



Oregon

John A. Kitzhaber, M.D., Governor

Department of Fish and Wildlife

Marine Resources Program
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Newport, OR 97365
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DATE: February 13, 2003

TO: Interested Citizens

FROM: Patricia Burke, Manager
Marine Resources Program
Oregon Department of Fish and Wildlife

RE: **Results of February 7, 2003 Fish and Wildlife Commission Meeting
on Nearshore Groundfish Harvest Cap for 2003**

The Oregon Department of Fish and Wildlife (ODFW) was directed by the Oregon Fish and Wildlife Commission (OFWC) to review the adequacy of the new lower harvest cap for nearshore groundfish fisheries. The Pacific Fisheries Management Council (PFMC) and the OFWC adopted a one year harvest level equal to that of the year 2000 for the 2003 fishing season. This cap applies to both commercial and recreational fisheries, based on their respective landings in 2000. There are four categories, each of which has a separate harvest cap: 1) black rockfish and blue rockfish; 2) nearshore rockfish (13 species); 3) cabezon; and 4) greenling. This earlier action applied trip limits to black rockfish/blue rockfish and the nearshore rockfish categories. No 2003 trip limits are yet in place for cabezon or greenling.

ODFW staff analyzed the fisheries and projected harvest for this year under the year 2000 harvest caps. Staff also projected harvest rates for a 20% and 50% reduction in the year 2000 harvest caps. All categories of harvest caps were achieved earlier in the year under the 20% and 50% reduction scenarios. Under the year 2000 cap alone, all recreational nearshore fisheries are projected to be under the cap for 2003. Commercial nearshore fisheries are projected to have early harvest attainments for black rockfish /blue rockfish, cabezon and greenling. Greenling has the highest proportional reduction in harvest total from previous years (over 60% reduction) and is projected to achieve the cap by August, with no change in fishing behavior from 2002.

After review of all conservation measures introduced for 2003 in the nearshore fishery, and the staff analysis of the harvest caps, the OFWC gave staff the following guidance in preparation for final decision-making at their March 21, 2003 commission meeting in Newport:

- 1.) No consideration of further reductions in the 2000 cap is needed. (Thus a previously noticed public meeting in Mid-March to discuss further reductions in the 2000 cap is not needed and has been cancelled.)

- 2.) Track the likelihood of a nearshore "derby" fishery taking place and discuss with the public. The OFWC expressed a preference against managing for a derby (fish out and close fishery early vs. extending the season), but wanted staff to obtain feedback from the public including fishermen and processors/buyers. If data indicates a derby is underway prior to adequate public input, the OFWC authorized the staff to put an emergency rule in place to limit harvest until final decisions can be made.
- 3.) Obtain public feedback on establishing in-season trip limits or season-length driven limits for the commercial nearshore fisheries as appropriate. OFWC will make a decision on in-season management at the March 21 meeting.
- 4.) OFWC encouraged staff to look at alternative management tools that are based on the life history of the fish, geared towards size of fish, time of spawn, maturation rates etc.
- 5.) Keep the commercial minimum cabezon size limit at 16", but review the need for a slot limit for future regulations. (The recreational limit is now 15", but is projected to be raised to 16" for the 2004 season).
- 6.) Review gear conflicts with pot gear in the nearshore and bring recommendations to a future OFWC meeting.
- 7.) Have OFWC attorney investigate methods that would allow immediate action to limit additional new entry/access to the commercial black rockfish / blue rockfish nearshore fishery.

As a result of the OFWC direction, ODFW staff will be conducting a public meeting in Gold Beach on Wednesday, February 19, 2003 . At this meeting we will discuss the current status of the commercial fishery and preferences on setting trip limits and/or season changes for the commercial nearshore fishery.

Please don't hesitate to contact Mark Saelens or Bill Barss with questions:
541-867-4741.

Thank you for your interest in our nearshore fishery management.

Year 2000 Cap & 20% Lower Cap
Nearshore Public Meeting @ Garibaldi
Tuesday, 1-28-03

The following is a summary of statements made by participants about a harvest cap on Oregon nearshore marine species:

Year 2000 Cap

1. Sport fisherman:
 - a. Grateful for ODFW commission's conservative approach.
 - b. A 10-fish bag limit is low for sport fishers coming from the valley.
2. Sport fisherman: Keep a 1-year cap and review the results before changing limits.
3. Sport fisherman: Try the 2000 cap and then review the results of the cap before changing.
4. Favored the 2000 limit cap. With tremendous amount of feed in the ocean, he felt we should be allowed to fish this year and then see how well the 2000 cap works.
5. Charter boat operator: The 2000 cap is conservative enough.

