

## PROPOSED AGENDA

### Pacific Fishery Management Council

Red Lion Hotel Sacramento  
 1401 Arden Way  
 Sacramento, CA 95815  
 (916) 922-8041  
 March 10-14, 2003

### MARCH COUNCIL MEETING AGENDA SUMMARY

<i><b>Monday, March 10</b></i>	<i><b>Tuesday, March 11</b></i>	<i><b>Wednesday, March 12</b></i>	<i><b>Thursday, March 13</b></i>	<i><b>Friday, March 14</b></i>	
	Closed Executive Session	Habitat Issues	Highly Migratory Species Management		
	Salmon Management	Marine Reserves			Administrative Matters
		Groundfish Management			
		Pacific Halibut Management	Administrative Matters		
		4 p.m. Public Comment Period (for items <u>not</u> on the agenda)	Salmon Management	Coastal Pelagic Species Management	
	Ancillary meetings for advisory subpanels, technical teams, subcommittees, etc. begin Sunday (see last page of detailed Council agenda for 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 nonemergency issues specifically identified as **Council Action** in the agenda. Public comments on items not on the agenda will be accepted at 4 p.m. on Tuesday.

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

**Written comments or materials received at the Council Office by March 4, 2003** will be included in the materials distributed to the Council for consideration at this meeting. Comments received by February 21 will be mailed to Council members prior to the meeting. **After March 4 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 Martinique Ballroom.

## DETAILED COUNCIL MEETING AGENDA

SUNDAY, MARCH 9 THROUGH FRIDAY, MARCH 14

### 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, MARCH 11, 2003

### CLOSED SESSION

8 A.M.

*Martinique Ballroom*

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

### GENERAL SESSION

10:30 A.M.

*Martinique Ballroom*

#### **A. Call to Order**

- |  |                    |
|--|--------------------|
| 1. Opening Remarks, Introductions  | Hans Radtke, Chair |
| 2. Roll Call   | Don McIsaac        |
| 3. Executive Director's Report   | Don McIsaac        |
| 4. <b>Council Action:</b> Approve Agenda                                     | Hans Radtke        |
| 5. <b>Council Action:</b> Approve June, September, and November 2002 Minutes | Hans Radtke        |

#### **B. Salmon Management**

- |  |               |
|--|---------------|
| 1. National Marine Fisheries Service (NMFS) Report                                       |               |
| a. Informational Update  | Bill Robinson |
| b. Reports and Comments of Advisory Bodies   |               |
| c. Public Comment  |               |
| d. Council Discussion  |               |
| 2. Final Scientific and Statistical Committee (SSC) Methodology Review                   |               |
| Recommendations on the Chinook and Coho  |               |
| Fishery Regulation and Assessment Models (FRAM) for 2003 Salmon Management               |               |
| a. Agendum Overview  | Chuck Tracy   |
| b. SSC Report  | Pete Lawson   |
| c. Reports and Comments of Advisory Bodies   |               |
| d. Public Comment  |               |
| e. <b>Council Action:</b> Consider Methodology Changes to the Chinook FRAM and Coho FRAM |               |
| 3. Review of 2002 Fisheries and Summary of 2003 Stock Abundance Estimates                |               |
| a. Report of the Salmon Technical Team (STT)   | Dell Simmons  |
| b. Reports and Comments of Advisory Bodies   |               |
| c. Public Comment  |               |
| d. Council Discussion  |               |

4. Inseason Management Recommendations for Openings Prior to May 1  
North of Cape Falcon
  - a. Agendum Overview Chuck Tracy
  - b. Oregon Department of Fish and Wildlife (ODFW) and Washington  
Department of Fish and Wildlife (WDFW) Recommendations Burnie Bohn/Phil Anderson
  - c. Reports and Comments of Advisory Bodies
  - d. Public Comment
  - e. **Council Action:** Consider Adopting Recommendations for Early Opening Dates  
for Fisheries North of Cape Falcon
5. Identification of Management Objectives and Preliminary Definition of 2003  
Salmon Management Options
  - a. Agendum Overview Chuck Tracy
  - b. Report from the Pacific Salmon Commission Burnie Bohn/Jim Harp
  - c. Report of the Klamath Fishery Management Council (KFMC) Dan Viele
  - d. Report of the California Fish and Game Commission Bob Treanor
  - e. NMFS Recommendations Bill Robinson
  - f. Tribal Recommendations Jim Harp
  - g. State Recommendations Phil Anderson/Burnie Bohn/Marija Vojkovich
  - h. Reports and Comments of Advisory Bodies
  - i. Public Comment
  - j. Council Recommendations for Initial Options for STT Collation and Description

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

WEDNESDAY, MARCH 12, 2003

GENERAL SESSION  
 8 A.M.  
*Martinique Ballroom*

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

6. Commencing Remarks Don McIsaac

**C. Habitat Issues**

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

**D. Marine Reserves**

1. Considerations for Integrating Marine Reserves with Effective Fishery Management
  - a. Agendum Overview Jim Seger
  - b. Presentations Drs. Jane Lubchenco/Mark Hixon/Dave Fluharty
  - c. Reports and Comments of Advisory Bodies
  - d. Public Comment
  - e. Council Discussion
  
2. Update on Marine Reserves Activities
  - a. Agendum Overview Jim Seger
  - b. Reports and Comments of Advisory Bodies
  - c. Public Comment
  - d. Council Discussion
  
3. Planning for Federal Waters Portion of the Channel Islands National Marine Sanctuary (CINMS)
  - a. Agendum Overview Jim Seger
  - b. Reports and Comments of Advisory Bodies
  - c. Public Comment
  - d. Council Discussion
  - e. **Council Action:** If Appropriate, Adopt Process for Consideration of Marine Reserves in Federal Waters in or near the CINMS.

#### ***E. Groundfish Management***

1. NMFS Report
  - a. Informational Update Bill Robinson
  - b. Reports and Comments of Advisory Bodies
  - c. Public Comment
  - d. Council Discussion

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

1. NMFS Report
  - a. Status of Council Management Measure Recommendations for 2003 Bill Robinson
  - b. Reports and Comments of Advisory Bodies
  - c. Public Comment
  - d. Council Discussion
  
2. Report on International Pacific Halibut Commission (IPHC) Annual Meeting
  - a. Summary of Meeting Hans Radtke
  - b. Reports and Comments of Advisory Bodies
  - c. Public Comment
  - d. Council Discussion
  
3. Public Review Options for the 2003 Incidental Catch Regulations in the Salmon Troll and Fixed Gear Sablefish Fisheries
  - a. Agendum Overview Chuck Tracy
  - b. State Proposals for the Salmon Troll Fishery
  - c. State Proposals for the Fixed Gear Sablefish Fishery
  - d. Tribal Comments Jim Harp
  - e. Reports and Comments of Advisory Bodies
  - f. Public Comment
  - g. **Council Action:** Adopt Public Review Options for 2003 Incidental Halibut



Catch Regulations

**B. Salmon Management (continued)**

- |   |              |
|---|--------------|
| 6. Status of Model Evaluation Workgroup   |              |
| a. Agendum Overview   | Chuck Tracy  |
| b. Reports and Comments of Advisory Bodies  |              |
| c. Public Comment   |              |
| d. Council Discussion   |              |
| 7. Status of Marking Programs for Selective Fisheries   |              |
| a. Agendum Overview   | Chuck Tracy  |
| b. Report of the STT  | Dell Simmons |
| c. Reports and Comments of Advisory Bodies  |              |
| d. Public Comment   |              |
| e. Council Discussion   |              |
| 8. Conservation Objectives for Central Valley Winter and Spring Chinook                             |              |
| a. Agendum Overview   | Chuck Tracy  |
| b. Report of the Sacramento River Winter and Spring Chinook Workgroup                               | Dan Viele    |
| c. Reports and Comments of Advisory Bodies  |              |
| d. Public Comment   |              |
| e. <b>Council Action:</b> Consider Recommendations of the Workgroup                                 |              |
| 9. Council Recommendations for 2003 Management Option Analysis                                      |              |
| a. Agendum Overview   | Chuck Tracy  |
| b. Report of the STT  | Dell Simmons |
| c. Report of the KFMC   | Dan Viele    |
| d. Reports and Comments of Advisory Bodies  |              |
| e. Public Comments  |              |
| f. Council Direction to the STT and Salmon Advisory Subpanel<br>on Options Development and Analysis |              |

THURSDAY, MARCH 13, 2003

GENERAL SESSION  
8 A.M.  
*Martinique Ballroom*

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

Hans Radtke

7. Commencing Remarks

Don McIsaac

**G. Highly Migratory Species Management**

- |  |               |
|--|---------------|
| 1. NMFS Report   |               |
| a. Informational Update  | Svein Fougner |
| b. Reports and Comments of Advisory Bodies   |               |
| c. Public Comment  |               |
| d. Council Discussion  |               |
| 2. Status of the Pacific Council Highly Migratory Species Fishery Management<br>Plan (FMP) |               |
| a. Agendum Overview  | Dan Waldeck   |
| b. NMFS Report on New Turtle Impact Data   | Svein Fougner |
| c. Reports and Comments of Advisory Bodies   |               |
| d. Public Comment  |               |

- e. **Council Action:** Consider Delaying FMP Transmittal to NMFS

#### **H. Administrative and Other Matters**

1. Improvements in Meeting National Environmental Policy Act (NEPA) Requirements for Council Actions  
a. Agendum Overview Kit Dahl  
b. Reports and Comments of Advisory Bodies  
c. Public Comment  
d. Council Discussion
2. Planning Session on Improving Council Meeting Efficiency  
a. Agendum Overview Don McIsaac  
b. Reports and Comments of Advisory Bodies  
c. Public Comment  
d. Council Discussion
3. Legislative Matters  
a. Agendum Overview Dan Waldeck  
b. Legislative Committee Report Dave Hanson  
c. Reports and Comments of Advisory Bodies  
d. Public Comment  
e. **Council Action:** Consider Recommendations of the Legislative Committee
4. Appointments to Advisory Bodies, Standing Committees, and Other Forums  
a. Agendum Overview John Coon  
b. Appointments to Advisory Bodies (Groundfish Advisory Subpanel, Groundfish Management Team, Scientific and Statistical Committee, Highly Migratory Species Advisory Subpanel, Other)  
c. Reports and Comments of Advisory Bodies  
d. Public Comment  
e. **Council Action:** Consider Appointing New Members and Addressing Other Membership Issues

#### **I. Coastal Pelagic Species Management**

1. NMFS Report  
a. Informational Update Svein Fougner  
b. Reports and Comments of Advisory Bodies  
c. Public Comment  
d. Council Discussion
2. Draft Regulatory Amendment and Analysis for Changes to Sardine Allocation  
a. Agendum Overview Dan Waldeck  
b. Reports and Comments of Advisory Bodies  
c. Public Comment  
d. **Council Action:** Consider Preliminary Action to Guide Regulatory Amendment Process and Guidance to Advisory Bodies
3. Update on Sardine Stock Assessment Review Process  
a. Agendum Overview Dan Waldeck  
b. Reports and Comments of Advisory Bodies  
c. Public Comment  
d. **Council Action:** Consider Approving Terms of Reference

**B. Salmon Management (continued)**

10. Council Direction for 2003 Management Options (If Necessary)
  - a. Agendum Overview
  - b. Report of the STT
  - c. Reports and Comments of Advisory Bodies
  - d. Public Comment
  - e. Council Guidance and Direction

Chuck Tracy  
Dell Simmons

FRIDAY, MARCH 14, 2003

GENERAL SESSION  
8 A.M.  
*Martinique Ballroom*

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

8. Commencing Remarks

Don McIsaac

**H. Administrative and Other Matters (continued)**

5. Financial Matters
  - a. Budget Committee Report
  - b. **Council Action:** Consider Recommendations of the Budget Committee
6. Council Staff Work Load Priorities
  - a. Agendum Overview
  - b. Council Discussion and Guidance
7. April 2003 Council Meeting Agenda
  - a. Consider Agenda Options
  - b. Identify Priorities for Advisory Body Consideration
  - c. **Council Action:** Adopt Final Agenda for the April 2003 Meeting

Jim Harp

Don McIsaac

**B. Salmon Management (continued)**

11. Salmon Hearings Officers
  - a. Agendum Overview
  - b. **Council Action:** Appoint Hearings Officers
12. Adoption of 2003 Management Options for Public Review
  - a. Agendum Overview
  - b. Report of the STT
  - c. Reports and Comments of Advisory Bodies
  - d. Public Comment
  - e. **Council Action:** Adopt Management Options for Public Review

Chuck Tracy  
Hans Radtke

Chuck Tracy  
Dell Simmons

ADJOURN

## SCHEDULE OF ANCILLARY MEETINGS

### SUNDAY, MARCH 9, 2003

SSC Groundfish and Economic Subcommittees	1 p.m.	Sierra B
Klamath Fishery Management Council	2 p.m.	Sierra A

### MONDAY, MARCH 10, 2003

Council Secretariat	8 a.m.	California Room
Salmon Advisory Subpanel	8 a.m.	Comstock 2 Room
Salmon Technical Team	8 a.m.	Comstock 3 Room
Scientific and Statistical Committee	8 a.m.	Sierra B Room
Habitat Committee	10 a.m.	Klamath Room
Legislative Committee	10 a.m.	Tahoe Room 514
Budget Committee	1 p.m.	Tahoe Room 514
Klamath Fishery Management Council	As necessary	Sierra A Room
Tribal Policy Group	As necessary	Almanor Room 303
Tribal and Washington Technical Groups	As necessary	Shasta Room 305
Washington State Delegation	As necessary	Comstock 1 Room

### TUESDAY, MARCH 11, 2003

Council Secretariat	7 a.m.	California Room
California State Delegation	7 a.m.	Tahoe Room 514
Oregon State Delegation	7 a.m.	Comstock 2 Room
Salmon Advisory Subpanel	8 a.m.	Comstock 2 Room
Salmon Technical Team	8 a.m.	Comstock 3 Room
Scientific and Statistical Committee	8 a.m.	Sierra B Room
Enforcement Consultants	Immediately following Council session	Tahoe Room 514
Klamath Fishery Management Council	As necessary	Sierra A Room
Tribal Policy Group	As necessary	Almanor Room 303
Tribal and Washington Technical Groups	As necessary	Shasta Room 305

## SCHEDULE OF ANCILLARY MEETINGS

Washington State Delegation	As necessary	Comstock 1 Room
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### WEDNESDAY, MARCH 12, 2003

Council Secretariat	7 a.m.	California Room
California State Delegation	7 a.m.	Tahoe Room 514
Oregon State Delegation	7 a.m.	Comstock 2 Room
Coastal Pelagic Species Advisory Subpanel	8 a.m.	Klamath Room 513
Salmon Advisory Subpanel	8 a.m.	Comstock 2 Room
Salmon Technical Team	8 a.m.	Comstock 3 Room
Enforcement Consultants	As necessary	Tahoe Room 514
Klamath Fishery Management Council	As necessary	Sierra A Room
Tribal Policy Group	As necessary	Almanor Room 303
Tribal and Washington Technical Groups	As necessary	Shasta Room 305
Washington State Delegation	As necessary	Comstock 1 Room

### THURSDAY, MARCH 13, 2003

Council Secretariat	7 a.m.	California Room
California State Delegation	7 a.m.	Tahoe Room 514
Oregon State Delegation	7 a.m.	Comstock 2 Room
Coastal Pelagic Species Advisory Subpanel	8 a.m.	Klamath Room 513
Salmon Advisory Subpanel	8 a.m.	Comstock 2 Room
Salmon Technical Team	8 a.m.	Comstock 3 Room
Enforcement Consultants	As necessary	Tahoe Room 514
Klamath Fishery Management Council	As necessary	Sierra A Room
Tribal Policy Group	As necessary	Almanor Room 303
Tribal and Washington Technical Groups	As necessary	Shasta Room 305
Washington State Delegation	As necessary	Comstock 1 Room

### FRIDAY, MARCH 14, 2003

Council Secretariat	7 a.m.	California Room
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### **SCHEDULE OF ANCILLARY MEETINGS**

California State Delegation	7 a.m.	Tahoe Room 514
Oregon State Delegation	7 a.m.	Comstock 2 Room
Salmon Advisory Subpanel	8 a.m.	Comstock 2 Room
Salmon Technical Team	8 a.m.	Comstock 3 Room
Enforcement Consultants	As necessary	Tahoe Room 514
Tribal Policy Group	As necessary	Almanor Room 303
Tribal and Washington Technical Groups	As necessary	Shasta Room 305
Washington State Delegation	As necessary	Comstock 1 Room

PFMC  
02/25/03

**Meeting Record and Summary Minutes**  
**Pacific Fishery Management Council**  
**June 17-21, 2002**

The full record of the Pacific Fishery Management Council (Council) June 17-21, 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 Summer 2002 Council Newsletter.





# DRAFT MINUTES

## Pacific Fishery Management Council

June 17 - 21, 2002

<b>A. Call to Order</b>	2
A.4 <b>Council Action:</b> Approve Agenda	2
<b>B. Administrative Matters</b>	2
B.1.c <b>Council Action:</b> Consider Membership Revisions and Appoint New Members	3
B.2.b Council Discussion and Guidance on Council Staff Work Load Priorities	3
B.3.c <b>Council Action:</b> Adopt Draft Agenda for the September 2002 Meeting	4
<b>C. Groundfish Management</b>	4
C.1.d Council Discussion on NMFS Report on Groundfish Management	4
C.2.e Council Discussion and Guidance on Stock Assessments for Bocaccio, Canary Rockfish, and Sablefish	7
C.3.d <b>Council Action:</b> Adopt Rebuilding Analyses for Bocaccio, Canary Rockfish, Yelloweye Rockfish, Widow Rockfish and Whiting	8
C.4.f <b>Council Action:</b> Adopt Preliminary Harvest Levels and Other Specifications for 2003 for Public Review	10
C.5.d <b>Council Action:</b> Adopt Draft Rebuilding Plans for Public Review	15
C.6.e <b>Council Action:</b> Consider Adoption of Draft Alternatives for the FMP PSEIS	17
C.7.d <b>Council Action:</b> Adopt Draft Amendment 17 for Public Review	19
C.8.f <b>Council Action:</b> Adopt Proposed Management Measures for 2003 for Public Review	22
C.9.f <b>Council Action:</b> Consider Groundfish Inseason Adjustments	27
C.10.d Council Discussion and Guidance on Groundfish Stock Assessment Priorities for 2003	31
C.11.d Council Discussion on Scoping for Delegation of Nearshore Management Authority	33
<b>D. Highly Migratory Species Management</b>	34
D.1.d Council Discussion on NMFS Report on HMS Management	35
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E.1.e <b>Council Action:</b> Consider HC Recommendations and Take Action as Necessary	39
<b>F. Marine Reserves</b>	39
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<b>G. Coastal Pelagic Species Management</b>	46
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G.2.d <b>Council Action:</b> Adopt Amendment 10 to the CPS FMP	47
G.3.d <b>Council Action:</b> Review Stock Assessments and Adopt Harvest Guideline for Pacific Mackerel	49
<b>PUBLIC COMMENT PERIOD 4 P.M. (Tuesday, June 18, 2002)</b>	49

## A. Call to Order

### A.1 Opening Remarks, Introductions

The 164th meeting of the Pacific Fishery Management Council was called to order at 10 a.m. by Dr. Hans Radtke, Chairman.

### A.2 Roll Call

Dr. Don McIsaac called the roll.

#### Members Present at Time of Roll Call

Bob Alverson  
Phil Anderson  
Burnie Bohn  
LB Boydston  
Ralph Brown  
Jim Caito  
David Gaudet (Non-Voting)  
Donald Hansen (Vice-Chairman)  
David Hanson (Parliamentarian, non-voting)  
Jim Harp  
Jim Lone  
Jerry Mallet  
Hans Radtke (Chairman)  
Bill Robinson  
Tim Roth (Non-voting)  
Roger Thomas

#### Members Absent at Time of Roll Call

LCDR Jeff Jackson (Non-Voting)  
Stetson Tinkham (Non-Voting)

### A.3 Executive Director's Report

Dr. Donald McIsaac gave brief updates on the following topics: Mitchell Act funding, Annual Council Chairmen's Meeting, Oceania petition to reduce bycatch, informational reports from the briefing book not included on the agenda for discussion, Ocean Policy Commission testimony from Mr. Ralph Brown, workload planning, and a Council staffing update.

Dr. McIsaac introduced Dr. Edward Waters, the new economic analyst on the Council staff, and noted there is a recruitment for a new staff officer position for groundfish.

### A.4 Council Action: Approve Agenda

Mr. Jim Lone moved and Mr. Bob Alverson seconded the motion (Motion 1), to approve the agenda as shown in Exhibit A.4, with the following changes: address agenda item C.10 prior to C.9 and address the matter of Magnuson-Stevens Act Section 204(d) Permit Application under D.1, National Marine Fisheries Service (NMFS) Report on Highly Migratory Species Management. Motion 1 passed.

## B. Administrative Matters

### B.1 Appointments to Advisory Bodies, Standing Committees, and Other Forums (06/18/02; 10:20 am)

#### B.1.a Appointments to Advisory Bodies

See Council action.

#### B.1.b Reports and Comments of Advisory Bodies

Although the Salmon Advisory Subpanel (SAS) did not have a written statement, Chairman Mark Cedergreen noted that SAS members were polled regarding the proposed elimination of the tribal seats on the SAS. The SAS was in consensus to maintain the tribal seats and noted particularly that the California tribal members have participated heavily in the SAS deliberations in past years.

#### B.1.c **Council Action:** Consider Membership Revisions and Appoint New Members

Mr. Jim Harp moved (Motion 2, seconded by Mr. LB Boydston) that the Council staff write a letter to the Hoopa Valley and Yurok tribes encouraging them to develop a joint plan by September 2002 to fill the single SAS California tribal seat (for the remainder of the current term beginning January 1, 2003). If no plan is submitted by September, the tribal seat would not be filled. Also, based on the lack of attendance of the current SAS Columbia River tribal representative and the letter received from the Columbia River tribes, the Columbia River seat would cease to be filled at this time. At a later date the Council could refill the seat if there is a request from the Columbia River tribes. With regard to the Washington coastal tribal position on the SAS, the Council should advertise for a Washington coastal tribal member that is active in the ocean troll fisheries. The Council would consider nominations at the September meeting and the term would start January 1, 2003 and end December 31, 2003. That would synchronize it with the rest of the Council's advisory panel terms. Motion 2 passed.

Mr. Bill Robinson moved (Motion 3, seconded by Mr. Brown) to appoint Dr. Han-Lin Lai to a new Northwest Fishery Science Center groundfish stock assessment position on the Council's Scientific and Statistical Committee (SSC). Motion 3 passed.

Mr. Harp moved (Motion 4, seconded by Mr. Bob Alverson) to create a Tribal Scientist seat on the Groundfish Management Team (GMT) and appoint Mr. Robert Jones to fill that seat. Motion 4 passed.

Responding to the Council's request for assistance on the GMT, Mr. Anderson stated he would recommend adding three additional state seats to the GMT at the September Council meeting. He will address this when the Council formulates the agenda for September. If the Council concurs in this proposal, the three states (Washington, Oregon, and California) should provide nominations for consideration at the September meeting.

#### B.2 Council Staff Work Load Priorities

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

Dr. McIsaac presented Exhibit B.2, a graphic depicting Council staff workload priorities.

##### B.2.b Council Discussion and Guidance on Council Staff Work Load Priorities

The Council noted that this simpler display was an improvement over the detailed presentations of the past few meetings, and indicated the intent that the vessel monitoring system (VMS) workgroup effort be included as part of the active priority of completing the annual groundfish management specifications environmental assessment.

#### B.3 September 2002 Council Meeting Draft Agenda

##### B.3.a Consider Agenda Options

Dr. McIsaac presented Exhibit B.3, the supplemental draft September 2002 Council Meeting agenda.

##### B.3.b Identify Priorities for Advisory Body Consideration

Included in the discussion under Council action.

### B.3.c **Council Action:** Adopt Draft Agenda for the September 2002 Meeting

Council member comments included:

- eliminating agenda C.2.c, the bocaccio stock assessment,
- keeping agenda C.5, even if in some abbreviated form,
- postponing agenda C.10 until November, and
- indicating that the Executive Director should consider including or deleting other gray-shaded agendas in shaping a workable agenda for the September meeting.

## C. Groundfish Management

### C.1 NMFS Report on Groundfish Management (06/18/02; 10:31 am)

#### C.1.a Agenda Overview

Mr. Robinson briefed the Council on recent NMFS groundfish actions and progress on various fishery issues. The actions and issues include (1) implementation of inseason management actions recommended by the Council in April (implemented May 1); (2) closure of the whiting mothership fishery on June 5; (3) publishing a proposed rule to allow sablefish set-net landings during the qualifying period to count towards tier endorsements; (3) progress on phase 2 of the sablefish fixed gear permit stacking program (a proposed rule is expected to be published this fall); (4) proposed rulemaking soon for Amendment 10 of the Groundfish Fishery Management Plan (FMP) (replaces the experimental fishing permit [EFP] process used in recent years to allow suspension of at-sea sorting requirements and full retention of total catch in the shoreside whiting fishery); (5) working with enforcement groups to implement a vessel monitoring system (VMS) for 2003 and beyond; and (6) meeting with representatives of the states, industry, conservation entities, State Department, and Canada Department of Fisheries and Oceans representatives to plan negotiations on a whiting catch sharing agreement. NMFS issued Exempted Fishing Permits (EFPs) to the Washington Department of Fish and Wildlife (WDFW) to test trawl strategies and gears that may selectively target arrowtooth flounder and yellowtail rockfish. EFPs will also soon be issued to the California Department of Fish and Game (CDFG) to test trawl strategies for targeting chilipepper rockfish and vertical hook and line gear to target yellowtail and avoid overfished rockfish.

Dr. Liz Clarke briefed the Council on Northwest Fisheries Science Center (NWFSC) activities, including the ongoing NMFS Groundfish Observer Program, survey plans, and exempted fishing permits (EFPs). The NWFSC is recommending a Council subcommittee be convened to work on the expected proliferation of EFPs to research innovative gears and bycatch reduction strategies. The NWFSC would like the EFP process to be simplified while ensuring that EFPs are consistent with Council objectives. Dr. Clarke summarized observer coverage to date: 1,401 sea days with 90% on trawl, 9% on fixed gear, and about 1% on open access vessels. In response to questions, Dr. Clarke explained that NMFS only has authority to observe fisheries that target groundfish in federal waters and that regulatory action would be required to observe fisheries under state authority.

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

None.

#### C.1.c Public Comment

None.

#### C.1.d Council Discussion on NMFS Report on Groundfish Management

The Council discussed the future of EFPs and the need for a consistent process and standards for recommending EFPs to NMFS. There was a general concern that a lot of fishery management concepts might be promoted under future EFPs. It was noted that other management solutions and procedures, such

as mandated observers and bycatch caps, could be considered in lieu of EFPs. Nevertheless, EFPs do provide an ability to access otherwise closed fishing areas using risk-averse strategies and gears.

## C.2 Stock Assessments for Bocaccio, Canary Rockfish, and Sablefish (06/18/02; 11:10 am)

### C.2.a Agendum Overview

Mr. John DeVore asked the stock assessment authors to come forward and present the three stock assessment review reports.

### C.2.b Overviews of 2002 Stock Assessment Review Reports

#### C.2.b.i Canary Rockfish

Dr. Rick Methot gave a PowerPoint presentation summarizing the key results from this year's canary rockfish assessment. New methodologies included combining the northern and southern areas into one assessed stock and combining the competing hypotheses explaining the low occurrence of older females (higher natural mortality vs. "hiding" behavior) into one model. The primary information used in the assessment was the trawl shelf and slope surveys, California trawl catch per unit of effort (CPUE), California recreational CPUE, and ages of fish in various fisheries. All data sources indicate a consistent abundance decline. The best estimate of older female natural mortality is 12%; this parameter affects the spawner-recruit results. Exploitation increased in the 1970s and 1980s but has recently declined with increased restrictions. Female stock spawning biomass (SSB) declined from 30,000 mt to 3,000 mt from 1994 to 2001. Recruitment has declined coincidentally with female SSB. Therefore, the technical basis for the rebuilding analysis is an assumption of density-dependent recruitment. Rebuilding parameter estimates are a  $T_{MIN}$  of 2055 and a  $T_{MAX}$  of 2077.

#### C.2.b.ii Bocaccio

Dr. Alec MacCall briefed the Council on the new bocaccio assessment. Referring to Exhibit C.2, Attachment 1, Dr. MacCall drew attention to the page 1 errata sheet. The new assessment combined southern and central California data in the model (only southern California data used in the previous assessment). Current biomass is about 2,958 mt of age 2+ fish and the estimated spawner per recruit ratio is about 49%.  $T_{MIN}$  is estimated to be 97 years (2097) and a  $T_{MAX}$  of 109 years (2109). The rebuilding analysis estimates a maximum 2003 optimum yield (OY) of 5.8 mt given the National Standard Guidelines of rebuilding within  $T_{MAX}$  with at least a 50% probability. Dr. MacCall discussed some of the uncertainty in using the Recreational Fishery Information Network (RecFIN) estimates in the assessment. He had adjusted some of the suspicious records that recorded 0 weights. A sensitivity analysis of adjusted vs. unadjusted records indicated that results were not sensitive to estimated catches. He then discussed stock dynamics in southern and central California. Historically, 75% of the bocaccio biomass occurred in central California. Now most of the biomass is in southern California. If the assessment only used southern California data, it would suggest a misleading result of 39.1 mt of harvest available in 2003.

#### C.2.b.iii Sablefish

Dr. Michael Schirripa briefed the Council on the new sablefish assessment which was the first expedited assessment update. The assessment focused on the competing hypotheses of recruitment being driven by environmental regime shifts or density-dependence and resolving uncertainty in estimating  $Q$  (the proportion of actual biomass caught in surveys). The 2001 shelf survey indicated increased sablefish recruitment. The new assessment verified two strong year-classes (1999 and 2000) with age data from shelf and slope surveys and bycatch samples from the whiting fishery. He also explored an apparent relationship of variable sea level off Eureka and recruitment. It appears that lower sea level correlates with good recruitment. However, sea level is not predictable and no patterns to regime shift cycles are apparent. Dr. Schirripa modeled recruitment using both the regime shift and density-dependence hypotheses. Both models independently project recruitment from stock size.  $Q$  was more precisely estimated in this

assessment by allowing the model to estimate  $Q$  and not making an a priori assumption. The model estimated a lower  $Q$  and hence, a larger current biomass.

Mr. Brown asked Dr. Methot about the canary assessment and whether the significant change was a new estimate for unfished biomass ( $B_0$ )? Dr. Methot replied that was one significant result but also significant was the realization that recent recruitment was less than previously assumed. Mr. Brown asked if the stock was declining under rebuilding? Dr. Methot explained that spawning stock biomass is stable and starting to increase. The change in estimated  $B_0$  increased the  $B_{MSY}$  target of  $B_{40\%}$  and the new recruitment function suggests a slower rebuilding rate.

Mr. Boydstun asked Dr. MacCall how central California can be re-populated with bocaccio if that portion of the stock is so unproductive? He also asked if potential migration of bocaccio from the south to central California was modeled in the assessment or the rebuilding analysis? Dr. MacCall replied that such dynamics were not modeled. If such a dynamic could be modeled, the stock assessment review (STAR) Panel would probably endorse a two stock model. Mr. Boydstun ventured the single stock model suggests no rebuilding in central California without a migration component. Dr. MacCall agreed that was an accurate interpretation. Mr. Bohn asked about the statistical significance of model results. Dr. MacCall explained that the model was robust.

Mr. Anderson asked Dr. Methot about his confidence in the canary rockfish catch history back to 1940. Dr. Methot replied, though he could not estimate confidence intervals about the historical catch estimates, the most recent 20 years of data are more precise and the full series of historical catch data are an improvement over data used in past assessments. Mr. Anderson asked how important it was to coordinate future canary rockfish assessments and management with Canada? Dr. Methot said it was relatively important given the higher densities of the stock at the US/Canada border. There was general agreement that policy level and technical level coordination were important avenues to pursue.

There was a general discussion on the use of a sea level index off northern California in the sablefish assessment and whether that analysis suggests an environmentally-driven regime shift dynamic was more influential in determining recruitment. Lack of an extended retrospective time series of estimated spawning stock biomass and recruits limits our understanding of recruitment determinants; however, future assessments may reveal such a pattern. When asked whether the same dynamic may be apparent for bocaccio, Dr. MacCall replied that such a pattern is not suggested in the bocaccio spawner-recruit data. Sensitivity analyses that varied estimates/assumptions of initial unfished bocaccio biomass did not strongly affect future recruitment and rebuilding. Most bocaccio rebuilding is predicted to occur at the end of the projected rebuilding period. When asked what a new bocaccio assessment next year would provide, Dr. MacCall explained that some information will be gained relative to uncertainty in the relative strength of recent recruits, but thereafter, not much new information is anticipated.

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

##### SSC

Mr. Tom Jagielo presented Exhibit C.2.c, Supplemental SSC Report. He was asked about the "unprocessed data" for canary referred to in the SSC statement. He stated these include datasets such as trawl logbook data that is geo-referenced. When asked whether there was increased uncertainty in the sablefish assessment due to uncertainty in estimating  $Q$ , he answered that uncertainty has not increased relative to last year's assessment. There was a general discussion on how to resolve the uncertainty in estimating the strength of the 1999 bocaccio year-class. Mr. Jagielo explained that would be difficult without an extractive survey to obtain age data.

##### GAP

Mr. DeVore presented Exhibit C.2.c, Supplemental Groundfish Advisory Subpanel (GAP) Report.

#### C.2.d Public Comment

Dr. Radtke imposed the three-minute time limit for this issue due to time constraints.

Mr. John Fuqua, Cisco's Sportfishing; Oxnard, California  
Mr. Danny Oronoz, Sea Jay Sportfishing, Oxnard, California  
Mr. Bob Fletcher, Sportfishing Association of California; San Diego, California  
Mr. Joe Villareal, Mirage Sportfishing; Thousand Oaks, California  
Mr. Danny Strunk, Pierpoint Sportfishing; Redondo Beach, California  
Mr. Robert Valney, charter boat owner, California  
Mr. Bruce Root, Sport King Sportfishing; San Pedro, California  
Mr. Don Koblick, fisherman; Woodside, California,

#### C.2.e Council Discussion and Guidance on Stock Assessments for Bocaccio, Canary Rockfish, and Sablefish

Mr. Alverson asked whether this year's surveys will be used in setting 2004 management specifications?  
Dr. Methot replied yes, this year's surveys include a juvenile and a slope survey.

Mr. Boydston said he would like an additional examination of bocaccio data this summer before the Council recommends 2003 management measures at the September meeting. He expects that some of the relevant data sources may become unavailable with some of the contemplated actions considered for the rest of this year and on into the future. He requested better resolution of the 1999 year-class estimate. Dr. MacCall said he is willing to do everything possible to make the assessment as accurate as possible. Mr. Boydston expressed the concern that the high estimated bocaccio catch in wave 2 this year may indicate a stronger than estimated 1999 year-class.

#### C.3 Rebuilding Analyses for Bocaccio, Canary Rockfish, Yelloweye Rockfish, Widow Rockfish, and Whiting (06/18/02; 2:05 pm)

##### C.3.a Agendum Overview

Mr. DeVore gave the agendum overview. He suggested, Council members who had specific questions regarding the rebuilding analyses to ask the relevant scientists before hearing the reports and comments of the advisory bodies.

Mr. Brown asked Dr. Methot about the whiting rebuilding analysis and how to consider the relatively large OYs under rebuilding? Dr. Methot explained that the rebuilding analysis uses recruits and not recruits/spawner to predict future recruits. Therefore, the model assumes an environmentally-determined recruitment function without a density-dependence influence. However, many of the projections in the rebuilding analysis exceed the acceptable biological catch (ABC) and are not recommended. There was a general discussion of how initial unfished biomass ( $B_0$ ) is calculated without spawner per recruit data. Since  $B_0$  is calculated using average recruitment for a population at equilibrium under no fishing, it represents the average spawning output for an individual fish and therefore, the potential productivity of the stock.

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

#### SSC

Mr. Jagielo presented Exhibit C.3.b, Supplemental SSC Report.

The Council discussed the SSC recommendations for future yelloweye rockfish assessments and rebuilding analyses, including the lack of Washington CPUE data in the assessment and analyses, and the recommended timing for a future stock assessment. Mr. Jagielo explained there was an explicit SSC recommendation to include Washington data, but no explicit recommendation on when the next assessment

should be done. The exclusion of Washington data was the initial recommendation of the yelloweye STAR Panel in 2001 due to the lack of associated age-length data (only age data was available). Mr. Jagielo was asked which of the two yelloweye rebuilding scenarios is recommended by the SSC. He explained the SSC struggled with this issue and could make a case for either scenario. They did recommend some new rebuilding model runs which were done this week and could be made available to the Council.

The Council discussed the SSC's recommendations for whiting. While the whiting rebuilding analysis does conform to the SSC's Terms of Reference, the SSC now believes that the Terms of Reference are not appropriate for whiting. They do not recommend the current whiting rebuilding analysis be used in deciding 2003 management measures. It was acknowledged, given the lack of an SSC-endorsed rebuilding analysis, that it was unlikely that a rebuilding analysis and a subsequent rebuilding plan could be developed within 12 months of the stock being declared overfished (declaration was made on April 15, 2002). Mr. Jagielo stated this was not true for bocaccio since the SSC did endorse the current bocaccio rebuilding analysis.

#### C.3.c Public Comment

None.

#### C.3.d **Council Action:** Adopt Rebuilding Analyses for Bocaccio, Canary Rockfish, Yelloweye Rockfish, Widow Rockfish and Whiting

The Council discussed adoption of rebuilding analyses for bocaccio, canary rockfish, yelloweye rockfish, widow rockfish, and whiting. There was general discomfort adopting these analyses at this time given the lack of an endorsement for the whiting analysis and some of the internal inconsistencies in the bocaccio analysis as expressed in the SSC statement. It was acknowledged that adoption of rebuilding analyses would be instrumental in deciding preliminary harvest specifications (ABCs and OYs) for 2003 groundfish management. Ms. Eileen Cooney stated that the importance of this action is that adoption of rebuilding analyses is the first step in developing rebuilding plans as well. Mr. DeVore recommended the Council could adopt rebuilding analyses at this point and then consider some caveats to address the missing elements underscored in the SSC statement. The Council concurred that the analyses could be adopted at this time with the understanding they would be used as guidance only in developing 2003 management measures.

Mr. Anderson moved and Mr. Bohn seconded a motion (Motion 5) to accept the analyses for all of these species for the purposes of guidance in pulling together the rebuilding plans and setting the initial specifications for 2003. Motion 5 passed.

#### C.4 Preliminary Harvest Levels and Other Specifications for 2003 (06/18/02; 3:16 pm)

##### C.4.a Agendum Overview

Mr. DeVore gave the agendum overview and noted that Exhibit C.4, Attachment 1 (the range of GMT-recommended groundfish OYs for 2003 management) has become obsolete and, in place of that table, use the Revised Table 2.1 under Exhibit C.4.b, Supplemental GMT Report.

##### C.4.b Preliminary Estimates of Acceptable Biological Catch, Optimum Yield, and Economic Analysis

Dr. Jim Hastie presented Exhibit C.4.b, Supplemental GMT Report. He explained how the GMT-recommended harvest levels for 2003 were structured based on rebuilding probabilities and assessment results. He also stated that the Council may need to adjust nearshore rockfish OYs if the Council decides to displace fisheries off the shelf and into nearshore areas. He then discussed the GMT recommendations regarding anticipated 2003 research harvests.

Mr. Brown questioned the statement that there was no mechanism for NMFS to regulate research harvest under a Letter of Authorization (LOA). Given the low available harvest of some of these overfished species, isn't it important to be able to control all research impacts? Ms. Cooney explained that the Magnuson-Stevens Act did not regulate scientific research. The LOA is simply a clearinghouse mechanism for NMFS to determine whether the activity is clearly scientific research. Mr. Boydston asked about the GMT



recommendations regarding research harvests. Noting the lack of consistency in accounting for harvest impacts in all types of research fishing activities, is the GMT still recommending research harvest even if the expected catch is greater than the OY? Dr. Hastie replied yes, the GMT is making a strong recommendation to continue research surveys. When asked whether the GMT was recommending a Mixed Stock Exception (MSE) to continue research, Dr. Hastie did not think that was the case. Dr. McIsaac asked whether the GMT would supply an accounting of expected research catches when the Council considers proposed management measures for 2003 (Agendum C.8)? Dr. Hastie said as complete an account as possible would be provided then.

Mr. Bohn asked about the GMT statement referring to a yelloweye rockfish OY of less than 2 mt. Dr. Hastie replied this was obsolete given the new rebuilding analysis and the more optimistic scenario presented therein. Mr. Brown asked whether the recommended harvest levels in Revised Table 2-1 (in Exhibit C.4.b, Supplemental GMT Report) comport with the new rebuilding analysis? Dr. Hastie explained, while the management areas identified in the GMT statement and the new rebuilding analysis differ, the total OYs are consistent with Scenario 1 in the new rebuilding analysis. The GMT recommendation did not incorporate Scenario 2 in the new rebuilding analysis.

Mr. Robinson asked about the canary rockfish alternatives. Is the Alternative 1 (Low OY) value with the 80% probability of rebuilding halfway between  $T_{MIN}$  and  $T_{MAX}$ ? Dr. Hastie said that was correct; Dr. MacCall had calculated that OY as the  $T_{MID}$  value. The Council then discussed rebuilding probabilities in general and the probabilistic relationship between  $T_{MAX}$  and  $T_{TARGET}$ . Mr. Anderson asked about the rebuilding probability of the "No Action" harvest level for yelloweye (13.5 mt) and rebuilding probabilities for Scenario 2 outcomes in the new rebuilding analysis. Dr. Hastie stated it was the hope of the GMT that the rebuilding authors or the SSC could provide those estimates this summer.

Mr. Boydstun asked how the bocaccio ABC was derived. Dr. Hastie explained it was calculated by applying an  $F_{50\%}$  harvest rate to the current estimated biomass without the 40-10 adjustment. Mr. Boydstun then asked if the bocaccio OY of 5.8 mt would cover expected research harvest next year? Dr. Hastie said the GMT is recommending the OY be reduced by the amount of expected research catch which is unlikely to exceed 5.8 mt. If the research catch did exceed the OY, it would not be considered overfishing since catch would still be below the ABC. Dr. McIsaac asked if compensation fish from cooperative research or EFP set-asides would be deducted from the OY? Dr. Hastie explained that EFPs were different but he was not sure about compensation fish. Mr. Robinson explained the Northwest Fisheries Science Center was planning to use year-end money to pay fishermen for cooperative research rather than using compensation fish.

#### C.4.c Recommendation of the States, Tribes, and Federal Agencies

Messrs. Anderson and Bohn expressed their intent to provide comments during deliberations. Mr. Robinson said he is interested in examining a wider range of alternatives for rebuilding plans. Mr. Harp provided notice that the Makah Tribe intends to prosecute a sardine fishery in 2003.

Mr. Boydstun noted set-asides for the different fishing sectors here is a critical issue. There will be a shift in recreational effort and he would like to start those discussions now. Mr. Robinson said he felt that issue would be appropriate under the management measures agendum (C.8). Mr. Boydstun concurred.

#### C.4.d Reports and Comments of Advisory Bodies

##### SSC

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

##### GAP

Mr. Rod Moore presented Exhibit C.4.d, Supplemental GAP Report.

#### C.4.e Public Comment

Mr. Rod Moore, West Coast Seafood Processors Association; Portland, Oregon  
Mr. William Smith, Riptide Sportfishing; San Francisco, California  
Ms. Karen Garrison, Natural Resources Defense Council; San Francisco, California  
Dr. Mark Powell, Ocean Conservancy; Bainbridge Island, Washington

#### C.4.f **Council Action:** Adopt Preliminary Harvest Levels and Other Specifications for 2003 for Public Review

Mr. DeVore pointed out there is a mistake in the Pacific whiting specifications, the status quo represents the US ABC/OY and the alternatives are coastwide, including Canada. Dr. Hastie corrected the whiting specifications in Revised Table 2-1 in Exhibit C.4.b, Supplemental GMT Report as follows:

ABC for all alternatives = 188,000 mt;  
Alternative 2 OY = 148,200 mt;  
Alternative 3 OY = 173,600 mt.

Mr. Jim Lone raised a question regarding the canary rockfish OYs across the alternatives and across the commercial and recreational catch sharing options. Dr. Hastie explained the table was not in error; all Alternative 3 OYs are larger than Alternative 2 OYs.

Mr. Anderson recommended the Council address management measures to some extent today so the advisory bodies and public can focus discussions prior to Council consideration of Agendum C.8. Mr. Boydston asked if it was possible for Dr. MacCall to re-run the bocaccio model according to the SSC's recommendations? [NOTE: Dr. MacCall had left the meeting, so there was no answer].

Mr. Bohn moved and Mr. Lone seconded a motion (Motion 6) to accept all of the GMT recommendations (shown in Exhibit C.4.b, Supplemental GMT Report) for all of the stocks with unchanged specifications from 2002. The motion applied to all stocks and stock complexes in Revised Table 2-1 in Exhibit C.4.b, Supplemental GMT Report except lingcod, sablefish, whiting, widow, POP, canary, bocaccio, darkblotched, and yelloweye. Mr. Robinson asked Dr. Hastie about adjusting any of these target species OYs downward to what is expected to be caught? Dr. Hastie said the approach has been to manage for the total catch OY by constraining bycatch throughout the year. Therefore, many of the OYs cannot be attained because of bycatch constraints. Motion 6 passed.

Mr. Brown asked Mr. Jagielo about the yelloweye OYs in the rebuilding analysis. What is the difference between the Oregon-only OYs and the Oregon and Washington combined OYs in the rebuilding scenarios? Mr. Jagielo answered the addition of Washington catch data with 500 Monte Carlo simulations that were done by the SSC this week produced the result. The Council discussed these runs and the areas incorporated in the rebuilding analysis and subsequent simulations. The Washington data added in the simulations is not concurrent with the Oregon data used in the assessment, but the addition of these data produced a more optimistic result.

Mr. Bohn moved and Mr. Caito seconded a motion (Motion 7) to adopt alternatives 1 through 3 in Revised Table 2-1 in Exhibit C.4.b, Supplemental GMT Report for lingcod, Pacific whiting, sablefish, POP, and widow. Alternative 2 would be identified as the preferred option for those five species and the motion includes the GMT corrections to the Pacific whiting specifications.

The Council discussed the motion and agreed the high OY alternatives are not preferred since they generally represent 50% probability rebuilding trajectories. However, several Council members were concerned expressing preference for Alternative 2 for sablefish. Some members preferred a lower sablefish OY but thought it was reasonable to analyze the range provided. Mr. Robinson supported the full range of alternatives for these species, but he was not comfortable identifying a preference for Alternative 2 for either whiting or canary. Dr. Radtke stated canary was not part of the motion. The Council agreed the range of specifications was reasonable. Alternative 2 was preferred for lingcod and POP, and that the GMT and GAP

should focus on alternatives 1 and 2 this week for the other species in the motion when developing recommendations for management measures. Motion 7 passed. Mr. Brown abstained.

Mr. Boydston moved and Mr. Thomas seconded a motion (Motion 8) to adopt the range of alternatives for canary, bocaccio, darkblotched, and yelloweye in Revised Table 2-1 in Exhibit C.4.b, Supplemental GMT Report. Bocaccio Alternative 3 would become Alternative 2 and the OY resulting from a new rebuilding simulation conforming to the SSC recommendations in Exhibit C.4.d, Supplemental SSC Report would become the new Alternative 3. The motion also included a modification to the yelloweye specifications. Alternative 2 for yelloweye would become Alternative 3 and a new Alternative 2 would be the 60% scenario as presented in the new rebuilding analysis (2.9 mt).

Mr. Bohn supported the majority of the motion, except for the yelloweye piece. He struggled with how to merge the two scenarios in the new yelloweye rebuilding analysis. He also wanted to know the rebuilding probability of a 13.5 mt OY in 2003. He expected that would be somewhere in the 60-70% rebuilding probability range given the new information produced this week. He therefore offered using a 13.5 mt OY as the high harvest alternative for yelloweye as a friendly amendment. Mr. Anderson agreed with Mr. Bohn's reasoning and understood some members in the SSC believed a yelloweye rebuilding model intermediate to scenarios assuming density-dependence and environmentally-driven recruitment was most realistic. It seemed the status quo OY of 13.5 mt was within a reasonable range of those assumptions.

Mr. Robinson asked for a friendly amendment for darkblotched. In light of current litigation, he recommended analyzing 2003 darkblotched OY alternatives of 100 mt, 130 mt, and the OY calculated for  $T_{MID}$  (the OY for a rebuilding period halfway between  $T_{MIN}$  and  $T_{MAX}$ ). These would be added to the range of darkblotched alternatives. He also suggested the GMT analyze management measures such as displacing the DTS fishery further offshore and shortening the season to reduce darkblotched bycatch to these OYs or lower.

Both Mr. Bohn's friendly amendment for yelloweye and Mr. Robinson's friendly amendment for darkblotched were accepted. Motion 8 passed.

Mr. DeVore asked whether the GMT should evaluate darkblotched rebuilding effects using a constant harvest rate or constant harvest level? Mr. Robinson said to use a constant harvest rate.

Mr. Anderson recommended spending a few minutes talking about management measures tonight. He also wanted to discuss inseason management measures with NMFS. The Council discussed the need to understand potential impacts at the fishery and community level given the low harvest levels being considered. There needs to be a strong justification for the anticipated disruptions and negative impacts to the industry. The Council also wanted estimates of total catch of overfished species in existing open access fisheries this week. Mr. Robinson wanted an analysis of the worst case scenario and expected impacts associated with alternative 1 OYs (low OYs). Mr. Anderson directed attention to the Ad Hoc Allocation Committee June 3-4 meeting minutes (Exhibit C.8, Supplemental Attachment 3). A "minimal impact" (to overfished species) scenario was developed and presented in the minutes. He recommended the GMT and GAP use this scenario to focus their discussions on management measures. Mr. Brown reminded the Council that the Allocation Committee recommendations have not been presented to the Council as of yet. He was concerned about the procedure of informally accepting the Allocation Committee recommendations without more formal discussion. For instance, the "minimal impact" scenario was a draft and didn't incorporate potential research fishing impacts. Mr. Boydston suggested the GMT could consider the range of OYs adopted today and identify management sectors and areas where they would anticipate problems using the last three years of available data. The GMT is scheduled to come back to the Council Wednesday afternoon. Mr. Anderson, referring to Mr. Brown's comments, said that advisors were free to add to the Allocation Committee recommended management measures or promote their own. The Council should consider all reasonable alternatives. Dr. Hastie warned the recent data inform us of landings, but we are not well informed on bycatch.

Dr. Hastie and Mr. Moore were also concerned with GMT and GAP workload relative to a Council expectation to convene Wednesday to discuss management measures. No work has been done on

inseason adjustments. The Council discussed inseason adjustment possibilities given early attainment of some OYs. Mr. Robinson explained that depth-based restrictions could not be considered without an emergency rule and supporting Environmental Assessment. Six weeks are needed for this rulemaking.

The Council agreed to reconvene tomorrow morning at 0730 to consider the Allocation Committee report as an adjunct to this agenda.

The Council reconvened on June 19, 2002 at 7:30 a.m. and decided to start with the Allocation Committee Report (Exhibit C.8, Supplemental Attachment 3), continue with the Enforcement Committee Report (Exhibit C.4.d, Supplemental EC Report), and then go back to C.4.c.

Mr. Lone gave an overview of the Allocation Committee meeting and referred to the June 3-4, 2002 minutes (Exhibit C.8, Supplemental Attachment 3). The Council discussed some of the recommended 2003 management measures including prohibiting daylight CPS fishing in the south vs. restricting the fishery to depths shallower than 10 fm, restricting northern fixed gear fisheries for halibut and dogfish to waters inside 150 fm by mandating observers and bycatch triggers (to close or further restrict the fishery inseason), and the possibility of emergency rulemaking to begin the year.

The Council discussed the possibility of invoking a MSE for next year. Mr. Robinson said NMFS was unlikely to support an MSE solely to increase yields. However, if a well-considered proposal is adopted that minimizes impacts on overfished species, then NMFS will seriously consider an MSE. An equilibrium yield reference point would need to be identified. Dr. McIsaac asked if an MSE would be considered if research catches were expected to exceed rebuilding targets? Mr. Robinson said the same considerations would be made. However, he could not see any way to manage the groundfish fishery without research. Mr. Boydston wanted to know what ABC meant in this context and how to calculate equilibrium yields? Mr. Robinson explained the calculations can be made by the GMT, but an equilibrium yield cannot be considered a management threshold.

The Council encouraged the GAP and GMT to develop management measures independent of the Allocation Committee but cautioned there was not much flexibility for some fisheries such as the fixed gear halibut fishery. Mr. Robinson cautioned that the Allocation Committee alternatives may not represent the worst case. Alternatives should meet all rebuilding requirements, even those under the Low OY Alternative 1. The Council also needs to provide rationale for management alternatives.

#### **EC (06/19/02; 8:15 am)**

Lt. Dave Cleary presented Exhibit C.4.d, Supplemental EC Report which largely focused on vessel monitoring system (VMS) issues identified by the Council's Enforcement Consultants. Lt. Steve Springer was also available for questions.

The report noted NOAA Enforcement can support and implement a VMS program for West Coast groundfish once a full set of management measures and requirements have been established and funding secured. The selection of an appropriate system depends on seeking and receiving answers to specific questions and concerns. Without specific guidance now, we cannot expect a VMS by January 1.

The Council discussed problems enforcing area closures with and without VMS. Allowing some fishing in closed areas is a problem unless VMS and/or aerial surveillance can distinguish the type of fishing activity. Alternative management strategies include specifying depth-based management boundaries with latitude/longitude waypoints and mandating observers. If allowable fishing activities are distinguishable from aircraft, observers may not be needed.

There was a general consensus that a pilot VMS program should be considered for implementation as soon as possible in 2003. There was also agreement that specified depth-based management lines should be part of the 2003 management strategy regardless of a VMS.

The state representatives shared the progress attained to date in developing management proposals. Mr. Boydston explained the California delegation was still refining their proposals and suggested they would give them directly to the GMT and GAP when they were ready. Ms. Cooney advised specifying management lines using latitude and longitude waypoints with lines as straight as possible. This advice comports with the EC advice which discouraged simply defining fathom curves. The WDFW has proposed an initial series of points to define a 150 fathom curve off the coast of Washington state. He assumes depth-based restrictions would use fathom curves as a guide to draw relatively straight lines defined by latitude/longitude waypoints. They met with industry last week to shape the 150 fm line. WDFW has additional proposals beyond what is in the Allocation Committee report. Mr. Bohn mentioned Oregon Department of Fish and Wildlife (ODFW) has GAP members working on Oregon proposals. He wondered if the Supplemental Ad Hoc Allocation Committee Data Report would be useful for discussion? Mr. Boydston said he intended to do this today. Mr. Anderson said canary rockfish allocation needs to be discussed today as well to give the GMT and GAP guidance. Mr. Brown wanted the GAP and GMT to focus on preliminary management measures and not attempt to develop management lines. Mr. Boydston thought these advisors could develop criteria for drawing lines. Ms. Cooney also wanted the Council to explore mandatory observers and bycatch triggers. The Council was not clear whether that strategy would encompass 100% observer coverage; if so, then the strategy may not be feasible.

The Council then brought Dr. Hastie and Mr. Moore to the table to provide guidance to the GMT and GAP. Dr. Hastie provided catch estimates of overfished species by summarizing Exhibit C.8.d, Supplemental Ad Hoc Allocation Committee Data Report. He explained the data were 1999-2001 catches from Pacific Coast Fisheries Information Network (PacFIN) with areas defined by point of landing. He pointed out the effect of small footrope restrictions were evident by the drop in trawl landings between 1999 and 2000. The Council wanted to also see recreational catch data which was promised for later in the week. There was interest in seeing recreational catches by fishing strategy (as in the commercial data) and bycatch mortality estimates. Dr. Hastie said detailed recreational data was harder to produce without a logbook program. It is possible to examine port sampling data for the recreational fisheries, but that was a big task. Besides the recreational data, the Council also wanted to understand the yelloweye impacts in the limited entry fixed gear fishery in Washington. Those estimates were promised for later in the week.

The Council discussed the specificity needed for preliminary management measures. It was understood that, while specified management lines would be useful to have this week, the analysis could go forward using fathom curves as a proxy as long as specified lines were in place in time. Mr. Moore asked how the GAP and GMT should focus their energies. They should not develop specified management lines, they can discuss VMS if they want to, and they should analyze the expected bocaccio impacts associated with structuring fisheries inside 10 fm and 20 fm south of Cape Mendocino. Mr. Moore asked Mr. Bohn whether the recreational and open access fisheries should be structured inside the shallow depth line in Oregon and what that depth might be? If fisheries are structured inside 10 fm, then the Pacific City dory fleet is done. Mr. Bohn said he would get back to the GAP on this issue. Mr. Moore asked if it was the Council's intent to force skippers to pay for observers if they were mandated? He also wanted to know if the skipper paid for a NMFS-certified observer, could the vessel still participate in an EFP fishery? Mr. Boydston asked the GAP to provide a recommendation with the understanding there is an intent to effectively manage for bycatch. If bycatch triggers are used, NMFS may consider diverting their NMFS observers for this type of program. The Northwest Fisheries Science Center may also support an increased use of EFPs. Mr. Moore pointed out, with so many fisheries restricted by depth (e.g., fixed gear fisheries targeting Pacific halibut and dogfish), NMFS could run out of observers. The Council expressed their desire to explore the mandatory observer alternative to better understand such limitations.

Dr. Hastie asked if the GMT and GAP should develop depth-based options regardless of VMS? Mr. Anderson said yes, the enforcement consultants stated they could enforce area closures from air and at-sea patrols. Mr. Moore asked about Council-preferred OY alternatives? Mr. Anderson said they should focus on the "nuclear winter" option of Low OYs (Alternative 1 harvest targets) and the "nuclear summer" option of Alternative 2 OYs with an Alternative 3 (High OY) for yelloweye. Dr. Hastie explained the trawl bycatch model is not depth-specific and bycatch rates would change with depth. Therefore bycatch by depth will only be generally understood this week. He explained it was his intent to restructure the trawl bycatch model to incorporate depth-restrictions by mid-July to meet a tight annual specifications Environmental

Assessment timeline. Mr. Brown said the GAP and GMT should consider a 250 fm management line for the summer DTS fishery to reduce darkblotched impacts. There was some discussion on developing the Status Quo alternative. Ms. Cooney said the Status Quo alternative was for analytical purposes only and not appropriate for 2003 management. Mr. Alverson thought the traditional 10 hour directed halibut fishery might not be risk-averse for yelloweye.

Dr. Radtke asked if the Council wanted to make comments on the allocation of canary. Mr. Anderson wanted to know which allocation scheme and OY was decided? Dr. Hastie said both schemes were still alive; a final allocation and OY can't be decided until we know the management measures. For instance, the 80% commercial allocation would allow a shelf flatfish trawl fishery if there are enough yelloweye remaining to accommodate bycatch. Other options, such as fixed gear opportunities on the shelf, are already foreclosed due to high expected yelloweye impacts. Mr. Brown said he believes the GAP and GMT will encounter allocation problems; they may need to come to the Council for advice. Dr. Radtke said we will do it as is done in the salmon process; they can come back to the Council if they reach an impasse.

C.5 Adoption of Draft Rebuilding Plans for Public Review for Pacific Ocean Perch, Lingcod, Cowcod, Widow Rockfish, and Darkblotched Rockfish (06/19/02; 1:05 pm)

C.5.a Agendum Overview

Mr. DeVore gave the agendum overview. Mr. Jim Seger then briefed the Council on the Process and Standards part of the amendment package (Exhibit C.5, Supplemental Attachment 2 [2]). The Council asked some questions to clarify the alternatives. There was a general desire to be able to make rapid changes to rebuilding plans without having to go through an FMP amendment with every new assessment or scientific understanding. One critical feature of the process and standards is which parameters are fixed in the FMP. There are many ways to framework or fix rebuilding parameters in the FMP or in regulations. Mr. Robinson explained NMFS thought it was still important to define parameters in the FMP or in regulations. If stock assessments require a change, only the harvest control rule may need to be changed. Mr. Boydston envisioned specifying rebuilding parameters such as  $T_{MIN}$ ,  $T_{MAX}$ ,  $B_0$  and so forth in a checklist. These parameters would change frequently (with every assessment) and would therefore be more appropriate specifications in the annual specifications rulemaking (i.e., fixed in regulations). Ms. Cooney stated the FMP needs to consider how rebuilding is going to occur in the future. Given the harvest control rule would change with every assessment, rebuilding parameters would need to be frameworked in the FMP. Mr. Robinson said the FMP or the regulatory amendment has to have sufficient specificity so the Council knows exactly how the stock is going to be rebuilt and the harvest control rules to do so. There may be a combination of regulatory and FMP language to meet those needs. The Council makes a commitment on how to rebuild with a rebuilding plan and that is what drives the control rule. It can't be a check list that is a policy document that provides the parameters of the rebuilding program. It has to be in the FMP or in the regulations.

Mr. DeVore then guided the Council through the draft darkblotched rockfish rebuilding plan (Exhibit C.5, Attachment 3) to provide a sense of how the draft plans are structured and the types of analyses contained therein.

C.5.b Reports and Comments of Advisory Bodies

**SSC**

Mr. Jagielo presented Exhibit C.5.b, Supplemental SSC Report.

**HC**

Dr. Mark Powell presented Exhibit C.5.b, Supplemental Habitat Committee (HC) Report.

## GAP

Mr. Frank Warrens presented Exhibit C.5.b, Supplemental GAP Report.

### C.5.c Public Comment

Dr. Mark Powell, The Ocean Conservancy; Bainbridge Island, Washington

### C.5.d **Council Action:** Adopt Draft Rebuilding Plans for Public Review

Mr. DeVore reviewed the Council action items as stated in the situation summary.

Mr. Robinson moved and Mr. Alverson seconded a motion (Motion 9) as follows:

Issue 1 – Options **1a, 1e, and 1f** would be forwarded for further analysis with the following modifications:

**1a** – Status quo is defined as the current FMP, as modified by the Court's directions to remove certain elements of Amendment 12. Draft Amendment 16 currently describes status quo as the FMP *without* court modifications.

**1e and 1f** – Alter both alternatives so that they include the following list of required elements for inclusion in an FMP (1e) or regulations (1f):

1. Estimate of Bmsy (either as a number or a formula,) Bmsy being the biomass target for rebuilding
2. A fixed rebuilding period, including minimum possible time to rebuild to Bmsy in the absence of fishing with a 50% probability (T<sub>min</sub>)
3. Maximum allowable time to rebuild (T<sub>max</sub>,) and target time for rebuilding (T<sub>TARGET</sub>.)
4. Probability of rebuilding to Bmsy within the maximum allowable time and the rebuilding trajectory and/or target control rule designed to achieve rebuilding in T<sub>TARGET</sub> years with at least a 50% probability
5. Rebuilding harvest control rule that will annually set harvest rates for species in question and which will be applied to the most current stock assessment

For 1e, additionally clarify that listed "augmenting" elements A through E could be described and authorized in the FMP, but supported through regulatory amendments, as implemented through Section 6.2 of the FMP.

Issue 2 – Re-focus Issue 2 so that it addresses only when rebuilding plans will be reviewed. To do so, remove suboptions and reserve for consideration under Issue 3. Forward all revised Issue 2 options for analysis.

Issue 3 – Forward all options for further analysis, retitle issue as "Amending Rebuilding Plans and Adequacy of Progress." Add a fifth option 3e to address the suboptions that were initially included under Issue 2. "Revise 3b as an option that considers re-estimating the target rebuilding exploitation rate while keeping T<sub>max</sub> and the probability of recovery constant from the previous rebuilding analysis." (per SSC comment")

"Option 3e – Rebuilding plan will be amended when information in the stock assessment or rebuilding analyses are updated."

Issue 4 – Forward both options for analysis, but revise Option 4b to read as follows:

"A jeopardy standard or recovery plan for an overfished stock listed under the Endangered Species Act (ESA) will supercede the rebuilding plan for the overfished species *only if that standard is more*

*restrictive than what would be required for that species under the Magnuson-Stevens Act, until such time as the stock is no longer listed..."*

Issue 5 – Forward both options for analysis.

The Council discussed the motion. Mr. Robinson thought the list of five parameters ( $B_{MSY}$ ,  $T_{MIN}$ ,  $T_{MAX}$ ,  $T_{TARGET}$ , and the harvest control rule) are the minimal elements that should be contained in an FMP or regulatory amendment. He believed most of the parameters could be frameworked or specified as algorithms. However, he believed  $T_{TARGET}$  and the harvest control rule should be specified as fixed values. On the ESA issue, the ESA addresses the risk of extinction to the stock and deals with standards and plans that are designed to move the stock away from the threat of extinction until it gets delisted. It is possible that the goal of the ESA to be "delisted" may not be as conservative as a rebuilding plan required under the Magnuson-Stevens Act.

Mr. Bohn asked Mr. Robinson how the process and standards alternatives fit into the broader process and standards of other rebuilding plans across the nation. Is this similar to what the other 7 Regional Fishery Management Councils are doing or are we setting the standards? Mr. Robinson replied, in the NMFS's review of rebuilding plans done in other areas of the country, these parameters are included. Mr. Brown asked if the motion could include an analysis in the amendment package of the effect of fixing rebuilding parameters as fixed values or more flexible algorithms? Mr. Robinson agreed.

Motion 9 passed.

Mr. DeVore noted the SSC suggested the SSC Groundfish Subcommittee conduct a more detailed review of rebuilding plans. The Council could act on this recommendation. This was agreed to with the added instructions that SSC comments would be provided to Council staff before the September meeting.

Mr. DeVore noted the Council needs to consider the schedule for completing rebuilding plans and the process and standards part of the amendment package. Mr. Anderson thought the suggestion was for the SSC to analyze those documents? Dr. McIsaac noted this was an opportunity to add to those documents before the SSC gets them for review. Mr. Robinson was concerned this could delay public review of rebuilding plans. He is concerned if we are talking about delaying them for public review then we will be off schedule. Ms. Cooney said we need to have rebuilding plans ready for the September meeting to set 2003 OYs. Dr. McIsaac noted possible delay depends on the SSC comments from their review. Also the socioeconomic sections for these plans have to be done before they can go out for public review. He suggested other tasks and overall workload should also be considered before scheduling a public review.

Mr. Boydston asked if rebuilding plans should incorporate the EFH final rule as recommended by the HC? Mr. Robinson said there has to be some discussion of how the different types of management measures to implement these rebuilding plans affect EFH.

Mr. Bohn asked if draft rebuilding plans can be used to finalize our package in September and adopt OYs and management measures? Mr. Robinson said yes, we have been doing that all along. However, some of these rebuilding plans are overdue and need to be completed as soon as reasonably possible. Mr. Anderson felt that there are other factors here that are pushing the necessity for the Council to complete these plans and submit them to NMFS. He felt the SSC's review could be done simultaneously with public review. He thought every effort should be made to get these completed by September or November. He noted that the appropriate rebuilding analyses were available to guide 2003 management decisions.

Mr. Robinson suggested adding two alternatives (2003 OYs of 100 mt and 130 mt) for the darkblotched rockfish rebuilding plan. These would be initial OYs for a constant harvest rate rebuilding strategy. He also suggested removing the MSE alternative from each rebuilding plan because there is a  $T_{MAX}$  alternative for each of the plans. Otherwise, the MSE is a conceptual alternative without any specifications. However, given some MSE specifications from the Council, it might be reasonable to consider an MSE alternative for yelloweye and bocaccio. He wanted consideration of a  $T_{MID}$  (a rebuilding period halfway between  $T_{MIN}$  and  $T_{MAX}$ ) alternative for each plan. For cowcod, he would like more rationale for area alternatives. The Council



discussed the rationale for adding more darkblotched alternatives and concluded it would be helpful for understanding the biological and socioeconomic tradeoffs of rebuilding.

Mr. Robinson moved (Motion 10) to add the two darkblotched alternatives of 100 mt and 130 mt to be considered initial OYs for a constant harvest rate rebuilding strategy; eliminate MSE alternatives for lingcod, darkblotched, and POP; add a  $T_{MID}$  alternative in cases where it falls outside the range of a 60% to 80% rebuilding probability; and, for cowcod, include analytical rationale for the selective closures. Mr. Jerry Mallet seconded the motion.

Mr. Brown requested the SSC examine potential equilibrium yields for rebuilding darkblotched as part of the socioeconomic analysis. After further discussion of the newly recommended darkblotched alternatives, Motion 10 passed.

#### C.6 FMP Programmatic Supplemental Environmental Impact Statement (PSEIS) (06/19/02; 3:41 pm)

##### C.6.a Agendum Overview

Dr. Kit Dahl provided the agendum overview. The Ad Hoc Groundfish Fishery Management Plan (FMP) EIS Oversight Committee met May 8-9 to review progress on and further develop a range of programmatic alternatives that will be analyzed in the PSEIS. However, recent stock assessments have provided evidence that several overfished groundfish stocks are more depleted than originally thought, which may require curtailing and/or closing a large segment of the groundfish fishery. The PSEIS Project Leader believes the current suite of alternatives will need substantial revision to address this dynamic and consequential situation. He recommends that the Council defer adoption of alternatives so that additional scoping may occur and the alternatives be revised.

##### C.6.b Presentation of Draft Alternatives Developed by the Ad Hoc Groundfish FMP EIS Oversight Committee

Because of the recommendation to defer action, Mr. Jim Lone did not make this report.

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

#### HC

Dr. Radtke read the HC report in lieu of a representative from the Habitat Committee.

*The Habitat Committee heard a report by Mr. Jim Glock on the activities of the Ad Hoc Groundfish Fishery Management Plan Environmental Impact Statement Oversight Committee. The HC will continue to be involved with the development of the Groundfish Programmatic Supplemental Environmental Impact Statement, which has been postponed due to recent developments.*

##### C.6.d Public Comment

None.

##### C.6.e **Council Action:** Consider Adoption of Draft Alternatives for the FMP PSEIS

Based on the recommendations of the PSEIS Project Leader, the Council deferred its review and approval of the alternatives that will be analyzed in the PSEIS.

#### C.7 Draft Amendment 17 (Multi-Year) Management (06/19/02; 3:45 pm)

#### C.7.a Agendum Overview

Mr. Dan Waldeck provided an overview of the agenda item, materials in the briefing book, and Council action.

Ms. Yvonne de Reynier presented a review of the scope, purpose, and contents of Amendment 17. This included the purpose and need for amending the FMP and alternative management frameworks.

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

##### SSC

Mr. Jagielo provided Exhibit C.7.b, Supplemental SSC Report.

#### SCIENTIFIC AND STATISTICAL COMMITTEE REPORT ON DRAFT AMENDMENT 17 (MULTI-YEAR) MANAGEMENT

*Ms. Yvonne de Reynier reviewed the five management alternatives included in draft Amendment 17 that is scheduled for adoption as a public review draft. Alternative 1 is the status quo and the other four options revise the groundfish specifications and management process. By September 2002, the Scientific and Statistical Committee (SSC) requested she include information for each alternative to determine if recreational and commercial fishery data will be available at the appropriate spatial and temporal resolution for the stock assessments. The SSC favors alternatives 4 and 5, because these use the most current data for management decisions.*

*The SSC re-emphasizes the issues it addressed in our April 2002 statement regarding multi-year groundfish management:*

- Using standardized models would simplify the review of stock assessments.*
- There is a need for standardized databases and contact between data support staff and assessment authors to ensure that assessments consider uncertainties related to the data.*
- A two-year assessment cycle is consistent with the schedule for updating rebuilding analyses.*
- There is a need to develop a process for selecting the assessments to be conducted during an "on" year and how each assessment will be reviewed.*

##### GAP

Mr. Frank Warrens provided Exhibit C.7.b, Supplemental GAP Report.

