the albacore season.*

#### *Process After March Meeting*

*The agency comments on the FMP suggest that substantial revisions to the EIS/FMP are necessary before final Council action can be taken. The HMSAS does not have a consensus recommendation on the time required to complete these revisions, but does want the job done completely and correctly so the final FMP will be approvable. The HMSAS recommends NMFS commit additional resources as necessary to ensure the revisions can be completed.*

*We also recommend the process continue to be very transparent with opportunities for HMSAS and public comment. The HMSAS would like to meet in advance of the Council meeting when final action is taken, not during the Council meeting week, to give us more time to develop recommendations to the Council.*



*With regard to the next draft, the HMSAS recommends the Council and HMSPDT consider preparation of a supplement, instead of a new complete version of the FMP. The supplement would contain only the revisions prepared in response to Council direction at this meeting. This document should reduce costs and facilitate understanding of the changes.*

Ms. Vojkovich asked about the importance of the Mexican bluefin tuna net pen recommendations. Mr. Fletcher stated the HMSAS discussed the issue at length and felt it important to collect information about bluefin tuna caught in the U.S. and transported to Mexico for "grow out" in net pens.

Mr. Fougner asked, relative to the pelagic longline fishery, is the recommendation in favor of use of longline as an alternative to drift gillnet or for a limited number of longline permits to be issued. Mr. Fletcher responded the recommendation spoke to the use of longline as an alternative.

## HSG

Exhibit G.2.c, Supplemental HSG Report was read by Mr. Waldeck.

*The Habitat Steering Group discussed the essential fish habitat (EFH) descriptions contained within the draft highly migratory species (HMS) fishery management plan (FMP). It was noted that the HSG's request to include prey species in the legal EFH definitions was addressed.*

*National Marine Fisheries Service (NMFS) Southwest Regional staff indicated the direction received from NMFS headquarters relative to HMS EFH definitions was to use static geographical areas, rather than having variable areas based on changes in sea surface temperature. It was noted that the Coastal Pelagic Species (CPS) FMP contained variable EFH definitions, and the question was raised about the need for consistency. The HSG also discussed the possible benefits of having static areas versus variable areas, and could not identify any, other than its possible potential in consultations to address such activities as offshore dredge dumping.*

*After further discussion on the EFH language in the draft plan, the HSG has the following recommended changes:*

- The HSG requests the EFH chapter contain a section regarding Habitat Areas of Particular Concern (HAPCs) with a statement that clearly states whether HAPCs were explored for the various management unit species, and whether they will be developed in the future.*
- The HSG also requests the EFH chapter contain a section regarding marine reserves or the use of closed areas as habitat protection measures. The HSG realizes that closed areas may not necessarily be feasible for HMS given their highly migratory behavior, but would like the HMSPDT to have a discussion and note its conclusions in the plan.*

## Tribal

Exhibit G.2.c, Supplemental Tribal Comments was read by Mr. Harp.

*The tribes are in favor of the proposed action in the Draft HMS FMP to adopt a framework to accommodate treaty fishing rights in the implementing regulations. The tribes also favor modeling the initial proposed regulations after the coastal pelagic species regulations at 50 CFR 660.518 as stated in the Draft FMP.*

## G.2.d. Public Comment

Mr. Bob Fletcher, Sportfishing Association of California; San Diego, California

Mr. Tom Cardosa, F/V Tommy John; San Diego, California

Ms. Kathy Vosmark, Fishermen's Association of Moss Landing; Pebble Beach, California

Mr. Jim Fisher, commercial fisherman; Hammond, Oregon

Mr. Tim Hobbs, National Coalition for Marine Conservation; Leesburg, Virginia

Mr. Douge Fricke, Washington Trollers Association, Hoquiam, Washington  
 Ms. Kate Wing, Natural Resource Defense Council; San Francisco, California  
 Mr. Wayne Moody, Western Fish Boat Owners Association; Eureka, California  
 Mr. Wayne Heikkila, Western Fish Boat Owners Association; Eureka, California  
 Mr. Peter Flournoy, International Law Offices; San Diego, California  
 Mr. David Wilmot, Ocean Wildlife Campaign; Soquel, California  
 Mr. Russell Nelson, The Billfish Foundation; Ft. Lauderdale, Florida  
 Mr. Ray Stone, Recreational Fishing Alliance; Southport, North Carolina  
 Mr. Orlando Amoroso, San Pedro Purse Seine Owners Association; San Pedro, California  
 Mr. Ilson New, Central and Southern California Small Mesh Gillnet Advocates; San Francisco, California  
 Mr. August Ferlando, commercial purse seine; San Diego, California  
 Mr. Bob Osborn, United Anglers of Southern California; Huntington Beach, California  
 Mr. Steve Mintz, Morro Bay Commercial Fisherman's Organization; Morro Bay, California  
 Mr. Tom Roth, Half Moon Bay Commercial Fisherman's Association; Half Moon Bay, California  
 Mr. Paul Englemeyer, National Audubon Society; Yachats, Oregon  
 Mr. Pete Dupuy, Federation of Independent Seafood Harvesters; Tarzana, California  
 Mr. Tom Raftican, United Anglers of Southern California; Huntington Beach, California  
 Mr. Chuck Janisse, Federation of Independent Seafood Harvesters; Bridgewater Corners, Vermont

**G.2.e. Council Action:** Adopt HMS FMP for Implementation

It was affirmed that the HMS public hearing summaries, as included in the briefing book, are part of the administrative record.