Cap 20% Lower than Year 2000

1. The process has worked to reach a cap based on the harvest in the year 2000. We don't need a further cut.
2. Sport fisherman or charter operator: Further reduction in sport bag may result in high grading (result in discard mortality). Wait for black rockfish assessment before considering cuts.
3. Sport fisherman: Reductions now are okay if it keeps stocks (healthy) for the future. Commission has been too late in acting to protect the nearshore.
4. Sport fisherman: The 2000 cap is a good starting point, and we should proceed with care before reducing more. Consider N-S or area management. Factor in the new 2003 sport bag limit reductions by the Council first. We need to know the results of the assessments. Hook and line fishery is not likely to destroy a reef. Consider gear restrictions to limit long line hooks and number of lines per commercial boat.
5. Charter boat operator: A 10-fish bag is marketable, while a reduction would be hard to sell. Consider pre-planned closures that are predictable if needed.
6. Sport fisherman: A reduction in sport limits will have negative impacts on the economy coastal communities.
7. Sport fisherman: Favors conservative harvest, but wants to maintain economic health. A decrease on sport harvest will be hard on charters. The state needs to get the data needed to make good management decisions, but there is no source of funding to do this. User fees depend on a healthy fishery and good harvest. With a restricted harvest less money is coming in for research.
8. Sport fisherman: He didn't see why ODFW commission had to be more conservative than

PFMC.

9. Charter boat operator: We should not consider a reduction in the sport bag when the problem was caused by a large increase in commercial catch of live fish.
10. If the south coast has a problem, don't cut the north coast.
11. Sport Charter: Hardly any fish species to target any longer.

In-Season Adjustments

1. Sport fisherman: If a few species were showing problems, then deal with those species.

Other Comments:

1. Hook and line fishing has never damaged stocks. The fish have always been in my area, and since dragging (trawl) has been removed, my area is now better.
2. Commercial fisherman:
 - a. Most of the commercial catch has been produced from Rogue R. Reef and Port Orford (reef), and the catch continues to go up in the south.
 - b. The north half of the state has lots of fish, and some parts of the coast have not been fished hard and can still produce good catches of cabezon.
 - c. Sport catch and effort records should be looked at with regard to stock status.
 - d. Cutting caps arbitrarily is not warranted: shooting in the dark
3. Sport fisherman: It is unfair to compare us with California where stocks were overfished. Parts of California have good fishing weather all year while storms keep us off the ocean.
4. Sport fisherman: Recent major reduction of commercial fishing on lingcod resulted in healthy lingcod stocks.
5. Sport fisherman:
 - a. Would like to see catch information for earlier years.
 - b. Would like to see ODFW look at catch trends from north vs south.
 - c. Doesn't like commercial trap, longline and stick-gear.
6. Charter boat operator: The ocean is now healthy with plenty of bait, etc.
7. Sport fisherman: Twenty-five years ago sport fishers had to ask for a marine sport bag limit.
8. Commercial fisherman:
 - a. Cabezon is a valuable commercial fish (\$5/lb live), and it is not an important sport fish.
 - b. Cabezon are caught with fixed gear and are not easily caught on jigs.
 - c. This individual stated that he took 20% of the statewide Cabezon harvest with pot gear in 2002. Stated that most other fish are coming off southern reefs. May need local regulation.
9. A geographical analysis might be very important.

Summary of Suggestions from Garibaldi Meeting:

The Year 2000 Cap:

Keep the 2000 cap for one year, and then review the results and the results of assessments before changing cap.

A 20% Reduction in the Year 2000 Cap:

Most attendees opposed a reduction from the year 2000 cap.

Do not reduce the 10-fish sport bag. (Smaller bag limits will be hard for charters to sell and high grading of black rockfish may occur). Let the new lower bag limit work.

In Season Adjustments:

Don't cut limits for the north coast if the problem is in the south coast.

Only reduce limits on species showing problems.

Other:

Analyze catch on a geographical bases (Look at catch trends from north vs south).

Wait for black rockfish assessment before considering any cuts to black rock catch.

Look at catch from earlier years.

**Year 2000 Cap & 20% Lower Cap
Nearshore Public Meeting @ Port Orford
Thursday, 1-30-03**

The following is a summary of statements made by participants concerning a harvest cap on nearshore marine species:

Year 2000 Cap

1. Commercial fisherman: We are not only faced with reduction in vessels but also an unreasonable (2000) cap.
2. Commercial fisherman: Why did ODFW push for the cap at year 2000 catch at PFMC?
3. Commercial fisherman: With these caps we can't afford to fish.
4. Commercial fisherman: A 2000 level cap will not produce a living wage if you divide the 2000 cap by 70+ boats.
5. Several commercial fishermen challenged the need for the 2000 cap and wanted the state or council to make more pounds available this year. The PFMC member in attendance assured them that it was unlikely that the Council would reverse this decision and that the state cannot set regulations that are weaker than the federal government.

Cap 20% Lower than Year 2000

1. After discussion and comment, the room was polled and no one was in favor of a 20% reduction in the cap. A few attendees did not vote.
2. Commercial fisherman: A low cap will force us to fish on black rockfish.
3. Commercial fisherman: With reductions, I will have to eliminate my crewman.
4. Individual: The Commission is not being sensitive to the severe economic downturn in coastal communities.
5. Need to get results of cabezon and black rockfish assessments to apply meaningful regulations.