#### GROUND FISH ADVISORY SUBPANEL STATEMENT ON AMENDMENT 17 (MULTI-YEAR) MANAGEMENT

*The Groundfish Advisory Subpanel (GAP) received a presentation on the draft of Amendment 17 which would establish a multi-year management system. The GAP acknowledges the work done by Ms. Yvonne de Reynier of the Northwest Region on preparing the draft.*

*The GAP endorses the concept of multi-year management, as it will provide more time for Council consideration of important science and management matters that now often are put aside to accomplish the task of setting harvest levels and management measures every year. The reduction in Council family workload will benefit fisheries conservation and management by allowing more in-depth analysis of important issues.*

*In regard to the options presented, the GAP endorses Alternative 3, which provides for a 3-meeting groundfish management process, but continues the start date of the fishing season as January 1<sup>st</sup>.*

*The GAP believes that a sub-option of the alternative should also be considered which would provide for an additional meeting date - perhaps in February - to prevent overlap between salmon and groundfish issues at the April meeting.*

*The primary reason for supporting Alternative 3 involves continuation of the January 1<sup>st</sup> start date. A May start date - as proposed in Alternative 4, would seriously disrupt fisheries that begin in April, such as the whiting fishery and the fixed gear tier sablefish fishery. A May date may also cause problems for tribal fisheries.*

*While March 1<sup>st</sup> might appear as a reasonable alternative and was supported by one member of the public testifying at the GAP, it was rejected for a variety of reasons. First, business planning is currently centered around the January 1<sup>st</sup> start date and has been for many years. There is enough instability in the fishery without creating further problems for business planning. Second, safety may be an important factor, especially as vessels attempt to finish up their available limits. January and February can be some of the worst weather months on the West Coast and having only these months available to finish fishing for the management cycle would pose a significant burden on vessels not capable of withstanding the weather.*

*Third, a March 1<sup>st</sup> start date could cause market disruptions for both processors and fishermen. Plants that process Dungeness crab see their heaviest activity in mid-December, January, and early February. Often, plants are forced to put groundfish vessels on limits simply in order to handle product flow. Again, if vessels are trying to finish out their management "year" in January and February, they may find themselves hampered by lack of markets.*

*Fourth, a March 1<sup>st</sup> start date could discriminate against vessels that have permits for both groundfish and crab. With a January start, such vessels can forgo groundfish in January to fish crab and make up their groundfish "loss" by fishing the rest of the year. With a March start, the time that losses are being made up coincides with the crab season when groundfish is usually foregone.*

*Finally, the GAP briefly examined the pros and cons of having an optimum yield that begins on January 1<sup>st</sup> of the first year and extends through December 31<sup>st</sup> of the second year, versus having identical optimum yields for each of the two years in the management cycle. The GAP was unable to reach consensus on this issue in the time available and recommends that both options be put forward for public review and analysis.*

#### C.7.c Public Comment

None.

#### C.7.d Council Action: Adopt Draft Amendment 17 for Public Review

Mr. Lone discussed the benefits of using a three-meeting process for developing management specifications. Dr. McIsaac agreed. It was noted that the issue of a two versus three meeting process had been discussed but not resolved by the multi-year management committee.

Mr. Lone inquired, if Alternative 3 was selected as the Council's preferred alternative, could a subalternative be added to make it a November, April, June process. The rationale being to prevent overloading the March Council meeting, which is traditionally focused on salmon management.

Mr. Lone moved that Alternative 3 be noted as the Council's preferred option. Mr. Boydstun seconded the motion (Motion 11). Mr. Lone said it meets the 3 meeting criteria and uses the most current science.

Mr. Anderson said if we were to adopt Alternative 3 in September, what would happen to the 2004 fishery? That is, how would the transition to the new management process occur?

Mr. Robinson noted that if the Council took final action on Amendment 17 in September, the amendment would then go through the standard NMFS review. A decision on approval would not be made until early in

2003. Thus, the revised management process would not be implemented until early 2003 and the Council would need to determine how management specifications for 2004 and beyond would be developed and adopted by the Council.

From the discussion, it was obvious that consideration of transition issues (for each alternative) would need to be done prior to the Council taking final action on Amendment 17.

Messrs. Bohn and Brown both discussed the need to ensure the Council's preferred alternative was practicable and implementable. Transition issues and stock assessment schedule are important factors that need to be considered.

Mr. Boydston spoke to the GAP recommendation for Amendment 17 to include consideration of whether OY is specified for one or two years. If OY is set for two years, would there be provisions for adjusting the OY mid-term?

Mr. Lone clarified the intent of his motion. The second meeting would be April rather than March (the three meetings would occur in November, April, and June). The seconder agreed with the clarification. Ms. Cooney noted that, rather than simply changing the option from March to April, two suboptions should be included one with November, March, June; and a second with November, April, June. This would provide the Council with the flexibility to choose the most appropriate alternative. The proposed suboption was accepted by Mr. Lone as the preferred alternative.

Motion 11 passed. Unanimous voice vote.

The Council directed the authors of Amendment 17 to develop additional information, including: socioeconomic analysis, description of transition from current management to the new process, and discussion of the effects of using one-year optimum yields versus two-year optimum yields within a biennial framework. This information will be provided at the September Council meeting.

#### C.8 Proposed Management Measures for 2003 (06/21/02; 10:35 am)

##### C.8.a Agendum Overview

Mr. DeVore gave the agendum overview.

##### C.8.b Ad Hoc Allocation Committee Report

This was covered during discussion under C.4 on 06/19/02 (7:35 am).

##### C.8.c Recommendations of the States, Tribes, and Federal Agencies (06/21/02: 11:05 am)

#### **ODFW**

Mr. Bohn noted all of the provisions proposed by ODFW had been incorporated into the GMT and GAP tables.

#### **WDFW**

Mr. Anderson noted all of the WDFW provisions were incorporated in the GMT and GAP tables.

#### **CDFG**

Mr. Boydston noted he thought all of the provisions from CDFG were incorporated in the GMT and GAP tables.

## **Tribes**

Mr. Harp referred to Agenda C.8.c, Proposed Treaty Indian Harvest Levels.

Messrs. Gordon Smith and Steve Joner from the Makah tribe reiterated the need for a yelloweye assessment in Washington waters from Grays Harbor north to the US-Canada border. Yelloweye will be the most restrictive stock for tribal fisheries this year. About 75% of the tribal catch of yelloweye occurs in the competitive (unrestricted) halibut fishery. In 2002 this fishery occurred in three periods of 24, 36, and 48-hour durations. Yelloweye avoidance is best accomplished by setting the unrestricted fishery earlier in the year when halibut are in deeper water and out of the yelloweye depth zone. Otherwise, they are looking at time and area restrictions. The Makah Tribe would like to recommend a cooperative yelloweye research survey with WDFW. They propose to do a side by side longline survey while WDFW is doing their submersible survey. They would also like to do some stock structure work as well as experimenting with bait selectivity, gear modifications, and differential fishing techniques to reduce the catch of yelloweye. They also propose a tag and release experiment to test release techniques.

Mr. Brown appreciated the tribes efforts to reduce their yelloweye take. He urged Mr. Joner to work with the GMT to predict the 2003 tribal yelloweye catch. He is concerned the proposed tribal longline survey could catch too many yelloweye and inadvertently shut down fisheries up and down the coast. Mr. Harp noted there are efforts underway between the tribes and WDFW to implement a port sampling program to obtain better species composition data from tribal catches.

Mr. Mel Moon presented Exhibit C.8.c, Supplemental Quileute Tribe Comments. Mr. Brown noted Mr. Moon referred to a court order that requires fixed, court-ordered start dates for the competitive halibut fishery. He asked what the season timeframe is and whether that was fixed for 2003. Mr. Harp noted the March 15 start date was for 2002 and an agreement needs to be filed between the tribes for 2003 after the halibut TAC is set by the IPHC in January. The Makahs want to start the competitive fishery on March 1 to avoid yelloweye. Mr. Brown asked if the agreement for the competitive fishery start date needs to be approved by Judge Rothstein. Mr. Harp said the agreement needs to be filed in district court.

## **NMFS**

Mr. Robinson said we need to quickly convene a group to answer the 39 questions posed by the Enforcement Consultants regarding a VMS program. They need to sit down and figure out what the deployment needs are, costs, effectiveness, equity in the Observer Program, etc. VMS may have to be implemented in waves. He is concerned about the EC report of the slim amount of enforcement assets available for next year. The GMT is recommending more depth-based management lines which requires more enforcement. He is also hopeful of a California recreational option conservative enough to ensure it is not the driving force for inseason closures next year.

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

**GMT** (06/21/02; 10:39 am)

Dr. Hastie read from Exhibit C.8.d, Supplemental GMT Report.

### **GAP**

Mr. Moore presented Exhibit C.8.d, Supplemental GAP Report.

### **SAS**

Mr. DeVore read Exhibit C.8.d, Supplemental SAS Report.

## CPSAS

Ms. Heather Munro presented Exhibit C.8.d, Supplemental CPSAS Report.

## EC

Lt. Dave Cleary presented Exhibit C.8.d, Supplemental EC Report.

### C.8.e Public Comment

Mr. Tom Ghio, Ghio Fisheries; Moss Landing, California  
Mr. Steve Moore, Patriot Sportfishing; Avila Beach, California  
Ms. Heather Munro, West Coast Seafood Processors Association; Waldport, Oregon  
Mr. Kenyon Hensel, open access fisherman; Crescent City, California  
Mr. William Smith, Riptide Sportfishing; San Francisco, California  
Mr. Robert Ingles, Golden Gate Fishermen's Association; Hayward, California  
Mr. Don Koblick, fisherman; Woodside, California  
Mr. Phil Kline, Oceana; Washington, DC  
Mr. Duncan MacLean, Half Moon Bay Fishermen's Marketing Association; El Granada, California  
Mr. Brian Petersen, Shrimp Producers Marketing Coop.; Astoria, Oregon  
Ms. Janice Green, Recreational Fishing Alliance; Umpqua, Oregon  
Mr. Bob Osborn, United Anglers of Southern California; Lakewood, California

### C.8.f **Council Action:** Adopt Proposed Management Measures for 2003 for Public Review (06/21/02; 12:30 pm)

Mr. Anderson noted there were state, GMT, and GAP options for the salmon and halibut fisheries. He asked Ms. Cooney if it is procedurally and legally acceptable to put these options out now or address them in the preseason salmon and halibut catch sharing plan processes? The salmon folks were concerned about the Council considering these options without having direct input. Ms. Cooney suggested doing both since we are embarking on a new management era. Actual implementation will be done during the halibut catch sharing plan and the salmon preseason process later.

Mr. Caito asked Mr. Moore about the open access sablefish limit recommendations from the GAP between 36° N. latitude and 40°10' N. latitude. Mr. Moore said the GAP intent was to have the same three trip-limit options for open access and limited entry fixed gears. The same limits for slope rockfish in that area would also apply for both sectors.

Mr. Anderson said Mr. Brian Petersen recommended mandatory retention of marketable groundfish in the pink shrimp fishery. Does the GAP support that? Mr. Moore said yes.

Mr. Anderson asked Ms. Cooney if there was any advantage to adopting GAP trip limits for public review and whether that reduced Council decision-making flexibility? Ms. Cooney said it was okay to adopt these for public review with the recommendation that they are noted as "non-binding".

Mr. Anderson moved and Mr. Lone seconded a motion to adopt Washington recreational fishery options for public review as per Exhibit C.8.d, Supplemental GMT Report with the addition of the proposal contained in the GAP report of no downriggers allowed in the salmon fishery (Motion 26). Mr. Anderson said the motion does not include a proposal in the GAP report for identifying certain yelloweye hotspots since he is dubious as to whether or not we can do that. The GAP recommendation of a 6 oz. weight restriction in the salmon fishery is also not in his motion. A similar 2 oz. weight restriction tried in Puget Sound did not work. Therefore, those GAP recommendations are not included. Motion 26 passed.

Mr. Bohn moved and Mr. Brown seconded a motion (Motion 27) to adopt Oregon and northern California (north of 40°10' N. latitude) recreational fishery options for public review as per those included in Exhibit C.8.d, Supplemental GMT Report with the following exceptions: 1) include GAP option 1 of no yelloweye

or canary retention, and 2) cap nearshore OYs at 2000 or 2002 levels (provides a range to analyze) (Motion 27). Mr. Boydston asked for a friendly amendment to consider both a 15-inch and 16-inch minimum size limit for cabezon. This amendment was accepted. Mr. Boydston asked if the nearshore OY cap is based on combined Oregon and northern California landings? Would this be an OY for nearshore as part of the minor nearshore rockfish assemblage? Mr. Bohn said it is more refined in the explanation on the GAP proposal. Mr. Boydston asked if we were going to use Marine Recreational Fisheries Statistics Survey (MRFSS)? Mr. Bohn said we can decide between now and September. Mr. Boydston said we will use the best available data. For option 3 for the California fishery consider the minimum size limits for the rest of the state for minor nearshore rockfish. Motion 27 passed.

Mr. Boydston moved and Mr. Caito seconded a motion to adopt the California recreational fishery options for public review as per those included in Exhibit C.8.d, Supplemental GMT Report with the following exceptions: referring to page 11 of Exhibit C.8.d, Supplemental GAP Report, change Option 1 to "open inside 10 fm"; change Option 1 to a "five-fish bag limit including 0 shelf species"; change Option 2 to a "seven-fish bag limit including one shelf species"; change the minimum size limit specified under Option 3 to 12 in. for China and grass rockfish; specify a 16-inch minimum size limit for cabezon under Option 2; consider barbless and/or circle hooks in the recreational fishery as a consideration; put it under Option 1; analyze the range of commercial and recreational catch sharing scenarios for minor nearshore rockfish as presented in Exhibit C.8.d, Supplemental GMT Report (Motion 28). Mr. Thomas asked for a friendly amendment to consider a 12-month season with a reduced bag limit. Mr. Boydston noted that when we get the GMT options for OY they are going to show greatly reduced catches for this minor nearshore group. He suggested we have as a footnote that the Council can consider a 12-month season based on GMT-recommended OYs. Mr. Robinson asked if the 16-inch minimum size limit for cabezon also applied for Option 3? Mr. Boydston said he is trying to pair it up with Mr. Bohn's Option 3 for Oregon fisheries. We can put it in Option 3 for California. Motion 28 passed.

Mr. Anderson noted trawl fishers wanted to pursue an FMP amendment to allow them to use fixed gears for sablefish. This way they can attain their OY without the darkblotched constraint.

Mr. Anderson moved and Mr. Alverson seconded a motion (Motion 29) to adopt for public review the limited entry trawl options for the area north of 40°10' N. latitude the proposals contained in Exhibit C.8.d, Supplemental GMT Report and add to it Option 1 on page 2 of the GAP report (the no trawling option). Include in the motion the trip limit specifications that pertain to limited entry fixed gear identified on page 3 of the GAP report. Also include the nearshore limit cap listed under open access. Mr. Bohn said you would just add consideration to cap at the 2000 or 2002 level. Maker and seconder agreed. Mr. Brown asked for a friendly amendment to include the flexible closure (Option 4 in the GAP limited entry trawl options) so we can craft seasons and areas to achieve the DTS OYs. Both the maker and seconder of the motion agreed to the friendly amendment.

Mr. DeVore asked if halibut bycatch retention under option 5, page 2 was included in the motion? Mr. Anderson said no.

Mr. Brown noted if we can't specify management lines, then there is no trawling in 2003.

Motion 29 passed.

Mr. Boydston moved and Mr. Caito seconded a motion (Motion 30) to adopt commercial management options for south of 40°10' N. latitude for public review as follows: 1) referring to page 2 in Exhibit C.8.d, Supplemental GAP Report, for limited entry trawl - option 1 is not a viable option and remove it; make Option 2 Option 1; analyze options 4 and 5; add a new management line of 38° N. latitude (Pt. Reyes) for slope rockfish as an option; 2) referring to page 3 in Exhibit C.8.d, Supplemental GAP Report, for limited entry fixed gear and open access- adopt the entire page with the following modifications: for slope rockfish and open access fishery reduce at least one option by half (put it under Option 1 for open access); 3) referring to page 5 in Exhibit C.8.d, Supplemental GAP Report for nearshore open access change Option 1 to "0 to 10 fm"; for next row under nearshore, change option 3 to "200 lbs shelf rockfish/mo"; match the season closures with the recreational seasons; change gear option 1 to "no stick gear"; change gear

option 2 to "gear to be closely attended"; 4) incorporate the trip limits shown on page 3 for sablefish, thornyheads, slope rockfish for open access between 36° N. latitude and 40°10' N. latitude; and 5) incorporate all the options on page 6 regarding the sablefish, thornyheads, and slope rockfish trip limits for open access south of 36° N. latitude.

Motion 30 passed.

Mr. Robinson moved to incorporate a consideration to require the VMS for commercial fisheries (Motion 31). Mr. Boydston seconded the motion. Mr. Brown asked if the EC request to form a VMS Committee was part of the motion? The concept of allowing the Chairman to appoint that committee was accepted as a friendly amendment. Motion 31 passed.

Mr. Harp moved and Mr. Bohn seconded a motion (Motion 32) that the Council adopt tribal fishery options as shown in Agenda C.8.c, Proposed Treaty Indian Harvest Levels. Motion 32 passed.

Mr. Boydston moved and Mr. Lone seconded a motion to consider a regulation for 2003 management that would require a federal permit for landing federal groundfish (Motion 33). He has 3 qualification options to consider at the September meeting. Mr. Alverson said the testimony we heard pertained to the open access fleet. What about non-groundfish target fleets like shrimp? Mr. Boydston is recommending consideration for a moratorium permit for non-limited entry vessels in order to land federal groundfish based on qualification criteria. Mr. Boydston said the 3 qualification options would be: 1) landings of federal groundfish made by the November 1999 control date, 2) landings of federal groundfish made up to today's date (June 21, 2002), or 3) landings of any amount of federal groundfish up to the November 1999 control date along with landings up to today's date.

Mr. Robinson was not sure how we can get it done in time for 2003. While the intent is good, the procedure is difficult. Mr. Boydston said this is a work in progress and we need to move forward on open access permitting.

Mr. Alverson asked if limited entry "A" permit holders would be affected? Mr. Boydston said the existing permits for limited entry would satisfy the requirement but the intent is to reduce capacity in the open access fishery. Mr. Thomas asked if this applied only to commercial vessels? Mr. Boydston said yes. Motion 33 passed.

Mr. Anderson moved and Mr. Lone seconded a motion to adopt Mr. Brian Petersen's recommendation of mandatory retention of marketable groundfish in the pink shrimp fishery as an option (Motion 34). Mr. Brown asked for a friendly amendment to experiment with excluders as per the GAP report? Mr. Anderson thought that would be regulated by the states which is what we do now on the use of excluders. Motion 34 passed.

Mr. Bohn recommended using the 2001 research catches as shown in Exhibit C.8.d, Supplemental GMT Report as the research set asides for the National Environmental Policy Act (NEPA) analysis. Mr. Brown noted the .09 mt research catch of yelloweye on the GMT report did not identify where that catch occurred. Given the low OY alternative for yelloweye and the subarea quotas, we need to find out where those fish came from. Dr. Hastie said they were caught north of Cape Mendocino.

Mr. Anderson wanted to know where we ended up on the CPS fishery recommendations? The Council concurred status quo was the preferred option.

Mr. DeVore sought clarification on the "other fisheries" in the GAP report. How should they be addressed in the NEPA analysis? Mr. Anderson said, salmon troll is covered; no recommended changes to the CPS fishery; and excluders required under all three state proposals for the pink shrimp and spot prawn fisheries. Include all fisheries in the analysis.



## C.9 Status of Fisheries and Inseason Adjustments (06/20/02; 1:06 pm)

### C.9.a Agendum Overview

Mr. DeVore gave the agendum overview. He recommended the Council take up the GMT report first as it frames the issues well.

### C.9.b Quota/Species Monitoring Update

This item was covered in the GMT report.

### C.9.c State Regulations in the Pink Shrimp Fisheries

Mr. Anderson reported WDFW has implemented an emergency regulation effective July 4 requiring excluders. Mr. Bohn reported the ODFW Commission took action on June 10 to require excluders July 1 through October 31. Mr. Boydston stated finfish excluders were required in California commencing April 1. The Council also discussed non-retention of bocaccio in the California pink shrimp fishery, which Mr. Boydston assured would be part of the state emergency regulations. The Council also determined bocaccio are currently not allowed for retention in fixed gear and DTS trawl fisheries in California.

Mr. Boydston noted that consideration for requiring excluders in the California spot prawn trawl fishery will come before the California Fish and Game Commission (CFGF) in August to reduce bycatch in the spot prawn trawl fishery. Other considerations for this fishery include moving the fishery outside 130 or 150 fm or phasing out this trawl fishery. The CFGF would welcome any Council comments on this issue. Mr. Anderson noted that excluders are required in the Washington spot trawl fishery.

The Council then discussed the likelihood of an emergency rule to create depth-based management inseason. It was determined the GMT would support GAP recommendations for POP and slope rockfish limits if depth-based restrictions are implemented. Otherwise, there is a concern of overharvesting darkblotched as bycatch. The GMT also supports the GAP recommendation of only having one type of trawl net on board at any one time.

Mr. Boydston asked if the GMT would support prosecuting the chilipepper EFP this summer as planned by CDFG? Dr. Hastie replied that the GMT recommends no trawling in the south since there is no tolerance for continued bocaccio bycatch. Regarding the GAP recommendation to consider flatfish trawling on the shelf in the south with a required observer, would that be just for those vessels already scheduled in the Observer Program? Mr. Moore responded that vessels without a scheduled observer would have to get one. Dr. Hastie expressed GMT disapproval of such trawling activities in the south.

Mr. Brown asked if the GMT considered lack of attainment of DTS species as indicated in the Quota Species Monitoring report. Dr. Hastie said all the GMT recommendations for trawling in the north were driven by darkblotched concerns. If the fishery could be restricted to outside 250 fm, the DTS limits could be restructured to attempt to attain DTS OYS.

The differential recommendations from the GAP and GMT regarding emergency rulemaking were discussed. The GMT could not endorse GAP recommendations to restructure the fishery with trip limits beginning July 1 and prefers an emergency rulemaking to implement depth-based restrictions by September 1 or October 1. The GAP had a problem with a September closure. Crew and processing personnel would not likely stay idle waiting for the fishery to reopen. Filleters would go away. Mr. Brown asked if the fixed gear closures in the south recommended by the GMT included the open access fleet. Dr. Hastie said yes.

### C.9.d Reports and Comments of Advisory Bodies

#### GMT

Dr. Jim Hastie presented Exhibit C.9.d, Supplemental GMT Report.

Mr. Brown asked if a two meeting process was required to restrict the trawl fishery to outside 250 fm to protect darkblotched? Dr. Hastie replied that was his understanding unless an emergency rulemaking was done. The earliest an emergency rule could be implemented to reopen the fishery would be September 1. Also the waypoints for the 250 fm management line would need to be specified. Mr. Anderson asked about Option 1 which requires small footropes but keeps trawl limits in place. What are the savings from small footropes? Dr. Hastie did not know since there were no data to estimate darkblotched savings from small footropes in the bycatch model.

Mr. Alverson asked how the closure of fixed gear fisheries outside of 20 fm south of Cape Mendocino can be done without an emergency rule? Dr. Hastie explained this was a routine management measure since the 20 fm line is currently used in California fixed gear fishery management. The Council then discussed the need for the 22-inch size limit on sablefish in California. It was explained the effect of the size limit was to encourage fishing in deeper water off the shelf. If a 150 fm depth restriction were put in place to protect bocaccio in the south, there would be no need for the size limit. The size limit is only used to minimize bocaccio bycatch in fixed gear and trawl fisheries and therefore only needed in the south. Dr. Hastie was asked if the lack of recommended fixed gear fishery changes in the north implied no darkblotched impacts in that fishery? Dr. Hastie said yes. When asked whether the options in the north differentially impact different fishery sectors, Dr. Hastie replied that the July-August closure in Option 2 affects the small boat fleet more than Option 1.

Dr. McIsaac asked about the estimated bocaccio catch between 10-20 fm and inside 10 fm? Dr. Hastie stated the 1997-1999 catch rates in observed commercial passenger fishing vessel (CPFV) trips where rockfish were caught was five times higher in 10-20 fm than inside 10 fm, although the relative catch was small in 10-20 fm. The GMT is concerned with potential effort shifts and the lack of catch estimates within these shallow areas.

## **GAP**

Mr. Rod Moore presented Exhibit C.9.d, Supplemental GAP Report.

Council members questioned Mr. Moore regarding some GAP recommendations that were different than those provided by the GMT. Unfortunately both advisory groups did not have much opportunity to jointly discuss inseason management recommendations. The GAP recommended allowing trawls inside 125 fm north of Cape Mendocino and Mr. Brown thought that may be close to darkblotched depths. Mr. Moore explained fishermen think they can avoid darkblotched in those depths, but wanted to fish in the 100-125 fm depth zone to access petrale sole. Mr. Brown also thought the recommended landing limit for POP may encourage targeting and increase darkblotched bycatch. Mr. Moore said the recommendation was to reduce the limit by half which should discourage targeting.

Mr. Boydston asked about the GAP recommendations for south of Cape Mendocino. The GAP recommended requiring observers to retain nearshore rockfish species. Are depth restrictions and bycatch triggers part of that recommendation? Although the GAP did consider a depth restriction of 50-60 fm, they thought, with an observer requirement, there would be no need for depth restrictions. This recommendation accommodates a sandy bottom fishery targeting sanddabs and other nearshore flatfish species. There should be no bocaccio impacts. Mr. Boydston asked about the GAP's recreational fishery recommendation. The GAP recommends closing recreational groundfish fishing outside 20 fm beginning July 1.

Mr. Anderson questioned the GAP recommendation regarding the slope rockfish landing limit of 500 pounds/two months in the north. If the DTS limits remain unchanged and the slope rockfish limit is reduced, wouldn't that turn potential landed catch into discard? Mr. Moore explained Washington trawlers stated they could avoid darkblotched and other slope rockfish while pursuing DTS species. Mr. Brown pointed out that a 250 fm depth restriction would avoid slope rockfish altogether.

## **EC**

Lt. Cleary presented Exhibit C.9.d, Supplemental EC Report.

C.9.e Public Comment (06/20/02; 2:16 pm)

Mr. Kelly Smotherman, trawler; Warrenton, Oregon  
Mr. Bud Fleming, F/V Luck Strike; Sequim, Washington  
Mr. Joe Easley, Oregon Trawl Commission; Astoria, Oregon  
Mr. Gerry Richter, Pt. Conception Groundfish Fishermen Association; Santa Barbara, California  
Mr. Bob Fletcher, Sportfishing Association of California; San Diego, California  
Mr. Alan Hightower, trawler; Port Townsend, Washington  
Mr. Robert Brisco Jr., trawler; Ferndale, Washington  
Mr. Steve Moore, Patriot Sportfishing; Avila Beach, California  
Cpt. Paul Strauser, MSIP Sportfishing; San Pedro, California  
Mr. John Fuqua, Cisco's Sportfishing; Oxnard, California  
Mr. Joe Villoreal, CPVA; Thousand Oaks, California  
Mr. Paul Batsford, commercial fisherman; Sausalito, California  
Mr. Steve Fitz, commercial fisherman; Half Moon Bay, California  
Mr. Zeke Grader, Pacific Coast Federation of Fishermen's Association; San Francisco, California  
Mr. Bob Strickland, United Anglers of California; San Jose, California  
Mr. William Smith, Riptide Sportfishing; San Francisco, California  
Mr. Thomas Hutchins, commercial fisherman; Aromas, California  
Mr. Bill James, commercial fisherman; Avila Beach, California  
Mr. Robert Ingles, Golden Gate Fishermen's Association; Hayward, California  
Ms. Donna Solomon, commercial fish buyer; Moss Landing, California  
Mr. Kurtis Solomon, commercial fish buyer; Moss Landing, California  
Mr. Meo Nguyen (group) Moss Landing fishermen; Moss Landing, California  
Mr. Daniel Platt, Salmon Trollers Marketing Association; Fort Bragg, California  
Mr. Rick Thorton, charterboat operator; Fort Bragg, California  
Ms. Karen Garrison, Natural Resources Defense Council; San Francisco, California  
Mr. Bob Osborn, United Anglers of Southern California; Lakewood, California  
Mr. Tom Ghio, Ghio Fish Company; Moss Landing, California

C.9.f **Council Action:** Consider Groundfish Inseason Adjustments (06/20/02; 3:40 pm)

Mr. Brown noted the primary difference between Option 1 recommended by the GMT and the GAP trawl recommendation is the expected time it takes to implement depth restrictions. He asked Mr. Robinson and Ms. Cooney if emergency rulemaking could be done in 30 days? Mr. Robinson stated the GMT recommendation implies implementation of depth restrictions on October 1 with a two-meeting process and no emergency rulemaking, while the GAP recommendation implies September 1 implementation of depth restrictions with emergency rulemaking. Implementation time partly depends on how quickly management lines could be specified. September 1 would be the earliest implementation date if everything went smoothly. Mr. Brown asked if the pertinent NEPA documents could be prepared while management lines are being specified? Mr. Robinson said the process would need to begin as soon as possible. Mr. Anderson asked what Coast Guard resources were available to enforce depth lines? Commander Jackson replied that fixed wing aircraft and patrol boats were available. However, offshore at-sea enforcement in October-December is difficult without a 210 foot cutter; the availability of which is unknown. Mr. Robinson noted that NMFS staff is currently working on 4-5 regulation packages, a multi-year management EA, and reviewing rebuilding plans. An emergency rule simply to provide economic benefits to the fishery may not be justified. The Council had further discussion on the most efficient way to implement depth restrictions with the workload burdens. The bottom line is emergency rulemaking for earlier implementation (September 1) requires additional paperwork. However, if the Council wanted emergency rulemaking, Mr. Robinson said the region would put it forward and do the work. He could not guarantee that the emergency rule would be approved at the NOAA level.

Mr. Anderson moved and Mr. Lone seconded a motion (Motion 16) as follows: adopt the inseason adjustments as specified in Exhibit C.9.d, Supplemental GAP Report, with the following modifications:  
1) under north of 40°10' N. latitude, change the shelf flatfish fishery management line from 125 fm to 100 fm,

and 2) eliminate the slope rockfish cumulative limit reduction. Mr. Boydston asked if the motion included provisions for the coastwide fishery and Mr. Anderson said yes.

Mr. Anderson explained the rationale for leaving the reduction in the POP trip limit and not including the one relative to slope rockfish is that the POP are closely associated with darkblotched. Reduction of the POP limit should reduce darkblotched bycatch. However, reducing the slope rockfish limit could turn landed catch into discard.

Mr. Don Hansen asked if changes to recreational fisheries were included in the motion? Mr. Anderson anticipates California would be adding to the motion. Mr. Bohn asked if the motion included the GMT recommendation that the Northwest Region close the trawl fishery if the darkblotched OY is attained or exceeded. Mr. Anderson and Mr. Lone agreed.

Mr. Boydston asked for a friendly amendment to include the GMT recommendations in Exhibit C.9.d, Supplemental GMT Report for south of 40°10' N. latitude under "Immediate Action" (both recreational and commercial issues) as part of the motion. He also would like to delete the GAP recommendation to require observers on flatfish trawls in the south. He would like to address that issue in a separate motion. Mr. Anderson agreed. Mr. Lone agreed with the understanding the southern recreational fishery would close outside 20 fm beginning July 1.

Mr. Boydston requested another friendly amendment. He recommended GMT Option 1 for the commercial fishery south of 40°10' N. latitude under "Further Action" and we specify that all commercial groundfish take in waters from 20 to 150 fathoms be closed to retention beginning October 1 and drop the 22-inch minimum size limit for sablefish. This would be for all commercial gear types. The maker and seconder agreed to that friendly amendment.

Mr. Boydston requested another friendly amendment to include GMT Option 3 for the commercial fishery south of 40°10' N. latitude. The maker and seconder agreed. Mr. Thomas asked if the recreational season structure would be the same as it is now? Mr. Boydston said we would default to the 20 fm regulations which allow for 10 nearshore rockfish but 2 shelf rockfish can be retained; continuous through October; there could be consideration at the September meeting to open the fishery in November and December depending on the take of nearshore rockfish.

Mr. Anderson summarized the motion with the accepted friendly amendments and the understanding that the depth management lines would be defined in a manner acceptable to enforcement in time for NMFS to implement emergency rulemaking on September 1.

Mr. Robinson asked, if for some reason an emergency rule turns out to be impossible, would the trip limits stay in place or would the fishery close as the GMT recommended? He also asked Mr. Boydston if the October 1 depth restrictions in the emergency rule are frameworked or will they be specified at the September meeting? Mr. Anderson understood the GMT approach is to allow the fishery to continue through the end of August which gets us within 6 mt of the darkblotched OY. The GMT anticipates the darkblotched bycatch in October would be minimal, while the projected bycatch for September is about 25 mt. Therefore, Mr. Anderson recommended that we close the fishery on August 31 if we cannot get an emergency rule based on the GMT recommendations. This may allow a reserve of darkblotched in order to have fisheries in October-December outside 250 fm and inside 100 fm. Mr. Boydston suggested that we use a two meeting process with final action in September to put depth restrictions in place south of 40°10' N. latitude. Mr. Robinson stated NMFS will be working with CDFG to find opportunities for a southern sanddab fishery. Mr. Boydston said he would cover that with a later motion.

Mr. Robinson commented that this motion is actually a request for an emergency rule and he is therefore instructed by NMFS to vote no.

Mr. Alverson asked about the northern slope rockfish trip limit and Mr. Anderson said it would remain at 1,800 pounds/two months. Mr. Bohn thought a change in the Quota Species Monitoring data may allow the northern trawl fishery to stay open in September. Mr. Anderson said it would have to be dramatically different.

Mr. Anderson clarified the motion includes the seven immediate action items for south of 40°10' N. latitude in the GMT statement. Mr. Boydstun said the non-retention of groundfish in the 20 to 150 fm zone would be for all commercial fisheries. Mr. Bohn said it includes the "one type of net on board" GAP recommendation.

Motion 16 passed with one no vote from Mr. Robinson.

Mr. Boydstun moved to request an EFP to evaluate the effectiveness of Scottish seine gear to selectively harvest nearshore flatfish (including sanddabs) in southern California (Motion 17). Mr. Caito seconded the motion. Mr. Boydstun said they have groundfish disaster relief money available to fund observers for this EFP. Since potential bocaccio bycatch precludes allowing the chilipepper EFP, he recommends a Scottish seine EFP. With the concurrence of our GAP, he would like to work with NMFS on the details.

Mr. Robinson said NMFS would work with CDFG on this EFP. He said we need to work out a definition of Scottish seine for future use. Motion 17 passed.

This agenda item was brought before the Council on June 21, 2002 at 9:50 am.

Mr. Brown moved and Mr. Caito seconded a motion to reconsider inseason adjustments (Motion 20). Mr. Brown said we inadvertently excluded consideration to land other soles in the DTS fishery south of 40°10' N. latitude. Motion to reconsider passed.

Mr. Brown moved to amend the main motion to include a provision to allow a 1,000-pound landing limit for other soles in the DTS fishery south of 40°10' N. latitude (Motion 21). Mr. Caito seconded the motion. Mr. Brown wanted to include petrale sole, rex sole, and grenadiers as an allowably retained incidental catch.

The Council then deliberated this motion, added a series of friendly amendments and subsequent motions all of which were finally withdrawn (Motions 21-25). Staff was then tasked with reviewing the shelf rockfish provisions for fixed gear south of 40°10' N. latitude to better understand potential bocaccio impacts. Mr. Brown also wanted to clearly understand the shelf rockfish provisions inside 20 fm before the Council reconsiders inseason adjustments.

The afternoon of June 21, 2002, at 1:46 pm the Council reopened consideration for inseason adjustments and after some discussion considered the following written motion by Mr. Brown that was seconded by Mr. Caito (Motion 36):

South of 40°10' N. latitude, beginning July 1, 2002 the following limits apply:

For rex sole, petrale sole, English sole, and arrowtooth flounder, 1,000 pounds may be landed per trip using a large footrope, if landed with DTS species; No limit on grenadiers;

North of 40°10' N. latitude, beginning September 1, 2002, subject to an emergency rule being provided, the following limits shall apply:

Other flatfish, petrale sole, rex sole, and arrowtooth flounder are unlimited when caught using trawl gear outside of 250 fm.

Mr. Boydstun asked for a friendly amendment to prohibit shelf rockfish, chilipepper, and bocaccio retention south of 40°10' N. latitude in limited entry fixed gear and open access fisheries. The maker and seconder agreed. The motion passed.

Mr. Brown then moved to adopt yesterday's inseason adjustments with today's amendments (Motion 37). Mr. Anderson seconded. The motion passed.

## C.10 Groundfish Stock Assessment Priorities for 2003 (06/20/02; 9:50 am)

### C.10.a Agendum Overview

Drs. Liz Clarke and Rick Methot briefed the Council on the 2003 groundfish stock assessment recommendations from the Northwest Fisheries Science Center which were contained in Exhibit C.10, Supplemental NMFS Attachment. A black rockfish assessment was added to the list after discussions with ODFW. The longer list of stocks to assess (11) will require four STAR panels next year. Cabezon is a new assessment proposed for next year. There is a need to catch up on the list of unassessed stocks such as cabezon. The Council and SSC was requested to consider which stocks should be expedited assessments and the steps needed to do additional modeling of bocaccio and yelloweye this summer prior to the September Council meeting. The Council then discussed the logistics of updating yelloweye and bocaccio assessments this summer. A STAR Panel could convene in early August with a follow-up GMT meeting two weeks later.

Next year's assessment priorities were discussed. Mr. Anderson expressed a concern with WDFW personnel involved in four of those assessments. He was doubtful they have the resources to participate in a meaningful way in all four. He suggested these limited resources be focused on the overfished species driving our management decisions. Therefore, a yellowtail rockfish assessment may not be a priority. He thought it would be worthwhile updating the yelloweye rockfish assessment with Washington CPUE and length data. He suggested the SSC and stock assessment authors should resolve this issue. He wants to be certain management decisions are based on the best available science.

Mr. Boydston said CDFG personnel were prepared to assist in a cabezon stock assessment next year if the Southwest Fisheries Science Center helps. He was also willing to commit technical support for a black rockfish assessment in California. He voiced his concern on the need to assess nearshore species given anticipated effort shifts next year. He also supports updating the bocaccio and yelloweye assessments this summer. He would like Dr. MacCall to better investigate the strength of the 1999 bocaccio year-class as well as the 2002 year-class. Mr. Robinson also supported a summer yelloweye assessment update. Scientists have characterized this assessment as relatively data poor that could benefit by the inclusion of Washington CPUE and length data. He suggested yelloweye be reviewed by the SSC and a STAR panel prior to this summer's GMT and Allocation Committee meetings. He said the Northwest Fisheries Science Center is willing to assist in that effort.

Mr. Brown asked, if we were to redo yelloweye and bocaccio this summer, would they fall off the list for next year? Dr. Clarke said yes. He asked whether there was any information from whiting surveys in the south that would be useful in assessing bocaccio? Dr. Methot explained the short time series of data from the juvenile whiting survey might be useful, but may not be significant. Dr. Steve Ralston said he was planning on investigating rockfish species composition in the whiting survey next month. He plans to compare the relative abundance of bocaccio in central vs. southern California. He thought these data could also help interpret the 2002 year-class strength. Mr. Brown asked if that information could be used this year in an updated assessment. Dr. Ralston was concerned with the lack of time this summer to do this. He stated Dr. MacCall has agreed in principle with doing an updated bocaccio assessment this year. However, Dr. Ralston thought there would be little change in bocaccio understanding. The new bocaccio assessment is solid and much stronger than the yelloweye assessment.

Dr. McIsaac asked if the SSC has a priority ranking for proposed 2003 assessments. Dr. Methot explained timing since the last assessment for each stock is a factor. Also, those using 2001 trawl survey data are important to update.

### C.10.b Reports and Comments of Advisory Bodies

#### SSC

Dr. Tom Jagielo presented Exhibit C.10.b, Supplemental SSC Report. They recognize the sweeping management changes as a result of the yelloweye and bocaccio assessments. The SSC needs to be sure

this is good science. They recommend staying with the assessment and review process if updates are done this summer. Both assessments should be full assessments with rigorous review. An entirely different modeling approach for yelloweye may be needed. One identified problem is the serial correlation of recruitments based on length compositions. An SSC groundfish subcommittee meeting to review the STAR panel report would be needed. This is a lot to get done in a short amount of time this summer.

## **GAP**

Mr. Warrens presented Exhibit C.10.b, Supplemental GAP Report.

### **C.10.c Public Comment**

None.

### **C.10.d Council Discussion and Guidance on Groundfish Stock Assessment Priorities for 2003**

Dr. McIsaac noted groundfish stock assessment priorities will be on the September agenda for final consideration. He asked whether there was additional survey trawling south of Pt. Conception this year or in 2003 that would bear on our understanding of bocaccio status? Dr. Clarke said a slope survey planned for later this year would not provide much information on bocaccio. A southern shelf survey will occur in 2003.

Dr. McIsaac asked about the GMT meeting schedule for this summer and the ability for them to review any new yelloweye or bocaccio assessment? Mr. DeVore replied the GMT is scheduled to meet in Portland, Oregon the week of July 29th. We will need to decide whether or not to reschedule the GMT meeting. Mr. Robinson also noted the need for the Allocation Committee to review any new assessment results. Mr. Anderson proposed coordinating with key personnel this week to plan assessment updates this summer. Mr. DeVore or Dr. Clarke could get back to the Council on Friday regarding a proposed schedule.

Mr. Don Hansen asked Dr. Ralston about the assumed strength of the 2002 bocaccio year-class? Dr. Ralston noted widow, canary, and two other stock recruitments were at 20-year highs based on the recent juvenile rockfish trawl survey. There were relatively more and larger bocaccio this year than at any time in the past ten years. Mr. Boydstun asked if the recent bocaccio assessment was informative about the strength of the 2002 year-class? Dr. Ralston explained the input data did not have any information relevant to the 2002 year-class. Mr. Boydstun asked if there was any reason to further evaluate the strength of the 1999 year-class? Dr. Ralston said new data would need to be incorporated in a new assessment to do that. The 2002 Tiburon survey did not pick up the 1999 year-class. If the 1999 and 2002 year-classes were strong, it would suggest faster stock rebuilding. They then deliberated the necessity for a STAR Panel review of any bocaccio assessment update. A formal STAR review would be needed if the model was changed to incorporate these new data. The Council then discussed the feasibility of new summer assessments for yelloweye and bocaccio. They agreed to coordinate and schedule these updates this week.

Mr. Anderson raised the issue of reassessing yelloweye this summer and referred to Exhibit C.10, Supplemental Attachment 2 which provided options for scheduling STAR, GMT, and SSC review. A new bocaccio assessment cannot be done this summer, so he advised not considering that assessment. Dr. McIsaac said we could move the GMT meeting back to August 5. In preparing the NEPA analysis, should the yelloweye number change, how do we get it into the package for the briefing book deadline? One of these is not going to make it into the briefing book. None of it getting into the briefing book would mean a substantial delay in the NEPA analysis. Dr. McIsaac recommended using schedule 1. Mr. Anderson contacted his personnel and NMFS personnel and understood schedule 2 is the only one that works with those individuals' schedules.

Mr. Robinson added that Dr. Clarke had to leave. She said to meet schedule 2, the personnel would be giving up their vacations and could not get it done within any timeframe other than schedule 2. Mr. Robinson recommended no delay completing the NEPA analysis which should be a priority in order to meet the

briefing book deadline. Mr. Anderson wondered if it is possible to have the range of OYs we currently have identified regardless of what we learn from the new yelloweye assessment, unless it is on the lower end. That is the range we analyze in the EA and on which we base our management decisions. That way we don't disrupt the NEPA process. Dr. McIsaac said the EA would have to be prepared in the absence of the new yelloweye assessment to provide to Council members in the quickest way possible. Mr. Brown noted, in terms of the NEPA analysis, we have 3 possible outcomes: exactly where we were, comes out better, or comes out lower. Only the lower end would be a problem.

#### C.11 Scoping for Delegation of Nearshore Management Authority (06/20/02; 10:55 am)

##### C.11.a Agendum Overview

Mr. Waldeck provided an overview of the agenda topic, briefing book material, and scheduled Council action. Under this agenda item, each coastal state representative reviewed nearshore management issues for their respective states. California provided a presentation on the Nearshore fishery management plan (FMP) and request for Council consideration of transferring management authority from federal to state management.

##### **CDFG**

Mr. Tom Barnes presented a Power Point presentation which gave an overview of California's Nearshore FMP and Mr. Steve Wertz presented an overview of the transfer of management authority issue.

The Council discussed the transfer of authority issue, particularly the possible need to apportion an amount of the available harvest to California for each of the species in California's Nearshore FMP.

##### **WDFW**

WDFW described current management of nearshore fisheries in waters adjacent to Washington. WDFW has actively managed nearshore fisheries since the early 1980s. WDFW is satisfied these measures provide for effective management and noted that transfer of authority would provide no additional benefit at this time.

##### **ODFW**

ODFW reported interest in developing a nearshore FMP, notably to manage the live fish fishery in Oregon waters. ODFW's development of a nearshore FMP is at the initial stage and dependent on staff and funding resources.

#### C.11.b Reports and Comments of Advisory Bodies (06/21/02; 7:36 am)

##### **GAP**

Mr. Waldeck provided Exhibit C.11.b, Supplemental GAP Report.

#### *GROUND FISH ADVISORY SUBPANEL STATEMENT ON SCOPING FOR DELEGATION OF NEARSHORE MANAGEMENT AUTHORITY*

*The Groundfish Advisory Subpanel (GAP) received a presentation from the California Department of Fish and Game (CDFG) on the question of delegation of nearshore management authority. Although somewhat hampered by the fact that the voluminous background material on this subject was not received by GAP members until the afternoon prior to the presentation, the GAP, nevertheless, provides the following comments.*

*While a minority of the GAP believes the Council should adopt some of the conservative management approaches to rockfish embodied in the California plan, the GAP still unanimously opposed delegation of nearshore management authority, and recommends the Council give this issue a low priority in light of the many more crucial issues facing the Council.*



*The GAP believes the types of authority transfer being contemplated will cause additional confusion to resource users, an added cost, and could actually increase discards. Vessels legally fishing in the Exclusive Economic Zone (EEZ) off California and either not registered in California or landing in Oregon could be forced to discard species on the delegated list which could otherwise be legally taken.*

*The GAP notes there is no provision for full participation in California management decisions by non-residents who are affected by the law. In the similar case of deferred management in the Alaskan crab fisheries, there are avenues of non-resident participation and checks and balances to ensure the rights of non-residents are accommodated.*

*Even residents can be adversely affected by the management process, as they now will be forced to attend California Fish and Game Commission meetings as well as Council meetings to keep abreast of nearshore rockfish science and management. Several GAP members noted that these meetings are often scheduled concurrently.*

*Questions were also raised as to how science would be coordinated between the Council and California, given that some of these species exist inside and outside California waters and off the shores of more than one state.*

*Finally, it is unclear to the GAP whether sufficient resources will be available to the CDFG to conduct the necessary level of research, management, and enforcement if nearshore species are transferred. If these fiscal and personnel resources are not available, then there is a question of whether the fish stocks and the users will be better off with transfer of management.*

*While the GAP is sympathetic to the fact CDFG faces difficult legislative mandates, it is not a problem the Council or resource users should have to address.*

#### C.11.c Public Comment

Mr. Lloyd Reeves, longliner; Los Osos, California

Mr. Bob Osborn, United Anglers of Southern California; Lakewood, California

#### C.11.d Council Discussion on Scoping for Delegation of Nearshore Management Authority

Mr. Boydstun summarized the issues pertaining to California's Nearshore FMP. Sixteen of the fish species to be managed under California's Nearshore FMP are currently managed under the Council's groundfish FMP. Implementation of the Nearshore FMP will require some form of transfer of management authority from the Council to California. Development of an FMP amendment to transfer management authority will need to be balanced against other workload priorities. Mr. Boydstun requested the Council keep this item on the Council workload list and provide time for a CDFG report in September, including consideration of initiating an FMP amendment. Short of an FMP amendment, an interim option could be for California to develop nearshore groundfish regulations, under CFGC authority, for implementation in 2004. CDFG would present these proposed regulations to the Council in 2003 for a consistency determination. This would essentially entail deferral of management authority.

Mr. Boydstun also noted CDFG will review and respond to the comments generated at this Council meeting.

Mr. Fougner, while not taking a position on transfer of management authority, noted CDFG should have the opportunity to report on the issue at the September 2002 Council meeting. He also noted CDFG had endeavored to respond to the GAP comments and suggested CDFG complete the transfer of authority scoping document, including addressing the GAP's most recent comments.

## D. Highly Migratory Species Management

### D.1 NMFS Report on Highly Migratory Species (HMS) Management (06/19/02; 9:45 am)

#### D.1.a Agendum Overview

Mr. Don Hansen chaired this portion of the meeting. Mr. Waldeck explained the briefing papers and who was to give the presentations.

Mr. Fougner highlighted Exhibit D.1, NMFS HMS Report.

#### 1. U.S.-Canada Albacore Treaty

A negotiating session held April 23-24, 2002, resulted in agreement on a three-year regime for reciprocally limiting effort by U.S. and Canadian troll albacore fishing vessels' activities in each other's waters. Canadian effort would be limited by vessels; U.S. effort would be limited by vessel months. This is intended to provide relatively equal fishing opportunity. The limits would gradually be reduced over the three-year period, though the agreement provides some flexibility to carry over "unused" effort from one year to the next. The target for implementation is the 2003 season, pending (a) legislation by Congress to authorize U.S. regulations to limit the U.S. fishery and (b) NMFS rulemaking for procedures to monitor entry and exit of vessels against the limits each year so that, if a limit is reached, the fishery would be "closed" in a timely manner.

The limits would be as follows:

Year	Canadian boats in the U.S. EEZ	U.S. effort in Canadian EEZ
2003	170 vessels	680 months
2004	140 vessels	560 months
2005	125 vessels	500 months

After the third year, the Parties can extend the agreement for one year or more, but if no agreement is reached, then a default of 75% of the third year would be implemented. A meeting is scheduled with the Canadians in Seattle, Washington on July 24-25, 2002, to discuss specific actions needed by both parties to make this system work, including reporting and monitoring mechanisms.

#### 2. Inter-American Tropical Tuna Commission (IATTC)

The IATTC is scheduled to hold its annual meeting June 24-28, 2002, in Manzanillo, Mexico. It is expected the IATTC will adopt resolutions dealing with yellowfin tuna, bycatch, compliance, and fleet capacity, and may adopt a resolution dealing with bigeye tuna. Copies of any resolutions ultimately adopted will be provided to the Council.

#### 3. Western Pacific HMS Management

A final rule governing seabird mitigation measures in the Hawaii-based longline fishery were published on May 14, 2002 (67 *FR* 34408). The regulations requires fishermen to use line-setting machines and thawed blue-dyed bait and strategic offal discards during setting and hauling of longline gear. This rule codifies the terms and conditions of a biological opinion issued by the U.S. Fish and Wildlife Service on November 28, 2000, to protect the endangered short-tailed albatross. The rule also implements measures recommended by the Western Pacific Council in a proposed rule published on July 5, 2000 (65 *FR* 41424).

A proposed rule establishing sea turtle take mitigation measures in the Hawaii-based longline fishery were published on April 29, 2002 (67 *FR* 20945). The regulations implement gear specifications for longline gear, prohibits targeting swordfish north of the equator, prohibits landing or possessing more than 10 swordfish per trip by longline vessels fishing north of the equator, establishes a closed area during April and May south of Hawaii between the equator and 15° N latitude, and requires all longline vessel operators to attend a protected species workshop annually. This rule would implement the reasonable and prudent measures of the March 29, 2001 biological opinion issued by NMFS under the Endangered Species Act.

An emergency rule was published on April 5, 2002 (67 *FR* 16323), affecting the Hawaii-based longline fishery that prohibits possessing or landing more than 10 swordfish per trip when fishing north of the equator and prohibits all longline fishing north of 26° N latitude. This emergency rule expires on June 8. The April 29 proposed rule mentioned above contains the 10 swordfish possession restriction, but not the longline closure north of 26° N latitude.

Mr. Fougner then spoke to an application received by NMFS from a foreign entity seeking a permit for transshipment of bluefin tuna under provision at Section 204 (d) of the Magnuson-Stevens Act. NMFS is seeking Council input about the transshipment permit application, especially whether the permit should be

issued and what stipulations should be applied to a permit if issued. He noted that a similar application was received and permit issued in 1999.

#### D.1.b Reports and Comments of Advisory Bodies

##### HMSAS

Mr. Bob Fletcher provided Exhibit D.1.b, Supplemental HMSAS Report.

#### *HIGHLY MIGRATORY SPECIES ADVISORY SUBPANEL STATEMENT ON TRANSHIPMENT PERMIT APPLICATION*

*The Highly Migratory Species Advisory Subpanel (HMSAS) discussed the permit application requesting authorization for a Mexican vessel to accept transfers of live tuna from U.S. purse seiners in the Pacific waters of the exclusive economic zone south of 38° N latitude. The fish will be transferred to a cage which will be towed into Mexican waters, and the fish will be released into an aquaculture facility.*

*The HMSAS requests that conditions be placed on the permit to ensure reporting of catch in the purse seines and mortality of tuna in the towed cage. The catch should be identified separately from traditional harvests of tuna. There is a concern that this fishery could establish catch history for a future regulatory program which might be detrimental to the interests of other U.S. fishers.*

*There also is concern about the introduction of disease from the use of infected fish as feed, so there should be a provision to ensure that the source of feed is disease-free, or require the feed comes from the area (southern California) where the tuna were taken.*

##### EC

Lt. Jorge Gross provided Exhibit D.1.b, Supplemental EC Report.

#### *ENFORCEMENT CONSULTANTS REPORT ON NMFS REPORT ON HIGHLY MIGRATORY SPECIES MANAGEMENT*

*As stated in his May 17, 2002 letter, Mr. Ben Fuss states the California registered purse seine vessels would sell the bluefin tuna at sea. This is prohibited by the California Fish and Game Code and Business and Professions Code.*

*California Department of Fish and Game enforcement staff have discussed this with Mr. Fuss recently. To resolve this, the fishing vessels would need to be contracted employees of the company and not make illegal sales at sea. The Enforcement Consultants request a condition of the permit require the purse seiners to act as employees under the umbrella of the company and not conduct prohibited sales/purchases at sea.*

#### D.1.c Public Comment

None.

#### D.1.d Council Discussion on NMFS Report on HMS Management

The Council requested the following conditions be placed on the permit, if issued by NMFS:

- Purse seine operation catch and caged tuna mortality should be reported.
- On logbooks (or other reporting forms), catch under the transshipment operation should be identified separately from tuna caught during non-transshipment fishing.

- Applicant should be made aware that harvest (landings) under this transshipment operation may not necessarily be used to qualify for any future limited entry program developed by the Council (or developed and implemented by NMFS).
- Due to concern about introduction of disease from the use of infected fish as feed, the permittee should ensure the source of feed is disease-free. Alternatively, NMFS could require the feed comes from the area where the tuna were caught.

The concerns noted in the Enforcement Consultants report should also be forwarded to NMFS for consideration in their review of the transshipment permit application.

Mr. Waldeck said a letter detailing the Council's concerns and suggested terms and conditions would be drafted to NMFS by the due date.

## D.2 HMS Draft Fishery Management Plan (FMP) Development (06/19/02; 10:11 am)

### D.2.a Agendum Overview

Mr. Waldeck noted that in March 2002 the Council opted to delay final action on the HMS FMP until the November 2002 meeting. The reasons for delay are detailed in the situation summary (Exhibit D.2). The HMS Plan Development Team will provide a progress report. The HMS Advisory Subpanel will also provide a report. He highlighted that this is a discussion and guidance item for the Council. Formal Council action is not scheduled.

### D.2.b Report of the HMS Plan Development Team

Dr. Dale Squires and Mr. Steve Crooke provided a PowerPoint presentation (Exhibit D.2.b, Supplemental HMSPDT Presentation).

Dr. McIsaac asked about harvest control rules (MSY formula) approach. How will minor changes to MSY-based harvest control rules be accommodated?

Processes for major and minor changes to the harvest control rules should be described in the FMP. For example, the CPS FMP describes a framework process for modifying the control rules.

Mr. Crooke clarified that there is currently only one option for default optimum yield (OY) values, i.e.,  $OY = 0.75 \times MSY$ , which is based on Restrepo, et al.

It was noted the HMS management process would entail setting specifications that would stay in place until changed. Every two years, HMS fisheries would be formally reviewed and necessary management changes addressed.

*most substantive < clarify that >*  
 Mr. Fougner provided a progress report on NMFS work in completing their work related to the HMS FMP. Endangered Species Act consultations are to be completed prior to the November 2002 Council meeting.

Mr. Fougner noted that FMP sections relative to bycatch (e.g., Chapter 5) are yet to be completed. For example, a systematic review of bycatch in HMS fisheries and recommendations for management actions relative to bycatch are planned, but not completed. Also, analysis of the small mesh drift gill net fishery is still in progress.

Mr. Fougner also indicated the participants in the small mesh drift gill net fishery have been notified that they may be required to carry observers under the authority of the Marine Mammal Protection Act.

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

Mr. Fletcher provided Exhibit D.2.b, Supplemental HMSAS Report.

### *HIGHLY MIGRATORY SPECIES ADVISORY SUBPANEL STATEMENT ON DRAFT FISHERY MANAGEMENT PLAN DEVELOPMENT*

*The Highly Migratory Species Advisory Subpanel (HMSAS) met with the co-chairs of the Highly Migratory Species Plan Development Team (HMSPDT) and reviewed the HMSPDT's progress report on development of revisions to the HMS fishery management plan (FMP). The HMSAS offers the following comments on some of the issues in the HMSPDT report.*

#### *Management Cycle*

*The HMSAS recognizes that, in order to take advantage of the most recent data available, the HMSPDT's preferred cycle is best. However, this schedule is not the best for receiving input from affected fishers, since many will be fishing during the September meeting. The HMSAS requests the Council strive to maximize public input in the process.*

#### *Permits*

*The HMSPDT is requesting Council clarification of its preferred alternative to require federal permits for all commercial HMS fisheries. Does this requirement also apply to commercial passenger fishing vessels (CPFVs)? The HMSAS supports a federal permit for CPFVs that would include federal recognition of a state permit, if a state permit is currently required.*

*The HMSAS recommends the permitting system be set up to avoid problems encountered in past programs, especially since there may be one or more limited entry programs implemented in the future. For example, should the permits be awarded to the individual or the vessel? Given the experience of the states and NMFS in establishing permit programs in other fisheries, it should be possible to develop the most effective system initially in the FMP to avoid problems down the line.*

#### *Maximum Sustainable Yield (MSY)*

*The HMSAS is aware the HMSPDT has developed new MSY estimates or proxies for several HMS stocks, and these will be expressed as point estimates instead of ranges. For some stocks, proxies are used which are averages of recent catches, lacking a better estimate of MSY. This creates a potential problem for stocks like dorado. Availability of dorado varies greatly with oceanic conditions. Will high catches as a result of warm water trigger the overfishing definition? The HMSAS hopes the FMP will include some recognition of this problem and some flexibility to deal with it. We will be reviewing the next version of chapter 3 with this in mind.*

#### *Small-Mesh Gillnet Fishery*

*If the Council determines that small-mesh gillnet gear is legal gear for HMS, then this fishery will need to meet the mandates of the Magnuson-Stevens Act with regard to bycatch. There will need to be a detailed observer plan developed for this fishery at the same time plans are being developed for the other fisheries.*

Mr. Fougner asked if the HMSAS had a recommendation about whether permits should be issued to vessels, vessel owners, or operator (skipper) of vessel? The HMSAS does not have a recommendation. Mr. Fletcher believed the opinion of the HMSAS would be that permits be issued to vessel owners (i.e., the party responsible for the vessel).

Mr. Fougner noted that for most tunas in the HMS FMP, OY is set throughout their respective ranges; for sharks, region specific harvest guidelines are recommended; dorado would be managed under an OY that accounts for the full range of dorado.

#### D.2.d Public Comment

Mr. Tom Raftican, United Anglers of Southern California; Huntington Beach, California  
Mr. Bob Fletcher, Sportfishing Association of California; San Diego, California  
Mr. Bob Strickland, United Anglers of Southern California; San Jose, California  
Mr. Ron Gaul, Recreational Fishery Alliance; Oakland, California  
Mr. Dave Wilmot, Ocean Wildlife Campaign; Soquel, California  
Mr. Doug Fricke, F/V Howard H; Hoquiam, Washington  
Mr. Bob Osborn, United Anglers of Southern California; Lakewood, California

#### D.2.e Council Discussion and Guidance on HMS Draft FMP Development

Mr. Waldeck reviewed the information presented to the Council and the task at hand for Council consideration. The HMSPDT had specific questions relative to EFPs, management cycle, mesh size in the drift gill net fishery, and permit requirements for CPFVs. The HMSPDT also presented a schedule for completion of the FMP.

Mr. Anderson discussed possible Council preferred alternatives for three items: 14 inch mesh as the minimum mesh size in the drift gill net (DGN) fishery, management cycle Alternative #3 for the management cycle, and inclusion of CPFV in the permit requirement.

Ms. Vojkovich suggested it may be premature to select a preferred DGN mesh size as the analysis is not yet complete nor has information for decision making been presented to the Council. Mr. Fougner agreed with Ms. Vojkovich.

On the question of permits, Mr. Fougner suggested more information is probably necessary before the Council selects a preferred alternative. He described Western Pacific Fishery Management Council permitting, where permits are issued to a vessel owner who is required to register that permit for use with a specific vessel. This may be a good model for the Pacific Council, but there should be an analysis of what is most appropriate prior to Council action.

Mr. Thomas stated he agreed with Mr. Anderson's comments about DGN mesh size and permit requirements.

Mr. Brown, relative to EFPs, the FMP should contain a procedures for EFPs, including goals and objectives for EFPs under the HMS FMP.

Ms. Vojkovich agreed with Mr. Brown. She stated EFPs goals and objectives should include those things highlighted by the HMSPDT in their presentation. Further, the HMSPDT should work with NMFS staff knowledgeable about EFPs to determine other potential goals and objectives.

Ms. Vojkovich then asked about the management cycle issue, at this stage the council has stated a biennial cycle as the preferred alternative.

Mr. Waldeck noted that in their presentation, the HMSPDT presented the Management Cycle Alternatives, based on Council guidance from March 2002 and including two biennial alternatives; one with a November-March decision making framework, the other with a September-November framework. Further, this management schedule matrix would be incorporated into the draft FMP, including the preferred alternative indicated by Mr. Anderson (alternative 3).

Mr. Don Hansen asked when the analysis of the small mesh DGN fishery would be available. Mr. Fougner said it would be done before completion of the August 2002 draft.

Mr. Waldeck reviewed Council guidance: indicated management cycle alternative 3 as preferred, clarified that CPFVs are included in permit requirements for commercial HMS vessels, and requested procedures, goals and objectives be included within the FMP. Relative to DGN, pending further analysis, the Council did not select a preferred alternative for mesh size.

## **E. Habitat Issues**

### **E.1 Essential Fish Habitat (EFH) Issues (06/19/02; 4:45 pm)**

#### **E.1.a Agendum Overview**

Ms. Jennifer Gilden provided an agendum overview.

#### **E.1.b Report of the Habitat Committee (HC)**

Dr. Mark Powell provided Exhibit E.1.b, Supplemental HC Report.

#### **E.1.c Reports and Comments of Advisory Bodies**

None.

#### **E.1.d Public Comment**

None.

#### **E.1.e Council Action: Consider HC Recommendations and Take Action as Necessary**

Mr. Boydston moved and Mr. Caito seconded a motion (Motion 12), on the Klamath River situation, asking the HC to draft a letter for review at the September meeting which addresses the impacts of the final biological opinion on Council-managed anadromous fish species and their habitat. Motion 12 passed.

Mr. Anderson moved and Mr. Lone seconded a motion (Motion 13) to endorse the intention of the Habitat Committee to develop a letter to the Army Corps of Engineers relative to the Columbia River dredging issue, and their lack of response to the Council's recommendations made in the October 1999 letter. Motion 13 passed. Dr. Radtke noted there is a national review being done on transportation demands for the future which will be crucial to the future of the dredging project. The Council should track this.

Mr. Dave Gaudet asked Council staff to follow up on the FERC letter. Ms. Gilden said she would follow up on this for the September meeting.

Dr. McIsaac noted work on the EFH EIS and HAPC work is expected to intensify this fall. Staff will keep Council apprized of any changes to the Council budget relative to this work.

## **F. Marine Reserves**

### **F.1 Review of Proposal for Marine Reserves in State Waters of the Channel Islands National Marine Sanctuary (CINMS) (06/20/02; 8:04 am)**

#### **F.1.a Agendum Overview**

Mr. Jim Seger indicated the California Fish and Game Commission (CFGC) had agreed to delay its consideration of marine reserves for state waters of the CINMS in order to allow the Council a two meeting process (June and September) to review and comment on the state decision package. The SSC completed a technical review of the state documents in June. The Council action is to determine how to complete the review and finalize of policy comments for September. The deadline for technical comments on the states environmental analysis is July 15, 2002.

#### F.1.b Status of the California Department of Fish and Game Process

Mr. Boydston stated he had confirmed that December 6, 2002 is the proposed decision date for CFGC on this issue. The California Environmental Quality Act (CEQA) analysis document still needs to be certified by the CDFG before the regulations can be considered, which is likely to be at the August CFGC meeting.

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

### SSC

Ms. Cindy Thompson provided Exhibit F.1.c, Supplemental SSC Report. She began on page 8 of the report and read the following as a summary of the main content of the report.

#### *Summary of SSC Conclusions Regarding the Draft Environmental Document*

*The Draft Environmental Document (DED) is intended to address the CEQA requirement to identify and mitigate significant adverse environmental impacts associated with the proposed project. While CEQA does not require that alternatives be evaluated in terms of their environmental benefits or socioeconomic effects, the DED also provides an analysis of such effects. The SSC reviewed the DED in all its aspects.*

*In terms of addressing CEQA requirements, the DED does not demonstrate whether or not the proposed project would have significant adverse effects on the physical and natural habitat or on fishery resources outside the reserve. The SSC realizes that a definitive evaluation of adverse environmental impacts is not feasible. However, the possibility of habitat impacts should at least be acknowledged in the DED. Further evaluation of the extent of effort displacement and its potential affect on outside fisheries should be done. While the DED provides some estimates of effort displacement for recreational consumptive activities, similar information is also needed for commercial fisheries.*

*The issue of effort displacement is critical to evaluating the effects of reserve size. While larger reserves provide greater opportunity to enhance biodiversity inside the closed area, they are generally accompanied by increases in the amount of effort displaced from reserves. In considering what happens to this displaced effort, it is important to recognize the trade-off between short-term economic losses borne by those displaced from reserves and the potential for adverse environmental effects in the open area. Minimal short-term losses imply the existence of opportunities for displaced fishermen to offset their losses in outside areas, but also require consideration of the effects of displaced effort on habitats and fishery resources in those outside areas and management measures to mitigate habitat effects and prevent localized depletion of fishery resources. Conversely, maximum short term economic losses imply few offsetting opportunities and therefore little need to consider adverse environmental effects outside reserves.*

*Given the small scale of reserves at CINMS and the fact that most of the 119 species of concern identified by the Marine Resources Working Group have distributions that extend well outside CINMS boundaries, the SSC considered habitat representation to be an appropriate way to designate areas for inclusion in reserves at CINMS. Given this approach to reserve design, biodiversity benefits may accrue in reserve areas. The small scale of reserves at CINMS is not expected to yield stock-wide benefits. As indicated above, the trade-off between benefits inside reserves and potentially adverse environmental and socioeconomic effects associated with effort displacement outside reserves is an important factor to consider in policy deliberations regarding reserve size.*

*The socioeconomic evaluation of alternatives involved "Step 1" and "Step 2" analyses. The Step 1 analysis (quantification of existing commercial and recreational activity in proposed reserve areas) was generally well done, given the limitations of the data. However, the Step 2 analysis (predicting costs and benefits associated with the MPA alternatives) draws quantitative conclusions that cannot be substantiated. Given the deficiencies in some of the data and analysis and uncertainties regarding the effects of reserves at CINMS, it is not possible to determine whether economic benefits associated with establishment of reserves outweigh the costs.*



## Other SSC Comments

SSC comments regarding the DED are generally applicable to MPA alternatives at CINMS, regardless of whether the alternatives pertain to state or federal waters. However, this SSC statement does not address all federal regulatory requirements. Evaluation of MPA alternatives in federal waters at CINMS will require consideration not only of NEPA but other regulatory requirements (e.g. the Regulatory Flexibility Act) that were not considered in this review.

The SSC offers the following caveats regarding the potential applicability of the approach to MPA design used at CINMS to large-scale MPAs:

1. The methodology used to design MPAs at CINMS required a relatively rich set of habitat maps. The SSC notes that habitat maps at the CINMS level of detail will likely not be available for most areas of the West coast. Thus the habitat-based MPA siting algorithm used at CINMS may not be as feasible for other areas.
2. MPAs at CINMS were designed to ensure approximately equal representation of each habitat type. While equal habitat representation may be reasonable for MPAs on the scale of those at CINMS, the SSC recognizes that all habitat types are not equal with respect to their importance to marine organisms. A more detailed approach to evaluating species-specific interactions between organisms and habitat may be applicable in cases where larger scale MPAs are considered.
3. For Council-managed species, whatever is done at CINMS is likely to have negligible stock-wide impacts. The situation may be quite different for large scale reserves. Large scale reserves may also require reconsideration of how stock assessments are done.

## GAP

Mr. Warrens provided Exhibit F.1.c, Supplemental GAP Report.

The Groundfish Advisory Subpanel (GAP) reviewed the Scientific and Statistical Committee's (SSC's) draft report on the proposal for marine reserves in the Channel Islands National Marine Sanctuary (CINMS) and offers the following comments.

The GAP believes the SSC's report demonstrates the inadequacies of both the science surrounding development of marine reserves and the process that has been employed in examining marine reserves in the CINMS. The GAP advises that substantially more work be done prior to moving forward on a reserve designation, including better efforts to include affected users.

In regard to further Council participation in the Channel Islands reserve process, or other processes, the GAP again recommends to the Council that a marine reserve policy committee be established which contains representation from all appropriate Council advisory bodies. This will facilitate analysis of documents and allow more efficient coordination by the Council and its advisory bodies.

## HMSAS

Mr. Bob Fletcher provided Exhibit F.1.c, Supplemental HMSAS Report.

With respect to the Council process for commenting on the marine reserves proposals, all of the Highly Migratory Species Advisory Subpanel (HMSAS) members except one would like the Council committee to include one member from each advisory subpanel.

The HMSAS is concerned that one of the effects of the proposed reserves will be that displaced fishers will enter the albacore fishery. The HMSAS also notes that highly migratory species are taken in a number of areas proposed for reserves.

## **CPSAS**

*The Coastal Pelagic Species Advisory Subpanel (CPSAS) heard a brief report from Mr. Jim Seger on the marine reserves process and associated California Environmental Quality Act (CEQA) document prepared by California Department of Fish and Game submitted to the Council for comment. The CPSAS has the following recommendation and comments.*

*There was a consensus by the CPSAS that any panel which is created to review marine reserves issues should include members of each Council species advisory subpanel, not just Council members.*

*The majority of the CPSAS is concerned the CEQA document as presented fails to consider the body of scientific opinion both published and unpublished that finds only theoretical biological basis for 30%-50% set aside which is the foundation the preferred alternative is based on.*

*The majority of the CPSAS agrees with the Scientific and Statistical Committee (SSC) the document fails to address adequately the environmental effects of reserves outside of the closed areas.*

*Generally, the majority of the CPSAS expresses concern the proposed reserves offer little or no biological benefit to CPS resources yet will produce extreme economic hardship on CPS fishermen by restricting their current access to fishing grounds.*

*The majority of the CPSAS strongly encourages using caution when moving forward with recommendations to the CINMS process without considering social and economic effects to consumptive user groups and without thorough review of all scientific opinion available.*

*A minority of the CPSAS is generally supportive of the reserve size recommendation as it relates to the biodiversity and sustainable fisheries goals as defined in the specific context of the CINMS, as was published in the November 2001 Supplemental SSC Report. A minority finds the proposed reserve recommendation went through a process that produced a thorough ecological and socioeconomic assessment that attempted to minimize short and long-term impacts and maximize the benefits. A minority supports the adequacy of the CEQA document and supports the preferred alternative.*

## **SAS**

Mr. Mark Cedergreen provided Exhibit F.1.c, Supplemental SAS Report.

*The Salmon Advisory Subpanel generally opposes marine protected areas that include no take for salmon fisheries where concern is for other species.*

## **HC**

Dr. Mark Powell provided Exhibit F.1.c, Supplemental HC Report.

*The Habitat Committee (HC) recommends establishing a marine reserve at the Channel Islands National Marine Sanctuary (CINMS), but rather than endorsing the preferred alternative, or deferring to the MLPA, the HC prefers the alternative that protects the most habitat. There are several current developments in fisheries management that led the HC to this conclusion. Among these are concerns over rebuilding overfished species, potential closures in marine protected areas, and potential management closures on the continental shelf, which may result in shifts in fishing effort. Also, the Sanctuary's Science Advisory Panel recommended that marine protected areas protect a minimum of 30% to 50% of all available habitat. While none of the options meet this target, the HC feels that the greatest area protected provides the greatest potential for improved biological productivity.*

*The HC also recognizes that:*

- *California's Channel Islands are a unique ecosystem*

- *The CINMS proposal contributes to meeting the biodiversity goals of California Department of Fish and Game (CDFG) and CINMS*
- *The Channel Islands contain essential fish habitat and are likely to contain habitat areas of particular concern, and contribute to meeting these protection goals*
- *CINMS would contribute to the cumulative effects of a network of marine protected areas*
- *The CINMS proposal would provide the first opportunity on the West Coast to have a network of marine protected areas (MPAs) and associated control sites for study purposes*
- *The specific effects of the marine protected area will vary according to management decisions*
- *San Miguel Island, the area known as the "footprint," and the Gull Island parcel are particularly valuable for cowcod, bocaccio, lingcod, and potentially yelloweye.*

*The HC would also like to emphasize the importance of ensuring research funding for continued monitoring and enforcement and to study the habitat impacts of fishing on the boundaries of the area, and displacement of effort to other areas.*

*We support the Scientific and Statistical Committee's conclusion that this marine reserve is not likely to have stock-wide benefits for rebuilding, but it may have local population-level benefits. Additionally, these reserves may become part of a system which cumulatively could have stock-wide benefits. Our comments are given in the context of both state and federal waters proposed for MPAs.*

#### F.1.d Public Comment

Ms. Kate Wing, Natural Resources Defense Council; San Francisco, California  
 Mr. Doug Obegi, The Ocean Conservancy; San Francisco, California  
 Ms. Kathy Fosmark, Alliance for Sustainable Fisheries, Pebble Beach, California  
 Mr. Bob Fletcher, Sportfishing Association of California; San Diego, California

#### F.1.e **Council Action:** Develop a Response to the California Fish and Game Commission

Mr. Boydston reviewed Council efforts on MPA issues to date, and on the CINMS marine reserves in particular, and the request made to CFGC to delay the decision so the Council could comment. He noted the comments of the Council will be important to the CFGC and that this is not just a California issue - as closures could occur in other states in connection with sanctuaries there or other processes.

