

LEGISLATIVE COMMITTEE REPORT

Chairman, Dr. David Hanson, called the Legislative Committee to order at 10:07 a.m., Monday, October 28th. The Committee discussed current legislation and related congressional activities. Members of the West Coast congressional delegation have conscientiously worked on fisheries issues, including development of legislative language for removing the individual fishing quota (IFQ) moratorium and West Coast buyback. In addition, members of the West Coast delegation were instrumental in drafting a letter expressing concern about continuation of the IFQ moratorium and strong support for the ability for certain councils to use IFQs in their fisheries (Exhibit H.1, Attachment 1), this letter was signed by 11 senators.

Despite this congressional activity, it is anticipated that specific fishery-related legislation or Magnuson-Stevens Act reauthorization will not move through Congress in 2002. However, legislative provisions for IFQ programs and West Coast buyback might be included in omnibus legislation, which will likely also include appropriations for fiscal year 2003. The Committee recommends the Council instruct the Executive Director to draft a letter expressing continued strong support for the ability to use IFQs in West Coast fisheries, that there is no express need for IFQ program standards, and to continue strong support for congressionally-supported West Coast buyback.

The Committee also recommends the Council direct staff to continue to track fisheries-related legislation and provide input to congressional staff, as appropriate.

PFMC
10/31/02

United States Senate

WASHINGTON, DC 20510

October 2, 2002

The Honorable Ernest F. Hollings
Chairman
Senate Commerce Committee
Washington, D.C. 20510

The Honorable John McCain
Ranking Member
Senate Commerce Committee
Washington, D.C. 20510

The Honorable John F. Kerry
Chairman
Subcommittee on Oceans, Atmosphere,
and Fisheries
Senate Commerce Committee
Washington, D.C. 20510

The Honorable Olympia J. Snowe
Ranking Member
Subcommittee on Oceans, Atmosphere,
and Fisheries
Senate Commerce Committee
Washington, D.C. 20510

Dear Senators Hollings, McCain, Kerry and Snowe:

We are writing to express our concerns about the status of the moratorium on Individual Fishing Quota (IFQ) programs, which expired on September 30, 2002. As you are aware, there is strong support in our respective regions for Fisheries Management Councils to be able to rely on IFQs to manage some fisheries. As a result, we oppose any effort to extend the moratorium nationwide.

We greatly appreciate the time and effort you and your staff have devoted to crafting national standards for IFQ programs. Given the regional nature of fisheries, evidenced by significant differences in fisheries resources, industries, communities and management practices, we recognize that developing national standards for quota programs is no simple task. Your staff have listened carefully to all sides of this debate and are working tirelessly to reach common ground. We thank you and your staff for this commitment to developing fair, effective national standards. While we remain hopeful that we may be able to reach consensus before the close of the 107th Congress, we believe that any national IFQ standards should be tailored to address regional differences, and flexibility must be given to the Councils to manage fisheries.

That said, significant differences remain regarding various aspects of national standards for IFQs. Given the limited time and uncertainty surrounding the remaining days of this Congress, we recognize the likelihood that Congress may not pass national standards before it adjourns. In this case, we understand that you may consider extending the moratorium for another year or two, or until the Magnuson-Stevens Act is reauthorized.

If you decide to extend the moratorium, then we will insist that the North Pacific, Gulf and Pacific Councils be exempted from the moratorium on new IFQ programs. The Magnuson-Stevens Act currently contains multiple standards which apply specifically to IFQ programs, in addition to the national standards for fishery management and conservation and the standards for fishery management plans. We believe these standards provide sufficient guidance to Councils in developing IFQ programs until new IFQ standards can be incorporated into reauthorization of the Magnuson-Stevens Act.

While Councils certainly should not be required to adopt fisheries management plans that include IFQ programs, regions should have the flexibility and freedom to rely on this management tool. As you know, all eight Councils have asked Congress to lift the moratorium, and the National Academy of Science's study *Sharing the Fish* made the same recommendation. Given that our nation is currently facing many crises in our fisheries, we must allow Councils access to as many different types of solutions as possible.