Inseason Adjustments

1. Commercial fisherman:
 - a. Many boats with nearshore permits may not fish this year, so if we have a low catch can't the trip limit increase?
 - b. Can we increase the caps?
2. Commercial fisherman: We should be able to adjust our trip limits on a monthly basis.
3. Fish buyer:
 - a. There will not be enough live fish for the market if the fishery ends at the end on June.
 - b. He wanted to know when a 2 or 3-month trip limit would be put into place.
 - c. Buyers need a known supply and known commodity every month to keep in business.

4. Fish buyer: We need a year around fishery at some level for the market. He suggested less fishing when fish are spawning.
5. Commercial fisherman: Are fish being caught before limits are set counted [towards cap]? [yes]
6. Commercial fisherman: Derby fishing will cause us to take safety risks, and someone should be accountable.
7. Commercial fisher: He was concerned that stopping landings would destroy markets, because you can't close a fishery for an extended period.
8. Commercial fisher: He wanted ODFW to close open access fishing on black and blue rockfish. He felt more new people were going to fish from other states for these species.
9. Elected official: They wanted to know what trip limits we would have if we reduced boats to 1999 levels.
10. Buyer: He would like to see a 2-month limit to stretch the season to 10 months, to the end of October and the ability to change limits if needed. No derby fishery.
11. Commercial fisherman: He wanted a livable quota for a few months (derby), then he could do something else the rest of the year.
13. Commercial fisherman: He wanted to get the quota and quit.
14. Commercial fisherman: He suggested a 500 pound 2-month limit on greenling.
15. Fish buyer: He did not think the fleet would want a daily trip limit.
16. Commercial fisherman: Limit gear (number of lines on boats and # hooks on long lines etc.) Put a slot limit on cabezon (15-16" to 26") and greenling (13") to protect young and large spawners.

Other

1. Commercial fisherman: The north coast is against us because of 1-fish pot guy fishing in the north.
2. Commercial fisherman : With logbooks and information you have collected, ODFW should be able to see how fishing is effecting stocks. Are the fish getting smaller?
3. Elected official: Concerned that assessment is being done when information was taken while ocean productivity was low.
 - a. We are still restricted on coho salmon.
 - b. There are a lot of fish out there now, but ODFW manages using the rear view mirror approach.
 - c. Very concerned about the employment picture for Curry County.
4. Fish buyer: You will put a buyer out of business before the fishermen.
5. Commercial fisherman:
 - a. There is lots of "trout" (greenling) and we are fishing only 1/3 of their territory.

- b. ODFW qualified too many vessels for nearshore permits. Annual renewal requirements are too lenient.
 - c. The fishers have only recently figured out how to fish for greenling.
6. PFMC member:
- a. The council is looking for industry proposals to keep catch under the cap.
 - b. PFMC would like a proposal that allows the fleet to make money.
7. Commercial fisherman: What is the status of IFQ's? With IFQ's, we could catch fish when we wanted to.
8. PFMC: IFQ's were illegal in past. We are now waiting for changes in the Magnuson Act.
9. Elected official: What are our options on how many fish you can catch? And when are fish the most valuable?
10. Buyer: When fish landings are low, the value is highest.
11. What happens to all the data ODFW collects?
12. Commercial fisherman: We need to make enough for our boats and crews.
13. Elected official: We need to have the maximum poundage for the longest possible time.
14. Commercial fisher: What can we do for our families? We are drying up.
15. Commercial fisherman:
- a. You took away our main money-maker which was Canary rockfish.
 - b. The ocean is now very healthy, the best he has seen in 25 years of fishing. There are bait balls, birds, and pelicans have just left (late in the year).
16. Commercial fisher: He supports a Nov. 1999 qualifying date for nearshore permits.
17. Citizen wanted to stop new open access fishers from fishing off Oregon.
18. Elected official asked us to send out a meeting summary.
19. Consider allocation: more blacks and blues to sport and cabezon and greenling to commercial.

Summary of suggestions from the Port Orford Meeting:

The Year 2000 Cap:

Need to get assessment information

Some feel more poundage could be handled by the fishery and opposed the 2000 cap.

Many were supportive of the 2000 cap considering it is a one year action until the assessments are completed.

A 20% Reduction in the Year 2000 Cap:

It was unanimous that no one favored a 20% reduction from the 2000 cap.

In Season Adjustments:

Establish a 2-month limit to stretch the season to 10 months (through October 31st).

Take action to control the early season fishery by a trip limit or other means, otherwise, those now fishing unrestricted are taking fish off the top of the cap and away from all of us.

To save the market, the fishery must extend beyond the end of June.

Provide a year around fishery at some level for the market, but with less fishing when fish are spawning (winter-spring).

Want ability to increase limits if the catch was low.

Want ability to adjust our limits on a monthly basis.

Establish a 500 pound 2-month limit for greenling.

Fill the quota and quit.

Do not have a daily trip limit.

Do not have a derby fishery, because it will cause us to take risks.