Mr. Boydston moved and Mr. Thomas seconded a motion (Motion 14) to forward a letter with the reports of the advisory bodies, and in particular the SSC comments, to the CDFG for consideration as part of their CEQA process. The letter should:

- note that the comments being provided are not a policy assessment - we are providing the letter in a CEQA context;
- note that the Council operates pursuant to the National Standards which require that actions be taken based on the best available science;
- express concern the CEQA document may not meet that standard;
- express hope that the final document will address concerns of the SSC;
- note that a NEPA analysis with regard to the federal water portion will likely be needed to harmonize the state and federal regulations.
- note that the CEQA and NEPA process should work together to make the most efficient preparation of these two documents.

Motion 14 passed.

Mr. Boydston moved and Mr. Thomas seconded a motion (Motion 15) to appoint an ad hoc policy review committee to develop a policy recommendation over the summer and bring that recommendation to the Council at their September meeting. The ad hoc policy review committee would consist of a total of six members: Council Chairman, Vice-Chairman, a Council member or designee from each coastal state and

a Council member or designee from NMFS Southwest Region. The ad hoc policy review committee would also have assistance from Council family members including NOAA GC, Ms. Cindy Thomson from the SSC or a designee from the SSC Marine Reserves Subcommittee, and one representative from each of the following Council advisory bodies: GAP, CPSAS, Habitat Committee, SAS, and HMSAS. These individuals would not be members of the committee. The group would meet in late July or early August. Motion 15 passed.

Mr. Boydston, expanded on the directions for the committee stating that the committee should determine whether any of the listed alternatives are objectionable or otherwise create conflict with regard to our managed species and their habitat.

## F.2 Update on Other Marine Reserves Processes (06/20/02; 9:10 am)

### F.2.a Agendum Overview

Mr. Seger provided an overview, stating that this agenda item is primarily informational. NOAA has made a response to the Council's request for \$1.5 million per year over three years to support a process for coastwide consideration of marine reserves. The response noted the NOAA MPA center does not have a budget to support such a plan. Both California and Oregon have ongoing state processes for consideration of marine reserves. State documents specify a role for the Council in the state processes.

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

#### GAP

Mr. Warrens provided Exhibit F.2.b, Supplemental GAP Report.

*The Groundfish Advisory Subpanel (GAP) reviewed the various activities occurring in California, Washington, and Oregon in regard to marine reserves.*

*In the case of California, the GAP notes that California's "Marine Life Protection Act" (MLPA) has established an elaborate process to seek public input and scientific evaluation of potential marine reserves. Since these reserves may have an impact on management decisions, the GAP believes it is important for the Council to keep abreast of MLPA activities. This could be done by designating one or more liaisons between the Council and California.*

*The GAP also offers the following comments in regard to marine reserves in general.*

*There is an unprecedented level of concern by all West Coast fishery participants regarding the preliminary groundfish management measures being proposed for 2003 by the Council. The message is clear and sobering. In effect, the Council may be required to close nearly all the continental shelf to all fishing by both commercial and recreational fisheries. Even the most liberal management measures will create widespread economic hardship and bankruptcy for many participants and sectors of our traditional fisheries. In a worst case scenario there will be an economic disaster in coastal communities from San Diego, California to Bellingham, Washington which will dwarf that experienced by the collapse of the East Coast fishing industry and support infrastructure. It is a foregone conclusion at this point in time that, at a minimum, there will be large closure areas coast wide which will eclipse any of those proposed thus far by proponents of no-take marine reserves. With respect to the effect on the currently depressed economy, it doesn't take much imagination to conclude what the outcome of fishery closures of this magnitude will wreak on our future coastal economy.*

*The prospect of imposing no-take marine reserves on top of or along side of the pending areas closed to fishing is intolerable and is absolutely void of one shred of scientific or economic justification at this time. There is virtually no add-on benefit of marine reserves to our marine environment which can be scientifically quantified at this time in the face of these pending closure areas. It is also a foregone conclusion that implementation of no-take reserves will exacerbate impacts on some species by concentrating fishing effort on what few areas which may remain open to fishing. As a final point of*

concern, many respected scientists agree the use of no-take reserves have dubious value as a management tool when that area has existing conservation driven management in place. This point is particularly relevant to most of our West Coast managed groundfish species and the current gear regulations which minimize the effect of bottom contact by participants in those fisheries.

Is there need for no-take marine reserves in the future? Many of us involved in the fishery management arena agree that a case may be made for some limited reserves, given credible scientific rationale and justification. Do we need to rush into implementation of marine reserves without science based qualifying criteria predicated on the fact that it makes some folks feel good? Absolutely not! The GAP recommends in the strongest terms possible the Council not recommend establishment of any additional marine reserves at this point in time. The GAP believes this should be the Council's policy until clearly defined criteria and science based justification for implementation of marine reserves can be identified at an appropriate place and time in the future.

Finally, the GAP strongly recommends the authority of NMFS to regulate fisheries within national marine sanctuaries not be compromised by any marine reserve designation or changes in sanctuary management plans.

## GMT

Mr. Seger provided Exhibit F.2.b, Supplemental GMT Report.

The Groundfish Management Team received a report from Dr. Richard Parrish, NMFS, on a proposal to evaluate and site a series of marine protected areas along the California coast in Federal waters. The CDFG held 10 highly contentious public hearings last year as part of its MLPA process. A revised process and timeline for the MLPA effort has been established with the potential adoption of MPAs sometime in 2005. The current vision for this effort is to undertake a process with increased and more formal public comment at the regional levels to evaluate a series of MPAs in state waters. While the MLPA process is focused upon MPAs in state waters, Dr. Parrish's proposal is to coordinate the MLPA process with the Council process and extend some of the state MPAs into Federal waters to provide protection for groundfish habitat.

The question Dr. Parrish posed to the GMT was with respect to possible coordination of the state and Federal processes. If this effort is initially undertaken only at the state level, this may result in a redundant or perhaps conflicting efforts if the results of the state endeavor were to be considered for expansion into Federal waters. The GMT was sensitive to this question and believes that the Council's essential fish habitat EIS scoping process may provide an opportunity for coordination. The GMT recognizes that providing opportunity for public involvement and comment early in the process is key to the success of any effort to employ MPAs. The extension of some of the California state MPAs into Federal waters to provide habitat protection for groundfish could be a reasonable EFH alternative for analysis. If the Council believes that this is an appropriate approach, Dr. Parrish could provide a presentation to the Council's EFH EIS coordinating committee and either the ad hoc groundfish EIS oversight committee or habitat committee.

## HC

The Habitat Committee (HC) discussed the Oregon Ocean Policy Advisory Council (OPAC) process and recommendations regarding marine protected areas in Oregon. Among other things, the HC discussed the importance of involving the public in the marine reserves planning process. The HC will continue to track the OPAC process and will report back to the Council in November.

### F.2.c Public Comment

None.

#### F.2.d Council Discussion on Update on Other Marine Reserves Processes

Mr. Boydston noted the report given by Dr. Parrish on extension of the MLPA into federal waters was new to him and asked to hear more about it from NMFS or anybody else here that knows about this. Mr. Seger said he had a brief conversation with Dr. Parrish and that his understanding was that Dr. Parrish's concept was not an extension of the state MLPA into Federal waters but a suggestion that the Council initiate a Federal process to move forward in tandem with the state process.

Mr. Brown noted the situation paper refers to the OPAC efforts going on. He asked Mr. Frank Warrens, OPAC Member, if he could indicate what OPAC's next steps would be in their process. Mr. Warrens, stated that at the last OPAC meeting it was generally accepted that they should learn from the California experience with the MLPA process and start with stakeholder input from the fishing industry and community. OPAC will meet next month to make a recommendation to Governor Kitzhaber (D-OR) as to whether or not to recommend moving ahead with marine reserves. He sensed it would be a "go slow" approach from the OPAC.

Mr. Fougner said he would do what he could to find out in the next few hours what Dr. Parrish's efforts were all about.

### G. Coastal Pelagic Species Management

#### G.1 NMFS Report on Coastal Pelagic Species (CPS) Management (06/21/02; 7:58 am)

##### G.1.a Agendum Overview

Mr. Svein Fougner noted NMFS had nothing specific or any new subjects.

##### G.1.b Reports and Comments of Advisory Bodies

None.

##### G.1.c Public Comment

None.

##### G.1.d Council Discussion on NMFS Report on CPS Management

None.

#### G.2 Amendment 10 to the CPS FMP (06/21/02; 7:59 am)

##### G.2.a Agendum Overview

Mr. Waldeck provided an overview. He highlighted scheduled Council action was final adoption of Amendment 10.

##### G.2.b Reports and Comments of Advisory Bodies (06/21/02; 8:04 am)

### CPSMT

Dr. Kevin Hill (CPSMT) presented a brief review of the scope and content of Amendment 10 (PowerPoint presentations – A10 June2002Council2.ppt).

## CPSAS

Mr. John Royal and Ms. Heather Munro provided Exhibit G.3.b, Supplemental CPSAS Report.

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

*The Coastal Pelagic Species Advisory Subpanel (CPSAS) reviewed the draft of Amendment 10 to the CPS fishery management plan (FMP).*

*The CPSAS unanimously supports final adoption of limited entry capacity goal options. Specifically, the CPSAS supports Option A.1: maintain a larger, diverse CPS finfish fleet which also relies on other fishing opportunities such as squid and tuna, with harvesting capacity equal to the long-term aggregate harvest level. This limited entry capacity goal reflects the current CPS limited entry finfish fleet.*

*Regarding conditions for the transfer of existing permits, the CPSAS supports Option B.3. which allows finfish limited entry permits to be transferred with restrictions on the harvesting capacity of the vessel to which it would be transferred to. The CPSAS also support Option C.4. which allows restoration of the target capacity fleet when it has been exceeded by 5% through further restrictions on transfer options. The CPSAS supports Option D.2, which outlines the issuance of new limited entry permits if and when it becomes necessary.*

*On the issue of establishing a maximum sustainable yield (MSY) proxy for the market squid fishery, the majority (8 out of 9 members) support Alternative 4, the CPS Management Team's preferred option utilizing an Egg Escapement Method as a proxy for MSY with an egg escapement threshold of 0.3 (30%).*

*A minority (1 of 9) of the CPSAS believes that other methods of establishing a squid MSY proxy may be better than the Egg Escapement Method. In addition, if the Egg Escapement model proposed in Alternative 4 is adopted, the minority opinion believes that an Egg Escapement threshold of 0.4 (40%) should be considered and adopted as part of the preferred alternative. This is a reasonable alternative to consider because (1) the environmental concerns from the rapid increases in 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 squid fishery.*

#### G.2.c Public Comment

Dr. Josh Sladek Nowlis, The Ocean Conservancy; San Francisco, California

Ms. Heather Munro, behalf of West Coast Seafood Processors Association; Waldport, Oregon

#### G.2.d Council Action: Adopt Amendment 10 to the CPS FMP

Ms. Vojkovich moved and Mr. Alverson seconded a motion (Motion 18) to adopt Amendment 10 to the CPS FMP as presented by the CPSMT with the preferred alternatives as indicated.

Mr. Fougner asked Dr. Hill how the egg escapement approach relates to and meshes with current harvest policy for monitored species.

Dr. Hill noted the default control rule in the FMP for monitored species establishes an ABC at 25% of MSY. For squid, the approach proposed in Amendment 10 departs from the default harvest policy. It relies on California's landings cap as an overall limit on harvest and continuous sampling of market squid landings to monitor egg escapement as an MSY-proxy. The proposed control rule establishes a fishing mortality rate ( $F_{30\%}$ ) that approximates  $F_{MSY}$ . If the monitoring program reveals escapement is being exceeded or drops below the level, management action will be triggered. Under the CPS FMP, monitored species are eligible for active management if the default ABC is exceeded two years in a row. In the case of anchovy and jack mackerel, there are default ABCs. Since the egg escapement approach does not set a target ABC for squid,

the control rule would be the  $F_{30\%}$  fishing mortality rate. If escapement falls below that level two years in a row it would result in consideration for active management.

Mr. Fougner requested this clarification regarding the relationship of the egg escapement approach to OY and ABC should be included in Amendment 10. Further, the NEPA-related comments from NOAA should be included in Amendment 10. Motion 18 passed.

### G.3 Pacific Mackerel Stock Assessment and Harvest Guideline (06/21/02; 8:46 am)

#### G.3.a Agendum Overview

Mr. Waldeck provided an overview of the agenda topic, briefing materials, and presentation/statements to the Council. Action on this item is adoption of the harvest guideline and season structure for the 2002-2003 Pacific mackerel fishery.

Dr. Hill provided a briefing on the CPS Stock Assessment and Fishery Evaluation (SAFE) document (Exhibit G.3, Attachment 1). Specifically, Dr. Hill reviewed the stock assessment and harvest guideline recommendation for Pacific mackerel.

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

##### SSC

Mr. Jagielo provided Exhibit G.3.b, Supplemental SSC Report.

#### SCIENTIFIC AND STATISTICAL COMMITTEE STATEMENT ON PACIFIC MACKEREL STOCK ASSESSMENT HARVEST GUIDELINE

*Dr. Kevin Hill discussed the 2002-2003 Pacific mackerel harvest guideline (HG) with the Scientific and Statistical Committee (SSC). The recommended HG is 12,456 mt based on the maximum sustainable yield control rule in Amendment 8 to the coastal pelagic species (CPS) plan. The SSC notes the HG is based on the same stock assessment methodology and harvest control rule used in 2001, with the addition of one additional year's data. Compared with the 2001 assessment, the biomass time series for the 2002 assessment is 14% lower over the last decade, and the July 1, 2001 biomass, a projection in the 2001 assessment, 30% lower. Dr Hill outlined some planned modifications to the assessment and potential new data sources. The methodology on which this assessment is based is not fully documented in the Stock Assessment and Fishery Evaluation (SAFE) report precluding a detailed review by the SSC at this time. The SSC recommends the methodology be reviewed in detail by a stock assessment review panel in 2003. The CPS subcommittee of the SSC will develop Terms of Reference for such a review if it is supported and funded. The timing of any review needs to be coordinated with the timing of the groundfish Stock Assessment Review (STAR) Panels for 2003.*

##### CPSAS

#### COASTAL PELAGIC SPECIES ADVISORY SUBPANEL STATEMENT ON PACIFIC MACKEREL STOCK ASSESSMENT AND HARVEST GUIDELINE

*The CPSAS heard a report from Dr. Kevin Hill of the Coastal Pelagic Species Management Team (CPSMT) regarding the Pacific mackerel stock assessment and proposed harvest guideline for the 2002-2003 season.*

*Based on the most recent information, the CPSMT is recommending a harvest guideline of 12,535 mt for the 2002-2003 season.*

*Based on this harvest guideline, the Coastal Pelagic Species Advisory Subpanel (CPSAS) is recommending a directed fishery for 9,500 mt to begin on July 1, 2002. After the directed fishery*



*quota is reached, the fishery will revert to an incidental catch only fishery. There will be 3,035 mt as a set aside for the incidental fishery and the CPSAS recommends a 40% incidental catch rate when mackerel are landed with other coastal pelagic species.*

*The CPSAS recommends an inseason review of the mackerel season for the March 2003 Council meeting.*

G.3.c Public Comment

None.

G.3.d **Council Action:** Review Stock Assessments and Adopt Harvest Guideline for Pacific Mackerel

Ms. Vojkovich moved and Mr. Anderson seconded a motion (Motion 19) to set the 2002-2003 Pacific mackerel harvest guideline at 12,535 mt, opening July 1, 2002. The season structure will be based on the CPSAS recommendation for an initial directed fishery of 9,500 mt. After the directed fishery, there will be 3,035 mt for incidental harvest, with a 40% incidental catch rate by weight when mackerel are landed with other CPS. Lastly, establish a STAR process for CPS stock assessments. For the STAR process, the intent is to have staff review financing issues in setting up the STAR process (e.g., similar to the arrangements for the groundfish STAR process).

Motion 19 passed.

**PUBLIC COMMENT PERIOD 4 P.M. (Tuesday, June , 2002)**

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

Mr. Terry Thompson, F/V Olympic; Newport, Oregon. Referenced the Magnuson-Stevens Act Section 302 (i) Procedural Matters. Talked about how he felt the Council was to follow the law (April meeting inseason management on petrale sole).

Mr. Bob Fletcher, Sportfishing Association of California; San Diego, California. Talked about the status of the California sea lion population. Asked for restructuring of the formula that NMFS uses to estimate sea lion populations. Talked about the HR 4781 - there is a research study on pinnipeds to determine the magnitude of the nuisance pinniped problem. NMFS to provide that report to the Council. The problem does not go away, but gets worse and worse.

Mr. Boydston asked if Mr. Fletcher could draft a letter for the Council to show their support. Council members concurred.

ADJOURN

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DRAFT

Hans Radtke, Council Chairman

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DRAFT

Date



# **DRAFT VOTING LOG**

## **Pacific Fishery Management Council**

June 17 - 21, 2002

MOTION 1: Approve the agenda as shown in Exhibit A.4., June 2002 with the following changes: take up agenda item C.10 before C.9 (switch) and take up the matter of MSA Section 204(d) Permit Application under D.1, NMFS Report on Highly Migratory Species Management.

Moved by: Jim Lone  
Motion 1 passed.

Seconded by: Bob Alverson

MOTION 2: Instruct Council staff to write a letter to the Hoopa Valley and Yurok tribes encouraging them to develop a joint plan by September 2002 to fill the single SAS California tribal seat (for the remainder of the current term beginning January 1, 2003). If no plan is submitted by September, the tribal seat would not be filled. Also, based on the lack of attendance of the current SAS Columbia River tribal representative and the letter received from the Columbia River tribes, the Columbia River seat would cease to be filled at this time. At a later date the Council could refill the seat if there is a request from the Columbia River tribes. With regard to the Washington coastal tribal position on the SAS, the Council should advertise for a Washington coastal tribal member that is active in the ocean troll fisheries. The Council would consider nominations at the September meeting and the term would start January 1, 2003 and end December 31, 2003.

Moved by: Jim Harp  
Motion 2 passed.

Seconded by: LB Boydstun

MOTION 3: Appoint Dr. Han-Lin Lai as the at-large member of the Council's Scientific and Statistical Committee (SSC).

Moved by: Bill Robinson  
Motion 3 passed.

Seconded by: Ralph Brown

MOTION 4: Create a Tribal Scientist seat on the Groundfish Management Team (GMT) and appoint Mr. Robert Jones to fill that seat.

Moved by: Jim Harp  
Motion 4 passed.

Seconded by: Bob Alverson

MOTION 5: For the adoption of rebuilding analyses for bocaccio, canary rockfish, yelloweye rockfish, widow rockfish and whiting: accept the analyses for all of these species for the purposes of guidance in pulling together the rebuilding plans and setting the initial specifications for 2003.

Moved by: Phil Anderson  
Motion 5 passed.

Seconded by: Burnie Bohn

MOTION 6: Accept all of the GMT recommendations (shown in Exhibit C.4.b, Supplemental GMT Report) for all of the stocks with unchanged specifications from 2002. The motion applied to all stocks and stock complexes in Revised Table 2-1 in Exhibit C.4.b, Supplemental GMT Report except lingcod, sablefish, whiting, widow, POP, canary, bocaccio, darkblotched, and yelloweye.

Moved by: Burnie Bohn  
Motion 6 passed.

Seconded by: Jim Lone

MOTION 7: Adopt alternatives 1 through 3 in Revised Table 2-1 in Exhibit C.4.b, Supplemental GMT Report for lingcod, Pacific whiting, sablefish, POP, and widow. Alternative 2 would be identified as the preferred option for those five species and the motion includes the GMT corrections to the Pacific whiting specifications.

Moved by: Burnie Bohn  
Motion 7 passed. Ralph Brown abstained.

Seconded by: Jim Caito

MOTION 8: Adopt the range of alternatives for canary, bocaccio, darkblotched, and yelloweye in Revised Table 2-1 in Exhibit C.4.b, Supplemental GMT Report. Bocaccio Alternative 3 would become Alternative 2 and the OY resulting from a new rebuilding simulation conforming to the SSC recommendations in Exhibit C.4.d, Supplemental SSC Report would become the new Alternative 3. The motion also included a modification to the yelloweye specifications. Alternative 2 for yelloweye would become Alternative 3 and a new Alternative 2 would be the 60% scenario as presented in the new rebuilding analysis (2.9 mt). Include a friendly amendment of using a 13.5 mt OY as the high harvest alternative for yelloweye. Include a friendly amendment for darkblotched: analyze 2003 darkblotched OY alternatives of 100 mt, 130 mt, and the OY calculated for  $T_{MID}$  (the OY for a rebuilding period halfway between  $T_{MIN}$  and  $T_{MAX}$ ). These would be added to the range of darkblotched alternatives. Also have the GMT analyze management measures such as displacing the DTS fishery further offshore and shortening the season to reduce darkblotched bycatch to these OYs or lower.

Moved by: LB Boydston  
Motion 8 passed.

Seconded by: Roger Thomas

MOTION 9: For Draft Amendment 16, Process and Standards for Rebuilding Plans:

Issue 1 – Options **1a, 1e, and 1f** would be forwarded for further analysis with the following modifications:

1a – Status quo is defined as the current FMP, as modified by the Court's directions to remove certain elements of Amendment 12. Draft Amendment 16 currently describes status quo as the FMP *without* court modifications.

1e and 1f – Alter both alternatives so that they include the following list of required elements for inclusion in an FMP (1e) or regulations (1f):

1. Estimate of Bmsy (either as a number or a formula,) Bmsy being the biomass target for rebuilding
2. A fixed rebuilding period, including minimum possible time to rebuild to Bmsy in the absence of fishing with a 50% probability ( $T_{min}$ )
3. Maximum allowable time to rebuild ( $T_{max}$ ) and target time for rebuilding ( $T_{TARGET}$ )
4. Probability of rebuilding to Bmsy within the maximum allowable time and the rebuilding trajectory and/or target control rule designed to achieve rebuilding in  $T_{TARGET}$  years with

- at least a 50% probability
5. Rebuilding harvest control rule that will annually set harvest rates for species in question and which will be applied to the most current stock assessment

For 1e, additionally clarify that listed "augmenting" elements A through E could be described and authorized in the FMP, but supported through regulatory amendments, as implemented through Section 6.2 of the FMP.

Issue 2 – Re-focus Issue 2 so that it addresses only when rebuilding plans will be reviewed. To do so, remove suboptions and reserve for consideration under Issue 3. Forward all revised Issue 2 options for analysis.

Issue 3 – Forward all options for further analysis, retitle issue as "Amending Rebuilding Plans and Adequacy of Progress." Add a fifth option 3e to address the suboptions that were initially included under Issue 2. "Revise 3b as an option that considers re-estimating the target rebuilding exploitation rate while keeping T<sub>max</sub> and the probability of recovery constant from the previous rebuilding analysis." (per SSC comment")

"Option 3e – Rebuilding plan will be amended when information in the stock assessment or rebuilding analyses are updated."

Issue 4 – Forward both options for analysis, but revise Option 4b to read as follows:

"A jeopardy standard or recovery plan for an overfished stock listed under the Endangered Species Act (ESA) will supercede the rebuilding plan for the overfished species *only if that standard is more restrictive than what would be required for that species under the Magnuson-Stevens Act*, until such time as the stock is no longer listed..."

Issue 5 – Forward both options for analysis.

Include an analysis in the amendment package of the effect of fixing rebuilding parameters as fixed values or more flexible algorithms

Moved by: Bill Robinson  
Motion 9 passed.

Seconded by: Bob Alverson

- MOTION 10: Add the two darkblotched alternatives of 100 mt and 130 mt to be considered initial OYs for a constant harvest rate rebuilding strategy; eliminate MSE alternatives for lingcod, darkblotched, and POP; add a T<sub>MID</sub> alternative in cases where it falls outside the range of a 60% to 80% rebuilding probability; and, for cowcod, include analytical rationale for the selective closures.

Moved by: Bill Robinson  
Motion 10 passed.

Seconded by: Jerry Mallet

- MOTION 11: Establish alternative 3 as the preferred option (Draft Amendment 17) with two suboptions: one with November, March, June; and a second with November, April, June. This would provide the Council with the flexibility to choose the most appropriate alternative.

Moved by: Jim Lone  
Motion 11 passed.

Seconded by: LB Boydston

MOTION 12: Regarding the Klamath River situation, ask the Habitat Committee to draft a letter for review at the September meeting which addresses the impacts of the final biological opinion on Council-managed anadromous fish species and their habitat.

Moved by: LB Boydston  
Motion 12 passed.

Seconded by: Jim Caito

MOTION 13: Endorse the intention of the Habitat Committee to develop a letter to the Army Corps of Engineers relative to the Columbia River dredging issue (follow-up issue).

Moved by: Phil Anderson  
Motion 13 passed.

Seconded by: Jim Lone

MOTION 14: Forward a letter with the reports of the advisory bodies, and in particular the SSC comments, to the CDFG for consideration as part of their CEQA process. The letter should:

note that the comments being provided are not a policy assessment - we are providing the letter in a CEQA context;

note that the Council operates pursuant to the National Standards which require that actions be taken based on the best available science;

express concern the CEQA document may not meet that standard;

express hope that the final document will address concerns of the SSC;

note that a NEPA analysis with regard to the federal water portion will likely be needed to harmonize the state and federal regulations.

note that the CEQA and NEPA process should work together to make the most efficient preparation of these two documents.

Moved by: LB Boydston  
Motion 14 passed.

Seconded by: Roger Thomas

MOTION 15: Appoint an ad hoc policy review committee to develop a policy recommendation over the summer and bring that recommendation to the Council at their September meeting. The ad hoc policy review committee would consist of a total of six members: Council Chairman, Vice-Chairman, a Council member or designee from each coastal state and a Council member or designee from NMFS Southwest Region. The ad hoc policy review committee would also have assistance from Council family members including NOAA GC, Ms. Cindy Thomson from the SSC or a designee from the SSC Marine Reserves Subcommittee and one representative from each of the following Council advisory bodies: GAP, CPSAS, Habitat Committee, SAS, and HMSAS. These individuals would not be members of the committee. The group would meet in late July or early August.

Moved by: LB Boydston  
Motion 15 passed.

Seconded by: Roger Thomas

MOTION 16: Adopt the inseason adjustments as specified in Exhibit C.9.d, Supplemental GAP Report, with the following modifications: 1) under north of 40°10' N. latitude, change the shelf flatfish fishery management line from 125 fm to 100 fm, and 2) eliminate the slope rockfish cumulative limit reduction. Included provisions for the coastwide fishery.

The following friendly amendments were also part of the motion:

Include the GMT recommendation that the Northwest Region close the trawl fishery if the darkblotched OY is attained or exceeded.

Include the GMT recommendations in Exhibit C.9.d, Supplemental GMT Report for south of 40°10' N. latitude under "Immediate Action" (both recreational and commercial issues).

Delete the GAP recommendation to require observers on flatfish trawls in the south. Southern recreational fishery would close outside 20 fm beginning July 1.

Recommend GMT Option 1 for the commercial fishery south of 40°10' N. latitude under "Further Action" and we specify that all commercial groundfish take in waters from 20 to 150 fathoms be closed to retention beginning October 1 and drop the 22-inch minimum size limit for sablefish. This would be for all commercial gear types.

Include GMT Option 3 for the commercial fishery south of 40°10' N. latitude. (default to the 20 fm regulations which allow for 10 nearshore rockfish but 2 shelf rockfish can be retained; continuous through October; there could be consideration at the September meeting to open the fishery in November and December depending on the take of nearshore rockfish).

Include the understanding the depth management lines would be defined in a manner acceptable to enforcement in time for NMFS to implement emergency rulemaking on September 1.

Recommend that we close the fishery on August 31 if we cannot get an emergency rule based on the GMT recommendations. This may allow a reserve of darkblotched in order to have fisheries in October-December outside 250 fm and inside 100 fm. Use a two meeting process with final action in September to put depth restrictions in place south of 40°10' N. latitude.

Moved by: Phil Anderson                      Seconded by: Jim Lone  
Motion 16 passed. Mr. Robinson voted no.

**MOTION 17:** Request an EFP to evaluate the effectiveness of Scottish seine gear to selectively harvest nearshore flatfish (including sanddabs) in southern California.

Moved by: LB Boydstun                      Seconded by: Jim Caito  
Motion 17 passed.

**MOTION 18:** Adopt Amendment 10 to the CPS FMP as presented by the CPSMT with the preferred alternatives as indicated.

Moved by: Marija Vojakovich                      Seconded by: Bob Alverson  
Motion 18 passed.

**MOTION 19:** Set the 2002-2003 Pacific mackerel harvest guideline at 12,535 mt, opening July 1, 2002. The season structure will be based on the CPSAS recommendation for an initial directed fishery of 9,500 mt. After the directed fishery, there will be 3,035 mt for incidental harvest, with a 40% incidental catch rate by weight when mackerel are landed with other CPS. Lastly, establish a STAR process for CPS stock assessments. For the STAR process, the intent is to have staff review financing issues in setting up the STAR process (e.g., similar to the arrangements for the groundfish STAR process).

Moved by: Marija Vojakovich                      Seconded by: Phil Anderson  
Motion 19 passed.

MOTION 20: Reconsider inseason adjustments.

Moved by: Ralph Brown  
Motion 20 passed.

Seconded by: Jim Caito

MOTION 21: Amend the main motion to include a provision to allow a 1,000-pound landing limit for other soles in the DTS fishery south of 40°10' N. latitude.

Moved by: Ralph Brown  
Motion failed.

Seconded by: Jim Caito

MOTION 22: Vote on the main motion as stated under Motion 21.

Moved by: Ralph Brown  
Motion 22 passed. Mr. Robinson voted no.

Seconded by: Jim Caito

MOTION 23: All rockfish and lingcod must be retained with proceeds to California.

Moved by: LB Boydston  
Motion 23 passed.

Seconded by: Jim Caito

MOTION 24: Reconsider Motion 22.

Moved by: Ralph Brown  
Motion 24 passed.

Seconded by: Burnie Bohn

MOTION 25: Include the same language for incidental catches to include a provision to allow a 1,000-pound landing limit for other soles in the DTS fishery south of 40°10' N. latitude. (Add that piece back in the motion).

Moved by: Ralph Brown  
Motion 25 passed.

Seconded by: Burnie Bohn

MOTION 26: Adopt Washington recreational fishery options for public review as per Exhibit C.8.d, Supplemental GMT Report with the addition of the proposal contained in the GAP report of no downriggers allowed in the salmon fishery.

Moved by: Phil Anderson  
Motion 26 passed.

Seconded by: Jim Lone

MOTION 27: Adopt Oregon and northern California (north of 40°10' N. latitude) recreational fishery options for public review as per those included in Exhibit C.8.d, Supplemental GMT Report with the following exceptions: 1) include GAP option 1 of no yelloweye or canary retention, and 2) cap nearshore OYs at 2000 or 2002 levels (provides a range to analyze). Include the friendly amendment to consider both a 15-inch and 16-inch minimum size limit for cabezon.

Moved by: Burnie Bohn  
Motion 27 passed.

Seconded by: Ralph Brown



MOTION 28: Adopt the California recreational fishery options for public review as per those included in Exhibit C.8.d, Supplemental GMT Report with the following exceptions: referring to page 11 of Exhibit C.8.d, Supplemental GAP Report, change Option 1 to "open inside 10 fm"; change Option 1 to a "five-fish bag limit including 0 shelf species"; change Option 2 to a "seven-fish bag limit including one shelf species"; change the minimum size limit specified under Option 3 to 12 in. for China and grass rockfish; specify a 16-inch minimum size limit for cabezon under Option 2; consider barbless and/or circle hooks in the recreational fishery as a consideration; put it under Option 1; analyze the range of commercial and recreational catch sharing scenarios for minor nearshore rockfish as presented in Exhibit C.8.d, Supplemental GMT Report. Have as a footnote that the Council can consider a 12-month season based on GMT-recommended OYs.

Moved by: LB Boydstun  
Motion 28 passed.

Seconded by: Jim Caito

MOTION 29: Adopt for public review the limited entry trawl options for the area north of 40°10' N. latitude the proposals contained in Exhibit C.8.d, Supplemental GMT Report and add to it Option 1 on page 2 of the GAP report (the no trawling option). Include in the motion the trip limit specifications that pertain to limited entry fixed gear identified on page 3 of the GAP report. Also include the nearshore limit cap listed under open access and the consideration to cap at the 2000 or 2002 level. Include the flexible closure (Option 4 in the GAP limited entry trawl options) so we can craft seasons and areas to achieve the DTS OYs.

Moved by: Phil Anderson  
Motion 29 passed.

Seconded by: Bob Alverson

MOTION 30: Adopt commercial management options for south of 40°10' N. latitude for public review as follows: 1) referring to page 2 in Exhibit C.8.d, Supplemental GAP Report, for limited entry trawl - option 1 is not a viable option and remove it; make Option 2 Option 1; analyze options 4 and 5; add a new management line of 38° N. latitude (Pt. Reyes) for slope rockfish as an option; 2) referring to page 3 in Exhibit C.8.d, Supplemental GAP Report, for limited entry fixed gear and open access- adopt the entire page with the following modifications: for slope rockfish and open access fishery reduce at least one option by half (put it under Option 1 for open access); 3) referring to page 5 in Exhibit C.8.d, Supplemental GAP Report for nearshore open access change Option 1 to "0 to 10 fm"; for next row under nearshore, change option 3 to "200 lbs shelf rockfish/mo"; match the season closures with the recreational seasons; change gear option 1 to "no stick gear"; change gear option 2 to "gear to be closely attended"; 4) incorporate the trip limits shown on page 3 for sablefish, thornyheads, slope rockfish for open access between 36° N. latitude and 40°10' N. latitude; and 5) incorporate all the options on page 6 regarding the sablefish, thornyheads, and slope rockfish trip limits for open access south of 36° N. latitude.

Moved by: LB Boydstun  
Motion 30 passed.

Seconded by: Jim Caito

MOTION 31: Incorporate a consideration to require the VMS for commercial fisheries and include the concept of forming VMS committee and allowing the Council Chairman to appoint that committee.

Moved by: Bill Robinson  
Motion 31 passed.

Seconded by: LB Boydstun

MOTION 32: Adopt tribal fishery options as shown in Agenda C.8.c, Proposed Treaty Indian Harvest Levels.

Moved by: Jim Harp  
Motion 32 passed.

Seconded by: Burnie Bohn

MOTION 33: Consider a regulation for 2003 management that would require a federal permit for landing federal groundfish. The 3 qualification options would be: 1) landings of federal groundfish made by the November 1999 control date, 2) landings of federal groundfish made up to today's date (June 21, 2002), or 3) landings of any amount of federal groundfish up to the November 1999 control date along with landings up to today's date. This applied only to commercial vessels.

Moved by: LB Boydstun  
Motion 33 passed.

Seconded by: Jim Lone

MOTION 34: Adopt mandatory retention of marketable groundfish in the pink shrimp fishery as an option.

Moved by: Phil Anderson  
Motion 34 passed.

Seconded by: Jim Lone

**Meeting Record and Summary Minutes**  
**Pacific Fishery Management Council**  
**October 28 - November 1, 2002**

The full record of the Pacific Fishery Management Council (Council) October 28 - November 1, 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 Winter 2002 Council Newsletter.



# DRAFT MINUTES

## Pacific Fishery Management Council

Crowne Plaza Hotel  
1221 Chess Drive  
Foster City, CA 94404  
(650) 570-5700  
October 28 - November 1, 2002

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## A. Call to Order

### A.1 Opening Remarks, Introductions (10/29/02; 8 am)

The general session of the 166th meeting of the Pacific Fishery Management Council was called to order by Chairman Hans Radtke on Tuesday, October 29, 2002. (Note: the Council convened a closed session on Monday, October 28 at 3:30 pm).

### A.2 Roll Call

Dr. Don McIsaac called the roll.

#### Members Present at Time of Roll Call

Jim Caito  
LB Boydston  
Roger Thomas  
Phil Anderson  
Mark Cedergreen  
Bob Alverson  
Jerry Mallet  
Dave Ortmann  
Dave Gaudet (non-voting)  
Don Hansen  
Hans Radtke  
David Hanson (Parliamentarian, non-voting)  
CDR. Jeff Jackson (non-voting)  
Burnie Bohn  
Ralph Brown  
Jim Harp  
Bill Robinson  
Tim Roth (non-voting)

#### Members Absent at Time of Roll Call

Stetson Tinkham

### A.3 Executive Director's Report

Dr. Don McIsaac gave complements and thanks to all those involved in the preparation of the groundfish EIS.

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

Mr. Ralph Brown moved and Mr. Phil Anderson seconded a motion (Motion 1) to approve the agenda as shown in Exhibit A.4, November 2002 Council Meeting Agenda. Motion 1 passed.

### A.5 **Council Action:** Approve April 2002 Minutes

Mr. Brown moved and Mr. Burnie Bohn seconded a motion to approve the April minutes (Motion 2) as provided in Exhibit A.5, April 2002 Council Meeting Minutes. Motion 2 passed.

## **B. Habitat Issues**

### **B.1 Essential Fish Habitat (EFH) Issues (10/29/02; 8:10 am)**

#### **B.1.a Habitat Committee (HC) Report**

Mr. Michael Rode provided the report of the Habitat Committee (HC) as shown in Exhibit B.1.a, Supplemental HC Report.

Dr. Radtke noted the Klamath letter (Exhibit B.1, Supplemental Attachment 4) was very timely, given the events this summer.

At Mr. Boydston's request, Mr. Rode gave a brief summary of events related to the recent Klamath fish kill. The letter (Exhibit B.1, Supplemental Attachment 4) provides much of the same information. Dr. McIsaac asked if there was any indication that the fish affected came from Iron Gate hatchery. Mr. Rode said he had heard that most of the fish affected were wild fish, with some hatchery fish also affected. He said it appeared that a disproportionate percentage of fish had come from the Trinity River.

Mr. Bob Alverson asked Mr. Rode to explain the nature of the disease affecting the Klamath fish. Mr. Rode said the fish were afflicted with gill rot and various fungal diseases which were associated with stress.

Mr. Brown asked about the size of the returns to the river. Mr. Rode said that about 132,700 adult fall chinook were expected to return - a medium-sized run. But the actual returns were unknown at this point.

Mr. Rode said that there was not enough time for a new letter to the Federal Energy Regulatory Commission (FERC) to be developed before the comment deadline.

#### **B.1.b Update on Marine Reserves**

Mr. Jim Seger presented Exhibit B.1.b, Supplemental Update on Marine Reserves. There were two letters associated with this update. The first was to the National Oceanic Atmospheric and Administration (NOAA), objecting to the fact that they took a position on marine reserves before the Council had completed its comments on that issue. The second letter was from the Council, providing its comments to the California Fish and Game Commission (CFGF). Dr. McIsaac provided a brief update on the CFGF meeting that took place in Santa Barbara. The final vote on the Channel Islands marine reserves was two in favor of the preferred option, two absentees, and one against.

Mr. Donald Hansen noted the Santa Barbara meeting was disappointing to him. He felt the decision had already been made and CFGF did not involve the Council input.

Mr. Seger noted the next step in the process is to consider marine reserves in federal waters of the Channel Islands. He noted that the Council had received 7,200 emails coming from the Environmental Defense Fund website urging the Council to move ahead with marine reserves in federal waters. The emails came in after the public comment deadline.

#### **B.1.c Reports and Comments of Advisory Bodies**

None.

#### **B.1.d Public Comment**

Mr. Guy Grundmeier, Port San Luis Fishermen's Association, San Luis Obispo, California. He felt the CFGF meeting was unfair to the Council. He felt the system had broken down, with two out of the five commissioners absent.

Ms. Shana Beener, National Audubon Society, Islip, New York. Supported the HC's recommendation to have Dr. Jane Lubchenco speak to the Council on marine reserves.

**B.1.e Council Action: Consider HC Recommendations**

Mr. Boydstun suggested Council members take a look at the Klamath letter this week and then take it up on Friday. He noted this was the fourth meeting where we had discussed the Klamath situation. He liked the bullets at the end of the letter, which summarize the Council's recommendations for DOI and DOC. He explained that the letter was addressed to both departments because either of the departments could decide to renew the consultation process.

Mr. Bohn asked if someone would be putting together a comprehensive report on the Klamath fish kill - a record that could be used in the future. Mr. Rode said USFWS was taking the lead in the fish kill investigation and would be putting together a report.

Mr. Roth noted that USFWS had been directed to investigate the situation and find out exactly what the causes were. He felt it was important for the Council to understand the causes and get a report on the issue. He lent his support to the letter before the Council, and supported that it go to both Secretaries (Commerce and the Interior) because there is an opportunity for either Secretary to reinstate consultation.

The Council agreed to take up this issue later in the week.

Mr. Boydstun noted there is an approaching deadline on the FERC letter. He moved and Mr. Roger Thomas seconded a motion (Motion 3) to resubmit the letter to FERC. He also included in the motion that the Council invite Dr. Jane Lubchenco to make a presentation to the Council at the March Council meeting. Dr. Lubchenco's presentation would address the fisheries benefits of marine reserves and would relate to the development of a PEIS.

Mr. Brown said Dr. Lubchenco is a strong proponent of marine reserves, and he has heard criticism of her science. He said the Council would probably receive scientific information that would not be run by the advisory panels. He felt her work should be given to the Scientific and Statistical Committee (SSC) to examine before she gives the Council her presentation so that the Council does not accept either a proponent or opponent of marine reserves at face value.

Dr. McIsaac noted the Habitat Committee's recommendation was for an informational presentation. He asked Mr. Brown whether he would want SSC review of the presentation before or after her presentation. Mr. Brown said he was aware that there had been criticism of her work, and that both sides needed to present information. He said if she has some sort of written documentation that could be provided to the SSC for comment before or after her presentation, that would be satisfactory; he just wants to make sure the information presented is accurate. Dr. Radtke noted Dr. Lubchenco would be working from a document that he had received, and that every member of the Council could receive one before the presentation.

Motion 3 passed.

The Council came back to the Klamath flow letter on November 1, 2002 at 10:04 am.

Mr. Boydstun said he thinks the letter is balanced and fair, and backed up with factual information. On page 5 there are six bullets that clarify the Council's recommendations:

- Reinitiate ESA consultation. The letter is addressed to both secretaries because re-initiating consultation can be a joint responsibility. Either secretary or department can trigger the consultation.
  - Conduct a consultation pursuant to Magnuson Act EFH provisions
  - Form a flow management advisory committee
  - Complete an SEIS regarding the Trinity River ROD
  - Provide the council the opportunity to comment on the long-term operations plan for the Klamath project
- Finalize the extensive work that was done under contract from the USFWS with regard to Klamath flows. (The Hardy Phase II report). It's a very important document to have completed so that flow management decisions can be effective.



Mr. Boydstun moved and Mr. Caito seconded a motion (Motion 28) to move forward with the draft letter as shown in Exhibit B.1., Supplemental Attachment 4 as presented, with a request that on the last page, where the bullets are, we indicate which department would be responsible. The first two items are the responsibility of the DOI and the DOC. The rest are DOI issues.

Mr. Bohn said he supports the letter. There are a lot of figures and details in the letter; he wants to ensure that the figures are accurate so that the recommendations aren't watered down by inaccuracies.

Mr. Brown noted the "CC" list includes Mike Thompson, a northern California representative, but not Greg Walden, from Oregon. It should include Mr. Walden, who is a representative from the Klamath Falls area.

Motion 28 passed. Mr. Robinson abstained from the vote.

### **C. Salmon Management**

#### **C.1 NMFS Report (10/29/02; 8:49 am)**

##### **C.1.a Agendum Overview**

Mr. Dan Viele provided a summary of the findings from the Sacramento River Winter and Spring Chinook Workgroup (Exhibit C.1, Attachment 1) regarding progress on a Salmon FMP amendment to establish conservation objectives for Sacramento winter and spring chinook. The workgroup recommended delaying development of the FMP amendment for two years, until additional data could be collected.

Mr. Chuck Tracy reviewed Exhibit C.1, Supplemental Attachment 2 (2003 Salmon Season Openings in Oregon and Washington Prior to May 1). Mr. Tracy also referenced the public comment from the Oregon Salmon Commission supporting the March 15th opening date for the 2003 salmon season in Oregon, and offering funds to sample the fisheries during the March 15-April 1 timeframe.

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

None.

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

None.

##### **C.1.d Council Discussion on NMFS Report for Salmon Management**

Mr. Boydstun asked for Council consensus supporting the recommendations of the Sacramento River Winter and Spring Chinook Workgroup. He also recommended that Council staff continue to interact with the workgroup, that the workgroup provide a written and oral report at the March 2003 meeting, and continue to provide input to NMFS with regard to the Biological Opinion on winter and spring chinook. Council members concurred.

Mr. Anderson stated that for Washington state waters, opening the non-Indian commercial troll fishery prior to May 1 would require additional modeling to accurately assess the effects on stocks that may be impacted, and that some of those stocks are relevant to ocean/in-river sharing agreements. In addition, sufficient troll opportunity is available with a May 1 opening to access the chinook allocation. Therefore, he is recommending no changes to the opening date for the 2003 non-Indian commercial salmon fishery north of Cape Falcon.

Mr. Bohn agreed with Mr. Anderson's comments, and stated that there are no proposals for changing the opening dates for fisheries south of Cape Falcon.

C.2 Update of Ongoing Fisheries (10/29/02; 9:06 am)

C.2.a Agendum Overview

Mr. Tracy provided the agendum overview.

C.2.b Sequence of Events

Council members were referred to their briefing materials.

C.2.c Status of Fisheries

Mr. Allen Grover, Vice Chair of the Salmon Technical Team (STT), provided detailed effort and harvest data for the 2002 salmon season (Exhibit C.2.c, Supplemental STT Report).

C.2.d Reports and Comments of Advisory Bodies

None.

C.2.e Public Comment

Ms. Shana Beemer, National Audubon Society, Islip, New York

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

Mr. Caito stated his appreciation of the Ft. Bragg troll fishery in August, and encouraged a consideration of the fishery in the future.

C.3 Salmon Management 2003 Option Hearing Sites and Preseason Schedule (10/29/02; 9:21 am)

C.3.a Agendum Overview

Mr. Tracy presented the agendum overview and referred Council members to the proposed preseason management schedule (Exhibit C.3, Attachment 1).

C.3.b Agency and Tribal Comments

Mr. Boydston stated CDFG is not committed to having a state sponsored hearing at Moss Landing, but may elect to have a meeting in Santa Rosa or Fort Bragg instead.

Mr. Bohn supported the North Bend/Coos Bay hearing location, and stated ODFW is considering a state sponsored hearing in Tillamook.

Mr. Anderson noted WDFW is planning to repeat the 2002 public process, including a public meeting prior to the March meeting and the North of Cape Falcon process between the March and April meetings. He supported the Council sponsored hearing in Westport, Washington.

Mr. Harp noted the tribes will be participating in the North of Falcon process as usual.

C.3.c Reports and Comments of Advisory Bodies

None.

C.3.d **Council Action:** Approve Salmon Management 2003 Option Hearing Sites and Management Schedule

Mr. Brown moved (Motion 4) to approve the 2003 salmon hearing sites as shown in Exhibit C.3, Situation Summary. Mr. Bohn seconded the motion. Motion 4 passed

C.4 SSC Methodology Review Report (10/29/02; 9:50 am)

C.4.a Agendum Overview

Mr. Tracy presented the agendum overview. The primary methodology under review is a modification of the chinook Fishery Regulation Assessment Model (FRAM) to enable its use with a selective chinook fishery.

C.4.b SSC Report

Dr. Peter Lawson presented Exhibit C.4.b, Supplemental SSC Report.

C.4.c Agency and Tribal Reports and Comments

**CDFG**

Mr. Boydston stated he would like to have additional information on specific mark selective fisheries. He expressed his concern regarding the potential effects of mark selective fisheries on the CWT database.

**ODFW**

Mr. Bohn stated that other than the selective fisheries aspects, the modified model is likely an improvement over the previous version, however implementation of the model for selective fishery evaluation would probably not be appropriate until 2004. He stated that the Pacific Salmon Commission (PSC) Selective Fishery Evaluation Committee has determined that mark selective fisheries in extreme terminal areas have not threatened the integrity of the CWT data base, but that they are concerned with marine and near terminal area fisheries. He indicated that the ODFW representative to the STT could provide a summary at the March 2003 meeting on chinook marking programs and current mark selective chinook fisheries in Oregon, such as the Columbia River spring chinook fishery, and requested that other agencies contribute to such a summary.

**WDFW**

Mr. Anderson stated that WDFW has supported chinook production programs in Puget sound through the legislative process as well as user fees. Nearly all of the production is mass marked with the intent of providing recreational opportunity while minimizing impacts on wild stocks. The production programs are all in compliance with Council process, co-manager processes, and the NMFS approved Puget Sound chinook management plan. He noted that WDFW intends to initiate pilot mark selective chinook fisheries in Puget Sound Area 10 in the winter and Areas 5 and 6 in the summer. He noted that development of the chinook FRAM to evaluate the proposed fisheries involved WDFW staff as well as coordination with the Council, PSC, NMFS and the co-managers. He stated that no mark selective chinook fisheries are contemplated for Council area fisheries in the foreseeable future (about 5 years). He indicated that the proposed fisheries for 2003 would have no more than a 1% exploitation rate on ESA listed Puget Sound chinook, and that the proposals would be submitted to the PSC by November 1 for review at their February meeting. The limitation in the scope of the STT and SSC review is WDFW's greatest concern. He believes their review is based on an inadequate knowledge of technical workings of the coho and chinook FRAM's, and their conclusions regarding the magnitude and significance of the potential effects of FRAM use in 2003 are speculative and relevant to mark selective fisheries that are unrealistic. He supported the STT recommendation for additional model documentation and review. He stated that in order to determine the significance level of mark selective fisheries, the proposed pilot fisheries should be conducted in 2003. He indicated that when addressing the issue of buffers to address uncertainty in the chinook FRAM, the ceiling exploitation rates for Puget Sound

chinook have built in conservatism, and the magnitude of the proposed pilot fisheries is small. The use of management buffers should be considered in this context.

## **Tribal**

Mr. Jim Harp presented the following comments:

*The tribes agree with the major recommendations of the SSC and STT.*

- 1. The changes made during the last year should improve the model for the assessment of non-selective fisheries in 2003.*
- 2. Given the stated concerns of the SSC and STT, it is premature for the Council to recommend that the model be used to evaluate mark-selective fisheries in 2003.*

*The tribes will continue to work together with WDFW to resolve the outstanding issues identified with modeling multi-fishery, multi-month, and multi-year mark-selective fisheries.*

*The tribes have devoted 1 full-time staff person to work with WDFW in the development in the chinook FRAM update.*

*Thank you.*

## **NMFS**

Mr. Robinson noted that improvements made to the chinook FRAM model are appropriate for use in 2003 for non-selective fisheries, but that use of the model for mark selective fisheries is premature. He stated NMFS requires a high level of confidence in the model to advocate its use for assessing impacts to listed Puget Sound chinook, but using the pilot fishery approach would be appropriate provided adequate coordination and communication occurred.

## **USFWS**

Mr. Tim Roth supported Mr. Robinson's comments. Regarding Mr. Bohn's comments, he indicated USFWS is mass marking almost all of the Columbia River spring chinook produced at USFWS facilities. He supported Mr. Bohn's suggested summary from all agencies of marking programs and plans.

### **C.4.d Reports and Comments of Advisory Bodies**

## **STT**

Mr. Dell Simmons, summarized Exhibit C.4.c, Supplemental STT Report.

### **C.4.e Public Comment**

None.

### **C.4.f Council Action: Adopt Methodology Changes as Appropriate**

Mr. Anderson moved (Motion 5) that the Council establish a model evaluation workgroup as suggested by the SSC. The workgroup would establish goals for the workgroup, including the consideration of the SSC recommendations, and report back to the Council as to what work products would be expected. Mr. Alverson seconded the motion.

Dr. McIsaac asked when the workgroup would report to the Council. Mr. Simmons replied that June would be a reasonable time to produce a status report.

Dr. Lawson inquired about the composition of the workgroup, the leadership, and scope of tasks. Mr. Anderson replied that the composition would include representatives from tribal interests, USFWS, NMFS, WDFW, ODFW, CDFG, STT, and SSC. The workgroup would establish their own purpose and objectives in consideration of, but not limited to, the recommendations of the SSC. He requested that the Executive Director, and the Chairs of the Council, the SSC, and the STT meet to discuss leadership issues.

Mr. Robinson asked if the motion was to set up a standing committee to evaluate all models or just this one particular issue. Mr. Anderson replied that his intent was that the workgroup would have a broad scope. The issue of a standing vs. temporary committee would be taken up by the workgroup. Mr. Robinson then asked if they were asking the model evaluation group to establish its own priorities or seek Council input. Mr. Anderson replied that the workgroup would provide an initial priority list that the Council could modify.

Mr. Roth asked if the workgroup mandate was sufficiently broad to include the KOHM and winter chinook model in California. Mr. Anderson replied that the chinook and coho FRAM would be the near term priorities, but that if the workgroup recommended additional model evaluation, the Council could consider those recommendations as they arose.

Motion 5 passed.

Mr. Anderson moved (Motion 6) to approve the use of the modified chinook FRAM in evaluating Council area non-mark selective chinook fisheries provided that the functionality of the terminal area management modules interface is established to the extent required to verify the assessed impacts on Puget Sound stocks. Furthermore, the Council requests WDFW to provide documentation and additional review opportunity for the chinook FRAM, as recommended by the STT and SSC. Mr. Cedergreen seconded the motion.

Motion 6 passed.

Mr. Anderson moved (Motion 7) that the Council evaluate proposed Puget Sound mark selective chinook fisheries developed in the North of Falcon forum and determine the significance of estimated impacts to stocks of concern after review by the PSC, approval by the relevant treaty tribes, and approval by NMFS relative to the compatibility with the Puget Sound chinook management plan. The Council will further determine whether the concerns of the STT and SSC have been met. Mr. Cedergreen seconded the motion.

Mr. Boydston inquired about the location and jurisdiction of the proposed fisheries, and the relevance of Council involvement. Mr. Anderson responded that the fisheries were in WDFW jurisdiction, but could potentially affect stocks of concern to the Council, including Columbia River stocks. He indicated the motion was intended to address the concerns expressed by the SSC and STT regarding estimated levels of impacts and appropriate management buffers.

Mr. Robinson asked if the intended result of the motion was approval of the methodology pending agreement of the tribes, NMFS, the STT and SSC. Mr. Anderson responded that the intent was to allow the Council to determine whether there were significant effects on stocks of concern to the Council. If not, then the Council would not oppose the proposed pilot mark selective fisheries. If however, the Council determined that there were significant impacts the Council could oppose the fisheries.

Mr. Harp noted the tribes would be working with WDFW on the proposed pilot fisheries. He indicated that in planning for 2001, Council area salmon fisheries and seasons were modified to provide escapement of an additional six wild adults for one Puget Sound chinook stock, demonstrating that "significant" can be a very small number.

Mr. Brown asked if the Council's determination would occur in April 2003. Mr. Anderson replied yes.

Motion 7 passed.

## **D. Highly Migratory Species Management**

### **D.1 NMFS Report on Highly Migratory Species Management (HMS) (10/29/02; 11:17 am)**

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

Mr. Fougner noted there has not been much activity in regard to domestic or international HMS fisheries. NMFS met with U.S. Coast Guard and U.S. albacore troll fishermen to discuss action necessary to implement the revised U.S. - Canada Albacore Treaty, which has a June 2003 implementation date. Anticipate a first draft of the implementing regulations to be available in January 2003. Inter-American Tropical Tuna Convention (IATTC) Work Group on Negotiations met recently to develop draft negotiating text to revise the convention that established the IATTC. Progress has been made, and the parties are very close to a final negotiating text, which would be presented to the IATTC for action in June 2003.

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

None.

#### **D.1.c Public Comment**

Mr. Boydston requested Mr. August Felando to speak to the Council. Mr. Felando discussed with the Council the Pacific Fisheries Act, notably the jurisdiction of the IATTC. He opined if the IATTC adopted a resolution about albacore fisheries, the Pacific Fisheries Act could be used to promulgate regulations.

#### **D.1.d Council Discussion on NMFS Report for HMS**

Mr. Anderson asked about legislative authority relative to the U.S. - Canada Albacore Treaty.

Mr. Fougner explained that, currently, there is no U.S. legislative authority for promulgating regulations to implement provisions of the U.S. - Canada Albacore Treaty. It is anticipated the HMS Fishery Management Plan, when implemented, could be the vehicle for implementation of these provisions.

Mr. Boydston asked about treaties in general.

Mr. Fougner noted the Tuna Conventions Act is applied only to promulgation of regulations relative to IATTC activities. It is not used for U.S. - Canada Albacore Treaty. (See Mr. Felando's comments under D.1.c).

### **D.2 Adoption of Final HMS Fishery Management Plan (FMP) (10/29/02;)**

#### **D.2.a Agendum Overview**

Mr. Dan Waldeck provided the agendum overview. The Council is scheduled to take final action on the fishery management plan (FMP) for West Coast highly migratory species (HMS) fisheries. This action was delayed from March 2002 when it was decided that additional information and analyses should be developed prior to final Council action. In June 2002, the HMSPDT provided a progress report to the Council. In August 2002, an internal review draft was distributed for Council and advisory body review. The current draft (September 2002) contains revised and additional information. These revisions are summarized in Attachment 1. Draft implementing regulations and regulatory impact review are provided as supplemental attachments.

In the draft plan, the Council has specified preferred options in some cases, and not specified preferences in others. At this meeting, the Council is scheduled to select options for final recommendation to the NMFS.

#### **D.2.b Highly Migratory Species Plan Development Team (HMSPDT) Report**

Dr. Dale Squires and Mr. Steve Crooke provided the HMSPDT Report as a Powerpoint presentation, see HMS\_FMP\_Council\_Oct2002C.ppt.

Dr. Radtke asked Dr. Squires about his economic analysis, especially producer surplus and profits. Producer surplus is comprised of crew and skipper wages that would not be spent because they are not fishing? The skipper and crew would have to seek alternative employment.

Dr. Squires responded, producer surplus is equal to total revenue minus total operating costs (e.g., crew, fuel, oil, food, etc.); with the exception of labor. Labor costs are determined by using the next best alternative source of labor for an individual to estimate foregone wages from not being able to fish. He continued to explain some of the mechanics and assumptions of his economic analysis. Notably the basis for the alternative labor sources.

Dr. Radtke asked about the assumption that once an individual begins the alternative labor, he or she will remain in that type of job for 25 years?

Dr. Squires responded, yes. Twenty five years is the assumed economic life.

Dr. Radtke then asked about crew wages lost to alternative employment, are those compared directly or reduced by the amount a self-employed individual has to pay for insurance, taxes, etc.?

Dr. Squires stated they were treated separately.

Mr. Brown asked about the various alternatives for managing long line gear within the U.S. EEZ and how exempted fishing permits (EFPs) related to the alternatives.

Mr. Fougner detailed the distinction among the long line alternatives relative to EFPs. NMFS regulations per EFPs would be the minimum, the Council could recommend further requirements.

Mr. Fougner asked about the drift gill net (DGN) fishery analysis that was presented. The impacts discussed represent impacts from regulations implemented by NMFS in the past year, they would not be new impacts resulting from implementation of the HMS FMP.

Dr. Squires noted the impacts are estimates based on observer data since October 1997 (when the Take Reduction Plan went into effect) through 2001, using catch rates averaged over the period per trip. An ex post analysis. Dr. Squires also noted some other particulars of the analysis. For example, the ease of substituting foreign product for domestic product (long line caught swordfish) and the possible environmental effects from non-U.S. fisheries (takes of sea turtles). He noted a reasonable assumption that, because sea turtle takes would continue in foreign fisheries, whatever benefits were derived from reducing U.S. takes of sea turtles (through the HMS FMP restricting long line fisheries) would be dissipated because the sea turtles would be taken by foreign fisheries providing product (long line caught swordfish) to the U.S. market.

Ms. Vojkovich asked the HMSPDT to review the results of their analysis of the small mesh DGN fishery.

Mr. Crooke referred to page 267 of chapter 2 in the HMS FMP, which contained a table displaying the results of the analysis. In 2001, four vessels used small mesh DGN to target tuna (albacore and bluefin tuna). Logbook data indicates some incidental catch of other finfish species. The vessels involved garnered 20-40% of their annual income through use of small mesh DGN. These operators also held shark/swordfish permits, thus, during the year, they also fished with large mesh DGN. The small mesh DGN trips were not observed trips. Thus, there is no information on bycatch or interaction with protected species.

Ms. Vojkovich asked if logbooks were the only source for determining mesh size use and if logbooks included information on bycatch or discard. Mr. Crooke stated, yes, logbooks were the only available source where mesh size is recorded, but logbooks do not have information on bycatch and discard.

The Council discussed with Dr. Squires the revenue impacts estimated by his analysis.

Dr. McIsaac asked about inclusion of language for management cycle flexibility adopted by the Council in March 2002. Mr. Crooke noted this was an omission, which will be corrected.

The Council also briefly discussed the need for the federal FMP, including a vehicle for implementing international obligations, basis for federal limited entry program, and providing for fishing under federal exempted fishing permits.

#### D.2.c Agency and Tribal Comments

##### **Tribal**

Mr. Harp made the following comments:

*I will be referencing at Chapter 8, pages 21 and 22 of the September 2002 draft of the HMS FMP.*

*The tribes support the preferred option, Alternative 2, regarding Treaty Indian fisheries listed under the proposed HMS FMP.*

*Under Alternative 2, treaty fishing rights would be accommodated in the implementing regulations with the measures and procedures outlined in Alternative 3.*

##### **WDFW**

Mr. Anderson gave compliments to the HMSPDT, HMSAS, and agencies involved in the preparation of the document and the huge investment in developing the FMP.

##### **ODFW**

Mr. Bohn agreed with Mr. Anderson's comments. He noted the FMP is an important compilation of information on West Coast HMS fisheries. The FMP will provide a basis for coordinated management with the other Pacific region councils.

##### **CDFG**

Ms. Vojkovich complimented the work of the FMP developers, including fishery stakeholders. She was impressed at how many divergent views were brought closer to accord through the FMP development process.

##### **NMFS**

Mr. Fougner echoed the support and compliments to the HMSPDT and HMSAS.

##### **USFWS**

Mr. Roth echoed the praise to the process and participants.

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

##### **HMSAS**

Messrs. Robert Fletcher, Wayne Heikkila and Bob Osborne provided Exhibit D.2.d, Supplemental HMSAS Report.

*The Highly Migratory Species Advisory Subpanel (HMSAS) met with the HMS Plan Development Team (HMSPDT) on October 22-23, 2002, in San Diego, California. The HMSAS reviewed the September 2002 draft fishery management plan (FMP) and the proposed changes to the September draft FMP prepared by the HMSPDT, the October 7, 2002 draft of the proposed regulations, the first draft of the Regulatory Impact Review/Regulatory Flexibility Analysis (RIR/RFA), and a status report on development of observer program sampling plans and logistics.*



The HMSAS meeting was attended by 11 members (of a total of 13) on October 22, and by 9 members on October 23.

The HMSAS also wanted to meet again formally on October 28, but this was not possible, because of budget limitations. Some of the members will attend the HMSPDT meeting on October 28 at their own expense.

In addition to the following formal HMSAS recommendations on the FMP, individual members recommended a number of specific language changes directly to the HMSPDT to improve the accuracy of the FMP and also provided specific comments directly to the author of the draft regulations.

#### Opposition to the FMP

The HMSAS voted (6 yes, 2 no) to support the following statement in opposition to the FMP:

*It is with regret that the majority of the HMSAS have come to believe they cannot support and will actively oppose the adoption of the draft HMS FMP.*

*First, we sincerely and without reservation thank the members of the FMP drafting team, and especially their consultant, for their herculean efforts in bringing together existing and new information about the HMS fisheries off the West Coast of the United States. Their efforts are greatly appreciated today, and will be by generations of fishermen to come. We also want to thank the Pacific Fishery Management Council, and particularly their staff for the continuous and outstanding support they have provided in these efforts. Finally, we also wish to express our appreciation for the funding, legal, and regulatory help and advice that NOAA/NMFS has been able to offer.*

*This draft FMP cannot be supported for the following reasons:*

- 1. When conceived, this FMP was to provide a framework for implementing rules, regulations and resolutions of international regional management organizations of which the United States is a member. Highly migratory species in the eastern and central Pacific are already under international regulation and conservation, where those multilateral entities have concluded it is necessary. The "piling on" of unnecessary federal regulations on top of these same fisheries is a tremendous waste of tax payers' money and government and private resources. These fisheries are already managed under the Pacific Tuna Conventions Act and the soon to be passed implementing legislation to the U.S. Canada Albacore Treaty.*
- 2. Second, a secondary, but major goal of the FMP, was to harmonize the regulations of the three West Coast states which are active members of the council, and to harmonize management and scientific research efforts between the council and the Western Pacific Fishery Management Council (WPFMC). Neither goal has been approached. Anomalies between state regulations which have been resolved, have been resolved by state legislation. Any effort to resolve conflicts between the two councils which share management of HMS in the Pacific, have been cursory, or proposed to be taken without regard to the due process rights of West Coast fishermen and others.*
- 3. Third, no genuine consideration of the American consumers' right to a free flow of American-caught fresh fish, which is a substantial source of healthy protein, is reflected in the draft FMP. Rather, measures are suggested which would without question subject American fishermen to competitive disadvantages. This is particularly egregious in the face of increasing demand for fresh seafood in the U.S., particularly tuna, and the increasing share of this demand which is being filled by foreign suppliers, which in many cases have displayed little regard for the sustainability of these resources.*

4. *Fourth, several actions suggested or recommended by this draft FMP are clearly not based on the best scientific information available, and in some instances are obviously political, rather than scientific management decisions.*

*While we are hesitant to make this statement in view of the efforts which have been expended thus far by all involved in the drafting of this FMP, we believe we have an obligation to the public at large, to the fishermen, their suppliers, and the commercial buyers and processors throughout the west coast, and perhaps most importantly to the policy makers in Washington, DC, whether they be in the executive or legislative branches of our government, that adoption or release for public comment of this FMP is unnecessary, duplicative, unhelpful to existing concerns, scientifically flawed in its conclusions, and not in the best interests of the United States.*

*To remain silent would be to shirk our responsibilities and obligations as members of the HMSAS.*

*This statement was supported by the six commercial fishing representatives present and opposed by the two sport fishing representatives present. This vote was taken on the second day of the meeting, when the conservation and charter boat members were not in attendance. Also, the southern and northern processors representatives were not in attendance during the entire meeting.*

#### Minority Response

*The sportfishing members of the HMSAS submitted the following statement; the conservation representative also supported this response:*

*According to a letter dated November 20, 2000 from D.O. McIsaac, Ph.D., executive director, Pacific Council in response to our request for a better balance of recreational representation on the HMSAS, the following was noted regarding council's consideration of our request: "The council noted the HMSAS is not intended to be a "voting" entity in which the numbers of representatives of different sectors are carefully balanced."*

*As such, the council should consider the merits of the "majority" statement rather than the vote tally. We will address our comments on a point-by-point basis.*

*We support the adoption of the draft HMS FMP with its suite of proposed actions. We have noted that inadequate budgets were available for adequately compiling and analyzing historical recreational data, however, it is our view that the plan's "proposed actions" does not unfairly adversely affect recreational fishing. Further, adoption of the plan will provide opportunities to cure shortcomings on recreational fisheries data in order to prepare for the future.*

*We specifically address the rationales expressed by the commercial representatives item by item:*

1. *We have difficulty understanding what this complaint is. Commercial representatives originally championed the idea of an FMP to implement federal regulations in accordance with Magnuson and are now claiming it's a waste of money and resources without providing any substantive explanation as to why.*
2. *This FMP indeed does substantially further both causes originally championed by the commercial representatives. This FMP goes a long ways to bringing harmony to regulations over fisheries under the control of the pacific council and WPFMC. We submit that, in fact, the commercial representatives are merely now opposed to such harmony. In this HMSAS report the commercial representatives have voted to deharmonize these regulations (see longline – outside the EEZ, below in this HMSAS statement). Additionally, significant new harmony is being created between state regulations with universal logbooks, monitoring, data collection, and permitting. These and other measures will help provide a consistent method of data collection and careful management to protect habitat, reduce bycatch, and improve EFH.*

3. We agree problems exist with foreign fishing. However, it is our belief this FMP will provide an opportunity to begin to correct the shortcomings of existing international management by bringing a consistent united states message to international negotiations. This FMP provides a consistent national basis for addressing problems to protect the value of public resources and provide for long-term beneficial use of our resources both recreationally and commercially while recognizing local needs.
4. We disagree the management regime proposed by this FMP is not based on the best scientific information available. Because of budget and time constraints more data on recreational fishing is available than was collected and utilized, however, it is also our belief that if such data was collected and utilized through additional efforts the same recommended management regime would have resulted. Our position remains consistent that these data gaps must be corrected before any increase in fishing effort is allowed. This FMP provides a basis for beginning to adequately baseline recreational fishing.

#### General Comments

##### *Observer Programs (FMP Section 8.4.5)*

The proposed action in the FMP mandates observer programs initially for the longline, surface hook-and-line and small purse seine fisheries and indicates that observer sampling plans would be prepared for these 3 fisheries plus the commercial passenger fishing vessel (CPFV) and private recreational fisheries. There was considerable discussion at the HMSAS meeting about the need to observe all HMS fisheries, including CPFV and private recreational fisheries. There also was confusion about the Council action in June 2002 on this issue. Some individuals thought the Council-preferred alternative included the CPFV fishery. Commercial fishery representatives argued there is no justification provided for putting recreational fishery observer programs "on the back burner," especially given that the recreational fishery is the one where we have the least information. Recreational representatives and the conservation representative noted that an observer program for the private recreational fishery presents special difficulties, because of the large number of small vessels; an observer program may not be the best way to collect information on bycatch and bycatch mortality in this fishery. Furthermore, the FMP proposes a voluntary catch-and-release program for the recreational fishery, in which released fish would not be considered bycatch. The HMSAS voted (9 yes, 2 no) to recommend addition of a fourth alternative to the FMP, which would mandate observer programs for all HMS fisheries.

The HMSAS also received a status report from the contractor preparing observer sampling plans for HMS fisheries and provided a number of specific comments directly to the contractor.

##### *Longline (8.5.2)*

*Outside EEZ:* The commercial representatives are concerned that the proposed alternative for longlining outside the EEZ will effectively shut down the fishery. Since this fishery operates in a different area than the Hawaii-based fishery, they believe that imposing all of the onerous western Pacific regulations is inappropriate. The HMSAS voted (8 yes, 3 no) to recommend alternative 3 as the preferred alternative. This alternative would apply most of the western Pacific measures to the West Coast-based fishery, but would not include the ban on swordfish targeting.

*Inside EEZ:* Commercial fishery representatives argued that it is unnecessary and confusing to include alternatives 2 and 4, which propose a prohibition on longlines in the EEZ and include specific exempted fishing permit (EFP) procedures to be used to evaluate longlines. They feel the EFP process should be addressed after implementation of the FMP when EFP applications are submitted, and the decision at this time should simply be a choice among the 3 remaining alternatives: no action (alternative 1), a limited longline fishery (alternative 3), or a general prohibition (alternative 5). The sport fishery representatives disagreed and stated that the process needs to remain open and transparent with all of the alternatives considered. The HMSAS voted (6 yes, 2 no, 1 abstain) to recommend that the Council delay dealing with the 2 EFP proposals as part of the FMP process and

deal with them after FMP implementation when an application is submitted. (This vote was taken on the second day of the meeting, when the conservation and charter boat members were not in attendance.)

#### *Purse Seine (8.5.3)*

The proposed action would close the EEZ north of 45° N latitude to purse seine fishing to address concerns about potential bycatch, protected species interactions and gear conflicts. Some members of the HMSAS have been concerned for some time about the lack of information to justify this closed area, and we were prepared to recommend another preferred alternative for Council consideration which would close the area inside 25 miles north of 45° N (vote 7 yes, 1 no). However, subsequent to this action, the HMSAS was informed by the Washington State member of the HMSPDT that the State of Washington would support alternative 4, which would open the entire EEZ to purse seine fishing. In response to this change, the HMSAS rescinded the former action and voted to support alternative 4 (8 yes, 1 abstain).