The Council discussed whether to delay final adoption of the HMS FMP. The principle reason for delay would be to address comments from the NMFS, U.S. Fish and Wildlife Service, Environmental Protection Agency, and Western Pacific Fishery Management Council. These letters detailed specific recommendations for additional information and analyses. The HMSPDT concluded it would take several months to complete the work. In addition, the HMSPDT and HMSAS stressed the importance of continuing the open, public process that has been used in developing the HMS FMP. Based on this advice and public input, the Council opted to delay final action on the HMS FMP until the November 2002 Council meeting.

Mr. Anderson moved and Mr. Don Hansen seconded the following motion (Motion 9):

Have the Highly Migratory Species Plan Development Team prepare a final draft fishery management plan for the Council's consideration for its November 2002 meeting. The purpose of delaying until the November meeting is to allow the Team to adequately address outstanding issues in an open, transparent public process; to allow the Advisory Subpanel adequate time to review the final draft before it is presented to the Council; and for NMFS to complete the regulatory package.

Specific reasons for the delay include:

- November is a better time for the commercial and recreational fishing participants, commercial fishermen are fishing during the summer (June-September), and the November Council meeting is in California (providing greater access to the interested public);
- The Council's groundfish workload will be the major focus of the June and September meetings;
- The extra time is more reasonable given the non-HMS workload of many of the representatives on the HMSPDT;
- To provide adequate time for HMSAS review prior to final Council action; and
- There appear to be no substantial negative consequences from delaying until November.

Motion 9 passed.

In addition, the HMSPDT was asked to provide a progress report at the June 2002 Council meeting.

Ms. Maria Vojkovich moved (Motion 10) and Mr. Anderson seconded the following motion:

I move the Council take the following action: That the preparation of the final documents be based on the preferred alternatives as presented in Exhibit G2 (as changed by the Team) for today's meeting and that the Plan Team work with NMFS, NOAA General Counsel, the contractor and advisors to address issues contained in the NMFS letter dated March 8, 2002, that the Team be directed to determine MSY proxies for the pelagic and bigeye thresher sharks and dorado and for consistency sake, change the latitudinal demarcation in FMP element 26 (purse seines) to 45° N. Further that the Team also incorporate relevant changes, dealing primarily with bycatch and protected species, identified by the Fish and Wildlife Service and Environmental Protection Agency into the Plan. All the required documents to be completed for inclusion in Council briefing materials for the November Council meeting.

In addition, the Council asked for clarification of the proposed closed northern closed areas. Included in the motion are changes to the proposed new drift gillnet (DGN) closures off Washington and Oregon. They will be modified and removed from the list of preferred alternatives. The Council directed two alternatives for new closures be considered:

1. DGNs could not be used to take swordfish and sharks in any exclusive economic zone (EEZ) waters less than 1,000 fm (approximately 125°10' to 125°30' W longitude) off Oregon, year round; nor in the portion of the EEZ north of 45° N latitude; or
2. DGNs could not be used to take swordfish and sharks in any EEZ waters less than 1,000 fm (approximately 125°10' to 125°30' W longitude) from the Oregon-California border to the U.S.-Canada border, year round.

The additional alternative will allow the Council to compare the two closures and determine which best satisfies the conservation and management objectives of the FMP. One rationale for these northern closures would be to hasten the rebuilding of the thresher shark resource, as available data appear to indicate that adult fish tend to be distributed farther north, and a state closure (off of Washington) has contributed to rebuilding the thresher shark resource. The objective is to allow the DGN fishery to operate in areas where they could target swordfish, while reducing negative impacts on thresher sharks.

This change applies only to modification of the language about these new closures, all other provisions in the proposed action—as described in Section 8.5.4 of the December 2001 draft—are retained (i.e., federal regulations under the Marine Mammal Protection Act and Endangered Species Act, as well as certain state regulations).

Mr. Brown moved an amendment to Motion 10. His amendment would change the preferred alternative for use of pelagic longline gear within the U.S. EEZ to Alternative 3 (page 8-29, HMS FMP, 12/01 draft). Seconded by Mr. Caito.

Mr. Brown's amendment would provide for limited pelagic longline fishing to occur within the U.S. EEZ as a means to collect information on fishery impacts.

After discussing the amendment to Motion 10, Chairman Radtke asked for a roll call on the amendment. The Amendment to Motion 10 failed, with 6 yes, 6 no, and Mr. Fougner abstaining.

Mr. Brown then moved for another amendment to Motion 10. This amendment would change the preferred alternative for use of pelagic longline gear within the U.S. EEZ to Alternative 2 (page 8-29, HMS FMP, 12/01 draft). Seconded by Mr. Caito.