Consider cabezon/greenling size slots

Other:

Reduced boats to 1999 levels if it produces reasonable limits.

Stop new open access fishers [from out-of-state] from fishing off Oregon.

Close open access fishing on black and blue rockfish.

Increase the cap.

Explore quota management (IFQ's)



FEB 18 2003



NOTICE TO FISHERMEN & PROCESSORS

PFMC

Public Workshop

In-Season Adjustments for the Commercial Nearshore Groundfish Fishery

Wednesday, February 19, 2002

Senior Center
29841 Airport Way
Gold Beach, OR
6:00 to 8:00 p.m.

Background: The Oregon Department of Fish and Wildlife is seeking input on in-season management options for commercial nearshore fisheries. ODFW has met with users several times to understand concerns and potential solutions stemming from the lower harvest cap for the 2003 nearshore fishery. The recreational nearshore fishery will not require inseason management changes. However, for the commercial nearshore fishery, the projections show early attainment of the new harvest cap for greenling, cabezon and black rockfish/blue rockfish. This workshop will gather public comments on further commercial fishery management options for Oregon Fish & Wildlife Commission (OFWC) consideration to help insure an orderly nearshore fishery within the lower harvest cap. The OFWC will consider commercial nearshore in-season management options at it's Friday, March 21, 2003 meeting in Newport, Oregon.

Meeting Agenda:

1. Review of the Commission's comments on nearshore harvest cap from the February OFWC meeting.
2. Public comments and discussion on in-season management options for the Oregon nearshore fishery.

Contact: For additional information, contact Mark Saelens, or Bill Barss, ODFW Marine Resources Program in Newport at (541) 867-4741.

To: Deputy Project Leader, Columbia River Fish Program Office, USFWS

From: Lee Hillwig, Supervisory Fishery Biologist, Region 1, USFWS

Subject: Mass Marking Meeting with Congressman Norm Dicks (March 17, 2003)

On March 17, 2003 Congressman Norm Dicks held a meeting at his Bremerton, WA office to address FY 2003 congressional appropriations language that calls for the mass marking of salmonids produced at federally funded or operated hatcheries, including, but not limited to, steelhead, coho salmon and chinook salmon. Attendance at the meeting consisted of representatives of the State of Washington Department of Fish and Wildlife, Tribes of the Puget Sound and Olympic areas, Northwest Indian Fish Commission, U.S. Fish and Wildlife Service, NOAA-Fisheries, Northwest Marine Technologies, and Mr. Dicks' staff assistants.

The meeting was focused on identifying issues and concerns regarding the implementation of a west coast salmon mass marking strategy and agreement on a strategy to address those issues and concerns. There was general consensus that full implementation of a mass marking program in FY 2003 would not be reasonable because of logistical and funding problems. It was further recognized a transitional period of at least a year would allow the management agencies time to identify any additional concerns and develop a strategy for implementation. The congressman recognized the need for additional funding resources, as well as the possible need to refine legislative language to clarify direction for mass marking, including exceptions where mass marking is not an appropriate management strategy.

It was agreed by the participants that a team consisting of the various co-managers should be established to address implementation of the mass marking legislation. Jeff Koenings, Director, Washington Department of Fish and Wildlife and Jim Anderson, Northwest Indian Fish Commission agreed to lead an effort to establish a such a team made up of representatives from all interested co-managers. The team would be tasked with identifying logistical and technical issues and developing an appropriate implementation strategy.

National Marine Fisheries Service Report on Highly Migratory Species Related Activities

International Activities

The Inter-American Tropical Tuna Commission Working Group on Negotiations met March 18-23, 2003, in La Jolla, CA. The Working Group has been attempting to complete a revised convention text that would strengthen the Commission and bring its terms of agreement into conformity with current international law and new international agreements dealing with fisheries conservation and management. It was hoped that this (the 10th meeting) would be the final Working Group meeting and that a composite final text could be presented to the full Commission for approval at its annual meeting in June 2003 in Antigua, Guatemala. There is broad agreement on almost all issues. However, the Working Group was unable to arrive at agreement on the articles dealing with "Decision Making" and "Entry Into Force." The current convention calls for unanimity, but that Convention was arrived at with only two members (United States and Costa Rica), and actual practice has been consensus (meaning no stated objections by any member). Several members want to retain unanimity in the new convention text, notwithstanding that "consensus" has been the actual practice. A related issue is how to deal with decisions when one or more members are absent from a meeting. Many members want a provision requiring at least acceptance by any absent member before a decision would be binding on that member; other nations want the measures agreed to by members present at a meeting at the time of adoption to be binding on all members. The "Entry Into Force" issue concerns how to ensure that there would not be two conventions in effect at the same time, while promoting acceptance and application of the revised convention as soon as practicable. The Working Group will reconvene after the annual Commission meeting in hopes of reaching final agreement on these issues, which are key to several companion articles in the Convention.