Thank you again for all of your hard work to finalize national standards for IFQs during the 107th Congress. It is our sincere hope that we shall be able to work together and succeed in accomplishing this endeavor.

Sincerely,

Patty Murray

Ch. B. Smith

John P. Breaux

Maria Cantwell

King Bailey Futchison

Myrle G.ford

Richard Shelby

Bob Costello

Jeff Sessions

Bill Nelson

R. W. Wagon

LEGISLATIVE MATTERS

Situation: The Legislative Committee will meet October 28, 2002 to review several federal legislative issues currently being considered by Congress. Provisions for individual fishing quota (IFQ) programs have received a great deal of attention recently. The current moratorium on developing new IFQ programs ended on September 30, 2002. It is uncertain whether legislation will be introduced to extend the moratorium. Senators from Oregon, Washington, Texas, Louisiana, Alabama, and Florida have sent a letter to the Senate Commerce Committee opposing efforts to extend the moratorium nationwide (Exhibit H.1, Attachment 1). It is also uncertain if legislation will be introduced that would provide for development and implementation of IFQ programs.

The Fisheries Research Improvement Act (S. 2972) was introduced on September 19, 2002. This bill to amend the Magnuson-Stevens Fishery Conservation and Management Act would establish peer review of National Marine Fisheries Service (NMFS) stock assessment data collection procedures; establish a national cooperative research program among fishing industry participants, states, and NMFS; and provide for extending the rebuilding time period at Section 304(e)(4)(A)(ii) of the act.

The Legislative Committee will provide a summary report to the Council, which might include recommendations for Council actions.

Council Action:

1. Consider Council response to legislative issues.

Reference Materials:

1. Exhibit H.1, Attachment 1.
2. Exhibit H.1.b, Supplemental Legislative Committee Report.

Agenda Order:

- 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

Don McIsaac
Dave Hanson

PFMC
10/15/02

REPORT OF THE BUDGET COMMITTEE

The Budget Committee received an Executive Director Report by Dr. Donald McIsaac that included two items: (1) status of calendar year (CY) 2002 expenditures and projected year end expenses, and (2) an assessment of likely funding and recommended general spending priorities for 2003.

Status of CY 2002 Budget - The status of the total CY 2002 budget was discussed by the committee. Staff indicated that overall expenditures were near projections of the original budget with no expectation that there would be any year end funds remaining from the CY 2002 grant. The staff will continue to closely monitor the status of expenditures until the end of the calendar year.

Funding for 2003 - The Budget Committee received a report indicating that Congressional appropriations which include the Council's CY 2003 budget are still pending. The federal programs will be operating by continuing resolution in the initial phases of fiscal year (FY) 2003. Congress may pass an omnibus appropriations bill at some point after the upcoming election. However, it may not be possible to know with certainty what the actual Council funding level will be until as late as next March. Thus, the CY 2003 funding base level for the Council is unknown at this time and a grant application has not been submitted.

Council staff provided proposed general priorities for expending CY 2003 funds. After review and discussion, the Budget Committee approved the proposed general budget priorities as contained in Ancillary E, Supplemental Budget Committee Reference (attached), and scheduled a Budget Committee meeting for the March Council meeting to review the financial situation at that time.

Other Issues - Dr. McIsaac also reported on an issue regarding travel, specifically airline tickets and alternatives to the travel agency that handles the Council travel. A test with a different vendor is underway. The Council staff will provide an update on this matter at some point in the future.

PFMC
11/01/02

Jim Harp
11/01/02 10:32

TRIBAL SALMON ADVISORY SUBPANEL SEATS

Motion #1:

<motion 31> Harp/Bohn

passed

For the Washington Coastal tribes, I move that the Council appoint Calvin S. Frank to serve on the Salmon Advisory Subpanel for the time period between January 1, 2003 and December 31, 2005. Mr. Frank has been nominated by the Quinault Indian Nation for this position. ³

This is the only nomination from the Washington coastal tribes.