The new preferred alternative would impose an indefinite moratorium on pelagic longlining within the U.S. EEZ along the West Coast with the potential for re-evaluation by the Council following completion of a bycatch reduction research program. This research program would be carried out under an exempted fishing permit (EFP), and would be thoroughly reviewed by the Council and advisors prior to approval. The intent of changing this alternative was to provide limited opportunity for testing new gear to explore fishing methods

that may reduce bycatch and other concerns. Other provisions related to the use of longline gear currently specified under the proposed action would not be affected by this change. That is, relative to the proposed action for West Coast longline fisheries outside the U.S. EEZ, the provisions on page 8-28 (HMS FMP, 12/01 draft) would remain as part of the proposed action.

Dr. Radtke asked for roll call vote on Mr. Brown's second amendment to Motion 10. The amendment to Motion 10 passed, 10 yes, 2 no, with Mr. Fougner abstaining

Mr. Alverson made a friendly amendment to motion 10 that the required documents be available to the HMSAS in advance of their meeting.

Motion 10 passed by voice vote. Mr. Fougner abstained. Mr. Lone voted no.

The Council also directed the HMSPDT to work with NMFS, NOAA General Counsel, the contractor, staff, and HMSAS to address issues contained in the NMFS letter dated March 8, 2002. Further, the HMSPDT should also incorporate relevant changes, dealing primarily with bycatch and protected species, identified by the USFWS and Environmental Protection Agency (EPA). Specific to maximum sustainable yield proxies, the HMSPDT is to develop proxies for pelagic thresher shark, bigeye thresher shark, and dorado. For the sake of consistency, the latitudinal demarcation in Section 8.5.6 (Purse Seine Fishery Management Measures) is to be changed to 45° N latitude, i.e., to be consistent with one of the alternative new DGN closures. The Council also asked for information on the penned bluefin tuna issue and management cycle considerations noted in the HMSAS report to the Council. All of the required documents are to be completed in time for thorough HMSAS (and other advisory body) review in advance of the November 2002 Council meeting.

Mr. Brown moved (Motion 11) to add a management cycle alternative. Under this alternative, the management cycle would be biennial, with a stock assessment and fishery evaluation (SAFE) document in September, preliminary adoption of needed management measures in November, and final adoption of management measures in March. A principal component of this schedule would be to provide flexibility to alter the management schedule (when necessary) without having to amend the HMS FMP. Motion 11. Second by Mr. Bohn.

This alternative states:

The management cycle shall be on a biennial basis as follows, but may be altered to an annual or different multiple-year management cycle by vote of the Council without necessity of a FMP amendment, provided the Council provides six-month notice of any change in the management cycle

- September (every year) – SAFE documents provided to the Council.
- November (every other year) – Council adopts proposed actions for public review, as necessary.
- March (every other year) – Council adopts final action and submits to NMFS for approval.

Regulatory and statistical fishing year is October 1-September 30.

Dr. Radtke asked for a vote on Motion #11. Motion 11 passed, Mr. Fougner abstained.

Relative to the management schedule, the HMSPDT was requested to distinguish between those regulatory elements that would be in place for the long-term (e.g., legal gears, management unit species, area closures) and those elements that would change annually, or periodically, (e.g., harvest guidelines).

## H. Coastal Pelagic Species Management

### H.1. NMFS Report (03/14/02; 4:55 pm)

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

Mr. Jim Morgan, NMFS, Southwest Region updated the Council on the status of the Pacific mackerel fishery and harvest guideline. He also described the 2002-2003 season structure, i.e., the directed fishery and incidental allowances. The directed fishery closed November 21, 2001. Thereafter a 45% incidental allowance was put in place. Incidental catch has been low and NMFS opined there is sufficient harvest guideline remaining to re-open the directed fishery.

### CPSAS

Mr. John Royal read from Exhibit H.1, Supplemental CPSAS Report.

*The Coastal Pelagic Species Advisory Subpanel (CPSAS) would like to recommend that National Marine Fisheries Service trigger an automatic action to reopen the directed pacific mackerel fishery. Further, the CPSAS recommends this fishery begin no later than April 1st. The Council is not slated to discuss the mop-up fishery until the April meeting. However, given the mackerel landings to date, and the amount of harvest guideline which has not been landed, the CPSAS believes there is urgency to beginning the mop-up fishery as soon as possible. Due to time constraints, if NMFS waits until after the April council meeting to begin this process, it will likely be May before the mop-up fishery begins. Beginning the process prior to the April Council meeting will ensure that the industry has a higher probability of harvesting the majority of the harvest guideline available.*

Ms. Vojkovich encouraged NMFS to re-open the directed fishery for Pacific mackerel as soon as possible, with April 1, 2002 as a target date. Mr. Fougner acknowledged the guidance.

### H.2. Amendment 10 (03/14/02; 5:03 pm)

#### H.2.a. Agendum Overview

Mr. Waldeck briefed the Council on the matter at hand and suggested how the Council should proceed through the agenda topic. He emphasized Council action was to consider adopting for public review Amendment 10 to the coastal pelagic species (CPS) fishery management plan.

#### H.2.b. Coastal Pelagic Species Management Team Report

Dr. Hill presented a review of the provisions in Amendment 10.