The first "consultation" under the U.S.-Canada Albacore Treaty is scheduled for April 15-16, 2003, in Vancouver, Washington. While the amendments to the Treaty have not been formally ratified by the U.S. Senate and legislation has not been enacted authorizing implementing regulations for the Treaty, the two Parties agree that the consultation should be held consistent with the intent of the Treaty amendments and to review and discuss the progress in being set to implement the amended Treaty by June 1, 2003, assuming ratification and legislation. The National Marine Fisheries Service is working on the regulatory documents and hopes for very quick action if Congress provides the necessary authority and waiver from certain procedural requirements, at least for the initial regulations. The regulatory measures would include logbook and reporting, vessel marking and identification, and hail-in and hail-out calls to a reporting office so that vessel activity can be tracked against limits in the amended Treaty. A report will be provided to the Council following this meeting.

PACIFIC FISHERY MANAGEMENT COUNCIL

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April 3, 2003

Mr. John H. Dunnigan, Director
Office of Sustainable Fisheries
1315 East-West Highway
Room 13362
Silver Spring, MD 20910

Re: Request for comments on consideration of revision to National Standard-1 guidelines

Dear Mr. Dunnigan:

Thank you for the opportunity to comment on an issue of great importance to the Pacific Fishery Management Council (Pacific Council).

The Council supports formal and inclusive reconsideration of National Standard-1 (NS-1) guidelines. As with any policy, periodic review provides opportunity to respond to new information, changes in thinking, or unforeseen consequences since the policy was developed and implemented. Regional councils are on the front line in implementation of NS-1, notably in establishing harvest policies and developing rebuilding plans for overfished species. Thus, the Pacific Council strongly recommends Regional Councils be full and formal participants, especially tapping into the rich expertise provided by Scientific and Statistical Committees.

Existing National Standard-1 guidelines are not a perfect fit for many West Coast stocks (e.g., rockfish, highly migratory species, salmon, Pacific sardine, market squid). This is especially true for several West Coast stocks declared overfished (e.g., darkblotched rockfish and bocaccio). For these slow-growing, long-lived species, the Council is striving to fully comprehend and account for extremely low productivity and affects of unfavorable oceanographic and other environmental variables on these stocks. This difficult task should be facilitated, rather than hindered, by NS-1 guidelines.

For example, in cases where it could take many decades to rebuild certain overfished species, it would be helpful to explore and include mechanisms that ensure rebuilding plans are in accord with and adaptive to environmental and other variables.

In considering revisions to NS-1 guidelines, the Council recommends these specific areas of focus:

- Review of the concept of maximum sustainable yield, in general.
- Uncertainty, risk, precaution. Where and how are these concepts incorporated into stock size estimation, status determination, and management process? How should levels of precaution be tied to a species' life span and productivity, and short-, mid-, and long-term environmental conditions?

- Discontinuity of rebuilding time horizons, particularly in the boundary areas of less than 10 years, 10 years, and greater than 10 years. Under the existing guidelines, a fishery restriction discontinuity exists in that a fishery is less restricted if a fish stock is so poor it takes more than 10 years to rebuild, than if the stock is in better condition and must be rebuilt in less than 10 years; this is the opposite of normal fishery management practices that are more restrictive the worse the condition of the stock. Also, choices among these time horizons depend on very fine distinctions in current biomass, unfished biomass, etc., which are often based on very sparse information.
- Data-poor situations. Under data poor situations, current guidance for determining stock status (e.g., Restrepo *et al.*) can result in very constraining (i.e., precautionary) management, which causes significant economic impacts to the fishery. Given limited scientific and economic information, how should precautionary management be balanced against economic impacts? Some believe economic impacts are rarely given quantitative consideration. Others believe gross biological uncertainty is rarely given adequate consideration.
- Species that can become "overfished" due to oceanographic regime shifts. How are highly variable species to be treated (e.g., Pacific whiting, northern anchovy, Pacific sardine, market squid), especially given their sensitivity to environmental variability and oceanographic regime shifts?
- The process for revising existing rebuilding plans with any changes in NS-1 guidelines that result from the review in questions. Will Councils be asked to redo all rebuilding plans immediately? Will existing (thence obsolete) rebuilding plans be valid during the conversion period? How long will it take to get approval on nearly 100 revised rebuilding plans?

Again, thank you for the opportunity to provide these comments. The Pacific Council will consult with our SSC and other advisory bodies for other specific NS-1 guidelines issues and concerns. At present, our greatest concern is the need for Regional Councils to be full and formal participants in the NS-1 guidelines review process.