Motion # 2:

<motion 32>

Harp Bohn

passed

For the SAS ^{Klamath River basin} ~~California~~ tribal position and HC, I move that the Council leave Dave Hillemeier as the SAS member until the term ends December 31, 2003. I further recommend that Mike Orcutt continue to serve on the Council Habitat Committee (HC) for the timeframe ending on December 31, 2003.

At the appropriate time, the Council should advertise for both positions to be filled effective January 1, 2004 from nominations of eligible persons that must be affiliated with a federally recognized tribe and must be knowledgeable about tribal anadromous fishery (SAS) or tribal anadromous habitat issues (HC).

The Council received a proposal from the Hoopa Valley tribe on Fri., Oct. 25, 2002 that proposed adding additional seats to both the SAS and the HC. After review of this proposal, the Council opted to not increase the composition of either the SAS or the HC.

GROUND FISH ADVISORY SUBPANEL REPORT ON
APPOINTMENTS TO ADVISORY BODIES, STANDING COMMITTEES, AND OTHER FORUMS

The Groundfish Advisory Subpanel (GAP) reviewed proposals to change the structure of the GAP, focusing specifically on representation by non-charter recreational fishermen.

A minority of the GAP endorsed a proposal to increase GAP membership by 1, with the new member designated as representing non-charter sport fishermen. Proponents argued that the increased effects of groundfish management on non-charter sport fishermen suggests a need for greater representation by the sector. They noted, in particular, that there are no non-charter sport representatives from California on the GAP in spite of the large amount of time spent on California recreational issues when dealing with annual specifications.

The majority of the GAP opposed the proposal. They pointed out that every user group on the GAP could claim under-representation in some way. Further, the current GAP membership has 3 recreational charter seats and 2 at-large seats; both of the at-large seats could be filled with non-charter fishermen if the Council chose to do so. In addition, the needs of charter representatives and non-charter representatives are often the same, and in any case, charter representatives are cognizant of non-charter recreational needs. Finally, the GAP noted that GAP meetings are open processes, and the public is given essentially the same opportunity to present views and ask questions as are members of the GAP. Thus, the majority of the GAP believes there are ample opportunities for non-charter sport users to be represented, to be heard and to participate.

NOMINEES TO ADVISORY BODY VACANCIES AND GAP MEMBERSHIP COMPOSITION

Nominees to Fill Advisory Body Vacancies

Advisory Body & Position	Nominees	Nominated By
HC - Conservation	Michael Osmond, Palo Alto, CA	Ocean Conservancy Natural Res. Defense Council
SAS - WA Coastal Tribes	Calvin S. Frank	Quinault Indian Nation

GAP Membership Composition

No.	Fishing Sector	Current Members
3	Trawlers (one each from WA, OR, CA)	Marion Larkin, Kelly Smotherman, Tommy Ancona
3	Fixed-Gear Fishers (at-large)	John Crowley*, Tom Ghio, Jim Potts*
2	Open Access (one each from north & south of Cape Mendocino)	Kenyon Hensel, Kathy Fosmark
3	Processors (two at-large; one at-sea)	Rod Moore, Barry Cohen, Dale Myer
3	Charter Boat Operators (one each from WA, OR, CA)	Rhett Weber, Wayne Butler, Darby Neil*,
2	Sport Fishers (at-large)	Frank Warrens, Janice Green
1	Tribal Fisher (active in ocean fishery)	Gordon Smith
1	Conservation Representative	Phil Kline
18		

* These members have tendered their resignations, effective after the November meeting.