#### H.2.c. Reports and Comments of Advisory Bodies

### SSC

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

*Dr. Kevin Hill of the Coastal Pelagics Species Management Team (CPSMT) presented an overview of the proposed Amendment 10 to the CPS fishery management plan (FMP). The draft amendment addresses two separate issues in the FMP: (1) establishing a capacity goal and permit transferability provisions for the limited entry fleet, and (2) establishing a maximum sustainable yield (MSY) proxy for market squid.*

*The Scientific and Statistical Committee (SSC) has the following comments regarding the draft amendment:*

### CPS Limited Entry

The draft amendment identifies four capacity goal options (options A1-A4), three permit transfer options (options B1-B3), five options for adjusting permit transferability to maintain the capacity goal (options C1-C5) and four options for issuing new limited entry permits (options D1-D4). The draft amendment combines a selected number of these options into two packages: (1) alternative 1, consisting of options A4, B1, C4 and D4 and designated the "status quo" or "no action" alternative, and (2) alternative 2, consisting of options A1, B3, C4 and D2 and designated the "proposed" action. Alternative 2 is apparently a composite of prior Council and CPSMT decisions on preferred options. As currently written, the narrative in the draft amendment is difficult to follow, as it requires the reader to move back and forth between alternatives and potential options. However, as explained in Exhibit H.2 (Situation Summary), the Council and the public have greater flexibility in packaging the various options than the two alternatives presented in the draft amendment. To improve clarity and to facilitate the ability of the Council and the public to consider alternative ways of combining management options, the SSC suggests that the narrative first lay out all options and describe which options can feasibly be combined into management alternatives before getting into any detailed analysis of options and alternatives.

The draft amendment should clarify whether the proposed options for issuing new limited entry permits (options D1-D4) pertain to the issuance of temporary or permanent permits. The SSC notes that, if the size of the limited entry fleet falls below the capacity goal, issuance of new permanent permits may be a plausible way to increase fleet size until the capacity goal is reached. However, if the point of issuing new permits is to increase capacity above the goal (for instance, to allow greater access to harvest under unusually high stock abundance conditions), the SSC strongly recommends that any such permits be temporary, as the issuance of additional permanent permits under such circumstances would compromise the purpose of having a capacity goal.

The analysis of limited entry options and alternatives focuses largely on effects on producer surplus, consumer surplus and fishing community economic activity. These effects are largely asserted rather than demonstrated with empirical information. The assertions regarding effects on producer surplus and fishing communities are plausible in terms of their consistency with economic theory. (For instance, theory generally supports the notion that increases in efficiency associated with capacity management have positive effects on producer surplus and potentially negative effects on fishing communities.) However, the assertions made regarding effects on consumer surplus cannot be supported by merely appealing to consistency with theory. The size and direction of changes in consumer surplus depend on a number of factors, such as the extent to which the economic benefits associated with more efficient capacity management are passed on to consumers, whether the flexibility provided by permit transferability necessarily results in higher quality fishery products, and whether the markets for CPS products are domestic or foreign. The confounding nature of such factors makes it difficult to definitively evaluate the effects of the various options and alternatives on consumer surplus. The SSC recommends that all assertions regarding consumer surplus effects be either substantiated with empirical evidence or deleted from the draft amendment.

### Squid MSY

The proposed egg escapement (EE) approach (alternative 4) establishes a practical and informative annual monitoring scheme for the current market squid fishery and appears to be a workable solution to addressing the MSY deficiency in the current plan. The credibility of the EE approach depends critically on existing information regarding population productivity, growth and maturation of the stock within the current range of the fishery and on the assumption that the fishery targets the spawning population only. If the fishery expands to new areas or begins to target squid before they spawn, more active management of the squid resource will likely be warranted (e.g., inseason catch or effort control).

The EE method is described in the draft amendment as "risk averse" (p. 9). The SSC notes that it is premature to characterize the EE method in this manner. Market squid is currently a monitored-only species in the CPS FMP and the EE approach is intended to serve as an effective monitoring

*technique. Whether this approach is actually risk averse cannot be known without applying and further evaluating the approach. Concurrent with using the EE method, the SSC therefore supports continuation of the State of California's weekend fishery closure and establishment of an annual cap on landings. The SSC reiterates its November 2001 recommendation regarding the need to periodically review the egg escapement approach and supports the idea of convening another Stock Assessment Review Panel in 2004.*

In response to a question, Ms. Thomson clarified the "annual cap on landings" referenced in the SSC report refers to the state of California's proposed landings cap. The intent is to support California's adoption of an annual cap on landings.

## **CPSAS**

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

*The Coastal Pelagic Species Advisory Subpanel (CPSAS) heard a presentation from Coastal Pelagic Species Management Team (CPSMT) Chairman Kevin Hill reviewing the draft document of Amendment 10 to the CPS fishery management plan (FMP). The majority (7 of 8) of the CPSAS agree the draft represents a reasonable range of alternatives for issues relative to limited entry fleet capacity management and an maximum sustainable yield (MSY) control rule for squid. The majority of the CPSAS believe the document is adequate for public review and recommends the Council send out the document for public review and comment.*

### Minority Report

*Although the CPSAS was unanimous in agreeing that a reasonable range of alternatives exists for issues relative to limited entry fleet capacity, the minority opinion believes that for squid MSY, Alternative 4, the preferred alternative needs an additional sub-option. It is proposed that this sub-option use the same model as Alternative 4, but include an egg escapement threshold of 0.4 (40%). This is a reasonable alternative to consider because of (1) the environmental concerns from the rapid increase of its catches, (2) the fisheries propensity to crash during El Niño events, (3) its importance to the ecosystem as a prey species, and (4) since 0.4 (40%) is used as the threshold in the Falkland Islands fishery.*

### H.2.d. Public Comment

Mr. Steve Lovejoy, commercial fisherman; Seattle, Washington

Ms. Kate Wing, Natural Resources Defense Council; San Francisco, California

### H.2.e. **Council Action:** Adopt Draft Amendment 10 for Public Review

Mr. Waldeck reiterated anticipated Council action and noted that public meetings held thus far should satisfy public hearing requirements. The June 2002 Council meeting, where final action on Amendment 10 is scheduled, could serve as a final public hearing.

