

## GROUND FISH ADVISORY SUBPANEL REPORT ON COUNCIL INPUT INTO NOAA FISHERIES CONSTITUENT SURVEY

The Groundfish Advisory Subpanel (GAP) appreciates your visiting the West Coast and conducting a constituent listening session during the Council meeting. Although GAP members may have individual comments, we would also like to offer these collective points of view.

One of the highest priorities of the GAP is improvement of the science that is used to assess and manage Pacific groundfish. As you know, groundfish research has long been the poor stepchild of NMFS funding on the West Coast in spite of the tremendous contribution of groundfish to our commercial, recreational, and tribal fisheries, as well as coastal communities. We continue to assign harvest levels on the basis of three to four-year-old data. Our observer data, which is supposed to provide real-time management, is over one year old and doesn't reflect current management situations. As a result, we have seen precipitous economic declines to the point where one segment of the fleet sees a buyback as the best way to maintain a sustainable fishery.

While some of these problems are funding related, there are also operational research improvements that can be made to improve the amount, precision, and timeliness of data collection.

We recommend the following:

- \* the administration needs to request funding for the level of groundfish research needed;
- \* additional full time employees need to be assigned to the groundfish observer program so that observer data can be analyzed in a more timely manner;
- \* data collection needs to be conducted using means that are appropriate for the species and location; using swept-area trawl surveys for rockfish that are primarily found in un-trawlable areas makes no sense;
- \* consideration needs to be given to natural functions, including, but not limited to, changes in ocean productivity, the impacts of lunar cycles and tides, population cycles, and predator/prey relationships, when collecting and analyzing data;
- \* data sources need to be centralized to ensure higher quality stock assessments; assessment authors should not have to spend their time searching for obscure sources of data, or trying to figure out which state or federal office has the data needed for an assessment;
- \* additional peer review of stock assessments which precludes full analysis by the Council's Stock Assessment Review Panels should be questioned; and
- \* a card-swipe system to record landings, which would provide better real-time data, should be initiated.

In addition to concerns about science, the GAP believes that improvements can be made to management. Far too often, management measures are changed without determining whether they have met their goals. This not only represents a cost to the taxpayers but creates significant instability among participants in the fishery. Processes are started and then faced with premature termination due to end of funding, such as the essential fish habitat EIS now being conducted. The National Standard 1 Guideline review needs to be completed as quickly as

possible.

Finally, the GAP has some general comments about NMFS. There is concern about lack of communication, when efforts to get general information are stymied, due to fears of lawsuits. There is concern that NMFS does not do enough to defend itself when lawsuits are filed; it is worth noting that NMFS lost three lawsuits in a row on groundfish management measures and only won the fourth lawsuit when industry groups intervened. Of special concern to the West Coast is the continued erosion of fisheries management authority within National Marine Sanctuaries, where NMFS appears to be willing to let the National Ocean Service assume management over important commercial and recreational fisheries in vast stretches of the ocean. Current language in many designation documents reference fishing regulatory authority now and in the future as under NMFS and state control, not the Sanctuaries. That includes those regulations that directly or indirectly affect fishing.

We hope that these comments and recommendations are helpful to you as you seek to improve fisheries conservation and management. GAP members are interested in working with you and your staff to ensure achieve a groundfish fishery that is sustainable for users and the coastal communities in which they live.

## COUNCIL INPUT INTO NOAA FISHERIES CONSTITUENT SURVEY

From a habitat perspective, the most important issues facing fisheries in our region are the lack of knowledge about the offshore habitat on which Council-managed species depend and the lack of action to address **known** problems such as pollution; degradation and loss of wetlands and estuaries; and freshwater habitat loss.

To address the lack of information on our offshore areas, a consistently funded, long-term research program needs to be established.

Regarding the better-known problems, essential fish habitat consultation requirements need to be strengthened when the Magnuson-Stevens Act is reauthorized so that agencies seriously consider the effects of their actions on fish species and habitat, and respond to comments made by the Council in a detailed and effective way. For example, the Council has made detailed comments on issues such as Klamath and Trinity River flows and hydropower relicensing and has received only limited responses that do not address the Council's specific comments.

NMFS is currently developing an environmental impact statement addressing EFH in the Pacific region. As we move forward with this effort, agencies need to acknowledge the impacts of their actions on living habitat such as sponges, kelp, and coldwater corals. These non-fish species play an important and often unrecognized role in the health of the ecosystems that support our fish populations.

PPMC  
09/09/03

Exhibit B.4  
Attachment 1  
September 2003

WAYNE T. GILCHREST  
1st District, Maryland

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

COAST GUARD AND  
MARITIME TRANSPORTATION

WATER RESOURCES

COMMITTEE ON SCIENCE  
July 8, 2003



**Congress of the United States**  
**House of Representatives**

COMMITTEE ON RESOURCES  
CHAIRMAN, FISHERIES CONSERVATION,  
WILDLIFE AND OCEANS

NATIONAL PARKS, RECREATION  
AND PUBLIC LANDS

CHAIRMAN, CHESAPEAKE BAY  
WATERSHED TASK FORCE

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

Dear Dr. Radtke:

As you know, one of the most difficult and divisive debates during last year's consideration of Magnuson-Stevens Fisheries Conservation and Management Act (the Act) reauthorization was over the creation of workable guidelines for the councils to use when developing and implementing Individual Fishing Quota (IFQ) systems. I think we came very close to a comprehensive and workable, yet flexible, set of guidelines last Congress. Unfortunately, the bill was not enacted before the moratorium on IFQ programs expired. However, one of my top priorities in this Congress is to reauthorize the Act and, once again, we will work on a fair statutory framework for IFQ and other quota systems. In light of this, I respectfully request that the Council postpone any final decisions on such programs and assist in the development of this framework first.

The reauthorization of the Act is a difficult task and one we must all share. I believe the Sustainable Fisheries Act (SFA) took fisheries management in a direction it needed to go and I understand that the implementation of the SFA's provisions has not been easy. In crafting the new reauthorization, I have been aware of the need to move forward toward ecosystem-based management and to incorporate our current level of scientific awareness, as well as the economic implications of fisheries management. I have tried to strike the appropriate balance and worked hard with you to get H.R. 4749 through the House Committee on Resources during the 107th Congress. Once again, we need to shoulder this burden together.

I appreciate all of the hard work that the Councils - both the staffs and the members - put into making the difficult decisions that determine the management of our nation's fishery resources. I have been impressed with the dedication of both time and effort that is made to create the delicate balance between the environmental needs of the resource and the economic needs of the fishermen and the fishing communities and look forward to working with you on reauthorization of the Act. It is my intention to develop and distribute a discussion draft by the end of this summer, looking toward introduction of a reauthorization bill in the fall.

Let's stay the course! We will be able to effectively address conservation, economic, and administrative issues for the full term of the reauthorized Act if we work together on the statutory framework first. Please let me know if I can answer any questions or concerns you may have about this effort.

Sincerely,

A handwritten signature in cursive script that reads "Wayne T. Gilchrest".

Wayne T. Gilchrest  
Member of Congress

WTG/et

108TH CONGRESS  
1ST SESSION

# H. R. 2621

To amend the Magnuson-Stevens Fishery Conservation and Management Act  
to establish requirements for fishing quota systems.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2003

Mr. ALLEN (for himself, Mr. SIMMONS, Mr. DELAHUNT, Mrs. CAPPS, Mr. CAPUANO, Mr. FARR, Mr. MARKEY, Mr. GEORGE MILLER of California, and Ms. WOOLSEY) introduced the following bill; which was referred to the Committee on Resources

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## A BILL

To amend the Magnuson-Stevens Fishery Conservation and  
Management Act to establish requirements for fishing  
quota systems.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Fishing Quota Stand-  
5       ards Act of 2003”.

1 **SEC. 2. AMENDMENTS TO MAGNUSON-STEVENSON FISHERY**  
2 **CONSERVATION AND MANAGEMENT ACT.**

3 (a) IN GENERAL.—Section 303 of the Magnuson-Ste-  
4 venson Fishery Conservation and Management Act (16  
5 U.S.C. 1853) is amended—

6 (1) by striking subsection (b)(6) and inserting  
7 the following:

8 “(6) establish a limited access system for the  
9 fishery in order to achieve optimum yield if, in devel-  
10 oping such system, the Council and the Secretary  
11 take into account—

12 “(A) the conservation requirements of this  
13 Act with respect to the fishery;

14 “(B) the present and historic participation  
15 in the fishery;

16 “(C) the economics of the fishery;

17 “(D) the cultural and social framework rel-  
18 evant to the fishery and any affected fishing  
19 communities;

20 “(E) the fair and equitable distribution of  
21 a public resource; and

22 “(F) any other relevant considerations.”;  
23 and

24 (2) in subsection (d)—

25 (A) by striking paragraph (5);

1 (B) by redesignating paragraphs (2)  
2 through (4) as paragraphs (7) through (9);

3 (C) by striking so much as precedes para-  
4 graph (7), as so redesignated, and inserting the  
5 following:

6 “(d) FISHING QUOTA SYSTEMS.—

7 “(1) IN GENERAL.—A fishery management plan  
8 or plan amendment that establishes a fishing quota  
9 system for a fishery after the date of the enactment  
10 of the Fishing Quota Standards Act of 2003 shall—

11 “(A) include management measures de-  
12 signed to ensure the sustainability of the fishery  
13 and provide additional and substantial con-  
14 servation benefits to the fishery;

15 “(B) be effective for a period of a fixed du-  
16 ration, not to exceed 7 years;

17 “(C) provide for administration of the sys-  
18 tem by the Secretary in accordance with the  
19 terms of the plan;

20 “(D) establish procedures—

21 “(i) for the Council having authority  
22 over the fishery, or the Secretary in the  
23 case of a fishery management plan devel-  
24 oped by the Secretary, to review the quota

1 system at least 1 year prior to the end of  
2 the effective period of the plan; and

3 “(ii) for a review by the Secretarial  
4 Review Panel established under paragraph  
5 (6) at least 6 months prior to the end of  
6 the effective period;

7 “(E) allocate, review, and limit or termi-  
8 nate quota shares in accordance with this sub-  
9 section;

10 “(F) provide a fair and equitable process  
11 to appeal to the Secretary decisions made by a  
12 Council on—

13 “(i) eligibility to participate in all  
14 referenda authorized under this subsection  
15 and eligibility to receive an allocation of  
16 quota shares; and

17 “(ii) limitations, restrictions, and rev-  
18 ocations of quota shares;

19 “(G) minimize, to the maximum extent  
20 practicable, negative social and economic im-  
21 pacts of the system on local coastal commu-  
22 nities;

23 “(H) ensure adequate enforcement, man-  
24 agement, and data collection, including the use  
25 of observers where appropriate at a level of cov-



1 erage that yields statistically significant results;  
2 and

3 “(I) not require that quota shares be held  
4 by a person engaged in personal-use fishing, in-  
5 cluding any recreational or subsistence fishing,  
6 if the fishery management plan designates a  
7 separate portion of the total allowable catch for  
8 personal-use fishing.

9 “(2) ALLOCATION OF QUOTA SHARES.—

10 “(A) IN GENERAL.—The Council having  
11 authority over the fishery shall make a fair and  
12 equitable allocation of all, or only a portion, of  
13 the total allowable catch limit as quota shares  
14 among existing categories of vessels and among  
15 fishing gear types or other appropriate quali-  
16 fiers. In allocating quota shares for a fishery,  
17 the Council shall—

18 “(i) take into account present and his-  
19 toric participation in the fishery;

20 “(ii) ensure that each quota share is  
21 held only by persons who—

22 “(I) except for allocations under  
23 clause (iii), hold a permit to fish in  
24 the fishery; and

1                   “(II) are natural persons of the  
2                   United States or permanent resident  
3                   aliens qualified by Federal or State  
4                   law to participate in the fishery;

5                   “(iii) establish procedures for allo-  
6                   cating a portion of the annual harvest to  
7                   allow new entrants into the fishery;

8                   “(iv) prevent any person from control-  
9                   ling an excessive share of fishing quotas  
10                  issued for the fishery and establish any  
11                  other limits or measures necessary to pre-  
12                  vent inequitable concentration of quota  
13                  shares and to prevent significant impacts  
14                  on any person that holds a permit author-  
15                  izing fishing in the fishery or the fishing  
16                  community; and

17                  “(v) create incentives in successive al-  
18                  locations for fishermen who increase their  
19                  gear selectivity and protection of essential  
20                  fish habitat by increasing the allocation for  
21                  those fishermen.

22                  “(B) TRANSFER TO FAMILY MEMBERS.—  
23                  (i) The Secretary may allow the transfer of a  
24                  quota share allocated under subparagraph (A),  
25                  on a case-by-case basis, without regard to sub-

1 paragraph (A)(ii)(I), from the holder of the  
2 quota share to a member of the holder's imme-  
3 diate family, due to death or disablement of the  
4 holder.

5 “(ii) The Secretary shall establish a simple  
6 and expeditious process for such a transfer.

7 “(iii) The Secretary may allow such a  
8 transfer only within the same category of vessel,  
9 fishing gear type, or other appropriate qualifier  
10 to maintain a fair and equitable allocation of  
11 quota shares.

12 “(3) TERMINATION OR LIMITATION OF QUOTA  
13 SYSTEM OR QUOTA SHARES.—

14 “(A) TERMINATION OR LIMITATION OF  
15 QUOTA SYSTEM FOR CONSERVATION AND MAN-  
16 AGEMENT OF THE FISHERY.—A fishing quota  
17 system established for a fishery may be limited  
18 or terminated at any time if necessary for the  
19 conservation and management of the fishery,  
20 including if the quota system has been found to  
21 have jeopardized the sustainability of the stock  
22 or the safety of fishermen, by—

23 “(i) the Council that has authority  
24 over the fishery for which the system is es-

1           tablished, through a fishery management  
2           plan or amendment;

3           “(ii) the Secretary, pursuant to sec-  
4           tion 304(h);

5           “(iii) the Secretary, in the case of any  
6           fishing quota system established by a fish-  
7           ery management plan developed or ap-  
8           proved by the Secretary; or

9           “(iv) the Secretary, if the Secretarial  
10          Review Panel finds that the system is not  
11          meeting or exceeding the requirements of  
12          this Act, including, if applicable, the re-  
13          quirement under paragraph (1)(A) to pro-  
14          vide additional and substantial conserva-  
15          tion benefits, and the Council or Secretary  
16          does not make the changes recommended  
17          by the Secretarial Review Panel to ensure  
18          compliance with this subsection.

19          This subparagraph does not diminish the au-  
20          thority of the Secretary under any other provi-  
21          sion of this Act.

22          “(B) TERMINATION OR LIMITATION OF  
23          QUOTA SHARES.—A quota share issued under a  
24          fishing quota system established by a fishery  
25          management plan—

1 “(i) shall expire not later than 7 years  
2 after the date it is issued;

3 “(ii) shall be reviewed by the Council  
4 committee established in paragraph (5) not  
5 later than 6 months prior to expiration  
6 under clause (i); and

7 “(iii) shall be revoked, limited, or re-  
8 allocated in accordance with the terms of  
9 the plan and regulations issued by the Sec-  
10 retary or the Council having authority over  
11 the fishery for which it is issued, if, based  
12 on a review by the committee established  
13 under paragraph (5), the quota share-  
14 holder is not meeting or exceeding the re-  
15 quirements of this Act or the conservation  
16 and management requirements of the fish-  
17 ery (including as a result of a violation of  
18 this Act or any regulation prescribed under  
19 this Act).