There is a potential problem that needs to be addressed that pertains to the State of California purse seine closure in Santa Monica Bay (District 19A). Sport fishing representatives are concerned that a portion of this closed area extends into the EEZ and want to make sure that this closure continues to be in effect after implementation of the FMP. We were unable to verify the extent of this closed area at our meeting, and asked the State of California to look into this issue and be prepared to address it at the Council meeting if necessary.

#### *Permits (8.5.5)*

The proposed action requires that a federal permit be obtained for each U.S. fishing vessel used in commercial fishing for HMS, with a specific endorsement for each gear type, and requires a federal permit for all charter vessels (emphasis added). The HMSAS believes that permits need to be issued to persons, and voted unanimously to recommend that permits be assigned to a person for a vessel. That would mean that in alternative 2, Ch. 8, Page 32 under Commercial Permits, the words "for each" be stricken and replaced with "by a person for each".

It was brought up in discussion that under the new proposed U.S./Canadian albacore treaty, one nation may operate under a different set of management directives than the other. One example given was that U.S. fishermen may be required to carry observers while Canadians may not depending on regulations. Also Canadians may not be required to have the same permit or any that U.S. fishermen will be required to possess while fishing within the EEZ of the U.S.

#### *Scientific Information in the FMP*

There is concern that the FMP contains data that has not been peer reviewed and in some situations is presented in an unsubstantiated or biased manner. There also is concern that the most recent data available is not included in the FMP. The HMSAS voted (7 yes, 1 no) to request the addition of a statement to the FMP that the data in this document is the best available science, but may not be the most recent and may not be peer reviewed. The recreational representative who voted no, noted that indeed more recent data may have come available during the plan development, however, a great deal of available historic data on recreational fishing was left out of the plan because an experienced recreational economist was never assigned to the plan team nor adequate budget committed to effectively compile and analyze available recreational data by the plan team economists. The representative also noted that while more recent data may have come available during the development of the FMP, that situation will almost always be the case. Additionally, there is no generally-accepted definition of what a peer review entails and that in fact the Scientific and Statistical Committee of the Council provides a form of peer review. The recreational representative strongly supports the plan going forward with the preferred options despite the plan's shortcomings; as implementing the plan will provide an opportunity for funds to come available to compile good recreational baselines for future decision making under the plan's framework.

### *Comparisons of initial Magnuson Alternatives by Fishery (8.5.7)*

*The Plan Development Team agreed to add language to the chart Ch.8, Pg 41, in the row of "stock health." In the box under alternative 2 - Preferred Action it was agreed to eliminate the "." and add the words "and domestic fleet harvest reduction."*

Mr. Fougner asked for clarification on the majority statement in opposition to adoption of the FMP. That is, the statement about the Pacific Tuna Conventions Act and U.S. - Canada Albacore Treaty legislation, notably the jurisdiction of the latter. Mr. Fougner's understanding was jurisdiction would be limited to reciprocal fishing limitations and data exchange. Mr. Heikkila responded Mr. Fougner was correct. He opined that the Albacore Treaty could be a vehicle for management of the albacore fishery, but it would require additional legislation.

Mr. Brown asked about the HMSAS statement that the FMP is not based on the best available scientific information. Mr. Heikkila noted concern about proposed restrictions that had no scientific basis.

The Council discussed with the HMSAS the intent of the HMSAS recommendation for issuance of permits to individuals rather than to vessels. A permit would be tied to an individual and a specific vessel.

### **EC**

Captain Mike Cenci provided the following comments (refer to meeting tape 7a for complete text): In order to understand the full impact on enforcement issues, the EC needs some items clarified. For example, individual state rules would be adopted as part of a management scheme. That would create an uneven management regime. There were concerns over enforcement issues related to having a mix of state and federal legislation.

Ms. Cooney stated it was her understanding that, upon adoption of the FMP, some federal regulations would be implemented and some state regulations would continue to be in place. A state's regulations would apply to vessels registered in that state, whereas federal regulations would apply to all vessels fishing for HMS in federal waters. Captain Cenci noted that this has created problems because of differing regulations and enforcement mechanisms. It would be preferable if these enforcement issues were clarified.

The EC recommends having two enforcement options. Currently, if a state resident vessel is found in violation offshore (3-200 miles), enforcement can impose federal civil penalties or state criminal penalties. These are very different venues and each carries different sets of penalties. However, if a non-resident vessel is found in violation, the only option is to enforce federal civil penalties. This results in potential inconsistent treatment of residents versus non-residents. The EC recommends that state officers are given two options: (1) enforcement via state penalties equitably applied to anyone regardless of residency; or (2) refer all violations to the federal arena.

Mr. Fougner clarified that, under the preferred alternative, there would be a mix of federal and state regulations. For example, DGN fishing would be federally regulated off Oregon and Washington, but bag limits on certain species would continue to be promulgated and enforced by individual states and apply to resident vessels.

### **D.2.e Public Comment (10/29/02; 3:01 pm)**

Mr. Bob Osborn, United Anglers of Southern California; Lakewood, California  
Ms. Kathy Fosmark, Fishermen's Association of Moss Landing; Pebble Beach, California  
Mr. August Felando, commercial purse seiner; San Diego, California  
Mr. Ken Hinman, National Coalition for Marine Conservation; Leesburg, Virginia  
Mr. Bob Fletcher, Sportfishing Association of California; San Diego, California  
Ms. Kate Wing, Natural Resources Defense Council; San Francisco, California  
Mr. Wayne Heikkila, Western Fishboat Owners Association; Eureka, California  
Mr. Pete Dupuy, commercial fisherman; Tarzana, California  
Mr. Peter Flournoy, International Law Offices; San Diego, California  
Mr. Ed Backus, Ecotrust; Charleston, Oregon

Mr. Doug Fricke, commercial fisherman; Hoquiam, Washington  
Ms. Shana Beener, National Audobon Society; Islip, New York  
Mr. Ron Gaul, Recreational Fishing Alliance; Oakland, California  
Mr. Russell Nelson, The BillFish Foundation; Oakland Park, Florida  
Mr. Jim Fisher, commercial fisherman; Hammond, Oregon  
Mr. John La Grange, F/V Janthina; Solana Beach, California  
Mr. Tom Raftican, United Anglers of Southern California; Huntington Beach, California  
Mr. Jock Albright, recreational fisherman; Costa Mesa, California  
Mr. Guy Grundmeier, Port San Luis Fishermen's Association; San Luis Obispo, California

**D.2.f Council Action:** Adopt Final HMS FMP (10/29/02; 4:36 pm)

Ms Vojkovich suggested the Council approach adoption of the FMP in two phases. First, consider whether to adopt the FMP. Second, select preferred alternatives.

Ms. Vojkovich moved (seconded by Mr. Thomas; Motion 8) that the Council adopt the draft HMS FMP.

The Council discussed the work that had gone into creating the FMP and the benefits to the Council and HMS stakeholders from adoption of the plan. The Council noted the FMP would provide a vehicle for input to international fisheries fora, improve coordination of federal and state management, and provide for improved collection of biological and economic information. The FMP will showcase West Coast HMS fishery issues, increase public awareness, and provide for public involvement. The Council noted the strong need for adequate and dedicated federal appropriations to support the Council and NMFS for research and management of West Coast HMS fisheries.

In adopting the FMP, the Council echoed the concern of it's advisors and the public regarding unilateral action that may be necessary to address environmental concerns such as overfishing. The Council recognized that unilateral action could be disadvantageous to U.S. commercial interests.

Mr. Fougner reviewed section 304(e)(4)(C) in the Magnuson-Stevens Act, which describes how U.S. managers should react to overfishing in fisheries managed under international agreement.

The Council expressed interest in working with NMFS and international management bodies to ensure conservation mandates are met, while heeding the need to dampen negative impacts on U.S. commercial fisherman.

During the discussion, Ms. Vojkovich, Messrs. Brown, Hansen, Anderson, Bohn, and Alverson (while acknowledging the reservations of the commercial advisors and the public) spoke in favor of adopting the FMP.

Vote on Motion 8: Passed on unanimous voice vote.

Ms. Vojkovich moved and Mr. Anderson seconded a motion (Motion 9) for preferred alternatives in the HMS FMP (see, Supplemental Recommended Motion).

Ms. Vojkovich reviewed the recommendations in Exhibit D.2.f. [The Council's final preferred alternative recommendations are detailed in the November 2002 edition of the Council Newsletter.]

Dr. McIsaac suggested that language providing the Council the flexibility to alter the management cycle, which the HMSPDT in testimony admitted was errantly omitted from the FMP, be included under Management Cycle, Alternative 2. The maker and seconder of the motion agreed to include language adopted by the Council in March 2002, which provides the Council a framework to alter the management schedule.

Regarding exempted fishing permits (EFPs), Ms. Vojkovich recommended directing the HMSPDT to develop a set of guidelines for the Council to use in reviewing HMS-related EFP applications. These guidelines would be similar to Council Operating Procedure—18, which guides Council review of salmon-related experimental fisheries.

Again referring to Exhibit D.2.f, Ms. Vojkovich continued to review the recommended preferred alternatives.

Mr. Brown, while generally supportive of the motion, asked for clarification of how the drift gill net (DGN) closures, notably at the 1000 fathom curve, would be applied. He was concerned that inconsistencies between different regulations applying in different state waters could create enforcement problems. Specifically, Mr. Brown said he did not understand the intent of DGN alternatives 2 and 6.

Mr. Anderson, to clarify, stated that if just DGN Alternative 2 was adopted, current federal (MMPA and ESA) related regulations would continue, current state regulations for DGN swordfish and shark fisheries (except California's DG limited entry system) would become federal regulations. This would include current closed areas, which could be enforced regardless of the residency of the violating vessel owner (i.e., where the vessel is licensed). However, the applicable enforcement venue could depend on residency, as described by Captain Cenci above during the EC Report. Alternative 6 would modify current state regulations by creating a federal prohibition on the use of DGN in waters less than 1,000 fathoms.

Mr. Bohn clarified that the proposed closures under DGN Alternative 6 would be more restrictive than current regulations and preclude the vessels that are currently fishing in those areas.

Mr. Brown proposed an amendment to Motion 9 (Amendment 1) to make the preferred alternative for DGN fisheries Alternative 6 such that above 45° N latitude DGN fishing could not occur in waters less than 1,000 fathoms. This would allow current DGN fisheries in Oregon waters to continue. Mr. Bohn seconded the amendment.

Mr. Anderson asked for a friendly amendment to change Amendment 1 such that the 1000 fm closure would apply North of 46 degrees 16 minutes N latitude. Under his change, the current closure under Washington state regulations would continue as a federal regulation. Mr. Brown did not accept the friendly amendment.

Mr. Anderson then proposed a formal amendment. Mr. Alverson seconded the amendment. The amendment would change the preferred alternative for DGN fisheries to include a closure to fishing in waters less than 1000 fathoms off Oregon and close all waters North of 46 degrees 10 minutes N latitude to DGN fishing.

As rationale for his proposal, Mr. Anderson noted results from a Pacific States Marine Fisheries Commission study on the thresher shark fishery and a previous EFP fishery. He stated the States made a joint decision to close that fishery based on the bycatch of marine mammals and sea turtles. The development of the interjurisdictional management plan for thresher shark in 1990 led to the states of Washington and Oregon agreeing to close the DGN fishery. His concern is about marine mammal and sea turtle impacts and apparent declines in thresher shark abundance. He noted that DGN fishing could be allowed under an EFP.

Mr. Bohn understood what Mr. Anderson presented. However, it is his understanding that the vast majority, if not all, of the catches noted were taken inside 1,000 fathoms. He has not seen more recent information. The 1000 fathom closure would provide protection without affecting current fisheries.

Mr. Anderson countered that the 1000 fathom line is approximately 125 degrees W longitude, and that there was potential for impacts on marine mammals and sea turtles.

Mr. Fougner asked for clarification on what the Council was considering, an amendment to the amendment to Motion 9. Dr. McIsaac read the motion, the amendment, and the amendment to the amendment.

Amendment 2 passed, there were 2 no votes (Mr. Bohn and Mr. Brown) and 1 abstention.

Through this action, Amendment 2 (substituting for Amendment 1) altered the DGN fishery preferred alternative listed on Exhibit D.2.f such that existing state regulations and closures (except California's limited entry program) would become federal regulation and two new closures would be included: one off Oregon in waters less than 1000 fathoms, and a second in all waters North of 46 degrees 10 minutes N latitude.

Mr. Fougner asked for a friendly amendment to clarify the timeline for development of "observer sampling plans" under the Observer Program Authority—Alternative 2. He suggested the text be change to indicate the plans would be due within six months of Secretary of Commerce approval of the FMP. Ms. Vojkovich and the seconder of Motion 9 agreed to the friendly amendment.

Relative to observer programs, the Council discussed funding issues. Mr. Fougner noted that there is currently funding for the DGN observer program and NMFS is endeavoring to secure necessary funds for observation of the other HMS fisheries.

Mr. Anderson, for clarification relative to treaty Indian fishing rights (FMP page 8-21) expressed support for Alternative 2, which calls for initial implementing regulations. He noted that Washington Department of Fish and Wildlife disagreed with certain aspects of the NMFS description of the treaty Indian tribes' usual and accustomed grounds and stations as described in Federal regulations (64 Fed. Reg. 24087-24088 – May 5, 1999, groundfish; and 50 CFR 300.64(i), halibut).

Mr. Caito asked for clarification of the proposed preferred alternative for long line fishing outside of the U.S. EEZ. What is the difference between alternatives 2 and 3?

Ms. Vojkovich explained that under Alternative 2 all of the restrictions on high seas long line fishing that apply to Hawaii based long line vessels would apply to West Coast based long line vessels. However, since West Coast vessels fished in different areas than Hawaii vessels, some of the concerns about protected species interaction are not applicable. Therefore, under Alternative 3, only certain of the restrictions would apply to West Coast vessels.

She noted the HMSPDT recommended that data be analyzed to determine potential impacts on protected species before the Council unduly constrains long line fishing opportunity on the high seas.

Mr. Fougner stressed that the Ms. Vojkovich's proposed alternative would be a substantial challenge for NMFS to implement, and that data indicates sea turtle takes in long line fisheries on the high seas off California. He referred to Chapter 6, page 18. He favors Alternative 2.

Mr. Fougner moved for an amendment (Amendment 3) to substitute Alternative 2 relative to long line fishing outside of the U.S. EEZ, Mr. Bohn seconded. Mr. Fougner's rationale was to prohibit target fishing for swordfish. There is concern that long line fishing for swordfish impacts sea turtles. While the HMSPDT noted that West Coast based long line vessels fish in different areas than Hawaii based vessels, the two fisheries use similar fishing strategies and there is the potential for takes of sea turtles. Fishing through EFPs could provide the data to show swordfish targeting does not impact sea turtles, which could provide evidence for allowing the long line fishery to target swordfish. *there is a likelihood* ✓

Mr. Brown asked if there was information currently in the FMP about impacts on protected species from the West Coast based high seas long line fishery. Mr. Fougner noted it was not currently included. He reviewed the raw numbers – 3 trips observed; 59 sets; 49,000 hooks; 8 sea turtles (7 dead, 1 released injured); 24 albatross (12 dead). *preliminary data were inadvertently excluded* ✓

Prior to voting on Mr. Fougner's amendment, it was clarified which measures would be applicable under high seas long line Alternative 3. On page 9-80 (HMS FMP, September 2002), requirements 1, 4, and 8 would apply to West Coast based long line vessels fishing on the high seas. The aim of these measures would be to reduce impacts on protected species while providing opportunity for West Coast based vessels to target swordfish.

Dr. Squires (HMSPDT) clarified that the intent of the HMSPDT recommendation was to allow swordfish targeting while data is collected and analyzed. Available data is limited to only three observed trips, he noted the potential for bias that comes from a very small sample size.

Mr. Fougner recognized it is a small sample size, but eight sea turtles is potentially significant. ✓

Dr. Squires emphasized that three observed trips did not provide a scientific basis to regulate this fishery.



Dr. Radtke asked for a roll call vote on the Fougner/Bohn amendment (10/29/02; 6:08 pm).

Amendment 3 failed with 2 yes votes (Fougner, Anderson) and 1 abstention (Radtke).

Mr. Fougner noted the HMS FMP should clarify the relationship of the HMS FMP to DGN fishery management under the Marine Mammal Protection Act (MMPA). The Council requested the HMSPDT work with NMFS to ensure the FMP is consistent with MMPA "take reduction plan" and "take reduction team" timing and process requirements. For example, it should be clear that the HMS FMP is not intended to limit the authority of the Secretary of Commerce to achieve the objectives of the MMPA.

Dr. Radtke asked if there was further clarification on the 8 measures under Alternative 3?

Ms. Vojkovich clarified that of the 8 items listed on page 8-30, items 2, 3, 5, 6, and 7 are excluded from the proposed alternative. Items 1, 4, and 8 are included in the motions.

Mr. Brown made a friendly amendment to note that Alternative 3 for long line fishing outside the U.S. EEZ includes requirements identified as 1, 4, and 8 on page 8-30. Ms. Vojkovich and Mr. Anderson agreed to the friendly amendment.

On voice vote – Motion 9 passed.

The Council authorized the HMSPDT to work with contracted staff, NMFS-Southwest Region, and Council staff to finalize the FMP for submission to the Secretary of Commerce; this includes drafting and revising the necessary documents to allow implementation of the recommendations in accordance with Council intent.

It is anticipated the HMS FMP will be submitted to NMFS in early 2003.

Finally, the Council directed staff to include in the FMP transmittal letter information about the critical need for dedicated and sufficient funding for West Coast HMS fishery management. Support is necessary to ensure limited Council resources are not unduly constrained by the staffing, management, and research needs of this new FMP. Moreover, federal and state programs will need additional support to ensure effective implementation of the FMP.

## **E. Pacific Halibut Management**

### **E.1 Proposed Changes to the 2003 Catch Sharing Plan and Annual Regulations (10/30/02;8:04 am)**

#### **E.1.a Agendum Overview**

Mr. Chuck Tracy presented the agendum overview.

#### **E.1.b Fishery Report for 2002**

Ms. Yvonne de Reynier presented a summary of 2002 Area 2A halibut fisheries to date (Exhibit E.1.b, Supplemental Fishery Report). She also noted NMFS prepared an Environmental Assessment of the proposed changes to the Catch Sharing Plan (Exhibit E.1.b, Supplemental Attachment 3).

Mr. Anderson asked if the language in the catch sharing plan, Section (f)(5)(i)(C), allowed quick transfer of unused quota between recreational subareas. Ms. de Reynier responded that transfers could be made in subareas north of Cape Falcon after an inseason conference call and publishing of the notice in the Federal Register. The Federal Register notice is required because the catch sharing plan does not specify criteria or priorities for transfer between subareas north of Cape Falcon. In areas south of Cape Falcon, transfer does not require notice in the Federal Register because transfer between areas is explicitly governed by the language in the catch sharing plan.

#### E.1.c State Proposals

##### ODFW

Mr. Bohn reported that Exhibit E.1.c, Supplemental ODFW Report, is inaccurate. Based on testimony at a recent public hearing and on discussions at this Council meeting, ODFW is proposing to include language allowing inseason transfer of quotas between the Columbia River recreational subarea and the Central Oregon Coast subarea, and preseason transfer between Oregon North Central and South Central recreational subareas. He referred the Council to E.1, Attachment 2, indicating that ODFW was proposing items 1, 2, 3, and 4.

##### WDFW

Mr. Anderson presented Exhibit E.1.c, Supplemental Revised WDFW Report. He stated his intent to propose the changes on that exhibit pending public testimony and Council discussion. He also recommended the following modified language in the catch sharing plan:

(f)(5)(i)(C) If any of the sport fishery subareas north of Cape Falcon, OR are not projected to utilize their respective quotas by September 30, NMFS may take inseason action to transfer any projected unused quota to another Washington sport subarea ~~projected to have the fewest number of sport fishing days in the calendar year.~~

and

(f)(5)(ii) Flexible inseason management provisions include, but are not limited to, the following: (E) Modification of subarea quotas north of Cape Falcon, OR ~~consistent with the standards in section (f)(5)(i)(C) of this Plan~~

Ms. Cooney requested an explanation of Mr. Anderson's proposed language change. Mr. Anderson replied his intent was to provide the ability to transfer unused quota from one subarea to another north of Cape Falcon provided that it meets the subareas management objectives.

Mr. Brown observed that opening the Washington North Coast subarea recreational fishery the 3rd Wednesday in June may result in only 5 days of fishing in some years. Mr. Anderson responded that he was hoping they could get two days fishing out of the proposed allocation (28% of the subarea quota for the June opening).

#### E.1.d Tribal Proposal and Comments

Mr. Jim Harp made the following comments:

*Mr. Chairman, I would like to offer a brief comment on the proposed changes to the catch sharing plan and annual regulations for 2003.*

*The 2002 Pacific halibut catch sharing plan for Area 2A includes the description for the Treaty Indian fisheries.*

*The tribes propose no changes be made to the catch sharing plan as it relates to the Treaty Indian allocation of halibut for 2003. That allocation would remain at 35% of the Area 2A TAC, plus the 25,000 lb. adjustment be transferred from the nonTreaty Area 2A halibut allocation, as specified in the Stipulation and Order of the U.S. District Court, Subproceeding No. 92-1.*

*The tribes continue to support the efforts in the non-Indian fisheries that allow retention in non-directed fisheries as this will reduce discards and thus wastage of a valuable resource.*

E.1.e Reports and Comments of Advisory Bodies

**GAP**

Mr. Frank Warrens provided Exhibit E.1.e, Supplemental GAP Report.

E.1.f Public Comment

None.

E.1.g **Council Action:** Adopt Proposed Regulation Changes for 2003

Mr. Bohn moved and Mr. Brown seconded the following motion (Motion 10):

1. *Develop framework language allowing inseason action to transfer quotas between the Columbia River and Central Oregon Coast sport subareas.*
2. *Develop framework language allowing preseason transfer of quotas between the North Central and South Central Oregon coast sport subarea May (spring) seasons to meet the plan's objective of setting equal number of fixed fishing days for the two subareas.*
3. *Extend the recreational season for all subareas south of Cape Falcon from September 30 to October 31.*
4. *Change language defining the central Oregon recreational fisheries to spring and summer seasons rather than May and August seasons, and include the months of May to July in the spring season and the months of August to September (or October) in the summer season.*

Motion 10 passed.

Mr. Anderson moved (Motion 11) to adopt the proposals contained in *Exhibit E.1.c, Supplemental Revised WDFW Proposal* for modifications to the Pacific Halibut Catch Sharing Plan for the 2003 Washington recreational fisheries. Mr. Alverson seconded the motion. Motion 11 passed.

Mr. Alverson moved (Motion 12) to adopt the proposals as shown in Exhibit E.1.g, Supplemental Washington Motion. Mr. Anderson seconded the motion.

Mr. Alverson noted that in 2001 the Council set a ratio of 80 pounds (dressed weight) halibut to 1,000 pounds (dressed weight) sablefish, and 31 participants landed 31,000 pounds of halibut. In 2002 the Council set a ratio of 150 pounds halibut to 1,000 pounds sablefish, and 41 participants landed an estimated 65,000 pounds of halibut. In 2003 the fixed gear fishery will be prohibited inside 100 fm which is likely to reduce the incidental catch of halibut in the sablefish fishery, although the sablefish allocation is 37% greater than in 2002. Based on recent performance of the fleet, it is unlikely the fixed gear sablefish fishery will exceed its proposed halibut allocation of 70,000 pounds in 2003.

Motion 12 passed.

Mr. Harp indicated there were no changes proposed for the treaty Indian halibut fishery.

Mr. Anderson moved (Motion 13) to change catch sharing plan section (f)(5)(i)(C) as follows:

*If any of the sport fishery subareas north of Cape Falcon, OR are not projected to utilize their respective quotas by September 30, NMFS may take inseason action to transfer any projected unused quota to another Washington sport subarea projected to have the fewest number of sport fishing days in the calendar year.*

and change catch sharing plan (f)(5)(ii)(E) as follows: *Modification of subarea quotas north of Cape Falcon, OR consistent with the standards in section (f)(5)(i)(C) of this plan.*

Mr. Cedergreen seconded the motion. Motion 13 passed.

## **F. Coastal Pelagic Species Management**

### **F.1 NMFS Report (10/30/02; 8:54 am)**

#### **F.1.a Agendum Overview**

Mr. Svein Fougner referred to two NMFS reports in Council briefing materials.

#### **Exhibit F.1, Supplemental NMFS Report 2 –**

##### **Southwest Region Report on Coastal Pelagic Species Fisheries Management**

*The National Marine Fisheries Service (NMFS) was able to expedite the processing of the sardine emergency reallocation as requested by the Council to be effective on September 20, 2002. This should not be taken as a precedent for future actions. There will be no such emergency action in 2003 as the Council will have considerable time to consider and decide whether a change in the allocation process or criteria is warranted and for NMFS to act on any proposals to that effect.*

*The final rule setting the Pacific mackerel harvest guideline was published in the Federal Register on October 3, 2002 (67 FR 61994).*

*Following the meeting of the Coastal Pelagic Species Management Team and Advisory Subpanel meetings, a proposed rule setting the Pacific sardine harvest guideline has been prepared and forwarded to NMFS headquarters for publication in the Federal Register.*

*On October 3, 2002, a Notice of Availability of Amendment 10 to the Coastal Pelagic Species Fishery Management Plan was published in the Federal Register (67 FR 62001). Proposed rules will be published this week (October 28-November 1).*

#### **Exhibit F.1, Supplemental NMFS Report 1 –**

##### **National Marine Fisheries Service Views on Process Requirements for Changing Sardine Allocation**

*The Coastal Pelagic Species (CPS) Fishery Management Plan (FMP) sets forth the current 1/3 north-2/3 south Pacific sardine allocation with the October 1 reallocation in equal shares of unused Pacific sardine harvest guideline with the dividing line at Piedras Blancas. The FMP clearly contemplated there would be future consideration and likely adoption of changes in one or more of the allocation factors (shares, timing, dividing line). Section 2.1.4 lists factors to take into account when considering allocations; section 4.8.1 describes the procedure for annual specifications, including allocations. Section 5.2 establishes the allocation process for Pacific sardine but then provides that "Nothing in this FMP precludes additional allocations based on other geographic areas of other factors developed under the authority of this FMP." Thus, it apparently was expected the Pacific Fishery Management Council (Council) would revisit this topic as more experience and information were gained under the FMP.*

*National Marine Fisheries Service (NMFS) views adjustment of the allocation factors as an action that can be taken under the Socioeconomic Framework of the FMP (section 2.1.3). This essentially calls for two Council meetings with NMFS to determine the appropriate method of implementation, which would be notice and comment rulemaking (i.e., proposed and final rules). NOAA Fisheries believes that allocation issues are very important and thus do not fit well in "abbreviated rulemaking." Further, recent court decisions indicate that abbreviated rulemaking should be avoided. Therefore, notice and comment rulemaking would be used.*

*In the current situation, the process for adjusting the Pacific sardine allocation would be:*

<i>November 2002</i>	<i>Directions to team for analysis of options.</i>
<i>March 2003</i>	<i>First Council consideration of options; clear for public review.</i>
<i>April 2003</i>	<i>Final Council action and submission of documents to NOAA Fisheries.</i>
<i>May 2003</i>	<i>Proposed Rule published for public review.</i>
<i>July 2003</i>	<i>Final Rule published.</i>
<i>August 2003</i>	<i>Adjustment implemented (assuming approval).</i>

*This would provide for the new approach to be in place well before the end of the season. Note, however, that if the northern fishery accelerates its landings, there could still be a chance that its "allocation" would be taken before the new allocation is in place. This is not very likely.*

*Under this approach, the 2003 fishery would begin with the current allocation. Any change in the allocation could be implemented inseason through the final rule.*

#### F.1.b Reports and Comments of Advisory Bodies

None.

#### F.1.c Public Comment

Ms. Diane Pleschner, California Wetfish Producers Association; San Pedro, California

Ms. Pleschner asserted that an El Nino was developing off the West Coast, which could negatively affect availability of squid to the California CPS fishery. Without squid, fishermen will increase their take of Pacific sardine. She opined that emergency action was necessary to prevent premature closure of the southern California sardine fishery. The action would be to remove the north/south allocation and create a coastwide quota for the remainder of 2002.

Mr. Fougner noted there was nothing in the FMP nor regulations that enabled a shift to a coastwide quota.

#### F.1.d Council Discussion on NMFS Report for CPS Management

Based on Ms. Pleschner's testimony, the Council discussed the need for and ability to take emergency action. After a discussion of what constitutes an emergency, the likelihood that NMFS would not declare an emergency in this instance, and the scant data indicating an El Nino was developing, the Council took no action and moved on to other matters. See meeting tape for details of the discussion.

### F.2 Pacific Sardine Stock Assessment and Harvest Guideline for 2003 (10/30/02; 9:18 am)

#### F.2.a Agendum Overview

Mr. Dan Waldeck provided an overview of the agenda topic F.2. He reviewed the briefing materials and outlined scheduled Council action. That is, adoption of the Council recommendation for the 2003 Pacific sardine fishery harvest guideline.

#### F.2.b Report of Stock Assessment Team

Dr. Ray Conser provided the stock assessment and harvest guideline recommendation, Exhibit F.2.b.

The Council discussed with Dr. Conser the need to improve estimates of sardine recruitment. Historically, spotter planes logbooks was the principal recruitment index. However, more recently, spotter pilots are putting

little effort in searching for sardine schools (switching to spotting for bluefin tuna fishery). Thus, the recruitment index is down weighted in the current model. It was suggested that incentives for spotter pilots to conduct directed surveys for sardines would be very useful. This will be added to the Council's research and data needs list.

The Council and Dr. Conser also discussed the need for improved coastwide assessment of Pacific sardine throughout its range. The relationship of sea surface temperature to available harvest through the harvest guideline control was discussed.

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

### SSC

Mr. Tom Jagielo provided Exhibit F.2.c, Supplemental SSC Report.

*Dr. Ramon Conser presented the results of the Pacific sardine stock assessment and harvest guideline (HG) for 2003. The assessment model and data analysis are similar to those used in previous years. The analysis included the most recent fishery and survey data. The 2002 sardine stock biomass estimate is approximately one million mt and the recommended HG is 110,908 mt. The SSC endorses the use of this HG for the 2003 Pacific sardine fishery. The 2003 HG is slightly lower than the 2002 HG. However, the actual landings in recent years have been less than the HG, and it is expected the 2003 fishery landings will not be constrained by this reduction in HG. Dr. Conser noted that in future years, however, U.S. fisheries may be constrained by Council HG's if, (1) sea-surface temperature continues to decline – invoking a reduction in the exploitation rate as specified in the FMP's environmentally-based harvest control rule and/or (2) the U.S. sardine fisheries continue to grow at rates of increase comparable to those observed over the last few years. In addition, when viewed on a stock-wide basis, an increase in Mexican harvest to its historic level may affect the U.S. fishery.*

*A new sardine model and assessment are needed that more thoroughly incorporate the expansion of sardine from its core area (central California through Baja California, Mexico) northward to include Oregon, Washington, and British Columbia, Canada. In December 2002, the Third Trilateral Sardine Forum will meet in San Pedro, California. This forum will encourage continuing work on assembling a coastwide sardine database that could be used in a new stock assessment. Fishery independent surveys (as well as continued fishery sampling) from Oregon, Washington, and British Columbia are needed to support new model development. The SSC recommends that funding be secured to conduct simultaneous surveys off Oregon/Washington and the traditional survey area off central/southern California.*

*The sardine assessment should undergo a STAR panel review in conjunction with the Pacific mackerel assessment in September 2003. The STAR panel would review new model development using data through 2002. The new sardine and revised mackerel models could then be used to establish HGs for the respective 2004 fishing seasons. The SSC will develop terms of reference for the coastal pelagic species STAR panel review for Council consideration at its March 2003 meeting.*

### CPSMT

Dr. Kevin Hill provided Exhibit F.2.c, Supplemental CPSMT Report.

*The Coastal Pelagic Species Management Team (CPSMT) recently met with Dr. Ray Conser (National Marine Fisheries Service) to review results from the latest Pacific sardine stock assessment, which will be used to set a harvest guideline for the 2003 season. The CPSMT concurs with the stock assessment team's analyses, and recommends the Council adopt a harvest guideline of 110,908 metric tons (mt) for the 2003 season.*

*The CPSMT held a brief discussion on establishing a set-aside and tolerance level for sardine caught incidentally in other CPS fisheries during 2003. The CPSMT defers to the CPS Advisory Subpanel*

to recommend incidental set-aside and tolerance levels. The CPSMT notes that incidental catch allowances of up to 45% by weight may be established under the CPS fishery management plan (FMP).

The CPSMT briefly discussed planning for a stock assessment review (STAR) panel in September of 2003. The current plan calls for the Pacific sardine and Pacific mackerel stock assessment data and models to be reviewed and to have results available for management of the 2004 sardine fishery and the 2004-2005 mackerel fishery. The CPSMT will appoint a member to participate on the STAR panel, should the event occur.

While the CPSMT considers the current sardine assessment to be based on the best available information, more data on West Coast sardine stock is clearly needed. Development of an improved coastwide sardine assessment model will depend upon gathering fishery-dependent and fishery-independent data for the northern portion of the stock. Fishery sampling by the states of Oregon and Washington is ongoing, but fishery-independent data for the Pacific Northwest region is sparse. Future research efforts should include adult biomass surveys using trawl gear, sonar, and spotter planes, as well as indirect estimates of spawning stock biomass using plankton nets and egg pumps. The CPSMT urges the management bodies and industry to actively pursue funding, which will be vital to improving the sardine assessment.

## **CPSAS**

The Coastal Pelagic Species Advisory Subpanel (CPSAS) met October 8, 2002 in Long Beach, California. At the meeting, the CPSAS heard a presentation from Dr. Ray Conser reviewing the current Pacific sardine stock assessment and the recommended harvest guideline of 110,908 metric tons. The CPSAS unanimously agreed the stock assessment is as complete as the best available science and the current model allows. The CPSAS supports the recommended harvest guideline which is based on the formula defined in the Coastal Pelagic Species (CPS) Fishery Management Plan (FMP). The CPSAS is anxious to transition to the new model which will more completely incorporate fishery dependent and fishery independent data from the Pacific Northwest fisheries. Furthermore, the CPSAS voices unanimous support for the proposed coast wide survey and would recommend to the Council that they encourage National Marine Fisheries Service (NMFS) to fund that survey.

On the issue of allocation for the 2003 season, the CPSAS finds that language in the FMP and implementing regulations for Amendment 8 (the CPS FMP) published in the Federal Register are not clear on whether the annual allocation of sardine is a discretionary or mandatory action. There seems to be some flexibility in both the FMP language and the implementing regulations on this issue. If setting the annual allocation is a discretionary action, a majority of the CPSAS recommends to the Council that they recommend that NMFS not implement the two-thirds, one-third allocation system for the 2003 season. The majority of the CPSAS agreed that for 2003 the harvest guideline is of a sufficient amount that no one sector will be hurt by a coast-wide harvest guideline. While the CPSAS recognizes that a parallel process determining future allocation management for the sardine fishery is ongoing, it is likely that either a full FMP amendment or regulatory amendment will not be in effect prior to the 2003 season getting started in the Pacific Northwest. If the status quo allocation system is implemented again for the 2003 season, the fisheries in Washington, Oregon, and northern California will face the same shut-downs and economic hardships as they faced in 2002. A majority of the CPSAS wishes to avoid a repeat situation of what occurred in 2002 and encourages the Council to take whatever action necessary to avoid this same problem from occurring during the 2003 season.

A minority of the CPSAS recommends the Council exercise precaution at this time and not encourage further expansion of the sardine fishery in the Pacific Northwest until research is done on that segment of the stock to determine its relationship to the resource as a whole, in light of the following:

- The degree of uncertainty and lack of knowledge expressed in the current stock assessment. Assessment limitations include lack of understanding of stock structure and migration rates; further, current fishery independent data are limited to central and southern California.

- *The finding that sardine population growth appears to have leveled off. Precaution is important at this time, considering the natural decline of the resource in cold-water cycles.*
- *The fact that scientists do not know the impact of increasing the harvest of large fish in the Pacific Northwest and what harm, if any, that will cause to the biomass.*

Following the CPSAS report, Mr. Brown asked for clarification about whether the annual allocation was mandatory or discretionary. Mr. Fougner responded that NMFS interprets it as a mandatory action, i.e., the FMP identifies the annual allocation, specifies the amounts allotted to each subarea, and includes a reallocation nine months after the start of the fishery. Thus, for the 2003 sardine fishery the season would start with a 1/3 allocation to the northern subarea and 2/3 to the southern subarea.

#### F.2.d Public Comment

Mr. Bob Seidel, Astoria Holdings; Astoria, Oregon  
 Mr. Ryan Kapp, cps fisherman; Bellingham, Washington  
 Ms. Diane Pleschner, California Wetfish Producers Association; San Pedro, California  
 Mr. Joe Childers, WGOAI; Seattle, Washington

#### F.2.e **Council Action:** Adopt Harvest Guideline for 2003

Ms. Vojkovich moved (Mr. Caito, seconded) Motion 14 to recommend a 2003 sardine harvest guideline of 110,908 mt.

Motion 14 passed, unanimous voice vote.

Ms. Vojkovich moved (Mr. Caito, seconded) Motion 15 to have the Council draft a letter to NMFS detailing the need for coastwide research on Pacific sardine and the sardine fishery off the West Coast. The letter should note the critical need for continuous, dedicated funds to assess and manage Pacific sardine, noting this is a high priority for the Council.

Motion 15 passed, unanimous voice vote.

Ms. Vojkovich moved and Mr. Caito seconded a motion (Motion 16) to establish a STAR Panel and request funding for that panel (as described in the SSC statement).

Mr. Fougner noted the Council has already moved to establish a CPS STAR panel. The question is whether NMFS will be able to help funding the STAR panel. Thus, given previous Council action (September 2002), Motion 16 was moot and was withdrawn.

Mr. Waldeck noted the Council had adopted a harvest guideline recommendation, but had not dealt with incidental allowance recommendations nor allocation of the 2003 harvest guideline.

Mr. Anderson spoke to the FMP allocation formula, which specifies the portions of the harvest guideline that will be allocated to each subarea. He noted that, absent any change, the FMP allocation formula would be implemented by NMFS for the 2003 sardine fishery. Ms. Cooney confirmed Mr. Anderson's characterization.

Mr. Bohn asked NMFS what options the Council had if the northern fishery was likely to harvest their allotment of the harvest guideline prior to the October 1 reallocation. That is, if prior to June 2003 landings information indicated the northern fishery would close prior to October 1, would NMFS entertain declaration of an emergency reallocation (similar to 2002)?

Mr. Fougner said it was in the Council's purview to consider the circumstances and request emergency action. Based on available information, NMFS would determine if emergency action was warranted. NMFS would not consider emergency action unless it was initiated by a Council recommendation.

The Council discussed the desire to avoid a repeat of the 2002 situation, contingencies that might be available, and the timing of the respective fisheries relative to Council/NMFS action.



Mr. Anderson summarized his view of the situation: the FMP provides the authority to make an allocation; it makes an allocation of 66:33; that is what is in place; the FMP defines changes to the allocation as not a routine management measure. Thus, the Council will need 2 or 3 meetings to develop a change to the allocation framework. He opined that, given the controversial nature of allocation, a full rule-making process might be necessary. He suggested that if the Council attempted to change the allocation framework through an abbreviated process that the result would be sub-optimal and need further work down the road. It would be best to take the time to create a meaningful and workable allocation framework.

Thus, given that a major change to the allocation framework could take considerable time, what options does the Council have to avoid problems in 2003? Could changing the reallocation date be done as a routine management measure?

Ms. Cooney did not think that it could be done as a routine management measure because it was not part of the current allocation framework. She suggested that if the Council wanted to consider changing the allocation framework, then it should proceed with the proposal for the long-term change (Agenda item F.3).

The Council continued to discuss how to avoid a re-occurrence of the 2002 emergency in 2003. If the allocation framework is to be changed it will have to be through the rulemaking process, which could include the need for 3 Council meetings.

It was noted that the November Council meeting would count as the first of the 3 meetings necessary under the FMP requirements for rulemaking actions.

Mr. Anderson moved (Mr. Alverson, seconded) (Motion 17) to allow 45% of the total weight of the landed catch to be sardines in other CPS directed fisheries. This incidental allowance would be structured the same as the incidental allowance put in place in September 2002.

Mr. Fougner asked if the incidental allowance would only be applied if a subarea reached its allocation and the directed fishery in that subarea is closed? Mr. Anderson concurred.

Ms. Vojkovich asked if the incidental amount harvested would be provided by the other subarea allocation, since the total harvest guideline can not be exceeded? The answer was yes. She asked if it would be possible to establish a set aside, off the top, to be used to cover the incidental allowance?

Mr. Waldeck requested clarification of the intent of the incidental allowance. It is not to establish a set aside amount off the top at the beginning of the season. Rather the intent is to have NMFS monitor closely each of the subarea fisheries and when it becomes apparent a subarea would reach its allocation then the incidental allowance will be triggered. That is, the incidental allowance would come from the portion projected to remain of a subarea's allocation not from the total coastwide harvest guideline.

Mr. Fougner concurred with Mr. Waldeck's description. NMFS would try to project when a subarea was close to achieving its allocation, based on this projections the subarea's directed fishery would be closed and the incidental allowance would be applied using the remainder of that subarea's allocation.

Mr. Anderson disagreed and said it is inconsistent with his motion. He clarified that his motion was for the amount caught under the incidental allowance to come from the overall harvest guideline, the incidental allowance would not be constrained to a specific subarea.

Mr. Fougner noted that under Mr. Anderson's motion the incidental allowance used in one subarea would allow harvest of fish that had been allocated to the other subarea. Mr. Anderson concurred that whatever small amount necessary for incidental harvest would come from the total coastwide harvest guideline.

Motion 17 passed. Ms. Vojkovich and Mr. Caito voted no.

### F.3 Consideration of Long-Term Sardine Harvest Allocation (10/30/02; 11:32 am)

#### F.3.a Agendum Overview

Mr. Waldeck referred the Council to Exhibit F.3 for an overview of the matter before the Council. He noted that the CPSAS had developed recommendations for amending the FMP allocation framework. Mr. Fougner will report NMFS findings on the amendment process issues, Dr. Hill will report the CPSMT response to Council direction. He finished by reminding the Council that scheduled action was consideration of amending the FMP to address annual allocation of the Pacific sardine harvest guideline.

Mr. Fougner referred to the report NMFS Views on Process Requirements for Changing Sardine Allocation, Exhibit F.1. Supplemental NMFS Report 1 (see above under agendum F.1). He noted that there may be flexibility in how quickly NMFS can process a Council recommendation for amending the allocation framework. He emphasized that it was critical the Council fulfill its process obligations for developing a regulatory amendment, including three Council meetings, scoping of alternatives, analysis of alternatives, public review, and Council preliminary and final action.

#### F.3.b Report of the Coastal Pelagic Species Management Team

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

Mr. Fougner asked about the schedule for completing Council action, could the CPSMT have a preliminary analysis prepared in time for the March 2003 Council meeting?

Dr. Hill was uncertain, but assured the Council the CPSMT would make a concerted effort.

Mr. Fougner clarified that NMFS envisioned this action occurring through a regulatory amendment rather than an FMP amendment.

In response to a question about the need to control rapid capacity growth in the expanding northern fisheries, Dr. Hill responded that the CPSMT discussed the issue, but limited entry for the northern subarea or modification of the current limited entry fishery is not part of this proposed management action.

#### F.3.c Reports and Comments of Advisory Bodies

None.

#### F.3.d Public Comment

Mr. Lars Malony, Pacific Seafood Group; Portland, Oregon  
Ms. Diane Pleschner, California Wetfish Producers Association;  
Mr. Jerry Thon, Astoria Holdings; Astoria, Oregon  
Mr. Bill Clingan, Ocean Gold Seafoods; Westport, Washington

#### F.3.e **Council Action:** Consider Need and Process for Long-Term Allocation Plan

Ms. Vojkovich moved (Mr. Caito, seconded) Motion 18 to direct the CPSMT to develop analysis for allocation alternatives that include (four options):

- status quo
- no subarea allocation (or a coastwide allocation).
- move the northern/southern subarea line to coincide with the CPS limited entry line at Pt. Arena, California; change the reallocation date from October 1 to September (or August); and a December 1 reallocation of the remaining harvest guideline to a coastwide quota.
- change the reallocation date from October 1 to September (or August); and a December 1 reallocation of the remaining harvest guideline to a coastwide quota.

Mr. Anderson asked if there was an alternative that would implement 3 subarea allocations. The response was, no.

Mr. Anderson asked if the alternative to move the subarea dividing line to Pt. Arena would maintain the 2/3 to 1/3 allocation? The response was, yes.

Mr. Alverson asked if the alternative to move the subarea dividing line to coincide with the limited entry line would affect the current limited entry fishery?

Under the FMP, the annual harvest guideline is shared between the limited entry and open access fisheries. There are no provisions allocating quota between the two fisheries.

It was explained that, currently, the limited entry line is at 39 degrees N latitude, and the subareas are divided at 35 degrees 40 minutes N latitude. By moving the subarea line up to the limited entry line, the limited entry fishery would be allocated the southern subarea allocation. The amount of fish allocated to the northern subarea would not change (it would still be 1/3rd of the total harvest guideline), but the amount of fishing area available to the CPS open access fleet would be reduced.

Mr. Bohn suggested including evaluation of 3 subareas, each with a separate allocation. He also suggested that a 50:50 split of the harvest guideline be considered. Essentially, he wanted to know whether alternatives should be added or should the Council provide CPSMT flexibility to add reasonable alternatives revealed through the analysis.

Dr. Hill, in answering Mr. Bohn's question noted that in developing the analysis the CPSMT may discover other reasonable alternatives. Thus, it would be helpful if the CPSMT had the flexibility spoken to by Mr. Bohn.

Mr. McInnis asked Ms. Vojkovich if her motion included consideration of bycatch and how it relates to allocations?

Ms. Vojkovich noted that the FMP allocation considerations (detailed on the CPSMT Report, F.3.b) should be included in her motion. Consideration of bycatch and incidental catch, as noted by Mr. McInnis, should also be included. Mr. McInnis' suggestion was added as a friendly amendment.

Dr. McIsaac asked if it was appropriate (in a NEPA context) to limit the number of alternatives at this time?

Ms. Cooney noted NEPA requires analysis of a reasonable range of alternatives. If certain reasonable alternatives are not fully analyzed, there needs to be an explanation as to why these alternatives are not included in the final set of alternatives.

Mr. Brown stated that many of the alternatives in the motion were simply variations on status quo. He opined that 3 subareas should be considered.

Mr. Anderson favored the motion. He requested adding a sub-alternative for different allocation percentages:

- 66:33; and
- 50:50.

Mr. Anderson also noted the proposed schedule seemed ambitious (analysis and preliminary action in March 2003 and a final decision in April 2003, with implementation by August 2003). Because of this, he requested that the top priority of the analysis be on moving forward of the reallocation date from October 1 to September 1 (or August 1).

Mr. Anderson's suggestion was included as a friendly amendment.

Mr. Bohn then formally suggested that the Council provide the CPSMT the flexibility to add reasonable alternatives revealed through the analysis.

This was accepted as a friendly amendment to Motion 18. Motion 18 passed; unanimous voice vote.

The final motion (Motion 18) was as follows:

The management alternatives are:

1. Status quo.
2. No allocation – institute a coastwide harvest guideline.
3. Move northern boundary of southern subarea from 35°40' to 39° N latitude, change reallocation date from October 1 to September 1 (or August 1), and provide for December 1 reallocation to a coastwide harvest guideline.
4. Change reallocation date from October 1 to September 1 or (August 1), and provide for December 1 reallocation to a coastwide harvest guideline.

The Council also requested sub-alternatives be analyzed for Alternatives 3 and 4. These sub-alternatives relate to the allocation percentages:

- a. 33% to the north, 66% to the south.
- b. 50% to the north, 50% to the south.

The analysis should also consider the allocation factors detailed at Section 2.1.4 in the CPS FMP. In addition, incidental catch (bycatch) among the various fisheries should be considered. The Council expressly gave discretion to the CPSMT to formulate other reasonable options, based on the information resulting from the analysis. For example, the analysis could reveal that an option for allocations among 3 subareas might be reasonable, e.g., U.S./Mexico border to 35° 40' N latitude, 35° 40' N latitude to 39° N latitude, and 39° N latitude to the U.S./Canada border.

The Council expressed concern that the schedule developed by NMFS might be overly ambitious. Therefore, to provide information that could provide for more expeditious action during the 2003 fishing season, the Council requested the CPSMT to prioritize the analysis of changing the reallocation date from October 1 to an earlier date.

## **G. Groundfish Management**

### **G.1 NMFS Report (10/31/02; 2:30 pm)**

#### **G.1.a Agendum Overview (Including Update on 2003 Regulations and U.S./Canada Whiting Meeting)**

Bill Robinson reviewed the following NMFS regulatory activities since the September meeting:

- California Flatfish EFP was approved for the period of October - December, 2002.
- Council recommended 2002 inseason adjustments were published in the *Federal Register* on October 4.
- Pacific whiting Emergency Rule setting the 2002 ABC and OY was extended on October 7.
- Announced closure of the at-sea whiting fishery on October 16<sup>th</sup>.
- Final rule allowing experimental setnet sablefish landings to count towards sablefish tier qualification on October 24.
- First draft of the 2003 groundfish specification and management measures and Emergency Rule for January-February is completed and out for review.
- Work continues on a proposed rule for Amendment 14 implementation and on Amendment 10 relative to converting shoreside whiting EFPs into permanent regulations.
- Currently drafting proposed regulations and NEPA documents for 2003 VMS requirements.

Mr. Robinson reported on the U.S./Canada Whiting negotiations which were resumed at the request of the Council on October 15-18 in Seattle. David Balton of the State Department was the lead negotiator for the U.S. and did an excellent job preparing for and conducting the talks. Good progress was made on developing a framework for bilateral management including formation a joint technical committee, a scientific review group, and a joint management committee. An annual management framework was discussed by which a coastwide TAC would be agreed to by the joint management committee in consultation with the proposed

advisory bodies. Work will continue on whiting allocation between the two countries with a general acceptance of achieving a long term sharing agreement. Dr. Radtke, Dr. McIsaac, and Mr. Anderson also attended the talks and concurred with Mr. Robinson's report. There was general agreement that the Council should maintain an important role in whiting management.

Dr. Liz Clarke gave an update on NWFSC activities. The cooperative research money has been distributed to collaborators including PSMFC and OSU for a RFP process. The RFPs should be out in December will be advertised on PSMFC and NWFSC web sites. The observer program data are on track and will be available in January. November whiting research survey trips are planned in preparation for the 2003 US/Canada acoustic survey. An archive of stock assessments is being created on the NWFSC web site to facilitate public review. Coordination and data gathering for the 2003 stock assessments is already underway. New work is being done on multi-species rockfish trends and to expand efforts to include climate data in stock assessments.

#### G.1.b Reports and Comments of Advisory Bodies

None

#### G.1.c Public Comment

Mr. Guy Grundmeier, Port San Luis Fishermen's Association; San Luis Obispo, California

#### G.1.d Council Discussion on NMFS Report for Groundfish Management

Mr. Bohn updated the Council on Oregon Fish and Wildlife Commission (OFWC) activity on the 2003 regulations relative to nearshore species management. The OFWC met in October and developed qualifications for a nearshore limited entry permitting process and further defined nearshore locations by the types of species taken. Other aspects of the nearshore plan include: an expansion of the black rockfish commercial management zones, a 16-inch minimum size length for cabezon commercial fisheries, and an incidental allowance of 15 pounds of nearshore species for all vessels without a nearshore permit. The OFWC also recommended a 20% reduction in the Oregon nearshore species caps adopted by the Council in September. ODFW will hold public meetings between now and February to develop nearshore fishing options. The Council is being notified that in March, as a result of this nearshore management process, the OFWC may adopt more restrictive 2003 nearshore management measures than what was adopted by the Council.

Mr. Brown expressed concern that the proposed 20% reduction in nearshore caps will disproportionately affect commercial fisheries requiring major revisions to nearshore management.

Mr. Bohn responded that until specific alternatives are developed it is difficult to analyze specific effects. One of the alternatives is likely to include the management options and rationale adopted by the Council.

Mr. Robinson asked Mr. Boydston to confirm that California has closed the prawn trawl fishery for the remainder of 2002.

Mr. Boydston reported the CFGC took emergency action at the August meeting to close the spot prawn trawl fishery effective September 1st. The fishermen went to court and got a restraining order so that fishery was not closed. However, by regulation, the fishery closed on October 31st. The judge agreed with the merits of the proposed closure, but took exception to the public notice process. CDFG will soon file notice on regulation options for managing the spot prawn trawl fishery before the season opens next spring.

Mr. Boydston also reported that the CFGC met on October 25th and adopted the Council recommendations for 2003 groundfish management measures. It was not an easy process because for some of the fishermen there is an eight-month hiatus from now until July 1, 2003. CDFG will hold a conformance hearing on the CRCA in December in Monterey. Regulations for the CRCA will not likely be in place until March.

Mr. Anderson said WDFW did adopt the regulations for groundfish adopted by the Council for the balance of 2002 and asked about the status of the 2003 spot prawn trawl fishery in Oregon.

Mr. Bohn reported that Oregon eliminated the spot prawn trawl fishery with a one year transition period.

Mr. Anderson asked if the reciprocal agreement on fishing adjacent waters is still in place.

Mr. Bohn confirmed that it was.

## G.2 Status of Fisheries and Inseason Adjustments (10/30/02; 3:02 pm)

### G.2.a Agendum Overview

Mr. Mike Burner reviewed the situation summary and available documents.

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

#### GMT

Dr. Jim Hastie read Exhibit G.2.b, Supplemental GMT Report.

#### GAP

Mr. Rod Moore read Exhibit G.2.b, Supplemental GAP Report.

Mr. Boydston requested Council consideration of gear regulation changes for 2003 sport and commercial hook and line sanddab fisheries within the CRCA. This item could also have been brought forward as a GAP recommendation.

Mr. Robinson and Ms. Cooney agreed that in consultation with CDFG staff and with Council approval, NMFS would consider changes to the sanddab fishery regulations within the exceptions to the CRCA.

### G.2.c Public Comment

Mr. Guy Grundmeier, Port San Luis Fishermen's Association; San Luis Obispo, California  
Mr. Bill Ward, Port San Luis Fishermen's Association; Avila Beach, California  
Mr. Gary Frederic; fisherman; Toledo, Oregon

### G.2.d **Council Action:** Consider Adjustments in 2002 Management Measures

Mr. Boydston moved and Mr. Caito seconded a motion (Motion 19) to adopt the recommendations of the GMT as shown in Exhibit G.2.b, Supplemental GMT Report for 2002 management. For the limited entry trawl fishery north of 40° 10' N. latitude, allow for a retention of 500 pounds of widow per month and 300 pounds of rockfish per month using small footrope; and regarding exempted trawl, allow for up to 100 pounds per day of flatfish with the presence of at least one California halibut and 100-300 pounds of flatfish provided flatfish poundage does not exceed California halibut poundage (with the use of trawl gear consistent with approved groundfish trawl gear).

Mr. Caito asked about the approved trawl gear part of the motion and Mr. Boydston stated there would not be a provision for the use of mesh smaller than 4 ½ inches.

Dr. Hastie and Mr. Boydston further clarified that the intent was make these landing provisions available only to fishers using legal groundfish trawl gear.

Mr. Anderson asked if the motion included the rescission of the requirement that groundfish poundage not exceed non-groundfish poundage for landings of less than 100 pounds in this fishery. Mr. Boydston said his motion covers paragraph four of the GMT report which includes this provision.

Motion 19 passed.

Mr. Boydston moved and Mr. Brown seconded a motion (Motion 20) regarding 2003 regulations; adopt regulations as stated in paragraph 5 of the GMT report. These provisions include an allowance in the California halibut exempted trawl fishery of up to 100 pounds of groundfish landings without a ratio requirement so long as at least one California halibut is landed and a change to cumulative flatfish landing limit for this fishery to 3,000 pounds per month of which no more than 300 pounds may be species other than Pacific sanddabs, sand sole, starry flounder, rock sole, curlfin sole, or California scorpionfish. Additionally, when fishing in the CRCA, commercial line gear targeting sanddabs and recreational anglers fishing for sanddabs or coastal pelagic species may use no more than 12 hooks (#2 or smaller). Current regulations allow only 5 hooks (#2 or smaller). Additionally, this recreational fishery would be allowed up to two pounds of weight where they are currently limited to one pound.

Motion 20 passed.

Mr. Anderson moved to modify the "L" shaped Yelloweye Rockfish Conservation Area in the 2003 groundfish regulations to match the "C" shaped YRCA (halibut hotspot) as adopted earlier in the meeting under the halibut catch sharing plan agenda item. Mr. Cedergreen seconded the motion. (Motion 21).

Ms. Cooney requested an opportunity for public comment prior to Council action.

Mr. Rod Moore reported that Mr. Culver had discussed this issue with the GAP relative to halibut regulations and there were no objections.

Motion 21 passed.

Mr. Anderson noted that following the 2003 management decisions for groundfish in September additional work would be done relative to the description of the depth-based management lines. WDFW sent out a letter to the groundfish industry and did not receive comments but later learned that Mr. Leipzig tried to refine the lines and found there is additional work that needs to be done. He asked if there was time for the states to provide their comments on these management lines to NMFS.

Mr. Robinson requested NMFS receive something within the next week.

### G.3 Status of Vessel Monitoring System (VMS) Plans (10/30/02; 3:46 pm)

#### G.3.a Agendum Overview

Mr. Mike Burner provided the agenda overview.

#### G.3.b Report of the Ad Hoc VMS Committee

Mr. Steve Springer reported on the October 11 meeting of the committee and reviewed Exhibit G.3.d, Supplemental Council VMS Considerations and presented Exhibit G.3.a, Supplemental Report of the Ad Hoc VMS Committee.

Mr. Steve Springer, Cpt. Mike Cenci, and Mr. Jim Seger clarified the rationale for the recommendations in the report specifically in regard to VMS coverage. Committee members reported the group's desire to first be able to track those vessels which will be legally fishing in closed areas. Several Council members had concerns about tracking vessels targeting groundfish outside of closed areas. Initially, VMS is recommended to be used to primarily monitor activity within closed areas with the possibility of expanding to other sectors in the future.

#### G.3.c Reports and Comments of Advisory Bodies

### EC

Captain Mike Cenci provided Exhibit G.3.c, Supplemental EC Report.

## GMT

Ms. Michele Robinson provided Exhibit G.3.c, Supplemental GMT Report.

## GAP (10/31/02; 8 am)

Mr. Rod Moore provided Exhibit G.3.c, Supplemental GAP Report.

### G.3.d Public Comment

Mr. Joe Easley, Oregon Trawl Commission; Astoria, Oregon  
Mr. Steve Bodnar, Coos Bay Trawlers Association; Coos Bay, Oregon  
Mr. Guy Grundmeier, Port San Luis Fishermen's Association; San Luis Obispo, California

### G.3.e **Council Action:** Provide Guidance and Approval for VMS

Mr. Robinson moved and Mr. Boydston seconded a motion (Motion 22) which recommends that NMFS, in continuing consultation with the EC, continue to prepare and publish a proposed rule followed by a final rule for a pilot VMS program for 2003. The program should require a basic VMS system. Declaration reports would be required from all limited entry, open access, and exempted California halibut and pink shrimp vessels intending to fish inside a closed conservation area. The declaration report would not apply to crab vessels and no landing reports would be required from vessels without VMS. The declaration would be a one time declaration which would remain in effect until it was changed. When the vessel completes fishing in the zone and intends to switch, a second declaration would be required. For the issue of coverage, all limited entry vessels which actively fish would be required to carry the basic VMS unit. Gear regulations require that only one gear type on board when fishing in the conservation zone and no fishing may occur on that trip which is inconsistent with the regulations of the conservation zone. Also, when transiting a conservation zone trawl gear can remain on deck uncovered if the trawl doors are hung from their stanchions and the net is disconnected from the doors.

Mr. Boydston asked for a friendly amendment. Concerning the declaration reports, he suggested that the motion specify that declarations would be required from limited entry and exempted trawl vessels when fishing in a conservation zone. This provides simpler language and is more comprehensive as it encompasses pink shrimp, California halibut, prawn and sea cucumber vessels. Both the maker and seconder of the motion accepted Mr. Boydston's friendly amendment.

Mr. Brown asked Mr. Moore to comment on the motion. Mr. Moore said in the discussions of the ad hoc VMS Committee, declarations were intended for vessels which visually appeared to be trawling in the closed areas. In other words, if enforcement personnel can visually identify during at-sea patrols that a vessel is not engaged in trawl activities, then that vessel would not require a declaration (i.e. salmon trolling vessels). The GAP understood that the phrase 'open access' modified the word trawl in the reports. Therefore, only exempted trawl vessels within the open access sector would be required to declare rather than every open access vessel.

Mr. Alverson asked Mr. Robinson to clarify the motion regarding who is required to declare their intent and who will be required to carry a VMS unit.

Mr. Robinson said all limited entry vessels that actively fish will be required to carry a VMS unit. He agreed with Mr. Moore that salmon troll vessels should not be involved in the declaration system. Mr. Robinson asked Mr. Moore to further clarify the discussions of the GAP and the ad hoc VMS Committee.

Mr. Moore stated the ad hoc VMS committee meeting focused on 'look-alike' vessels, those vessels that would visually appear to be trawling in the closed areas. Enforcement needs a quick way to sort which vessels can be visually identified as a non-trawl vessel and those that look like trawl vessels and therefore require a declaration. Mr. Moore stated that he would agree with Mr. Boydston's friendly amendment. Extending the declaration system to open access line vessels adds complexity as that is not a readily identifiable set of vessels. A salmon troller or a crab vessel could be out there line fishing for groundfish under the open access regulations. It is not a readily identifiable set of vessels. The GAP recommended a step by



step approach initially with possible refinements and expansions of the program in subsequent years. He cannot say the GAP would not fully endorse the declaration requirements as they have been interpreted here today.

Dr. McIsaac said the motion currently includes limited entry and a portion of open access as defined in the friendly amendment as exempted trawl.

Mr. Robinson clarified the motion intended the declarations apply to all limited entry, open access line vessels, and exempted trawl vessels, specifically not applicable to salmon troll or crab vessels.

Mr. Boydstun stated that was not what his second intended. Mr. Boydstun thought declarations would be required for limited entry and exempted trawl vessels. Including open access vessels off California adds many vessels and gear types in addition to line gear. Mr. Boydstun would like to get a pilot program started without being too ambitious in the first year by extending the declaration requirement to fixed gear open access vessels. He withdrew his second to Motion 22.

Mr. Anderson then seconded Motion 22.

Mr. Alverson asked if the open access DTL fishery was restricted to fishing outside of 100 fm and if those vessels had to declare their intentions or have a VMS unit on board.

Mr. Robinson said these vessels do not have to have a VMS unit on board or declare their intent.

Mr. Anderson agreed with the comments that the Council needs a pilot program starting with limited coverage. He stated open access line fisheries and the closures inside 100 fm have difficult enforcement issues that the Council cannot address at this meeting. He suggested a federal permit system to identify and manage the size of the open access fleet and what they are targeting. He said the open access fleet is huge when we talk about all the different sectors that can land under the current groundfish regulations. We need to make sure that we have compliance. Mr. Anderson recommended VMS systems on limited entry vessels that actively fish and a declaration system for limited entry vessels and open access vessels that would appear to be trawling. Perhaps we could task the EC or the ad hoc VMS Committee to figure out a recommendation on other open access sectors.

Mr. Robinson asked Mr. Anderson if he is proposing a friendly amendment to go back to the language of requiring declarations for limited entry and exempted trawl vessels.

Mr. Anderson replied yes and since Mr. Anderson seconded the motion the friendly amendment to Motion 22 was accepted.

Dr. McIsaac stated the motion on the floor, as seconded by Mr. Anderson, requires declarations for limited entry, exempted trawl, and open access line vessels, but excludes salmon and crab vessels.

Mr. Robinson asked if the second intended to drop open access line vessels from the motion. Mr. Anderson said yes.

Ms. Cooney clarified that limited entry vessels are required to carry VMS units if actively fishing on the West Coast.

Dr. McIsaac asked if the motion is intended to apply to the entire West Coast EEZ.

Mr. Robinson said the declaration would apply to any limited entry or exempted trawl vessel intending to fish in a closed area, coastwide.

Mr. Anderson reminded the Council of the limited enforcement capabilities regarding the group of vessels in the open access DTL fleet that need to comply with that 100 fm closure but are not part of the current motion.

Mr. Brown agreed with Mr. Anderson about the open access issues. He wanted to make sure that the provisions of the motion would not go into effect on January 1, 2003.

Ms. Cooney said this package would be implemented through the proposed and final rule making process. These rules will not likely be effective prior to the summer of 2003.

Mr. Robinson agreed with Mr. Anderson and Mr. Brown's comments about the open access fishery and stated his intent to speed up the process of requiring federal permits and capacity reduction in the open access fleet when we get to the two-year review of the groundfish strategic plan.

Mr. Bohn said by deleting the open access line group from the declaration requirements we have moved in the right direction. He also stated that although this may cause an enforcement gap, there are other gaps such as the period between January and the implementation of the pilot VMS program.

Mr. Brown stated he understands and appreciates the comments of Mr. Bodnar and Mr. Grundmeier. He stated he supports the motion because the new management regime will require this enforcement tool.

Mr. Alverson asked if the motion addresses the issue of costs.

Mr. Robinson said the motion did not address this issue because he is not in the position to guarantee or offer that there has been funds identified for this purpose. He recognized that the majority of the systems in operation in other areas of the country are supported by federal funding. His understanding is that NMFS is looking to see if there is a way to fund or contribute to the funding of VMS units, however, we are operating under a continuing resolution. He stated that it is necessary to phase in a VMS to enforce depth-based management and if there is federal funding between now and the time the final rule is implemented the program could be federally funded. However, in the absence of available federal funding, the expectation would be that the vessel operator is responsible for purchasing and installing the VMS unit.

Mr. Alverson asked about the type of units that would be required and the associated costs

Mr. Robinson said it is the basic unit. There will be a choice of units approved by NMFS that would be made available with different costs involved.

Mr. Alverson suggested including language in the final rule that provides NMFS reimbursement for vessels that purchase equipment prior to the identification of federal funding.

Mr. Robinson said it is not clear whether that is a regulatory issue. However, the Council may wish to expand the motion to recommend that NMFS fund the program or reimburse expenses as long as funding is available.

Mr. Alverson asked for a friendly amendment to encompass Mr. Robinson's suggestion on funding. The maker and seconder of the motion agreed to the friendly amendment to motion 22.

Mr. Springer explained NMFS will soon conduct a process by which specific VMS equipment that meets the VMS standards will be identified for use in West Coast groundfish fisheries. He advised against researching units, even those units approved for VMS programs in other parts of the country, because no units or systems have yet been identified specifically for the West Coast. He also stated that part of the process will be to inform the public as to what equipment has been approved for use and what costs are associated with that equipment.

Mr. Boydston asked for clarification on the declaration requirement for exempted trawl gear in the motion.

Mr. Robinson said if you are fishing with exempted open access trawl gear in the California halibut or pink shrimp fishery you have to declare. The declarations apply to exempted trawl fishing and was not intended to apply to HMS fishing.

Dr. David Hanson, noted under G.3.b, the EC report states that under a declaration, no fishing can occur on that trip which is inconsistent with the regulations of the closed area. He asked if this means that after making a declaration and trawling in the closed area a vessel would have to return to port, land their catch and make a second declaration before albacore fishing.

Cpt. Cenci clarified the EC recommendation was originally intended to prevent a vessel from participating in several different trawl fisheries on one trip (i.e., mid-water and deep-water gear on board).

Mr. Moore spoke to the GAP statement recommendations asking that the provision would allow a vessel, following a declaration, to legally trawl in the closed area and then while at sea, switch to another legal non-trawl gear type without returning to port. He felt if a second declaration for this activity is necessary, the vessel should be allowed to make the second declaration without returning to port.

Ms. Cooney clarified that if a vessel declares its intent to legally trawl in the closed area, that vessel may not participate in any other fishing activity on that trip that is inconsistent with the regulations of the closed area.

Cpt. Cenci and Ms. Cooney agreed with the example that if a vessel declares the intent to legally fish mid-water gear in the closed area, that vessel may switch to albacore fishing on the same trip without a second declaration. However, if that same vessel wanted to switch from midwater trawl to DTS trawl, that vessel would need to return to port, land their catch, switch trawl gears, and make a second declaration.

Mr. Robinson suggested the Council could make general recommendations to NMFS on the scope and direction of this pilot program. He stated it might be appropriate to have the ad hoc VMS committee meet and work with NMFS on drafting the specific language for the proposed rule.

Mr. Brown asked if limited entry vessels regardless of fishing strategy would be required to carry an operating VMS unit. Cpt. Cenci confirmed this provision.

Mr. Alverson asked Mr. Springer when the VMS units for this program may be identified and stated that advanced notice for the fleet would be helpful (January).

Mr. Springer said it would be around February or March, 2003.

Mr. Alverson said that is too late. He requested that NMFS let the industry know as soon as possible - at least by January.

Dr. McIsaac asked when people would have to have VMS equipment on their boat.

Ms. Cooney said the final rule would specify when the equipment needs to be onboard which would allow at least a 30-day cooling off period. This date is difficult to identify at this meeting so the motion would not specify a start date.

Mr. Burner asked if the motion includes tribal trawl fisheries and whether the Council wishes to address comments from the GMT concerning the use of the collected data for purposes other than enforcement.

Mr. Harp reported the tribal trawl fishery has 3 or 4 vessels that participate in that fishery in a very restricted area of the north Washington coast. He said at this time he did not see a need to be required to have VMS gear. He understands they would be exempted from this requirement under the current motion.

Mr. Anderson said this motion also applies to our limited entry fixed gear fleet and asked if the tribal fixed gear fleet was covered.

Mr. Harp did not believe that was covered in the motion.

Mr. Robinson stated that his motion did not include tribal vessels that are not limited entry.

Mr. Anderson suggested a friendly amendment requiring the declaration piece of the motion to apply to tribal trawl vessels.

Mr. Harp agreed and Messrs. Robinson and Anderson accepted the friendly amendment.

Messrs. Anderson and Harp stated the tribes and WDFW are working together on sampling programs to help with conservation issues and will work on the details of the declaration requirements as well.

Mr. Donald Hansen, Vice-Chairman, asked for the vote on motion 22. Motion 22 passed.

G.4 Stock Assessment Review (STAR) Panel Process – Review of 2002 and Planning for 2003  
(10/31/02; 10:15 am)

G.4.a Agendum Overview

Mr. John DeVore gave the agendum overview. A joint session of the SSC, GMT, GAP and staff from the NMFS Northwest Fisheries Science Center occurred on Tuesday to discuss the Stock Assessment Review Process. A good discussion ensued and reports from each of these advisory bodies are available for this agendum. Mr. DeVore noted there is a strong linkage between this agenda item and the one to follow concerning multi-year management. He urged the Council to keep this in mind as they work through both agenda items.

G.4.b NMFS Northwest Fisheries Science Center Report

Dr. Liz Clarke gave the report of the Northwest Fisheries Science Center (NWFSC) of NMFS. Coordination of stock assessments and STAR Panels has been done. The results of this effort are provided in the following timeline for 2003 STAR Panels:

STAR PANELS -2003			
SPECIES	TYPE	DATE	LOCATION
WHITING - US/CANADA	FULL	FEB 25-28	SEATTLE
BOCACCIO, BLACK	FULL	APR 21-25	SANTA CRUZ
POP, WIDOW	FULL	APR 14-18	SEATTLE
COWCOD, DARKBLOTCHED, YELLOWTAIL	UPDATE	APR 28-29	PORTLAND/SEATTLE

Dr. Clarke noted some changes to stock assessment plans from the last Council meeting. The Pacific Ocean perch (POP) assessment will be a full, not updated, assessment on the advice of assessment authors who want to explore a new model structure for the assessment. The cowcod, darkblotched, and yellowtail assessments will be updates, but the STAR Panel reviews will be in person at a meeting in Portland or Seattle instead of via teleconference or email. This is to accommodate the ambitious number of assessment reviews expected this spring and to more efficiently review these three assessments. The SSC noted in their Terms of Reference that it is important that all assessments be available well in advance of STAR Panel meetings. This will be stressed to all assessment authors. A revised 2003 stock assessment and review Terms of Reference will be developed by the Stock Assessment Coordinator of the NWFSC, reviewed by the SSC and Council staff, and brought back to the Council. Depending on Council actions concerning a multi-year management process for setting groundfish specifications and management measures, the NWFSC is considering a summer 2003 delivery of a full cabezon assessment and a full or updated lingcod assessment. Potential assessment authors have yet to be identified. The NWFSC could take the lead on one of these assessments, but would need the cooperation of state scientists to do both assessments next year.