Mr. Alverson moved and Mr. Don Hansen seconded a motion to adopt Amendment 10 to the CPS FMP as a public review document. (Motion 12)

Dr. Radtke asked Dr. Hill about the SSC's comments regarding producer and consumer surplus. Dr. Hill responded that the economist on the CPSMT would review the SSC's recommendations and make corrections as necessary.

Mr. Fougner asked for a friendly amendment for the CPSMT to include in the draft amendment examples of how the transfer permit program would work, especially in relation to maintaining the capacity goal. Dr. Hill agreed and said the CPSMT would add additional language. Mr. Fougner also asked for additional language clarifying whether new permits would be permanent or temporary. Motion 12 passed.

## **I. Administrative and Other Matters**

### **I.1. Status of Legislation (03/15/02; 10 am)**

#### **I.1.a. Current Legislation**

Dave Hanson provided the Council with a brief oral summary of current legislative events of interest to the Council. He noted that we may see budget action by Congress in mid to late June with completion by mid-October due to the impending elections. No action is expected this year in the Senate on reauthorization of the Magnuson-Stevens Act, though some preliminary drafts are being developed in the House.

#### **I.1.b. Council Discussion on Status of Legislation**

Mr. Brown noted that the buyback program was stalled by the events of September 11. Dr. Hanson will provide an update at the April meeting. In response to questions, Dr. Hanson stated that the moratorium on limited entry programs is expected to go away at the end of the year, but could be reinstated by Congress.

Captain Linstrom noted that the U.S. Coast Guard will receive increased funding, primarily for homeland defense.

### **I.2. Appointments to Advisory Bodies, Standing Committees, and Other Forums (03/15/02; 10:02 am)**

#### **I.2.a. Appointments to Advisory Bodies**

Dr. Coon provided an overview.

##### **I.2.a.i. Coastal Pelagic Species Advisory Subpanel (CPSAS)**

The Council appointed Mr. Richard S. Powers to the vacant California Charter/Sport position on the CPSAS (Motion 15).

##### **I.2.a.ii. Habitat Steering Group**

The Council appointed Mr. Richard K. Stoll to the vacant Recreational Fisher position on the Habitat Steering Group (HSG) (Motion 15).

The Council agreed to create an additional position for a NWFSC Habitat Scientist on the HSG and appointed Dr. Waldo Wakefield to that position (Motion 16). The position will enhance coordination on Council habitat issues with the NWFSC.

In additional considerations, the Council accepted the resignation of Ms. Michele Robinson from the WDFW position on the HSG and accepted the nomination of Ms. Cindy LeFleur as her replacement.

#### **I.2.b. Announce Council Member Appointments to KFMC, IPHC, and Standing Committees**

Chairman Radtke announced the following appointments to standing committees and other forums:

KFMC -	Don Hansen
IPHC -	Jim Lone
Budget Committee -	Jim Harp (Chair), Don Hansen, Dave Hanson, Jim Lone, Jerry Mallet, NMFS, Hans Radtke
Legislative Committee -	Dave Hanson (chair), Bob Alverson (vice-chair), Ralph Brown, Roger Thomas



Dr. Radtke noted that due to the impending reauthorization of the M-S Act and other issues, he wanted a much more active role by the Legislative Committee members to help Dr. Dave Hanson and in that vein had created the vice chair position for Mr. Alverson.

Dr. Radtke proposed termination of the Foreign Fishing Committee since foreign fishing was no longer an issue. The Council agreed.

Mr. Boydston requested that the Council consider the issue of the California tribal seat on the SAS at the April meeting based on the concerns of the Hoopa Valley Tribe which used to share this position with the Yurok Tribe.

I.3. Council's "Statement of Organization, Practices, and Procedures" and "Council Operating Procedures" Documents (03/15/02; 10:12 am)

I.3.a. Agendum Overview

Dr. McIsaac reviewed the basis for the revisions to the Council's Statement of Organization, Practices, and Procedures (SOPPs) (Exhibit I.3, Situation Summary), noting recent regulation changes, a legal review by NOAA General Council Office, a stratification of procedures within the two documents, and miscellaneous document improvements. Changes to the Council Operating Procedures have not been completed. He then reviewed Supplemental Attachment 2 which provides seven proposed changes to the SOPPs aimed at improving and updating the document.

I.3.b. **Council Action:** Consider and Adopt Revisions to the Council's "Statement of Organization, Practices, and Procedures" and "Council Operating Procedures" Documents

In Supplemental Attachment 2 regarding item #6, administrative leave, Mr. Boydston asked if that leave is based on overtime that has been accrued in lieu of actual pay? Dr. McIsaac said no, administrative leave includes items such as inclement weather or additional leave declared by the Department of Commerce during holiday periods, etc.