20 “(4) REFERENDUM PROCEDURE.—

21 “(A) IN GENERAL.—(i) A Council may  
22 submit a fishery management plan or plan  
23 amendment that establishes a fishing quota sys-  
24 tem only if the development and submission of  
25 such plan or plan amendment is approved in

1           referenda conducted in accordance with this  
2           paragraph.

3           “(ii) The Secretary, in the case of a fishery  
4           management plan developed by the Secretary,  
5           may develop and approve a fishery management  
6           plan or plan amendment that establishes a fish-  
7           ing quota system only if the development and  
8           approval of such plan or plan amendment is ap-  
9           proved in referenda conducted in accordance  
10          with this paragraph.

11          “(B) CONDUCT.—The Secretary shall con-  
12          duct the referenda required under subpara-  
13          graph (A). The Secretary shall develop guide-  
14          lines to determine procedures for the referenda  
15          to conduct such referenda in a fair and equi-  
16          table manner. Prior to the referenda, the Sec-  
17          retary shall identify and notify all persons who  
18          are eligible to vote in the referenda and make  
19          available to all such persons information con-  
20          cerning the schedule, procedures, and eligibility  
21          requirements for the referendum process and  
22          the proposed fishing quota system.

23          “(C) REQUIRED VOTE.—Each referendum  
24          shall be decided by the affirmative vote of a  
25          two-thirds majority of the votes cast by the per-

1           sons who the Secretary determines are eligible  
2           to vote in the referendum.

3           “(D) INITIAL REFERENDUM.—The Sec-  
4           retary shall conduct an initial referendum to de-  
5           termine support for proceeding with the devel-  
6           opment of a fishing quota system. Eligible vot-  
7           ers shall be all persons who hold a permit to  
8           fish in the fishery subject to the proposed quota  
9           system.

10          “(E) SECOND REFERENDUM.—The Sec-  
11          retary shall conduct a second referendum to de-  
12          termine support for submitting a specific pro-  
13          posed fishing quota system for approval and im-  
14          plementation. Eligible voters shall be all persons  
15          who hold a permit to fish in the fishery or crew  
16          members who derive at least 75 percent of their  
17          income from the fishery subject to the proposed  
18          fishing quota system.

19          “(5) COUNCIL PROGRAM REVIEW COM-  
20          MITTEE.—

21                 “(A) IN GENERAL.—Each Council, upon  
22                 deciding to develop a fishing quota program for  
23                 a fishery, shall establish, maintain, and appoint  
24                 members of a review committee to make rec-  
25                 ommendations for development, evaluation, and

1        necessary changes to such programs to ensure  
2        that they meet the requirements of this sub-  
3        section.

4            “(B) GUIDELINES FOR MEMBERS.—The  
5        Council, in consultation with the Secretary,  
6        shall develop guidelines that will ensure that  
7        committee members are qualified for appoint-  
8        ment and are subject to conflict of interest  
9        rules. A member shall not vote on any decision  
10       pertaining to a fishing quota system under  
11       which the member holds a quota share or will  
12       hold a quota share in the subsequent 5-year pe-  
13       riod.

14           “(C) APPOINTMENTS.—The members of a  
15       review committee established by a Council  
16       under subparagraph (A) shall be made by the  
17       Council in such a manner as to provide fair rep-  
18       resentation to all groups affected by such pro-  
19       grams, including, but not limited to, commer-  
20       cial, recreational, and subsistence fishing inter-  
21       ests, fishing communities, scientists, and public  
22       interest groups including conservation organiza-  
23       tions.

24           “(D) REVIEWS AND RECOMMENDATIONS  
25       REGARDING SYSTEMS.—Each review committee



1 shall, every 7 years, review fishing quota sys-  
2 tems, determine whether such systems meet the  
3 requirements of this Act, and evaluate whether  
4 each such system has improved management,  
5 conservation, and safety in the fishery. Pursu-  
6 ant to such review, the committee shall rec-  
7 ommend any changes to a system necessary to  
8 ensure it meets those requirements and stand-  
9 ards of improvement.

10 “(E) REVIEW OF FISHING QUOTA HOLD-  
11 ERS.—(i) The review committee shall review  
12 compliance of fishing quota holders under a  
13 fishing quota system with the system and this  
14 Act at least once every 7 years, and may rec-  
15 ommend that a quota share be limited, reduced,  
16 or revoked if the shareholder is not meeting  
17 such requirements.

18 “(ii) Reduced and revoked quota shares  
19 shall be reallocated through a mechanism ap-  
20 proved by the Council. In the case of any such  
21 reallocation, preference shall be given to those  
22 quota shareholders that the review committee  
23 determines are providing additional and sub-  
24 stantial conservation benefits to the fishery, or  
25 to new entrants in a fishing gear type or vessel

1 category that, as a group, are providing addi-  
2 tional and substantial conservation benefits to  
3 the fishery.

4 “(iii) Any recommendation for limitation,  
5 reduction, revocation, or reallocation of quota  
6 share is subject to appeal under the process es-  
7 tablished under paragraph (1)(F).

8 “(F) REPORTS.—The Council shall trans-  
9 mit to the Congress a report containing the re-  
10 sults of each fishing quota system review within  
11 90 days after the review is completed.

12 “(6) SECRETARIAL REVIEW PANEL.—

13 “(A) IN GENERAL.—Not later than 6  
14 months after the date of the enactment of the  
15 Fishing Quota Standards Act of 2003, the Sec-  
16 retary shall establish a review panel—

17 “(i) to conduct reviews of fishing  
18 quota systems to determine whether such  
19 systems are meeting the requirements of  
20 this subsection;

21 “(ii) to provide the appropriate Coun-  
22 cil with recommendations on whether a  
23 fishing quota system should be renewed if  
24 it is meeting or exceeding the requirements  
25 of this Act, including, if applicable, the re-

1           quirement under paragraph (1)(A) to pro-  
2           vide additional and substantial conserva-  
3           tion benefits, and if not, what modifica-  
4           tions must be made to the system in order  
5           for it to be renewed; and

6                   “(iii) to develop standards for the re-  
7           view of fishing quota shareholders by fish-  
8           ing quota review committees established  
9           under paragraph (5) by Councils.

10           “(B) MEMBERSHIP.—The review panel  
11           shall consist of—

12                   “(i) the Secretary or a designee of the  
13           Secretary;

14                   “(ii) the Commandant of the Coast  
15           Guard or a designee of the Commandant;

16                   “(iii) a representative of each Council,  
17           selected by the Council from among its  
18           members; and

19                   “(iv) 5 individuals with knowledge and  
20           experience in fisheries management.

21           “(C) VOTING.—(i) A member of the review  
22           panel that is a representative of a Council shall  
23           not vote on any decision pertaining to a fishing  
24           quota system for a fishery that is under the ju-  
25           risdiction of the Council.

1           “(ii) A member of the review panel shall  
2 not vote on a decision pertaining to any fishing  
3 quota system under which the member holds a  
4 quota share or will hold a quota share in the  
5 subsequent 5-year period.

6           “(D) RECOMMENDATIONS.—Within 6  
7 months after the date of its establishment, the  
8 review panel shall also, based on an evaluation  
9 of the fishing quota systems that were estab-  
10 lished prior to June 1, 1995, submit rec-  
11 ommendations to the Secretary for the develop-  
12 ment of the regulations required under section  
13 304(i). The review panel shall pay particular at-  
14 tention to—

15               “(i) the success of the systems in con-  
16 serving and managing fisheries;

17               “(ii) the costs of implementing and  
18 enforcing the systems;

19               “(iii) the economic effects of the sys-  
20 tems on local communities; and

21               “(iv) the methods used to establish or  
22 allocate quota shares.”; and

23           (D) by adding at the end the following:

24           “(10) DEFINITIONS.—For the purposes of this  
25 subsection—

1 “(A) the term ‘additional and substantial  
2 conservation benefits to the fishery’—

3 “(i) means scientifically measurable  
4 benefits to the fishery at the time of estab-  
5 lishment of the system, that substan-  
6 tially—

7 “(I) avoid bycatch and minimize  
8 the mortality of unavoidable bycatch;

9 “(II) prevent highgrading;

10 “(III) reduce overfishing (includ-  
11 ing localized depletions) and rebuild  
12 overfished stocks; and

13 “(IV) protect essential fish habi-  
14 tat; or

15 “(ii) if it is not possible to directly  
16 measure conservation benefits, means ac-  
17 tions taken by a fishing quota shareholder  
18 that are considered necessary to provide  
19 such benefits;

20 “(B) the term ‘excessive share’ means  
21 more than 1 percent of the total allowable catch  
22 in a fishery, except that a Council may increase  
23 such percentage—

24 “(i) to no more than 5 percent, if the  
25 Council can demonstrate that such an in-

crease will not be detrimental to other individual fishing quota shareholders in the program; or

“(ii) to no more than 15 percent, if there are 20 or fewer participants in the fishery and the Council can demonstrate that such an increase will not be detrimental to other individual quota shareholders in the program; and

“(C) the term ‘fair and equitable allocation’ means initial or subsequent allocation of fishing quota shares based on multiple criteria that provide consideration for—

“(i) conservation performance, including the use of selective fishing practices that have minimal bycatch, prevent highgrading, and have minimal adverse impacts on essential fish habitat;

“(ii) owner-operators of fishing vessels; and

“(iii) long-term participation in the fishery.”.

(b) ACTION ON LIMITED ACCESS SYSTEMS.—Section 304 of such Act (16 U.S.C. 1854) is amended by striking

1 subsection (d)(2)(B), and by adding at the end the fol-  
2 lowing:

3       “(i) ACTION ON LIMITED ACCESS SYSTEMS.—In ad-  
4 dition to the other requirements of this Act, the Secretary  
5 may not approve a fishery management plan that estab-  
6 lishes a limited access system that provides for the alloca-  
7 tion of fishing quotas (in this subsection referred to as  
8 a ‘fishing quota system’) unless the plan complies with  
9 section 303(d). Within 1 year after receipt of rec-  
10 ommendations from the review panel established under  
11 section 303(d)(6), the Secretary shall issue regulations  
12 that establish requirements for establishing a fishing  
13 quota system. The regulations shall be developed in ac-  
14 cordance with the recommendations of the review panel.  
15 The regulations shall—

16           “(1) specify factors that shall be considered by  
17 a Council in determining whether a fishery should be  
18 managed under a fishing quota system;

19           “(2) ensure that any fishing quota system is  
20 consistent with the requirements of section 303(d),  
21 and require the collection of fees in accordance with  
22 subsection (d)(1) of this section;

23           “(3) provide for appropriate penalties for viola-  
24 tions of regulations governing fishing quota systems,

1 including the revocation of quota shares for such  
2 violations; and

3 “(4) establish a central lien registry system for  
4 the identification, perfection, and determination of  
5 lien priorities, and nonjudicial foreclosure of encum-  
6 brances, on fishing quotas.”.

7 (c) DEFINITIONS.—Section 3 of such Act (16 U.S.C.  
8 1802) is amended by adding at the end the following:

9 “(48) The term ‘fishing quota system’ means  
10 any system that requires a user to acquire a Federal  
11 permit, which specifies by a unit or units a percent-  
12 age of the total allowable catch of a fishery that may  
13 be received or held for exclusive use by a person or  
14 a definable group of persons, to harvest fish in a  
15 fishery, during each fishing season for which the  
16 permission is granted, including area or community  
17 quotas, sector quotas, fishing cooperatives, and fish-  
18 ing quota programs.

19 “(49) The term ‘quota share’ means a Federal  
20 permit under a fishing quota system to harvest a  
21 quantity of fish, expressed by a unit or units rep-  
22 resenting a percentage of the total allowable catch of  
23 a fishery that may be received or held for exclusive  
24 use by a person or a definable group of persons, dur-



1       ing each fishing season for which the permission is  
2       granted.”.

3       (d) FEES.—Section 304(d) of such Act (16 U.S.C.  
4 1854(d)) is amended—

5           (1) in paragraph (2)(A) by striking “any” and  
6       all that follows through “(ii)” and inserting “any”;  
7       and

8           (2) by adding at the end the following:

9           “(3)(A) Notwithstanding paragraph (1), the  
10       Secretary shall collect from a person that holds or  
11       transfers a quota share issued under section  
12       303(d)(2) fees established by the Secretary in ac-  
13       cordance with this section and section 9701(b) of  
14       title 31, United States Code.

15           “(B) The fees required to be established and  
16       collected by the Secretary under this paragraph are  
17       the following:

18           “(i) With respect to any initial allocation  
19       under a limited access system established after  
20       the date of the enactment of the Fishing Quota  
21       Standards Act of 2003, an initial allocation fee  
22       that shall be collected from the person to whom  
23       the quota share is first issued.

24           “(ii) An annual fee that shall be collected  
25       from the holder of the quota share, and that is

1           a percentage of the ex-vessel value of fish land-  
2           ed in one year under the quota share.

3           “(iii) A transfer fee that shall be collected  
4           from a person who transfers the quota share to  
5           another person.

6           “(C) In determining the amount of a fee under  
7           subparagraph (B), the Secretary shall ensure that  
8           the total amount collected from all quota share-  
9           holders in the fishery is sufficient to recover direct  
10          costs related to administering and implementing the  
11          program, including enforcement, management, data  
12          collection (including adequate observer coverage),  
13          and scientific research, and to recover a fair re-  
14          source rent.

15          “(D) The Secretary, in consultation with the  
16          Councils, shall promulgate regulations prescribing  
17          the method of determining under this paragraph the  
18          ex-vessel value of fish authorized under a quota  
19          share, the amount of fees, and the method of col-  
20          lecting fees.

21          “(E) Fees collected under subparagraph (B)(ii)  
22          from holders of quota shares in a fishery shall be an  
23          offsetting collection and shall be available to the Sec-  
24          retary only for the purposes of administering and  
25          implementing this Act with respect to that fishery.”.

1 (e) CONFORMING AMENDMENTS.—

2 (1) The following provisions of the Magnuson-  
3 Stevens Fishery Conservation and Management Act  
4 are each amended by striking “individual fishing  
5 quota” each place it appears and inserting “quota  
6 share”:

7 (A) Section 303(d)(7), as redesignated by  
8 subsection (a)(2) of this section.

9 (B) Section 304(c)(3) (16 U.S.C.  
10 211854(c)(3)).

11 (C) Section 402(b)(1)(D) (16 U.S.C.  
12 1881a(b)(1)(D)).

13 (D) Section 407(a)(1)(D), (c)(1), and  
14 (c)(2)(B) (16 U.S.C. 1883(a)(1)(D), (c)(1), and  
15 (c)(2)(B)).

16 (2) Section 305(h)(1) of such Act (16 U.S.C.  
17 1855(h)(1)) is amended by striking “individual”.

○

108TH CONGRESS  
1ST SESSION

# S. 1106

To establish National Standards for Fishing Quota Systems.

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IN THE SENATE OF THE UNITED STATES

MAY 22, 2003

Ms. SNOWE (for herself and Mr. KERRY) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To establish National Standards for Fishing Quota Systems.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Fishing Quota Act of  
5       2003”.