Dr. McIsaac asked for clarification of Dr. Clarke's last statement concerning a summer delivery of a cabezon or lingcod assessment and the need for state cooperation to do both. Dr. Clarke said they have a stock assessment author who could do one of these assessments, but, to do both, a lead author from another agency would have to be identified. Shelf and slope surveys next summer will require most of the NWFSC staff. Dr. McIsaac noted the Council decided at the last meeting to prioritize a lingcod assessment over a cabezon assessment. Is there a problem staying with this priority? Dr. Clarke said no, they could do lingcod or they could do cabezon if someone else does lingcod. Dr. McIsaac asked for clarification of the proposed summer delivery of these assessments? Dr. Clarke said they looked at the Council's preferred alternative for multi-year management. In order to have these assessments available for the November Council meeting, they would have to be reviewed by a STAR Panel in late August. Mr. Brown asked about the whiting STAR Panel review in February. Wouldn't this review schedule preclude using next summer's survey results? Dr. Clarke said the whiting assessment and review schedule was based on the recommendation of last year's STAR Panel. The NWFSC therefore proposes doing a full whiting

assessment this winter and another full assessment next winter that would use the 2003 hydroacoustic survey results. Mr. Brown asked if there was new information to input in this winter's assessment? Dr. Clarke said the NWFSC is proposing a new assessment model structure for whiting. That change could be accommodated during this year's assessment cycle and the new survey data could be incorporated in next year's assessment cycle. This recommendation helps prepare for the 2004 whiting assessment and helps Canadian management (the whiting assessment and review are a joint U.S./Canada effort). Mr. Anderson stated WDFW can help with a new lingcod assessment. Mr. Jagielo could explain plans to do this. WDFW staff are prepared to do a full lingcod assessment to free up NWFSC staff to do a full cabezon assessment.

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

##### **SSC**

Mr. Tom Jagielo provided Exhibit G.4.c, Supplemental SSC Report.

Mr. Anderson asked if the SSC had a statement regarding multi-year management? Mr. Jagielo said yes and he pointed out the overlap between this agenda item and multi-year management. Mr. Anderson said he would explore the last point in the SSC statement (current STAR process won't work well with multi-year management) during G.5 discussions.

##### **GMT**

Mr. Brian Culver provided Exhibit G.4.c, Supplemental GMT Report.

##### **GAP**

Mr. Rod Moore provided Exhibit G.4.c, Supplemental GAP Report.

Mr. Donald Hansen asked if the NWFSC addressed all of the GAP's whiting concerns? Mr. Moore stated they addressed some but not all the concerns.

Mr. Brown thought the analysis of historical foreign catch data of POP and darkblotched had been done by Dr. Jean Rogers. Mr. Moore said it was his understanding, but no one has seen the document. Dr. Clarke said the draft is in review and should be available by the end of January 2003. Mr. Brown asked who reviews this? Dr. Clarke said technical experts in the field. This work will be given to the Council next year. Mr. Brown noted this is a critical analysis since the status of POP and darkblotched could be anywhere between healthy and overfished depending on the analytical results.

Dr. McIsaac asked how the whiting hydroacoustic survey data that will be collected in the summer of 2003 can be used to make a fall 2003 decision on 2004 management specifications? Dr. Methot said in the past the Council has had a whiting placeholder during their fall decision meeting to defer final whiting specifications until their following March meeting. Some NEPA analysis could still be done in the fall of 2003 using this whiting data and a two meeting (November and March) Council process. However, that plan would be problematic if a whiting assessment is not done until February 2004. Dr. McIsaac stated that, under the Council-preferred alternative for multi-year management, all assessments would be available in the fall. Could the whiting assessment process fit this schedule? Dr. Methot was uncertain how this would work. He mentioned there is a potential U.S.-Canada agreement to develop an international whiting management process that would be out of synch with the Council groundfish process. The 2002 assessment caused significant economic hardship. We therefore need the best available science to manage whiting.

#### G.4.d Public Comment

Mr. Gary Frederic, fisherman; Toledo, Oregon  
Mr. Guy Grundmeier, Port San Luis Fishermen's Association; San Luis Obispo, California  
Ms. Janice Green, Recreational Fishing Alliance; Umpqua, Oregon

In response to Ms. Green's recommendation for a 2003 cabezon assessment, Mr. Boydston asked GMT member Dr. Kevin Piner if he was recommending a California or coastwide cabezon assessment? Dr. Piner explained he wanted to look at the data first before delineating a range for the assessment.

#### G.4.e Council Guidance on Stock Assessment Review (STAR) Panel Process – Review of 2002 and Planning for 2003

Mr. Anderson asked Mr. Jagielo to explain WDFW plans for a lingcod stock assessment. Mr. Jagielo explained WDFW would do a full assessment. A new lingcod length-age database has been developed with 20,000 age samples. WDFW staff can do this full assessment, but they would have to defer a northern black rockfish assessment. Therefore, the consideration is for NMFS and CDFG to do a California black rockfish assessment in 2003 to allow WDFW staff to focus on the lingcod assessment. There would be a fall delivery of the full lingcod assessment. Mr. Anderson further explained they are talking about deferring an assessment of the black rockfish stock north of Cape Falcon. The timeline for delivery of a full lingcod assessment will be discussed during the multi-year management agenda.

The Council further discussed the STAR process relative to multi-year management. Under the Council-preferred alternative for multi-year management, it is anticipated a STAR Panel would need to be convened in August for delivery to the Council at its November meeting. Dr. McIsaac referred to the transition year (2004) for multi-year management and the timing of new stock assessments. A two meeting process for setting specifications for the transition year is a problem for Council staff workload. Therefore, limiting the number of assessments for that process is recommended. Delivering two assessments to the Council next November may be reasonable, but should be discussed in the context of multi-year management.

Mr. Brown asked Dr. Clarke if the whiting STAR Process could fit the transition year process under the multi-year management and whether the assessment could be delayed to incorporate the 2003 hydroacoustic survey? Dr. Clarke responded it doesn't fit. NMFS cannot afford to delay the whiting assessment until next October because there would be no time to do the assessment after the acoustic survey.

#### G.5 Amendment 17 - Multi-Year Management (10/31/02; 3:04 pm)

##### G.5.a Agendum Overview

Mr. Waldeck gave a brief overview of the agenda item, briefing materials, past Council action on Amendment 17, and scheduled Council action.

##### G.5.b NMFS Report

Ms. deReynier provided a Powerpoint presentation. (On file at the Council office).

##### G.5.c Reports and Comments of Advisory Bodies

#### GMT

Dr. Jim Hastie provided Exhibit G.5.c, Revised Supplemental GMT Report.

*The Groundfish Management Team (GMT) received an update on Amendment 17 at its October meeting from Ms. Yvonne deReynier, National Marine Fisheries Service. With regard to the multi-year management cycle, the GMT prefers Alternative 3, a three-meeting biennial process with a January 1 start date for the fishing year and statistical year. This alternative does not use the most*

current science for the development of management measures, but it does provide for consistency with historic management practices as it reflects the status quo fishing period. This consistency allows fishery managers to compare current statistics with historical data.

The GMT is aware of the desire of industry to maintain a January 1 start date to accommodate established marketing practices. Starting the fishery later in the year (e.g., March or May) could cause additional problems as those start dates could result in inseason adjustments having to be made outside of regularly scheduled Council meetings. It is for these reasons that the GMT is proposing a mid-process "best available science" check on harvest levels.

Multi-year Management Timeline (Alternative 3, Amendment 17)							
	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7
Survey	A	B	C	D	E	F	G
Assessment		A		A-C*		A-E	
Management			A		A-C		A-E
Fishing				A	A	A-C	A-C

Assessments for fishing in Years 6-7 would be complete by October of Year 4. November Council meeting of Year 4 could allow checkpoint for Year 5 harvest levels.\* This checkpoint would look at whether the new science/assessments completed in Year 4 were substantially different from harvest levels set by science/assessments from Year 2. The GMT recommends that the Council develop a process for setting trigger standards at which harvest levels for that second fishing year (Year 5) would be revised.

The GMT also believes that a three-meeting process would serve best to provide adequate time for stakeholder involvement in the decision-making process, as well as time needed to review stock assessment and/or rebuilding results, develop management measures, prepare necessary NEPA documents, and make necessary changes to documents prior to the Council taking final action.

The GMT also discussed the trade-offs associated with having a two-year optimum yield (OY) vs. two one-year OYs. The GMT recommends two one-year OYs (status quo) because of the fishing and management implications associated with overharvest in the first year of a two-year OY. If this were to occur it could severely constrain fisheries in the second year. Further, the GMT does not believe that overages should be transferred as this could result in severe fishing and management problems the following year. The GMT also recognizes that transferring underages only could increase the likelihood that cumulative OYs over the long-term will be exceeded. The GMT notes that, under the status quo, overages are accounted for when stock assessment or rebuilding analyses are updated.

The Council was keenly interested in the GMT suggestion to incorporate "mid-process checkpoints" for reviewing and adjusting management specifications during the multi-year management period. During his report, Dr. Hastie elaborated on operational aspects of the checkpoint process, especially the compelling need to develop thresholds for determining if changes were warranted (see meeting tape for specific comments). This checkpoint process was included in the final motion adopted by the Council, as was direction to the GMT for development of requisite thresholds.

## SSC

Mr. Tom Jagielo provided Exhibit G.5.c, Supplemental SSC Report.

Amendment 17 to the Pacific Coast Groundfish Fishery Management Plan (FMP) (Exhibit G.5, Attachment 1) offers four options, in addition to the status quo, to change the Council's process for setting groundfish specifications and management measures from an annual to a biennial cycle. The Council initiated this FMP amendment to: (1) allow for a new legally mandated five month notice and

comment period and (2) to reduce workload by streamlining the specifications process. Moving to a biennial process is likely to have both favorable and unfavorable consequences, many of which are difficult to foresee. Of foremost concern to the Scientific and Statistical Committee (SSC) are the potential impacts to the quality of the scientific information the Council uses in its decision-making process.

This subject has been commented upon previously by the SSC (see Exhibit A.5, April 2002 Council Minutes, pp. 42-43). The SSC reiterates that it is most important to base management advice on results from stock assessments that use the most recent data. However, across the four biennial options considered, there is a substantial range in the timeliness of the scientific information that will be used to manage the groundfish fishery. Alternative 5 provides the most current information and is, therefore, the option preferred by the SSC.

It would be useful to evaluate the implications of setting groundfish acceptable biological catches for a number of years into the future based on survey data that are several years old. To some degree this is a feature of the current annual management cycle. However, it will likely be exacerbated under a biennial system and this will increase the level of uncertainty in the scientific advice the Council receives.

## GAP

Mr. Rod Moore provided Exhibit G.5.c, Supplemental GAP Report.

The Groundfish Advisory Subpanel (GAP) received a presentation from Ms. Yvonne deReynier of the NMFS Northwest Region regarding final action on Amendment 17 to the Pacific groundfish fishery management plan (FMP) and makes the following recommendations.

The GAP continues to support Alternative 3, which would provide for biennial management with a season start date of January 1st. As the GAP has previously noted, this will provide the advantages of a more relaxed management process, allow the Council to address a variety of issues which it now must delay due to workload imperatives, enable the use of relatively current science, and provide the least economic disruption to participants in the fishery.

The GAP examined the issue of establishing optimum yields (OYs) for either a two-year period (January 1 of year one to December 31 of year 2) or for two consecutive one-year periods. The GAP is cognizant of problems with being able to access up to date harvest data, including, but not limited to, recreational harvest data in some areas, and how the delay in data acquisition could effect both the establishment of OYs and inseason adjustments. The GAP believes that setting a two-year OY would provide the most flexibility for harvest managers and harvesters. However, in order to provide a safety factor to avoid over-harvest and early termination of fisheries; the GAP recommends harvests be managed so that no more than 60% of the OY be attained in the first year. This should ensure sufficient opportunity to achieve OY, as required under the Magnuson-Stevens Act while preventing overfishing and early termination of fishing opportunities in the second year of the biennium.

### G.5.d Public Comment

Mr. Joe Easley, Oregon Trawl Commission; Astoria, Oregon  
Mr. Guy Grundmeier, Port San Luis Fishermen's Association; San Luis Obispo, California

### G.5.e Council Action: Final Adoption of Amendment 17

Dr. Radtke asked if there were specific questions to the presenters of the advisory reports.

Mr. Brown asked the GAP to clarify their recommendation that (under a two-year OY) not more than 60% of the two-year OY be harvested in the first year. As this could result in major reductions in available harvest in the second year, did the GAP discuss other percentage caps?



Mr. Moore explained the intent should be to attain 50% of the OY in the first year, but recognize that it will be difficult to hit the target precisely. Thus, the GAP recommends providing flexibility to managers (and industry) for adapting to uncertainty and rapidly changing circumstances.

Dr. Hastie added that in recent years it has been difficult to project landings in some of the fisheries (e.g., bocaccio in 2002). He noted that even with a target of 50% for the first year, potentially more than 50% will be harvested in the first year. Given the difficulty in tracking landings and the potential for harvesting more than 50% in year one, it will be critical to find ways to ensure landings in the second year are held within the remaining available harvest. Thus, the ability to track and project landings under a multi-year management process will be critical.

Mr. Robinson asked Dr. Hastie to clarify what the GMT meant by "checkpoint."

Dr. Hastie explained checkpoints could be put in place between the first and second year during the multi-year management term. Under these checkpoints, new science and/or fishery data to be used would be evaluated to determine if mid-process adjustments to the harvest targets are needed.

Mr. Anderson asked Ms. deReynier if she had reviewed the GMT's suggestion for a three-meeting process (to develop 2004 harvest levels and management specifications) during the 2003 transition year. Ms. deReynier described what she perceived as potential problems with a three-meeting process in 2003. For example, if the Council took final action on 2004 specifications at the November 2003 Council meeting it would not be possible to publish the final regulatory package prior to the January 1, 2004 fishery start. This would necessitate use of emergency rulemaking.

Mr. Robinson suggested the Council deal with the multi-year management process and transition year as separate issues. To Mr. Anderson's question, he noted two choices for transition. First, following stock assessments in Spring 2003, if no major changes were apparent, the Council could decide at the June Council meeting to roll over the 2003 regulations for the first four months of 2004. This could provide a three-meeting process (June, September, November). Conversely, if changes in the management regime are necessary for 2004, it will not be possible to do the rulemaking and/or an emergency rule by January 1, 2004. This would necessitate a two-meeting (June, September) process. The transition year process hinges on whether or not there are significant changes evident in the new stock assessments. The Council will have this information prior to June 2003, at which time it could decide if roll over was viable.

The three-meeting scenario was clarified. If new assessment and fishery information (bycatch and observer program information) do not force major changes to the management regime, the Council could decide in June 2003 to rollover January 1-April 30, 2003 management specifications for the same period in 2004. The Council would then develop management specifications for the remainder of 2004, which would be adopted in November 2003 and the regulatory package would be finalized prior to May 1, 2004.

Mr. Robinson emphasized that any new information (positive or negative) that forces a change to the management specifications will require the Council to use a two-meeting (June, September) process in 2003. The changes could require a complicated EA, full rulemaking for the bulk of the 2004 season, and an emergency rule for the start of the fishing season.

The Council then discussed the need to manage Pacific whiting annually, rather than under the multi-year process. This is due, in part, to the volatile nature of whiting productivity and stock size changes. Also, because whiting carries international management obligations multi-year management would not be practical.

Mr. Alverson moved (Mr. Anderson, seconded) Motion 24 to adopt multi-year management Alternative 3 (as recommended by the GMT), amended to establish whiting OYs on an annual basis. The exact wording agreed to by the Council is as follows:

*Adopt Alternative 3 as described in the EA Exhibit G.5, Attachment 1, including (1) the mid-process best available science check in the Exhibit G.5.c, Revised Supplemental GMT Report, (2) including the two one-year OY recommendations as in Exhibit G.5.c, Revised Supplemental GMT Report, and (3) with the exception that whiting may be done on an annual basis.*

*Further the GMT will be tasked to work with the Council advisory bodies to come up with the thresholds for determining whether mid-process changes are necessary.*

Motion 24 passed, unanimous voice vote.

Mr. Waldeck reviewed for the Council actions taken and actions remaining for Council consideration, namely transition process for 2003.

To the transition question, Mr. Boydston noted that decision will need to be made at the June 2003 meeting.

Mr. Brown stated that it might be difficult to wait until June as this is also the meeting where preliminary 2004 specifications are to be set. It might be necessary to make the decision about 2-meetings (June-September) versus 3-meetings (June-September-November) prior to the June 2003 Council meeting.

Dr. McIsaac suggested it would be helpful to the public if the Council would go on record expressing their intent for the process to be used in 2003 for setting 2004 harvest levels and specifications. For example, the Council could state their intent to use a 3-meeting process in 2003 contingent on new assessment and fishery information not indicating significant changes were necessary. This would be similar to what Mr. Robinson described during the earlier discussion. See paragraph above starting "The 3-meeting scenario was clarified."

Mr. Alverson asked if the Council did not take formal action to adopt a management process for 2003 would that create problems later? Mr. Robinson said no.

Mr. Bohn stated his opinion the Council should use a 3-meeting process in general.

Ms. Cooney noted the Council would be able to reconsider this in March and April 2003 and inform the public of their intent in terms of the 2003 management process.

Mr. Waldeck summarized that the Council's intent was to use a 3-meeting process in 2003 for setting 2004 harvest levels and management specifications. The Council will have the opportunity to reconsider this issue at the March and April Council meetings. The public would be noticed of Council intent prior to June 2003.

Dr. Radtke stated then that Council should consider the opinion expressed by Mr. Bohn. The Council concurred that this would be their intent.

The Council then briefly discussed the process for developing the checkpoint thresholds. The GMT will initiate work on the issue at their February 2003 meeting. They will aim to have information for the SSC to review at the March meeting. The intent would be to bring forward recommendations for Council action at the April 2003 meeting, at that time the GAP and SSC would review and comment. A final decision could occur as early as June 2003.

#### G.6 Exempted Fishing Permits (EFPs): Update and New Proposals (10/31/02; 1:35 pm)

##### G.6.a Agendum Overview

Mr. John DeVore gave the agendum overview and highlighted the relevant documents for this agendum. He pointed out that, contrary to the Situation Summary, the Council would need to approve a shoreside whiting EFP at this meeting.

##### G.6.b Agency and Tribal Proposals

#### **Tribal**

Mr. Harp said the tribes do not have an EFP proposal but they have comments relative to state proposals that they would make later.

## **WDFW**

Mr. Anderson reviewed Exhibit G.6.b, Supplemental WDFW Report. The WDFW was withdrawing their original proposal to conduct a midwater yellowtail EFP next year. This was to be a continuation of the 2002 EFP. However, given the new depth-based management regime adopted at the last Council meeting, full utilization of the widow and yellowtail OYs is anticipated. This eliminates the need for a midwater yellowtail EFP. Therefore, three EFPs are proposed by the WDFW:

1. Longline dogfish. Much of the fishery takes place in the 90-100 fm zone and the fishery will be restricted to outside 100 fm. This EFP tests the ability to cleanly target dogfish inside 100 fm without a significant bycatch of canary and yelloweye rockfish.
2. Midwater trawl pollock. This EFP is designed to measure bycatch rates of whiting and rockfish in the targeted midwater pollock fishery and to allow pollock fishers to land unsorted catches which may include groundfish species that would otherwise be prohibited (such as whiting and rockfish). Pollock are not in the groundfish FMP and are only covered under state regulations. Over 7 million pounds of pollock were landed in Washington in 2002. WDFW observers noted an average of 15,000 pounds of whiting were landed per trip under a 20,000 pound trip limit. Some yellowtail rockfish (~10-30 fish), widow rockfish and salmon were also observed; however, no canary were observed. This EFP will more accurately measure bycatch rates if this fishery occurs in 2003.
3. Trawl arrowtooth flounder/petrals. This EFP is designed to measure bycatch rates of canary rockfish in the targeted arrowtooth flounder/petrals sole trawl fishery with gear modifications. The final report on 2001 EFP results will be available at the end of this week. Targeted arrowtooth tows were clean relative to canary rockfish. While WDFW and Washington trawlers experimented with trawl net specifications, the 2003 EFP will mandate alternative gears to test gear modifications. This will be the third and final year of conducting this EFP. Results should be ready for coastwide application in 2004.

All three EFPs have mandatory rockfish retention and observer coverage in order to quantify the rockfish taken. Any rockfish in excess of the trip limits in place would be forfeited to the state.

## **ODFW**

Mr. Bohn reviewed Exhibit G.6.b, Supplemental ODFW Report. It is a joint ODFW, WDFW, and CDFG application for an EFP to suspend landing limits and allow full retention of all prohibited species in the coastwide shoreside whiting fishery. It is identical to last year's EFP. They are in the process of working with industry on the "penalty box" specification.

## **CDFG**

Mr. Boydston updated the Council on results for California's 2002 EFPs. The yellowtail rockfish selectivity EFP using vertical hook and line gear was not successful due to a lack of participation. CDFG just received approval for their proposed shelf flatfish EFP using small footrope trawls. They have six active vessels with NMFS-trained observers participating out of the Princeton By The Sea (Half Moon Bay) and San Francisco port areas. Preliminary results should be available soon.

CDFG has no specific EFP proposals for 2003. They may not propose a yellowtail hook and line EFP. There is a lot of interest in a 2003 shelf flatfish EFP. Such trawl nets may require Bycatch Reduction Devices (BRDs).

## **NMFS**

Mr. Robinson encouraged the states to work closely with the Northwest Fisheries Science Center (NWFS) and the Northwest Region of NMFS to structure EFP proposals. Mr. Anderson stated WDFW did work closely with NWFS staff and will continue to coordinate their proposals. They expect to deliver their applications in a month.

## G.6.c Reports and Comments of Advisory Bodies

### GMT

Mr. Brian Culver read Exhibit G.6.c, Supplemental GMT Report. He corrected the GMT table of EFP caps for darkblotched and yelloweye. The total EFP cap for darkblotched is 3.0 mt and the same for yelloweye is 4.7 mt.

### GAP

Mr. Rod Moore reviewed Exhibit G.6.c, Supplemental GAP Report.

Mr. Anderson asked Mr. Moore if the GAP was aware that the midwater yellowtail EFP risked fishing opportunity in any 2003 directed midwater fishery? Mr. Moore said yes, but the GAP believes yellowtail can be harvested selectively without an adverse impact on widow. Even if there is a small cost to the fishery in the short term, the long term potential benefits were considered more important. Mr. Anderson asked if we could increase the number of observers in the midwater fishery to accomplish the EFP objectives? Mr. Moore thought this was possible, but it might disrupt the current NMFS Observer Program. This fishery has already had many observations.

### SSC

Mr. Tom Jagielo provided Exhibit G.6.c, Supplemental SSC Report.

Mr. Anderson asked Mr. Bohn about the Oregon selective flatfish trawl EFP? Mr. Bohn said he was surprised that Mr. Anderson was bringing up WDFW proposals. He didn't bring up the ODFW selective flatfish EFP proposal because it didn't change and is still on the list.

Mr. Brown asked Mr. Jagielo if any of these proposed EFPs were inconsistent with Strategic Plan goals? Mr. Jagielo replied the SSC did not look at the EFP proposals in detail.

Mr. Anderson asked Ms. Cooney if agency observers could collect biological samples of canary and yelloweye from dead discards? Ms. Cooney asked if the question was can observers do this under any EFP or does it take an EFP to do this in the directed fishery? Mr. Anderson said the latter. Ms. Cooney thought it might take an EFP to do this. She was not aware of any other mechanism. Mr. Robinson asked if this activity could be accommodated under the guise of scientific research? Ms. Cooney said that could only be done aboard a scientific research vessel. Therefore, an EFP would be needed to do this aboard a commercial fishing vessel. The Council agreed an EFP would be needed or it would be considered illegal retention of a prohibited species. The Council decided to continue to work on this and perhaps raise the question at the March Council meeting.

### Tribal

Mr. Harp asked Mr. Steve Joner of the Makah Tribe to come to the podium to comment on one of the proposed EFPs. Mr. Joner expressed the Makah Tribe's concern with the development of a new fishery for pollock. They have not had the opportunity to discuss this as co-managers with WDFW. The Makah Tribe would like to be more involved in developing fisheries in and adjacent to their U&A. Their concerns include the biomass, appropriate harvest levels, allocations, exchange of data, and questions about the 2002 pollock fishery. Mr. Anderson appreciated Mr. Joner's concerns, but pointed out we had a co-managers meeting prior to the September meeting at Queets and went over the EFPs. WDFW staff are always ready and willing to discuss the data and plans we have in this type of proposal. However, it is unfair to characterize this EFP proposal as a surprise.

Mr. Boydston asked Mr. Robinson of the recommended policies and procedures for considering EFP proposals? Mr. Robinson stated the GMT, with the help of the SSC, has been asked to develop a "strawman" set of EFP policies and procedures. Mr. Boydston asked about a timeline and Mr. Robinson suggested the Council could deliberate a strawman during the March or April Council meeting.

#### G.6.d Public Comment

Mr. Gary Frederic, fisherman; Toledo, Oregon

Ms. Karen Garrison, Natural Resources Defense Council; San Francisco, California

Mr. Guy Grundmeier, Port San Luis Fishermen's Association; San Luis Obispo, California

#### G.6.e **Council Action:** Consideration of EFP Proposals and Recommendations to NMFS

Mr. Brown asked if there was a reason to do an EFP to place observers on vessels participating in the midwater trawl pollock fishery in Washington? Is this Washington law? Mr. Anderson replied that since some prohibited species are taken in that fishery (i.e., salmon) and the no sorting at sea requirement to prosecute the fishery required an EFP. Mr. Anderson explained that pollock don't show up every year off the Washington coast. The EFP is needed in case they do occur in Washington in 2003. Although pollock is not a species in the FMP, he is hopeful it can be added. The Council will need to discuss this. Mr. Brown said he was concerned with limiting the pollock EFP to 3 vessels. This may establish a biased catch history that may eventually keep other vessels out of the fishery.

Mr. Bohn moved and Mr. Brown seconded a motion (Motion 23) to forward the six EFPs to NMFS for final approval as shown in Exhibit G.6.c, Supplemental GMT Report. The motion also includes the bycatch caps identified on the GMT table as corrected by Mr. Culver during the GMT presentation.

Mr. Boydston said that if the California EFP is on the GMT list, he would like that taken off since the proposal needs further refinement. This was proposed as a friendly amendment which was accepted by Mr. Bohn and Mr. Brown.

Mr. Anderson assured the Council that WDFW will work with the tribes in developing future EFP proposals. He felt frustrated with the Makah Tribe's comments given that these EFPs have been in front of the Council and GMT since September. Communications between the two parties needs to be improved. Mr. Harp said that he would like to attend the next meeting to discuss this. Mr. Brown said there is a Makah tribal member on the GAP who has been involved in these discussions.

Motion 23 passed.

Mr. Boydston recommended an EFP agenda for the March Council meeting. He requested a GMT/SSC work group develop draft EFP policies and procedures for the Council before the March meeting. CDFG may also develop a shelf flatfish EFP proposal for that meeting as well. Mr. DeVore recommended that further discussions about Mr. Boydston's request be taken up under workload items. He was unsure how Mr. Anderson's concept of including pollock in the FMP fits into this agenda. Mr. Anderson said it would be a discussion for workload priorities and the agenda for the March meeting. Mr. Brown noted the April meeting may be more appropriate for discussing these issues. Mr. Boydston said that there is a notice period required on the EFPs. If our target is to initiate the EFP on May 1, then there may not be enough time after the April meeting. Ms. Cooney said that she thought if you get your application into NMFS early it can be published before the April Council meeting and the Council meeting could take place during the public comment period. Mr. Boydston concurred that we should reserve the March meeting for salmon issues. The Council concurred.

#### G.7 Groundfish FMP Programmatic Environmental Impact Statement (EIS) (10/31/02; 11:17 am)

##### G.7.a **Agendum Overview**

Dr. Kit Dahl read the situation summary:

*Situation: NMFS, in consultation with the Council, is preparing a Programmatic Environmental Impact Statement (PEIS) that will review the current status of the federal groundfish management program and offer a range of alternative management strategies at a broad programmatic or policy level. This PEIS was initiated with a scoping process early in 2001 and is intended in part to provide the opportunity for and implementation of Council's strategic plan for groundfish. Since the strategic plan was adopted, and the EIS scoping period held, groundfish management has changed substantially, with the focus towards how to allow fishing while achieving the stock rebuilding mandate. The Ad Hoc*

*Groundfish FMP EIS Oversight Committee (EIS Oversight Committee) met in May 2002 and developed a set of programmatic alternatives for Council consideration and adoption for analysis. However, ~~but~~ at the June meeting, NMFS recommended the Council delay adoption of the alternatives until it had developed its final management recommendations for the 2003 fishing year; the Council agreed. At the September 2002 meeting, the Council directed the Oversight Committee to reconvene and review its May alternatives to make sure they were still appropriate under the new stock conditions and management program. The committee met on October 8-9 and has revised its previous recommendations.*

*The EIS Oversight Committee's revisions do not fundamentally change the alternatives, but they do clarify the strategic focus represented by each alternative (except the status quo) and incorporate measurable criteria to compare and evaluate them. Each alternative (except the status quo) would represent a different way to amend the FMP to incorporate different goals, policies, and management frameworks.*

*NMFS asks the Council to review and endorse the set of alternatives summarized in Attachment 1, along with providing any guidance on the contents of the alternatives. Once the alternatives are endorsed by the Council, the teams preparing the PEIS will begin evaluating their potential environmental effects as part of the PEIS development process.*

*Attachment 2 presents a revision of the schedule for completion of the PEIS. The schedule is based on Council endorsement of the alternatives at the November Council meeting, thus allowing analysis to proceed. The Council is still scheduled to choose a preferred alternative in early 2003. This will allow completion of the draft PEIS by August 2003, as in the original schedule, subsequent public review, and preparation of the final PEIS. The Council should consider preparing an amendment package in parallel with the final PEIS to implement policies and program elements of the preferred alternative.*

*The Council may also consider providing guidance on future meetings of the EIS Oversight Committee and its membership.*

#### G.7.b NMFS Report

Mr. Jim Glock gave a Powerpoint presentation. He began by answering the question "What is a programmatic EIS?" A PEIS looks at an entire program rather than bits and pieces or specific regulations; something the Council has not done in the past. It will look at the environmental consequences of the whole fishery management program rather than particular management actions. Next Mr. Glock answered the question "Why do a PEIS now?" He answered by noting that several major groundfish species are overfished and there is overcapacity in several groundfish fishery sectors. This has resulted in the declaration of the fishery as a major disaster. Therefore, NMFS and the Council is examining alternatives to the current management program, and the PEIS evaluates the environmental consequences of the alternatives. The PEIS is also an extension of the Groundfish Strategic Plan. Like that document the PEIS will serve as a guide for where management will go in the future.

Next, Mr. Glock provided a brief historical sketch of the management regime. When the FMP was first developed only Pacific ocean perch was overfished and the emphasis at that time was on encouraging domestic utilization of fisheries. An environmental regime shift also began in the late 1970s resulting in less productive conditions. Today there are many more overfished species and the Council must prepare rebuilding plans, bycatch is an issue, and bycatch must be assessed and reduced. Therefore, the status quo is quite different than what it was when the FMP was first implemented.

Impacts on EFH have to be evaluated and socioeconomic conditions have deteriorated in fishing communities. Final adoption of the preferred action will commit the Council and NMFS to a specific course of action over the next 5-10 years. This will require FMP and regulatory amendments during this time period. (A PEIS is intended to cover a 5-10 year time period.) It is also worthwhile to start thinking about preparing the first FMP amendment.

Mr. Glock then provided a brief overview of the structure of the document. The purpose and need is to manage the West Coast groundfish fishery and resource and meet the requirements of the Magnuson Act. So the question is whether to continue with the same approach or try something different, including policies and methods. The strategic plan is one alternative (it is the basis for Alternative 2). But the Oversight Committee found that the strategic plan does not cover all aspects of the management program. In addition, it does not address some of the current issues in the fishery. A programmatic alternative must address all of the elements in a fishery management program: goals and objectives, numerical standards or specific goals, and management tools to achieve these standards. But specific regulations will not be evaluated.

Mr. Glock provided an overview of Exhibit G.7, Attachment 1, November 2002 (Revised Groundfish Programmatic Environmental Impact Statement Alternatives), which summarizes the alternatives. He then described the other parts of the document. The affected environment covers everything, including groundfish, nongroundfish, protected species, and also the human component and how they interact with the natural environment. The impact analysis will use quantitative methods, if possible. In some cases analysis will be qualitative if data are unavailable. Geographic information system technology will also be used, specifically the GIS developed in connection with the EFH EIS. As an example, Mr. Glock showed a map of rockfish richness areas developed by the NOAA Biogeography Program.

According to Mr. Glock, the Council needs to adopt the program alternatives at this meeting. They have the choice take them as is, or to revise some or all of the alternatives. But Council endorsement of a range of reasonable alternatives is needed in order to do the analysis. The alternatives will be compared to baseline conditions, which are characterized in the EIS. A draft analysis is scheduled for early February 2003 for advisory body review, and then the preliminary DEIS will be distributed to the Council and others before the March 2003 Council meeting with a review during the April meeting. This represents a compression of the analytical time, but it is still achievable. Adoption of the DEIS would occur at the June 2003 Council meeting. Public review of the draft would occur August through November 2003. Mr. Glock then concluded his presentation.

Dr. Radtke noted that this is not an action item, rather it is to provide guidance. Mr. Glock responded a clear endorsement is needed of the alternatives in order for the analysis to proceed.

#### G.7.c Reports and Comments of Advisory Bodies

##### **GAP**

Mr. Rod Moore provided the GAP Report.

*The Groundfish Advisory Subpanel (GAP) received an update from Mr. Jim Glock on the Programmatic Environmental Impact Statement (PEIS) being developed for the Pacific Groundfish Fishery Management Plan (FMP).*

*In general, the GAP agreed the alternatives developed by the Ad Hoc Groundfish FMP EIS Oversight Committee fully frame the range of issues that need to be considered. The GAP did not try to identify a preferred option within the alternatives.*

*Several issues were discussed the GAP believes need to be addressed in the PEIS. First, the PEIS should fully identify the management measures that have been put in place over the years and demonstrate how these have led to decreased allowable harvest. This need is especially apparent in the graph used to show declining fisheries. Second, the PEIS should try to identify the point at which further management restrictions elicit no further gains; in other words, when is enough enough? Third, the PEIS needs to identify, and if possible, quantify environmental influences on the status of groundfish stocks, including predator-prey relationships between groundfish species and between groundfish and nongroundfish species. Finally, the PEIS should describe how what we have done in the past influences the present state of the fisheries, both the biological state and the socioeconomic state.*

#### G.7.d Public Comment

Mr. Guy Grundmeier, Port San Luis Fishermen's Association; San Luis Obispo, California  
Mr. Gary Frederic, fisherman; Toledo, Oregon

#### G.7.e Council Guidance on Programmatic EIS Process

Dr. Radtke stated the Council will provide Mr. Glock with some guidance. Dr. McIsaac noted that to stay on schedule the Council needs to indicate some preferred options, and so the Council should provide this guidance.

Mr. Robinson said Mr. Glock is not looking for a preferred option, but only an endorsement that the scope of the options presented is adequate for analysis. Therefore, the Council should endorse the suite of alternatives laid out by Mr. Glock. The purpose of the PEIS is not to evaluate individual management measures within the different program alternatives, but different types of management methods will be evaluated across all the alternatives. For example, NMFS recently lost litigation involving the NEPA document on Amendment 13 addressing bycatch reduction measures and are under a court order to adequately evaluate a series of bycatch reduction measures. If you look at Exhibit G.7, Attachment 1, November 2002 (Revised Groundfish Programmatic Environmental Impact Statement Alternatives) bycatch reduction measures are listed, which will be evaluated in connection with the program alternatives. Mr. Robinson recommended that the Council endorse the suite of alternatives and let Mr. Glock proceed with the analysis.

Mr. Brown agreed the list of alternatives are appropriate; but was concerned about the status quo alternative. Status quo could be viewed as what the Council has done since 1980. We have to be sure that the analysis recognizes management today is very different than in the past (different targets, F ratios, different goals, implementation strategies).

Mr. Bohn said the GAP statement's last paragraph should be included as guidance to Mr. Glock as well. They brought up three points about previous management and the status quo. The Council concurred.

#### G.8 Groundfish FMP EFH EIS (10/31/02; 1:05 pm)

##### G.8.a Agendum Overview

Dr. Dahl provided the agendum overview:

*Situation: The Council has been briefed on the NMFS decision to develop a Supplemental Environmental Impact Statement (SEIS) that will analyze alternatives for designating EFH and minimizing the adverse effects of fishing on EFH. The NMFS project manager for the EFH SEIS will brief the Council on progress to date and discuss a timeline for SEIS development. The progress report will focus on the development of a geographic information system (GIS) that will be used to evaluate EIS alternatives.*

*NMFS requests the Council to appoint a technical committee to guide a contractor in the development and completion of an assessment of groundfish habitat. The committee would review the GIS and other data that would be the inputs into the assessment as well as an analytical framework that will serve as the assessment model. This strategy is consistent with the groundfish EFH decision tree that was presented to the Council in April. Members would come from Council advisory bodies and outside organizations with expertise in marine habitat. NMFS will also describe how this committee will work with the Habitat Committee. Along with the aforementioned GIS, these efforts form the basis for developing the alternatives that will be evaluated in the EIS.*

*The Council task is to discuss and provide guidance to NMFS on further development of the Groundfish EFH SEIS and the request for a technical committee.*



#### G.8.b NMFS Report

Mr. Steve Copps noted he provided detailed presentations to the GMT, GAP and HC on the GIS and will not repeat it in front of the Council in the interest of saving time. A great deal of progress has been made in consolidating the best available data for the assessment of groundfish habitat. First, we built a multi-layered GIS with data on habitat from 0-3000 m, information on fishing effort, and trawl survey data. Second, we are nearing completion of a literature review on groundfish habitat and fishing and nonfishing impacts. This literature information is being entered into a database. A contract is being negotiated with the Marine Resources Assessment Group to assess the status of groundfish habitat. This will be based on an analytical framework which will allow identification of conservation goals for habitat based the degree to which habitat function has been degraded due to anthropogenic activities, or if this analysis is not possible because of data gaps, these gaps will be identified. This assessment will eventually provide the problem statement that will focus policy discussions. However, significant issues remain that the Council needs to address. First, both the GIS and the literature review represent a significant improvement on the information in the EFH amendment adopted in 1998. However, it needs to be reviewed by scientists who understand habitat data and fishermen with practical experience with the areas in question and the gear affecting those areas. Second, the assessment methodology is by necessity innovative. It is unlike fish stock assessments where a considerable body of literature exists on methods. It is necessary for scientists familiar with complex modeling to review the assessment methodology. Mr. Copps asked the Council to consider formation of an ad hoc committee to review the data and assessment methodology just discussed. This committee would also allow public participation in the process. Keeping in mind that the DEIS must be published by August 2003 according to a court order, the committee needs to convene as soon as possible, if possible in December for an initial review. We have fallen behind the milestones presented in April; therefore, the committee would also help to revise the schedule in consultation with the Council chair. Mr. Copps would work with the Council staff in choosing committee membership. Three types of people are needed on the committee: scientists familiar with complex modeling exercises, scientists familiar with the geology and biology of Pacific coast habitat, and fishermen who can advise on the accuracy of habitat maps and descriptions of fishing gear that will be the inputs into the assessment model. That concluded Mr. Copps' remarks. The Council had no questions.

#### G.8.c Reports and Comments of Advisory Bodies

##### GMT

Mr. Brian Culver provided Exhibit G.8.c, Supplemental GMT Report.

*The Groundfish Management Team (GMT) supports convening a technical review committee to review and/or develop the risk analysis contemplated in the Essential Fish Habitat (EFH) Environmental Impact Statement. While development of such a committee is endorsed by the GMT, anticipated workload by GMT members precludes their participation in the technical review committee.*

Mr. Brown asked whether the GMT could recommend membership to the technical committee. Mr. Culver replied that there was some discussion among team members and agreement that they could identify candidates from their respective agencies and the scientific community at large. Recommendations could be made on an informal basis.

##### HC

Mr. Tim Roth provided Exhibit G.8.c, Supplemental HC Report.

*The Habitat Committee (HC) supports the development of a technical review committee to review the risk analysis being developed for the Essential Fish Habitat (EFH) Environmental Impact Statement (EIS). We recognize this risk assessment requires expertise on habitat, geology, bathymetry, and modeling. The scope of this work is beyond the immediate expertise of the HC, so we support the recruitment of outside expertise as needed. The HC is willing to participate in this process at the request of the Council. Given the difficult schedule ordered by the court for completion of this EIS,*

*the HC also recognizes a technical review committee offers the best opportunity for transparency of the science and the process.*

## **GAP**

Mr. Rod Moore provided Exhibit G.8.c, Supplemental GAP Report.

*The Groundfish Advisory Subpanel (GAP) reviewed the work being done on developing an environmental impact statement (EIS) for the essential fish habitat section of the Pacific groundfish fishery management plan.*

*The EIS will require the collection and analysis of a significant amount of data before it can be used effectively. Much of this data will need to come from individual fishermen who are familiar with the bottom topography in the areas in question as well as the geographic and temporal distribution of fish stocks.*

*Ideally, the data now being collected should be "ground-truthed" through a series of port meetings, similar to what was done in developing the lines being used for depth-based groundfish management. The EIS development team is sympathetic to this approach, but noted to the GAP that both time and funding impose considerable constraints.*

*The GAP notes there are readily available means to gather detailed information, including using the assistance of Sea Grant. Oregon Sea Grant in particular has been more than cooperative in arranging meetings of the sort that could help the EIS team.*

*In regard to time, while there are certain court-ordered deadlines, the majority of the GAP believes that both the plaintiffs and the defendants in the essential fish habitat case have shown a desire to allow more time to complete the task if doing so will result in a better product. The majority of the GAP recommends the Council ask the Assistant Administrator for Fisheries to pursue an extended time line so that a better product can be developed.*

*A minority of the GAP notes the need for a delay in the time line has not yet been demonstrated and that it is premature to request such a delay. Further, a request for a delay should be initiated by NMFS in the context of the entire legal decision, which involves several Council plans.*

*Finally, the GAP recommends the Council convene an ad hoc technical team consisting of appropriate Council advisory body members - including members of the GAP who are familiar with the areas in question - to assist the EIS team in analyzing the data they have available.*

Mr. Brown noted the second to last paragraph regarding the minority opinion. Can you expand on the phrase "in the context of the entire legal decision"? Mr. Moore replied, noting that one member of the GAP is employed by a plaintiff organization in the lawsuit. There was unanimous support in the GAP for producing the best product and this may require additional time. In addition, the Council is moving forward at a reasonable pace but it has a lot of information to deal with. However, the court case requiring this time line involved several different FMPs produced by different councils. Other councils may be doing better or worse in meeting the time line. Therefore, the plaintiffs are agreeable to a time extension as long as this doesn't give other councils an opportunity to slow down their EFH EIS development efforts.

Mr. Brown then noted he wanted clarification if the statement was referring to several Council FMPs or if it referred to the FMPs of other councils, and Mr. Moore had answered satisfactorily.

### **G.8.d Public Comment**

Mr. Guy Grundmeier, Port San Luis Fishermen's Association; San Luis Obispo, California

#### G.8.e Council Guidance on EFH EIS Process

Dr. McIsaac asked Mr. Copps if he could be more specific about the composition of the group and whether it should be a Council-sponsored group or an independent group. Mr. Copps asked the Council to sponsor the group to exercise control over the process and provide guidance. He suggested membership would need some flexibility to allow the group to be put together quickly. With that in mind, as much guidance as could be provided from the Council would be helpful in terms of what types of people should be on the committee. Mr. Copps reiterated the committee should include people familiar with the complex modeling exercises; scientists familiar with Pacific coast habitat; and those fishermen who representing different geographic and the gear sectors.

Mr. Bohn supported a committee. But noted it would not be budgetarily neutral; if it is a new Council-sanctioned committee the Council would have to cover the expenses. Therefore, the size of the committee matters. He also asked if there a possibility that NMFS had some flexibility to fund the travel and associated costs for committee members to attend the meetings.

Mr. Robinson said NMFS has been able to obtain funding to work with NEPA-related issues, including the EFH EIS, and some of the funds have been contracted to the Council; some with the PSMFC, which has not been fully allocated and may be available to fund the work of the committee. Mr. Anderson noted he had the same question about funding.

Mr. Brown talked about how important the GIS in developing a habitat map and noted that the GIS uses data to infer likely habitat and that is what needs to be checked by this committee. Mr. Brown then said in assuming the habitat map is correct there would be fish densities as determined by trawl survey and catches by trawl logbooks. Using yelloweye rockfish as an example, the trawl survey does not go into rocky habitat. Therefore if you use it to map species abundance you conclude there is no yelloweye in rocky habitat. If you use trawl logbooks, you also conclude that there are no yelloweye rockfish in rocky habitat because the trawlers are not finding any there. You would then concluded that rocky habitat is not EFH for yelloweye rockfish, the opposite conclusion from what is correct. So its important that those kinds of things be checked by this committee. Mr. Brown suggested that first we recommend the committee; give the authority to Mr. Copps, Dr. Radtke and Dr. McIsaac to work with the SSC and GAP to identify who will be on the committee and the size of the committee. Mr Robinson should also be involved to identify potential funding. The Council should not at this time determine committee composition in terms of specific people, but leave this up to the aforementioned.

Mr. Robinson concurred with Mr. Brown's comments and noted that a formal Council action may not be needed as long as there is consensus on the formation of such a committee. He emphasized the project is doing a fantastic job of pulling together data from many different sources into the GIS. This will proved some views of the coast that we have not had before as a management tool. This committee is very important and a wide range of expertise, including fishermen, should be on the committee.

Dr. Radtke replied this not a Council action but from the discussion provides enough guidance to Mr. Copps.

Mr. Boydston noted the GAP was concerned about the timeline and the possibility of extending it. He asked if the Council needs to consider now? Mr. Robinson said he is not sure if it needs to be an issue now. Later on in the process, as more work is done, there may be a time squeeze; but it is too early in the process to try to extend the deadline for EIS completion. Mr. Robinson asked for a point of clarification: would the guidance of the Council be for NMFS to work with Dr. McIsaac and the Council staff and whoever we think is appropriate to develop the composition of this committee? Dr. Radtke said yes, and noted that he would also be involved in this task.

Mr. Brown noted in regard to the time line issue, it is conceivable that there is not enough time to complete the project in relation to the lawsuit. If that were the case, Mr. Brown still felt that this work is very important and it should be completed, even if it occurs after the deadline. Mr. Copps is on the path to creating a tool that can be used in management that no one else is working on and is extremely important.

Dr Radtke asked Mr. Copps if he had enough guidance. Mr. Copps responded in the affirmative.

G.9 Groundfish Strategic Plan Two-Year Review (10/31/02; 4:40 pm)

G.9.a. Agendum Overview

Mr. Waldeck provided an overview of the agenda item. He noted this was a Council discussion and guidance agenda item relative Strategic Plan implementation and capacity-related initiatives. He reviewed the briefing book materials.

G.9.b. Summary of Achievements Toward Goals and Objectives

Mr. Waldeck summarized the main points of Exhibit G.9, Supplemental Attachment 1.

G.9.c. Planning to Resolve Ongoing Issues

Mr. Jim Seger reviewed Exhibit G.9, Supplemental Attachment 2.

G.9.d. Agency and Tribal Comments and Reports

CDFG was the only entity with comments. Mr. Boydston, relative to capacity and effort reduction, said the CFGC will be moving to further restrict access to the nearshore rockfish fishery and will develop regulations in 2003 for limiting effort and participation in the live-fish fishery. It is likely that these measures will significantly reduce the size of the qualified fleet.

G.9.e Reports and Comments of Advisory Bodies

**GMT**

Dr. Hastie spoke to Exhibit G.9.e, Supplemental GMT Report.

**GAP**

Mr. Moore provided Exhibit G.9.e, Supplemental GAP Report.

*The Groundfish Advisory Subpanel (GAP) examined three issues in the context of Strategic Plan review: Trawl Permit Stacking; Open Access Permitting; and Fixed Gear Permit Stacking.*

*While the GAP agrees that capacity reduction in the trawl fishery remains the highest priority, there is little further action the Council needs to take to begin a trawl buyout program. Therefore, the GAP believes that workload efforts should be focused on developing a trawl individual quota program, especially in light of the expiration of the federal moratorium on individual quotas. Although one member of the public suggested that a permit stacking program would be preferable in his port, the GAP notes the analysis needed for permit stacking would be the same as for individual quotas so the analysis should begin as soon as possible.*

*In regard to open access permitting, the GAP notes that two states have already begun a permit process for nearshore fisheries. In addition, there was lack of consensus among open access representatives as to whether a federal permitting process should go forward or how it should be constructed. The GAP, therefore, recommends that open access permitting be given a lower priority. However, the GAP believes the Council has provided an essential service in facilitating data exchanges among the states on open access issues. The GAP recommends the Council continue regular meetings of its Ad Hoc Open Access Committee so that information exchange can continue.*

*In regard to fixed gear permit stacking, the GAP discussed a number of issues in the context of Amendment 14. These included further GAP review - as requested by the Council - of the problem of multi-vessel / multi-permit leasing presented to the Council by Mr. Mike Pettis of Newport; a proposal to allow stacking of up to six permits presented to the Council by Ms. Michelle Longo-Eder; and further discourse on the practicability of grandfathering and owner-on-board requirements. The GAP recommends the fixed gear fleet engage in further discussions of Amendment 14 issues, ideally*

*with the assistance of a Council-appointed facilitator and Council staff, and return to the Council in April with a suite of suggestions for refinements on Amendment 14. These proposals could then be reviewed by the GAP and other advisory bodies as a whole, rather than piecemeal. Since some of the proposals could involve regulatory amendments, and thus a two meeting process, the GAP further recommends that fixed gear stacking issues be included as an agenda item for the Council in April, with final action if needed in June. We believe that this will help streamline the process of further refining Amendment 14 and allow a holistic review of all proposals.*

G.9.f Public Comment

Mr. Guy Grundmeier, Port San Luis Fishermen's Association; San Luis Obispo, California  
Mr. Steve Bodnar, Coos Bay Trawlers Association; Coos Bay, Oregon  
Mr. Gary Frederic, fisherman; Toledo, Oregon

G.9.g **Council Action:** Guidance and Planning to Achieve Objectives of the Groundfish Strategic Plan

Mr. Waldeck summarized potential actions under this item. Notably, Council consideration of how to proceed on capacity-related initiatives for the trawl, fixed gear, and open access sectors.

Mr. Bohn supported the GAP suggestion for the fixed gear sector to meet and work on the three fixed gear issues detailed in Exhibit G.9, Attachment 2. The intent would be for this group to meet and report back to the Council in April 2003.

Mr. Robinson noted his disappointment that neither the GMT nor GAP noted the need to work on permitting or limiting capacity in the open access fishery. The advisors seemed to suggest that state activities would be sufficient. However, there seems to be a compelling need to have a way to track participation and reduce capacity in open access fisheries. He wanted to know if this was a priority for the Council.

Mr. Boydston noted his sense that state programs to limit entry would exacerbate problems in federal open access fisheries. That is the state regulations will force vessels into federal open access fisheries. For example, the CFGC plans to regulate the number of vessels in the live-fish fishery, which will transfer effort into federal nearshore rockfish, sablefish, and slope rockfish fisheries. Therefore, the Council should proceed with efforts to cap participation in the open access fisheries, notably sablefish and slope rockfish. He suggested development and issuance of an interim moratorium permit for open access vessels that target (directly harvest) groundfish. Individuals would qualify based on minimal past participation.

To that end, Mr. Boydston suggested the Open Access Permitting Development Team meet to develop options for a moratorium permit for directed open access groundfish fisheries. Permits would be based on minimum historic participation, non-transferable, renewable, interim until formal limited entry developed. These recommendations would be brought back to the Council at the April 2003 meeting.

Mr. Brown suggested to moved forward on capacity reduction in the limited entry trawl fishery (through permit stacking, buyback, or IFQ) should be a high priority. This work should move forward for Council consideration in April 2003. He noted this was a question of Council priorities and the Council needed to consider how best to use its limited resources. He emphasized the Council needs to be prepared to move forward on IFQs.

Mr. Alverson concurred with Mr. Bohn's suggestions. He also agreed with Messrs. Robinson and Boydston on the open access fleet concerns. Capacity reduction in the limited entry trawl fishery is also important. It might be possible for work to proceed on these issues as well, Congressional action will affect the form of this progress, e.g., if buyback funds are appropriated or if the IFQ moratorium is lifted.

Mr. Brown suggested that the limited entry trawl sector could get together (outside the Council process) to work on developing the initial foundation for either trawl permit stacking or IFQs. If these industry-sponsored meetings occurred, report on permit stacking and IFQs could possibly be brought to the Council in April 2003.

Mr. Anderson in terms of priority of the various initiatives, these will be discussed under workload on Friday (November 1, 2002)? Dr. Radtke responded, yes.

Mr. Anderson added his support for the suggestions of Mr. Robinson and Mr. Boydstun relative to the open access fleet and the need to identify participation in those fisheries.

Mr. Donald Hansen also supported Messrs. Boydstun's and Robinson's comments on the open access fleet.

Mr. Bohn also concurred with the need to move forward on addressing participation in the open access fishery. As a first step, direct versus indirect open access groundfish fishers should be identified.

Mr. Waldeck summarized the items discussed by the Council. Priority of the various initiatives will be discussed under workload planning on November 1, 2002.

#### G.10 Further Refinement of Amendment 16 - Rebuilding Plans (11/01/02; 8:06 am)

##### G.10.a Agendum Overview

Dr. Dahl provided an agendum overview and summarized the contents of Attachment 1, Chapter 2 of Amendment 16 describing process and standards options.

##### G.10.b Reports and Comments of Advisory Bodies

#### SSC

Mr. Tom Jagielo provided Exhibit G.10.b, Supplemental SSC Report.

*Mr. Jim Seger updated the Scientific and Statistical Committee (SSC) on the current status of Amendment 16 options for the groundfish fishery management plan (FMP) to ensure that rebuilding plans for overfished stocks comply with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).*

*The SSC identified Issues 1, 2, and 3 from Sec. 2.1 of Attachment 1 of Exhibit G.10 to be the most relevant to its discussion:*

*Issue 1: The form and required elements of rebuilding plans.*

*Issue 2: The process for periodically reviewing rebuilding plans.*

*Issue 3: Defining events or standards that would trigger revision of a rebuilding plan.*

*Under Issue 1, Option 1b would require that specified elements of rebuilding plans be incorporated into the FMP by amendment, including numerical values for the rebuilding parameters:  $T_{MIN}$ ,  $T_{MAX}$ ,  $T_{TARGET}$ , and  $P_{MAX}$ .*

*As indicated in the Supplemental SSC Reports on items C.5.b from June 2002, and C.7.b from September 2002, the SSC recommends a more "flexible" approach be taken with respect to the specified elements of rebuilding plans than what currently appears in Option 1b.*

*Because the rebuilding analyses are complex, a natural tendency may be to specify numerical values for the rebuilding parameters in the FMP. This "fixed" approach could create a false sense of precision, and substantial administrative costs will likely be incurred as many rebuilding parameter values are updated during the normal flow of scientific information into the management process. For example, consider the recent situation with bocaccio. Results from the most recent Bocaccio Rebuilding Analysis indicate that under the SSC's Guidelines for Rebuilding Overfished Stocks, bocaccio fails to rebuild by  $T_{MAX}$  with 50% probability, even with zero fishing mortality. This unusual result stems from an update of the original bocaccio rebuilding analysis, and is explained by two unfavorable events that occurred since the original work, (1) The 1999 year-class is not considered to be as strong as previously believed, and (2) landings over the last three years were much greater than the Optimum Yield (OY) in each of those years. As new information about the strength of the*

1999 year-class became available from the latest bocaccio stock assessment, the numerical values of rebuilding parameters were updated, leading to the result that bocaccio will not rebuild by  $T_{MAX}$  with 50% probability.

Therefore, the SSC recommends that only one of the rebuilding parameters should be numerically specified. After careful discussion, the SSC concluded that  $P_{MAX}$  is the most logical candidate for numerical specification by fishery managers. The specified value of  $P_{MAX}$  is constrained to be at least 50%, though a more conservative choice may be preferable. All other rebuilding parameters, including  $T_{MIN}$  and  $T_{MAX}$ , can be derived using scientific information from stock assessments, formulas, or algorithms from the SSC Terms of Reference for Groundfish Rebuilding Analyses (e.g. Exhibit F.7, April 2001).

The SSC recommends Option 1b be revised to read: "For each overfished species, the FMP would be amended to specify a numerical value for  $P_{MAX}$ , the probability of rebuilding within  $T_{MAX}$ . All other rebuilding parameters would be described by an algorithm or formula in the FMP."

The SSC also discussed options under Issue 2 for periodically reviewing rebuilding plans. The SSC suggests that timing of reviews be closely aligned with stock assessments for the overfished stocks and recommends Option 2b.

Issue 3 for evaluating rebuilding progress would be resolved by the flexible specification in the revision of Option 1b. In a routine situation, such as canary rockfish in the 2003 fishery, OY would be adjusted to ensure rebuilding of the stock according to the specified  $P_{MAX}$ . Otherwise, like the situation with bocaccio this year, progress would be inadequate, and the rebuilding plan would be amended.

Mr. Brown asked for clarification of the SSC position on the options under Issue 1 in the amendment. He asked why the SSC is not supporting Option 1c, which would put rebuilding measures in regulations rather than Option 1b, which puts them in an FMP amendment. Mr. Jagielo responded that was probably an oversight; the SSC was not ruling out the possibility of putting them in regulations.

Mr. Robinson noted a couple of points that troubled him. First, he recognizes the SSC focuses on the science, and everybody recognizes how rebuilding works in terms of new stock assessments changing our understanding of stock status. But in the policy making world the rebuilding plans have to go before a judge, reviewers and the public. One of the first things that these people want answered is "How long will it take to rebuild these stocks?" So why is the SSC recommending  $P_{MAX}$  and not  $T_{TARGET}$  since  $T_{TARGET}$  is what people will be looking for? Mr. Jagielo responded it would be possible to show this resolve by using  $P_{MAX}$  because it reflects the best available science and the other parameters show a high degree of variability and they are all derivable from  $P_{MAX}$ . The Council can choose whatever level of risk aversion they consider desirable. Numerical specification would create a lot of unnecessary revision at a later time. Mr. Robinson noted that  $P_{MAX}$  is a measure of rebuilding during the maximum time period, but most people are looking for a time period less than that. Mr. Jagielo responded that as long as a greater than 50% probability is chosen;  $T_{TARGET}$ , if specified as the median rebuilding time, will be less than  $T_{MAX}$  and any level of risk aversion the Council chooses could be so codified. A higher probability could result in a greater need to modify the FMP/regulations later in the rebuilding period.

## GMT

Dr. Jim Hastie provided Exhibit G.10.b, Supplemental GMT Report.

Dr. Dahl and Mr. Seger briefed the Groundfish Management Team (GMT) on the process and standards for incorporating rebuilding plans into the Pacific Groundfish Fishery Management Plan (FMP) or into regulations. The GMT identified Issue 1, the form and required elements of rebuilding plans, as the most substantive issue under consideration. Consistent with its advice at the June Council meeting, the Team recommends rebuilding plan specifications that are incorporated in FMPs or regulations remain as flexible as possible. Rebuilding specifications, such as  $T_{MIN}$  (the minimum time to rebuild),  $T_{MAX}$  (the maximum allowable time to rebuild),  $P_{MAX}$  (the probability to rebuild within the maximum allowable time),  $B_0$  (estimated unfished biomass), the minimum stock size threshold

*for declaring a stock overfished (typically 25% of  $B_0$ ), and the rebuilding target  $B_{MSY}$  (typically 40% of  $B_0$ ) all change every time a stock is assessed. The specified rebuilding parameter of  $T_{TARGET}$  (the specified rebuilding period) or  $P_{MAX}$  are considered the most logical choices for fixed rebuilding parameters. However, the GMT does not advise specifying both parameters since rebuilding plans would have to be amended with every stock assessment. The Team notes that the Magnuson-Stevens Act (MSA) requires a specified duration for rebuilding overfished stocks leaving  $T_{TARGET}$  as the logical choice for a fixed specification. All other rebuilding parameters should be frameworked in the FMP as algorithms derived consistently with the SSC Terms of Reference for groundfish rebuilding analyses. The Team recommends that  $T_{TARGET}$  be specified in regulatory amendments (Option 1c). Specifically, the FMP should have flexible formulaic rebuilding parameters with specific parameters incorporated into regulations.*

*Under Issue 2, the process for periodically reviewing rebuilding plans, the GMT recommends Option 2b.*

*Consistent with the Team's recommendation for Issue 1, options under Issue 3, defining events or standards that would trigger revision of a rebuilding plan, should have alternatives that specify  $T_{TARGET}$  given the MSA mandate to specify a rebuilding duration.  $T_{TARGET}$  can direct a rebuilding strategy. The Team recommends Option 3e where the SSC and GMT decide what changes in rebuilding parameters are significant for amending the FMP.*

*Additionally, rebuilding plans need to include a statement explaining the rationale for determining that the species is overfished (e.g., calculation using 25% of  $B_0$  vs.  $\frac{1}{2} B_{MSY}$ , etc.), but specification of value of  $B_0$  should not be hardwired into the rebuilding plan.*

Mr. Bohn noted neither the SSC or GMT commented on Issue 4, regarding the ESA. Dr. Hastie responded in the affirmative.

Mr. Anderson asked what would happen if there was significant disagreement over rebuilding progress, which could be an issue if Option 3d is chosen. Dr. Hastie responded that it is not clear at this point how the process would work. It will be an issue largely driven by the SSC because questions about changes in parameters will come down on the scientific side. GMT advice would come in if the scientific results suggest a dramatic change in yields. Then a new analysis might be conducted on GMT recommendation.

Mr. Robinson asked why the GMT is recommending that parameters be specified in regulations rather than the amendment. Is that because of the assumption that regulations are easier to change in the federal process than an FMP amendment? That may be not the case because an FMP amendment without regulations accompanying it can be approved by the Regional Administrator with concurrence from the Assistant Administrator for Fisheries while a regulation has to be reviewed by NOAA lawyers, DOC lawyers, and possibly OMB. Therefore, a simple FMP amendment without regulations may be much easier to change than regulations. Dr. Hastie recalled the GMT favored the use of regulations because they thought the regulations would be easier to change. If there is an opportunity to make implementation easier through the FMP process then the GMT would likely favor that because the main interest is adding least to the administrative burden.

Mr. Bohn noted this is the key issue in determining which option to choose. He can't recall any FMP amendment that didn't have associated regulations. That is why he was looking at regulations as a more flexible approach but conceded he could be wrong.

Ms. Cooney commented the process must entail either an FMP amendment or regulations but each process has its own time frame and standards. In general, things that govern what the Council and NMFS does are put in the FMP while things that govern what fishermen or the public does go in regulations. There are a few things that have gone through as plan amendments without regulations, the EFH parts of FMPs for example. FMPs have more specific time frames and regulations have a slightly more flexible time frame but it depends on the complexity of the issue.



## GAP

Mr. Moore provided Exhibit G.10.b, Supplemental GAP Report.

*The Groundfish Advisory Subpanel (GAP) reviewed the options being considered for Amendment 16 to the Groundfish fishery management plan (FMP) and makes the following recommendations. Our comments are made in reference to Exhibit G.10, Attachment 1.*

*In regard to Issue 1, Form and Required Elements; the GAP recommends adopting Option 1C. This option provides the Council with the greatest amount of flexibility in dealing with potential changes to rebuilding plans and schedules. The GAP notes that some species designated as "overfished", such as Pacific whiting, have the potential to reach rebuilding targets more quickly than anticipated. Further, additional data during a rebuilding period may require more or less severe rebuilding measures than might be called for in the initial rebuilding plan. Using a regulatory rather than an amendment approach will give the Council greater ability to deal with these unforeseen fluctuations in abundance.*

*In regard to Issue 2, Periodic Review; the GAP recommends adopting Option 2A. The GAP believes the law is clear in requiring a two-year review. As more data becomes available with the increase in stock surveys, it is imperative that a full review be conducted at the legally required intervals in order to ensure that rebuilding targets are being met and to take account of changes in stock abundance. Again, this approach, while cumbersome, will actually provide greater flexibility to the Council in dealing with species designated as "overfished".*

*In regard to Issue 3, Amending Plans and Adequacy of Progress; the GAP recommends adopting a combination of Options 3D and 3E. Again, flexibility in dealing with stocks that fluctuate and with varying data quality is the key. Adequacy standards can best be set for individual stocks rather than using a "one size fits all" approach. Further, this will allow changes in plans as rebuilding parameters change. The GAP is concerned, however, the term "significant change" in Option 3D is undefined. Significance, like beauty, can be in the eye of the beholder. The term would benefit from a definition.*

*In regard to Issue 4, Endangered Species Act (ESA) Listed Species; the GAP recommends adoption of Option 4A. In other fisheries outside the jurisdiction of the Pacific Council, the courts have given precedence to ESA listed species, regardless of Magnuson-Stevens Act provisions. The GAP believes this option will be sufficient to protect ESA listed species and that no special efforts need to be made within the context of the groundfish FMP.*

### G.10.c Public Comment

Mr. Phil Kline, Oceania; Washington, DC

Mr. Guy Grundmeier, Port San Luis Fishermen's Association; San Luis Obispo, California

### G.10.d **Council Action:** Provide Direction for Final Revisions of Amendment 16 - Rebuilding Plans

Mr. Bohn moved and Mr. Brown seconded a motion (Motion 25) to adopt items 1c, 2b, 3e, and 4a, as shown in Exhibit G.10, Attachment 1.

Mr. Bohn described his rationale. In reviewing all the statements received and the public comments, the goal is flexibility to achieve rebuilding plan goals. Option 1c was proposed by GMT and GAP; and 2b by the GMT and SSC, Option 3e by the GMT and partly by the GAP, and the GAP supported Option 4a while the other two advisory bodies were silent on this issue. Therefore, this motion provides a blend of the items we want to accomplish relative to the rebuilding plans.

Mr. Brown noted that the SSC recommended Option 1b, but on questioning they noted this was an oversight and they were saying that "flexibility" is important and did not necessarily favor Option 1b over 1c. Therefore, the motion is consistent with the SSC recommendation. However, the GAP recommendation was Option 2a instead of 2b. The reality is that the major rebuilding parameters will only be updated when there is a stock assessment. So these two options are one in the same.

Mr. Anderson discussed Issue 4. The ESA requirements, under a Biological Opinion, are to keep the population from declining further and taking it up past the point where it qualifies as an endangered species, but not up to the point where you can sustainably harvest that species. He is concerned about Option 4a; Option 4b would account for the case where rebuilding measures are more restrictive than ESA requirements. Rebuilding plans and the ESA have very different goals. The Council objective should be to rebuild the stock to a level that permits sustainable harvest.

Mr. Bohn noted adopted rebuilding plan standards are very conservative. If a stock became listed, and there was a higher standard than the ones we have, you would default to the higher standard in the ESA because it is a federal listing. Therefore, we would automatically default to the higher standards, although he conceded they might have misunderstood the standards. Mr. Brown felt things would not work the way he described them. Rebuilding plans are not established because a species is endangered (ESA listed); if the rebuilding plan is working then the species never will be listed as endangered or threatened. If the rebuilding plan is not working and the species does become threatened or endangered, then the ESA would take precedence, which is more restrictive than the rebuilding plans. Therefore, if the rebuilding plan works the species will not become endangered, but if it is listed under the ESA then those more restrictive standards take precedence.

Mr. Anderson asked Ms. Cooney a question. Take a case where we had a species that had been determined overfished, there was a rebuilding plan approved, and then the stock was listed under ESA and the Biological Opinion required certain actions, and those actions, for example, were less restrictive than those of the rebuilding plan. Which would take precedent?

Ms. Cooney said you have to comply with both the statutes; and in theory the rebuilding plans should be more restrictive because your rebuilding to a more sustainable level. But if you had a rebuilding plan and, for example, jeopardy standards from the ESA the most restrictive one would prevail. If the rebuilding plan is effective then we can keep the species off the ESA list. Option 4b is similar to what we had looked at in salmon first. If a species was listed and the Biological Opinion required us to do something to avoid jeopardy, we would have to comply with that. Option 4b incorporates that automatically so additional rule making won't be required to comply.

Mr. Anderson concluded that whether we pick Option 4a or 4b, we will be stuck with Option 4b. We are going to have to comply with both ESA standards as well as the M-S Act; whichever one is the most limiting is the one we have to do. That is why we have to choose Option 4b to be in compliance with law.

Mr. Brown said we could go with status quo (Option 4a) so we don't have to make a lot of changes. Dr. Dahl said this option was crafted based on the Council's past experience with salmon; it does not address which mandate would take precedence. Rather, it recognizes that either we would have to put something into the FMP now or craft an amendment later when the stock is listed and there are jeopardy standards or a Biological Opinion. The idea is to get this amendment requirement out of the way in advance.

Mr. Anderson asked Ms. Cooney if he was wrong. Wouldn't the ESA take precedence, and guide what we have to do, regardless of whether the requirements under the ESA are more or less restrictive than a rebuilding plan? Ms. Cooney said if we adopt a rebuilding plan we need to be consistent with the rebuilding plan. If there was an ESA listing that created other, additional requirements we would have to adhere to them also. Option 4a says that we would stay with rebuilding plan and comply with any additional ESA requirements in that eventuality. Option 4b automatically incorporates the two requirements.

Mr. Bohn said maybe both the GMT and SSC are confused as to why we needed this. He is comfortable with whatever the federal government needs on this issue. Option 4a is fine since whatever federal law is most extreme will be what we have to do anyway. But if there is a need for Option 4b, he was not going to hold up the whole package on that.

Dr. McIsaac asked Dr. Dahl about what which option is most "workload friendly"? If the Council chose Option 4b would the Council have to go back the rebuilding plans and changing it at a later time? He also asked if its correct that there would be no difference in terms of the impact on fishing. Dr. Dahl concurred. He said either we could incorporate language into the FMP now that would recognize that jeopardy standards would also be considered in managing the species; or if the FMP remained silent on that, it would be necessary at a later time to amend the FMP to reference the jeopardy standards as part of the management

framework. This issue was raised because of past experience with the Salmon FMP where an amendment was required when the stocks were listed. It is workload neutral: either more work would be required now if Option 4b is adopted, or with Option 4a, more work later if a species were listed.

Dr. Dahl asked for clarification on the motion in terms of Option 1c. Option 1c references Option 1b in terms of the elements that would be incorporated, which lists a set of parameters that would be specified. Is it the Council's intent that those parameters would be numerically specified under option 1c? Mr. Bohn responded that he treated option 1c exactly the way it is written, so those parameters would be rolled in under Option 1c. Mr. Brown, the seconder, affirmed.

Mr. Robinson asked whether the motion addresses whether these parameters are specified as a number or algorithm. Hopefully we are leaving that for a later time to decide. Right now the preferred alternative states that they will be in regulations and not in an FMP amendment, however they are specified. Mr. Bohn concurred. Mr. Robinson asked Dr. Dahl if all of these options will go forward for analysis. He affirmed that they would. Mr. Robinson stated for the record that his preference would be that at least some of the parameters be part of an FMP amendment because the rebuilding plans will be an FMP amendment and this plan needs a sufficient number of parameters in it to describe what it does. He would support the motion going forward but does not support Option 1c as preferred.

Dr. Radtke asked for a vote on Motion 25. Motion 25 passed. Messrs. Robinson and Anderson voted no.

Mr. Robinson pointed out Amendment 13, covering bycatch, was challenged in a lawsuit. One of the provisions of the court order concluded that the observer program was not made mandatory in Amendment 13. At the time, the observer program didn't exist so it authorized or permitted an observer program but didn't make it a mandatory part of the bycatch assessment methodology. Thus, the Council has a choice to comply with the court order by doing another amendment to re-do this part of Amendment 13 or to add it into Amendment 16, in order to make the observer program mandatory. Mr. Robinson moved and Mr. Bohn seconded a motion (Motion 26) to have Council staff incorporate a provision into Amendment 16 for the Council's consideration and public review following the April meeting. The provision complies with the court order and Amendment 13 by acknowledging the fact that the observer program exists, compliance with it is mandatory, and it is a standard part of the Groundfish FMP's bycatch accounting methodology. By incorporating it into amendment 16 under the housekeeping measures we wouldn't have to come and ask the Council to initiate a new amendment. Motion 26 passed.

#### G.11 Planning for Bycatch and $B_0$ /MSY Workshops (11/01/02; 9:32 am)

##### G.11.a Agendum Overview

Mr. Waldeck provided an overview of the agenda topic.

##### G.11.b Report of the Scientific and Statistical Committee (SSC)

Mr. Jagielo provided Exhibit G.11.b, Supplemental SSC Report.