PFMC
10/16/02

APPOINTMENTS TO ADVISORY BODIES, STANDING COMMITTEES, AND OTHER FORUMS

Situation: The Council is requested to review and act on the advisory body appointments and issues listed below. A summary of advisory body nominees and the current composition of the Groundfish Advisory Subpanel (GAP) are provided in Attachment 1.

1. **Appointments to Tribal Salmon Advisory Subpanel (SAS) Seats** - The Council needs to complete action remaining from the September Council meeting on the following appointments:
 - a. The Council extended the deadline for filling the vacancy for the SAS Washington coastal tribal seat to allow for additional nominees (only one was received prior to the September meeting). The new member, who must be active in ocean troll fisheries, will serve January 1, 2003 through December 31, 2003 (the end of the current three-year term). Nominations for this position are listed in Attachment 1 and the nomination letters in Closed Session A, Attachment 1.
 - c. The Council extended consideration of eliminating the current SAS California tribal position to allow more time for the Hoopa Valley and Yurok tribes to develop a plan for sharing the position. A fax at the September meeting from the Hoopa Valley Tribe reported that progress was being made and asked the Council to delay its consideration to the November meeting. If no plan is submitted for consideration, the Council has indicated its intent to eliminate the California tribal position.
2. **Appointment to the Conservation Entity Position on the Habitat Committee (HC) for Completion of the 2001-2003 Term** - The deadline for nominees to the conservation position on the HC was extended to September 30. Only one nomination has been received, Mr. Michael Osmond of the World Wildlife Fund. The nomination is listed in Attachment 1 and the nomination letter is contained in Closed Session A, Attachment 1.
3. **Consideration of Changes in the Composition of the Groundfish Advisory Subpanel (GAP) Membership** - In September, the Council reviewed a letter from Ms. Janice Green requesting the Council to consider adding more noncharter sport fishery representation on the GAP in light of the impacts the Council management decisions are having on that fishery. In response to that request, the Council agreed to review the composition of the membership at the November meeting. Included in the review was the goal of balancing the membership within the current total number of members rather than adding new positions. The current composition of the GAP is provided in Attachment 1.
4. **Other Appointments or Advisory Body Issues or Information** - Oregon Department of Fish and Wildlife (ODFW) has temporarily appointed Mr. Curt Melcher to the Salmon Technical Team (STT) to replace Mr. Mike Burner (Closed Session A, Attachment 1). As a former STT member approved by the Council and recognized for his previous service, Mr. Melcher is qualified to fill this temporary position.

Council Action:

1. **Appoint nominee to Washington Coastal Tribal SAS seat.**
2. **Respond to California tribal proposal for sharing the SAS seat or eliminate the position.**
3. **Appoint nominee to the conservation position on the HC.**
4. **Identify possible changes in the composition of the GAP.**

Reference Materials:

1. Nominees to Advisory Body Vacancies and GAP Membership Composition (Exhibit H.3, Attachment 1).

Agenda Order:

3. Appointments to Advisory Bodies, Standing Committees, and Other Forums
 - a. Appointments to Advisory Bodies
 - i. Tribal Salmon Advisory Subpanel Seats
 - ii. Other Advisory Body Appointments; Groundfish Advisory Subpanel Composition; Miscellaneous Issues
 - b. Reports and Comments of Advisory Bodies
 - c. **Council Action:** Consider Membership Revisions and Appoint New Members

John Coon

PFMC
10/16/02

NOMINEES TO ADVISORY BODY VACANCIES AND GAP MEMBERSHIP COMPOSITION

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18		

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PFMC
10/16/02

PROPOSED COUNCIL STAFF WORKLOAD PRIORITIES FOR NOVEMBER 4, 2002 THROUGH APRIL 11, 2003
(Bolded tasks represent a Core Program Responsibility)