6       **SEC. 2. FISHING QUOTA SYSTEMS.**

7       (a) IN GENERAL.—Section 303 of the Magnuson-Ste-  
8       vens Fishery Conservation and Management Act (16  
9       U.S.C. 1853) is amended—

10               (1) by striking subsection (b)(6) and inserting  
11       the following:

1 “(6) establish a limited access system for the  
 2 fishery in order to achieve optimum yield if, in devel-  
 3 oping such system, the Council and the Secretary  
 4 take into account—

5 “(A) the conservation requirements of this  
 6 Act with respect to the fishery;

7 “(B) present participation in the fishery;

8 “(C) historical fishing practices in, and de-  
 9 pendence on, the fishery;

10 “(D) the economics of the fishery;

11 “(E) the capability of fishing vessels used  
 12 in the fishery to engage in other fisheries;

13 “(F) the cultural and social framework rel-  
 14 evant to the fishery and any affected fishing  
 15 communities;

16 “(G) the fair and equitable distribution of  
 17 a public resource; and

18 “(H) any other relevant considerations.”;

19 (2) by striking subsection (d) and inserting the  
 20 following:

21 “(d) FISHING QUOTA SYSTEMS.—

22 “(1) ESTABLISHMENT.—Any fishery manage-  
 23 ment plan or amendment that is prepared by any  
 24 Council, or by the Secretary, with respect to any

1 fishery, may establish a fishing quota system con-  
2 sistent with the provisions of subsection (b)(6).

3 “(2) IN GENERAL.—The Councils and Secretary  
4 shall ensure that any such fishing quota system sub-  
5 mitted and approved after September 30, 2002,  
6 complies with the requirements of this Act and—

7 “(A) shall prevent any person from acquir-  
8 ing an excessive share of the fishing quotas  
9 issued, as appropriate for the fishery, and es-  
10 tablish any other limits or measures necessary  
11 to prevent inequitable concentration of quota  
12 share;

13 “(B) shall provide for the fair and equi-  
14 table initial allocation of quota share and in  
15 such allocation—

16 “(i) shall take into account present  
17 and historic participation in the fishery;

18 “(ii) shall consider allocating a por-  
19 tion of the annual harvest to entry-level  
20 fishermen, small vessel owners, skippers,  
21 crew members, and fishing communities;  
22 and

23 “(iii) may allocate shares among cat-  
24 egories of vessels or gear types;

1           “(C) shall contain provisions for the reg-  
2           ular review and evaluation of the system, in-  
3           cluding timetables and criteria for evaluating  
4           performance, and actions to be taken for failure  
5           to meet the criteria;

6           “(D) shall contain criteria that would gov-  
7           ern limitation, revocation, renewal, reallocation,  
8           or reissuance of fishing quota, including:

9                   “(i) reallocation or reissuance of  
10                  quota revoked pursuant to section 308 of  
11                  this Act;

12                  “(ii) revocation and reissuance of fish-  
13                  ing quota if the owner of the quota cease  
14                  to substantially participate in the fishery;  
15                  and

16                  “(iii) exceptions to revocation or limi-  
17                  tation in cases of death, disablement,  
18                  undue hardship, or in any case in which  
19                  fishing is prohibited by the Secretary;

20           “(E) shall provide a process for appeals of  
21           decisions on—

22                   “(i) eligibility of a person to receive or  
23                   bid for an allocation of quota shares; and

24                   “(ii) limitations, restrictions and rev-  
25                   ocations of quota held by a person;

1           “(F) shall promote management measures  
2           to improve the conservation and management of  
3           the fishery, including reduction of bycatch;

4           “(G) shall provide for effective enforce-  
5           ment, monitoring, management of such system,  
6           including adequate data collection and use of  
7           observers at least at a level of coverage that  
8           should yield statistically significant results;

9           “(H) may provide for the sale, lease or  
10          transfer of quota shares and limitations thereto;

11          “(I) shall provide a mechanism, such as  
12          fees as authorized by section 304(d)(2), includ-  
13          ing fees payable on quota transfers to recover  
14          costs related to administering and implementing  
15          the program, including enforcement, manage-  
16          ment and data collection (including adequate  
17          observer coverage), if the assessment of such  
18          fees is proportional to the amount of quota held  
19          and fished by each quota holder and if such  
20          fees are used only for that fishing quota sys-  
21          tem;

22          “(J) shall consider the use of community  
23          or area-based approaches and strategies in de-  
24          veloping fishing quota systems and consider  
25          other management measures, including meas-



1           ures to facilitate formation of fishery coopera-  
2           tive arrangements, taking into account prox-  
3           imity to and dependence on the resource, con-  
4           tribution of fishing to the social and economic  
5           status of the community, and historic participa-  
6           tion in the fishery; and

7           “(K) shall include procedures and require-  
8           ments necessary to carry out subparagraphs  
9           (A) through (J).

10          “(3) NO CREATION OF RIGHT, TITLE, OR IN-  
11          TEREST.—A fishing quota or other limited access  
12          system authorization—

13               “(A) shall be considered a permit for the  
14               purposes of sections 307, 308, and 309;

15               “(B) may be revoked or limited at any  
16               time in accordance with this Act, including for  
17               failure to comply with the terms of the plan or  
18               if the system is found to have jeopardized the  
19               sustainability of the stock or the safety of fish-  
20               ermen;

21               “(C) shall not confer any right of com-  
22               pensation to the holder of such fishing quota or  
23               other such limited access system authorization  
24               if it is revoked or limited;

1           “(D) shall not create, or be construed to  
2           create, any right, title, or interest in or to any  
3           fish before the fish is harvested; and

4           “(E) shall be considered a grant of permis-  
5           sion to the holder of the fishing quota to engage  
6           in activities permitted by the fishing quota sys-  
7           tem.

8           “(4) ELIGIBILITY.—Persons eligible to hold  
9           fishing quota shares are persons who are United  
10          States citizens, or who are United States nationals  
11          or permanent resident aliens qualified by Federal  
12          law to participate in the fishery.

13          “(5) DURATION.—Any fishing quota system es-  
14          tablished under this section after the date of enact-  
15          ment of the Fishing Quota Act of 2003 shall expire  
16          at the end of a 10-year period beginning on the date  
17          the system is established, or at the end of successive  
18          10 year periods thereafter, unless extended by a  
19          fishery management plan amendment in accordance  
20          with this Act, for successive periods not to exceed 10  
21          years.

22          “(6) REFERENDUM PROCUDURES.—

23                 “(A) Except as provided in subparagraph  
24                 (C) for the Gulf of Mexico commercial red  
25                 snapper fishery, a Council may not submit, and

1 the Secretary not approve or implement a fish-  
2 ery management plan or amendment that cre-  
3 ates a fishing quota system, including a secre-  
4 tarial plan, unless such a system, as ultimately  
5 developed, has been approved by more than  
6 two-thirds of those voting in a referendum  
7 among eligible permit holders. If a fishing  
8 quota system fails to be approved by the req-  
9 uisite number of those voting, it may be revised  
10 and submitted for approval in a subsequent ref-  
11 erendum.

12 “(B) The Secretary shall conduct the ref-  
13 erendum referred to in this paragraph, includ-  
14 ing notifying all persons eligible to participate  
15 in the referendum and making available to  
16 them information concerning the schedule, pro-  
17 cedures and eligibility requirements for the ref-  
18 erendum process and the proposed fishing  
19 quota system. The Secretary shall within one  
20 year of enactment of the Fishing Quota Act of  
21 2003 publish guidelines and procedures to de-  
22 termine procedures and voting eligibility re-  
23 quirements for referenda and to conduct such  
24 referenda in a fair and equitable manner.

1           “(C) The provisions of section 407(c) shall  
2           apply in lieu of this paragraph for any fishing  
3           quota system for the Gulf of Mexico commercial  
4           red snapper fishery.

5           “(D) Chapter 35 of title 44, United States  
6           Code, (commonly known as the “Paperwork Re-  
7           duction Act”) does not apply to the referenda  
8           conducted under this paragraph.

9           “(7)(A) No provision of law shall be construed  
10          to limit the authority of a Council to submit, or the  
11          Secretary to approve, the termination or limitation,  
12          without compensation to holders of any limited ac-  
13          cess system permits, of a fishery management plan,  
14          plan amendment, or regulation that provides for a  
15          limited access system, including an fishing quota  
16          system.

17          “(B) This subsection shall not apply to, or be  
18          construed to prohibit a Council from submitting, or  
19          the Secretary from approving and implementing,  
20          amendments to the North Pacific halibut and sable-  
21          fish, South Atlantic wreckfish, or Mid-Atlantic surf  
22          clam and ocean (including mahogany) quahog indi-  
23          vidual fishing quota programs.

24          “(8)(A) A Council may submit, and the Sec-  
25          retary may approve and implement, a program

1       which reserves up to 25 percent of any fees collected  
2       from a fishery under section 304(d)(2) to be used,  
3       pursuant to section 1104A(a)(7) of the Merchant  
4       Marine Act, 1936 (46 U.S.C. App. 1274(a)(7)), to  
5       issue obligations that aid in financing the—

6               “(i) purchase of fishing quotas in that fish-  
7       ery by fishermen who fish from small vessels;  
8       and

9               “(ii) first-time purchase of fishing quotas  
10      in that fishery by entry level fishermen.

11      “(B) A Council making a submission under  
12      subparagraph (A) shall recommend criteria, con-  
13      sistent with the provisions of this Act, that a fisher-  
14      man must meet to qualify for guarantees under  
15      clauses (i) and (ii) of subparagraph (A) and the por-  
16      tion of funds to be allocated for guarantees under  
17      each clause.”.

18      (b) INDEPENDENT REVIEW.—Section 303 of the  
19      Magnuson-Stevens Fishery Conservation and Manage-  
20      ment Act (16 U.S.C. 1853) is further amended by adding  
21      at the end the following:

22      “(e)(1) Within 5 years after the date of enactment  
23      of the Fishing Quota Act of 2003, and every 5 years there-  
24      after, the National Research Council shall provide an inde-

1 pendent review of the effectiveness of fishing quota sys-  
2 tems conducted in Federal fisheries.

3 “(2) The review shall be conducted by an independent  
4 panel of individuals who have knowledge and experience  
5 in fisheries conservation and management, in the imple-  
6 mentation of fishing quota systems, or in the social or eco-  
7 nomic characteristics of fisheries. The National Research  
8 Council shall ensure that members of the panel are quali-  
9 fied for appointment, are not active quota share holders,  
10 and provide fair representation to interests affected by  
11 such programs.

12 “(3) The independent review of fishing quota systems  
13 shall include—

14 “(A) a determination of how fishing quota sys-  
15 tems affect fisheries management and contribute to  
16 improved management, conservation (including by-  
17 catch reduction) and safety in the fishery;

18 “(B) formal input in the form of testimony  
19 from quota holders relative to the effectiveness of  
20 the fishing quota system;

21 “(C) an evaluation of the social, economic and  
22 biological consequences of the quota system, includ-  
23 ing the economic effects of the system on fishing  
24 communities;

1 “(D) an evaluation of the costs of imple-  
2 menting, monitoring and enforcing the systems and  
3 the methods used to establish or allocate individual  
4 quota shares; and

5 “(E) recommendations to the Councils and the  
6 Secretary to ensure that quota systems meet the re-  
7 quirements of this Act and the goals of the plans,  
8 and recommendations to the Secretary for any  
9 changes to regulations issued under section 304(i).

10 “(4) The Secretary shall submit the report to the  
11 Congress and any appropriate Councils within 60 days  
12 after the review is completed.”.

13 (c) ACTION ON LIMITED ACCESS SYSTEMS.—Section  
14 304 of the Magnuson-Stevens Fishery Conservation and  
15 Management Act (16 U.S.C. 1854) is amended by adding  
16 at the end the following:

17 “(i) ACTION ON LIMITED ACCESS SYSTEMS.—Within  
18 1 year after the date of enactment of the Fishing Quota  
19 Act of 2003, the Secretary shall issue regulations which  
20 establish requirements for establishing a fishing quota sys-  
21 tem. Nothing in this paragraph prohibits a Council or the  
22 Secretary from initiating development of a fishing quota  
23 system consistent with the provisions of this Act pending  
24 publication of the final regulations.”.

1 (d) DEFINITIONS.—Section 3 of the Magnuson-Ste-  
 2 vens Fishery Management and Conservation Act (16  
 3 U.S.C. 1802) is amended by—

4 (1) adding at the end the following:

5 “(46) The term ‘United States Citizen’ means  
 6 an individual who is a citizen of the United States  
 7 or a corporation, partnership, association, or other  
 8 entity that qualifies to document a fishing vessel as  
 9 a vessel of the United States under chapter 121 of  
 10 title 46, United States Code.”; and

11 (2) striking “ ‘individual fishing quota’ ” in  
 12 paragraph (21) and inserting “ ‘fishing quota sys-  
 13 tem’ ”.

14 (e) CONFORMING AMENDMENTS.—

15 (1) The following provisions of that Act are  
 16 amended by striking “individual fishing quota” and  
 17 inserting “fishing quota”:

18 (A) Section 304(c)(3) (16  
 19 U.S.C.1854(c)(3)).

20 (B) Section 304(d)(2)(A)(i) (16  
 21 U.S.C.1854(d)(2)(A)(i)).

22 (C) Section 402(b)(1)(D) (16 U.S.C.  
 23 1881a(b)(1)(D)).



1 (D) Section 407(a)(1)(D), (c)(1), and  
2 (c)(2)(B) (16 U.S.C. 1883(a)(1)(D), (c)(1), and  
3 (c)(2)(B)).

4 (2) Section 305(h)(1) (16 U.S.C. 1855(h)(1)) is  
5 amended by striking “individual”.

6 **SEC. 3. GULF OF MEXICO FISHING QUOTA SYSTEMS.**

7 Section 407(c) of the Magnuson-Stevens Fishery  
8 Conservation and Management Act (16 U.S.C. 1883) is  
9 amended by adding at the end the following:

10 “(3) The initial referendum described in para-  
11 graph (1) shall be used to determine support for  
12 whether the sale, transfer, or lease of quota shares  
13 shall be allowed.”.

○

108TH CONGRESS  
1ST SESSION

# H. R. 2890

To protect the public's ability to fish for sport, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 24, 2003

Mr. SAXTON introduced the following bill; which was referred to the  
Committee on Resources

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## A BILL

To protect the public's ability to fish for sport, and for  
other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Freedom to Fish Act".

5 **SEC. 2. FINDINGS.**

6 The Congress makes the following findings:

7 (1) Recreational fishing is traditionally one of  
8 the most popular outdoor sports with more than  
9 50,000,000 participants of all ages, in all regions of  
10 the country.

1           (2) Recreational fishing makes a substantial  
2       contribution to the local, State, and national econo-  
3       mies. According to the most recent economic figures,  
4       recreational fishing infuses \$116,000,000,000 annu-  
5       ally into the national economy. Nationally, over  
6       1,200,000 jobs are related to recreational fishing;  
7       this represents approximately 1 percent of the na-  
8       tion's entire civilian work force. For those commu-  
9       nities and small businesses that rely on seasonal  
10      tourism, the expenditures of recreational anglers re-  
11      sult in substantial benefits to the local economies.

12          (3) Recreational anglers have long dem-  
13      onstrated a conservation ethic through their support  
14      of reasonable fisheries management laws and regula-  
15      tions including minimum size requirements, posses-  
16      sion limits, and seasonal closures, as well as through  
17      their voluntary practice of catch-and-release fishing  
18      when appropriate.