*The Scientific and Statistical Committee (SSC) and Northwest Fisheries Science Center (NWFSC) will organize a three-day bycatch workshop in the last week of January in Seattle, Washington. The objectives of this workshop are to review the methodological aspects of the bycatch model currently developed by Dr. Jim Hastie and how the new observer data will be applied in the model. The chair of the SSC Economics Subcommittee will chair the workshop and coordinate with NWFSC to develop the terms of reference. The panel will include representatives from the SSC, Groundfish Management Team, and Groundfish Advisory Subpanel, as well as independent experts.*

*Considering time constraints, the SSC recommends deferring the  $B_0$ /MSY workshop to an "off" year under the future multi-year management process.*

Mr. Jagielo, in response to a question from the Council, reiterated that refining bycatch estimation has greater relative importance than reviewing  $B_0$ /MSY procedures. He also noted that availability of West Coast observer data would determine how much the workshop could accomplish, i.e., it is a critical element.

#### G.11.c Agency and Tribal Reports and Comments

None.

#### G.11.d Reports and Comments of Advisory Bodies

#### GAP

Mr. Moore provided Exhibit G.11.d, Supplemental GAP Report.

*Due to scheduling conflicts, the Groundfish Advisory Subpanel (GAP) did not have an opportunity to meet with the Scientific and Statistical Committee or NMFS representatives to discuss plans for workshops on several scientific issues, including definitions and calculations of maximum sustainable yield and  $B_0$ , or unfished biomass. Nevertheless, the GAP reiterates its previous recommendation that a stock assessment review-type workshop on calculation of unfished biomass be convened as soon as possible. The calculation of unfished biomass during the stock assessment process is a key component in determining whether a stock will be designated overfished. Unfortunately, there are several different ways that unfished biomass has been calculated, especially in regard to stocks that may be influenced more by environmental conditions than by harvesting. Since the determination of unfished biomass is so important, the GAP believes that a proper scientific review of this process is imperative.*

Mr. Moore noted that  $B_0$  is a very important factor in groundfish fishery management as it is a key component in determining if a stock is overfished. He explained, in response to a Council question, that while  $B_0$  is based on SSC guidance, this guidance has not received peer review outside the SSC.

#### G.11.e Public Comment

Mr. Joe Easley, Oregon Trawl Commission; Astoria, Oregon

#### G.11.f **Council Action:** Consider Need and Process for Bycatch and $B_0$ /MSY Workshops

Mr. Brown noted his strong interest in convening a  $B_0$ /MSY workshop, in line with the concerns expressed by the GAP. He discussed several perceived problems with stock assessments and management specifications affected by current  $B_0$  and MSY calculations. He stressed the critical need for a review of these fundamental concepts.

Mr. Bohn noted the SSC and GAP recommendations were polar opposites. He suggested the Council not make a firm decision on the  $B_0$  workshop until the March or April 2003 meetings when budget issues will have settled. It appeared to him the bycatch workshop had the momentum to move forward.

Mr. Alverson suggested the focus of the bycatch workshop should be on the results of the bycatch model rather than review of the model itself. Dr. Hastie and Mr. Robinson both noted that it was standard procedure to vet a model for use in the management process. Dr. Hastie also noted the bycatch model was developed rapidly and there has not been time for full documentation of the model and thorough review of the model. It will also be important to consider how to incorporate data from the West Coast observer program.

Dr. McIsaac suggested the Council consider the relative priority of the two workshops, especially given current budget uncertainty and workload. He noted the  $B_0$  workshop might be a candidate for the first "off year" under the newly adopted multi-year management process, which would be 2005.

Mr. Bohn moved and Mr. Harp seconded a motion (Motion 27) to support the bycatch workshop, but have a discussion at the March or April meeting about convening a  $B_0$  workshop in 2003. Motion 27 passed.

The Council briefly discussed the bycatch workshop, notably the commitment by the NWFSC to assist in funding and logistics. Mr. Waldeck noted the Council expressed their intent to support the bycatch workshop. However, he noted it was still somewhat unclear about who the workshop participants would be, what type of deliverables would be expected from the workshop, and when the Council could anticipate receiving the results of the workshop. It was confirmed that as the terms of the reference for the workshop are developed such details will be determined.

## H. Administrative and Other Matters

### H.1 Legislative Matters (11/01/02; 10:12 am)

#### H.1.a Agendum Overview

Mr. Waldeck provided an overview of the agenda topic and read into the record Exhibit H.1.b, Supplemental Legislative Committee Report.

#### H.1.b Legislative Committee Report

Mr. Waldeck provided Exhibit H.1.b, Supplemental 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.*

#### H.1.c Reports and Comments of Advisory Bodies

None.

#### H.1.d Public Comment

None.

#### H.1.e **Council Action:** Consider Council Response to Legislative Issues

Mr. Alverson suggested that, when practical, members of Congress and their representatives should be invited to attend Legislative Committee meetings, especially members from the area in which a Council meeting is held. He opined this would be an opportunity to increase interaction between the Council and Congress and educate members to particular issues of importance to the Council.

Dr. Radtke concurred and noted this is in line with the Council's desire to make the Legislative Committee more active. Mr. Brown also supported Mr. Alverson's statements.

Mr. Brown moved and Mr. Bohn seconded a motion (Motion 29) to adopt the Legislative Committee report as shown in Exhibit H.1.b, Supplemental Legislative Committee Report.

Motion 29 passed; unanimous voice vote.

## H.2 Financial Matters (11/01/02: 10:19 am)

### H.2.a Budget Committee Report

Mr. Harp provided Exhibit H.2.a, Supplemental Budget Committee Report. The report indicates the Calendar Year 2002 funds are being expended as planned and will be exhausted by year end. Initial funding for 2003 will be provided by a continuing resolution at the current level and the Budget Committee approved a general spending priority to guide staff budget preparation.

### H.2.b **Council Action:** Consider Recommendations of the Budget Committee

Mr. Donald Hansen moved and Mr. Alverson seconded a motion (Motion 30) to adopt the report of the Budget Committee as shown in Exhibit H.2.a, Supplemental Budget Committee Report, including the limited recommendations for budget priorities in 2003. Motion 30 passed.

## H.3 Appointments to Advisory Bodies, Standing Committees, and Other Forums (11/01/02; 10:22 am)

### H.3.a Appointments to Advisory Bodies

Dr. John Coon referred the Council to the situation summary for Exhibit H.3 and noted the following Council actions were required: (1) appoint a nominee to the Washington coastal tribal position on the SAS; (2) respond to the California tribal proposal for sharing the SAS and HC seats; (3) appoint a nominee to the conservation position on the HC; (4) consider possible changes to the composition of the GAP; and (5) direct staff to issue a call for nominations for vacancies on the GAP and HMSAS.

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

## GAP

Mr. Moore provided Exhibit H.3.b, Supplemental GAP Report. A minority of the GAP favored adding an additional noncharter recreational position to the GAP. The majority of the GAP believes there is ample opportunity for noncharter recreational positions to be considered in the GAP under the present membership.

### H.3.c **Council Action:** Consider Membership Revisions and Appoint New Members

Mr. Harp moved and Mr. Bohn seconded a motion (Motion 31) for the Council to appoint Mr. Calvin S. Frank to serve on the Salmon Advisory Subpanel for the Washington coastal tribes for the period between January 1, 2003 and December 31, 2003. Mr. Frank has been nominated by the Quinault Indian Nation for this position and is the only nomination from the Washington coastal tribes. Motion 31 passed.

The Council received a proposal from the Hoopa Valley Tribe on Friday, October 25, 2002 that proposed additional seats for both the SAS and HC to allow representatives of the Hoopa Valley and Yurok tribes to serve concurrently on each body. After reviewing this proposal, the Council opted to not increase the membership of either the SAS or the HC. Mr. Harp moved and Mr. Bohn seconded a motion (Motion 32) for the Council to continue with Messrs. Dave Hillemeier (Yurok Tribe) and Mike Orcutt (Hoopa Valley Tribe) as the SAS and HC members, respectively, until the term ends 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 the tribal anadromous fishery (SAS) or tribal anadromous habitat issues. Mr. Harp noted this has been a difficult issue in which the Council has been patient while encouraging both tribes to work out a method to share a single SAS seat. Formerly, that seat has been shared by the Hoopa and Yurok tribes through a "gentlemen's" agreement. A proposal to add an additional seat to the SAS (and HC) is not what the Council anticipated and is not acceptable. Motion 32 passed.

Mr. Boydstun moved and Mr. Caito seconded a motion (Motion 33) to appoint Mr. Michael Osmond of the World Wildlife Fund to fill the conservation position of the HC for the completion of the 2001-2003 term. Motion 33 passed.

Mr. Boydstun stated he thinks the Council needs to review the composition of the GAP, especially in regard to recreational representation. However, this issue needs further discussion. He noted further consideration of this question will occur during the review of the composition of all subpanels next September prior to selecting members for the 2004 through 2006 term.

Mr. Boydstun moved and Mr. Donald Hansen seconded a motion (Motion 34) to have staff solicit nominees to fill the vacancies on the GAP (California charter and fixed gear at-large positions) for the remainder of the 2001-2003 term and have the Council take up the matter of GAP composition prior to advertising the positions for the terms beginning in 2004. Motion 34 passed.

Mr. Anderson moved and Mr. Alverson seconded a motion (Motion 35) that the Council staff put out requests for nominations for the HMSAS northern processor position. Motion 35 passed.

The Council also noted the appointment of Mr. Curt Melcher, ODFW, to temporarily fill the ODFW position on the Salmon Technical Team after the resignation of Mr. Mike Burner.

#### H.4 Election of Council Chair and Vice Chair (11/01/02; 10:45 am)

##### H.4.d **Council Action:** Elect Chair and Vice Chair

The Council unanimously elected Mr. Donald Hansen as Vice-Chair and Dr. Hans Radtke as Chairman for a second one-year term. (Motion 36)

#### H.5 Council Staff Work Load Priorities (11/01/02; 10:56 am)

##### H.5.a Agendum Overview

Dr. McIsaac referred the Council to Exhibit H.5, Supplemental Staff Workload Priorities.

##### H.5.b Council Discussion and Guidance on Council Staff Work Load Priorities

The Council concurred in the staff workload priorities as presented in the supplemental exhibit.

#### H.6 March 2003 Council Meeting Draft Agenda

##### H.6.a Consider Agenda Options

Dr. McIsaac referred the Council to Exhibit H.6, Supplemental Draft March Agenda, November 2002.

##### H.6.b Identify Priorities for Advisory Body Consideration

Dr. McIsaac noted the identification of priority agenda items for advisory body review is provided in the draft meeting agenda.

##### H.6.c **Council Action:** Adopt Draft Agenda for the March 2003 Meeting

The Council approved a preliminary draft of the March 2003 Council meeting agenda as presented in Exhibit H.6, Supplemental Draft March Agenda with the addition of a report on the 2003 status and planning for the states' marking programs (coordinated by the Salmon Technical Team). The Council meeting will be held March 10-14, 2003 in Sacramento, California. The meeting agenda primarily includes preseason management for the 2003 salmon and halibut fisheries and consideration of sardine allocation for the coastal pelagic fishery.

**4 PM PUBLIC COMMENT PERIOD (10/29/02; 4 pm)**

Public comments on fishery issues not on the agenda.

Mr. Guy Grundmeier, Port San Luis Fishermen's Association; San Luis Obispo, California. Talked about other known causes of rockfish mortality. He got his numbers from PacFIN.

Mr. Peter Flournoy, International Law Offices; San Diego, California. Talked about NMFS recent request for transshipment of tuna (from the US EEZ to Mexican waters). He wrote a letter to Dr. Hogarth in opposition to that stating that there was US vessels available to do that. Dr. Hogarth replied that they were still going to allow the request because the PFMC had approved it. Dr. McIsaac offered to speak to Mr. Flournoy later and the Council did make some recommendations at the June meeting for a particular permit.

ADJOURN on November 1, 2002

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**DRAFT**

**Hans Radtke, Council Chairman**

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**DRAFT**

**Date**



**DRAFT VOTING LOG**  
**Pacific Fishery Management Council**  
October 28 - November 1, 2002

MOTION 1: Approve the agenda as shown in Exhibit A.4., November 2002 Council Meeting Agenda.  
Motion 1 passed.

Moved by: Ralph Brown  
Motion 1 passed.

Seconded by: Phil Anderson

MOTION 2: Approve the April minutes (Motion 2) as provided in Exhibit A.5., April 2002 Council Meeting Minutes. Motion 2 passed.

Moved by: Ralph Brown  
Motion 2 passed.

Seconded by: Burnie Bohn

MOTION 3: Resubmit the letter to FERC; invite Dr. Jane Lubchenco to make a presentation to the Council at the March Council meeting. Dr. Lubchenco's presentation would address the fisheries benefits of marine reserves and would relate to the development of a PEIS

Moved by: LB Boydstun  
Motion 3 passed.

Seconded by: Roger Thomas

MOTION 4: Approve the 2003 salmon hearing sites as shown in Exhibit C.3, Situation Summary, November 2002.

Moved by: Ralph Brown  
Motion 4 passed.

Seconded by: Burnie Bohn

MOTION 5: Establish a model evaluation workgroup as suggested by the SSC. The workgroup would establish the goals of the group including the consideration of the purposes of the SSC (not restrict themselves to their comments) and report back to the Council as to what work products we would expect from them.

Moved by: Phil Anderson  
Motion 5 passed.

Seconded by: Bob Alverson

MOTION 6: Approve the use of the modified chinook model provided that the ...request WDFW to provide the Council documentation (as requested by the STT/SSC).

Moved by: Phil Anderson  
Motion 6 passed.

Seconded by: Mark Cedergreen

MOTION 7: If after the successful review of the PSC and approval by the treaty tribes and approval NMFS relative to the compatibility with the PS management plan, marked select fisheries thru-out Puget Sound....the Council will evaluate and make a determination as to whether the proposed fisheries impact ....and whether the concerns of the STT and SSC have been made or met.

Moved by: Phil Anderson  
Motion 7 passed.

Seconded by: Mark Cedergreen

MOTION 8: Ms. Vojkovich moved (seconded by Mr. Thomas; Motion 8) that the Council adopt the draft HMS FMP.

MOTION 9: Ms. Vojkovich moved and Mr. Anderson seconded a motion (Motion 9) for preferred alternatives in the HMS FMP (see, Supplemental Recommended Motion).

MOTION 10: Adopt the following modifications to the Pacific Halibut Catch Sharing Plan for the 2003 Oregon recreational fishery:

1. *Develop framework language allowing inseason action to transfer quotas between the Columbia River and Central Oregon Coast sport subareas.*
2. *Develop framework language allowing preseason transfer of quotas between the North Central and South Central Oregon coast sport subarea May (spring) seasons to meet the plan's objective of setting equal number of fixed fishing days for the two subareas.*
3. *Extend the recreational season for all subareas south of Cape Falcon from September 30 to October 31.*
4. *Change language defining the central Oregon recreational fisheries to spring and summer seasons rather than May and August seasons, and include the months of May to July in the spring season and the months of August to September (or October) in the summer season.*

Moved by: Burnie Bohn  
Motion 10 passed.

Seconded by: Ralph Brown

MOTION 11: Adopt the proposals contained in *Exhibit E.1.c, Supplemental Revised WDFW Proposal* for modifications to the Pacific Halibut Catch Sharing Plan for the 2003 Washington recreational fisheries.

Moved by: Phil Anderson  
Motion 11 passed.

Seconded by: Bob Alverson

MOTION 12: Adopt the proposals as shown in *Exhibit E.1.g, Supplemental Washington Motion*.

Moved by: Bob Alverson  
Motion 12 passed.

Seconded by: Phil Anderson

MOTION 13: Change the halibut catch sharing plan section (f)(5)(i)(C) as follows:

*If any of the sport fishery subareas north of Cape Falcon, OR are not projected to utilize their respective quotas by September 30, NMFS may take inseason action to transfer any projected unused quota to another Washington sport subarea ~~projected to have the fewest number of sport fishing days in the calendar year.~~*

and change catch sharing plan (f)(5)(ii)(E) as follows: *Modification of subarea quotas north of Cape Falcon, OR ~~consistent with the standards in section (f)(5)(i)(C) of this plan.~~*

Moved by: Phil Anderson  
Motion 13 passed.

Seconded by: Mark Cedergreen

MOTION 14: Set the 2003 Pacific sardine harvest guideline at 110,908 mt.

Moved by: Marija Vojkovich  
Motion 14 passed.

Seconded by: Jim Caito

MOTION 15: Have the Council draft a letter to NMFS stating the needs for research for sardine fishery on the West Coast and requesting the finding of dollars to fund that research as a high priority.

Moved by: Marija Vojkovich  
Motion 15 passed.

Seconded by: Jim Caito

MOTION 16: Establish the STAR Panel and request funding for that panel (as described in the SSC statement).

Moved by: Marija Vojkovich  
Motion 16 withdrawn.

Seconded by: Jim Caito

MOTION 17: Allow 45% of the total weight of the landed catch could be sardines in other CPS directed fisheries.

Moved by: Phil Anderson  
Motion 17 passed. Ms. Vojkovich and Mr. Caito voted no.

Seconded by: Bob Alverson

MOTION 18: Direct the CPSMT to develop analysis for management alternatives that include:

The management alternatives are:

1. Status quo.
2. No allocation – institute a coastwide harvest guideline.
3. Move northern boundary of southern subarea from 35°40' to 39° N latitude, change reallocation date from October 1 to September 1 (or August 1), and provide for December 1 reallocation to a coastwide harvest guideline.
4. Change reallocation date from October 1 to September 1 or (August 1), and provide for December 1 reallocation to a coastwide harvest guideline.

The Council also requested sub-alternatives be analyzed for Alternatives 3 and 4. These sub-alternatives relate to the allocation percentages:

- a. 33% to the north, 66% to the south.
- b. 50% to the north, 50% to the south.

The analysis should also consider the allocation factors detailed at Section 2.1.4 in the CPS FMP. In addition, incidental catch (bycatch) among the various fisheries should be considered. The Council expressly gave discretion to the CPSMT to formulate other reasonable options, based on the information resulting from the analysis. For example, the analysis could reveal that an option for allocations among 3 subareas might be reasonable, e.g., U.S./Mexico border to 35° 40' N latitude, 35° 40' N latitude to 39° N latitude, and 39° N latitude to the U.S./Canada border.

The Council expressed concern that the schedule developed by NMFS might be overly ambitious. Therefore, to provide information that could provide for more expeditious action during the 2003 fishing season, the Council requested the CPSMT to prioritize the analysis of changing the reallocation date from October 1 to an earlier date.

Moved by: Marija Vojkovich  
Motion 38 passed.

Seconded by: Jim Caito

- MOTION 19: Adopt the recommendations of the GMT as shown in Exhibit G.2.b, Supplemental GMT Report for 2002 management - with regards to the trawl fishery le north of 40 10 that we allow for a retention of 500 pounds of widow per month and 300 pounds of rockfish per month using small footrope; and part 2) off California - for exempted trawl that we allow for up to 100 pounds per day of flatfish with the presence of at least 1 California halibut and 100-300 pounds of flatfish provided flatfish poundage does not exceed California halibut poundage (with the use of trawl gear consistent with approved groundfish trawl gear. (Paragraph 4 of the GMT Report).

Moved by: LB Boydstun  
Motion 19 passed.

Seconded by: Jim Caito

- MOTION 20: Pertaining to the recommendations given to NMFS regarding 2003 groundfish management, use the replacement language recommended by GMT (paragraph 5) - also to recommend amending the regulations for the CRCA as it pertains to gear exceptions for sanddabs that for both recreational and commercial to use up to 12 #2 hooks per line and for the recreational fishery up to two pounds of weight per line. Include in the motion the third sentence in paragraph 5.

Moved by: LB Boydstun  
Motion 20 passed.

Seconded by: Ralph Brown

- MOTION 21: For 2003 groundfish management modify the groundfish closure for recreational fisheries previously described as "L" shaped to the "C" shaped closure as noted in the halibut catch sharing plan..

Moved by: Phil Anderson  
Motion 21 passed.

Seconded by: Mark Cedergreen

- MOTION 22: Recommend that NMFS, in consultation with the Ad Hoc VMS Committee, prepare a proposed rule for a pilot VMS program for implementation at some point in 2003. The proposed rule should include:

1. Monitoring System and Declaration Requirements: The basic VMS transceiver and

mobile communication system would be required equipment. A declaration for legal fishing incursions into Groundfish Conservation Areas (GCA) would be required for all federal groundfish limited entry, exempted trawl, and tribal trawl vessels; open-access line-gear would not be subject to the declaration requirements. Declarations would be required prior to leaving port and would remain in effect until the vessel changes its intent with another declaration.

2. Coverage: Federal groundfish limited entry vessels that actively fish on the West Coast are required to carry an operating VMS unit.
3. Expenditures: The council recommends that NMFS fully fund all VMS requirements, or, if that is not possible, any vessels which have incurred VMS expenses be eligible for reimbursement as federal funding becomes available.
4. Gear Type: Only one groundfish gear type can be onboard when fishing in a GCA and no active fishing inconsistent with the regulations of the GCA may occur on the trip.
5. Gear Stowage : When transiting a GCA, trawl gear must remain below deck or covered on the deck of a vessel, or the net must be disconnected from the trawl doors and the trawl doors hung on their stanchions.

Note: The motion did not specify a recommended date, subsequent to final rule making completion, that VMS equipment would be required to be on-board vessels and enforcement of the regulation provisions would begin.

Moved by: Bill Robinson  
Motion 22 passed.

Seconded by: Phil Anderson

MOTION 23: Forward the six EFPs to NMFS for final approval as shown in Exhibit G.6.c, Supplemental GMT Report. The motion also includes the bycatch numbers identified on the table as noted by the GMT. (With the removal of the California trawl EFP).

Moved by: Burnie Bohn  
Motion 23 passed.

Seconded by: Ralph Brown

MOTION 24: For groundfish multi-year management (Groundfish Amendment 17), adopt Alternative 3 as described in the EA Exhibit G.5, Attachment 1, including:

1. the mid-process best available science check in the Exhibit G.5.c, Revised Supplemental GMT Report,
2. including the two one-year OY recommendations as in Exhibit G.5.c, Revised Supplemental GMT Report, and
3. with the exception that whiting may be done on an annual basis.

Further the GMT will be tasked to work with the Council advisory bodies to come up with the thresholds for determining whether mid-process changes are necessary.

Moved by: Bob Alverson  
Motion 24 passed.

Seconded by: Phil Anderson

MOTION 25: For amendment 16 rebuilding plans for groundfish, adopt items 1c, 2b, 3e, and 4a, as shown in Exhibit G.10, Attachment 1.

Moved by: Burnie Bohn  
Motion 25 passed.

Seconded by: Ralph Brown

MOTION 26: Have Council staff incorporate into A16 for the Council's consideration and public review following the April meeting the observer program as mandatory and as a standard part of the groundfish FMP's bycatch accounting methodology.

Moved by: Bill Robinson  
Motion 26 passed.

Seconded by: Burnie Bohn

MOTION 27: Support the bycatch workshop, but have a discussion in March or April to determine when or if the B<sub>0</sub> workshop takes place.

Moved by: Burnie Bohn  
Motion 27 passed.

Seconded by: Jim Harp

MOTION 28: Send the letter as shown in Exhibit B.1., Supplemental Attachment 4 as presented with a request that on the last page with the bullets that we indicate which departmentt would be responsible. The first two bullets the responsibility would be with the DOI and the DOC. The rest of the bullets responsibility would be for the DOI. Give Council staff authorization to edit and spell check the letter as necessary. Also include on the "cc" list, Mr. Greg Waldon (Klamath Falls area).

Moved by: LB Boydstun  
Motion 28 passed. Mr. Robinson abstained from the vote.

Seconded by: Jim Caito

MOTION 29: Adopt the Legislative Committee report as shown in Exhibit H.1.b, Supplemental Legislative Committee Report.

Moved by: Ralph Brown  
Motion 29 passed.

Seconded by: Burnie Bohn

MOTION 30: Adopt the report of the Budget Committee as shown in Exhibit H.2.a, Supplemental Budget Committee Report.

Moved by: Don Hansen  
Motion 30 passed.

Seconded by: Bob Alverson

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

Moved by: Jim Harp  
Motion 31 passed.

Seconded by: Burnie Bohn

MOTION 32: For the SAS Klamath River Basin federally recognized tribal position and HC, have 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 Friday, October 25, 2002 that proposed addition 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.

Moved by: Jim Harp  
Motion 32 passed.

Seconded by: Burnie Bohn

MOTION 33: Appoint Mr. Michael Osmond of the WWF to fill the conservation position of the Hc for the completion of the 2001-2003 term. Motion 33 passed.

Moved by: LB Boydston  
Motion 33 passed.

Seconded by: Jim Caito

MOTION 34: Fill the vacancies on the GAP that we advertise those sector positions for nominations for the remainder of the 2001-2003 terms; have the Council take up the matter of GAP composition prior to advertising the positions for the terms beginning in 2004.

Moved by: LB Boydston  
Motion 34 passed.

Seconded by: Don Hansen

MOTION 35: Instruct the Council staff to put out requests for nominations for the HMS northern processor position.

Moved by: Phil Anderson  
Motion 35 passed.

Seconded by: Bob Alverson

MOTION 36: Appoint Mr. Donald Hansen as Vice-Chair and Dr. Hans Radtke as Chairman for another one-year term.

Moved by: Phil Anderson  
Motion 36 passed.

Seconded by:





**Meeting Record and Summary Minutes**  
**Pacific Fishery Management Council**  
**September 9-13, 2002**

The full record of the Pacific Fishery Management Council (Council) September 9-13, 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 October 2002 Council Newsletter.

# DRAFT MINUTES

## Pacific Fishery Management Council

DoubleTree Hotel - Columbia River  
1401 N Hayden Island Drive  
Portland, OR 97217  
September 9-13, 2002

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## A. Call to Order

### A.1 Opening Remarks, Introductions

Dr. Hans Radtke, Chair opened the meeting. (09/10/02; 10 am)

### A.2 Council Member Appointments - Swearing In of New Members

Dr. Bill Hogarth made some opening remarks on how the National Oceanic and Atmospheric Administration (NOAA) Fisheries is teaming up with the agencies and public and that he is open for comments.

Dr. Hogarth swore in and welcomed the new Council members Messrs. Mark Cedergreen and Dave Ortmann.

### A.3 Roll Call

Dr. Don McIsaac called the roll.

#### Members Present at Time of Roll Call

Jim Caito  
LB Boydstun  
Roger Thomas  
Phil Anderson  
Mark Cedergreen  
Bob Alverson  
Jerry Mallet  
Dave Ortmann  
Dave Gaudet (non-voting)  
Don Hansen  
Hans Radtke  
Dave Hanson (Parliamentarian, non-voting)  
Burnie Bohn  
Ralph Brown  
Jim Harp  
Bill Robinson  
Tim Roth (non-voting)  
CDR. Fred Meyer (non-voting)

#### Members Absent at Time of Roll Call

Stetson Tinkham

### A.4 Executive Director's Report

Dr. McIsaac noted the items under the "Informational Tab" and introduced Mr. Mike Burner, new staff member.

### A.5 Council Action: Approve Agenda

Mr. Brown moved, and Mr. Harp seconded a motion (Motion 1) to approve the agenda as shown in Exhibit A.5, September Council Meeting Agenda with the following changes: postpone agenda item A.6 (approval of March 2002 minutes) until Friday morning; insert a report from the Ad Hoc Allocation Committee on optimum yield between Agenda Item C.2.d. and C.2.e.; delete Agenda Item D.1 and D.2; and add a report from the California Fish and Game Commission between Agenda Items E.1.c and E.1.d. Council concurred, Motion 1 passed.

A.6 **Council Action:** Approve March 2002 Minutes (09/13/02; 8:02 am)

Mr. Alverson moved and Mr. Jerry Mallet seconded a motion (Motion 14) to approve the March 2002 Council Minutes as shown in Exhibit A.6, Supplemental March 2002 Council Minutes. Motion 14 passed.

## **B. Habitat Issues**

B.1 Essential Fish Habitat (EFH) Issues (09/10/02; 10:18 am)

### **B.1.a Habitat Committee (HC) Report**

Mr. Paul Heikkila presented Exhibit B.1, Attachment 1. He also summarized Exhibit B.1.a, Supplemental HC Report.

Mr. Brown reported on a meeting he had held with a Klamath water users' group to discuss the problems of Klamath flows and fisheries management. He reported that the irrigators he spoke to were unwilling to talk to California fishermen because of the contentious nature of the issues. However, they were willing to talk to Oregon fishermen. Mr. Brown said that he had found many Oregon fishermen who were interested in participating in the meetings. He said there was no spirit of compromise or accommodation among the different parties in the dispute, and he believed far more could be accomplished if there was more willingness to cooperate.

Mr. Roth gave an update on the US Fish and Wildlife Service (USFWS) Hanford reach stranding study. He noted that there was work initiated this summer in partnership with the state of Alaska and USFWS. The work will be relevant to the Federal Energy Regulatory Commission (FERC) relicensing process for Priest Rapids and Wanapum Dams. They are seeking additional funds for these studies. Work is being done now, but much more work needs to be done to adequately manage the hydro system to meet the needs of fish.

Mr. Alverson asked about the definition of deep water in terms of Columbia River dredging. Mr. Heikkila reported that the dredging dump site was about 50 fm deep.

Mr. Boydston clarified that there were two Klamath River issues - the biological opinion and FERC relicensing.

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

None.

### **B.1.c Public Comment**

Mr. Guy Grundmeier, Port San Luis Fishermen's Association; San Luis Obispo, California. He commented on the Diablo Canyon power plant's effects on bocaccio, and the need for more research money.

### **B.1.d Council Action: Consider HC Recommendations on Habitat Issues**

Mr. Boydston confirmed the Council's interest in developing a letter to National Marine Fisheries Service (NMFS) on Klamath River flow issues. Regarding FERC relicensing, Mr. Boydston recommended the Council proceed with providing additional comments to FERC (with key HC members drafting that letter and presenting it to the Council at their October meeting).

Mr. Alverson moved and Mr. Harp seconded a motion (Motion 2) to approve sending a letter to the Army Corps of Engineers with comments regarding Supplemental Draft Environmental Impact Statement for Lower Columbia Channel Deepening Proposal as shown in Exhibit B.1, Attachment 1, September 2002. Council concurred, Motion 2 passed.

Mr. Roger Thomas suggested that the HC discuss Diablo Canyon at their next meeting.

Mr. Brown said he would like the whole issue of power plants discussed - power plant entrainment is one of the indexes used in stock assessments. Mr. Thomas then suggested that the HC discuss the effects of all the power plants.

### **C. Groundfish Management**

#### **C.1 NMFS Report on Groundfish Management (09/10/02; 10:39 am)**

##### **C.1.a Agendum Overview**

Mr. Bill Robinson gave a summary of the activities for groundfish since the last Council meeting which included the following items:

- A final rule is currently pending at NMFS headquarters to allow experimental setnet sablefish landings to count toward sablefish tier qualifications.
- On July 5<sup>th</sup>, NMFS published adjustments to 2002 groundfish management measures as recommended at the June Council meeting.
- Also concerning 2002 management measures, three correction notices were also published in July and August.
- On July 17<sup>th</sup>, NMFS took action to close the shoreside whiting fishery effective September 1.
- NMFS has received and is processing a flatfish EFP submitted by California.
- Effective September 4<sup>th</sup>, following Groundfish Management Team (GMT) recommendation, nearshore rockfish fisheries south of Cape Mendocino were closed.
- The emergency rule establishing the Darkblotched Rockfish Conservation Area as well as management measures for deep water complex and nearshore fisheries for the remainder of 2002 was signed and published in the *Federal Register* today.
- Negotiations with Canada on a Pacific whiting bilateral management and allocation regime are continuing.

Dr. Liz Clarke gave an update on the Northwest Fisheries Science Center (NWFSC) activities. She reported that the recent two-month update on the observer program is available on the web and includes recent expansion onto open access vessels. Additionally, data from the first year of the study will be available by the end of January for use in next year's stock assessments. She reported that surveys this year are continuing as planned. As requested by the Council at June meeting, she reported the expected bocaccio catch in 2003 surveys at 0.2 mt. Dr. Clarke announced two upcoming meetings, one for the captains participating in the surveys and another to provide a forum for input on shelf survey design. She reports funding has been approved to help with expansion of whiting surveys for next year in cooperation with Canada. Carl Lian was introduced as a new economist with the Northwest Fisheries Science Center. Dr. Clarke also announced that requests for proposals for cooperative research will be advertised soon.

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

None.

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

Mr. Pete Huhtula, Pacific Marine Conservation Council, Astoria, Oregon  
Mr. Guy Grundmeier, Port San Luis Fishermen's Association; San Luis Obispo, California  
Mr. Rod Moore, West Coast Seafood Processors Association; Portland, Oregon

##### **C.1.d Council Discussion on NMFS Report on Groundfish Management**

Mr Brown and Mr. Bohn requested additional information concerning the state of EFPs for 2003 and ways to better coordinate EFP proposals with NMFS.

Dr. Clarke and Mr. Robinson reviewed some of the proposals that are currently under consideration and recommended the formation of an ad hoc committee to help with EFP reviews.

Mr. Anderson asked if an ad hoc committee for EFP issues would have both state and federal representation and if the committee would be involved in developing standards that could be applied to future EFP applications. He also asked if the goal is to have standards developed prior to NMFS making decisions on EFPs for 2003?

Mr. Robinson replied that the committee would have broad representation and would work on the development of standards. He also stated that NMFS would prefer to have a good understanding of the standards being considered prior to approving EFPs for 2003.

Messrs. Anderson and Bohn both were concerned about delays to current EFP proposals to allow time for committee formation and development of EFP standards.

Mr. Robinson said NMFS does not want to delay the states work in preparing the EFPs or superimpose standards on EFPs already being developed. We would like to use current EFP process as an experiment and come out with standards and protocols for future EFPs.

Mr. Anderson noted the states have coordinated very closely with both NMFS NWR and NWFSC for the last two years and intend to continue that relationship. He added that the states also want to ensure that proposals meet the EFP criteria and do not impede the conduct of the NMFS observer program.

Mr. Robinson, summarized the Council discussion and discouraged the notion that EFPs are a means to avoid regulations and closures; rather they are intended as experiments with regulatory applications which could be transferred into future broad economic opportunities.

## C.2 Final Harvest Levels and Other Specifications for 2003 (09/10/02; 11:24 am)

### C.2.a Agendum Overview

Mr. John DeVore gave the agendum overview and reviewed the order of agenda items for the Council members. He recommended the Council first receive a briefing from Dr. Alec MacCall on a revised bocaccio rebuilding analysis. Although this briefing was not on the meeting agenda, a revision of the rebuilding analysis the Council adopted in June was consistent with Council and SSC recommendations for more bocaccio modeling. One of the bocaccio harvest level alternatives for 2003 as adopted in June also depended on the modeling in the revised rebuilding analysis.

### C.2.b Bocaccio Rebuilding Analysis (9/10/02; 11:31 am)

Dr. MacCall briefed the Council on the revised bocaccio rebuilding analysis (Exhibit C.2.b, Bocaccio Rebuilding Analysis) done since the June Council meeting. The biggest revision was due to a change in the SSC-approved rebuilding program developed and revised by Dr. Andre Punt. The biggest rebuilding model structural change was specifying the initial year in estimating rebuilding trajectories as the year the stock was declared overfished instead of the current year. The new rebuilding modeling result is the stock cannot rebuild to  $B_{MSY}$  by  $T_{MAX}$  with at least a 50% probability. Therefore rebuilding, even with a zero harvest through the 109 year predicted rebuilding period, does not comport with the National Standard Guidelines (NSGs). Appended to the rebuilding analysis was another modeling result termed the bocaccio sustainability analysis. Dr. MacCall explained that analysis indicated a range of rebuilding probabilities of 7%-49% to reach  $B_{MSY}$  by  $T_{MAX}$ . He intends to start a new bocaccio assessment in the next six weeks. He intends to evaluate natural mortality rate, historical catches, and do an analysis of recent data informative of the relative strength of the 1999 and 2002 year-classes.

Mr. Brown asked Dr. MacCall how virgin biomass ( $B_0$ ) was calculated? Isn't the biomass for the next 50+ years that cannot sustain a harvest actually  $B_0$ ? Dr. MacCall said the predicted biomass during rebuilding is based on the low recruitments observed in recent years, which was low. The older recruitments, when

biomass was much higher, are used to calculate  $B_0$ . Mr. Brown said historical biomass was highly variable which complicates this issue.

Mr. Boydston asked for an explanation of the plans for the next bocaccio stock assessment recommended for next year. Dr. MacCall said he has already started compiling and analyzing new input data. While he expects the new assessment will be more optimistic, the stock will still not be out of trouble. Mr. Boydston asked if the increased optimism was due to improved recruitment? Dr. MacCall said yes, there was an uptick in recruitment of the 1999 and 2002 year classes. Mr. Robinson asked if the new assessment would critically analyze estimated natural mortality? Dr. MacCall said that was the plan. Past bocaccio assessments showed a flat surface in predicted natural mortality for the range between  $M=0.15$  and  $0.25$ . Model results are sensitive to estimated natural mortality rate, so this will be looked at more closely.

#### C.2.c Yelloweye Rockfish Stock Assessment

Dr. Rick Methot briefed the Council on the new yelloweye rockfish stock assessment (Exhibit C.2.c, Supplemental Yelloweye Stock Assessment) and rebuilding analysis (Exhibit C.2.c, Supplemental Yelloweye Rebuilding Analysis) requested by the Council in June. This was done this summer with subsequent STAR Panel, GMT, and SSC Groundfish Subcommittee review. New Washington CPUE and length data were added to the assessment as recommended by the SSC in June. Assessment authors investigated patterns of mortality and stock trends. One critical question analyzed was whether natural mortality rate ( $M$ ) was constant or increasing over time. They concluded  $M$  is constant but older individuals are not as well selected in fisheries. They also decided to proceed with a coastwide assessment unlike the previous assessment which modeled northern California and Oregon data separately and did not include any Washington data. One problem with the assessment data was the lack of fishery-independent data to validate the trends evident in fishery catch data. The current estimated biomass of the coastwide yelloweye spawning stock is 24% of its initial virgin biomass. This is a relatively data-poor assessment with an identical approach to that used in the most recent canary rockfish assessment. The best estimate of steepness of the spawner-recruit curve, which is an index of relative productivity, is 0.437. This is lower than that for canary rockfish, but higher than for bocaccio. Future data needs to validate this estimate and other model estimates and assumptions include fishery-independent survey data and a longer time series of spawner-recruitment data to better understand the stock's potential productivity.

Dr. Methot reviewed the new yelloweye rebuilding analysis (Exhibit C.2.c, Supplemental Yelloweye Rebuilding Analysis). The stock is currently estimated to be at 24% of  $B_0$ . The stock declined during the 1980s through the mid-1990s when the average annual catch was 320 mt. The 2003 estimated ABC is 52 mt. The proxy rockfish harvest rate of  $F_{50\%}$  is estimated to be too high to rebuild the stock. The analysis suggests that an  $F_{57\%}$  harvest rate is more appropriate to rebuild yelloweye. This equates to an available annual harvest of about 59 mt over the long term. The minimum time to rebuild the stock in the absence of fishing ( $T_{MIN}$ ) is 2027, the maximum time to rebuild under the NSGs ( $T_{MAX}$ ) is 2071, and  $T_{MID}$  (the period halfway between  $T_{MIN}$  and  $T_{MAX}$ ) is 2049. The 2003 OY associated with a  $T_{MID}$  trajectory is 22 mt. The range of 2003 OYs that appear to be adequately precautionary given assessment uncertainty is 14-22 mt.

Mr. Anderson thanked Dr. Methot for all the work done in such a short timeframe this summer and explained all the work done to get to this point. Mr. Brown asked if the greater steepness in the yelloweye spawner-recruit curve means the stock is more productive than canary? Dr. Methot confirmed that. Mr. Brown asked if  $B_{MSY}$  for canary is 750 mt, how can the same parameter estimate for yelloweye be 59 mt? Dr. Methot acknowledged the rate of yelloweye recruitment is higher, but overall abundance of canary is greater.

Mr. Alverson noted the relative abundance of yelloweye is higher off Washington than Oregon, but the assessment and estimated rebuilding OY are coastwide. Should the Council consider the relative abundance by area when setting OY? Dr. Methot recommended the Council should not ignore stock structure. He was not sure state borders are appropriate management lines. The cumulative catch off Washington has been less than further south. Although he is not prepared to make area-specific management recommendations, he does recommends conserving yelloweye, especially in the south.



#### C.2.d Stock Assessment Review (STAR) Panel Report for Yelloweye Rockfish

The STAR Panel report was included as Exhibit C.2, Supplemental Yelloweye STAR Panel Report. The report's availability was noted but not reviewed during the Council session. It was noted that the STAR Panel recommended the new Yelloweye Rockfish Stock Assessment for 2003 management decision-making.

#### C.2.d.i Ad Hoc Allocation Committee Report on Optimum Yield (OY) Recommendations (09/10/02; 1 pm)

Mr. Anderson reviewed Exhibit C.2, Supplemental Ad Hoc Allocation Committee OY Recommendation Table. These are the OY recommendations of the Ad Hoc Allocation Committee with the associated rationale. The lingcod OY maintains the Council interim rebuilding strategy. Management measures designed to rebuild overfished shelf rockfish species are anticipated to keep fisheries from attaining this OY. The canary OY depends on the commercial:recreational allocation. The commercial fishery takes older fish; a higher commercial allocation provides a higher total catch OY. The Allocation Committee recommends initially modeling management measures with a 50:50 allocation which results in a 2003 OY of 41 mt. The OY recommendations for POP and widow rockfish are consistent with Council interim rebuilding strategies. These OYs are likely unattainable due to other species' rebuilding constraints. The darkblotched OY recommendation of 172 mt is a departure from the Council interim rebuilding strategy that had a 70% rebuilding probability. The recommended OY is based on a more conservative 80% rebuilding probability trajectory. The yelloweye OY recommendation is 22 mt and is consistent with a  $T_{MID}$  rebuilding period with a greater than 80% probability of rebuilding within  $T_{MAX}$ . This recommendation provides the potential to rebuild the stock within a shorter time frame than other alternatives presented in the rebuilding analysis. The Allocation Committee recommends a 2003 OY of 148,200 mt for Pacific whiting. This OY alternative uses a more conservative  $F_{45\%}$  harvest rate with the 40-10 adjustment applied to the biomass projected to the start of 2003. The sablefish OY recommendation for 2003 is 5,000 mt. Although less of a harvest than the updated assessment suggests is sustainable, this OY avoids a volatile management future and allows greater survival to a larger size bringing future harvest benefits.

Mr. Robinson briefed the Council on the bocaccio OY recommendation since it was based on a recommendation from NMFS. The original rebuilding analysis reviewed in June indicated a range of 0-5.8 mt under the NMFS National Standard Guidelines (NSGs) for rebuilding. Now, with the revised rebuilding analysis, no harvest can be sustained under the NSGs. This is because rebuilding cannot occur within  $T_{MAX}$  with at least a 50% probability. NMFS looked more closely at the NSGs and the Magnuson-Stevens Act (MSA). The NSGs did not contemplate a zero harvest standard. The bocaccio life history pattern does not conform to the NSGs. NMFS went to the MSA which mandates rebuilding measures be as short as possible (within ten years if possible), but can be extended if biology and the needs of fishing communities dictate. NMFS then went to the bocaccio sustainability analysis developed by Dr. MacCall to determine an acceptable level of harvest. This analysis was done for the recently completed Bocaccio Status Review (an ESA listing decision is pending). A key consideration for the NMFS recommendation was consistency with the MSA. Harvest cannot cause a stock decline (with a high probability) nor change NMFS conclusions relative to an ESA listing. The bocaccio sustainability analysis indicates a 22 mt harvest in 2003 predicts no stock decline in the next 100 years with an 80% probability. The mean rebuilding year under this scenario is 2172. A 70% probability of no further stock decline in the next 100 years is predicted with a 42 mt harvest in 2003 and a median rebuilding year of 2376. With the uncertainty in accounting for bycatch, NMFS recommends a conservative harvest level. It was therefore decided a harvest of 20 mt provides a balance of community needs and managing with uncertainty. NMFS recommends managing for bocaccio impacts as close to zero as possible without exceeding a 20 mt harvest. There should be an emphasis on monitoring bycatch in "surviving" fisheries. Contemplated depth restrictions need to be adequately monitored and enforced.

#### Minor southern nearshore rockfish OY considerations

Mr. Boydstun addressed concerns and considerations pertinent to an OY recommendation for the minor nearshore rockfish complex south of Cape Mendocino. The GMT recommendation for the OY for this stock complex is 662 mt. However, there is concern that anticipated effort shifts into nearshore areas in order to reduce bocaccio impacts may adversely affect nearshore groundfish stocks. He asked Mr. Tom Barnes to explain a recent analysis done to develop a precautionary OY recommendation.

Mr. Barnes reviewed Exhibit C.2.g, Supplemental CDFG Report (Southern Nearshore Rockfish (south of 40°10' N. latitude) Optimum Yield, and Harvest Guidelines for 2003) which summarized the analysis of southern nearshore stocks. The 2002 OY of 662 mt for southern nearshore rockfish would have an expected recreational catch of 532 mt and an expected commercial catch of 130 mt (OA = 107 mt, LE = 23 mt) given recent harvest trends. The 2003 proposal splits the complex into 3 species groups with separate harvest guidelines: shallow nearshore rockfish, California scorpionfish, and deeper nearshore rockfish. Using 1994-1999 data as a baseline (there are problems with older MRFSS data), landings have been 1,081.6 mt for these three groups combined. Splitting the landings in half, as per the precautionary measures recommended for unassessed stocks in the National Standard Guidelines, would give an OY of 540.8 mt. He then calculated the distribution of deeper nearshore rockfish shallower than 20 fm and adjusted the OY accordingly to 451.7 mt. He noted that they received testimony from the fishing community that there may be ways to safely access the 89 mt (difference between the 540.8 mt and 451.7 mt) without creating a concern of overharvesting any nearshore species component. The general consensus of a group of industry members and CDFG is these deeper nearshore rockfish have a seasonal migration where they move inside 20 fm. CDFG staff are exploring the rationale for taking the entire 540.8 mt inside 20 fm assuming the seasonal migration hypothesis has merit.

Mr. Brown asked Mr. Barnes for clarification of the OY adjustment based on distribution of the deeper group? Mr. Barnes said each species in the group of deeper nearshore rockfish have their own depth preference. Some of them prefer deeper water (coppers, quillbacks, calicos), while a few other species in that group (olives, treefish) are not really a deeper nearshore rockfish; they prefer the 0-20 fm depth range. If all the catch (full OY of 540.8 mt) were taken in depths less than 20 fm, it could allow overfishing of those species that prefer the 0-20 fm depth range (i.e. olive and treefish).

Mr. Brown asked Mr. Robinson if the effects on fishing communities need to be considered for bocaccio, why not make the same case for canary rockfish? Canary rockfish rebuilding will cause similar suffering for Oregon communities. Mr. Robinson noted that a balance is struck with the length of the rebuilding period and the probability of rebuilding within  $T_{MAX}$ . NMFS is taking into account the needs of fishing communities. The selection on how long it takes to rebuild has the needs of communities factored in the National Standard Guidelines issue.

#### C.2.e Groundfish Management Team (GMT) Report (09/10/02; 2 pm)

Dr. Jim Hastie spoke from Exhibit C.2.e, Supplemental GMT Report. He also made reference to an overhead that provided the economic implications of OY alternatives to the limited entry trawl fishery (comparison of projected trawl revenues [including at-sea whiting] in a base period, represented by the average of 2000 and 2001, with three sets of 2003 OY options under consideration by the Council, using the bycatch projection model and assuming that depth-based management is possible for the 2003 fishery). Dr. Hastie also pointed out the GMT was exploring two options for setting the OY for the minor northern nearshore rockfish complex: 1) cap the OY (and commercial and recreational harvest guidelines) at 2000 harvest levels, and 2) cap the commercial harvest guideline at 2000 harvest levels and the recreational harvest guideline at 2000 harvest levels + 15%.

Mr. Brown asked Dr. Hastie if the GMT sablefish OY recommendation was too conservative? Dr. Hastie replied the stock biomass was estimated to be about 31% of its unfished spawning biomass. The projections using the Medium OY were flat over the next 5 years and then declining. One interpretation of the STAR Panel advice was to set a harvest between the Medium and High OY values. The GMT is not recommending the Low OY, but wanted to show effects of a low sablefish harvest. The Low OY value is projected to show an increased abundance given median recruitment after the two strong year classes pass through the population. He also noted there was some risk associated with the High OY alternative since the next assessment may be delayed if the Council goes forward with multi-year management. Mr. Brown said that the interpretation of the STAR Panel advice could be between the High and the Medium OY alternatives, but could also be interpreted as between the Low and Medium OY alternatives. Which one is the appropriate interpretation? Dr. Hastie said it could be something below the Medium OY alternative. Mr. Brown asked if there were an economic analysis done for sablefish and Dr. Hastie said not yet. There are significant costs associated with not catching a couple thousand tons of sablefish (affects the trawl and fixed gear sectors as well).

Mr. Alverson asked how much of the sablefish assessment result is driven by changed assumptions of Q? Dr. Hastie deferred to Dr. Schirripa, the assessment author.

Mr. Bohn asked if the GMT has developed a scorecard to account for expected canary bycatch for all affected fisheries and EFPs? Dr. Hastie said the GMT has discussed this but has not developed a final scorecard yet. The GMT believes 6-7 mt of canary might be needed for all the considered EFP caps. There is still uncertainty in the expected EFP catch vs. the caps. The worst case scenario is the total catch EFP cap of canary would not exceed 6 mt.

Mr. Boydstun asked about the expected recreational mortality projection of 21 mt of canary rockfish and where that catch was expected to occur? Dr. Hastie said the projections from the states were: 2 mt from Washington, 11 mt from OR, 5 mt from California north of 40°10' N. latitude, and 3 mt from California south of 40°10' N. latitude. He emphasized the 5 mt projection for northern California is soft due to the inability of MRFSS to segregate recreational catch data for the Management areas used north of Pt. Conception. Recreational catch projections for canary rockfish also assume allowable retention and no depth restrictions.

Mr. Boydstun asked if the same analysis was done with yelloweye? Dr. Hastie said the GMT estimates about 6.3 mt of yelloweye would be taken in 2003 recreational fisheries. However, the GMT is still working on estimating yelloweye bycatch in non-groundfish fisheries.

Mr. Bohn mentioned the revised recreational catch estimate for canary in Oregon is 9.6 mt. Dr. Hastie said the GMT has not seen that estimate or the analysis used to develop it.

Mr. Brown asked about the research set-asides listed in the ABC/OY table appended to the GMT report. Is what is listed enough for some of the overfished species? Dr. Hastie said the research set-asides reflect catch in the last two shelf and slope surveys and an extension of those numbers to reflect the trawl survey extension to south of Pt. Conception anticipated for next year.

Mr. Boydstun asked if the GMT was planning to develop a bycatch scorecard for bocaccio as well? Dr. Hastie replied the estimated nearshore bycatch of bocaccio in 2003 is in the 3-5 mt range. Mr. Tom Barnes clarified there was a wide range of 2-9 mt of expected bocaccio impacts in the anticipated nearshore recreational fishery next year. The 2-9 mt range has been reduced to 4-5 mt based on a shorter season recommendation. Mr. Boydstun requested that we put together a scorecard for all the fisheries south of 40°10' N. latitude so we can have an assessment of where we are with regard to expected bocaccio impacts.

Mr. Anderson asked for a bycatch scorecard for yelloweye. He thinks the expected yelloweye impacts listed in the ABC/OY table are light in some cases. He said the tribal estimate of 3.0 mt has been updated, the recreational is light based on what he understands to be the estimated landings of yelloweye for 2002. He is also concerned we have not estimated yelloweye mortalities that may occur in other fisheries. Dr. Hastie said the estimated yelloweye bycatch in non-groundfish fisheries is currently missing.

Mr. Robinson asked if consistent coastwide non-retention of yelloweye in commercial and recreational line fisheries would reduce impacts? Dr. Hastie said yes. Yelloweye bycatch estimates under no-retention regulations has been requested but not yet provided. The GMT intends to provide that comparative analysis.

Mr. Robinson asked for an economic analysis of foregone harvest opportunities between the 172 mt and 130 mt alternatives for darkblotched. Dr. Radtke asked if the GMT would be using exvessel price? Dr. Hastie replied yes.

#### C.2.f Proposed Treaty Indian Harvest Levels

Mr. Jim Harp suggested that this agenda item be presented under Agendum C.3.f. Council Members concurred.

## C.2.g. Reports and Comments of Advisory Bodies

### GAP

Mr. Rod Moore reviewed Exhibit C.2.g, Supplemental GAP Report.

### SSC

Mr. Tom Jagielo reviewed Exhibit C.2.g, Supplemental SSC Report.

Mr. Robinson asked for clarification of the SSC comment relative to the accelerated stock assessment process for yelloweye this year. Although we all agree it is not desirable to redo a stock assessment in a very short period of time, he did not want to leave the impression that the assessment was rushed or sloppy, but that it is a very thorough and sound review. Mr. Jagielo said he agreed. The criticism was based on the rushed process, not the product. The SSC did not receive the full stock assessment document and STAR Panel report until yesterday. They recommend against future accelerated assessment, but all agree the work was of good quality.

Mr. Anderson noted the original stock assessment was endorsed by the SSC and the Council in June. Is the new assessment now the best available science? Mr. Jagielo replied it was. The SSC was only critical of the lack of proper data documentation in the new assessment; a factor related to the accelerated process.

Mr. Brown commented the sablefish assessment is relatively data-rich compared to the yelloweye assessment. The canary assessment has different assumptions. Please explain why the SSC has a more conservative recommendation for sablefish, an assessment with greater certainty? Mr. Jagielo said the SSC did not focus on the sablefish assessment as much as the other two. He said the SSC focused on the logic behind their past advice on sablefish and the recommendations of the Allocation Committee.

## C.2.h Public Comment (09/10/02; 3:33 pm)

Mr. Chad Woods, sportfishingreport.com; Thousand Oaks, California  
Mr. Guy Grundmeier, Port San Luis Fishermen's Association; San Luis Obispo, California  
Mr. Steve Bodnar, Coos Bay Trawlers Association; Coos Bay, Oregon  
Mr. William Smith, F/V Riptide; San Francisco, California  
Ms. Donna Solomon, fish buyer; Moss Landing, California  
Mr. Vidar Wespestad, Pacific Whiting Conservation Cooperative; Lynwood, Washington  
Mr. Gary Frederic, fisherman; ~~El Granada, California~~ *F/V Tabitha, Toledo, Oregon*  
Ms. Ginny Goblirsch, Oregon Sea Grant; Newport, Oregon  
Mr. Scott Winkels, Field Representative from Senator Wyden's office.  
Mr. Denny Burke, F/V Timmy Boy; Newport, Oregon  
Mr. Bob Strickland, United Anglers of California; San Jose, California  
Mr. Steve Moore, Patriot Sportfishing; Avila Beach, California  
Mr. Darby Neil, charter boat operator; Morro Bay, California  
Mr. Bob Ingles, Golden Gate Fisherman's Association; San Francisco, California  
Mr. Joe Easley, Oregon Trawl Commission; Astoria, Oregon  
Mr. John Fuqua, Cisco's Sportfishing; Oxnard, California  
Dr. Pete Leipzig, Fishermen's Marketing Association; Eureka, California  
Mr. Bob Osborn, United Anglers of Southern California; Huntington Beach, California  
Mr. Jim Bassler, Salmon Trollers Marketing Association; Fort Bragg, California  
Mr. Daniel Platt, Salmon Trollers Marketing Association; Fort Bragg, California  
Ms. Michele Longo Eder, F/V Nesika; Newport, Oregon  
Mr. Bill James, PSL Commercial Fishermen's Association; Pismo Beach, California

## C.2.i Council Action: Adopt Final 2003 Groundfish Specification Proposals

Mr. Anderson moved and Mr. Alverson seconded a motion (Motion 3) to adopt the final 2003 groundfish harvest specifications as per Revised Table 2.1-1 in Exhibit C.2.e, Supplemental GMT Report. The motion

included the Medium OY harvest levels with the following exceptions: 6,500 mt for sablefish North of Pt. Conception (323 mt South of Pt. Conception); <20 mt for bocaccio rockfish; 172 mt for darkblotched rockfish; and 22 mt for yelloweye rockfish. He deferred consideration for the southern minor nearshore rockfish complex which was not part of the motion. Regarding the whiting harvest level, the issue is whether we use the abundance at the start of 2002 or the projected abundance at the start of 2003 and what F rate level we use and the application of 40:10 adjustment. The SSC advised us not to use the projected abundance at the start of 2003 but to use the abundance at the start of 2002 until there was an updated assessment. This proposal uses the estimated abundance at the start of 2003 with a precautionary  $F_{45\%}$  harvest rate to get to the 148,200 mt harvest level. The motion includes the 41 mt OY for canary, which leaves some flexibility for slight modifications to the 50:50 commercial and recreational catch sharing recommendation. The GMT is exploring other catch sharing scenarios, so he prefers leaving the canary OY flexible for now. The 22 mt yelloweye harvest level is at the upper end of the range that is recommended by both the SSC and GMT. The yelloweye OY recommendation is made with the caveat that we are going to reduce yelloweye bycatch as much as possible and not expand fisheries that have high bycatch levels of yelloweye. He would like to have more bycatch accountability in fisheries such as the commercial halibut fishery, longline dogfish fishery and perhaps the sablefish fishery which have a high bycatch of yelloweye. For sablefish, he referenced the STAR Panel Report for sablefish in Volume 1 of the 2002 SAFE document. There were statements that warned of the need to exercise precaution in light of assessment uncertainties. He felt precaution was necessary to keep sablefish from being overfished. There was a substantial change and uncertainty in estimated Q. The SSC and GMT commented they were trying to weigh the risks of having sablefish immediately available for the fishery and setting a conservative harvest level that keeps the stock from an overfished threshold. He feels a total catch OY of 6,500 mt (which is 1,000 mt less than the Medium OY alternative) provides a good balance.

Mr. Boydston supported the motion but asked for clarification on the sablefish harvest level south of Pt. Conception. He requested the GMT determine what the appropriate level of harvest should be for that area. Mr. Anderson and Mr. Alverson accepted that as a friendly amendment. Mr. Boydston asked for clarification that the motion included minor rockfish north, but not the minor rockfish south complex? Mr. Anderson said that was correct.

Mr. Brown asked Dr. Methot about the strength of the 1999 whiting year class. Didn't the assessment assume a medium strength year class when in fact it was a large year class? Dr. Methot replied the OY specification was based on a medium assumption regarding a relatively large 1999 year class. Mr. Brown then asked about the sablefish assessment and the interaction with "Q" and stock productivity? Dr. Methot replied the spawner-recruit information is integrated in the stock assessment. He understands the interaction between slope and shelf survey efficiency created the Q sensitivity.

Mr. Robinson said that he would like to add to the medium OY rationale for whiting that the  $F_{45\%}$  harvest rate takes volatility out of whiting rebuilding. The higher OY has a higher risk. He also said he agrees with the GMT comments regarding the medium OY of 172 mt for darkblotched. He believes the specification, which conforms to a  $T_{MID}$  rebuilding period, strikes a good balance between socioeconomic impacts and rebuilding needs. However, he would still like to see an economic analysis to contrast the 2001 OY with the proposed OY before he decides. He would need to see a significant demonstration of benefit to the fishing community.

Motion 3 passed.

Referring to Revised Table 2.1-1 in Exhibit C.2.e, Supplemental GMT Report, Mr. Boydston moved and Mr. Anderson seconded a motion (Motion 4) to adopt an OY range of 452-541 mt for minor nearshore rockfish south with the following harvest guidelines: 105 mt for shallow nearshore rockfish, 85 mt for California scorpionfish, and 262-351 mt for deeper nearshore rockfish. Mr. Boydston explained his rationale for the motion. The concern of effort shifts creating nearshore impacts began last year with the development of the 20 fm regulations. In June he had announced an intent to establish a reduced nearshore OY for 2003. CDFG biologists used the same analysis developed in 1999 to recommend a precautionary OY. The species list and methodology are identical to the 1999 analysis. The data used in this analysis is the same as in 1999 when the rockfish were sorted out by nearshore, shelf and slope with the exception that there is one more year of data added to the analysis and the commercial data has been refined. The procedure we followed could have resulted in an OY greater than 662 mt; but it turns out to be less. He proposed a range for the deeper

nearshore rockfish group because we heard from public comment and Tom Barnes of the seasonal movement of these fish inside and outside of 20 fm. Utilizing the full 541 mt requires structuring the fishery to access these fish when they are inside 20 fm.

Mr. Donald Hansen asked where the 8 month season concept came from? Mr. Boydston said a seasonal fishing structure still needs to be worked out.

Mr. Brown did not understand Mr. Boydston's explanation, what is the purpose of the low end of the nearshore OY range? Mr. Boydston said a summer fishing structure may accommodate a higher OY when the deeper nearshore rockfish are in shallower waters. Otherwise, the low end of the OY range (452 mt) may be the best specification.

Motion 4 passed.

Referring to Revised Table 2.1-1 in Exhibit C.2.e, Supplemental GMT Report, Mr. Anderson moved and Mr. Alverson seconded a motion (Motion 5) to adopt ABCs as listed for the remaining rockfish north and remaining rockfish south. Motion 5 passed.

Mr. DeVore explained there was still some confusion regarding OYs for the rockfish complexes. OYs for the remaining plus other rockfish in the south need to be specified. While Motion 4 took care of the southern nearshore rockfish OY, the rest of the remaining plus other rockfish group OYs in the south need to be specified.

Referring to Exhibit C.2.e, Supplemental GMT Report, Mr. Boydston moved and Mr. Jim Caito seconded a motion (Motion 6) to adopt an OY of 294 mt for sablefish in the Conception area, an OY of 714 mt for the remaining and other southern shelf rockfish species, and an OY of 639 mt for the remaining and other southern slope rockfish species. Motion 6 passed.

C.3 2003 Groundfish Management Measures: Tentative Adoption for Analysis (09/11/02; 7:35 am)

C.3.a Agendum Overview

It was noted by Dr. McIsaac the agendum is spread throughout the week to facilitate continuous narrowing of alternatives to a single set of management measures. Mr. DeVore walked the Council through the list of briefing papers they had before them as well as the agenda order.

C.3.b Summary of State Hearings

**Washington**

Mr. Anderson provided Exhibit C.3.b, Supplemental WDFW State Hearings Report.

**Oregon**

Mr. Bohn provided Exhibit C.3.b, Supplemental ODFW State Hearing Report. The ODFW meetings focused on two components: discussion of potential impacts to communities and a discussion of potential management strategies. An additional 2 meetings on August 19-20 that were not summarized in the report focused discussion on development of a selective flatfish trawl study.

**California**

Mr. Boydston provided Exhibit C.3.b, CDFG Public Hearing Reports 1, 2, and 3.

### C.3.c Summary of Written Public Comments and Environmental Impact Statement (EIS) Scoping Meeting

Mr. DeVore asked Council members to review all of the public comments since many of the comments had very specific issues. The main theme for most of the comments was the issue of adverse economic impacts to coastal fishing communities. This theme came from all affected sectors, groups, communities, and coastal residents who provided comments. Many of the adverse economic effects described in the written comments are similar to those summarized by Ms. Munro and Ms. Goblirsch earlier during agenda C.2. There were comments questioning the scientific information driving groundfish concerns. There were specific comments that will be and have been addressed by the GAP and GMT on how to design fishing opportunities within the constraints being considered. There was one set of public comments (and an associated petition) from residents south of Pt. Conception. The petition request was for the southern California area (south of Pt. Conception) to be managed as a separate area; with the argument that this area is a different ecosystem and the information driving a lot of groundfish management along the coast does not apply there. Mr. DeVore then referred to Exhibit C.3.f, Supplemental Ad Hoc Allocation Committee Report (see Section E) to summarize the public comments from the EIS scoping session on August 28, 2002.

### C.3.d Report of the GMT (09/11/02; 8:02 am)

Dr. Hastie presented Exhibit C.3.d, Supplemental GMT Report. The report contained an overview of a revised modeling approach for evaluating discards of overfished species in the 2003 groundfish trawl fishery using a depth-based management structure. The revised trawl bycatch model still used 1999 trawl logbook data since there was not enough time to incorporate more recent data. Depth-based bycatch rates were developed by taking the "all depth" bycatch rates used for 2002 management and stratifying these data by depth ranges. The model estimates depth-based bycatch rates by analyzing vessel percent of species' catch within open depths. Target species' catch rates were modified to get to current overfished species' bycatch constraints. Trip limits will be developed according to vessel participation estimates. There is not enough accumulated observer data to develop bycatch rates more directly across all affected strata. Dr. Hastie said it was his intent to incorporate observer data in the trawl bycatch model this winter and recommend 2003 inseason management specifications accordingly.

Mr. Boydston requested depth-based bycatch rates for bocaccio and other overfished species. Dr. Hastie said he would make that data available later in the week. Mr. Robinson asked whether bycatch data from the NMFS Groundfish Observer Program is anticipated to become the Best Available Science? Dr. Hastie said yes- these data will be incorporated as early as possible in next year's management. Mr. Brown asked for the rationale for using a ratio adjustment of bycatch rates in the revised trawl bycatch model? Dr. Hastie said the ratio adjustment is a policy call. The Council made a policy choice last year to use the bycatch rates estimated in his model. Therefore, he used those bycatch rates adjusted by the ratio to stratify by depth. Mr. Brown asked how observer data would be incorporated in the model? Dr. Hastie replied observed bycatch rates would replace modeled results in strata where there is enough data available. Mr. Brown asked whether observer data could be used for real time management? Dr. Hastie replied no, but it will update the model with more recent data.

Dr. Hastie further reviewed trawl bycatch model outputs. The increased sablefish OY equates to a change of trip limits from about 4,000-5,000 pounds/2 months to about 6,000-7,000 pounds/2 months in 2003, which amounts to a positive \$1 million impact. The darkblotched rockfish impacts were modeled to 138 mt, not 172 mt to keep a buffer on overfished species. This was done to accommodate potential mistakes in the model and unanticipated effort shifts. The economic impact of depth-based restrictions is likely to be about \$5 million for the trawl sector. He plans to model other inside depth lines south of Cape Mendocino later this week. He compared higher landings of bocaccio from past model runs to estimate higher bycatch rates than previously modeled. Trip limit tables are a work in progress. Some limits are not yet specified. These will be refined by the GMT and GAP.

Mr. Bohn expressed concern with the use of 1999 trawl logbook data in the bycatch model given that today's fishery is so radically different than the 1999 fishery. He asked why the model did not use more current data? Dr. Hastie said some of the more recent logbook data is in the model. However, the model was not completely updated because the WDFW personnel who provided more recent depth-based logbook data did



not have time to provide him with the 2001 logbook data. The 2001 logbook data is now available and will be evaluated this winter. There is also a potential problem with using more recent logbook data. Limits were decreased dramatically since 1999; retained catch of overfished species is limited which compromises the data for model use. Mr. Bohn believed the radical change in gear types (small footrope restriction) and area management since 1999 may have resulted in less bycatch. Dr. Hastie said he did not believe more recent logbooks would provide useful information.

Mr. Boydston asked to what extent fishing strategy was taken into account? Dr. Hastie said there are several trawl target strategies in the model, including shelf flatfish, DTS, arrowtooth, and winter petrale sole strategies. Mr. Boydston noted they had some target chilipepper fisheries in 1999. Dr. Hastie said that the revised model did not have a target chilipepper strategy due to the high bocaccio bycatch implications. Instead, there is a target shelf flatfish strategy modeled.

Mr. Anderson expressed concern with the level of precision represented in depth strata in the model. In some cases, the depth contours are near canyon walls. In Washington the difference between 100 fm and 250 fm is about 3 nm and sometimes closer. He is therefore concerned with the level of accuracy in model estimates of depth-based bycatch rates. Do the model buffers mean that there should be area buffers about the specified depth lines? Dr. Hastie said he was prepared to model a 200 fm line which is not yet specified. He noted there is a big difference in petrale sole fishing opportunities between 100 fm and 250 fm. The Council could consider a seasonal change in specified depth lines to maximize fishing opportunities at times when bycatch rates are lower. His previous comments on buffers were concerned with managing for overfished species' OYs.

Mr. Anderson asked Dr. Hastie if he had modeled bycatch mortalities in non-trawl fisheries such as directed halibut and limited entry fixed gear? Dr. Hastie explained there was a lack of bycatch information in nontrawl fisheries. However, the GMT intended to propose restricting these fisheries to outside 100 fm north of Cape Mendocino and outside 150 fm south of Cape Mendocino.

Mr. Robinson asked how the GMT intended to account for canary rockfish bycatch in EFPs next year? Dr. Hastie noted that the issue of allocating OY in EFPs was raised in the GMT. About 6-8 mt of canary rockfish are needed for proposed EFP caps in 2003. The conservative shallow line specified in his trawl bycatch model runs, under the Low OY alternative, are intended to conserve canary rockfish. Such a specification would reduce shelf flatfish fishing opportunity and expected landings.

Mr. Robinson asked for a visual representation of considered depth lines. Mr. DeVore noted the state representatives have charts available with the overlaid depth lines.

Mr. Alverson asked if the 100-150 fm and 250 fm lines were reasonably constructed to reduce impacts on overfished species? Dr. Hastie said in some areas of the coast these lines are close to each other while in other areas there is good separation. Effectiveness of depth-based management will largely depend on fishermen's behavior which is hard to predict. Modeling this is a work in progress; the logbook data is imperfect in terms of where the fish have been caught. The bycatch model will be refined as more information becomes available. The model needs to consider effects on large vs. small vessels. There are some actions that can be considered to provide additional precaution.

Mr. Anderson commented that fishermen helped specify Washington's 250 fm line for the emergency rule. They identified three petrale areas just inside 250 fm that are proposed to stay open (the specified line is inside these areas). Washington's 250 fm management line therefore varies between 100 fm and 300 fm; it is not precise.

Mr. Boydston asked if the GMT talked about bycatch in nongroundfish exempted trawl fisheries? Dr. Hastie replied no, that discussion still needs to take place. Mr. Boydston stated he would like to see a provision for federal groundfish retention (other than overfished species) in exempt trawl fisheries that is consistent with the directed trawl fishery. He wants the same depth-based management structure for both exempt trawl and limited entry trawl fisheries.



Dr. McIsaac noted, as an addendum to the GMT report, it would be helpful for the Council to review an analysis of economic effects of management alternatives as developed by Council staff.

Economic Presentation (09/11/02; 9:14 am)

Mr. Jim Seger reviewed recent economic analyses. He had linked outputs from the Hastie trawl bycatch model to disaggregated PacFIN data to do his economic analyses. He also indicated additional modeling would be done this week to better understand the economic implications of 2003 management decisions. Mr. Seger explained they are also evaluating the economic tradeoffs in non-trawl fisheries under depth-based management using disaggregated PacFIN data. He referred to a projected table which he noted would be handed out to Council members. The table compared the economic impacts of 2003 management alternatives with those during a November 2000-December 2001 baseline period. The numbers in the table are in millions of dollars. The estimated impacts are comparable between the Low OY Alternative with depth restrictions and the Allocation Committee OY without depth restrictions. These results are based on income impacts. Other relevant analyses can be found in the draft EIS (Exhibit C.3, Attachment 1). Mr. Seger referenced some of the relevant analyses in the draft EIS and in Exhibit C.3, Supplemental 2003 Annual Specifications EIS Package. Results show the aggregated direct, indirect, and induced income impacts of the alternatives relative to the baseline. Some regions and communities will be more affected than others based on their groundfish dependence. The EIS analyses will focus on directed groundfish fishery impacts. Of these fisheries, the recreational fisheries are harder to analyze since disaggregated data is harder to come by for this fishery. Dr. Alec MacCall and Mr. Chuck Tracy have developed an economic analysis package which will be provided to the Council later in the week.

The Council questioned Mr. Seger about his displayed table and the comparison with the baseline. They also questioned the difference between direct, indirect and induced income impacts which Mr. Seger explained. He reiterated that more economic analysis would be done this week with the GMT and results would be provided before a final decision is rendered on management measures.

C.3.e Report of the Enforcement Consultants (EC) on the Vessel Monitoring System

Lt. Dave Cleary reviewed Exhibit C.3.e, Supplemental Enforcement Consultants Report which provided the details of the Enforcement Consultants Work Group meeting which took place July 16, 2002. During that work group meeting they discussed VMS issues, questions, and requirements.

Lt. Cleary summarized Exhibit C.3, Supplemental EC Report 2.

Mr. Steve Springer reiterated the depth based management presents major and difficult challenges to the EC due to limited resources. Even if the agencies work together it is difficult if not impossible to provide 100% coastwide coverage. Vessel Monitoring System (VMS) technology is used in other U.S. fisheries and is successful in monitoring compliance of closed areas. The technology has been improving but is still in flux. The NMFS NWR Office of Law Enforcement (OLE) is currently installing the software and equipment to monitor up to 10,000 vessels. VMS NMFS OLE has been authorized to hire a VMS program manager to set up and run the system.