	Salmon	Groundfish	CPS	HMS	Other
ACTIVE	SAFE Doc: Annual Review Preseason Rpts Annual Specs and EA Public Hearings - Options	Complete Final 2003 Mgmt Specs EIS Emergency Reg EA (Jan-Feb 2003) SAFE Doc Vol 2, 2002 Limited Role to complete A-17	Ann. Mgmt Specs - sardine	FMP - Process Final	Admin Necessities (Briefing Book, minutes, Advisory Body coord, etc.)
	SSC methodology review	Amendment 16 - proc & stndrds options	Pln & Coord. 2003 STAR review		Legislative Com follow-up
	Pacific Halibut Mgmt	Amendment 16 - Species Rebdg Plns			Status of Stocks Rpt
		Darkblotched rockfish			Marine Reserve coord
		Pacific Ocean Perch			Research & Data Needs
		Cowcod			
		Lingcod			
		Widow Rockfish			
		Canary Rockfish			
		Yelloweye Rockfish			
	Programmatic & EFH EISs				
	Current Litigation Response				
	Plan and Coord. 2003 STAR				

CONTINGENT	Update FMP w/A-14	Update FMP through Amendment 14	Regulatory Amendment: Sardine Allocation		
	Amendment: Central Valley Chinook	Amendment 16 - Species Rebdg Plns	Attend Trinat'l Sardine Forum		
	Model Eval Work Group	Bocaccio Rockfish	Update FMP w/ Amendment 9		
		Whiting	Update FMP w/ Amendment 10		
	Individual Fishing Quotas (IFQ)				
	Ad Hoc VMS Committee				

DELAYED	Current Litigation response	Permit Stacking Implementation:			
	Amendments:	Fixed-Gear (owner on board; 6 permits)			
	S Falcon coho allocation	Trawl Committeee			
	OCN matrix	Open Access Committee			
		Ad Hoc EFP Process & Stds Committee			
		SSC B ₀ & MSY Workshop			
		SSC Bycatch Workshop			
		Amendment - CA nearshore delegation			
		Full retention pilot program			
		Amendment 15 - AFA			