Mr. Anderson provided several editorial changes and noted various typographical errors in the draft SOPPs, including the following items. On page 1 of Supplemental Attachment 1 under "Purpose" in items #1 and #3: change "preparation" and "submission" to active verbs (preparing and submitting) consistent with items 4 and 5. On page 7, Employee Benefits, correct 2 to 20 for the number of leave days per year. On page 4, under the Habitat Advisory Board (proposed new name for Habitat Steering Group), the role should be "reviews and evaluates the definition and analysis of EFH" and in line 4 replace "annual fishing specifications" with "proposed management measures."

The Council discussed how to characterize the Habitat Steering Group with regard to being a subpanel or a team. Members decided it was a blend and therefore should be characterized as a committee, similar to the SSC. The Council agreed to change the name of the HSG to Habitat Committee (HC).

With regard to item #5 in Supplemental Attachment 2, Ms. Cooney stated the Magnuson-Stevens Act requires the Council chairman to certify the minutes, not the Council Executive Director. She also noted that financial interest statements must be updated within 45 days, not 30 days (page 2 of Supplemental Attachment 1).

Mr. Alverson questioned the directive in item #7 in Supplemental Attachment 2 that the teams are assigned responsibilities by a "vote" of the Council. Dr. Hanson clarified that Council consensus is also construed as a "vote".

Mr. Anderson moved the Council adopt the SOPPs as contained in Exhibit I.3, Supplemental Attachment 1 with the revisions as noted above in the discussion. Mr. Alverson seconded the motion (Motion 17) and it was passed by the Council.

#### I.4. Research and Data Needs Process and Economic Data Plan (03/15/02; 10:43 am)

##### I.4.a. Agendum Overview

Ms. Jennifer Gilden provided an overview of the issue, noting that completing the Research and Data Needs process would be in conflict with completing several high priority groundfish management tasks.

##### I.4.b. Reports and Comments of Advisory Bodies

None.

##### I.4.c. Council Discussion and Guidance on Research and Data Needs Process and Economic Data Plan

Mr. Anderson suggested the Council carryover the current Research and Data Needs document for an additional year, since the priorities do not change very much in the short term. Dr. McIsaac clarified that not updating the current Economic Data Plan does not have a direct influence on our ability to complete current economic analyses. The Council agreed to delay updating the documents and reinstate the process when it was deemed necessary.

#### I.5. Report on Council Staff Retreat (03/15/02; 10:49 am)

##### I.5.a. Agendum Overview

Dr. McIsaac gave a brief recap of the Council staff retreat which was held on Mt. Hood. He noted the staff had worked on enhancing its effectiveness, developed a mission statement for the Council, and outlined goals and objectives for the coming year.

##### I.5.b. Council Discussion and Guidance on Council Staff Retreat

Mr. Bohn suggested shortening the mission statement and several Council members offered edits. The Council adopted the following mission statement:

The Pacific Fishery Management Council is dedicated to the conservation and management of West Coast living marine resources, habitat, and fisheries.

#### I.6. Council Staff Work Load Priorities (03/15/02; 11:03 am)

##### I.6.a. Agendum Overview

Dr. McIsaac reviewed the proposed staff workload (Supplemental Staff Workload Report) with the Council and noted there was very little time and flexibility with regard to work assignments between the March and April meetings.

##### I.6.b. Council Discussion and Guidance on Staff Work Load Priorities

The matter of whether or not to continue work on the American Fisheries Act (AFA) was discussed. Mr. Anderson recommended no action for June or September, followed by a risk assessment at the November meeting to assess the potential harm of continued no action or of allowing NMFS to deal with it at that time. The Council concurred.

I.7. April 2002 Council Meeting Draft Agenda (03/15/02; 12:37 PM)

I.7.a. Consider Agenda Options

Dr. McIsaac provided a review of the Draft April agenda, Exhibit I.7.a, Supplemental Revised Attachment 1.

I.7.b. **Council Action:** Adopt Draft Agenda for the April 2002 Meeting

Mr. Roth recommended the Council include an item on Mitchell Act funding for Columbia River hatcheries, based on the questions asked in the testimony of Mr. Mark Cedergreen, and include an assessment by the STT on the impact on fisheries of reduced or no funding for the hatcheries. Mr. Roth also volunteered to have personnel from his agency present information on Hanford Reach flows during the NMFS presentation on Columbia River flows.

Mr. Robinson reported that someone from the NMFS hydro division would review last year's Columbia River Basin flows and follow it up with a forecast of what we can expect this year based on snow pack and other factors as well.

Mr. Bohn suggested we need to consider transition planning for the groundfish management process this year prior to the future multi-year process being implemented. Mr. Brown said this topic needs to be put on the agenda for the public to be on notice. Dr. McIsaac noted it would be a separate agenda item.

Mr. Brown wanted a short discussion on the potential 25 fathom curve for the closure to yelloweye when certain conditions are met in the fishery. It was unclear if this was a state or federal action and it will be reviewed prior to the April meeting. Dr. McIsaac noted if we find it is a Federal action we will have it on the agenda.