Sincerely,



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

DAW:kla

c: Dr. Hans Radtke, Council Chair
Mr. Don Hansen, Council Vice Chair
Legislative Committee
Scientific and Statistical Committee
Dr. John Coon, Deputy Director
Mr. Dan Waldeck, Staff Officer



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
Channel Islands National Marine Sanctuary
113 Harbor Way
Santa Barbara, CA 93109

April 4, 2003

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

RECEIVED

APR 7 2003

PFMC

Subject: NOAA's Channel Islands National Marine Sanctuary Environmental Review Process to Consider Marine Reserves

Dear Dr. McIsaac and Pacific Fishery Management Council Members:

As you are aware, on October 23, 2002, the California Fish and Game Commission approved the establishment of a network of marine protected areas within State waters of the Channel Islands National Marine Sanctuary (Sanctuary). Their decision was the culmination of more than three years of public process sponsored by the California Department of Fish and Game and the Sanctuary to consider a network of marine reserves throughout the entire Sanctuary. The Sanctuary is initiating an environmental review process to consider establishing a network of marine reserves to complement the State's action in the Sanctuary. This letter and attachment describes the environmental review process, a proposed timeline and a framework for coordinating with the Pacific Fishery Management Council (PFMC) and broader public.

Relationship between the Sanctuary and the PFMC

The Sanctuary looks forward to a constructive and cooperative working relationship with the PFMC in dealing with this important matter in federal waters of the Sanctuary.

During the environmental review process, the Sanctuary will be responsible for producing the appropriate environmental review and other documents to comply fully with the National Environmental Policy Act (NEPA), the National Marine Sanctuaries Act (NMSA), the Administrative Procedure Act, and all other applicable legal requirements. Additionally, the Sanctuary will detail the specific goals and objectives of the proposed action and any marine reserve design proposals and supporting scientific and socioeconomic analysis.

While the Sanctuary has legal responsibility for the work outlined above, the Sanctuary and PFMC will work closely in a spirit of partnership during the preparation and analysis of alternatives created under NEPA. This close working relationship will involve consulting and cooperating fully with each other in matters regarding the conservation and management of natural resources of mutual concern and geographic authority. Cooperation may take the form of participation in and presentations to the various committees, advisory panels, and working groups of each of the parties, and exchange of documents, viewpoints, recommendations, advice, and other relevant information. This consultation and cooperation should take place before

regulatory changes affecting either of the parties are implemented, and will be in addition to the Sanctuary's involvement with the State of California, Sanctuary Advisory Council and the broader public.

Throughout the planning process, the PFMC will have the opportunity to contribute to scoping, identifying, developing and analyzing alternatives, and recommending alternatives. The PFMC's familiarity with and review of this process and supporting information to date should contribute to an efficient process. We believe the process can move forward efficiently and effectively given the information generated, received and analyzed by the California Department of Fish and Game and the Sanctuary during the Channel Islands Marine Reserves Process and the State's rulemaking process.

Proposed Activities and Timeline

A proposed list of activities and timeline is attached. This schedule for the environmental review process provides for the cooperative relationship described above. The successful completion of this endeavor depends in large measure upon the substantive contribution and collaboration of the PFMC, State of California, Sanctuary Advisory Council and the broader public. As detailed in the attached timeline, the Sanctuary will issue a Notice of Intent in the *Federal Register* and host scoping meetings over the course of the next few months.

Preparation of Draft Fishing Regulations / Modification of the Designation Document

Section 304(a)(5) of the NMSA states:

Fishing regulations

The Secretary shall provide the appropriate Regional Fishery Management Council with the opportunity to prepare draft regulations for fishing within the Exclusive Economic Zone as the Council may deem necessary to implement the proposed designation. Draft regulations prepared by the Council, or a Council determination that regulations are not necessary pursuant to this paragraph, shall be accepted and issued as proposed regulations by the Secretary unless the Secretary finds that the Council's action fails to fulfill the purposes and policies of this chapter and the goals and objectives of the proposed designation. In preparing the draft regulations, a Regional Fishery Management Council shall use as guidance the national standards of section 301(a) of the Magnuson-Stevens Act (16 U.S.C. 1851) to the extent that the standards are consistent and compatible with the goals and objectives of the proposed designation. The Secretary shall prepare the fishing regulations, if the Council declines to make a determination with respect to the need for regulations, makes a determination which is rejected by the Secretary, or fails to prepare the draft regulations in a timely manner. Any amendments to the fishing regulations shall be drafted, approved, and issued in the same manner as the original regulations. The Secretary shall also cooperate with other appropriate fishery management authorities with rights or responsibilities within a proposed sanctuary at the earliest practicable stage in drafting any sanctuary fishing regulations.

Fishing regulations promulgated under the NMSA are contingent upon the particular sanctuary's designation document allowing fishing to be regulated by that sanctuary. The Sanctuary's

current designation document does not provide it with fishing regulatory authority. Therefore, a proposal to create marine reserves under Sanctuary authority would be accompanied by a proposal to modify the designation document to provide the Sanctuary with authority over fishing that is sufficient to implement the marine reserve proposal. In developing any marine reserve regulations, we will provide the PFMC the opportunity to prepare draft NMSA fishing regulations for the EEZ portion of the Sanctuary.

In developing the timeline and approach, we have worked closely with PFMC staff in order to give the PFMC the opportunity to be involved throughout the environmental review process. We look forward to working closely with PFMC on this matter of mutual concern.

Sincerely,



Chris Mobley
Sanctuary Manager

Enc.