19          (4) In addition to payment of Federal excise  
20      taxes on fishing equipment, motorboats, and fuel, as  
21      well as license fees, recreational anglers contribute  
22      over \$500,000,000 annually to State fisheries con-  
23      servation management programs and projects.

24          (5) It is a long standing policy of the Federal  
25      Government to allow public access to public lands

1 and waters for recreational purposes consistent with  
2 sound conservation. This policy is reflected in the  
3 National Forest Management Act of 1976, the Na-  
4 tional Wildlife Refuge System Administration Act of  
5 1966, the Wilderness Act, the Wild and Scenic Riv-  
6 ers Act, and the National Parks and Recreation Act  
7 of 1978.

8 (6) In most instances, recreational fishery re-  
9 sources can be maintained through a variety of man-  
10 agement measures including minimum size require-  
11 ments, possession limits, and seasonal closures, with-  
12 out restricting public access to places to fish.

13 (7) Comprehensive standards must be estab-  
14 lished to demonstrate to the public that recreational  
15 fishing can be managed effectively without unneces-  
16 sarily closing marine waters and to direct the imple-  
17 mentation, use, and monitoring of marine protected  
18 areas.

19 **SEC. 3. POLICY.**

20 Consistent with sound marine conservation, it is the  
21 policy of the Congress in this Act—

22 (1) to create standards to direct the implemen-  
23 tation, use, and monitoring of marine protected  
24 areas;

1           (2) to ensure that all Federal regulations pro-  
2           mote open access for recreational fishing to the max-  
3           imum extent practicable;

4           (3) to ensure that recreational anglers will be  
5           actively involved in any regulatory procedures that  
6           contemplate restrictions on their access to places to  
7           fish; and

8           (4) to ensure that whenever access to fishing  
9           places is restricted, the restricted areas are as small  
10          as scientifically necessary to provide for the con-  
11          servation of the fishery resource.

12   **SEC. 4. MAGNUSON-STEVENSON FISHERY CONSERVATION AND**  
13                   **MANAGEMENT ACT AMENDMENT.**

14          Section 303(a) of the Magnuson-Stevens Fishery  
15          Conservation and Management Act (16 U.S.C. 1853(a))  
16          is amended—

17               (1) by striking “and” after the semicolon in  
18          paragraph (13);

19               (2) by striking “fishery.” in paragraph (14)  
20          and inserting “fishery; and;”; and

21               (3) by adding at the end the following:

22               “(15) not establish areas closed to recreational  
23          fishing unless—

24                       “(A) there is a clear indication that rec-  
25          reational fishermen are the cause of a specific

1 conservation problem and that less severe con-  
2 servation measures, including minimum size re-  
3 quirements, possession limits, seasonal closures,  
4 or gear restrictions, will not adequately provide  
5 for conservation and management of the af-  
6 fected stocks of fish as determined by the ap-  
7 propriate Regional Fishery Management Coun-  
8 cil;

9 “(B) the closed area regulation includes  
10 specific measurable criteria to determine the  
11 conservation benefit of the closed area on the  
12 affected stocks of fish and provides a timetable  
13 for periodic review of the continued need for the  
14 closed area at least once every 3 years;

15 “(C) the closed area is no larger than that  
16 which is supported by the best available sci-  
17 entific information; and

18 “(D) provisions are made to reopen the  
19 closed area to recreational fishing whenever the  
20 basis of the closure no longer exists.”.

○

## LEGISLATIVE MATTERS

Situation: The Legislative Committee will meet September 8, 2003 to review federal legislative issues.

Several individual fishing quota (IFQ) related matters will be discussed by the Committee. Representative Wayne Gilchrest sent a letter (Exhibit B.4, Attachment 1) to the Council requesting the Council postpone final action on IFQ programs or other quota-based systems until Congress passes IFQ program guidelines. House bill H.R. 2621, introduced June 26<sup>th</sup>, would establish requirements for fishing quota programs (Exhibit B.4, Attachment 2). Senate bill S. 1106, introduced May 22<sup>nd</sup>, is also to establish standards for fishing quota programs (Exhibit B.4, Attachment 3).

H.R. 2890 will also be reviewed by the Committee (Exhibit B.4, Attachment 4). This House bill applies to recreational fishing and the establishment of closed areas.

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

### **Council Action:**

#### **1. Consider recommendations of the Legislative Committee.**

#### Reference Materials:

1. Exhibit B.4, Attachment 1, Rep. Gilchrest letter.
2. Exhibit B.4, Attachment 2, H.R. 2621.
3. Exhibit B.4, Attachment 3, S. 1106.
4. Exhibit B.4, Attachment 4, H.R. 2890.
5. Exhibit B.4.b, Supplemental Legislative Committee Report.

#### Agenda Order:

- a. Agendum Overview
- b. Legislative Committee Report
- c. Reports and Comments of Advisory Bodies
- d. Public Comment
- e. **Council Action:** Consider Recommendations of the Legislative Committee

Dan Waldeck  
Dave Hanson

PFMC  
08/21/03

## LEGISLATIVE COMMITTEE REPORT

The Legislative Committee discussed several matters related to congressional legislation and fishing quota programs.

Representative Wayne Gilchrest requested the regional councils delay final action on any new fishing quota programs until after Congress passes legislation for fishing quota program National Standards (Exhibit B.4, Attachment 1). The Legislative Committee recognizes the concerns expressed by Representative Gilchrest and welcomes the opportunity to comment on draft congressional legislation. Currently, there is no moratorium blocking development of fishing quota programs. There is a strong desire within the West Coast groundfish industry to move forward on fishing quota program development, which would address the foremost problem in the groundfish fishery -- excess fishing capacity. The Legislative Committee also notes the September 2002 letter sent by Senators from Oregon, Washington, Texas, Louisiana, Alabama, and Florida to the Senate Commerce Committee opposing efforts to extend the moratorium nationwide (Exhibit H.1, Attachment 1, September 2002). The Legislative Committee understands and respects the concerns expressed in other regions, notably small boat fishermen on the East Coast, about fishing quota programs. However, given the generally strong support on the West Coast, the Legislative Committee recommends Council staff be directed to draft a letter to Representative Gilchrest expressing the Council's desire and rationale for moving forward on fishing quota program development.

The Legislative Committee also discussed a recent letter from the U.S. Department of Justice (DOJ) to the North Pacific Fishery Management Council (NPFMC) and National Marine Fisheries Service (NMFS) (Exhibit C.10.a, Supplemental Attachment 3). The committee recognizes the focus of this letter is the crab fishery rationalization program under development in the North Pacific. However, the DOJ conclusions expressed in the letter could have implications for quota programs developed by other regional councils. The Legislative Committee recommends Council staff be directed to draft a letter to NMFS requesting information on how the DOJ conclusions could affect the Pacific Council.

The Legislative Committee reviewed two congressional bills for fishing quota program National Standards. As noted in June 2003, the committee is encouraged by Senate Bill 1106 (Exhibit B.4, Attachment 3). The components of this legislation are in accord with comments made by the Council previously. Conversely, the committee perceives House Bill 2621 (Exhibit B.4, Attachment 2) to be overly restrictive. The committee recommends staff be directed to forward these comments to congressional staff (if requested by congressional representatives).

Comprehensive legislation to reauthorize the Magnuson-Stevens Fishery Conservation and Management Act has not been introduced and is likely to be delayed due to competing legislative activity and changes to the chairs of the Senate Appropriations and Commerce committees. The Committee will continue to monitor congressional activity on this issue.



The committee briefly discussed the Automated Information System (AIS) under development by the U.S. Coast Guard. The committee is interested in receiving more information about the AIS program from the U.S Coast Guard. There was also discussion as to the relationship between AIS and vessel monitoring systems (VMS), and whether VMS might be more cost effective for the fishing industry.

Per Council guidance, Council staff continues to invite congressional representatives and their staff to Legislative Committee meetings and Council meetings. The committee commends staff for their work and recommends the Council direct staff to continue to track fisheries-related legislation and provide input to congressional staff, as appropriate.

PFMC

09/11/03

# Proposed Preliminary Three Meeting Outlook for the Pacific Council

(All Candidate Agenda Items Listed; Shaded Items are Contingent)

<b>November</b> Del Mar, CA; 11/3/03	<b>March</b> Tacoma, WA; 3/8/04	<b>April</b> Sacramento, CA; 4/5/04
<b><u>Coastal Pelagic Species</u></b> CPS Fishery Update Pacific Sardine Stock Assessment and Harvest Guideline for 2004	<b><u>Coastal Pelagic Species</u></b>	<b><u>Coastal Pelagic Species</u></b> STAR Panel Preparation Initiate FMP Amendment for Sardine Allocation (for final approval 6/2005)
<b><u>Groundfish</u></b> Observer Data Flow - Fishing Yrs 2004-06 2003 Inseason Management Initial Consideration of Electronic Log Books 2004 EFP Applications: Final Approval Stock Assessments for 2005-06 Mgmt 2005-06 Annual Specifications: Step 1 - Preliminary ABC's, OY's, Initial Guidance on Mgmt Measures, & Preseasn Sched. Nov-Jun Planning for "Off-Year" Science Improvements (Stock Assm't Models; B <sub>0</sub> & B <sub>MSY</sub> Workshops) Shore-based Whiting Fishery Monitoring Program: Adopt Alt for Pub Rev Amendment 16-3: Adopt Alt for Pub Rev VMS: Guidance on Pilot Program & Expansion PBEIS: Adopt Alt. For Pub. Rev  IQ Committee Update (including Control Dates) Open Access Limitation Update Makah Rockfish Enhancement Proposal GF Strategic Plan Formal Review  Proposed CA Nearshore Mgmt Authority	<b><u>Groundfish</u></b> Status of Observer Data Implementation & Policy on Incorporating New Mgmt Info Consideration of Electronic Log Books  Confirm Final Preseasn GF Mgmt Schedule Red-Green Light Threshold: Initial Consideration  Whiting: Adopt final 2004 ABC, OY, & Mgmt Measures  VMS: Update - Implementation & Expansion	<b><u>Groundfish</u></b> 2004 Inseason Management  Further Consideration of Electronic Logbooks Initial EFP Concepts & Set-asides for 2005-06  2005-06 Annual Specifications: Step 2 - Adopt ABC's & OY's, & Mgmt Alt for Pub Rev  Red-Green Light Threshold: Final Action  Amendment 16-3: Final Adoption VMS: Update - Implementation & Expansion PBEIS: Final Council Action EFH EIS: Approve EFH Assessment Model (including joint Adv. Body Session) IQ Committee Update Open Access Limitation Update Amendment 16-4: Adopt Alt for Pub Rev Alternative Mgmt Approaches

Exhibit B.7  
 Supplemental Attachment 2  
 September 2003

## Proposed Preliminary Three Meeting Outlook for the Pacific Council

(All Candidate Agenda Items Listed; Shaded Items are Contingent)

November Del Mar, CA; 11/3/03	March Tacoma, WA; 3/8/04	April Sacramento, CA; 4/5/04
<b><u>Habitat Issues</u></b> Habitat Committee Report	<b><u>Habitat Issues</u></b> Habitat Committee Report Corals & Living Substrates Rpt from NMFS	<b><u>Habitat Issues</u></b> Habitat Committee Report
<b><u>Highly Migratory Species</u></b> Update on NMFS Approval of FMP High Seas Longline Limited Entry Update	<b><u>Highly Migratory Species</u></b> Update on NMFS Approval of FMP High Seas Longline Limited Entry Update	<b><u>Highly Migratory Species</u></b> Update on NMFS Approval of FMP
<b><u>Marine Protected Areas</u></b>  Update on MPA Issues SSC White Paper	<b><u>Marine Protected Areas</u></b> CINMS: Consider Range of alternatives Update on other MPA Issues	<b><u>Marine Protected Areas</u></b> CINMS: Adopt preferred alternative Update on other MPA Issues
<b><u>Pacific Halibut</u></b> Fishery Update Proposed Changes for 2004: Final Action	<b><u>Pacific Halibut</u></b> Report on IPHC Annual Meeting Adopt Incidental Catch Regs for Public Review	<b><u>Pacific Halibut</u></b>  Adopt Final Incidental Catch Regs
<b><u>Salmon</u></b> Fishery Update Consider Modification of 3/15 Opening for OR Troll & Rec. S. of Cape Falcon Methodology Review: Final Action  2004 Pre-season Schedule Review of Exp. Fisheries Proposals	<b><u>Salmon</u></b> Inseason Mgmt - Openings Prior to 5/1 (Ft. Bragg) 2004 Mgmt Options: Adopt for Public Review Update on Cons. Obj.--CV Winter & Spring Chinoo Appoint Hearings Officers  Mitchell Act Hatchery Update Final Approval of Exp. Fisheries Proposals	<b><u>Salmon</u></b> Fishery Update 2004 Mgmt Measures: Final Adoption MEW Update 2004 Methodology Review: Establish Process & Preliminary Priorities Identify Stocks Not Meeting Consvr. Objectives
<b><u>Administrative</u></b> Communication Plan: Informational Update Legislative Committee Rpt Budget Committee Rpt Adopt Changes to Adv. Body COPs & Make Appointments to 2004-06 Adv. Body Term Workload Planning & Draft March Agenda Research and Data Needs Process	<b><u>Administrative</u></b> Communication Plan: Adopt Legislative Committee Rpt  Interim Appts & Replacements  Workload Planning & Draft April Agenda Report on Conference (MSA--the first 25 years)	<b><u>Administrative</u></b>   Legislative Committee Rpt   Workload Planning & Draft Jun Agenda