Mr. Boydstun stated he would provide an update on the nearshore CDFG management plan (under strategic planning). For the Channel Islands item, he would like to constitute a workgroup and by the April meeting we should have all the documents. He would like to work with Jim Seger on putting items together for the briefing book. Mr. Boydstun then asked about the winter/spring chinook amendment process.

Dr. Coon said that it is premature to identify a Council group for the salmon amendment process until preliminary background data and a strawman have been developed that the group could react to and work from. The agencies and appropriate staff can come together to do that preliminary work without appointing a Council group. Mr. Robinson agreed that the SW Region of NMFS, USFWS, and CDFG could begin the work. Mr. Boydstun agreed, but was concerned that there may need to be funds to support involvement from others outside these agencies.

Mr. Alverson moved (Motion 18) and Mr. Anderson seconded a motion to adopt the draft April 2002 Agenda as shown in Supplemental Revised Exhibit I.7.a, with changes as discussed above. Motion 18 passed.

I.7.c. Identify Priorities for Advisory Body Consideration

The Council identified that the HC should focus on Habitat Areas of Particular Concern; the SSC should review the STAR panel stock assessments, establish terms of reference for stocks with updated assessments, and begin plans for a workshop on the relationship of virgin biomass to maximum sustainable yield in the groundfish fishery.

Mr. Boydstun was concerned that the input provided to the Coho Fishery Regulation Assessment Model (FRAM) from the revised Klamath Ocean Harvest Model (KOHM) resulted in a significant overestimate of coho impacts in the Fort Bragg area. He asked that the STT and SSC work to correct this issue for the model runs at the April Council meeting.

## **ADJOURN**

The Council meeting was adjourned on Friday, March 15, 2002.

# **DRAFT**

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**Hans Radtke, Council Chairman**

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**Date**



**DRAFT VOTING LOG**  
**Pacific Fishery Management Council**  
**162nd Meeting**  
**March 12-15, 2002**

MOTION 1: Approve the agenda (Exhibit A.5, Council Meeting Agenda) with the following changes: remove Agenda Item A.6 ; under Agenda.B.3 - insert a report from the states and tribes between B.3.a, and B.3.b.; for agenda item G.2., under highly migratory species (HMS) fishery management plan (FMP) - between G.2.b, and G.2.c insert comments from NMFS, states, and tribes; under B.1, NMFS comments will be done under agenda item B.5.e instead; for E.1, NMFS Report, Yvonne deReynier will give those comments. Under B.5., Paul Kirk will be giving the presentation for the Klamath Fishery Management Council (KFMC) instead of Dan Viele.

Moved by: Jim Lone  
Motion 1 passed.

Seconded by: Bob Alverson

MOTION 2: Adopt the methodologies for the FRAM and KOHM as presented by the SAS, STT, and SSC. (Motion 2).

Moved by: Burnie Bohn  
Motion 2 passed.

Seconded by: Jim Harp

MOTION 3: Adopt the dates as provided in Exhibit B.4.b, Supplemental ODFW Report (with the minor editorial year change from 2001 to 2002)

Moved by: Burnie Bohn  
Motion 3 passed.

Seconded by: Ralph Brown

MOTION 4: For proposed 2002 incidental catch regulations for the fixed gear sablefish fishery, adopt for public review the following (Motion 4):

*The Washington Department of Fish and Wildlife is proposing the following options for 2002 incidental catch regulations for the fixed gear sablefish fishery North of Pt. Chehalis:*

***Option 1a:*** Restrict incidental halibut landings to 80 pounds (dressed weight) of halibut for every 1,000 pounds (dressed weight) of sablefish landed, and up to two additional halibut in excess of the 80 pounds per 1,000 pound ratio per landing.

***Option 1b:*** Restrict incidental halibut landings to 200 pounds (dressed weight) of halibut for every 1,000 pounds (dressed weight) of sablefish landed, and up to two additional halibut in excess of the 200 pounds per 1,000 pound ratio per landing.

***Option 2:*** Restrict the incidental halibut landings to a trip limit of 1,000 pounds (dressed weight) of halibut.

***Option 3:*** Close the halibut "hotspot" area as defined in the Pacific Council Halibut Catch Sharing Plan in the North Coast subarea (WASHINGTON Marine Area 3), and extend the closure south to 48°00'00"N latitude, for protection of yelloweye rockfish areas.

*NOTE: Options 2 and 3 may be combined with either Option 1a or 1b.*

*Under any selected option, halibut retention in the sablefish fishery would begin on May 1, after the IPHC licensing application period is concluded.*

Moved by: Phil Anderson  
Motion 4 passed.

Seconded by: Jim Lone

- MOTION 5: For proposed 2002 incidental catch regulations for the salmon troll fishery, adopt for public review the following : 1) status quo; 2) the regulations put in place for 1999 and 3) an option for the closure of the halibut "hotspot" area as defined in the Pacific Council Halibut Catch Sharing Plan in the North Coast subarea (Washington Marine Area 3), and extend the closure south to 48°00'00"N latitude, for protection of yelloweye rockfish areas.

Moved by: Phil Anderson  
Motion 5 passed.