Cc:

Rod McInnis, NOAA Fisheries
Robert Hight, Dept. of Fish and Game
Robert Treanor, Fish and Game Commission
Matthew Cahn, Sanctuary Advisory Council
Steve Kokkinakis, NOAA NEPA Coordinator

**NOAA Channel Islands National Marine Sanctuary
Environmental Review Process to Consider Marine Reserves**

Proposed Activities and Timeline

March 2003

- ◆ Sanctuary prepares Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS)
- ◆ Brief Pacific Fishery Management Council (PFMC) on Sanctuary initiation of Environmental Review Process (completed)
- ◆ Brief Sanctuary Advisory Council (SAC) on Sanctuary initiation of Environmental Review Process (completed)

April 2003

- ◆ Sanctuary releases Notice of Intent to prepare DEIS in Federal Register
- ◆ Sanctuary submits letter to PFMC describing Environmental Review Process for discussion at April PFMC meeting

May/June 2003

- ◆ Sanctuary hosts Scoping Meetings - contemporaneously at SAC May meeting and PFMC June meeting, additional scoping likely in Ventura County
- ◆ Sanctuary sends consultation letters to PFMC, NOAA Fisheries, State of Calif. and other entities regarding a potential change to the terms of designation¹ of the Sanctuary (*60 day response period*)
- ◆ Sanctuary notifies PFMC of opportunity to prepare draft National Marine Sanctuaries Act (NMSA) fishing regulations for the Exclusive Economic Zone portion of the Sanctuary - (*NMSA regulations allow for 120 days for PFMC response; seek PFMC resolution by the Nov. Council meeting (approx. five months)*)

June – November 2003

- ◆ Sanctuary, in cooperation with PFMC, State of Calif. and SAC, develops DEIS, appropriate proposed regulatory changes and related proposed change to the terms of designation
- ◆ PFMC considers preparing draft NMSA fishing regulations and if it chooses prepares draft regulations

¹ The terms of designation of a Sanctuary include its geographic area, the characteristics of the area that give it conservation, recreational, ecological, historical, research, educational, or esthetic value, and the types of activities that are subject to regulation to protect those characteristics.

December 2003 / Early 2004

- ◆ Sanctuary releases to the public and Congress the DEIS, proposed regulations and related proposed change to the terms of designation
- ◆ Conduct public review of the DEIS, and proposed regulations and related proposed changes to the terms of designation. This will include an opportunity for public comment of at least 45 days and must include at least one public hearing if the rulemaking necessitates a change in a term of designation

Spring/Summer 2004

- ◆ Sanctuary prepares responses to comments

Summer 2004

- ◆ Sanctuary drafts Final EIS, and if necessary for chosen action, drafts final regulations and revises terms of designation

Fall/Winter 2004

- ◆ Sanctuary releases the Final EIS by publishing a notice of availability in the Federal Register and by providing copies to interested parties. After a 30-day "cooling off" period, the final regulations appear in the Federal Register and the Sanctuary sends the final regulations and revised terms of designation to Congress and to the governor's office, if State waters are involved. The final regulations will take effect after the close of a review period of 45 days of continuous session of Congress. If State waters are involved, and the governor certifies that the change in terms of designation (and therefore the final regulations or portions thereof) is unacceptable, the affected final regulations will not take effect in State waters.

DRAFT (revised March 12, 2003)

**Initial Planning and
Outline for Proposed Conference in D.C. - November 2003**

Conference Title: '25 Years Under the Magnuson-Stevens Act: A Foundation for the Future of Fisheries Management'. **Or,** 'A Quarter Century of Fisheries Management Progress - And a Look to the Future'. **Or,** 'Managing the Nation's Marine Fisheries - Past, Present, and Future'. Format (draft attached) will be keynote speakers, followed by regional perspective from each Council/Region; followed by workshop/panel discussions on specific issue areas.

Objective: (1) to educate the public and policy makers on the fishery management process, successful management examples by region, protected resource issues, and current management and research initiatives; (2) to provide a forum for information exchange and to solicit a wide range of perspectives on future management and marine research directions.

Sponsors: Regional Fishery Management Councils and NOAA Fisheries are proposed to be primary sponsors. NPFMC will take the lead on conference planning and logistics, with assistance from an Organizing Committee.

All on the initial planning meeting agreed that sponsors would be Councils and NOAA Fisheries only. Industry or other groups could sponsor evening events, for example, but not be conference co-sponsors.

Dates/venue: We have reserved the dates of November 13-15, 2003 for the Conference, at the Omni-Shoreham Hotel and Conference Center, 2500 Calvert Street, Washington, D.C.

Target Attendees: We expect to attract Congressional members and their staffs, U.S. Ocean Commissioners, PEW Commissioners, fishing industry, environmental organizations, Native/Community interests, regional Council members and staff, federal and state fisheries agencies, academics, researchers, and interested public.