**PRELIMINARY DRAFT COUNCIL MEETING AGENDA, NOVEMBER 3-7, 2003, DEL MAR, CA**

AG #	TIME	AGENDA TOPICS/COMMENTS	COUNCIL TASK	REVIEW BY ADVISORY BODIES		
				SSC	HC	Others (* indicates not at mtg)1/
		<b>Monday, Nov 3 - 8:00 am</b>				
		Ancillary Meetings - see Ancillary Schedule		X	X	EC, GAP, GMT, HMSAS,
		Joint Session of GAP, GMT, & SSC for Cabezon & Lingcod Assessments				Legislative, & Budget
	2.00	Closed Session Agenda: Personnel & Litigation - 3:30 pm				
		Advisory Body Issues	Info			
		Review Nominations for New Term (2004-2006), etc.				
		GMT Member Protocol				
		Litigation Status (E. Cooney)	Info			
	2.00					
		<b>Tuesday, Nov 4 - 8:00 am</b>				
A.	0.25	Call to Order: Opening, Roll Call, ED Rpt				
		Approve Agenda	Action			
B.		Administrative Matters				
1	0.20	Approve Minutes - June	Action			
C.		Salmon Mgmt				
1	0.20	Fishery Update	Info			SAS*, STT*
2	0.30	Inseason Mgmt: Consider 3/15/04 Troll & Rec. Openings S. of Falcon	Action			SAS*, STT*
3	0.25	Preseason Planning: Adopt 2004 Mgmt Schedule & Hearing Sites	Action			SAS*, STT*
4	0.75	Methodology Review: Adopt Final Methodology Changes for 2004	Action	X		SAS*, STT*, MEW*
D.		Pacific Halibut Mgmt				
1	0.25	Report on the Status of 2003 Fisheries	Info			GAP, SAS*
2	0.75	Changes to Catch Sharing Plan & Annual Regs. - Final Adoption	Action			GAP, SAS*
E.		Marine Protected Areas (MPA)				
1	1.00	Update on MPAs Issues (including SSC White Paper)	Info/Action	X	X	GAP, SAS*, HMSAS, CPSAS*
2	2.00	Jurisdiction & Authority for MPAs				
F.		Habitat Issues				
1	0.50	Habitat Committee Rpt	Action		X	GAP, SAS*
G.		Groundfish Mgmt				
1	0.50	NMFS Rpt	Info			EC, GAP, GMT
2	0.75	Makah Rockfish Enhancement Proposal	Info			EC, GAP, GMT
	0.50	4 pm Public Comment Period	Info			
	8.20					
		<b>Wednesday, Nov 5</b>				
H.		Highly Migratory Species Management				
1	0.4	NMFS Rpt: Update on Approval of FMP				HMSAS, HMS PDT*
2	0.8	FMP Amendm't Update: High Seas Longline LE & Other Matters	Info			HMSAS, HMS PDT*
I.		Coastal Pelagic Species Mgmt				
1	0.5	NMFS Rpt (including CPS Fishery Update)	Info			CPSAS*, CPSMT*
2	1.0	Pacific Sardine Stock Assessment & Harvest Guideline for 2004	Action	X		CPSAS*, CPSMT*
G.		Groundfish Mgmt (continued)				
3	1.00	Observer Data Flow for Fishery Years 2004-2006	Action	X		GAP, GMT
4	2.00	Review Status of Fisheries & Adopt Inseason Adjustments	Action			EC, GAP, GMT
5	1.50	Stock Assessments: Adopt for 2005-2006 Mgmt	Action	X		GAP, GMT
6	1.00	Real-time Electronic Logbook Data: Initial Consideration of Feasibility	Action	X		EC, GAP, GMT
	8.20					
		<b>Council Annual Banquet -- 6:00-8:30 pm</b>				

**PRELIMINARY DRAFT COUNCIL MEETING AGENDA, NOVEMBER 3-7, 2003, DEL MAR, CA**

AG #	TIME	AGENDA TOPICS/COMMENTS	COUNCIL TASK	REVIEW BY ADVISORY BODIES		
				SSC	HC	Others (* indicates not at mtg)1/
		<b>Thursday, Nov 6</b>				
G.		Groundfish Mgmt (continued)				
7	2.00	Annual Spec's for 2005-06: Adopt Preliminary Oys, ABCs, Initial Guidance on Mgmt Measures, & Preseason Mgmt Sched. Nov-Jun	Action	X		GAP, GMT
8	1.25	Planning of "Off-Year" Science Improvements	Action	X		EC, GAP, GMT
		1. Stock Assessment Models				
		2. B <sub>0</sub> Workshop				
		3. B <sub>MSY</sub> Workshop				
9	1.00	VMS: Guidance on Pilot Program & Expansion to other Fisheries	Action			EC, GAP, GMT
10	1.00	Groundfish PBEIS: Adopt Alternatives for Public Review	Action	X	X	GAP, GMT
11	1.50	IQ Program Committee: Update & Discussion of Control Dates	Action			EC, GAP, GMT
12	1.25	Open Access Limitation Update	Info/Guidance			EC, GAP, GMT
	<b>8.00</b>					
		<b>Friday, Nov 7</b>				
G.		Groundfish Management (continued)				
13	1.25	EFP Applications for 2004: Final Approval	Action	X		GAP, GMT
14	0.75	Shore-based Whiting Fishery: Adopt Monitoring Prgm Alt.s For Pub Rev	Action			EC, GAP, GMT
15	1.00	Amendment 16-3: Adopt Alternatives for Public Review	Action			GAP, GMT
B.		Administration (continued)				
2	0.30	Legislative Matters - Rpt of the Leg. Com.	Action			
3	0.25	Financial Matters	Action			
4	1.00	Appointments to Advisory Bodies, Standing Com., & Other Forums	Action	X	X	All
		Appoint Members for 2004-2006 term & Modify COPs if Necessary				
5	0.50	Workload Planning & Draft March Agenda	Guidance			
	<b>5.05</b>					

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

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

	1 Communication Plan Update	Info			
	2	Info			

**Other Possible Agenda Items:**

0.75	April 1 Opening for Incidental Halibut in Sablefish Fishery	Action			GAP, GMT, EC
1.00	GF Strategic Plan Formal Review	Info/Guidance			EC, GAP, GMT
	Review Proposed Experimental Fisheries (pending a submission)		X		SAS, STT
	Proposed CA Nearshore Mgmt Authority	Action			EC, GAP, GMT
	Consider Initiation of FMP Amendment for Sardine Allocation	Action			CPSAS*, CPSMT*

**Due Dates:**

Invitation Memo Distributed:	9/26
FR Notice transmitted:	10/10
Meeting Notice Mailed:	10/14
Final day to submit draft BB items for supervisory review:	COB 10/15
Final day to receive public comments for placement in BB:	COB 10/17
Cover memos for Ancillary Meetings:	COB 10/20
Briefing Book Mailing:	COB 10/23
Final Day to receive pub. comments for distr. to Council 1st day of mtg:	COB 10/28

ANCILLARY MEETINGS AT NOVEMBER COUNCIL MEETING			
Day	Group	Start Time	Continuing Through
<b>Sunday:</b>			
<b>Monday:</b>			
	A. GMT	8:00 AM	Fri.
	B. GAP	8:00 AM	Fri.
	C. SSC	8:00 AM	Tue
	D. Legislative	11:00 AM	Mon.
	E. Budget Com	1:00 PM	Mon.
	F. HC	1:00 PM	Tue. Noon
	Chair's Briefing	2:00 PM	Mon.
	Closed Council Ses.	3:30 PM	Mon.
<b>Tuesday:</b>			
	G. HMSAS	8:00 AM	Tue.
	H. EC	5:30 PM	Thur.
	GAP, GMT, HMSAS		
<b>Wednesday:</b>			
	GAP, GMT, EC		
<b>Thursday:</b>			
	GAP, GMT, EC		
<b>Friday:</b>			
	GAP, GMT, EC		

Cover Memos due to CSP by **noon on 8/25**.

**COUNCIL STAFF WORKLOAD PRIORITIES SEPTEMBER 15, 2003 THROUGH NOVEMBER 7**  
**(Bolded tasks represent a Core Program Responsibility)**

	<b>Salmon</b>	<b>Groundfish</b>	<b>CPS</b>	<b>HMS</b>	<b>Other</b>
<b>ACTIVE</b>	<b>Inseason Management</b>	<b>2005-06 Mgt Specs: ABCs &amp; OYs</b>	<b>Sardine Annual Specs</b>		<b>Admin Necessities</b>
		<b>2004 Mgt Specs EIS</b>		FMP Amendment:	<b>(Briefing Book, minutes,</b>
		<b>Inseason Mgmt</b>		Longline Limited	<b>Advisory Body coord,</b>
				Entry Program	<b>Newsletter, etc.)</b>
	SSC methodology review			& other matters	
	(including Puget Snd. Coho)	Amendmt 16-2 EIS follow-up			<b>Advisory Body 2004 -06</b>
	Pacific Halibut Mgmt	Amendmt 16-3: Cowcod, Widow &	Pln & Coord. 2004 STAR review		<b>terms</b>
	Model Eval Work Group	Yelloweye Rockfish, & Bocaccio			Marine Protected Areas coord
	Update FMP w/A-14	Rbldg Alternatives for Pub Rev	FMP Amendment: Sardine		CINMS MR Com Mtg
	Sacramento River Workgroup	Shore-based Whiting Monitoring Pgm	Allocation		Central CA Sanctuary coord
<b>CONTINGENT</b>	(Winter & Spring Chinook)	Bycatch & EFH EISs			SSC Mar. Resrv. White Paper
	2004 Pre-season schedule	Ad Hoc VMS Committee			Legislative Com follow-up
		Current Litigation response			RFMC/NMFS National Conf.
		Individual Quotas Development			
		(Initial Committee Considerations)			Communication Plan
<b>DELAYED</b>	Mitchell Act	GF Strategic Plan Formal Review	Update FMP w/ Amendment 9		Nat'l Standard 1 review
		Stock Assmnt Analytical Methods Review			Research & Data Needs
		Open Access Limitations			
<b>DELAYED</b>		Amendmt 16-4: Whiting Rebuilding Plan			
		Permit Stacking Implementation:			
	Amendments:	Fixed-Gear (owner on board; 6 permits)			
	S Falcon coho allocation	Trawl Committeee			
	OCN matrix	Update FMP w/ Amend. 17			
	Central Valley Chinook	SSC B <sub>0</sub> & MSY Workshop			
		SSC Bycatch Workshop II			
		Calif Nearshore Delegation			
		Full retention pilot program			
		Amendment 15 - AFA			

## **REPORT OF THE BUDGET COMMITTEE**

The Budget Committee received an Executive Director's report that provided an update on three budget issues:

1. Completion of Calendar Year (CY) 2002 Audit
2. Status of 2003 Expenditures
3. Funding for 2004

**CY 2002 Audit:** Dr. John Coon provided copies of the completed financial audit report for calendar year 2002. The audit indicates the Council financial operations for the year ended in conformity with generally accepted accounting principles and compliance with OMB Circular A-133. There were no questioned costs for CY 2002.

**Status of CY 2003 Expenditures:** Dr. Don McIsaac reported the Council operating budget expenditures to date are on track for the first seven months of the calendar year. There have been some potential cost savings in the printing and postage categories with the reduction of copies and mailings. The Budget Committee will review the situation at the November Council meeting and if there is a projected surplus of funds, the Budget Committee and staff will make recommendations for utilizing the surplus.

**Funding for 2004:** In preparing the Council operating budget for 2004, Dr. McIsaac described the amount necessary to continue full Council operations at the level that has been in place this calendar year. He also described supplemental project funding from six separate sources that have been secured for use in 2004, amounting to about 15% of the target. The bulk of Council funding for 2004 will be in the base grant; the Senate and House conference committee need to agree upon final amounts for 2004 later this fall. There will likely be additional funds needed to achieve the full operational level, and Dr. McIsaac is actively seeking funding sources for the necessary amount.

The Budget Committee will meet again in November and review the status of CY 2003 expenditures and the status of the CY 2004 funding.

PPMC  
09/12/03



# COUNCIL OPERATING PROCEDURE

## Habitat Steering Group Committee

Approved by Council: 04/06/95

Revised: 04/12/96, 03/05/97, 04/08/97, 09/18/98, 09/15/00, 11/01/02

6

### PURPOSE

To establish procedures for the Habitat Committee (HC).

### OBJECTIVES AND DUTIES

When requested by the Council chairperson or executive director, the HC shall:

1. Facilitate communication and coordinated action on important habitat issues which have regional significance to fisheries managed by the Council.
2. Work with key agency and public representatives to develop strategies to resolve present habitat problems and avoid future habitat conflicts.
3. Make recommendations to the Council for actions which help achieve the Council's habitat objectives as defined in its fishery management plans.
4. Make recommendations to the Council for actions which help achieve the Essential Fish Habitat mandates in the Magnuson-Stevens Fishery Conservation and Management Act.

### COMPOSITION

The HC shall consist of 13 members as specified from each entity or category below. The representatives selected for the HC should have experience in habitat issues and/or expertise in strategic planning.

- One member from National Marine Fisheries Service (NMFS).
- One member from U.S. Fish and Wildlife Service (USFWS).
- One member from Pacific States Marine Fisheries Commission (PSMFC).
- Four members from among the four state fishery agencies (Washington, Idaho, Oregon, and California).
- Two tribal representatives (one Klamath, one Northwest or Columbia River).
- Two members representing the fishing industry - one commercial and one recreational.
- One member representing a conservation group.
- One member at-large.

### MEMBERSHIP

#### Terms

The HC members representing NMFS, USFWS, PSMFC, and the state and tribal entities will be appointed for indefinite terms and replaced only as needed or at the pleasure of the Council chairperson (On 11/1/02, the Council specifically approved a term ending date for the Klamath Tribal position of 12/31/03. No directive was provided with regard to the Northwest or Columbia River position). The other HC members (industry, conservation, and public at-large) will be appointed for three-year terms. The Council chairperson may select members which best serve

the needs of the HC and Council rather than adhering to a strict rotation among the entities represented by each position.

#### Termination of Membership

A committee member may be replaced at the Council's discretion if he/she: (1) transfers employment or moves to a different location, (2) is absent from two meetings in any 12 month period, or (3) appears unable to fulfill his/her obligations as a committee member.

#### Replacement of Members

Upon receipt of a letter of resignation, expiration of three-year terms, or after Council action to remove a member, the executive director shall, depending on the members position, do one of the following: (1) contact the agency which the former member represented for a nominee or (2) advertise for replacement of the industry, conservation, or public at-large members. Announcements for nominations shall be distributed widely and be specific about the duties and responsibilities.

#### Alternates

If the executive director is notified in advance, in writing, an HC member may send an alternate to an HC meeting when unable to attend such meeting or when it would better serve the HC. Nonfederal alternates will be reimbursed for travel expenses.

#### Officers

A chairperson (or co-chairs) will be recommended by the HC to be appointed by the Council chairperson from among the HC members for a one year term. Officers will rotate to ensure sharing of the workload and diverse representation.

### MEETINGS

With the approval of the executive director, the HC will meet in conjunction with each Council meeting or as determined by the HC chairperson to achieve Council habitat objectives. As budget permits, the Council will reimburse travel costs for nonfederal steering group members.

#### Public Notification of Meetings

Notice of HC meetings shall be published in the *Federal Register* and made available to news media.

### STAFF RESPONSIBILITIES

Council staff members will assist the committee as requested and as work priorities allow.

### REPORTS TO COUNCIL

The HC chairperson or designee will report to the Council on all HC actions.

## ISSUE SCREENING AND REVIEW PROCEDURES

The following criteria will guide HC and Council procedures.

- All issues must have a significant impact on Council managed fisheries. This may include habitat policy issues of regional or national scope as well as effects of specific projects or resource developments.
- Direct presentation of issues to the HC should be at the request of the Council or the HC chairperson and coordinated with the appropriate individual fishery management entities.
- Private individuals or organizations may submit requests for Council action directly to the HC.
- Direction and assignments to the HC shall originate from the Council.
- Council action will require approval of a majority of Council members when a quorum is present (except as noted under the "Quick Response Procedures" in Council Operating Procedure 1).
- All issues submitted to the HC should include the HC Proposed Action Form and have sufficient supporting information to allow clear identification of the issue and to permit an evaluation of the need for Council support.

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## **COUNCIL OPERATING PROCEDURE**

### **Scientific and Statistical Committee**

*Approved by Council: 07/20/83*

*Revised: 07/10/85, 09/16/87, 04/06/95, 09/18/98, 09/15/00, 06/18/02*

4

#### **PURPOSE**

To establish procedures for the Scientific and Statistical Committee (SSC).