Seconded by: Bob Alverson

- MOTION 6: Adopt, for consideration, the third line of the table in the middle of Exhibit F.2, Supplemental Attachment 4 (i.e., F40, 1999 strength at high, coastwide ABC 251,000 mt; US ABC at 200,000; etc.).

Moved by: Burnie Bohn  
Roll call vote, 5 yes, 8 no.  
Motion 6 failed.

Seconded by: Ralph Brown

- MOTION 7: For 2002 whiting harvest levels adopt a coastwide OY of 190,500 mt based on an assumption of a recruitment event for the 1999 year class intermediate to the medium and high levels.

Moved by: LB Boydston  
Motion 7 passed.

Seconded by: Phil Anderson

- MOTION 8: Adopt the whiting allocation for the Makah tribe in 2002 that continues with the sliding scale that has been used in recent years. Under the ABC and OY adopted in Motion 7, this would provide 25,000 mt for the tribe. (see Supplemental Tribal Motion Exhibit F.2.d on file at Council office).

Moved by: Jim Harp

Seconded by: Burnie Bohn

Motion 8 passed. Mr. Caito voted no. Mr. Brown abstained

- MOTION 9: Have the Highly Migratory Species Plan Development Team prepare a final draft fishery management plan for the Council's consideration for its November 2002 meeting. The purpose of delaying until the November meeting is to allow the Team to adequately address outstanding issues in an open, transparent public process; to allow Advisory Subpanel adequate time to review the final draft before it is presented to the Council; and for NMFS to complete the regulatory package.

Moved by: Mr. Anderson  
Motion 9 passed.

Seconded by: Don Hansen.

**Amendment #1:** Amend the motion to incorporate as indicated on #24 of Attachment 1 proposed outlines and alternatives. Delete the wording in the last sentence "in EEZ north of 45° N latitude and replace in the "EEZ east of 125° west L off Oregon". (Amendment to motion 10). Mr. Brown seconded the amendment.

Moved by: Burnie Bohn                      Seconded by: Ralph Brown  
Amendment #1 to Motion 10 withdrawn. Not voted on.

Amendment #2: Move that the preferred option be Alternative 3.

Moved by: Ralph Brown    Seconded by: Jim Caito

Vote on Amendment #2: Mr. Fougner abstained. 6 yes 6 no. Amendment #2 to Motion 10 failed.

Amendment #3: Move that the preferred option be Alternative 2.

Moved by: Ralph Brown                      Seconded by: Jim Caito  
Amendment #3 to Motion 10 passed. Mr. Fougner abstained.

Vote on Main Motion 10.  
Motion 10 passed. Mr. Fougner abstained and Mr. Lone voted no.

DRAFT VOTING LOG V-3 162nd Meeting (March 2002)



- MOTION 12: Adopt Amendment 10 to the CPS plan as a public review document.
- Moved by: Bob Alverson                      Seconded by: Don Hansen  
Motion 12 passed.
- MOTION 13: Move forward with the amendment addressing Central Valley chinook.
- Moved by: LB Boydston                      Seconded by: Roger Thomas  
Motion 13 passed.
- MOTION 14: Adopt the schedule for an amendment package for the review of the allocation item as well as the final completion of the technical paper on the OCN matrix and have that available at the November meeting.
- Moved by: Burnie Bohn                      Seconded by: Ralph Brown  
Motion 14 passed.
- MOTION 15: Appoint Mr. Richard S. Powers to the CPSAS and Mr. Richard K. Stoll to the Habitat Steering Group.
- Moved by: Roger Thomas                      Seconded by: Don Hansen  
Motion 15 passed.
- MOTION 16: Create an additional position for the NWFSC Habitat scientist on the HSG to provide coordination between habitat issues and the science and appoint Mr. Waldo Wakefield to that position.
- Moved by: Bill Robinson                      Seconded by: Jim Harp  
Motion 16 passed.
- MOTION 17: Adopt the SOPPs as shown in Exhibit I.3, Supplemental Attachment 1. with the changes discussed by Council members.
- Moved by: Phil Anderson                      Seconded by: Bob Alverson  
Motion 17 passed.
- MOTION 18: Adopt the draft April 2002 Agenda as shown in Supplemental Revised Exhibit I.7.a, with the discussionary changes.
- Moved by: Bob Alverson                      Seconded by: Phil Anderson  
Motion 18 passed.
- MOTION 19: Adopt ocean salmon fishery management options for public review as proposed in Exhibit B.10.b, Supplemental STT Report.
- Moved by: Phil Anderson                      Seconded by: Jim Lone  
Motion 19 passed.

MOTION 20: Reconsider Motion 19.

Moved by: Burnie Bohn  
Motion 20 passed.

Seconded by: Ralph Brown

MOTION 21: Amend Motion 19 to include the following additions or changes. For Commercial Option II: Cape Falcon to Florence South Jetty - open March 20 through June 30 and August 1 through August 29; Florence South Jetty to Humbug Mt. - open March 20 through July 21 and August 1 through August 29. For the area Humbug Mt. to the Oregon/California border in July - change the quota to 3,000 chinook in Option II and to 4,500 chinook in Option III.

Moved by: Burnie Bohn  
Motion 21 passed.

~~Seconded~~ by: Ralph Brown

Main motion passed as amended.