Funding: Funding would come from contributions by sponsors (regional Councils and NOAA Fisheries). NPFMC proposes to cover the majority of direct conference expenses (meeting rooms, logistics, proceedings, invited speaker travel, coffee, banquet, etc). Each Council/NOAA may need to contribute minimal amount, 5k to 10k for example. Each Council/NOAA would have to cover travel/hotel room/per diem expenses for their attendees. We currently have a total of 250 rooms blocked at a conference rate of \$179/nite.

POTENTIAL FORMAT/AGENDA (second draft)

Thursday, November 13 - Plenary Session- Main Ballroom - 9:00 am to 5:00 pm

First one-third of Day 1 devoted to welcome and keynote speakers. Admiral Lautenbacher tentatively scheduled for opening remarks. Bill Hogarth also available on first day of conference to provide additional opening remarks. Keynote speakers should include Senator Ted Stevens and Admiral James Watkins (U.S. Ocean Commission). Coast Guard Admiral Collins another possibility. Other suggestions included George Bush, other Senators (Snowe, Hollings, Breaux,), and House side Rep.

Two-thirds of Day 1 devoted to presentations from each of the 8 Regions. Focus would be on what each region has done successfully, and what challenges remain at regional level. Plan on 30-45 minutes each. Presenter could be Council ED or Chair, and/or RA from NMFS - each Council/Region would be expected to confer and determine this themselves, and prepare the necessary powerpoint presentation, etc.

Friday, November 14 - Panel Discussions - Main Ballroom - 8:00 am to 5:30 pm

We agreed to have all panel sessions sequentially in main ballroom. For Day 2 and first half of Day 3 we could accommodate approximately 6 panel discussions, with 5-6 participants on each panel (allowing time for initial presentation of invited speaker/moderator, 15 minute talk for each participant, half hour of panel discussion, then half hour of questions from the audience). We agreed that each panel should have some mix of industry, scientific, environmental, government, management, etc. Panel topics agreed to are the following 6:

- Fisheries Governance
- Bycatch Issues (*national vs regional approaches*)
- Addressing Habitat Concerns
- Ecosystem Planning - *What's Realistic?*
- Marine Research
- ESA/Protected Resource Management

Need input from each Region/Council on primary panel speaker/moderator and other panel participants.

Saturday, November 15 - Panel Discussions continued - Main Ballroom - 8:00 am to noon

Saturday, November 15 - Wrap-up - Main Ballroom - 1:00 pm to 3:00 pm

Panel Discussion moderators (with help from rappateurs) summarize each panel and discuss overall results and recommendations.

PACIFIC FISHERY MANAGEMENT COUNCIL

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April 1, 2003

Ambassador Mary Beth West
Deputy Assistant Secretary
Bureau of Oceans, Environment,
and International Scientific Cooperation
U.S. Department of State, OES/O Room 7829
2201 C Street NW
Washington, DC 20502

Dear Ambassador West:

The Pacific Fishery Management Council (Council) appreciates the efforts by the Department of State to ensure conservation and sustainability of West Coast fisheries. Notably, recent efforts on U.S./Canada whiting and U.S./Canada albacore fisheries should be of great benefit to Council-managed fisheries and our constituents.

The Council recommends that similar efforts be pursued with the government of Mexico relative to coastal pelagic species (CPS) fisheries, including Pacific sardine, Pacific mackerel, and northern anchovy. The Council has long supported and requested that the U.S. seek agreement on cooperative research and management of these valuable West Coast resources. Moreover, the federal CPS fishery management plan was developed, in part, to serve as vehicle for cooperative management of these transboundary stocks.

The Council has heard compelling testimony that much is to be gained by an improved, formalized working relationship with Mexico on transboundary stocks of CPS. Recently, the Council has been advised that Mexico may be expanding its sardine fishery to a level that could result in fishing above that anticipated in the Council's Pacific sardine harvest guideline formula. Thus, the Council believes there is an urgent need for cooperative research and management to ensure that overfishing does not occur.

Specific cooperative research and management needs include:


- Access agreements providing for cooperative research surveys in Mexican waters.
- To improve the Pacific mackerel and sardine stock assessments –
 - Information on the portion of the coastwide biomass of these stocks in Mexico.
 - Continued reporting of Mexican fishery harvest amounts.
 - All available information on distribution of size and age classes from fishery landings (e.g., mid-1980s to present).
- Fishery-dependent and -independent biological information from Mexico would also improve the understanding of stock composition and provide information about whether sardine in U.S. and Mexican waters are the same stock, sub-stocks, or different stocks.

Ambassador Mary Beth West
April 1, 2003
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We ask that you begin to formulate the necessities to initiate formal discussions with Mexican officials on these matters. We volunteer to assist in any way we can with initial preparatory strategies and actively participate and support any international discussions that develop.

Thank you for your attention to this important matters. If you have questions or need further information, do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "D. O. McIsaac", followed by a vertical line.

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

DAW:kla

c: Council Members
Mr. Rod McInnis, Acting Regional Administrator, NMFS Southwest Region
Coastal Pelagic Species Advisory Subpanel
Coastal Pelagic Species Management Team
Dr. John Coon
Mr. Dan Waldeck