#### **OBJECTIVES AND DUTIES**

When requested by the Council chairperson or executive director, the SSC shall:

1. Provide expert scientific and technical advice to the Council on the development of fishery management policy, establishing the goals and objectives of fishery management plans (FMP) and amendments, and the preparation of such FMPs and amendments.
2. Assist the Council in the evaluation of such statistical, biological, economic, social, and other scientific information as is relevant to the Council's development and amendment of any FMP.
3. Assist the Council in determining what statistical, biological, economic, social, or other scientific information is needed for the development of an FMP or amendment that meets the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and advise the Council as to the best way of obtaining this information, including identifying research needs and entities with ongoing research programs that may be able to develop the needed information. (See Council operating procedure entitled Development and Communication of Research and Data Needs.)
4. Advise the Council on preparing comments on any application for foreign fishing transmitted to the Council by the U.S. Department of State.
5. Review and evaluate FMPs and amendments to determine if they meet the National Standards of the Magnuson-Stevens Act and other applicable laws.
6. Advise the Council on preparing comments on any FMP or amendment prepared by the U.S. Secretary of Commerce (Secretary) or the Secretary's delegate which are transmitted to the Council pursuant to Section 304(c) of the Magnuson-Stevens Act.
7. Comment on any proposed regulations which the Council deems necessary to implement any FMP or amendment which is prepared by the Council.
8. Assist the Council in establishing criteria for judging the effectiveness of an FMP or amendment.
9. Resolve technical disputes between planning team members and/or organizations before the issues come before the Council. (NOTE: See Council operating procedure entitled Salmon Estimation Methodology Review.)
10. Review and seek improvement of stock assessments and fishery analyses. Planning teams will be required to be present at SSC meetings when stock assessments are discussed and pertinent documents will be distributed two weeks in advance when possible.

11. Perform such other necessary and appropriate duties as may be required by the Council to carry out its functions under the Magnuson-Stevens Act.

## COMPOSITION

Committee members shall be appointed for each category listed below (15 members). The committee shall consist of three social scientists, of which at least two shall have economic expertise.

1. State fishery management agencies (4)
  - Washington Department of Fish and Wildlife
  - Oregon Department of Fish and Wildlife
  - California Department of Fish and Game
  - Idaho Department of Fish and Game
2. National Marine Fisheries Service (4)
  - Alaska Fisheries Science Center
  - Northwest Fisheries Science Center (2—one with expertise in groundfish stock assessment)
  - Southwest Fisheries Science Center
3. Indian agency with fishery management responsibility (1)
4. At-large positions (6)

## MEMBERSHIP

### Term of Members

Agency and tribal members shall be appointed by the Council to serve indefinite terms. At-large members shall be appointed by the Council for three-year terms commencing on January 1 and expiring December 31 three years thereafter, and may be reappointed at the pleasure of the Council. At-large vacancy appointments shall be for the remainder of the unexpired term of the vacancy. All members shall serve without compensation; they may, however, be reimbursed for their actual expenses while traveling to meetings on official Council business.

### Termination of Membership

A committee member may be replaced at the Council's discretion if he/she: (1) transfers employment or moves to a different location, (2) is absent from two meetings in any 12 month period, or (3) appears unable to fulfill his/her obligations as a committee member.

### Replacement of Members

Upon receipt of a letter of resignation, expiration of three-year terms, or after Council action to remove a member, the executive director shall (1) contact the agency which the former member represented for a nominee or (2) for an at-large member, advertise for a replacement. Announcements for nominations for at-large members shall be distributed widely and be specific about the duties and responsibilities.

### Alternate Members

Each committee member representing an agency or tribe (categories 1, 2, and 3 on page 2) may appoint a designee. Such designees may participate in committee deliberations as a regular member and shall be reimbursed for expenses. Designees for at-large committee members are not authorized.

### Officers

The chairperson and vice chairperson of the SSC shall be elected by majority vote of committee members present and voting. Such officers shall be confirmed by the Council chairperson and shall serve one-year terms.

### Subcommittees

The committee may establish such subcommittees as it deems necessary to facilitate its duties. In general, there will be a subcommittee for each of the Council's FMPs. In addition, a socioeconomic subcommittee will be formed to work closely with team/staff economists and sociologists.

## MEETINGS

The committee shall meet at the request of the committee chairperson, with the approval of the Council executive director, as often as necessary to fulfill its responsibilities. The usual time for meetings shall be Monday and Tuesday of the week of each Council meeting.

### Public Participation

The public will be permitted to comment on items relative to the agenda at a time to be announced in the *Federal Register* and a Council news release. Comments may be limited if deemed necessary by the committee chairperson. Written statements also may be submitted during the public comment period. The public will not be permitted to interject comments during the meeting at any time other than the established comment period unless asked to do so by the chairperson or a committee member. Members of the public may be asked to leave the meeting at the chairperson's discretion if their conduct is impeding the orderly progress of the meeting.

The granting of permission for the public to tape all or any part of the meeting is at the discretion of the committee chairperson and such permission must be obtained in advance.

Copies of this operating procedure shall be available from the Council office to any member of the public planning to attend the committee meetings.

### Public Notification of Meetings

Notice of committee meetings shall be published in the *Federal Register* and made available to news media.

## MINUTES

A Council staff member shall attend and draft minutes of each committee. Such minutes shall be submitted for approval by the majority of committee members at the next committee meeting.

## STAFF RESPONSIBILITIES

In addition to drafting meeting minutes, a Council staff member shall be assigned to assist the committee with coordination, organization, and format problems, and to provide other expertise needed by the committee on a case-by-case basis.

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## COUNCIL OPERATING PROCEDURE

### Advisory Subpanels

*Approved by Council: 07/20/83*

*Revised: 11/17/89, 11/13/90, 04/06/95, 04/17/96, 10/25/96, 09/12/97, 09/18/98, 09/15/00,  
11/01/02*

2

### PURPOSE

To establish procedures for advisory subpanels.

### OBJECTIVES AND DUTIES

When requested by the Council chairperson or executive director, the advisory subpanels shall:

1. Offer advice to the Council on the assessments, specifications and management measures pertaining to each fishery management plan (FMP) with particular regard to (a) the capacity and the extent to which the fishing vessels of the United States will harvest the resources considered in FMPs, (b) the effect of such management measures on local economies and social structures, (c) potential conflicts among groups using a specific fishery resource, or (d) enforcement problems peculiar to each fishery with emphasis on the expected need for enforcement resources.
2. Offer advice to the Council on (a) FMPs, amendments and regulatory amendments during preparation of such FMPs or amendments by the Council, (b) FMPs prepared by the Secretary of Commerce and transmitted to the Council for review, and (c) the effectiveness of the FMPs, amendments, regulations and other measures which have been implemented.
3. Attend public hearings on the FMPs or amendments.
4. Attend Council meetings at the request of the Council chairperson or executive director to advise the Council on specific fisheries, with particular reference to the socioeconomic implications of managing those fisheries.
5. Keep the Council advised of current trends and developments in fishery matters.
6. Identify specific legal or enforcement questions on proposals and request response through the executive director from the appropriate parties. (Note: The Council staff will attempt to anticipate the need for enforcement and legal advice and arrange for the Enforcement Consultants and/or National Oceanic and Atmospheric Administration general counsel to attend subpanel meetings.)
7. Perform such other necessary and appropriate duties as may be required by the Council to carry out its functions under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

### COMPOSITION

1. Subpanels shall consist of not more than 20 members (unless additional members are deemed necessary by the Council), each concerned with carrying out the objectives and duties of the subpanel with respect to a fish species or stock.

2. The Council may establish or abolish subpanels as it deems necessary to perform its duties as specified under the Magnuson-Stevens Act.

## **MEMBERSHIP**

### Terms

Tribal members shall be appointed by the Council to serve indefinite terms (On 11/1/02, the Council specifically approved a term ending date for the SAS Tribal positions of 12/31/03). All other members shall be appointed by the Council for three-year terms commencing January 1 and expiring December 31 three years thereafter, and may be reappointed at the pleasure of the Council. Vacancy appointments shall be for the remainder of the unexpired term of the vacancy.

### Termination of Members

A subpanel member will be replaced at the Council's discretion if he/she (1) transfers employment or moves to a different location, (2) is absent from two meetings in any 12 month period, or (3) appears unable to fulfill his/her obligations as a subpanel member.

### Replacement of Members

Upon receipt of a letter of resignation, completion of three-year terms, or following Council action to remove a member, the executive director shall advertise for qualified nominees. Announcements will be distributed widely and be specific about the duties and responsibilities.

Nominations must be accompanied by adequate information on the amount and kinds of experience which qualify the nominee for the particular position. Nominations should be received on or before a deadline published by the Council.

### Alternates

If the executive director is notified in advance, in writing, a subpanel member may send an alternate to a subpanel meeting no more than once per year when the official member is unable to attend. The alternate will be reimbursed for travel expenses.

### Officers

Subpanel officers shall be appointed by the Council chairperson and shall serve one-year terms.

### Subcommittees

The subpanels may establish such subcommittees as they deem necessary to facilitate their duties.

### Definition of Public-at-large Position

For those Subpanels with a position for "Public-at-large", the person selected for such a position should meet the following criteria:

1. Person has interest in and is knowledgeable about the fishery which is the subject of the subpanel's deliberations.

2. Person is not an appointed, elected, or paid representative of a recreational, commercial, or environmental organization.
3. Priority consideration will be given to individuals who represent port districts, coastal community businesses, seafood safety experts, or individuals who have expertise not otherwise represented on the committee and would provide a valuable contribution to the advisory group.
4. individual will not be considered solely on the basis of their participation in the sport or commercial fishery (including processing) or environmental activities.

## MEETINGS

The subpanels shall meet at the request of the Council chairperson or executive director, as often as necessary to fulfill their responsibilities.

### Public Participation

The public will be permitted to comment on items relative to the agenda, but may be limited if deemed necessary by the subpanel chairperson. Written statements also may be submitted prior to and during the meeting. The public may be permitted to interject comments during the meeting at the direction of the chairperson. Members of the public may be asked to leave the meeting at the chairperson's discretion if their conduct is impeding the orderly progress of the meeting.

Draft reports or statements prepared and discussed at these meetings will be available to the public in final form after submission to the Council. They will not be distributed to the public during the meeting unless authorized by the chairperson. The granting of permission for the public to tape all or any part of the meeting is at the discretion of the subpanel chairperson and such permission must be obtained in advance.

Copies of this operating procedure will be distributed to the public attending subpanel meetings on request.

### Public Notification of Meetings

Notice of subpanel meetings shall be published in the *Federal Register* and made available to news media.

## MINUTES

If practicable, a Council staff member shall attend and draft summary minutes of each subpanel meeting.

## STAFF RESPONSIBILITIES

Council staff members will assist the subpanels as requested.

## REPORTS TO COUNCIL

Subpanels shall report to the Council as directed by the Council chairperson or executive director. Reports will describe both areas of consensus and differences. The subpanel chairperson will present both majority and minority reports.

## NEW MEMBER ORIENTATION

Council staff will hold orientation sessions for new members, if necessary.

## AD HOC ADVISORY GROUPS

The Council chairperson may appoint special groups to address particularly contentious issues, such as allocation. Such groups will be as small as possible, while representing the various interests, and representation will be balanced. Members of these groups may or may not be members of the advisory subpanels. These groups will be terminated when the task assigned is completed.

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## REPRESENTATION ON SUBPANELS AND SPECIAL DUTIES

Subpanel and Total Number of Members	Affiliation
Coastal Pelagic (11)	3 California Commercial Fishers 1 Oregon Commercial Fisher 1 Washington Commercial Fisher 3 Processors (California, Washington, or Oregon) 1 Northern California Charter/Sport Fisher 1 Southern California Charter/Sport Fisher 1 Conservation Representative
Groundfish (18)	3 Fixed Gear (At-Large) 1 Conservation Representative 2 Processors 1 At-Sea Processor 2 Sport Fishers 3 Trawlers (Washington, Oregon, California) 3 Charter Boat Operators (Washington, Oregon, California) 2 Open Access Fishers (1 north and 1 south of Cape Mendocino) 1 Tribal Fisher
<p>The Groundfish Advisory Subpanel (GAP) has lead responsibility for reports to the Council on the progress of the groundfish license limitation program and need for adjustments. If a subcommittee of the GAP is appointed to carry out this responsibility, membership on the subcommittee will be determined by the Council Chair in consultation with the GAP Chair.</p>	
Highly Migratory Species (13)	1 Commercial Troll 1 Commercial Purse Seine 1 Commercial Gillnet 3 Commercial At-Large 1 Recreational At-Large 1 Private Recreational 1 Charter Boat Operator 1 Northern Processor 1 Southern Processor 1 Conservation Representative 1 Public At-Large
Salmon (16)	2 Tribal Members (Washington Coast and California) 1 Gillnetter 3 Charter Boat Operators (Washington, Oregon, California) 4 Sport Fishers ( Washington, Oregon, Idaho, California) 3 Trollers (Oregon, California, and Washington) 1 Public At-large 1 Processor 1 Conservation Representative



APPOINTMENTS TO ADVISORY BODIES, STANDING COMMITTEES,  
AND OTHER FORUMS

Situation: **2004-2006 Advisory Body Terms** - The three-year terms of the Scientific and Statistical Committee, Habitat Committee, and advisory subpanels, expire on December 31, 2003. The Council needs to review the composition of each group, revise them if appropriate, and solicit nominations for the next term. Appointments will be made at the November 2003 meeting. The respective groups may have comments on their composition and, if so, will report these to the Council at the September meeting.

The current advisory body compositions are provided below.

Habitat Committee - 13 members

- One National Marine Fisheries Service (NMFS)
- One U.S. Fish and Wildlife Service (USFWS)
- One Pacific States Marine Fisheries Commission (PSMFC)
- Four state fishery management agencies
- Two tribal representatives (one Klamath, one Northwest or Columbia River)
- Two fishing industry
- One conservation representative
- One at-large

The NMFS, USFWS, State Agency, and PSMFC members serve indefinite terms. Tribal representatives also serve indefinite terms according to the COP (Exhibit B.6, Attachment 1), however, at its November 2002 meeting the Council indicated that the Klamath tribal representative should serve through December 31, 2003. The Council should clarify its intent with regard to tribal representation. The remaining members serve three-year terms, and these seats need to be advertised.

Scientific and Statistical Committee - 15 members, including three social scientists of which two must have economic expertise (Exhibit B.6, Attachment 2).

- Four state fishery management agencies (Washington, Oregon, Idaho, California)
- Four NMFS (one each from the Alaska and Southwest Centers, and two from the Northwest Center)
- One tribal fishery management entity
- Six at-large

The NMFS, State Agency, and Tribal representatives serve indefinite terms. The remaining six at-large members serve three-year terms, and these seats need to be advertised.

Coastal Pelagic Species Advisory Subpanel - 11 members

- Three California commercial fishers
- One Oregon commercial fisher
- One Washington commercial fisher
- One Northern California charter/sport fisher
- One Southern California charter/sport fisher
- Three processors (California, Oregon and Washington)
- One conservation representative

All members serve three-year terms and these seats need to be advertised.

Groundfish Advisory Subpanel - 18 members

- Three Fixed Gear (At-Large)
- One Conservation Representative
- Two Processors
- One At-Sea Processor
- Two Sport Fishers
- Three Trawlers (Washington, Oregon, California)
- Three Charter Boat Operators (Washington, Oregon, California)
- Two Open Access Fishers (1 north and 1 south of Cape Mendocino)
- One Tribal Fisher

The Tribal representatives serve indefinite terms. The remaining members serve three-year terms, and these seats need to be advertised. In addition, the Council should discuss the possibility of changing the composition of the GAP to include greater recreational representation, as agreed at the November 2002 Council meeting.