Mr. Robinson noted enforcement assets are spread thin and anticipated state budget cuts will exacerbate the situation. When considering depth-based management, can enforcement be effective with the current level of assets and abilities? If not, what other options are there? Is VMS the only alternative to effectively monitor these lines? Lt. Cleary replied California has the best ability to enforce depth-based management, Washington has some enforcement assets that will help, and Oregon is suffering from budget cuts. Collectively, the states do not have the assets to do an adequate job in 2003 and have been trying to coordinate efforts to do the best they can. The EC believes it needs more tools to effectively enforce depth-based management.

Dr. Dave Hanson asked Mr. Springer if there was a way to notify skippers if the VMS fails? Mr. Springer replied that requires two-way communication which adds to the complexity and cost. The EC identified such a system at the June council meeting, but the Allocation Committee requested a less complex system to

reduce costs. Dr. Hanson asked what happens then? Mr. Springer said there would need to be another way to communicate with the vessel not related to VMS.

Mr. Alverson asked for clarification on the EC's comments regarding the faxed declaration of intent? Lt. Cleary replied if a vessel is fishing in a closed area, enforcement would need to know where, when, and what they are doing. Mr. Alverson asked if skippers need to declare when they are transiting a closed zone or only when they are fishing in a closed zone? Lt. Cleary said VMS can distinguish between a vessel transiting and a vessel fishing. The EC is requesting a declaration of fishing intent.

Mr. Anderson referred to issue 3c of Exhibit C.3.e, Supplemental EC Report 2 and asked what is the prohibition on fishing inside and outside of a closed area on a trip? Lt. Cleary said this needs to be fleshed out. Mr. Anderson posed the following hypothetical: if the closed area was bounded by 100 fm and 250 fm lines and they fished outside for petrale sole, could they transit through the closed area and fish inside 100 fm on the same trip? Lt. Cleary said that could work if there was a restriction for one gear type aboard and a declaration system.

Mr. Brown asked about mixed groundfish/non-groundfish trips? If a vessel were to switch strategies on a trip, would they need to declare? Lt. Cleary said that was essentially correct but would depend on the management measures and declaration specifications adopted. Mr. Brown then said if the vessel went shrimping after a groundfish effort and they were under continuous VMS surveillance, would they still need to declare? Lt. Cleary said that was correct.

Mr. Robinson noted that issue 3c of Exhibit C.3.e, Supplemental EC Report 2 considered midwater trawl inside a closed area and a DTS strategy outside a closed area as problematic. Such a mixed strategy could be different on a mixed midwater/whiting trip for instance. We need to think through these details.

Mr. Don Hansen asked Mr. Springer about VMS unit costs. The costs have come down considerably from initial discussions to about \$2,000/unit, how did that happen? Mr. Springer said that was true. While NMFS still needs to do some market research and testing, the best current cost estimate is  $\leq$  \$2,000/unit and \$1/day operating costs.

Mr. Bohn referred to Issues 3a-c and asked Lt. Cleary wouldn't these regulations be required with or without VMS? Could the management lines be enforced without VMS using current enforcement capabilities? Lt. Cleary said in some areas enforcement is constrained. Enforcement costs increase as the commercial fishery moves further offshore into deeper water. There is a greater dependence on the U.S. Coast Guard. The EC does not see relief in sight as budgets are being cut in all the state enforcement agencies.

Mr. Robinson stated we need to have VMS to have a credible management regime. It is also clear that we will have to phase VMS in next year. The limited entry fleet is probably the first priority for VMS before other sectors are included. We need to reduce fleet capacity as well. NMFS should look hard to see if they could pay for phasing in VMS. If that is not possible, we might be asking industry to bear VMS costs. We are drawing these lines to provide an economic benefit and fishing opportunity. This may be a cost the fleet may have to bear in order to have the extra opportunity.

Dr. Hanson asked if the EC had estimated costs to federal and state governments? Such estimates are required under the Magnuson-Stevens Act. Mr. Springer said they have done quite a bit of work to develop the infrastructure for the national VMS program. They have only identified costs to NMFS; and have yet to identify all other agencies' costs.

Mr. Boydstun thought VMS would facilitate enforcement. To what extent does it reduce our dependence on at sea enforcement? Would we still need an at-sea presence or can it be deployed dockside? Lt. Cleary replied VMS does not displace the need for an at-sea enforcement presence. VMS will allow us to have some assurance when we are not out there that people are following management measures. Enforcement assets can be more effectively deployed with VMS.

### C.3.f Report of the Ad Hoc Allocation Committee

Dr. Radtke referenced Exhibit C.3.f, Supplemental Ad Hoc Allocation Committee Report. Mr. Boydston commented that on page 9 of that report, he introduced the concept of establishing a California Rockfish Conservation Area at that meeting which he will go over under Agenda Item C.3.i. Mr. Anderson replied there were many discussions which started at the Ad Hoc Allocation Committee meeting that are still being discussed at this Council meeting.

### C.3.g Reports and Comments of Advisory Bodies

#### **SSC**

Mr. Jagielo provided Exhibit C.3.g, Supplemental SSC Report. Dr. Radtke asked when the bycatch workshop should occur? Mr. Jagielo said the key people were available; the schedule depended on Council priorities. Dr. McIsaac asked if the trawl bycatch model represented the best available science? Mr. Jagielo replied yes; it's the best science we currently have to work with. Observer data will be better and is anticipated to be available soon.

#### **SAS**

Mr. Don Stevens provided Exhibit C.3.g, Supplemental SAS Report. Mr. Stevens noted that the SAS report is based on landed catch and did not account for any catch and release mortality. Mr. Bohn asked if the expected yelloweye impact in the Oregon salmon troll fishery would be similar to the estimated 0.7 mt of canary rockfish? Mr. Stevens said they estimated zero yelloweye would be landed in Astoria, 99 pounds in central Oregon, and 9 pounds in southern Oregon.

#### **CPSAS**

Mr. John DeVore provided Exhibit C.3.g, Supplemental CPSAS Report.

#### **HMSAS**

Mr. Bob Fletcher provided Exhibit C.3.g, Supplemental HMSAS Report.

### C.3.h Tribal Comments and Recommendations

Mr. Jim Harp provided Exhibit C.3.h, Supplemental Proposed Treaty Indian Management Measures 2 with the 2003 tribal groundfish management recommendations. Mr. Anderson asked about expected canary rockfish impacts in the tribal midwater fishery? Mr. Harp replied the estimated take in the tribal midwater fishery would be 500,000 pounds of yellowtail rockfish and 2,500 pounds of canary rockfish. Mr. Anderson asked how that estimate was derived. Mr. Harp believed it was based on average landings for the last three years, but deferred to Mr. Steve Joner. Mr. Joner said projected catch in 2003 was based on catch in the last two years. The Makah have limited canary rockfish landings to 300 pounds per trip for the last few years. They intend to try and avoid canary rockfish with time/area restrictions. Mr. Anderson asked when would the midwater yellowtail fishery be occurring? Mr. Joner said they are proposing equal monthly harvest limits throughout the year. They intend to adjust limits through the year depending on the canary catch. They are targeting 30,000 pounds of yellowtail rockfish per two month period.

Dr. Radtke noted the tribal catch table did not convert pounds and metric tons correctly in the trawl yellowtail fishery projections. Mr. Joner said it was because this table includes estimated bycatch in the whiting fishery as well.

Mr. Boydston noted the black rockfish catch projections are low while the harvest guideline is set at 20,000 pounds. Mr. Joner said the limit is 20,000 pounds and the catch has been well below that in recent years.

Mr. Brown thought the tribes had a functioning observer program. Mr. Joner said they started a program and ran into some problems and now are asking the NMFS Northwest Fishery Science Center for help.

Mr. Anderson asked if this proposal was on behalf of the Makah, Hoh, Quinault and Quileute tribes? Mr. Harp said page one would be for all four tribes while the second page deals specifically with the Makah trawl fishery. Mr. Brown asked if Revised Table 4.3.5-1 is for all the tribal fisheries or only for the Makah? Mr. Harp said the longline projections were for all four tribes, trawl projections for the Makah Tribe, and troll projections for those tribes that participate in that fishery.

C.3.i Agency Comments and Recommendations (09/11/02; 10:57 am)

**Washington**

Mr. Anderson provided the details of Exhibit C.3.i, Supplemental WDFW Report. He removed the salmon troll gear modifications from the proposal.

**Oregon**

Mr. Bohn reviewed Exhibit C.3.i, Supplemental ODFW Report 2. They propose having sublimits of one canary and one yelloweye and the first Pacific halibut 32 inches or longer (except during the all-depth fishery), and change to a two lingcod bag limit (separate from the aggregate) with a 24-inch minimum size limit. He noted they will consider 15- and 16-inch minimum size limit options for cabezon and non-retention of yelloweye during the all-depth Pacific halibut fishery (with an estimated savings of ~0.3 mt of yelloweye). They are also looking at a closure outside 27 fm or a period of non-retention of canary. They will mandate excluders in their pink shrimp fishery.

Mr. Mark Saelens read into the record Exhibit C.3.i, Supplemental ODFW Report. The report concerned ODFW recommendations for capping nearshore groundfish catches in 2003. The options are capping harvest at the 2000 catch level in recreational and commercial fisheries or capping the commercial fishery at the 2000 catch level while allowing the recreational fishery to be managed up to a 10-15% overage from the 2000 catch level. Mr. Brown asked if the greenling catch by state was correct for 2001? Mr. Saelens noted that some of the totals on the regional table may need to be rechecked and redistributed. For the individual state tables he was confident the numbers were right. Mr. Boydstun noted there was no significant live-fish fishery north of Cape Mendocino. Dr. McIsaac asked for the rationale for the 10-15% overage in the recreational fishery? Mr. Saelens answered the management intent is to cap at the 2000 catch level with effective measures. However, they must consider the recreational catch monitoring imprecision. Dr. McIsaac asked if ODFW would be using MRFSS data to monitor 2003 recreational catch? Mr. Saelens said ODFW will be using their own sampling program with some information from MRFSS. California will probably use the MRFSS system with Washington using their own sampling program.

Mr. Mark Cedergreen asked Mr. Bohn if the Oregon delegation discussed non-retention of yelloweye in the recreational fishery? Mr. Bohn said that was not discussed at the morning meeting.

**California**

Mr. Boydstun presented Exhibit C.3.i, Supplemental CDFG Report with CDFG's recommendations for 2003 rockfish and lingcod regulations. This is a summary of recent actions taken by the California Fish and Game Commission (CFGC).

Mr. Robert Treanor, Executive Director of the California Fish and Game Commission (CFGC), provided an explanation of the CFGC's recent actions as outlined in Exhibit C.3.i, Supplemental CDFG Report 3. The California legislature has given CDFG additional authority for marine fisheries management under the Marine Life Management Act. The Nearshore FMP is a framework plan that concerns management at a regional scale. The Nearshore FMP anticipates an effort shift into nearshore areas. The CFGC requested regional TACs (OYs) for California sheephead, greenlings, and cabezon in 2003.

Mr. Boydston explained that California is proposing a different baseline for capping nearshore species' harvest in northern California (north of Cape Mendocino) than Oregon. The combined recreational and commercial harvest guidelines would be 95.4 mt of black and blue rockfish and 13.8 mt of other nearshore rockfish. They used 1994-1999 average catches for a baseline and applied the same precautionary 50% reduction used for south of Cape Mendocino. They are not recommending recreational and commercial set-asides (harvest guidelines) at this time. The recreational set-aside will be developed later this week and the commercial fishery will be managed for the balance. Recreational catch monitoring will depend on MRFSS.

Mr. Boydston introduced the concept of the California Rockfish Conservation Area (CRCA) and directed the Council to page 16 of Exhibit C.3.f, Supplemental Ad Hoc Allocation Committee Report. There is a problem with federal regulations which deal only with catch and retention of overfished species. The conservation area concept is an attempt to manage bocaccio discard in non-groundfish fisheries. Gear prohibitions were considered the best way to manage for a zero catch. This proposal to regulate gear types within the affected area is a work in progress that will be fleshed out this week. Ms. Maria Vojkovich and Mr. Tom Barnes provided C.3.i, Supplemental CDFG Report 2. The reason for a rockfish conservation area is to protect overfished shelf and slope rockfish by restricting gears with a high bycatch of these species in the waters they occur in south of Cape Mendocino. They are proposing a rockfish conservation area be established in ocean waters 20-250 fm between Cape Mendocino and Pt. Reyes and 20-150 fm between Pt. Reyes and U.S.-Mexico border including the cowcod conservation areas. Ms. Vojkovich read page 16 of Exhibit C.3.f, Supplemental Ad Hoc Allocation Committee Report. She went through the prohibited gears and then stated they will evaluate possible gear exemptions such as Scottish seines and small footrope trawls inside 50 fm. There have been changes to the proposed CRCA. The list of exempted gears will be refined this week.

Dr. McIsaac asked if fisheries using exempted gears in the CRCA would be closed if the bocaccio limit was attained inseason? Mr. Boydston said they are proposing a prohibition on all rockfish catch and retention in the CRCA. They will develop recommendations on how to do inseason management. Dr. McIsaac asked how to reconcile a recreational set-aside of 57% of bocaccio and the inaccuracy of the MRFSS system? Mr. Boydston said inseason information from MRFSS will be considered.

Mr. Brown questioned some of the exceptions by gear type in the CRCA. It seemed that small footrope trawls would be less likely to encounter bocaccio inside 100 fm north of Pt. Reyes than inside 100 fm south of Pt. Conception. Why then are the gear exceptions more liberal south of Pt. Conception? Mr. Boydston said most of California's ridgeback and sea cucumber trawl fisheries occur south of Pt. Conception. They fish out to 80-100 fm and state observer data indicates the associations of groundfish are very low. Therefore, we have proposed an exception to fish these gears inside 100 fm south of Pt. Conception. To the north we have not gone to any subarea analysis. It is after 50 fm where we see the increase in bocaccio bycatch in this area.

Mr. Robinson addressed concerns he had regarding trawl boundaries north of Cape Mendocino. He is concerned about the seasonal movement of the boundary lines given the imprecision of the trawl bycatch model. His concern increases by looking at the difference between the 150 fm and 250 fm lines. He is also concerned with using observer data inseason next year. If bycatch rates are higher than modeled, the fishery could close early next year. Given this is the first venture into depth-based management, we need to be cautious. He would be more comfortable having something like a nearshore boundary of 100 fm; a deep water boundary of 250 fm; and a provision for a winter petrale fishery during periods 1 and 6 in specific petrale areas inside 250 fm or move the deep water line from 250 fm to 150 fm. There should be mandatory observer coverage during the petrale fishery during periods 1 and 6. These specifications would provide the most benefits and a buffer against management uncertainty. Also consider making observer coverage mandatory during those periods the line would be moved in (100% coverage, etc). This would have some additional rebuilding benefits with having a higher OY for flexibility. It mitigates the risk of having to take drastic inseason action if darkblotched bycatch rates are higher than projected for next year. We also need to have appropriate enforcement tools, most notably a cost effective VMS and declaration system. Lastly, he is concerned with the more liberal management recommendations for yelloweye in the southern end of their range (Oregon is proposing some retention and Washington is not) since the stock is more abundant in the north.

Mr. Anderson asked Mr. Robinson about his preference for a 100 fm nearshore boundary for next year. One of the implications of Dr. Hastie's trawl bycatch modeling was a higher canary bycatch between 100 and

150 fm. Therefore, Dr. Hastie recommended a 75 fm boundary. Mr. Robinson said he did not take canary bycatch into account. It may be necessary to move the line further inshore to avoid canary.

Mr. Brown asked Mr. Boydstun about Exhibit C.3.i, CDFG Report 2 and the CDFG recommendations for a nearshore cap? How can a 95.4 mt cap on black and blue rockfish be accommodated when, in 2001, there was a 141.4 mt recreational catch? Mr. Boydstun questioned the 2001 catch estimate saying it appeared to be an anomaly. Mr. Brown asked what number the GAP should work with? Mr. Boydstun proposed the season structure and cap should be refined by the GMT before it goes to the GAP.

C.3.j Public Comments (09/11/02; 1:24 pm)

Mr. Gerry Richter, Point Conception Groundfisherman's Association; Santa Barbara, California  
Ms. Janice Baker, dory fleet participant; Costa Mesa, California  
Ms. Ky Russell, Institute for Fisheries; San Francisco, California  
Mr. Phil Kline, Oceania; Washington, DC  
Mr. Doug Obegi, The Ocean Conservancy; San Francisco; California  
Ms. Karen Garrison, Natural Resources Defense Council; San Francisco, California  
Mr. Jeff Boardman, Shrimp Producers; Newport, Oregon  
Mr. Joe Easley, Oregon Trawl Commission; Astoria, Oregon  
Mr. Tom Raftican, United Anglers of Southern California; Huntington Beach, California  
Ms. Donna Solomon, fish buyer; Moss Landing, California  
Mr. Steve Bodnar, Coos Bay Trawlers Association; Coos Bay, Oregon  
Mr. Guy Grundmeier, Port San Luis Fishermen's Association; San Luis Obispo, California  
Ms. Michele Longo Eder, F/V Nesika and representing others; Newport, Oregon  
Mr. Bill James, PSL Commercial Fishermen's Association; Pismo Beach, California  
Mr. Kenyon Hensel, open access fisherman; Crescent City, California  
Ms. Laura Deach, longliner; Lopez, Washington  
Mr. Mike McCorkle, Southern California Trawlers Association; Santa Barbara, California  
Mr. Bob Ingles, Golden Gate Fisherman's Association; Hayward, California  
Mr. William Smith, CPFV Riptide; Half Moon Bay, California  
Mr. Bob Fletcher, Sportfishing Association of California; San Diego, California  
Mr. Steve Moore, Patriot Sportfishing; Avila Beach, California  
Mr. John Fuqua, Cisco Sportfishing; Oxnard, California  
Mr. Darby Neil, charter boat operator; Morro Bay, California  
Mr. Don Stevens, Oregon Salmon Commission; Newberg, Oregon  
Mr. Jim Bassler, Salmon Trollers Marketing Association; Fort Bragg, California  
Mr. Richard Oba, Reedsport, Oregon  
Mr. Bob Osborn, United Anglers of Southern California; Huntington Beach, California

C.3.k **Council Action:** Tentatively Adopt 2003 Groundfish Management Measures

Mr. Anderson noted for the record that all three states have their soft data (including fish tickets) complete through August 24th. They are behind in keypunching the data and getting it into PacFIN. They are not behind in tracking the catches for 2002. Relative to logbook data, they are working with 2000 and 2001 logbook data and all the states have their logbook data inputted. (09/11/02; 3:12 pm)

Mr. DeVore noted the GMT and GAP requested some guidance at this point to make up the tentative 2003 groundfish management measures.

Mr. Anderson listed the things he thought were needed to be included in our decision at this point. Considerations for the limited entry trawl fishery include: 1) depth-based management or status quo?; 2) if depth-based management, then there is the need to specify fathom lines; 3) VMS?; and 4) canary allocation and specifications. Considerations for the limited entry fixed gear fishery include: 1) depth lines for groundfish and halibut; and 2) VMS? Considerations for exempt trawl fisheries would be specifications for pink shrimp, spot prawn, salmon troll, and California halibut. Lastly, we need to adopt tentative specifications for the recreational fishery.

Mr. Bohn mentioned the final package should have the items included in the GMT report and footnotes that articulate the more detailed options which did not show up in the state reports.

Mr. Anderson recommended the GAP and GMT model the trawl fishery north of Cape Mendocino (40°10' N. latitude) under the following assumptions: 1) use a depth-based strategy; 2) referring to page 5 of Exhibit C.3.d, Supplemental GMT Report, incorporate the new sablefish OY, the 250 fm deep line, the shallow line as per the Allocation Committee OY alternative, and incorporate petrale sole target areas within 250 fm; 3) implement VMS requirements in June of 2003 with the understanding that the system would be designed using the less costly alternative as presented by the EC in their report; and 4) assume small footrope restrictions on shelf fishing opportunities.

Mr. Brown said some of the petrale areas inside 250 fm could have lots of darkblotched. He recommended opening these petrale areas only during periods 1 and 6. Petrale is mainly a winter fishery and we need to consider closing those areas when possible during other parts of the year. Mr. Anderson concurred with that recommendation.

Dr. Hastie stated that the best he could do to model bycatch in the winter petrale fishery would be to assume the 150 fm line as the deep line during periods 1 and 6 and the 250 fm line for the remainder of the year. Mr. Brown said that was consistent with his intent. Mr. Anderson said there were two ways to specify this measure: either move the line into 150 fm for those periods or define those petrale areas and include those in the open areas in periods 1 and 6. The 150 fm line would give us the worst case scenario of potential bycatch. Dr. Hastie asked if they also wanted to see the fishery modeled using a 250 fm boundary year round as well? Mr. Anderson asked about other modeling alternatives that would make sense? Dr. Hastie said he could model the effect of a 200 fm management line, but using 150 fm may be better. Mr. Anderson said we should use the 150 fm for periods 1 and 6 with the caveat that it may be a different line. Mr. Bohn said Oregon and Washington have identified specific petrale areas between 150 and 250 fm and charts are available that depict these areas. Mr. Brown said none of the petrale areas in southern Oregon are shown on these charts. Mr. Anderson said he was hoping the GAP and GMT could consider modifications to the 250 fm line during periods 1 and 6 to incorporate petrale areas, using the 150 fm line as a worst case. Mr. Caito asked Mr. Moore if anybody on the GAP could identify petrale areas in California? Mr. Moore said particular petrale areas could be identified just inside 250 fm with the actual waypoints specified after the Council meeting. The 150 fm line could be modeled to understand the potential bycatch implications of opening petrale areas. Mr. Anderson agreed with that approach. Dr. Hastie said the Council should anticipate a darkblotched bycatch of about 100 mt in 2003 using this approach.

Mr. Anderson recommended the GAP and GMT make the following assumptions for the limited entry fixed gear fishery: 1) Closed inside 100 fm year round to provide protection for yelloweye and include the directed Pacific halibut fishery; 2) VMS requirement with the less costly alternative as presented by the EC in their report.

Mr. Anderson recommended the GAP and GMT make the following assumptions for the exempt trawl gear fisheries: 1) excluders required in the pink shrimp fishery in all three states; and 2) spot prawn trawl fishery in Washington will no longer exist after October 31 when the permits will go to a pot only fishery. Mr. Bohn mentioned there are only two spot prawn trawl permits left in Oregon and it may take a year to phase out or eliminate this fishery.

Mr. Brown asked whether Mr. Anderson's VMS recommendations included a June implementation? He assumed we don't want to set a firm date for that. Mr. Robinson noted that the consideration is to phase in VMS sometime in 2003 for the limited entry fleets. Mr. Anderson said his recommendation was to phase in VMS in the limited entry fleets with no date specification. Mr. Alverson asked whether there was a recommendation to implement VMS in the open access sector in 2003? Mr. Robinson replied that could potentially occur, but the Council and NOAA Fisheries Enforcement would need more details to decide that issue.

Mr. Anderson recommended the GAP and GMT make the following assumptions for the Washington recreational fishery: 1) Use the proposals contained in WDFW recommendations (Exhibit C.3.i, Supplemental WDFW Report) with one change: the canary daily bag limit be changed from two to one fish; 2) No canary

retention with halibut on board; and 3) Include the "L" shaped yelloweye conservation area closure off Washington. There would be no recreational halibut or groundfish on board when fishing there.

Mr. Bohn recommended the GAP and GMT model a 2 lingcod daily bag limit (with a 24-inch minimum size limit) outside the 10-groundfish daily-bag-limit in the Oregon recreational fishery. Mr. Anderson asked Mr. Bohn if they would consider not allowing yelloweye retention with halibut on board? Mr. Bohn said that is being discussed. Dr. Hastie asked whether the recommendation is to constrain the fixed gear fleets to 27 fm off Oregon? Mr. Bohn said to use the GMT Report (Exhibit C.3.d, Supplemental GMT Report) with footnotes that address this issue (fishery restricted to outside of 100 fm or inside 27 fm south of 46°16' N. latitude).

Mr. Boydston recommended the GAP and GMT go with the recommendations for fixed gear fisheries north of Cape Mendocino as presented except model the option of either a 15-inch or 16-inch cabezon minimum size limit. He noted there were no new recommendations for California recreational fisheries. Consider previous recommendations when modeling seasons, but be aware that the California delegation is still working on details. Mr. Boydston stated that CDFG intends to recommend decoupling fixed gear and recreational seasons, which is a departure from past policy. They will also recommend an allowance for commercial fixed gear sanddab fishing in waters less than 50 fm in the CRCA using #2 hooks or smaller. All the other recommendations are as per Exhibit C.3.i, Supplemental CDFG Report 2. The recommended commercial:recreational allocation of nearshore rockfish is 37% of the OY for commercial and 63% for recreational.

Mr. Bohn recommended the GAP and GMT model the Oregon nearshore caps as per Exhibit C.3.i, Supplemental ODFW Report 2.

Mr. Brown asked Mr. Boydston about limited entry trawl recommendations for south of Cape Mendocino. Mr. Boydston said the recommendation was that limited entry trawl would be closed inside 150 fm or 250 fm seasonally. They are also recommending an allowance for small footrope trawls inside 50 fm (to the 3 nm limit) north of Pt. Conception and inside 100 fm south of Pt. Conception to access shelf flatfish. Dr. Hastie asked Mr. Boydston if he would like to see alternative model runs of these trawl specifications and Mr. Boydston replied yes. Mr. Moore wanted clarification on the limited entry trawl closure with respect to the deep line restriction. Mr. Boydston said the 150 fm line would be the boundary south of Pt. Reyes and the 250 fm line would be the boundary from Pt. Reyes to 40°10' N. latitude. He also noted there could be seasonal differences in the line north of Pt. Reyes to accommodate a winter petrale fishery.

Mr. Anderson asked if the GMT would be preparing a bycatch scorecard for the whiting fishery? Dr. Hastie said yes. Mr. Anderson stated the Council needs to understand the implications of specifying depth-based management lines. He wants the flexibility to modify the 250 fm line to access petrale sole.

Mr. Harp noted that the tribal proposals need to be included in the final package and a tribal member would be working with the GMT.

Dr. McIsaac said a bycatch scorecard that documents expected landed catch and discard mortality for bocaccio, canary, and yelloweye need to be a part of the analytical results. He asked if the Council wanted the GMT to analyze catch (take) vs. retention regulations? Mr. Boydston said the exceptions to CRCA gear restrictions could be dropped in the event of OY attainment of critical species. He thought 2 items should be specified: those gears exempted after OY attainment and those gears not exempted.

### C.3 2003 Groundfish Management Measures: **Final Action** (09/13/02; 6:04 PM)

#### C.3.t Agendum Overview

Mr. DeVore gave the agendum overview and listed the relevant reports available for final Council action on 2003 groundfish management measures.



### C.3.u GMT Analysis of Impacts

Dr. Jim Hastie and Mr. Brian Culver presented Exhibit C.3.v, Supplemental GMT Report. Mr. Anderson requested the GMT statement be read into the record and Mr. Culver complied. The statement focused on the GMT's rationale for deriving bycatch estimates. Mr. Culver pointed out a mistake in the bycatch scorecard (Table 1 on page 8 of the GMT Report): the 2.5 mt of yelloweye estimated mortality in the pink shrimp fishery should be changed to trace ( $<0.01$  mt) given the mandatory excluder specification.

Dr. Hastie reviewed the GMT's recommended trip limit tables. He pointed out an error in the limited entry trawl trip limit specification for "all other flatfish" in the south (line 30 in the table). The GMT agrees with the GAP recommendation of 70,000 pounds/two months rather than 50,000 pounds/two months to 70,000 pounds/2 months. He also noted that Table 4 (2003 Trip Limits for Limited Entry Fixed Gear) was inadvertently left out of the Report and would be provided before the Council takes action. Dr. Hastie then went through the bycatch scorecard (Table 1 on pages 8-9 of the GMT Report) and noted that the totals by species include the EFP caps for next year. Dr. Hastie then reviewed trawl bycatch modeling results on pages 10-13 of the GMT Report. He also pointed out that pages 14-22 depicted the estimated economic impacts of management alternatives that were developed by Mr. Seger and Dr. Waters. Pages 23-28 of the GMT Report depicted the trawl bycatch rates across all management strata used to model consequences of alternative management measures. He noted an error in the table column headings on pages 26-28. Headers for columns 5-7 should read, "In depths shallower than 60 fm, 70 fm, and 80 fm", respectively. He then reviewed the table on page 29 that depicted the latitudinal distribution of darkblotched based on CPUE in past NMFS shelf and slope trawl surveys.

Mr. Brown asked if the projected trawl bycatch of bocaccio (1.4 mt) on page 10 of the report was a coastwide estimate? Dr. Hastie replied it was only for the area south of  $40^{\circ}10'$  N. latitude. Mr. Brown noted the GMT statement indicated that ~3% of bocaccio bycatch occurs outside 150 fm. Would moving the deep line further offshore reduce bycatch? Dr. Hastie said there would be a marginal reduction of bocaccio bycatch and cited the bocaccio bycatch while pursuing petrale example on page 28. Mr. Brown asked if eliminating trawl opportunities inside 50 fm would reduce bocaccio bycatch? Dr. Hastie said there would be some bocaccio savings and cited the distribution of estimated bocaccio bycatch by trawl strategy and fishing period on page 11. The flatfish strategy is estimated to accrue 1.32 mt of bocaccio bycatch of which 0.67 mt occurs inside 50 fm (periods 2-5) with some of the period 1 and 6 bycatch occurring both inside 50 fm and outside 150 fm.

Dr. McIsaac asked about the estimated 5 mt of bocaccio bycatch in California recreational fisheries? Dr. Hastie deferred to Mr. Tom Barnes who did the analysis. Mr. Barnes briefly reviewed the analysis. The 5 mt bocaccio impact was an assumed discard mortality based on the expected effort shift and distribution of bocaccio in nearshore areas ( $\leq 20$  fm). Mr. DeVore pointed out the analysis could be found starting on page 4-11 of the draft Annual Specifications EIS.

Mr. Bohn addressed the GMT statement regarding retention of canary and yelloweye in recreational fisheries (page 3). Was there a presentation from ODFW staff to the GMT on this issue? Dr. Hastie replied Mr. Don Bodenmiller did present an analysis to the GMT. The information presented did not confirm there wasn't targeting of canary rockfish in Oregon recreational fisheries. The analysis noted the strong correlation of canary and yelloweye catch in Oregon recreational fisheries. The GMT believes that any allowable retention of yelloweye, even a one-fish bag, promotes targeting for such a prized fish. Mr. Bohn stated that ODFW staff believes no retention would turn bycatch into discard mortality. Dr. Hastie agreed this would be a probable outcome (and cost), but he believed the total estimated mortality of yelloweye and canary would be reduced with no allowable retention regulations. Mr. Bohn asked how this recommendation can be justified given the GMT recommendation for a small trawl trip limit? Dr. Hastie replied that yelloweye are not a trawl target. Even without a small footprint restriction, the yelloweye trawl catch would be  $<2.0$  mt.

Dr. Hastie noted another error on the trawl trip limit table (Table 3 on page 4 of the GMT Report). The specification for minor shelf rockfish, widow, and chilipepper in the south (line 39) is missing and should be 300 pounds/month for the entire year.

Mr. Brown referred to the estimated canary mortality of 12.3 mt in non-whiting trawl fisheries as depicted in the bycatch scorecard (Table 1 on page 8 of the GMT Report). If this is the expected trawl impact, isn't the 9.3 mt cumulative EFP cap too high? Dr. Hastie said these are caps or upper allowable limits in combined EFPs and therefore can be changed. EFP caps are not estimated mortality. Mr. Brown asked if the canary cap in the Oregon selective flatfish EFP (4.0 mt) or the 1.4 mt bocaccio mortality estimate in the non-whiting trawl fishery or the 1.6 mt bocaccio EFP cap are too high? Dr. Hastie reiterated the EFP caps can be changed and said the commercial catch estimate may possibly be too high. Mr. Anderson asked Mr. Brown if the 4 mt of canary in the Oregon selective flatfish trawl EFP was part of the 12.3 mt estimated mortality in the non-whiting trawl fishery? Mr. Brown said the point of his questions is fishers participating in the EFP would not fish in limited entry trawl during that time. Therefore, the estimated mortality may be too high.

Mr. Boydstun referred to page 10 of the GMT Report and asked Dr. Hastie about the trawl bycatch implications in the south relative to the shallow depth line. What is the impact of moving the shallow line out to 60 fm from 50 fm for all or part of the year? Dr. Hastie referred to page 28 of the GMT Report which depicted bocaccio bycatch rates by depth and trawl strategy. These data indicate that moving the line out to 60 fm would only have a significant impact in period 1.

Dr. McIsaac asked about the total estimated mortality of canary as depicted in the bycatch scorecard on pages 8-9 in the GMT Report. Isn't 45.3 mt over the OY and the recreational:commercial catch share? Dr. Hastie replied the total catch OY would be 44 mt with a 60:40 commercial:recreational catch share.

Mr. Brown asked about the data sources for the depth-based bycatch rates used to model trawl bycatch? Dr. Hastie said he used 1999 trawl logbook data and applied ratios using depth strata. He increased bocaccio bycatch rates to match past landings. Mr. Brown asked what data were used to estimate California halibut trawl bycatch? Dr. Hastie said he did not produce those estimates and deferred to CDFG personnel. Mr. Brown asked for the data sources to model bycatch in the Dungeness crab and salmon troll fisheries? Dr. Hastie replied page 3 of the GMT Report describes the bycatch estimates in the salmon troll fishery and that they were based on landings data. Mr. Dave Thomas replied (on the previous inquiry) that bycatch in California halibut fisheries was derived using 2001 landed catch data.

Mr. Anderson noted the GMT assumes spot prawn trawl fisheries would be prohibited in 2003. While this is true in Washington and California, he wasn't sure about Oregon. Mr. Bohn replied they plan to phase out this fishery which should take about a year. Mr. Robinson noted that, as indicated in previous testimony, there were only 2 spot prawn trawl permits left in Oregon. Mr. Bohn further elucidated there were actually 5 spot prawn trawl permits in Oregon, but only 2 were active. Mr. Boydstun said the estimated take of bocaccio in California spot prawn trawl fisheries in 2002 was 5 mt. Mr. Bohn clarified his previous statement on anticipated actions in the Oregon spot prawn trawl fishery. They will be going to their Commission in October to ask for an elimination of the spot prawn trawl fishery by January 1 of next year.

The missing limited entry fixed gear trip limit table from the GMT Report (Table 4) was provided. Dr. Hastie corrected line 11 of that table to read 40°10' N. latitude - 36° N. latitude (instead of 38° N. latitude). The same correction needs to be made on Table 5 (the open access trip limit table). Mr. Boydstun asked if the GMT used the proposed California scorpionfish season structure to develop recommended fixed gear trip limits (line 39)? Dr. Hastie said yes.

### C.3.v Reports and Comments of Advisory Bodies

#### GAP

Mr. Rod Moore reviewed Exhibit C.3.v, Supplemental GAP Report. He explained there was a GAP/GMT consensus to recommend a 70,000 pound/2-month landing limit for other flatfish in limited entry trawl in the south. This is half of last year's landing limit and is a de minimus impact. The GAP recommends the deep management line for trawl at 250 fm north of 38° N. latitude be changed in periods 2 and 5 to allow some petrale opportunity. The GAP would also like a variable shallow line be applied south of 40°10' N. latitude to 38° N. latitude and south of 38° N. latitude to provide some shelf flatfish opportunity. There is very little trawl grounds between the 50 fm line and the 3 nm state demarcation in many areas in California. The GAP notes

there is a questionable yellowtail landing limit specification on line 46 of the limited entry trawl table in the GMT Report (page 4) they would like to see corrected.

Mr. Boydston referred to the GAP comments relative to the CRCA and noted they were concerned with the process used to develop this recommendation and the variable triggers for closing down exempted gears between sectors of the fishery. Did this cover the GAP's concerns? Mr. Moore answered that the concerns were deeper, but, in particular, they were concerned that triggers for shutting down different sectors allowed to fish in the CRCA were not completely addressed (i.e., some sectors seemed to be unaffected by OY attainment while others are addressed in the recommendation). Mr. Robinson stated that he would not advocate shutting down small footrope trawls south of Cape Mendocino in depths shallower than 50 fm. He does advocate the use of EFPs to test the ability of these trawls to fish selectively in those depths. Mr. Moore agreed. Mr. Brown asked which version of the CRCA recommendation did the GAP see? Mr. Moore stated version 3 which did not list all the fishery triggers which implied to the GAP that different sectors of the fishery would be treated differently in California. Mr. Brown asked about the bycatch implications of these exempted gears. Mr. Moore deferred to CDFG staff.

## **EC**

Lt. Dave Cleary provided the Enforcement Consultants perspective on the pending decisions. He talked about implementing a state vs. federal declaration system for vessels intending to legally fish in otherwise closed areas. Without VMS at the start of the year, EC recommends a federal declaration system; the states can't do this. The EC does not like ratio fisheries in general such as those recommended by the GMT for portions of the limited entry trawl sector. There is evidence of fishers continuing to target co-occurring species to get the correct ratio. The EC would rather have the ability to do at-sea enforcement of landing limits.

Mr. Anderson noted that NMFS was planning on implementing VMS, but we need a declaration system as a contingency. If a declaration system is needed by January 1, then it is imperative to get federal funding to set this up. He would like to clarify this issue by the next Council meeting.

### **C.3.w Agency and Tribal Comments**

## **Tribes**

Mr. Harp explained the tribal proposal is the same as originally presented with no changes.

## **Washington**

Mr. Anderson then explained that WDFW was changing its proposed recreational sublimit of canary rockfish from two/day to one/day. All the other WDFW recommendations are found in Exhibit C.3.i, Supplemental WDFW Report.

## **Oregon**

Mr. Bohn referred to Exhibit C.3.w, Supplemental ODFW Report and said the changes were in bold typeface. These changes include a minimum size limit of 15 inches for cabezon in recreational fisheries, no retention of yelloweye and canary during the all-depth Pacific halibut recreational fishery, and the recreational fishery closes outside 27 fm if either the yelloweye or canary guideline is projected to be exceeded. Exhibit C.3.i, Supplemental ODFW Report had ODFW's nearshore fishery recommendations.

## **California**

Mr. Boydston reviewed Exhibit C.3.w, Supplemental CDFG Report 2 which had CDFG's 2003 rockfish and lingcod recommendations.

Mr. Robinson asked if the small limited entry fleet he referred to was the Newport dory fleet? Mr. Boydston said yes and that he would refer to the dory fleet when he makes his motion. Mr. Robinson asked if those

provisions applied to fixed gear only and Mr. Boydston said yes. Mr. Robinson said routine management measures can be sorted out with Northwest Region staff.

Mr. Brown asked if the observer requirement (if requested) included all commercial and recreational; vessels under state and federal management? Mr. Boydston said yes. Mr. Brown asked if the fishery provisions for north of Cape Mendocino would be the same as in Oregon? Mr. Boydston said yes. Dr. McIsaac asked if the trigger thresholds for managing bocaccio impacts need to be identified at this meeting? The answer was no.

#### C.3.x Public Comment

Mr. Phil Leshowitz; Recreational Fishing Alliance; Naselle, Washington  
Mr. Bill James, PSL Commercial Fishermen's Association; Pismo Beach, California  
Mr. Hugh Thomas, PSL Commercial Fishermen's Association; Avila Beach, California  
Mr. Gary Frederic, F/V Tabitha; Toledo, Oregon  
Mr. Bob Ingles, Golden Gate Fisherman's Association; San Francisco, California  
Mr. Mike McCorkle, Southern California Trawlers Association; Santa Barbara, California  
Mr. Guy Grundmeier, Port San Luis Fishermen's Association; San Luis Obispo, California  
Ms. Karen Garrison, Natural Resources Defense Council; San Francisco, California  
Ms. Kathy Fosmark, Alliance of Communities for Sustainable Fisheries; Pebble Beach, California  
Mr. Peter Huhtala, Pacific Marine Conservation Council; Astoria, Oregon  
Ms. Ky Russell, Institute for Fisheries Resources; San Francisco, California  
Mr. Phil Kline, Oceana; Washington, DC  
Mr. Daniel Platt, Salmon Trollers Marketing Association; Fort Bragg, California  
Mr. Bob Osborn, United Anglers of Southern California; Huntington Beach, California

#### C.3.y **Council Action:** Adopt Final Proposed 2003 Regulations

Mr. Anderson suggested that the Council start with recreational and exempt trawl fisheries first, then move on to open access and limited entry. The tribal specifications can be set at any time. Mr. Brown requested a list of decision points.

Mr. Anderson moved and Mr. Cedergreen seconded a motion (Motion 29) to adopt Washington recreational management measures as per Exhibit C.3.i, Supplemental WDFW Report with the following specifications: 15-groundfish daily-bag-limit (includes rockfish and lingcod) with a 10 rockfish sublimit, 1 canary sublimit, no retention of yelloweye, and a 2 lingcod sublimit with a 24-inch minimum size during March 16-October 15 (otherwise lingcod is closed). The motion includes closing recreational groundfish and halibut fishing within coordinates described in Exhibit F.2.b, Revised Supplemental WDFW Report (the Yelloweye Rockfish Conservation Area). The motion includes mandatory use of excluders in the Washington pink shrimp fishery. Mr. Anderson thought the PSMFC might help the states establish standards for pink shrimp excluders. Spot prawn trawl in Washington will end on October 31.

Motion 29 passed.

Mr. Bohn moved and Mr. Brown seconded a motion (Motion 30) to adopt Oregon recreational management measures as per Exhibit C.3.w, Supplemental ODFW Report. The nearshore recreational caps by species and species complex are as per the table in the front of Exhibit C.3.i, Supplemental ODFW Report.

Mr. Anderson said he had expressed concern earlier for proposed canary and yelloweye sublimits in Oregon. He would like ODFW to monitor deeper water recreational trips to see what impacts are in the fishery. WDFW will do the same. Mr. Bohn said this could be discussed at the next Council meeting. Mr. Boydston asked if the nearshore harvest guidelines were specific to species components? Mr. Bohn said yes.

Motion 30 passed.

Mr. Boydston moved and Mr. Brown seconded a motion (Motion 31) to adopt northern California (north of 40°10' N. latitude) recreational management measures. The regulations would be the same as in Oregon with

the following exceptions: the rockfish daily bag limit = 10 with sublimits of 1 canary and 1 yelloweye, harvest guidelines in the nearshore fishery would be based on half the average 1994-1999 landings as follows:

Species complex	Commercial Harvest Guideline	Recreational Harvest Guideline
Black and Blue Rockfish	41.7 mt	53.7 mt
Other Nearshore Rockfish	8.8 mt	5.0 mt

Motion 31 passed.

Mr. Boydston moved and Mr. Anderson seconded a motion (Motion 32) to adopt California recreational management measures for waters south of 40°10' N. latitude as per Exhibit C.3.w, Supplemental CDFG Report 2.

Motion 32 passed.

Mr. Boydston moved and Mr. Alverson seconded a motion (Motion 33) to adopt the limited entry trawl, limited entry fixed gear, and open access trip limits as per Tables 3-5 in Exhibit C.3.v, Supplemental GMT Report with the following exceptions: change the specifications in lines 30-31 in Table 3 (limited entry trawl trip limits) from 50,000 pounds/2 months to 70,000 pounds/2 months; include a 300-pound groundfish trip limit for exempted trawls; specify the shallow line for limited entry trawl south of 40°10' N. latitude (page 10 of GMT Report) as 50 fm for January-February and 60 fm for the remainder of the year; include a 300-pound trip limit for minor shelf rockfish, widow, and chilipepper for limited entry trawl in the south (line 39 of Table 3 in the GMT Report); change the period 1 and 6 trip limits for arrowtooth flounder in the north from no limit to 30,000 pound/trip (line 28 of Table 3 in the GMT Report); add a 7,500 pound trip limit for arrowtooth flounder during periods 2-5 in the north for limited entry trawls (line 28 of Table 3 in the GMT Report); establish a limited entry fixed gear and open access depth restriction restricting the fishery north of 40°10' N. latitude to outside 100 fm and inside 27 fm in northern California and Oregon; and establish a limited entry fixed gear and open access depth restriction restricting the fishery south of 40°10' N. latitude to outside 150 fm and inside 20 fm.

Mr. Brown asked if the motion included the 36° N. latitude correction to Tables 4 and 5 of the GMT Report (line 11 in Table 4 and between lines 9 and 10 in Table 5)? Mr. Boydston said yes.

Mr. Anderson thought the petrale areas would be incorporated just inside the 250 fm line for limited entry trawl but never inside 150 fm. He wanted this to still be the Council's intent. Mr. Boydston said his strategy should be discussed for north of 40°10' N. latitude. Mr. Anderson asked if bycatch implications of changing the shallow lines seasonally in the south in the trawl fishery were modeled? Mr. Boydston referred to page 28 of the GMT Report which indicates a zero bocaccio bycatch in period 1 for flatfish strategies inside 50 fm and low bycatch rates inside 60 fm in periods 2-6. Mr. Anderson asked what the canary OY would be in this package (motion)? Dr. Hastie replied it would be 44 mt. Mr. Anderson expressed two concerns relative to this motion: 1) specifying a 150 fm deep line for limited entry trawl in periods 1 and 6 in the north, and 2) the canary OY is exceeded by 1.3 mt (bycatch scorecard in GMT Report indicates 45.3 mt). Dr. McIsaac pointed out that the EFP caps are not part of the motion. Therefore, the canary OY is not exceeded unless the EFP caps are adopted as presented in the GMT Report. Mr. Boydston asked if this package still had a 60% commercial and 40% recreational catch sharing? Dr. Hastie said the 60:40 scenario had a recreational catch of 15 mt and this package has a recreational catch of 16 mt. If all proposed EFPs were implemented and took their entire specified cap, then the canary OY would be exceeded. EFP caps are still up for consideration. Mr. Boydston suggested that the Council could decide on an overall EFP cap for canary or individual EFP caps. Dr. Hastie thought an overall EFP cap could work. Mr. Anderson proposed a friendly amendment to cap all EFPs combined to 6.5 mt of canary rockfish. This was accepted by Mr. Boydston and Mr. Alverson. Mr. Anderson returned to his other concern regarding the deep trawl line in periods 1 and 6 to access petrale. Mr. Brown asked if his thought was to specify a year round 250 fm deep line that would include petrale areas or a different deep line in periods 1 and 6 to include petrale areas? Mr. Anderson said it would be the latter- the 250 fm line would be modified in periods 1 and 6 to include petrale areas but would not come inside 150 fm. Mr. Boydston (and Mr. Alverson) accepted but Mr. Boydston also wanted to include some California petrale areas. Mr. Robinson wanted to make sure no petrale areas would be inside 150 fm. Mr. Anderson said yes and the coordinates for these management lines would be submitted to NMFS within a deadline.

Motion 33 passed.

Mr. Boydstun referred to Exhibit C.3.w, Supplemental CDFG Report and moved (Mr. Alverson second) (Motion 34) to submit the provisions of the California Rockfish Conservation Area to NMFS with the following exceptions (additions underlined; deletions in strikeout): 1) change the language under General Provisions to read "3) If requested any commercial fishing vessel intending to fish in or transit the CRCA must accommodate a state or federal observer"; 2) change the language under General Provisions to read "5) The use of all other gear types within the CRCA (not identified in the exceptions) shall be consistent with California state and federal laws and regulations"; 3) change the language under Exceptions I Title to read "7) ~~Small fleet LE permit holders~~ Fixed gear and recreational fishers allowed to use ~~fixed gear~~ in waters between 20 fm to 50-60 fm south of Pt. Fermin to the Newport Jetty during ~~June~~, July, and August only ..."; 4) change the language in the Exceptions II title to read "Exceptions II - non-groundfish trawls (~~if the bocaccio bycatch impacts are exceeded there will be no exceptions for non-groundfish trawls in the CRCA~~)"; 5) change the language under Exceptions II to read "A) Exempted trawl gear using a small footrope as defined in federal regulations may be used in waters shallower than ~~50~~ 50-70 fm north of Pt. Conception and in waters shallower than 100 fm along the mainland coast south of Pt. Conception (not including the CCA)"; 6) change the language under Exceptions II to read "B) Ridgeback shrimp trawl nets must include ~~an authorized state-required~~ fish excluder device"; 7) change the language in the Exceptions III title to read "Exceptions III - groundfish trawls (~~if the bocaccio bycatch impacts are exceeded there will be no exceptions for non-groundfish trawls in the CRCA~~)"; 8) change the language under Exceptions III to read "a) Small footrope trawl (including Scottish seine) may be used in waters shallower than ~~50~~ 50-70 fm north of Pt. Conception and in waters shallower than 100 fm along the mainland coast south of Pt. Conception (not including the CCA)"; and 9) strike all the language under "Activities that Require Conditional Authorization" and the note that follows.

Mr. Robinson didn't understand why the motion specified a range (50-70 fm) for a boundary. Mr. Anderson was also confused and wondered if the specified line would cross these depth contours. Mr. Boydstun explained he wanted a seasonally variable management line to conform to the limited entry trawl structure. Ms. Cooney explained that the motion needed to be more specific with the lines specified by period of the year. Mr. Brown was concerned that all commercial fishing vessels transiting the CRCA would be required to carry observers. Dr. McIsaac asked whether the 70 fm specification should actually be 60 fm? Mr. Boydstun said yes. Dr. McIsaac asked if the CRCA proposal was included in the GMT's bycatch scorecard. Dr. Hastie said he wasn't sure, but clarified that it was after other GMT members informed him. Mr. Boydstun changed his motion to read the shallow line for small footrope and exempt trawls in the CRCA would be 50 fm in period 1 and 60 fm for the remainder of the year.

Motion 34 passed.

Mr. Harp moved and Mr. Bohn seconded a motion (Motion 35) to adopt the treaty harvest levels as per Exhibit C.3.y, Supplemental Treaty Indian Harvest Levels.

Motion 35 passed.

Mr. Robinson stated that NMFS would need all the management line specifications by mid-October. The regulations would be implemented March 1 with interim regulations for January and February. He requested a motion for the interim regulations.

Mr. Brown moved and Mr. Harp seconded a motion (Motion 36) to implement an emergency rule consistent with these Council actions for January and February and final regulations for March-December.

Motion 36 passed.

Mr. Anderson stated the states need the flexibility to adjust the 100 fm line delineation.

C.4 Status of Fisheries and Inseason Adjustments (09/12/02; 2:51 pm)

C.4.a Agendum Overview

Mr. DeVore referred to and reviewed Exhibit C.4, situation summary for this agenda item. He stated the GAP and GMT have reports ready and suggested starting with the report of the GMT.

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

##### **GMT**

Dr. Hastie provided and reviewed Exhibit C.4.b, Supplemental GMT Report. The report recommends trip-limit changes for the remainder of 2002. In general, these proposed changes either allow additional opportunities for fisheries occurring in depths greater than those identified as groundfish conservation areas or restrict fisheries for which there is considerable bycatch of rockfish species designated as overfished.

##### **GAP**

Mr. Rod Moore provided Exhibit C.4.b, Supplemental GAP Report. The report was verbally revised by Mr. Moore in that the report is to reflect all the numbers on the GMT statement except the GAP had expected the addition of a sablefish size limit adjustment between Cape Mendocino and Point Conception. He clarified for the Council that size-at-age for sablefish decreases as you move south and mature sablefish, taken in deep waters to avoid bocaccio, are smaller than the current size limit and are being discarded unnecessarily. Mr. Moore also expressed a GAP preference for coast wide vs. north-only midwater trip-limits.

##### **EC**

Lt. Cleary reported that EC concerns about gear specific trip-limits in the LE trawl DTS fishery have been satisfied as vessels will not have an issue with using one gear type beginning in November. Cdr. Meyer reported the USCG is now on maritime security threat level 2 which will divert this fall's major cutter resource from enforcing the 250 fathom curve to national security type missions. The USCG will try to backfill that cutter with patrol boats.

Lt. Cleary announced Cpt. Mike Cenci was elected the new Chairman of the EC and will assume that role following this meeting.

Mr. Anderson asked the EC about enforcement implications of the limited entry trawl widow/yellowtail trip limits in period 6 being exempted from the closed area from 100 to 250 fathoms.

Lt. Cleary reported that the EC had some discussions on this issue. Trip-limits would still be enforceable dockside but having legal midwater vessels in the closed area adds enforcement complexity. Aerial patrols of the closed zone coupled with dockside monitoring could be effective. However, Cpt. Meyer reported that USCG aircraft resources are limited and may be diverted for missions of national security.

Cpt. Cenci noted that without a significant amount of air and sea patrol support the Council may want to consider another strategy such as a declaration process.

##### **GMT**

Dr. Hastie made some corrections to the GMT report and will provide a corrected set of trip-limit tables. Additionally, he reports that the GMT agrees with the proposed change to a 20-inch minimum size limit for sablefish south of Cape Mendocino (40°10' N. Latitude).

#### C.4.c Public Comment (09/12/02; 3:45 pm)

Mr. Steve Moore, Patriot Sportfishing; Avila Beach, California  
Mr. Bill James, PSL Commercial Fishermen's Association; Pismo Beach, California  
Mr. Guy Grundmeier, Port San Luis Fishermen's Association; San Luis Obispo, California  
Ms. Sue Moore, Patriot Sportfishing; Avila Beach, California  
Mr. Daniel Platt, Salmon Trollers Marketing Association; Fort Bragg, California  
Mr. Duncan MacLean, Humboldt Bay Fishermen's Marketing Association; El Granada, California  
Mr. Gary Frederic, F/V Tabitha; Toledo, Oregon  
Mr. Bob Fletcher, Sportfishing Association of California; San Diego, California  
Ms. Janice Baker, dory fleet participant; Costa Mesa, California

C.4.d **Council Action:** Consider Adjustments in 2002 Groundfish Management Measures

Mr. Robinson requested clarification on southern nearshore rockfish data. Dr. Hastie reported some lags in available recreational and commercial landing data. Therefore, the GMT is not recommending any increases in trip limits at this time. However, the issue could be readdressed if the data is available in November.

Mr. Brown asked Dr. Hastie about depth-based management south of Cape Mendocino. Dr. Hastie reported that the recommendations in the GMT report reflect no depth-based management lines and that the GMT would certainly reevaluate trip-limits and bocaccio bycatch should those lines become available.

Mr. Boydston clarified that depth-based management south of Cape Mendocino was not an option for 2002.

Mr. Alverson moved and Mr. Boydston seconded a motion (Motion 12) to adopt the values on Exhibit C.4.b, Supplemental GMT Report, September 2002 with the corrections as stated by Dr. Hastie. Include the elimination of the size limit of sablefish south of Mendocino (40°10' N. Latitude).

Mr. Caito requested a friendly amendment to ask for a coastwide widow fishery which was accepted by the maker of the motion and the second.

Mr. Robinson was not comfortable with the widow fishery coastwide and requested clarification on the sablefish size limit change. Mr. DeVore stated that the GAP recommendation with GMT concurrence was for a change in the sablefish minimum size limit from 22 inches to 20 inches from Cape Mendocino (40°10' N. Latitude) to Point Conception (36° N. Latitude). Mr. Alverson reported that the intent of the motion was to match this recommendation rather than eliminate the size limit.

Mr. Boydston asked for an amendment to Motion 12 as follows: provide for the use of #2 or smaller hooks in the fixed gear commercial fishery for both limited entry and open access for the take of pacific sanddab. Mr. Caito seconded the amendment.

Mr. Boydston noted that the gear restriction would allow for that fishery of sanddab. Ms. Cooney said she is not sure if this is an inseason adjustment. Mr. Boydston clarified that the fishery is currently closed and the amendment is trying to open it while protecting overfished rockfish by using a small hook. Ms. Cooney said this is not an inseason adjustment, we have not regulated hook sizes, and more information is required on how the hook size makes a difference in the fishery.

Dr. McIsaac asked if this gear type had been used earlier in the year prior to the closure. Mr. Boydston said this is a standard gear type that has been used in the recreational and commercial sanddab fisheries.

Mr. Boydston withdrew his amendment due to legal advice.

Mr. Robinson is uncomfortable with the coastwide midwater trawl fishery due to projected increases in bocaccio impacts while we are already over the 2002 OY.

Mr. Anderson asked Dr. Hastie to review darkblotched and canary bycatch information for the midwater widow trawl fishery. Dr. Hastie reported that available data do not suggest considerable bycatch of these two species in this fishery and that adequate canary OY remains in 2002 for this allowance.

Mr. Robinson asked if any darkblotched bycatch information is available from midwater trawl EFPs. Mr. Brian Culver said that preliminary information available from the EFP suggests that no darkblotched were encountered and canary bycatch rates were about 1.2%. Mr. Bohn requested information relative to bycatch in the southern trawl fishery for petrale. Dr. Hastie reported near zero for bocaccio and would report back on darkblotched.

Dr. McIsaac clarified for the Council that this action item is a tentative adoption of 2002 inseason action and the Council would have the opportunity to review updated management measures for content and intent as part of tomorrow's business.



Mr. Anderson requested that as part of tomorrow's final action on this issue, the Council also discuss the potential of having a declaration requirement for vessels in the midwater trawl fishery.

Motion 12 passed.

Mr. Boydston moved and Mr. Thomas seconded a motion (Motion 13) to recommend that NMFS work with CDFG in projecting the catch of minor nearshore rockfish south of Cape Mendocino for the balance of the current year in time of the October CFGC meeting. NMFS and CDFG would recommend whether to open all or part of that fishery for the remaining two months of the season.

Mr. Robinson said we normally would have had wave 3 and possibly wave 4 data from MRFSS by now if not for a problem currently being worked out. He expects this additional information for recreational catch will be available soon and was in favor of the motion.

Motion 13 passed.

Mr. Anderson asked to have the EC discuss a potential declaration system between now and tomorrow and give a report when the Council has an opportunity to make additional considerations under this agenda item tomorrow.

Lt. Cleary asked if the intent is to have a state or federal declaration system explored. Ms. Cooney said she did not think the federal system could adopt a declaration system at this time, therefore, it would probably have to be a state system.

#### C.4.e Agendum Overview (**continued if necessary**) (09/13/02; 12:34 pm)

Previously stated.

#### C.4.f Reports and Comments of Advisory Bodies

#### **GMT**

Dr. Hastie provided Supplemental Exhibit C.4.f, GMT Report on Inseason Adjustments. Dr. Hastie and the Council reviewed further clarifications to the document.

Mr. Moore provided testimony that the GAP agreed with the GMT (Supplemental Exhibit C.4.f, GMT Report on Inseason Adjustments).

#### **EC**

Lt. Dave Cleary provided Exhibit C.4.f, Supplemental EC Report.

#### C.4.g Public Comment (09/13/02; 12:55 pm)

Mr. Gary Frederic, F/V Tabitha; Toledo, Oregon

#### C.4.h **Council Action:** Consider Adjustments in 2002 Management Measures

Mr. Brown moved and Mr. Bohn seconded a motion (Motion 26) to adopt Exhibit C.4.f, Supplemental GMT Report on Inseason Adjustments; and the enforcement consultants language on the declarations.

Mr. Bohn expressed the desire to try to find a way in the future to not have to use declarations.

Mr. Anderson said yesterday Mr. Robinson had concerns about allowing a widow/yellowtail fishery in the south due to projected bycatch of bocaccio since the bocaccio OY had already been exceeded. He preferred to restrict the widow/yellowtail fishery to the north.

Mr. Brown asked if Mr. Robinson's concerns were an amendment to the motion. Mr. Robinson moved to amend motion 26 to only allow the widow/yellowtail midwater trawl fishery north of Cape Mendocino (40°10' N. Latitude); including the trip limits (13,000 pounds per two months of widow and 20,000 pounds per two months of yellowtail). Mr. Alverson seconded the amendment to Motion 26.

Dr. Hastie clarified bycatch issues for Mr. Caito relative to midwater trawl fisheries.

Mr. Boydston said that CDFG recommended closing down the spot prawn trawl fishery for small amounts of bocaccio bycatch. Considering the importance of the conservation standard we have for bocaccio he will vote in favor of the amendment.

Mr. Brown appreciated Mr. Boydston's point and Mr. Caito's concerns; and for the record stated that to save what appears to be 200 pounds of bocaccio this fishery will forego approximately \$50,000 at today's prices.

Vote on amendment: Mr. Caito voted no. Vote on Motion 26: Motion 26 passed.

#### C.5 Exempted Fishing Permits (EFPs): Update and New Proposals (09/12/02; 5:28 pm)

##### C.5.a Agendum Overview

Mr. DeVore walked the council through the briefing materials and provided the agendum overview. Anticipating a dramatic restructuring of the West Coast groundfish fishery next year to conform to conservation mandates for overfished species, the Council signaled its intent to make greater use of EFPs. Preliminary discussions revealed potential drawbacks to the concept of EFP proliferation, including impacts to the current NOAA Fisheries Groundfish Observer Program. The Council should take this opportunity to discuss these issues and start a constructive dialogue with NOAA Fisheries and the public on how best to restructure the current EFP program to meet Council and Magnuson-Stevens Act objectives of providing healthy and sustainable fishing opportunities.

This agendum provides the opportunity for Council, state, and agency representatives to discuss plans and applications for 2003 EFPs. These discussions could serve to refine and coordinate contemplated EFPs prior to final approval at the October Council meeting.

The Washington Department of Fish and Wildlife (WDFW) will update the Council with preliminary results from two of their sponsored EFPs. EFPs designed to test trawl strategies for targeting abundant arrowtooth flounder and yellowtail rockfish while minimizing bycatch of overfished species, such as canary rockfish, have been conducted by WDFW personnel and Washington limited entry trawl fishermen. Results from these activities could benefit deliberations for structuring the 2003 trawl fishery to access healthy and abundant target species without impacting overfished shelf and slope rockfish. Other state representatives may discuss their progress towards implementing other approved EFPs, such as the Scottish seine EFP sponsored by the California Department of Fish and Game to test the efficiency of that gear to cleanly target Pacific sanddabs.

Additional EFP applications may be considered at this time if any are submitted for Council consideration.

Mr. DeVore noted this agendum is tied to agenda item C.3. pertaining to management measures for 2003, namely, caps for some of the bycatch species, especially caps canary rockfish.

The Council action is to consider and discuss the proposals and make recommendations to NMFS.

#### CDFG

Mr. Boydston summarized Exhibit C.5.b, Supplemental CDFG Proposal, an application for an EFP to measure bycatch of overfished rockfish associated with trawling for shelf flatfish using small footrope, including Scottish Seine. Additionally, an ongoing vertical hook and line selectivity EFP does not have a lot of effort currently and will terminate at the end of October and it is not certain CDFG will reapply.

Mr. Robinson noted that NMFS is ready to go to the *Federal Register* with the required 15-day comment period on the nearshore flatfish trawl EFP. Following the comment period, NMFS can quickly issue the permit and is comfortable extending the permit through the end of the year.

Mr. Brown asked about vessel participation. Mr. Boydston replied that to date vessels have only expressed intent to participate and that the goal will be to maximize the use of observers with a minimum of six vessels.

#### **ODFW**

Ms. Liz Clarke commented that this EFP has been a collaborative effort between Oregon and NWFSC and that the NWFSC is prepared to continue to provide observers.

Mr. Mark Saelens provided and reviewed Exhibit C.5.b, Supplemental ODFW Report. He noted that ODFW conducted two workshops with the industry where it was learned that industry preferred to design and build the selective flatfish trawl nets rather than lease them from the government. To cover the costs of building these nets, they propose an additional catch of flatfish to cover the costs. Six or seven vessels are expected to participate in the EFP primarily between the depths of 50-150 fathoms.

Mr. Brown noted on the ad hoc Allocation Committee report there was reference to using hard grate based on their experience in the shrimp fishery. Mr. Saelens verified that use of a hard grate would violate this EFP but a follow-up EFP or parallel process for other net designs could be pursued in the future.

Mr. Anderson asked Mr. Saelens about vessel participation in this EFP. Mr. Saelens reported that at this point 6-8 vessels have expressed interest.

Mr. Bohn asked if after month four or five that bycatch rates were lower than expected; is there any flexibility to try other net designs in the middle of the experiment? Mr. Saelens said that current estimates of bycatch are likely biased. Under this scenario, in consultation with NMFS, ODFW could apply for an permit extension.

#### **WDFW**

Ms. Michele Robinson provided an explanation on Exhibit C.5.b, Supplemental WDFW Report. This report contained four conceptual proposals for 2003: longline dogfish; arrowtooth flounder bottom trawl; yellowtail midwater trawl; and pollock midwater trawl. The listed fishery durations and vessel participation numbers are tentative and could be altered to address bycatch constraints.

Mr. Bohn asked if the pollock fishery happens every year? Ms. Robinson said it is a West Coast of Vancouver Island (WCVI) stock available to Washington vessels once every five to seven years.

Mr. Anderson noted that they intend on making some changes to the yellowtail proposal before bringing it back to the Council. They will flesh out the details and be prepared to come back with more details at the next meeting.

Mr. Bohn asked if the yellowtail midwater trawl fishery would be available for some OR trawlers? Mr. Anderson said that since were using Washington resources, the EFP will be limited to those that are Washington residents and licensed by the state.

#### **Tribal**

Mr. Harp noted that the tribes do not have an EFP proposal to submit at this time.

#### **C.5.c Reports and Comments of Advisory Bodies**

#### **GMT**

Mr. DeVore read Exhibit C.5.c, Revised Supplemental GMT Report.

## GAP

Mr. DeVore read Exhibit C.5.c, Revised Supplemental GAP Report.

### C.5.d Public Comment

Mr. Steve Fitz, fisherman

Ms. Ky Russell, Institute for Fisheries Resources; San Francisco, California

Mr. Gary Frederic, F/V Tabitha; Toledo, Oregon

Mr. Guy Grundmeier, Port San Luis Fishermen's Association; San Luis Obispo, California

Mr. Kenyon Hensel, open access fisherman; Crescent City, California

Mr. Bob Brisco Jr., trawler; Blaine, Washington

### C.5.e **Council Action:** Preliminary Consideration of Proposals and Recommendations for EFPs to NMFS

Mr. Anderson responded to comments about EFPs and how the selection criteria was developed and why their selection criteria was for Washington residents only. Arrowtooth and dogfish make up over 50% of the groundfish in Washington ports. When canary constraints came along and we used logbook information about canary bycatch it severely restricted the arrowtooth fishery. We used disaster relief money for Washington fishermen to finance the program. Now they are looking at closing down the dogfish, so again they are using the disaster relief resources. Even if the vessels paid for the observers, our costs include hiring, training and supervising the observers; administering the program; writing up the report; analyzing the data. We are using a lot of Washington resources to make this work and hope it provides benefit to fishermen coastwide. As part of the qualifying criteria they have been using Washington residents/licenses to offset the administrative costs. Washington would be willing to open it up to others, but will need help and resources to do that.

Mr. DeVore clarified that the purpose of this agenda item was to hold all Council discussions necessary prior to final adoption of 2003 EFPs at the November meeting. Further discussion is at Council discretion.

Mr. Brown asked the Council to seriously consider the GMT comment that all permits be reviewed for the possibility of conducting a successful project under a somewhat lower cap for overfished species.

Mr. Anderson agreed with Mr. Brown's comments. He noted that one of the problems with dogfish is that we have assumed no bycatch of yelloweye. If we are going to have an EFP for dogfish we have to assume some amount of yelloweye are going to be taken. We are going to have to prioritize EFPs which will depend on the decisions made under agenda item C.3.

Mr. Boydston asked if we agreed earlier in the week about the standards and protocols. He expressed his desire to see the Council move forward on this issue.

Mr. Robinson recalled the discussion and confirmed the fact that the standards and protocols need to be put together. We could form an ad hoc committee or perhaps have the GMT propose a strawman for future consideration by the Council.

Mr. Anderson endorsed Mr. Robinson's proposal.

Mr. DeVore will bring this to the GMT and mentioned the ad hoc Allocation Committee meeting minutes has some discussion of standards and process as a starting point.

## C.6 Groundfish Programmatic FMP EIS (09/12/02; 11:38 am)

### C.6.a Agendum Overview

NOAA Fisheries, in consultation with the Council, is preparing a Programmatic EIS (PEIS) that will review the current status of the federal groundfish management program and offer a range of alternative management

strategies at a broad programmatic or policy level. This PEIS was initiated with a scoping process early in 2001 and was intended in part to continue the development and implementation of Council's strategic plan for groundfish. Since the strategic plan was adopted and the EIS scoping period held, groundfish management has changed substantially, with the focus towards how to allow fishing while achieving the stock rebuilding mandate. At the June 2002 meeting, NOAA Fisheries recommended the Council delay adoption of the alternatives due to concerns they may no longer provide a range of realistic and reasonable alternatives; the Council agreed.

NOAA Fisheries would like to discuss this situation with the Council and develop a plan for moving forward. Some of the specific topics might include the role of the PEIS in the strategic planning process, whether to reopen the public scoping process, review and possible revision of the current programmatic alternatives, preparation of an FMP amendment to accompany the PEIS, and coordination with other agency activities and priorities.

The Ad Hoc Groundfish FMP EIS Oversight Committee met in May 2002 and developed five programmatic alternatives, each focusing on different policy goals. The Council could direct the EIS Oversight Committee to assist in scoping and the revision of the PSEIS alternatives.

The Council action is to discuss and provide guidance to NOAA Fisheries on a process and schedule for revising PSEIS alternatives.

#### C.6.b NMFS Report

Mr. Jim Glock provided the update under C.6.a. as part of the agendum overview.

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

### GAP

Dr. Kit Dahl read the GAP report.

#### C.6.d Public Comment

Mr. Bob Osborn, United Anglers of Southern California; Huntington Beach, California  
Mr. Guy Grundmeier, Port San Luis Fishermen's Association; San Luis Obispo, California

#### C.6.e Council Guidance on EIS Process

The guidance would be to okay another meeting of the oversight committee between now and the November council meeting as noted by the GAP and requested by Mr. Jim Glock.

Mr. Anderson asked if NMFS was covering the costs of this meeting? Dr. McIsaac noted yes.

### C.7 Update on Amendment 16 - Rebuilding Plans (09/12/02; 1:05 pm)

#### C.7.a Agendum Overview

Dr. Kit Dahl provided the following situation summary:

There are nine overfished groundfish species on the West Coast, eight of which are being managed under Council interim rebuilding measures. Rebuilding plans for all nine species are required to be formally adopted by the Council and NOAA Fisheries. As a result of refined content requirements, changed rebuilding analyses, and litigation requiring a different implementation form, no final rebuilding plans are currently in place.

The Council was briefed in April 2002 on the intent to incorporate rebuilding plans for overfished groundfish species into the groundfish fishery management plan (FMP) as Amendment 16. The amendment includes the process and standards for developing and implementing rebuilding plans and several individual species'

rebuilding plans. The Council considered adopting a draft of Amendment 16 for public review, but deferred adoption at the June 2002 meeting in order to provide further guidance on process and standards options and alternatives. At this meeting, the Council will review and discuss a schedule for completion of Amendment 16 components.

Before a public review draft can be finalized, additional work is needed on both the process and standards and individual rebuilding plans. Council staff have revised the options and alternatives for the process and standards part of Amendment 16, reflecting Council guidance from the June meeting. However, further Council guidance is needed before options and alternatives can be finalized. In addition, the (draft) rebuilding plans need modifying to include information not provided in the original rebuilding analyses, many individual rebuilding plan alternatives require further analysis, and the final contents of individual rebuilding plans also depend on the preferred alternative chosen by the Council for the process and standards.

At the November 2002 Council meeting, the Council will have to consider revisions and additions in the draft presented at the June meeting, finalize sets of options and alternatives, provide direction to Council staff as to any further analytical components, and consider a public review period.

The Council task is to provide direction to Council staff as to any further analytical components, and consider a public review period.

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

##### **SSC**

Mr. Tom Jagiello provided Exhibit C.7.b, Supplemental SSC Report.

##### **GAP**

Mr. Kit Dahl provided Exhibit C.7.b, Supplemental GAP Report.

#### C.7.c Public Comment

Mr. Guy Grundmeier, Port San Luis Fishermen's Association; San Luis Obispo, California

#### C.7.d Council Discussion on Update on Amendment 16 - Rebuilding Plans

None.

#### C.8 Groundfish Stock Assessment Priorities for 2003 (09/12/02; 1:18 pm)

##### C.8.a Agendum Overview

Mr. DeVore stated the stock assessment priorities are to be set in September to allow sufficient time for assessment authors to obtain relevant data for next year's assessments. Preliminary consideration of a list of proposed species and discussion of priorities occurred at the June Council meeting. Dr. Elizabeth Clarke will present a list of proposed species for assessment in 2003 and issues to consider in setting assessment priorities for 2003. This item was put on the agenda for discussion and to provide guidance to Dr. Clarke if necessary.

##### C.8.b NMFS Northwest Fisheries Science Center Report

Dr. Clarke provided Exhibit C.8.b, Supplemental NMFS Report. She stressed that the long list of stocks proposed for assessment in 2003 is ambitious but important given the possibility of moving to multi-year management. Full assessments were proposed for: whiting, lingcod, bocaccio, cabezon, black rockfish, and widow rockfish. Updated assessments were proposed for: Pacific ocean perch, darkblotched rockfish, cowcod, and yellowtail rockfish. She stated that the black rockfish assessment is for the entire range of stock along the whole coast.