Exhibit H.5
 Supplemental Staff Workload Priorities
 November 2002

DRAFT COUNCIL MEETING AGENDA, MARCH 10-14, 2003, SACRAMENTO, CA

AG	#	TIME	AGENDA TOPICS/COMMENTS	COUNCIL TASK	SSC	HC	REVIEW PRIORITY Other or *Not at Mtg ^{1/}
			Monday, March 10				
			Ancillary Meetings				
			Tuesday, March 11				
	2.5		Closed Session: Personnel & Litigation - 8 am	Info/Discussion			
			Appointments - GAP, GMT, & HMSAS				
			Expanded Litigation Briefing				
A.	0.4		Call to Order: Opening, Roll Call, ED Rpt, Agenda, Minutes - 10:30 am				
			Approve Agenda	Action			
			Approve Minutes - June, Sept, Nov	Action			
B.			Salmon Management - 11:00 am				
	1	0.3	NMFS Report	Info			SAS, STT
	2	0.5	Final SSC Methodology Review Recommendations on Chinook FRAM for 2003 Mgmt	Action	X		SAS, STT
	3	0.5	Review of 2002 Fisheries and Summary of 2003 Stock Abundance Est.	Info	X		SAS, STT
	4	0.3	Inseason Mgmt Recommendations for Openings prior to May 1 North of Cape Falcon	Action			EC, SAS, STT
	5	3.0	Identify Mgmt Objectives & Preliminary Definition of 2003 Salmon Mgmt Options	Action			EC, SAS, STT
		0.5	4 pm Public Comment Period	Info			
		8.0					
			Wednesday, March 12				
C.			Habitat Issues - 8:00 am				
	1	0.5	Essential Fish Habitat (EFH) Issues - HC Rpt - 8 am	Action		X	GAP*, SAS
D.			Marine Reserves				
	1	1.5	Update on MR Activities; including planning for federal waters CINMS	Info		X	GAP*, SAS, HMSAS*, CPSAS
	2	1.0	Presentation by Jane Lubchenco;	Info		X	GAP*, SAS, HMSAS*, CPSAS
E.			Pacific Halibut				
	1	0.1	NMFS Report (status of Regulations for 2003)				EC, SAS, GAP*
	2	0.3	Report on International Pacific Halibut Commission Annual Meeting				SAS, GAP*
	3	0.6	Proposed 2003 Incidental Catch Regs for Salmon Troll & Fixed-Gear Sablefish Fisheries	Action			EC, SAS, GAP*, GMT*
F.			Groundfish Mgmt				
	1	0.5	NMFS Rpt - including implementation of 2003 regs	Info			GAP*, GMT*
G.			Highly Migratory Species Management				
	1	0.3	NMFS RPT (status of FMP approval)				HMSAS*, HMPSPDT*
B.			Salmon Mgmt Continued				
	6	0.5	Progress Rpt on Modeling Evaluation Work Group	Info	X		SAS, STT
	7	1.0	Council Recommendations for 2003 Management Option Analysis				SAS, STT
		6.3					
			Thursday, March 13				
I.			Administration				
	1	1.5	Council Role in Meeting NEPA Requirements more Efficiently	Info			
	2	1.5	Planning Session on Meeting Mgmt & Scheduling Issues	Info			
	3	0.5	Legislative Matters - Rpt of the Legislative Committee	Action			
	4	0.3	Appointments	Action			
			GAP, GMT and HMSAS Replacements or Additions				
H.			Coastal Pelagic Species Mgmt				
	1	0.2	NMFS Rpt	Info			CPSAS, *CPSMT
	2	3.0	Review Draft FMP Amendment and EA to Establish Long-term Sardine Harvest Allocation	Action			CPSAS, *CPSMT
	3	0.5	Update on Sardine Stock Assessment Review Process (terms of reference)	Action		X	CPSAS, *CPSMT
B.			Salmon Mgmt Continued				
	8	0.5	Council Direction for 2003 Mgmt Options (If Necessary)	Action			SAS, STT
		8.0					

DRAFT COUNCIL MEETING AGENDA, MARCH 10-14, 2003, SACRAMENTO, CA

AG		AGENDA TOPICS/COMMENTS	COUNCIL TASK	REVIEW PRIORITY		
#	TIME			SSC	HC	Other or 'Not at Mtg' ^{1/}
Friday						
I.		Administration - 8 am				
5	0.3	Budget Committee Rpt	Info/Action			
6	0.5	Workload Planning	Info			
7	0.5	Draft April Agenda	Action			
B.						
		Salmon Mgmt Continued - 9 am				
9	0.2	Appoint Salmon Hearings Officers	Action			SAS, STT
10	2.0	Adopt 2003 Management Options for Public Review	Action			EC, SAS, STT
3.2						

1/ Anticipates each advisory subpanel will review agenda items for its particular FMP.

Informational Reports (available in Briefing Book, but no time scheduled on Agenda):

1						
2						

General Information

ANCILLARY MEETINGS AT SEPTEMBER COUNCIL MEETING				
Day	Group	Start Time	Continuing Through	Staffing
Sunday: None [KFMC meets]				
Monday:				
	A. SAS	8:00 AM	Fri.	CAT
	B. STT	8:00 AM	Fri.	CAT
	C. SSC	8:00 AM	Tue	DAW
	D. HC	10:00 AM	Mon.	JG/CAT
	E. Legislative	10:00 AM	Mon.	DM
	F. Budget Committee	1:00 PM	Mon.	DM/JC
	Chair's Briefing	2:00 PM	Mon.	DM/JC
Tuesday:				
	G. EC	5:30 PM	Thur.	JLS
Wednesday				
	H. CPSAS	8:00 AM	Thur.- noon	DAW
Thursday:				
	Continuation of CPSAS, EC, SAS, and STT			
Friday:				
	Continuation of EC, SAS, and STT			

Cover Memos due to CSP by **noon on 2/24**.