Salmon Advisory Subpanel - 16 members

- Three Trollers (Washington, Oregon, California)
- One gillnetter
- One processor
- Three charter boat operators (Washington, Oregon, California)
- Four sport fishers (Washington, Oregon, Idaho, California)
- Two tribal representatives (Washington Coast, California)
- One conservation representative
- One public at-large

According to the COP (Exhibit B.6, Attachment 3), tribal members serve indefinite terms. At the November 2002 meeting, however, the Council appointed the Washington Coast tribal representative through December 2003, and indicated that the California tribal representative should serve through December 31, 2003. The Council should clarify its intent with regard to tribal representation. The non-tribal representatives serve three-year terms, and these seats need to be advertised.



Highly Migratory Species Advisory Subpanel - 13 members

- One commercial troll
- One commercial purse seine
- One commercial gillnet
- Three commercial at-large
- One private sport fisher
- One charter boat operator
- One sport at-large
- One Northern processor
- One Southern processor
- One Conservation Representative
- One public at-large

All members serve three-year terms and these seats need to be advertised.

**Other Appointments or Advisory Body Issues or Information** - At the time of Briefing Book preparation, no other appointment issues were identified, although there is potential for action on the California Department of Fish and Game (CDFG) seats to the CPSMT and a NMFS SWFSC seat on the HMSPDT.

**Council Action:**

1. **Review composition of advisory entities and revise for the next term, if appropriate.**
2. **Clarify terms for tribal representatives on the HC, SAS, and GAP.**
3. **Direct staff to solicit nominations for members to the HC, SSC, CPSAS, GAP, SAS, and HMSAS for the new term beginning in 2004.**
4. **If necessary, confirm appointment(s) for the CDFG seats(s) on the CPSMT and the NMFS SWFSC seat on the HMSPDT.**

Reference Materials:

1. Council Operation Procedure 6, Habitat Committee (Exhibit B.6, Attachment 1)
2. Council Operating Procedure 4, Scientific and Statistical Committee (Exhibit B.6, Attachment 2)
3. Council Operating Procedure 2, Advisory Subpanels (Exhibit B.6, Attachment 3)

Agenda Order:

- a. Agendum Overview
- b. Reports and Comments of Advisory Bodies
- c. Public Comment
- d. **Council Action:** Consider Current Composition of Advisory Bodies and Direct Staff to Request Nominees for the 2004-2006 Term

Chuck Tracy

PMFC  
8/21/03



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
Northwest Fisheries Science Center  
2725 Montlake Boulevard East  
Seattle, WA 98112-2097

**RECE**

**SEP 02**

**PFML**

August 29, 2003

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

Dear Don:

We would like to request the Council conduct a review of the analytical methods used in the 2003 bocaccio stock assessments. The bocaccio STAR panel found the new CPUE analysis used in this assessment innovative, and suggested that it might have wide applicability for other West Coast rockfishes. Therefore, it is appropriate for the Council to use its review process to evaluate this new method.

The Northwest Fisheries Science Center will be happy to coordinate this review and work with the Council staff during the review process. The Southwest Fisheries Science Center scientist, Alec MacCall, will be available to provide information and analyses to the review panel.

Sincerely,

Usha Varanasi, Ph.D.  
Science and Research Director  
Northwest Fisheries Science Center

and Michael F. Tillman, Ph.D.  
Science and Research Director  
Southwest Fisheries Science Center

cc: Mr. Rod McInnis, SWR  
Dr. Alec MacCall, SWC  
Dr. Elizabeth Clarke, NWC



COUNCIL STAFF WORK LOAD PRIORITIES AND NOVEMBER 2004  
COUNCIL MEETING AGENDA

Situation: At each Council meeting, the Council provides guidance on the Council staff workload priorities and the draft agenda for the next Council meeting.

The Executive Director will review draft of proposed agenda topics for the next three Council meetings, a draft agenda for the November 2004 Council meeting in San Diego, California, a draft matrix of workload priorities for the Council staff for the period September 15 through November 7, and any other matters relevant to this agendum.

The Council will hear any reports and comments from Advisory Bodies and provide guidance on potential agenda items for the next three Council meetings, specific matters associated with a proposed agenda for the November Council meeting, and priorities for Council staff time allocation between the September and November Council meetings.

**Council Task:**

- 1. Provide guidance on potential agenda topics for the next three Council meetings.**
- 2. Provide guidance on the draft agenda for the November 2004 Council meeting.**
- 3. Provide guidance on priorities for Council staff workload management between the September and November Council meetings.**

**Reference Materials:**

1. Letter from Drs. Usha Varanasi and Michael Tillman regarding stock assessment analytical methods review ( Exhibit b.7, Supplemental Attachment 1).
2. Draft Proposed Three Meeting Outlook for the Pacific Council (Exhibit B.7, Supplemental Attachment 2).
3. Draft Proposed Council Meeting Agenda, November 2-7, San Diego, California (Exhibit B.7, Supplemental Attachment 3).
4. Draft Council Staff Workload Priorities, September 15 - November 7, 2004(Exhibit B.7, Supplemental Attachment 4).

**Agenda Order:**

7. Staff Work Load Priorities and November 2004 Council Meeting Agenda
  - a. Agendum Overview
  - b. Reports and Comments of Advisory Bodies
  - c. Council Guidance on Workload, Draft Agenda for the November 2003 Council Meeting, and Identify Priorities for Advisory Body Consideration

Don McIsaac

PFCMC  
09/04/03

**Meeting Record and Summary Minutes  
Pacific Fishery Management Council  
April 7-11, 2003**

The full record of the Pacific Fishery Management Council (Council) April 7-11, 2003 meeting is available at the Council office, and consists of the following:

1. The draft agenda.
2. The approved agenda with notations as to the time each agenda item was addressed, with summary minutes of Council proceedings and key Council documents inserted in the relevant agenda item. The summary minutes consists of a narrative (1) on particularly noteworthy elements of the gavel to gavel components of the Council meeting, including the Call to Order segment at the onset of the Council meeting, and (2) summaries of pertinent Council discussion during each Council Guidance, Discussion, or Action item in the Agenda. The summary narrative of Council Guidance, Discussion, or Action items includes detailed descriptions of rationale leading to a motion (or leading to a consensus to not make a motion) and discussion between the initial motion statement and the final vote.
3. A set of audio recordings of the actual testimony, presentations, and discussion that occurred at the meeting. Recordings are labeled so as to facilitate tape review of a particular agenda item, by cross referencing with the time labeled agenda.
4. All written documents produced for consideration at the Council meeting, including (1) the pre-meeting briefing book materials, (2) all pre-meeting supplemental documents for the briefing book, (3) all supplemental documents produced or received at the Council meeting, validated as labeled by the Council Secretariat and distributed to Council Members, and (4) public comments and miscellaneous visual aids or handout materials used in presentations to Council Members during the open session.
5. A copy of the Council Decision Log, a document distributed immediately after the meeting which contains very brief descriptions of Council decisions.
6. A copy of the Spring 2003 Council Newsletter.

**DRAFT MINUTES**  
**Pacific Fishery Management Council**  
Red Lion Hotel Vancouver at the Quay  
100 Columbia Street  
Vancouver, WA 98660  
(360) 694-8341  
**April 7-11, 2003**

<b>A. Call to Order</b>	3
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## **A. Call to Order**

### **A.1 Opening Remarks, Introductions**

Dr. Hans Radtke opened the 168<sup>th</sup> meeting with a brief rundown of the main agenda items. Note: The Council held a closed session on Monday, April 7. It was noted the Council Chairman reserved the right to change the public comment time limit if necessary.

### **A.2 Roll Call**

Dr. Donald McIsaac called the roll. Mr. Tim Roth, (non-voting) was not available on Tuesday for agenda items A and B. Dr. David Hanson, Parliamentarian, was not available for the first day of the Council meeting (conflict with North Pacific Fishery Management Council meeting).

#### Members Present at Time of Roll Call

Jim Caito  
Roger Thomas  
Phil Anderson  
Mark Cedergreen  
Bob Alverson  
Jerry Mallet  
Dave Ortmann  
Dave Gaudet (non-voting)  
Don Hansen (Vice-Chairman)  
Hans Radtke (Chairman)  
LT. Gregg Casad (non-voting)  
Burnie Bohn  
Marija Vojkovich  
Ralph Brown  
Jim Harp  
Bill Robinson

#### Members Absent at Time of Roll Call

Stetson Tinkham

### **A.3 Executive Director's Report**

Dr. McIsaac reviewed the items under the informational tab. With respect to the Channel Islands Marine Sanctuary (CINMS) letter, he stated that absent Council direction otherwise, the staff would respond to CINMS with a letter stating that the Council is ready to engage in the process as proposed by CINMS. Mr. Phil Anderson made a comment on Informational Report 2 (mass marking meeting with Senator Norm Dicks). He noted the letter indicated the team was not only to look at what production might be marked this year; but a multi-year implementation strategy - including funding. Mr. Bill Robinson made some comments on the Magnuson-Stevens Conservation and Management Act (MS-Act) issue. He also spoke about the CINMS letter and stated that the response should indicate that it is the Council's understanding that the 60 and 120 day deadlines in the CINMS timeline pertained to the time within which the Council should respond as to their interest in participating in the particular part of the process and not a deadline for the Council's final response. Mr. Eric Larson also spoke to the CINMS letter timetable for interaction with the Council. Additionally, he noted that the CINMS designation document might be changed to allow CINMS to create marine reserves and spoke to the effect of that designation document change on broader CINMS authority over fishing activities.

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

The Council approved the agenda as shown in Exhibit A.4, April Council Meeting Agenda with the following changes: delete agenda items C.1 and delete E.9. Mr. Anderson noted under groundfish management E.3, the potential for inseason management actions - there are a number of different issues and it may indeed take some additional time than what was originally allotted. (Motion 1)

### B. Administrative Matters

#### B.1 Annual U.S. Coast Guard Report (04/08/03; 8:30 am)

##### B.1.a Introductory Comments

RADM Erroll Brown reported that as of March 1, 2003, the Coast Guard is under the Department of Homeland Security and not the Department of Transportation as in the past. The cutters are performing two missions: both homeland security and fisheries. Major offshore cutter hours have been increased. There have also been increases in partnerships with the Oregon State Police and Washington Department of Fish and Wildlife (WDFW).

RADM Brown also spoke about the difficulty of enforcing the depth-based groundfish fishery requirements.

##### B.1.b U.S. Coast Guard Enforcement Report

CDR Fred Myer and Lt. Greg Casad provided a PowerPoint presentation of the 13<sup>th</sup> Coast Guard District's 2002 fisheries enforcement report. (Report on file at the Council office).

##### B.1.c Council Discussion on U.S. Coast Guard Enforcement Report

The Council discussed enforcement of the rockfish conservation areas with RADM Brown, who noted that cooperation with the other fishery agency enforcement personnel makes their efforts more efficient.

Mr. Anderson thanked RADM Brown for the support of his staff and resources in the 13<sup>th</sup> District which are being used to aid WDFW in both enforcement and management of regulations.

#### B.2. Planning Session on Enhancing Communication with Fishing Communities (04/11/03; 8:08 am)

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

Ms. Jennifer Gilden provided the agendum overview and introduced Ms. Flaxen Conway.

##### B.2.b Report on Enhancing Communication with Fishing Communities

Ms. Conway gave a presentation *"An Investment in Trust: Communication in the Commercial Fishing and Fisheries Management Communities."*

Mr. Steve Copps commented NOAA Fisheries has been working with Ms. Conway, Ms. Ginny Goblirsch, and Ms. Gilden. He noted NMFS's support for improving communications. He asked for Council guidance for the future.

Mr. Dave Ortmann commented that in order to take these recommendations, this has to be a "top down" process. As individuals, we are not likely to do much. To be effective we need a program development, direction, and funding.

Ms. Vojkovich commented that talking to people to explore the issues like this is very helpful. In California, the core issues are the same as in Oregon and Washington, but how we implement things may be different.



In California we have made communication a top priority. We have dedicated personnel who produce information for fishing communities and the public, and have developed an extensive website and a quarterly newsletter. We have been trying to survey people on what works and what doesn't, what kind of information people need, where they get it, etc., so we can target our measly communication dollars and maximize staff time and talents. Communication is difficult for many people. It takes a personal commitment; making that commitment, and displaying that commitment, is the basis for change.

Ms. Conway said she appreciated Ms. Vojkovich's comments. She believes this commitment has to happen at every level - top down, bottom up, individual, and to communities and back. It is important to take the energy and time to do this. It's true that resources are slim. Resources can be financial, or they can be time and personal commitment. Part of the challenge we face is to assign more of our resources to this topic on all levels.

Mr. Cedergreen noted that Ms. Conway had said something about possibly doing a similar study in the recreational fishing community. He guesses that such a study would find a lot of the same views and concerns about management as in the commercial fishery.

Mr. Anderson noted that WDFW Director Jeff Koenings has made improving communications with customers a very high priority for the agency. He will provide the report to WDFW's public relation personnel.

Mr. Bohn asked whether the essence of good communication is that it "takes two." Is there a way to deal with the vast apathy in the general public?

Ms. Conway said she is not sure if she sees more apathy, but she does see information overload. People are exposed to more and more information all the time. As humans we try to filter out what is necessary and what is not. The challenge is trying to make a match between what is being communicated and the priorities of the audience. As we get more information overload, the ability to receive goes down. It's an iterative process - it changes all the time; you need to use different methods to reach different people. The challenge is figuring out who the audience is, whether we are communicating clearly, how people will use this, how we know if they are using the information, etc. Also, for the record, the things you thanked us for in the report were the participants' views.

Mr. Robinson asked if it would be useful for the Council to develop a formal communication plan, probably at very little cost, that would lay out some things the Council and agencies could do? Would it be helpful to take this a step further?

Ms. Conway said yes, that would be very useful. Working together to create the plan may be more useful than actually having the plan. "Planning is priceless, plans are useless."

Mr. Tim Roth said USFWS is currently going through the process of dividing the national plan for fisheries to a local level. He is one member of the drafting team doing that work. He believes *Investment in Trust* will have some applicability to this effort and to the other agencies working within the Council process.

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

##### **SAS**

Mr. Don Stevens presented Exhibit B.2.c, Supplemental SAS Report. He also noted the SAS appreciates the great working relationship between the staff, STT, and the SAS.

##### **GAP**

Ms. Gilden read Exhibit B.2.c, Supplemental GAP Report.

## **CPSAS**

Ms. Gilden read Exhibit B.2.c, Supplemental CPSAS Report.

## **HC**

Mr. Stuart Ellis provided Exhibit B.2.c, Supplemental HC Report.

### **B.2.d Public Comment**

None.

### **B.2.e Council Discussion on Report on Enhancing Communication with Fishing Communities**

Dr. McIsaac remarked about the Council efforts to improve the website. He acknowledged Ms. Gilden's work in writing content and Ms. Krause's technical work in making the website accessible to people with low connection speeds. The Council has made some progress, but we heard testimony this week about the lack of communication. He asked Ms. Conway if she had recommendations to give to the Council.

She replied she did not have any specific recommendations at this time. She noted the Council has done more than make improvements to the website - for example, developing information on how the Council process works. There is room to teach people about how they can play a role in the Council process. The first place to start would be to continually review the recommendations in the document, looking at where are we making progress in our efforts to improve communications, promote trust, share data, improve data gathering, etc. She offered to spend some time thinking about this and asked if she and the Council could do this together.