## C.8.c Reports and Comments of Advisory Bodies

### SSC

Mr. Tom Jagielo provided Exhibit C.8.c, Supplemental SSC Report and explained that a full assessment considers all data sources and delves deeper into issues than an updated assessment. Under an expedited updated assessment no real substantive changes can be done to the model structure and it occurs with only minimal changes to the data.

Mr. Anderson asked if the SSC gave any discussion to the black rock and lingcod full vs. updated or expedited. Mr. Jagielo said there was not much explicit committee discussion on that. He personally felt there are some good reasons to consider both as full assessments because they utilize a number of data sources that have come under scrutiny recently.

Mr. Robinson said the black rockfish full assessment would be for only California and Oregon, not Washington.

Mr. Don Hansen asked about postponing stock assessments. Mr. Jagielo said the SSC did not discuss prioritizing or postponing assessments as it is a matter of finding the key people to do the assessments.

### GAP

Mr. Frank Warrens provided Exhibit C.8.c, Supplemental GAP Report.

Mr. Don Hansen asked the GAP if they prioritized the assessments. Mr. Warrens said they did not.

## C.8.d Public Comment

Mr. Guy Grundmeier, Port San Luis Fishermen's Association; San Luis Obispo, California

## C.8.e Council Discussion on Groundfish Stock Assessment Priorities for 2003

Dr. McIsaac asked Mr. Anderson and Mr. Boydston to comment on state agency responsibilities on joint agency assessment efforts as listed on Exhibit C.8.b, Supplemental NMFS Report.

Mr. Anderson said WDFW's letter was a proposal made to the Council. WDFW has a small marine fish science staff that has been reduced in size with finite resources available. WDFW had internal discussions about what priorities should be considered by the Council and a yelloweye rockfish assessment was a high priority. Additional data was needed and WDFW received some funding from Dr. Clarke for survey work. The survey was conducted during the last two weeks of August and WDFW made a commitment to deliver the results of the analysis to the council in March. Mr. Jagielo, the principal author of the lingcod assessment, reports that the stock was updated in 2000; it showed the resource was responding to our management efforts and ocean conditions. For black rockfish (Farron Wallace has been the author) they felt the last assessment demonstrated the population was at approximately  $B_{50}$ . Delaying both of those assessments for a year to gather more data could be helpful.

Mr. Bohn generally agreed with Mr. Anderson and stressed the importance of the black rockfish assessment.

Mr. Brown recommended the Council should consider looking at those stocks of most concern: whiting, widow, bocaccio, darkblotched and cowcod.

Mr. Boydston agreed with Mr. Bohn on the black rockfish priority. Regarding cabezon, we want to move forward with that species but there is some data work that needs to be completed before they can undertake the assessment. That task will not be done in a time frame to meet the STAR panel schedule. He recommended removing cabezon. Dr. Clark said they will have some new ageing data and CalCOFI information that would be available if they delay it for another year.

Mr. Bohn asked if the cabezon assessment is coastwide. Dr. Clarke said at least for California, mostly southern.

Dr. McIsaac asked Mr. Boydston about CDFG staff resources for a cowcod assessment. Dr. Clarke said that NWFSC has identified Mr. Shirripa as the lead author.

Dr. McIsaac asked about prospects of multi-year management and the council preferred option which requires stock assessments for 2004 to be due in May, 2003 and assessments for 2005-2006 to be due in October, 2003. Did you intend for this ambitious stock assessment list to be exhaustive for as long as a 3 year period? Dr. Clarke said that it is difficult to say before final decisions on multi-year management are made. McIsaac said this list of assessments could be for as short as a two year period if the Council proceeds with a multi-year management alternative previously preferred by the SSC. Dr. Clarke said that everyone expects some sort of transition as we move toward multi-year management.

Dr. McIsaac suggested the following relative Council priorities for stock assessments: lingcod down in priority, cabezon would be removed, black rockfish would rise in priority, the aggregate of cowcod, whiting, bocaccio, and darkblotched rockfish would be high priority. Those not spoken to, widow, Pacific ocean perch, and yellowtail would be lower priority. There was very little Council discussion on yelloweye.

Mr. Brown asked to have widow moved into the high priority category.

Mr. Anderson asked about the assessment requirements for species under rebuilding. Mr. Robinson said he believes an update is required every two years but he is not certain that the review would require a full stock assessment or even an updated stock assessment, especially where the management regime isn't severely stressing the lingcod OY.

Mr. Anderson said that WDFW has available data and could help conduct a review for lingcod to satisfy the requirements of the rebuilding plan without conducting a full or updated stock assessment as a way to alleviate some workload issues.

Dr. McIsaac said the Council has enough to put forward a letter to NWFSC regarding the results of this discussion. The Council may want to provide input on the SSC statement relative to the "concurrent reviews of the STAR panels." The Council was in agreement with this approach.

Mr. Anderson said they would be willing to take the lead on the lingcod review provided they can get some assistance from the other states along with consultation with NMFS.

#### C.9 Amendment 17 - Multi-Year Management (09/12/02; 2:16 pm)

##### C.9.a Agendum Overview

Mr. Dan Waldeck provided the agendum overview.

##### C.9.b NMFS Report (09/11/02; 1:13 PM)

Dr. Bill Hogarth made some comments in support of multi-year management, better ways to get data, and improving MRFSS.

Dr. Hogarth also noted the issue of a bycatch workshop. NMFS is extremely concerned with bycatch and has some things going on internally and will ask Mr. Jack Dunnigan to see that Council's are involved.

Dr. Hogarth noted that he was pleased with the Council and how they conduct business and address the concerns. NMFS has concerns over logbook data and have done several comparisons of logbooks vs. observers, and in most instances the logbooks are always underreported compared to the observers. He assured us that NMFS is behind the Council 100% and will continue to give as much support as they can. He spoke to the issue of funding and that the Council process is the foundation of what they are trying to do.



Ms. Yvonne deReynier reviewed information and analyses that had been added to Amendment 17 to address Council guidance from the June 2002 meeting. She also discussed transition issues, i.e., considerations for how management specifications would be set for the year preceding implementation of multi-year management.

Ms. deReynier and the Council discussed transition issues, notably the number of meetings that could be used in 2003 to establish 2004 management specifications. That is, a June-September or June-September-November process.

#### C.9.c Reports and Comments of Advisory Bodies

##### **GAP**

Mr. Frank Warrens provided Exhibit C.9.c, Supplemental GAP Report.

*The Groundfish Advisory Subpanel (GAP) received an update from Ms. Yvonne de Reynier on the status of Amendment 17 to the Pacific groundfish fishery management plan.*

*The GAP has previously endorsed proposed Alternative 3 as the most reasonable alternative and continues to do so. Since the GAP has provided more extensive comments at earlier meetings, they will not repeat them here.*

#### C.9.d Public Comment

Mr. Joe Easley, Oregon Trawl Commission; Astoria, Oregon

Mr. Gary Frederic, F/V Tabitha; Toledo, Oregon

Mr. Guy Grundmeier, Port San Luis Fishermen's Association; San Luis Obispo, California

#### C.9.e **Council Action:** Further Consideration of Groundfish Management Alternatives

Mr. Robinson agreed that establishing management specifications over three meetings is better than two meetings. However, given current constraints, the two meeting process might be the only option for 2003. He was not fully supportive of the Council's preferred alternative (Alternative 3), particularly the January 1 fishing year start and the science lag that results from using Alternative 3. The Council needs to balance the perceived benefit of maintaining the January 1 start against the science lag. A management system with a longer science lag may necessitate more precautionary management.

Mr. Bohn prefers a three-meeting process and believes the science concerns would work out over time. Having a rational management process was more important to him, which is why he supports a three-meeting process.

Ms. Cooney noted that using a three-meeting process during the transition year, could require a four-month emergency rule. She was concerned that this would not be acceptable. She noted that the Council needed to consider these issues when making the final decision.

#### C.10 Scoping for Delegation of Nearshore Management Authority (09/12/02; 5:06 pm)

##### C.10.a Agendum Overview

Mr. Waldeck provided the following agendum overview: CDFG is developing an FMP for California's nearshore finfish fishery. To implement their FMP, CDFG intends to seek transfer of management authority for several federally managed groundfish species that would be managed under their nearshore FMP. Approximately 16 of the species included in the State's draft FMP are currently managed under the federal Pacific Coast Groundfish FMP.

Information on the nearshore FMP and transfer of management authority were presented to the Council in June 2002. The public comment period on CDFG's nearshore FMP has ended. The California Fish and Game Commission (CFGC) considered action on the nearshore FMP at their August 29-30, 2002 meeting. CDFG will report to the Council on the outcome of the CFGC meeting.

Based on the information presented by CDFG and the Council's advisory bodies, the Council could consider initiating an amendment to the groundfish FMP that would transfer management authority over certain species from the federal FMP to the California nearshore FMP.

During the discussion of the transfer of authority issue, the Council may want to consider how it intends to formally review and act on CDFG's nearshore FMP and transfer of management authority request. That is, what sort of process might be necessary to review the voluminous information, coordinate with CDFG and CFGC, and develop an amendment to the federal groundfish FMP.

The Council action is to consider initiating an FMP amendment process.

#### C.10.b California Department of Fish and Game Report

Mr. Boydston reported from Exhibit C.10.b. He stated the California Fish and Game Commission (CFGC) adopted the nearshore fishery management plan. This FMP provides CFGC management authority over nearshore fish stocks off of California. These stocks are a mix of federal and state managed species. The major objective of the FMP was to gain management authority over these fisheries. Delegation or deferral of management authority, or removal of the federally managed species from the federal FMP, would be necessary for implementation of California's FMP. California anticipates bringing forth a request to the Council for an amendment to the federal Pacific Coast Groundfish FMP. See administrative record for the entire report.

#### C.10.c Reports and Comments of Advisory Bodies

##### **GAP**

Mr. Waldeck provided Exhibit C.10.c, Supplemental GAP Report.

*The Groundfish Advisory Subpanel (GAP) met with California Department of Fish and Game staff to discuss current plans for delegation of nearshore management authority.*

*As it has on several previous occasions, the GAP raised serious concerns about delegation of authority as has been proposed in the past. These concerns include impacts on species (and fisheries for those species) present both within and outside of state waters; the lack of adequate financial and personnel resources to conduct the level of assessment and management needed, especially for species that might be declared overfished; the confusion that would result from having two different management systems apply to a single species of fish; how the state management process would interact with the state's marine protected area process; and how public participation and allocation decisions would be handled.*

*In short, the GAP recommends that no further effort be expended on delegation of nearshore management authority to California until these concerns have been met. The GAP notes that it would have the same questions if delegation of authority were sought by other states.*

#### C.10.d Public Comment

Mr. Guy Grundmeier, Port San Luis Fishermen's Association; San Luis Obispo, California

Mr. Gary Frederic, F/V Tabitha; Toledo, Oregon

Mr. Bob Osborn, United Anglers of Southern California; Huntington Beach, California

#### C.10.e **Council Action:** Consider Initiating FMP Amendment Process for Delegation of Nearshore Management Authority

Mr. Boydston, in recognition of Council workload, recommended the Council not move forward (at this time) on an FMP amendment; but to keep the issue on the Council's list of groundfish workload. For the time being, California intends to develop nearshore groundfish regulations, under CFGC authority, for implementation in 2004. CDFG will present these proposed regulations to the Council in June 2003 and request a consistency determination at the September 2003 Council meeting. These regulations could contain harvest specifications, allocation provisions, and management measures.

No Council action was taken on this issue.

## **D. Salmon Management**

### **D.1 NMFS Report**

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

Council members were referred to their briefing materials. No discussions or additional reports took place.

### **D.2 Update of Ongoing Fisheries**

#### **D.2.a Sequence of Events**

Council members were referred to their briefing materials.

#### **D.2.b Status of Fisheries**

Council members were referred to their briefing materials.

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

None.

#### **D.2.d Public Comment**

None.

#### **D.2.e Council Discussion on Update of Ongoing Salmon Fisheries**

None.

### **D.3 Scientific and Statistical Committee (SSC) Methodology Review Priorities (09/11/02; 4:10 pm)**

#### **D.3.a Agendum Overview**

Mr. Chuck Tracy provided a summary of the agendum.

#### **D.3.b SSC Report**

Mr. Tom Jagielo provided the statement of the SSC.

#### **D.3.c Agency and Tribal Reports and Comments**

None.

#### **D.3.d Reports and Comments of Advisory Bodies**

Mr. Tracy provided a brief summary of the STT Report and SAS Report.

Mr. Anderson stated that WDFW intends to propose mark selective chinook fisheries within Puget Sound for 2003, but that none were contemplated for Council area fisheries for 2003.

#### **D.3.e Public Comment**

None.

### D.3.f Council Action: Confirm Salmon Methodology Review Priorities

Mr. Anderson stated that WDFW staff has developed a modified chinook FRAM which allows assessment of selective fisheries. The model is currently in "draft" form and will be reviewed first by a technical work group, including tribal representatives, then by the SSC, before being presented for Council approval at the November 2002 Council meeting. Mr. Harp agreed with Mr. Anderson.

Mr. Bohn moved and Mr. Mr. Brown seconded the motion (Motion 7) to have the SSC review modifications to the Chinook FRAM to accommodate selective fishery analysis prior to the November Council meeting. Motion 7 passed.

## E. Marine Reserves

### E.1 Marine Reserve Proposals for Channel Islands National Marine Sanctuary (09/11/02; 4:21 pm)

#### E.1.a Agendum Overview

Mr. Jim Seger summarized the Council's June action and reported that comments from the Council and its advisory bodies had been forwarded to the California Department of Fish and Game prior to the July 15, 2002 deadline for comments on the adequacy of the states draft environmental document on alternatives for creating marine reserves in the state waters of the Channel Islands National Marine Sanctuary. The question before the Council at the September meeting was which if any of the alternatives covered in the state document the Council would recommend that the California Fish and Game Commission Adopt. A draft letter developed at a Council ad hoc policy committee meeting was provided as attachment E.1.b.

#### E.1.b Ad Hoc Marine Reserves Policy Committee Report

Dr. Radtke reported that the committee met in El Segundo, California on August 14 and 15, 2002 and developed a draft letter and requested that the SSC develop a response to a letter from Leeworthy and Wiley (NOAA/National Ocean Service). Representatives from each of the Council advisory panels and the SSC were invited to attend the meeting and provided comments to the ad hoc committee.

Mr. Fougner summarized Exhibit E.1.b, Supplemental NOAA Letter. The letter was written to Mr. Robert Hight, Director, CDFG. It contains the comments from NOAA on California's draft 2002 Environmental Document for Marine Protected Areas in NOAA's Channel Islands National Marine Sanctuary including an endorsement of the states preferred alternative as specified in the draft document. Mr. Fougner drew particular attention to the second to last paragraph of the letter, which indicated that the CINMS intends to initiate an environmental review process to complement the State's action in Federal waters of the CINMS. This process would be coordinated with NOAA Fisheries and the Council..

#### E.1.c Reports and Comments of Advisory Bodies

### SSC

Ms. Cindy Thomson provided Exhibit E.1.c, Supplemental SSC Report. The key conclusion of the report were as follows:

*To summarize, the Leeworthy/Wiley memo does not address SSC concerns regarding the shortcomings of the socioeconomic analysis. In order to improve the analysis, it will be important that errors and misinterpretations of the literature be corrected, that sources of uncertainty in the analysis be explicitly identified, that all conclusions be carefully substantiated, and that monitoring, evaluation, and enforcement costs be estimated.*

*In addition to preparing a response to the Leeworthy/Wiley memo, the SSC also reviewed the draft letter prepared by the Council's Ad Hoc Marine Reserves Policy Committee to the California Fish and Game Commission (Exhibit E.1.b, Attachment). The SSC supports the Council's commitment to obtaining a complete regulatory analysis prior to making recommendations regarding reserves in federal waters at CINMS. Given the significant uncertainties that exist regarding the effects of reserves, the SSC also agrees with the Council regarding the need for long term monitoring and evaluation, as well as the need for effective enforcement. In addition, the SSC notes the importance of identifying specific criteria for evaluating progress toward meeting reserve objectives,*

developing a monitoring and evaluation program that provides a statistically valid basis for evaluating whether these criteria are being met, and incorporating monitoring requirements into reserve design. All of these tasks should be accomplished prior to the establishment of reserves.

## HMSAS

Mr. Bob Fletcher provided Exhibit E.1.c, Supplemental HMSAS Report.

*The Highly Migratory Species Advisory Subpanel (HMSAS) reviewed the draft letter to the California Fish and Game Commission (CFG) regarding marine reserves in state waters of the Channel Islands National Marine Sanctuary (Exhibit E.1.b, Draft Letter, September 2002). The HMSAS commends the Ad Hoc Marine Reserves Policy Review Committee for their thorough consideration of the issues. The draft letter effectively expresses the findings of the review committee and should be considered by the Council in developing their recommendations to the CFGC. The HMSAS discussed the suggested additional paragraph appended to the end of the draft letter. The HMSAS is uncertain of the intent of this paragraph. Is the intent of the paragraph to provide consistency in how "pelagic fish" are defined or is it proposing to exempt recreational fisheries for pelagic species? If this paragraph is incorporated into the letter to CFGC, the HMSAS encourages the Council to revise the paragraph such that its intent is clear.*

## CPSAS

Mr. Seger provided Exhibit E.1.c, Supplemental CPSAS Report.

*The Coastal Pelagic Species Advisory Subpanel (CPSAS) reviewed the draft letter to the California Fish and Game Commission (CFG) regarding marine reserves in state waters of the Channel Islands National Marine Sanctuary (CINMS; Exhibit E.1.b, Draft Letter, September 2002). The CPSAS discussed the contents of the letter, and CPSAS representatives who attended the Ad Hoc Marine Reserves Policy Review Committee provided their perspective on that meeting. A majority (7 of 8) of the CPSAS cannot endorse the draft letter, because it does not address the concerns raised by the CPSAS in June 2002, nor mention the analytical shortcomings noted by the Scientific and Statistical Committee. Moreover, a majority of the CPSAS is concerned about the Council endorsing the flawed process undertaken by the State of California (i.e., the Marine Reserve Working Group process).*

*A minority (1 of 8) of the CPSAS supports the guiding philosophy in the draft letter, because it is appropriate for the Council to defer to the state on management issues within state waters, as it has done in the past. The minority is generally supportive of the use of marine reserves as a way to both conserve biodiversity and provide insurance for management mistakes in unassessed fisheries such as the market squid fishery, which is monitored under the coastal pelagic species fishery management plan.*

## GAP

Ms. Kathy Fosmark provided Exhibit E.1.c, Supplemental GAP Report.

*The Groundfish Advisory Subpanel (GAP) received an update from Mr. Jim Seger of the Council staff on activities surrounding proposals for establishing marine reserves in the Channel Islands National Marine Sanctuary (CINMS). Additional information was provided by GAP member Ms. Kathy Fosmark, who represented the GAP at recent CINMS meetings.*

*The GAP continues to express its concern about the process and proposals involved in the CINMS marine reserve. The GAP notes the Scientific and Statistical Committee (SSC) has expressed concern with the California Environmental Quality Act (CEQA) document, which was prepared to analyze reserve proposals, and recommends the Council closely consider the SSC's comments.*

*The GAP observes that there appears to be little information presented on current fishery levels and fishery impacts in the proposed reserve area, as well as levels and impacts that would result in areas outside the reserve if it were established. It appears that little baseline analysis has been done; this should be a prerequisite for establishment of reserves. The Council also needs to consider the impact of reserve designation on various optimum yield (OY) levels; such analysis has not been provided.*

*Some GAP members questioned a statement that appeared in the draft Council letter included in the briefing material which appears to support pelagic recreational fishing in portions of the reserve, but not pelagic commercial fishing. If pelagic fishing is considered compatible with the reserve, then it should make no difference whether such fishing is for private recreational, commercial recreational, or commercial sale reasons.*

*Finally, the GAP notes, as it has in the past, that agreement amongst all constituent groups on a marine protected area comprising approximately 13% of CINMS was reached some time ago and that core area should be considered before expansion is contemplated.*

## HC

Mr. Chuck Tracy provided Exhibit E.1.c, Supplemental HC Report.

*The Habitat Committee (HC) would like to restate its comments from the June 2002 Council meeting (attached). The HC would also like to emphasize that the six marine reserve alternatives would contribute to meeting the Council's federal mandate to protect essential fish habitat (EFH) for the purpose of improving sustainability of fisheries, rebuilding fish stocks, and contributing to ecosystem health.*

*The HC believes that deleting the word "recreational" from the last (optional) paragraph in the letter, if it is included, would be appropriate.*

*The HC encourages the Council to recommend that the California Fish and Game Commission move forward with implementation of marine reserves in the Channel Islands. The HC also recommends that evaluation and monitoring be conducted, and adaptive management be an integral part of the process, including the development and implementation of an adaptive management plan by the State of California.*

## CDFG

Mr. Bob Treanor presented Exhibit E.1.c, Supplemental CDFG Report.

*Channel Islands - CFGC has decided to take final action on this issue in late October in the Santa Barbara area. We are looking forward to the Council comments on this initiative, which, I understand, will be finalized tomorrow.*

*I have brought with me background documents for most of the above items for your records.*

### E.1.d Public Comment

Mr. Guy Grundmeier, Port San Luis Commercial Fishermen's Association; San Luis Obispo, California

Mr. Doug Obegi, The Ocean Conservancy; San Francisco, California

Mr. Duncan MacLean, Half Moon Bay Fishermen's Marketing Association; El Granada, California

Ms. Kathy Fosmark, Alliance of Communities for Sustainable Fisheries; Pebble Beach, California

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

### E.1.e **Council Action:** Develop Recommendations to the California Fish and Game Commission for Marine Reserve Proposals for Channel Islands National Marine Sanctuary

Mr. Boydston moved and Mr. Thomas seconded a motion (Motion 8) to approve of the Council sending a letter containing its comments to the CFGC on alternatives for marine reserves for state waters of the Channel Islands National Marine Sanctuary. The letter contains the elements in the four-page draft (Exhibit E.1.b, Draft Letter, September 2002) with the following edits:

1. Inclusion of the paragraph at the end of the draft with the specification that pelagic and bigeye thresher shark should be included in the list of HMS species and deletion of the word "recreational".
2. Offer to the CFGC the opportunity to have Dr. McIsaac attend the meeting to present the letter and answer questions.

Dr. Dave Hanson suggested the Council tell CFGC whether or not the Council disagrees or agrees with the SSC. Mr. Alverson said it should be expressed that the findings of the SSC are disturbing to the Council.

Mr. Boydston stated that he would accept that the paragraph of the letter covering socio-economic deficiencies be bolstered to note that Dr. Leeworthy's response had not adequately addressed the SSC concerns. Dr. Dave Hanson said that before the Council can address anything in federal waters, these deficiencies will have to be addressed. Mr. Anderson supported Dr. Dave Hanson's suggestion. It was agreed that a sentence needed to be added to stress that prior to the Council favorably considering the federal water portions of the CINMS marine reserves the findings of the SSC report have to be addressed. Mr. Boydston said the motion would include giving the Council's Executive Director flexibility to incorporate Mr. Anderson's statement into the letter.

Dr. McIsaac asked if Mr. Treanor could put him on the agenda for the Crescent City, California CFGC meeting since the late October meeting will conflict with the Council meeting.

Motion 8 passed.

#### E.2 Marine Reserve Proposals for Channel Islands National Marine Sanctuary

This item was on the Council agenda primarily as an informational item. It was dropped due to time constraints.

### F. Pacific Halibut Management

#### F.1 Status of 2002 Pacific Halibut Fisheries (09/11/02; 5:34 pm)

##### F.1.a Agendum Overview

Mr. Chuck Tracy provided the agendum overview.

##### F.1.b NMFS Report

Mr. Tracy summarized the 2002 halibut fisheries to date and brought the Council's attention to the correspondence between IPHC and NMFS (Exhibit F.1, Attachments 1 and 2).

Dr. Elizabeth Clark presented the report on halibut bycatch in 2001 Council area trawl fisheries (Exhibit F.1.b, Supplemental NMFS Report on halibut bycatch).

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

#### SSC

Mr. Tom Jagielo presented the SSC report on the estimation of halibut bycatch in 2001 Council area trawl fisheries (Exhibit F.1.c, Supplemental SSC Report).

##### F.1.d Public Comment

None.

##### F.1.e Council Discussion on the Status of 2002 Pacific Halibut Fisheries

None.

#### F.2 Proposed Changes to the Catch Sharing Plan and Annual Regulations (09/12/02; 8:02 am)

##### F.2.a Agendum Overview

Mr. Tracy provided the agendum overview, and noted that any proposed regulations affecting halibut fisheries adopted under agenda item C.3, 2003 groundfish management measures, would need to be incorporated into the catch sharing plan or Pacific halibut regulations.

##### F.2.b State Proposals

Mr. Anderson presented Exhibit F.2.b, Revised Supplemental WDFW Report.

Mr. Bohn presented Exhibit F.2.c, Supplemental ODFW Report.

Mr. Alverson proposed the following change to the Area 2A catch sharing plan: cap the incidental bycatch of Pacific halibut in the commercial directed sablefish fishery North of Pt. Chehalis at the current level of 150 pounds dressed weight of halibut per 1,000 pounds dressed weight of sablefish, with any resulting surplus reverting to the Washington recreational fishery to be allocated to the subareas as indicated in the catch sharing plan.

F.2.c Tribal Comments

Mr. Harp reported the tribes propose no changes to the catch sharing plan as it relates to the Treaty Indian allocation of halibut for 2003. That allocation would remain at 35% of the Area 2A TAC, plus the 25,000 pound adjustment as specified in the Stipulation and Order of the U.S. District Court Subproceeding 92-1.

F.2.d Reports and Comments of Advisory Bodies

None.

F.2.e Public Comment

Mr. Tom Young, Neah Bay Charterboat Association; Neah Bay, Washington

F.2.f **Council Action:** Adopt Proposed Changes to the Halibut Catch Sharing Plan and Annual Regulations for Public Review

Mr. Bohn moved (Motion 9) to adopt for public review the proposed changes to the Area 2A Pacific halibut catch sharing plan and annual regulations as shown in Exhibit F.2.b, Revised Supplemental WDFW Report and Exhibit F.2.c, Supplemental ODFW Report, the proposal made by Mr. Alverson to cap the bycatch ratio in the commercial fishery north of Pt. Chehalis at 150 pounds (dressed weight) of halibut per 1,000 pounds of sablefish, and the proposal from Mr. Harp for no changes in the tribal halibut regulations. Mr. Anderson seconded the motion. Motion 9 passed.

## G. Coastal Pelagic Species Management

G.1 NMFS Report (09/12/02; 8:33 am)

G.1.a Agendum Overview

Mr. Svein Fougner provided a brief report of CPS activities. He stated the transmittal of Amendment 10 was received, regulations were being drafted, and it was anticipated that the 95 day review time period would begin the week of September 16. He noted the northern subarea portion of the Pacific sardine harvest guideline was projected to be reached on September 13. At that time, the northern subarea fishery would be closed. This fishery would reopen following the October 1 reallocation. Finally, he noted that NMFS is willing to support a CPS stock assessment review in 2003. However, this is contingent on availability of funds.

G.1.b Reports and Comments of Advisory Bodies

None.

G.1.c Public Comment

Ms. Diane Pleschner, California Wetfish Producers Association; Buellton, California

G.1.d Council Discussion on NMFS Report on Coastal Pelagic Species Management

None.



## G.2 Pacific Sardine Fishery Update (09/12/02; 8:48 am)

### G.2.a Agendum Overview

Mr. Dan Waldeck noted that each year the Pacific sardine harvest guideline is allocated between Subarea A, north of 35°40' N latitude (Pt. Piedras Blancas) to the Canadian border, and Subarea B, south of 35°40' N latitude to the Mexican border. The northern area is allocated 33% (39,481 mt) and southern area is allocated 66% (78,961 mt) of the HG. The HG is in effect until December 31, 2002, or until it is reached and the fishery closed.

Per the coastal pelagic species (CPS) fishery management plan (FMP), nine months after the start of the fishing season (in this case, October 1, 2002) any uncaught portion of the HG will be totaled and reallocated, each subarea receives 50% of the total. The FMP authorizes National Marine Fisheries Service (NMFS) to reallocate the HG as an "automatic measure," which is an action that could be initiated by NMFS without prior public notice, opportunity for public comment, or a Council meeting. This year the situation is different because for the first time, as reported during the NMFS report, the northern area fishery would be closed on September 13.

The coastal states will each report on sardine fisheries occurring in their respective areas. The states may also report to the Council about specific aspects unique to their fisheries. Council action could include specific action for the 2002 sardine fishery and guidance about long-term allocation consideration.

### G.2.b State Agency Reports and Comments

Mr. Boydston provided Exhibit G.2.b, Supplemental CDFG Report.

*California's purse seine fishery landed a total of 35,589 mt of sardine as of the 6th of September. The fishery south of Pt. Piedras Blancas has landed 30,476 mt, with 48,485 mt remaining on the initial southern allocation. The northern California fishery based in Monterey Bay has landed 5,113 mt to date, only 13% of the initial northern allocation. Northern California's fishery will close this weekend, along with Oregon and Washington, when the northern harvest guideline is attained. Lower Monterey landings can be attributed to sporadic sardine availability in combination with an active squid fishery between March and August.*

*Two extrogenous factors have affected California's sardine fishery this season. Early in the year, the California Department of Health Services issued health warnings due to high domoic acid levels in sardine and anchovy. Domoic acid closures affected the Monterey fishery in March and the southern California fishery from April through June. Concurrent to this, problems arose with a major export market in Australia. In April 2002, the Australian government implemented a moratorium on importation of California sardine and mackerel for use in tuna rearing pens. The moratorium was due to the confirmed presence of the viral hemorrhagic septicemia virus (VHSV) in Pacific sardine and mackerel from southern California and a concern that VHSV could infect Australia's endemic sardine population via the pen feeding practice. Interim measures allowing some importation are now in place, and exports are expected to resume at a steady pace as the California's fall-winter fishery commences.*

Ms. Jean McCrae, ODFW provided the following overview (G.2.b, Supplemental ODFW Report):

#### Landings

*Landings of sardines into Oregon continue to increase. Landings through approximately September 6, total 20,200 mt. Total landing for 2001 entire season was just under 13,000 mt. Oregon harvested more than 50% of the entire northern sub-area harvest guideline.*

#### Fishery Description

*Total number of landings in 2001 is over 600 (over 450 in 2001). Average catch per landing is greater than in 2001: 76,000 in 2002, 6,000 in 2001. Sardines are managed in Oregon under the Developmental Fisheries Program which limits the number of permits issued to 20. All 20 permits were issued in 2002 and 2001. Thirteen vessels have made landings into Oregon by September 6, 2002. In 2002, six processors have bought sardines, there were five in 2001. According to logs processed to-date, 94% of the harvest has come off Oregon and 6% off Washington. In 2001, the catch was 73% off Oregon and 27% off Washington.*

#### Monitoring and Reporting

*Due to budget cuts, we did not have a full time observer for 2002. Existing staff has made 5-6 ride-along trips on sardine vessels to observe bycatch. Logbooks are filled out by vessel skipper, the logs contain bycatch information. Bycatch*

continues to be low. Salmon bycatch averages less than 0.5 fish per trip. Other bycatch and incidental catch species include mackerel, anchovies, herring, shad, and a handful of shark (mostly blue shark).

#### Biological Samples

We continue to collect samples of sardine at the dock for biological data (includes eight, length, sex, maturity, and age structures). Samples analyzed to-date show a larger average size in 2002 than in 2001. Age structures taken from 2001 samples show an age composition of mostly ages 2-3.

Mr. Fougner asked Ms. McCrae if ODFW samples the dock sampled sardine for maturity information? Ms. McCrae stated, yes, maturity information is collected.

Mr. Brown asked if the percentage of age 2 to age 3 fish change from last year? That is, is the northern fishery targeting a single year-class? Ms. McCrae did not have data for this year available, 2000 and 2001 show a similar composition.

Ms. Michele Robinson provided G.2.b, Supplemental WDFW Report. That report provided a fishery description and summary of WDFW activities. Mr. Anderson noted that they have had an extensive observer program, which is funded by the industry. Generally, this fishery is expanding similar to the Oregon fishery. Also, similar to Oregon, the fish appeared larger with a higher fat content.

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

#### **CPSAS**

Ms. Heather Munro and Mr. John Royal provided Exhibit G.2.c, Supplemental CPSAS Report. Mr. Royal also asked that the Council write a letter to U.S. Department of State requesting they contact the government of Mexico regarding the need for their cooperation in the management of CPS fisheries.

*The Coastal Pelagic Species Advisory Subpanel (CPSAS) requests that the Council recommend NMFS trigger the reallocation of unused sardine allocation 50/50 between the two management sub-areas as provided in the fishery management plan (FMP).*

*Furthermore, the CPSAS discussed allocation issues for the 2003 season and beyond. A majority of the CPSAS recognizes there are problems associated with the allocation system in place. A majority of the CPSAS urges the Council to begin the process to implement a regulatory or plan amendment at the November 2002 Council meeting. This effort would require Council direction during this meeting to the Coastal Pelagic Species Management Team (CPSMT) in order to begin the process. The CPSAS agrees that the purpose of the alternative actions proposed seek to achieve full utilization of the harvest guideline which has not occurred under the federal FMP.*

*The CPSAS proposes the following allocation options should be forwarded to the CPSMT for analysis:*

1. Status quo.
2. Change only current re-allocation date.
  - a. August 1
  - b. September 1
3. Change current sub-area definitions.
  - a. Change only line from Piedras Blancas North to Pt. Arena
4. Change current allocation percentages.
  - a. 50/50
5. Implement three sub-quotas vs. two.
6. Give discretion to NMFS Regional Administrator to reallocate annually from a set-aside based on certain criteria (i.e., social and/or economic hardship).
7. Modify FMP language to establish an inseason adjustment mechanism to modify subarea quotas taking into account the harvest in the respective subareas.
8. Eliminate allocation entirely (coast-wide quota).

*The CPSAS reiterates its past recommendations that additional research on Pacific Northwest stocks is necessary, and fishery dependent data from the Oregon and Washington fisheries should be incorporated into the sardine stock assessment. The CPSAS once again recommends the Council support the continued efforts of the Tri-National Sardine Forum. The CPSAS supports and recognizes the need to research the sardine stock composition by a swept trawl survey and an egg pump survey to assess spawning rates in the Pacific Northwest. We believe this research is critical given recent increases in northwest harvest levels and will aid in better understanding of the coastwide sardine biomass. The CPSAS requests the Council urge NMFS to fund this research in 2003.*

Mr. Brown asked about the options for analysis. He noted that some of the options could be lumped. Is it the intent of the CPSAS for them to be treated separately? Ms. Munro responded, yes.

Mr. Boydston asked about the problem statement supported by a "majority" of the CPSAS. What are the specific problems with the current allocation system?

Ms. Munro noted that the CPSAS had brought this to the Council's attention last year, but the Council opted to not change the current system. Problems were prevented in 2001 because weather and national security responses kept the CPS fleet off the water for an extended period. The last two years combined, the southern portion of the fishery left a total of 127,000 mt unharvested.

Dr. Radtke asked if the northern and southern fisheries had similar markets. Ms. Munro said that some of the markets are the same, but much of the northern catch is larger, fatter sardine, which are exported for the Japanese longline tuna fishery.

The one minority vote on the CPSAS was Mr. Orlando Amoroso. He did not feel there was a problem with the current allocation scheme. Mr. Royal abstained from the vote as the chairman.

Mr. Boydston asked Mr. Fougner, given the measures drafted by the CPSAS, which of these requires an FMP amendment, which require a regulatory amendment? What type of work and how much time would be required?

Mr. Fougner referred to the FMP's socio-economic framework. This calls for the CPSMT to prepare a detailed report with recommendations to the Council. The Council reviews this report and recommend a management action to NMFS. He envisions the action would occur through a regulatory amendment.

The central point of concern to the Council was the need for the most expeditious process for modifying the allocation framework to ensure it was fair to all fishery participants.

Mr. Royal noted that the CPSAS worked very hard to develop the suite of alternatives. Their desire was for the CPSMT to develop an analysis of the alternatives, which would be reviewed by the SSC and Council. The analysis should be the basis for choosing the preferred alternatives. It would be premature for the Council to focus on any one alternative at this time. He stressed the urgency to move forward on this as quickly as possible.

Mr. Anderson wanted to make sure that the Council knew why they were considering the allocation issue. He noted uncertainty about the rationale for the current allocation formula. He stressed that there should be a clear rationale for changing the formula and for what it is changed to.

#### G.2.d Public Comment

Ms. Ann Richardson, Congressman David Wu; Portland, Oregon  
Mr. Joe Childers, Joe Childers & Associates; Astoria, Oregon  
Mr. Joe Cappuccio, Del Mar Seafoods; Salinas, California  
Mr. Nick Jerkovich, F/V Pacific Raider; Gig Harbor, Washington  
Mr. Jay Bornstein, Bornstein Seafoods and Astoria Pacific Seafoods; Bellingham, Washington  
Ms. Heather Munro, Munro Consulting; Newport, Oregon  
Ms. Diane Pleschner, California Wetfish Producers Association; Buellton, California  
Mr. Stan Nelson, commercial fisherman; Bellingham, Washington  
Mr. Bob Seidel, Astoria Holdings; Astoria, Oregon  
Mr. Tom Dulcich, representing Astoria Holdings; Portland, Oregon  
Mr. Jerry Thon, Astoria Holdings; Bellingham, Washington  
Mr. Darryl Kapp, Astoria Pacific Seafoods; Astoria, Oregon  
Mr. Jay Bornstein (for Mr. Jim Bergeron, Commissioner, Port of Astoria; Astoria, Oregon)

G.2.e **Council Action:** Consider Reallocation of Pacific Sardine Harvest Guideline per Coastal Pelagic Species Fishery Management Plan (FMP) Inseason Action

Mr. Anderson noted that the Council needed to grapple with two issues: (1) acting to address potential hardships during the 2002 fishery, and (2) acting to address long-term allocation issues.

For the 2002 sardine fishery, Mr. Anderson referenced the letter from the NMFS-Southwest Regional Office to Ms. Heather Munro (Exhibit G.2, Supplemental NMFS Response Letter). The letter responded to Ms. Munro's request for emergency action to reallocate the remaining harvest guideline prior to October 1. NMFS declined to use an emergency rulemaking to move up the allocation, suggesting this situation did not fit the definition of an "emergency." Based on the testimony received, Mr. Anderson disagreed with this finding. He stated that closure of the northern fishery on September 13 would result in a premature end to the northern fishery, in that it was unlikely the fishery would be able to re-start on or after October 1. He did not believe the issue had resource conservation implications. By his calculation, approximately 10,000 mt would be needed to keep the northern fishery operating until October 1. If emergency action was not taken, on October 1 about 22,000 mt would be reallocated to the northern area, but the northern fishery is relatively inactive after October 1 and would, therefore, probably not use this available harvest. Mr. Anderson wanted to know what options the Council had to prevent premature closure of the Oregon and Washington sardine fisheries. Are there alternatives to an emergency rulemaking?

Mr. Fougner answered, no.

Mr. Anderson asked how long it would take to do an emergency rulemaking of this type. Mr. Fougner responded, at least a week.

The Council then discussed the issue of incidental landings of Pacific sardine in other CPS fisheries, particularly a Pacific mackerel fishery that was developing in the northern subarea. Mr. Fougner noted that the Council did not establish an incidental allowance for sardine when the harvest guideline was set in November 2001. Therefore, there was nothing in place to allow incidental landings of Pacific sardine in a subarea that had reached its allocation.

Fishing for Pacific mackerel in the northern subarea would be allowed, although landings of Pacific sardine would not be permitted because the northern area allocation had been reached. Thus, concern was expressed about requiring vessels to discard sardine caught incidentally to the mackerel fishery.

Mr. Anderson moved and Mr. Bohn seconded a motion (Motion 10) to establish an incidental catch allowance of sardines in Pacific mackerel fisheries. That is, up to 45 percent by weight of a landing of Pacific mackerel may consist of Pacific sardine. This action would provide for incidental landings of sardines in the Pacific mackerel fishery occurring in the northern subarea, which was scheduled to be closed to directed sardine fishing.

Motion 10 passed.

Mr. Anderson moved, in consideration of public testimony about the harm and disruption that will occur to the participants in the northern area sardine fishery and to dependent communities, for the Council to recommend NMFS take emergency action to reallocate the projected remaining harvest guideline (per the FMP) prior to October 1. Mr. Alverson seconded the motion. (Motion 11)

Mr. Fougner noted that the information provided in public testimony was not available when the Regional Administrator responded to Ms. Munro's request. If the Council makes this recommendation, NMFS will consider all relevant information in deciding whether to use an emergency rule. He also noted that, per standard procedure, the NMFS representative would vote no on the motion recommending an emergency rule.

Several Council members spoke in favor of the motion.

Motion 11 passed. Mr. Fougner voted no.

Mr. Fougner noted that when the Council recommendation is transmitted to NMFS it should be accompanied by as much detailed supporting information as possible.

There was a brief discussion about what actions were necessary to implement the recommended incidental catch allowance. Mr. Fougner stated that the incidental allowance would be announced as part of the federal notice announcing closure of the northern subarea directed sardine fishery. There was some confusion as to whether the allowance applied generically to CPS fisheries or specifically to the northern subarea Pacific mackerel fishery. Dr. Hanson said the motion was generic to CPS fisheries not just Pacific mackerel. If the Council's intent is for the incidental allowance only to apply to Pacific mackerel, then this needed to be clarified. Mr. Anderson said the intent of the motion was that the incidental catch allowance apply to the area north of Pt. Piedras Blancas because this is where the fishery is going to be closed. Mr. Bohn, the seconder of the motion, agreed with the clarification.

On the matter of long-term allocation, Mr. Bohn noted interest in moving forward with development of management alternatives to address Pacific sardine allocation. In November, the Council should consider initiation of an FMP or regulatory amendment. To do this the Council will need guidance from NMFS about the form of the amendment, i.e., what alternatives require FMP amendment and what alternatives require regulatory amendment.

Mr. Waldeck clarified the action in front of the Council. He suggested the Council consider directing the CPSMT to review and report back on the management alternatives developed by the CPSAS. In addition, the Council could request NMFS to report in November on the form the amendment should take, i.e., regulatory versus FMP amendment.

Mr. Bohn emphasized the need for the CPSMT to also report on ongoing and needed research.

Mr. Fougner noted that in November the CPSMT could report on their review of the CPSAS alternatives, the necessary analyses, an estimate of how long it would take to complete the analyses, and a report on ongoing and needed research. NMFS would provide guidance on whether or not an FMP or regulatory amendment would be necessary. It might be possible for the CPSMT, staff, and NMFS to develop the regulatory analyses prior to the March 2003 Council meeting. This could provide for preliminary Council action in March 2003, and possibly final action at the April 2003 meeting.

Mr. Boydston requested an additional alternative be included. This would be a modification of CPSAS item #6, and set up a "non-discretionary" set aside. That is, an amount of the quota, off the top, would be set aside for use in the event of early attainment of a subarea allocation, which could easily be rolled into a fishery to prevent premature closure of a fishery.

Dr. Radtke, spoke to Mr. Royal's request for a letter to the U.S. Department of State and other agencies about negotiating with the Mexican government. He suggested Dr. McIsaac work with Mr. Royal to develop that letter. The Council concurred.

## **H. Administrative and Other Matters**

### **H.1 Legislative Matters (9/13/02; 8:06 am)**

#### **H.1.a Agendum Overview**

Dr. McIsaac stated that the Legislative Committee met on September 9, 2002 to review several pieces of federal legislation currently being considered by Congress. These bills include comprehensive changes to re-authorize and amend the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and other bills that focus on funding issues.

## H.1.b Legislative Committee Report

Dr. Dave Hanson provided Exhibit H.1.b, Supplemental Legislative Committee Report.

*Chairman, Dave Hanson, called the Legislative Committee to order at 10:07 a.m. and the Committee reviewed the following:*

- *Magnuson-Stevens Fishery Conservation and Management Act Reauthorization (Kerry [S.\_\_\_\_] and Gilchrest [HR 4749]).*
- *Ocean Habitat Protection (S 2593 and HR 4003) – Complementary bills that would ban certain types of bottom trawl gear.*
- *Capital Construction Fund (S 1962 and HR 3898) – Complementary bills that provide for qualified withdrawals of funds from the CCF.*
- *Pacific HMS Conservation Act (HR 4618) – Prohibits pelagic longlines in EEZ off WA/OR/CA.*
- *Untitled Don Young bill (HR 5030) – Redefines EFH, redefines permissible rebuilding periods, and exempts FMPs, FMP amendments, and regulations that comply with M-S from NEPA.*

*Regarding Magnuson-Stevens Act reauthorization issues, the Committee was advised that it is highly unlikely final Congressional action on a new bill, either the Gilchrest Bill, the Kerry Bill, or a composite compromise, will occur in the 107th Congress. However, the Committee noted the current law includes a provision that the moratorium on ITQ's will sunset October 31, 2002. The Committee discussed the possibility that peripheral legislation might include a provision to renew the moratorium and possibly that such renewal legislation might offer the opportunity for exceptions, such as occurred for the West Coast fixed gear sablefish fishery two years ago and may be proposed this year for portions of the Alaska crab industry.*

*The Committee recommends the following prioritized preferences as a response to the sunset of the ITQ moratorium:*

- *no renewal of any moratorium language;*
- *if renewed moratorium language is proposed –*
  - *include specific language permitting the Pacific Council to adopt ITQ programs for West Coast groundfish;*
  - *and*
  - *utilize the Gilchrest Bill language, absent the referendum provisions.*

*The Committee was opposed to the Kerry Bill language.*

*The Committee recommends tasking the Council Executive Director with developing exemptive legislative language expressing option 2(a) above, and communicate that language and the Councils prioritized response to the appropriate congressional bodies when requested.*

*Regarding S 2593, HR 4003, and HR 4618, the Committee recommends the Council express no support for these bills, under the rationale that such management responses should be left up to the individual Regional Councils. Further, the Committee noted the language defining pelagic longlines in HR 4618 may effectively eliminate "fly gear" used for West Coast groundfish, and perhaps other gear sets.*

*Regarding S 1962 and HR 3898, the Committee recommends the Council express support for these bills.*

*Regarding HR 5030, the Committee recommends conditional support to the concept of exempting Magnuson-Stevens Act actions from NEPA with the explicit understanding the essential NEPA benefits and requirements are already required by the Magnuson-Stevens Act, but on different timelines from the NEPA. The Committee noted that Magnuson-Stevens Act actions are now exempted from the requirements of the FACA.*

*Lastly, the Committee recommended the Council Executive Director invite local offices of congressional members to future Legislative Committee meetings. For example, congressional offices local to San Francisco be invited to the Legislative Committee meeting scheduled at the next Council meeting in Foster City.*

## H.1.c Reports and Comments of Advisory Bodies

None.

## H.1.d Public Comment

None.

## H.1.e Council Action: Consider Council Response to Legislative Issues

Mr. Bohn moved and Mr. Harp seconded a motion (Motion 15) to approve the legislative committee report (Exhibit H.1.b, Supplemental Legislative Committee Report).

Mr. Anderson stated that he had received a request from Senator Murray's office this week for Council input regarding capacity reduction in the groundfish fishery. Specifically, the senator wanted comments pertaining to the language dealing with the revocation of state licenses that would potentially participate in the capacity reduction program. Her request came as a result of discussions between the senator's office and Washington and Oregon. She asked about whether or not we believed it was necessary to purchase the state licenses for pink shrimp, Dungeness crab and salmon troll permits. The request also included collection of fees by the states to be used for the retirement of state licenses that participate in the program. They also asked about IFQ standards. The details of U.S. Senator Patty Murray's request can be found in Exhibit H.1.c, Supplemental Congressional Report.

Mr. Brown concurred on the state permit issue. He noted that Oregon passed legislation on this issue. He opined that forfeiture of state permits (as part of a federal permit buyback) was important to effectively reducing capacity, if these permits were not forfeited vessels could continue to operate under the state permit.

Mr. Anderson noted that capacity reduction is the number one priority in the groundfish strategic plan. He would like to see the state licenses retired on the vessels. However, relative to the Washington license holders of pink shrimp, salmon troll, and Dungeness crab, there is not an interest to provide funds to retire those licenses. But this should not hinder progress on federal buyback. He recommends the Council endorse the proposed legislation. He stated the problem of retiring the state licenses should not hold this up.

Mr. Brown stated that Section 3 of the proposed bill could be clarified such that in the event the states did not change their regulations or the individual fisheries were not willing to pay for permit removal, it would not fall upon the groundfish industry to pay for those state permits.

Mr. Boydston asked Mr. Leipzig to report on the California situation. Mr. Leipzig reported the California legislature stated an intent to pass legislation to support the federal program if Congress passed a buyback program. Mr. Leipzig reported the state legislatures need to be prepared to address the issue of state permits relative to a federal permit buyback program.

Mr. Bohn noted that Oregon was very serious about making progress on this issue.

Mr. Alverson noted that the fixed gear people under the current permit stacking program do not want to be part of the trawl buyback program because they feel that they are already "buying themselves out" (through the stacking program). He would object to a program that required participation of the fixed gear sector.

Mr. Boydston asked Mr. Leipzig if he could draft a Council response letter to address Senator Murray's request. Mr. Alverson supported this recommendation. Mr. Leipzig agreed to draft a response letter, which the Council would review later in the meeting.

The Council received the draft letter as shown in Exhibit H.1., Supplemental Murray Letter later in the afternoon on September 13, 2002.

The Council made editorial changes to the letter and requested the Executive Director to format the letter.

Mr. Brown moved and Mr. Alverson seconded a motion (Motion 27) to forward the letter as shown in Exhibit H.1., Supplemental Murray Letter, to Senator Murray and Senator Wyden's office and any other appropriate congressional bodies. Motion 27 passed.

Mr. Anderson noted that there was another question about processor permits under an IFQ? This is noted in the legislative report. Dr. Radtke said this is a very important issue and suggested the Council not make a decision on the issue in such a short time period.

Ms. Cooney noted that currently under the Magnuson-Stevens Act there is not authorization to do limited entry for processors. The sunset of the IFQ moratorium does not automatically open the door to processor quota shares.

## H.2 Financial Matters (09/13/02; 8:46 am)

### H.2.a Budget Committee Report

Mr. Harp read Exhibit H.2.a., Supplemental Budget Committee Report. There were no recommendations for any Council actions.

### H.2.b **Council Action:** Consider Recommendations of the Budget Committee

Mr. Caito moved and Mr. Don Hansen seconded a motion (Motion 16) to approve the report of the Budget Committee as shown in Exhibit H.2.a, Supplemental Budget Committee Report. Motion 16 passed.

## H.3 Appointments to Advisory Bodies, Standing Committees, and Other Forums (09/13/02; 8:52 am)

### H.3.a Appointments to Advisory Bodies

Dr. John Coon provided the situation summary for appointments to advisory bodies.

#### H.3.a.i Tribal Salmon Advisory Subpanel Seats

Mr. Harp referred to the letter from the Hoopa Valley Tribe (Exhibit H.3.a.i, Supplemental Tribal Report). The letter states that the Hoopa Valley Tribe has been in discussions with Yurok tribal representatives and fully expects that a solution and acceptable plan will be worked out to share the California tribal seat on the Salmon Advisory Subpanel (SAS) in time for Council consideration at the November meeting.

#### H.3.a.ii Additional GMT State Seats

The Council has increased contract funding by 10% to the three coastal states to help pay for additional assistance to the GMT. In response, the states of Washington and California have provided nominations for additional state GMT members.

#### H.3.a.iii Other Advisory Body Appointments and Miscellaneous Issues

Eight vacancies in the Council's advisory bodies need filling and Ms. Janice Green has requested the Council to consider additional sport fishing representation on the GAP. Dr. Coon stated the notice for the conservation vacancy on the Habitat Committee has been reissued, extending the closing date for nominations to September 30. Therefore, filling that position will need to be delayed until the next Council meeting.

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

None.

### H.3.c **Council Action:** Consider Advisory Body Membership Revisions and Appoint New Members

Mr. Anderson moved and Mr. Cedergreen seconded a motion (Motion 17) to appoint Ms. Michele Robinson, WDFW, to the GMT. Mr. Boydston moved and Mr. Anderson seconded a motion (Motion 18) to appoint Mr. Tom Barnes, CDFG, to the GMT. Motions 17 and 18 passed.

Mr. Anderson reported he had spoken to Mr. Rob Zuanich who assured Mr. Anderson he would provide an alternate if he could not make the CPSAS meetings. Mr. Anderson also advised Mr. Zuanich that if he were re-appointed to the CPSAS that his travel would be compensated based on a residence within the state of Washington. Mr. Anderson moved and Mr. Cedergreen seconded a motion (Motion 19) to appoint Mr. Rob Zuanich to the CPSAS as the Washington commercial representative. Motion 19 passed.

Mr. Alverson moved and Mr. Cedergreen seconded a motion (Motion 20) to appoint Mr. Rhett Weber to the GAP as the Washington charter representative. Motion 20 passed.



Mr. Boydston moved and Mr. Don Hansen seconded a motion (Motion 21) to appoint Mr. Bill Sutton to the HMSAS for the commercial at-large representative and Mr. Anthony Nizetich to the HMSAS as the southern processor representative. Motion 21 passed.

Mr. Cedergreen moved and Mr. Anderson seconded a motion (Motion 22) to appoint Mr. Butch Smith to the SAS as the Washington charter representative. Motion 22 passed.

Mr. Mallet moved and Mr. Alverson seconded a motion (Motion 23) to appoint Dr. Thomas Welsh to the SAS as the Idaho sport representative. Motion 23 passed.

Mr. Boydston noted the Council has received the resignation of Mr. Jim Ponts on the GAP, effective after the November meeting. In view of the request for additional non-charter sport representation on the GAP, Mr. Boydston asked that the Council review the composition of the entire GAP at the November Council meeting and hold back on filling any additional vacancies until after that time. He believes we need to look at the composition relative to the sectors and that there is a need for greater representation from the recreational fishery on the GAP. He clarified that he did not want to increase the number of GAP members, but rather to adjust the composition within the present number.

Dr. Radtke stated that the Council will consider the composition of the GAP at the November meeting and not take any action to fill any seats until after the review is complete.

Mr. Harp moved and Mr. Bohn seconded a motion (Motion 24) to request the Council to defer any action on the SAS California tribal seat until the November meeting. Mr. Harp asked for the deferral so that the two tribes can continue their discussions and provide a written proposal, acceptable to the Council, for sharing the seat. Motion 24 passed.

For the SAS Washington coastal tribe position, Mr. Harp moved and Mr. Bohn seconded a motion (Motion 25) to ask the Council to defer appointment of a tribal fisher to the SAS until the November meeting due to interest from another tribe that would like an opportunity to submit a nominee. Motion 25 passed.

The Council considered the makeup of the proposed Ad hoc Vessel Monitoring System Committee which is to meet prior to the November meeting. It was suggested that it consist of two commercial fishermen from each coastal state (one trawl and one fixed gear fisherman, plus the chair of the gap and all of the EC (as recommended in the EC report on C.3). The Executive Director will appoint the committee following the guidance from the Council.

Mr. Anderson asked who is paying for the meeting? Mr. Robinson said the Executive Director has approached NMFS about funding and there is a possibility that they may be able to do so. Also the Northwest Regional Office would like a representative at that meeting since they will have at least one staff member working full time on VMS.

Under miscellaneous issues, the Council directed the Executive Director to write a letter to Vice Admiral Lautenbacher expressing Council concern for the lack of consultation with the Council in providing comments on California's Draft 2002 EIS for the Marine Protected Areas.

#### H.4 Council Staff Work Load Priorities

##### H.4.a Agendum Overview

Dr. McIsaac provided the staff workload priorities as shown in Exhibit H.4., Supplemental Staff Workload Priorities.

##### H.4.b Council Discussion and Guidance on Council Staff Workload Priorities

Based on Council discussion, the following changes were made to the proposed workload priorities for the period extending through the November Council meeting: (1) move sardine allocation to the active section with a request that the CPSMT report at the November Council meeting on potential long-term solutions to the

problem; (2) include coastal pelagic research to the active section; and (3) for groundfish: move planning for permit stacking (Amendment 14) and formation and meeting of the Ad Hoc VMS Committee to the active section; and add staffing of an Ad Hoc Exempted Fishing Permits Committee (standards development) to the delayed section.

#### H.5 November 2002 Council Meeting Draft Agenda

##### H.5.a Consider Agenda Options

Dr. McIsaac provided Exhibit H.5., Supplemental November Meeting Agenda.

##### H.5.b Identify Priorities for Advisory Body Consideration

No additional priorities were identified beyond those already listed in the proposed agenda. Staff noted the HMSAS will not be meeting at the November Council meeting since they will be meeting the prior week in conjunction with the HMSPDT.

##### H.5.c **Council Action:** Adopt Draft Agenda for the November 2002 Meeting

The Council offered several suggestions for changes to the draft November agenda. Staff incorporated these changes in Exhibit H.5, Supplemental Revised November Meeting Agenda.

Mr. Anderson moved and Mr. Alverson seconded a motion (Motion 28) to approve Exhibit H.5, Supplemental Revised November Meeting Agenda with the following modifications: move the closed session to Monday afternoon; try scheduling Pacific Halibut on Tuesday; add a report of the Ad Hoc VMS Committee; and add fixed gear trawl permit stacking. Motion 28 passed.

#### **4 P.M. Open Public Comment Period** (Tuesday, September 10, 2002)

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

Mr. Don Stevens, Oregon Salmon Commission; Newberg, Oregon. His comment was from the Oregon Salmon Commission (OSC). OSC is asking the Council to consider a March 15th opening date for the 2003 salmon season in Oregon. He noted that port samplers were not available in March, and OSC and Oregon Commodity Board took it upon itself to provide monies to ODFW to hire port samplers for the March time frame if a season is provided in March of 2003. Mr. Stevens conveyed that there is value of recovering coded-wire tags and their usefulness in analyzing catch and their ultimate contribution in updating the chinook FRAM and KOHM models used by the Salmon Technical Team. He noted the OSC is committed to requesting the best science available to be used and wish to contribute to that end.

Mr. William Hunt, commercial fisherman; Neah Bay, Washington. Voiced concerns about the northern open access fishery.

Mr. Steve Bodnar, Coos Bay Trawlers Association; Coos Bay, Oregon. Talked about the strategic plan and the buyback program which is stalled in Washington DC. The eco-trust report is done and has been reviewed. It is an analytical look at fleet reduction (looking at the entire fleet - not just one sector of it). Talked about the economic hardships for coastal communities. His association has seen large reductions of days on the water for groundfish.

Mr. Guy Grundmeier, Port San Luis Fishermen's Association; San Luis Obispo, California talked about pinnipeds. He asked for an OY on pinnipeds. They are becoming more and more prominent and have become people friendly, some people are feeding them by hand. They are catching the rockcod. We need to look at having the ability to remove pinnipeds.

Mr. Chad Woods, sportfishingreport.com; Thousand Oaks, California. He offered his data to the Council. Mr. Woods owns an internet database company. He also spoke about bait, and the fact that the bait is going

overseas. The bait fish are supposed to be used to replenish our stocks. Without the bait there is nothing else, it is all about the food chains. We need to take a look at the bait factor.

ADJOURN on Friday, September 13th at 9:45 pm

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**DRAFT**

**Hans Radtke, Council Chairman**

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**DRAFT**

**Date**

**DRAFT VOTING LOG**  
**Pacific Fishery Management Council**  
September 9-13, 2002

- MOTION 1: Approve the agenda as shown in Exhibit A.5, September Council Meeting Agenda with the following changes: postpone agenda item A.6 (approval of March 2002 minutes) until Friday morning; insert a report from the Ad Hoc Allocation Committee on optimum yield between Agenda Item C.2.d. and C.2.e.; delete Agenda Item D.; and add a report from the California Fish and Game Commission between Agenda Items E.1.c and E.1.d.
- Moved by: Ralph Brown                      Seconded by: Jim Harp  
Motion 1 passed.
- MOTION 2: Approve sending a letter to the Army Corps of Engineers with comments regarding Supplemental Draft Environmental Impact for Lower Columbia Channel Deepening Proposal as shown in Exhibit B.1, Attachment 1, September 2002.
- Moved by: Bob Alverson                      Seconded by: Jim Harp  
Motion 2 passed.
- MOTION 3: Utilizing Supplemental GMT Report, Exhibit C.2.e, and the attached revised Table 2.1-1, adopt the final 2003 groundfish harvest specifications as indicated with the following values:
- Moved by: Phil Anderson                      Seconded by: Bob Alverson  
Motion 3 passed.
- MOTION 4: Working from Supplemental GMT Report C.2.e, with the attached revised Table 2.1-1, adopt the last page of that report.
- Moved by: LB Boydstun                      Seconded by: Phil Anderson  
Motion 4 passed.
- MOTION 5: Utilizing Supplemental GMT Report, Exhibit C.2.e, adopt the following for review as listed for remaining rockfish north as well as remaining rockfish south.
- Moved by: Phil Anderson                      Seconded by: Bob Alverson  
Motion 5 passed.
- MOTION 6: Working from Supplemental GMT Report, Exhibit C.2.e, adopt 714 mt for the remaining and other shelf species; and 639 mt for remaining and other slope species.
- Moved by: LB Boydstun                      Seconded by: Jim Caito  
Motion 6 passed.

MOTION 7: Support the recommendations of the STT and SAS (to have the SSC review modifications to the Chinook FRAM to accommodate a selective fishery prior to the November Council meeting).

Moved by: Burnie Bohn  
Motion 7 passed.

Seconded by: Ralph Brown

MOTION 8: Send the letter to CFGC (as shown in Exhibit E.1.b) with the following additions or changes: add the paragraph on the end of the proposed letter that pertains to the species of the CEQA document under the definition of pelagic and add "in this regard pelagic and bigeye thresher shark should be added to your list of pelagic species". Also in the last paragraph "strike out recreational". Add a paragraph offering Dr. McIsaac to speak to the commission about this letter and other relevant PFMC issues and plans, if requested. Such related issues may include Council actions with respect to rebuilding rockfish. Provide the Executive Director with the flexibility to stress in the letter that prior to the Council favorably considering the federal water portions of the CINMS marine reserves the findings of the SSC report have to be addressed.

Moved by: LB Boydston  
Motion 8 passed.

Seconded by: Roger Thomas

MOTION 9: Adopt the proposed changes to the halibut catch sharing plan and annual regulations for public review as shown in F.2.b, Revised Supplemental WDFW Report and Exhibit F.2.c, Supplemental ODFW Report. Include the suggestions by Mr. Alverson and the comments from Mr. Harp.

Moved by: Burnie Bohn  
Motion 9 passed.

Seconded by: Phil Anderson

MOTION 10: Establish a 45% incidental catch allowance of sardines in the CPS fishery.

Moved by: Phil Anderson  
Motion 10 passed.

Seconded by: Burnie Bohn

MOTION 11: Recommend to NMFS that they implement an emergency rule that would transfer the projected amount that would otherwise be reallocated as of October 1 to the northern area north of Pt. Piedras Blancas.

Moved by: Phil Anderson  
Motion 11 passed.

Seconded by: Bob Alverson

MOTION 12: For inseason adjustments to the 2002 groundfish fishery adopt the values on Exhibit C.4.b, Supplemental GMT Report, September 2002 with the corrections as stated by Dr. Hastie. Include the elimination of the size limit of sablefish as stated in the GMT report.

Moved by: Bob Alverson  
Motion 12 passed. Mr. Robinson voted no.

Seconded by: LB Boydston

MOTION 13: Recommend NMFS work with CDFG in projecting the catch of minor nearshore rockfish south of cape mendocino for the balance of the current year in time of the October CFGC meeting. NMFS and CDFG would recommend whether to open all or part of that fishery for the remaining of the season.

Moved by: LB Boydston  
Motion 13 passed.

Seconded by: Roger Thomas

MOTION 14: Approve the March 2002 Council Minutes as shown in Exhibit A.6, Supplemental March 2002 Council Minutes.

Moved by: Bob Alverson  
Motion 14 passed.

Seconded by: Jerry Mallet

MOTION 15: Approve the Legislative Committee Report as shown in Exhibit H.1.b, Supplemental Legislative Committee Report.

Moved by: Burnie Bohn  
Motion 15 passed.

Seconded by: Jim Harp

MOTION 16: Approve the report of the Budget Committee as shown in Exhibit H.2.a, Supplemental Budget Committee Report.

Moved by: Jim Caito  
Motion 16 passed.

Seconded by: Don Hansen

MOTION 17: Appoint Ms. Michele Robinson to the GMT.

Moved by: Phil Anderson  
Motion 17 passed.

Seconded by: Mark Cedergreen

MOTION 18: Appoint Mr. Tom Barnes to the GMT.

Moved by: LB Boydston  
Motion 18 passed.

Seconded by: Phil Anderson

MOTION 19: Appoint Mr. Rob Zuanich to the CPSAS as the Washington commercial representative.

Moved by: Phil Anderson  
Motion 19 passed.

Seconded by: Mark Cedergreen

MOTION 20: Appoint Mr. Rhett Weber to the GAP as the Washington charter representative.

Moved by: Bob Alverson  
Motion 20 passed.

Seconded by: Mark Cedergreen

- MOTION 21: Appoint Mr. Bill Sutton to the HMSAS for the commercial at-large representative and Mr. Anthony Nizetich to the HMSAS as the southern processor representative.
- Moved by: LB Boydstun                      Seconded by: Don Hansen  
Motion 21 passed.
- MOTION 22: Appoint Mr. Butch Smith to the SAS as the Washington charter representative.
- Moved by: Mark Cedergreen                      Seconded by: Phil Anderson  
Motion 22 passed.
- MOTION 23: Appoint Dr. Thomas Welsh to the SAS as the Idaho sport representative.
- Moved by: Jerry Mallet                      Seconded by: Bob Alverson  
Motion 23 passed.
- MOTION 24: Request the Council to defer any action on the SAS California tribal seat until the November meeting.
- Moved by: Jim Harp                      Seconded by: Burnie Bohn  
Motion 24 passed.
- MOTION 25: For the SAS Washington position, defer that appointment until the November meeting due to interest from another tribe.
- Moved by: Jim Harp                      Seconded by: Burnie Bohn  
Motion 25 passed.
- MOTION 26: Adopt Exhibit C.4.f, Supplemental GMT Report on Inseason Adjustments; and the enforcement consultants language on the declarations.
- Moved by: Ralph Brown                      Seconded by: Burnie Bohn
- Amendment: Only allow the widow/yellowtail fishery above the Cape Mendocino line; including the trip limits (13,000 pounds per two months of widow and xxxx pounds per two months north of 40 10 only)
- Moved by: Bill Robinson                      Seconded by: Bob Alverson  
Amendment passed. Mr. Caito voted no.  
Main motion as amended passed.
- MOTION 27: Forward the letter as shown in Exhibit H.1., Supplemental Murray Letter, to Senator Murray and Senator Wyden's office and any other appropriate congressional bodies.
- Moved by: Ralph Brown                      Seconded by: Bob Alverson  
Motion 27 passed.
- MOTION 28: Approve the draft agenda for the November meeting as shown in Exhibit H.5, Supplemental Revised November Meeting Agenda.

MOTION 29: Adopt Washington recreational management measures as per Exhibit C.3.i, Supplemental WDFW Report with the following specifications: 15-groundfish daily-bag-limit (includes rockfish and lingcod) with a 10 rockfish sublimit, 1 canary sublimit, no retention of yelloweye, and a 2 lingcod sublimit with a 24-inch minimum size during March 16-October 15 (otherwise lingcod is closed). The motion includes closing recreational groundfish and halibut fishing within coordinates described in Exhibit F.2.b, Revised Supplemental WDFW Report (the Yelloweye Rockfish Conservation Area). The motion also includes mandatory use of excluders in the Washington pink shrimp fishery.

Moved by: Phil Anderson  
Motion 29 passed.

Seconded by: Mark Cedergreen

MOTION 30: Adopt Oregon recreational management measures as per Exhibit C.3.w, Supplemental ODFW Report. The nearshore recreational caps by species and species complex are as per the table in the front of Exhibit C.3.i, Supplemental ODFW Report.

Moved by: Burnie Bohn  
Motion 30 passed.

Seconded by: Ralph Brown

MOTION 31: Adopt northern California (north of 40°10' N. latitude) recreational management measures. The regulations would be the same as in Oregon with the following exceptions: the rockfish daily bag limit = 10 with sublimits of 1 canary and 1 yelloweye, harvest guidelines in the nearshore fishery would be based on half the average 1994-1999 landings as follows:

Species complex	Commercial Harvest Guideline	Recreational Harvest Guideline
Black and Blue Rockfish	41.7 mt	53.7 mt
Other Nearshore Rockfish	8.8 mt	5.0 mt

Moved by: LB Boydston  
Motion 31 passed.

Seconded by: Ralph Brown

MOTION 32: Adopt California recreational management measures for waters south of 40°10' N. latitude as per Exhibit C.3.w, Supplemental CDFG Report 2.

Moved by: LB Boydston  
Motion 32 passed.

Seconded by: Phil Anderson

MOTION 33: Adopt the limited entry trawl, limited entry fixed gear, and open access trip limits as per Tables 3-5 in Exhibit C.3.v, Supplemental GMT Report with the following exceptions: change the specifications in lines 30-31 in Table 3 (limited entry trawl trip limits) from 50,000 pounds/2 months to 70,000 pounds/2 months; include a 300-pound groundfish trip limit for exempted trawls; specify the shallow line for limited entry trawl south of 40°10' N. latitude (page 10 of GMT Report) as 50 fm for January-February and 60 fm for the remainder of the year; include a 300-pound trip limit for minor shelf rockfish, widow, and chilipepper for limited entry trawl in the south (line 39 of Table 3 in the GMT Report); change the period 1 and 6 trip limits for arrowtooth flounder in the north from no limit to 30,000 pound/trip (line 28 of Table 3 in the GMT Report); add a 7,500 pound trip limit for arrowtooth flounder during periods 2-5 in the north for limited entry trawls (line 28 of Table 3 in the GMT Report); establish a limited entry fixed gear and open access depth restriction restricting the fishery north of 40°10' N. latitude to outside 100 fm and inside 27 fm in northern California and Oregon; and establish a limited entry fixed gear and open access depth restriction restricting the fishery south of 40°10' N. latitude to outside 150 fm and inside 20 fm.



The Motion includes the 36° N. latitude correction to Tables 4 and 5 of the GMT Report (line 11 in Table 4 and between lines 9 and 10 in Table 5); cap all EFPs combined to 6.5 mt of canary rockfish. The 250 fm line would be modified in periods 1 and 6 to include petrale areas but would not come inside 150 fm. Mr. Robinson wanted to make sure no petrale areas would be inside 150 fm. Mr. Anderson said yes and the coordinates for these management lines would be submitted to NMFS within a deadline.

Moved by: LB Boydston  
Motion 33 passed.

Seconded by: Bob Alverson

MOTION 34:

Referring to Exhibit C.3.w, Supplemental CDFG Report, submit the provisions of the California Rockfish Conservation Area to NMFS with the following exceptions (additions underlined; deletions in strikeout): 1) change the language under General Provisions to read "3) If requested any commercial fishing vessel intending to fish in or transit the CRCA must accommodate a state or federal observer"; 2) change the language under General Provisions to read "5) The use of all other gear types within the CRCA (not identified in the exceptions) shall be consistent with California state and federal laws and regulations"; 3) change the language under Exceptions I Title to read "7) Small fleet LE permit holders Fixed gear and recreational fishers allowed to use fixed gear in waters between 20 fm to 50-60 fm south of Pt. Fermin to the Newport Jetty during June, July, and August only ..."; 4) change the language in the Exceptions II title to read "Exceptions II - non-groundfish trawls ~~(if the bocaccio bycatch impacts are exceeded there will be no exceptions for non-groundfish trawls in the CRCA)~~"; 5) change the language under Exceptions II to read "A) Exempted trawl gear using a small footrope as defined in federal regulations may be used in waters shallower than ~~50~~ 50-70 fm north of Pt. Conception and in waters shallower than 100 fm along the mainland coast south of Pt. Conception (not including the CCA)"; 6) change the language under Exceptions II to read "B) Ridgeback shrimp trawl nets must include ~~an authorized~~ state-required fish excluder device"; 7) change the language in the Exceptions III title to read "Exceptions III - groundfish trawls ~~(if the bocaccio bycatch impacts are exceeded there will be no exceptions for non-groundfish trawls in the CRCA)~~"; 8) change the language under Exceptions III to read "a) Small footrope trawl (including Scottish seine) may be used in waters shallower than ~~50~~ 50-70 fm north of Pt. Conception and in waters shallower than 100 fm along the mainland coast south of Pt. Conception (not including the CCA)"; and 9) strike all the language under "Activities that Require Conditional Authorization" and the note that follows.

Moved by: LB Boydston  
Motion 34 passed.

Seconded by: Bob Alverson

MOTION 35:

Adopt the treaty harvest levels as per Exhibit C.3.y, Supplemental Treaty Indian Harvest Levels.

Moved by: Jim Harp  
Motion 35 passed.

Seconded by: Burnie Bohn

MOTION 36:

Implement an emergency rule consistent with these Council actions for January and February and final regulations for March-December.

Moved by: Ralph Brown  
Motion 36 passed.

Seconded by: Jim Harp