Dr. Radtke said that would be useful.

Mr. Robinson again asked if it would be fruitful for those with expertise and interest in this area to come forward at a future meeting with a list of recommendations or even a draft communication plan for the Council to consider?

Mr. Brown noted that while communicating is important, content is also important. The title of the document is "An Investment in Trust." You have to communicate information and be trustworthy as well. We routinely hear the fishermen say they don't feel like we trust them, and they don't trust us. We communicate that distrust well. It is not that we are not effective, but we need to think about what it is we are communicating.

Ms. Vojkovich wondered if we have asked our advisory panels how communication might be enhanced during the week at Council meetings. Has that been explored?

Dr. McIsaac noted the Council staff would write that down and look into it.

Dr. Radtke said on a national level, this Council is seen as having one of the most open processes of all the Councils. Some of this is due to the strength of Sea Grant and the universities in communicating with the fishing industry.

Mr. Anderson, responding to Mr. Brown's comments, said that during the last three years we have worked really hard in Washington to improve communication and trust, and our listening to our groundfish, salmon and CPS industry folks. WDFW has made substantial progress in building a trusting relationship in both directions. That doesn't mean we always agree or run up against hard decisions. We are not where we need to be, but we have made substantial progress in building a more trusting and understanding relationship.

Mr. Robinson asked the Council if they would like a small group to put together a list of recommendations based on this document. Perhaps they could meet with each of the advisory bodies at the June meeting

and seek recommendations and prepare a list of recommendations or a draft communication plan to bring to the Council at the September meeting.

Ms. Vojkovich agreed with Mr. Robinson's comments and would be happy to help with that, as long as planning meetings were held at Council meetings (evenings, perhaps) and not elsewhere. She will bring some documentation that she has that might help the group move towards developing a plan.

Dr. Radtke said we will take this as Council direction. Dr. McIsaac said the Council seemed to agree with Mr. Robinson's recommendation.

### B.3 Legislative Matters (04/11/03; 9:35 am)

#### B.3.a Agendum Overview

Mr. Waldeck provided the agendum overview.

#### B.3.b Legislative Committee Report

Mr. Waldeck read Exhibit B.3.b, Supplemental Legislative Committee Report.

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

None.

#### B.3.d Public Comment

None.

#### B.3.e **Council Action:** Consider Recommendations of the Legislative Committee

Mr. Alverson thanked legislative staff from the offices of Senator Murray, Senator Cantwell, Senator Wyden, and Congressman Baird for attending portions of the Council and Legislative Committee meetings. He asked Council staff to send thank you letters to the congressional offices and to invite congressional staff to the June meeting in Foster City, California.

Mr. Brown spoke briefly to the West Coast groundfish fishery buyback program, notably expressing appreciation to Mr. Pete Leipzig for his work on the buyback program.

The Council discussed individual fishing quota programs (IFQ). Magnuson-Stevens Fishery Conservation and Management Act guidelines for IFQ programs could be delayed due to competing legislative priorities. Since the IFQ moratorium ended last year, there are no new restrictions on development and implementation of new IFQ programs. The Council encouraged West Coast fishing interests, notably the groundfish trawl industry, to consider initiating plans for IFQ programs in West Coast fisheries. Specific to the West Coast groundfish trawl fishery, the Council discussed several complicating factors that would need to be addressed in developing an IFQ program. These include allocation, bycatch in mixed stock fisheries and the need for improvements in reporting and monitoring of total catch. As workload allows, the Council expressed willingness to work with industry participants to help facilitate program development.

Mr. Waldeck stated he would draft a brief article for the Council newsletter to inform the public of the legislative and IFQ matters discussed by the Council. The Council concurred.

### B.4. Appointments to Advisory Bodies, Standing Committees, and Other Forums (04/11/03; 9:50 am)

#### B.4.a Agendum Overview

Dr. John Coon provided the situation summary (Exhibit B.4). He noted that there was no Council action necessary as no nominations had been received for the HMSAS and SSC vacancies. He also reported that

there are two temporary replacements on the Habitat Committee (HC)—Ms. Arlene Merems (ODFW) for Mr. David Fox and Mr. Scott Marshall (IDFG) for Mr. Gregg Mauser. Mr. Richard Stoll will be replacing Mr. Paul Heikkila as the HC representative to the Programmatic EIS Oversight Committee.

B.4.b Appointments to Advisory Bodies

B.4.c Reports and Comments of Advisory Bodies

None.

B.4.d Public Comment

None.

B.4.e **Council Action:** Consider Appointing New Members and Addressing Other Membership Issues

Mr. Bohn requested clarification of the situation in which the CPSAS noted that one or its positions had no vote in the decision on sardine allocation. Dr. Coon said that was due to the fact that the person in that position was absent and had already used an alternate earlier this year. The Council only pays for one alternate a year. Also, we will review the COPs in September and if there are issues of people being absent we can deal with them at that time.

B.5. Staff Work Load Priorities (04/11/03; 9:54 am)

B.5.a Agendum Overview

Dr. McIsaac provided a summary of Supplemental Staff Workload Priorities (Exhibit B.5.a).

B.5.b Council Discussion and Guidance on Staff Work Load Priorities

Council members held a combined discussion of B.5 and B.6 (see below under B.6.) and gave guidance to the Executive Director and Chairman.

B.6 June 2003 Council Meeting Agenda

B.6.a Agendum Overview

Dr. McIsaac provided a summary of two supplemental documents providing an outline of the Council meeting agendas for June, September, and November (Exhibit B.6.a) and a more detailed draft of the June Agenda (Exhibit B.6).

B.6.b Consider Agenda Options

This agenda item was combined with agenda item B.5. Mr. Anderson stated the three meeting agenda outlook is very helpful and a good place to start in the pursuit of better long-term planning. However, he suggested that the Council needs to look at some alternative management strategies that include a broader scope than just meeting-to-meeting priorities. A prime example of the problems raised by our current piecemeal approach is the unexpected implementation of the groundfish observer data and its resulting repercussions. He asked that the June agenda include an item to consider alternative management strategies. Mr. Brown and Mr. Alverson agreed.

B.6.c Reports and Comments of Advisory Bodies

Mr. Rod Moore, GAP Chairman, said it had worked out well to have advisory body presentations on Monday include the Council and advisory bodies so it did not have to be repeated during the Council meeting. With regard to the June agenda, he asked that HMS be moved to Tuesday and not all of the groundfish agenda

occur on one day so the GAP can focus on the "big" agenda items. He reported the GAP agreed to start on Sunday at 1 p.m. for the June meeting.

- B.6.d **Council Action:** Identify Priorities for Advisory Body Consideration and Adopt Final Agenda for the June 2003 Council Meeting

Mr. Anderson moved and Mr. Hansen seconded a motion (Motion 34) to approve the draft agenda as provided in Supplemental Draft June Agenda (Exhibit B.6) with the addition of the session on alternative management strategies. Motion 34 passed.

### **C. Salmon Management**

#### **C.1 National Marine Fisheries Service (NMFS) Report on Salmon Management**

Removed from agenda (see Motion 1).

#### **C.2 Identification of Stocks Not Meeting Escapement Goals for Three Consecutive Years (04/08/03; 8:51 am)**

##### **C.2.a Agendum Overview**

Mr. Chuck Tracy provided a summary of the agendum.

##### **C.2.b Report of the Salmon Technical Team (STT)**

Mr. Dell Simmons presented Exhibit C.2.b, supplemental STT Report.

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

### **SSC**

Dr. Peter Lawson provided Exhibit C.2.c, Supplemental SSC Report.

##### **C.2.d Public Comment**

None.

##### **C.2.e Council Action:** Identify Any Actions Necessary Under the Council's Overfishing Review Procedure

Mr. Anderson noted the Grays Harbor (Chehalis River) predictor has performed poorly in recent years. The comanager-agreed inriver harvest rate objective is less than 10%. The 2003 harvest rate is projected to be just over 8%. There are no target fisheries on this stock in the comanagers management plan. A Grays Harbor Control Zone will be proposed under C.5 to provide additional protection.

#### **C.3 Establish Salmon Model Documentation and Evaluation Process (04/08/03; 9:08 am)**

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

Mr. Tracy provided a summary of the agendum.

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

#### **SSC**

Dr. Lawson provided Exhibit C.3.b, Supplemental SSC Report.

Mr. Anderson asked if the SSC recommendation for an SSC seat on the MEW would compromise the SSC evaluation of the models in the Salmon Methodology Review process, as indicated in their testimony in March, 2003. Dr. Lawson responded that the SSC had additional discussion on the topic. There was a desire for the MEW to have SSC expertise, and the SSC felt that participation at a level similar to the groundfish stock assessment involvement would allow adequate independence of the SSC to provide an objective review.

#### **STT**

Mr. Simmons provided Exhibit C.3.b, Supplemental STT Report.

Mr. Larson reiterated CDFG's desire to be involved in the MEW process.

Mr. Anderson asked if the STT was advocating representation from the SSC. Mr. Simmons responded yes. He added that the specificity in the situation summary on membership was probably too rigid, that a core group of agency members would be more appropriate, which could draw on other expertise as necessary.

Mr. Anderson stated that another scenario would be to ensure broad representation in the MEW with subcommittees appointed for specific tasks.

### C.3.c Public Comment

None.

### C.3.d **Council Action:** Confirm Model Evaluation Work Group Membership and Adopt Salmon Model Documentation and Evaluation Process

Mr. Alverson moved (Motion 2) to establish the Model Evaluation Work Group (MEW) membership. Mr. Donald Hansen seconded the motion.

Dr. McIsaac asked for the Council to establish the participants (how many seats, and from where, and any recommendations of personnel).

Mr. Alverson asked the Chairman to come back to the Council in June with a recommendation.

Mr. Anderson indicated that he wants to know the specifics of the group composition prior to voting. The situation summary has a composition, and he felt CDFG needs to be added to that group, as well as USFWS and/or NOAA Fisheries.

Mr. Tim Roth indicated that the USFWS would like to be part of the MEW.

Mr. Robinson said NOAA Fisheries would like to participate in the standing committee; he felt for consistency and continuity, NOAA Fisheries would like an agency position.

Mr. Anderson asked for a friendly amendment that would add the following entities to be represented on the MEW: WDFW, NWIFC, CRITFC, ODFW, CDFG, USFWS, NOAA Fisheries, STT and the SSC. Mr. Alverson and Mr. Donald Hansen accepted the friendly amendment.

Mr. Anderson requested that specific job titles or expertise not be included with the positions so that the MEW could identify the expertise they need from each of the entities.

Mr. Brown asked if the STT and SSC positions were intended to be separate individuals from the agency positions. Mr. Anderson responded that one person could fill both an agency and an STT or SSC role.

Mr. Bohn asked if the MEW work priorities were included in the motion. Mr. Anderson replied no, that the MEW should set priorities.

Mr. Harp asked if Canadian representation was part of the motion. Mr. Anderson responded no, but stated that it did not preclude the MEW from bringing that expertise in.

Mr. Tracy stated that Canada Department of Fisheries and Oceans (DFO) has identified someone that could interact with the MEW.

Motion 2 passed.

Dr. McIsaac stated the Council may want to discuss the process of establishing priorities, goals, and schedules. Mr. Anderson responded that the MEW should discuss those subjects at its initial meeting, as well as workload for the MEW members, and report back to the Council.

Mr. Tracy requested some guidance on submission of nominees and scheduling of the first meeting. Dr. McIsaac responded that the typical process for solicitation of Council committee members could be followed, or if an initial meeting was desired immediately, agencies could submit names directly to the Executive Director.

Mr. Anderson said the agency representatives should provide names to the Executive Director or the Council Chair.

Mr. Donald Hansen asked about the likely duration of the committee. Mr. Simmons responded that it would be a long-term committee with numerous tasks.

Mr. Larson requested that names not be submitted at this time.

Mr. Harp stated that the NWIFC does have a member in mind, but has not yet discussed the issue with CRITFC.

Dr. Radtke summarized the guidance: nominees will be submitted by the agencies to the Executive Director. The Council concurred.

#### C.4 Methodology Review Process for 2003 (04/08/03; 10:07 am)

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

Mr. Tracy summarized the agendum.

##### C.4.b Report of the Scientific and Statistical Committee (SSC)

Dr. Lawson presented exhibit C.4.b, Supplemental SSC Report .

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

### **STT**

Mr. Simmons presented Exhibit C.4.d, Supplemental STT Report.

Mr. Anderson stated that WDFW plans consideration of a 2004 mark selective chinook fishery in Areas 5 and 6, and asked if that would affect the priority rank of items #2 and #3 on the SSC list. Mr. Simmons stated

that the if additional modification to the Chinook FRAM were not being considered prior to 2004 selective fisheries, it may be appropriate to switch the priority of items #2 and #3.

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

##### **Tribal**

Mr. Harp presented Exhibit C.4.c, Methodology Review Process.

##### **States**

Mr. Anderson recommended the priority of items #2 and #3 on the STT report (Chinook FRAM for mark selective fisheries and Coho FRAM fisheries for Canadian stocks) be switched.

#### C.4.e Public Comment

None.

#### C.4.f **Council Action:** Establish 2003 Schedule and Methodologies to be Reviewed

Mr. Anderson moved (Motion 3) to adopt the list of methodology review issues for 2003/2004 as shown in Exhibit C.4.d, Supplemental SSC Report - with the revisions to items #3 and #4 as recommended by the STT (Exhibit c.4.d, Supplemental STT Report); and the changing of priorities by changing the order of items #2 and 3 (moving item #3 to item #2 and item #2 to item #3). Mr. Larson seconded the motion. Motion 3 passed.

#### C.5. Tentative Adoption of 2003 Ocean Salmon Management Measures for Analysis (04/08/03; 10:45 am)

##### C.5.a Agendum Overview

Mr. Donald Hanson chaired this agenda item.

Mr. Tracy provided a summary of the agendum.

##### C.5.b Update on Estimated Impacts of March 2003 Options

Mr. Dell Simmons referred the Council to Table 5 of Preseason Report II to provide updates for Option I. Objectives are now projected to be met for lower Columbia River natural tule chinook, Thompson River coho, Hood Canal coho, and Columbia River upriver coho allocation.

##### C.5.c Summary of Public Hearings

Mr. Bohn reported there were 15 people who testified at the Coos Bay, Oregon hearing. Mr. Caito reported 46 people attended and 17 testified at the Eureka, California hearing, the best turnout they have had in a long time, most in favor of option 1. Mr. Cedergreen reported 16 people attended and six testified at the Westport, Washington hearing, most in favor of option 1.

##### C.5.d Summary of Written Public Comment

Mr. Tracy provided Exhibit C.5.d, Supplemental Summary of Written Public Comment.

##### C.5.e Recommendations of the U.S. Section of the Pacific Salmon Commission

Mr. Harp provided Exhibit C.5.e, Recommendations of the PSC.



C.5.f Recommendations of the North of Cape Falcon Forum

Mr. Anderson presented Exhibit C.5.f, North of Falcon Recommendations.

C.5.g Recommendations of the Klamath Fishery Management Council (KFMC) (04/08/03; 1:35 pm)

Mr. Dan Viele provided Exhibit C.5.g, Supplemental KFMC Report.

C.5.h Report of the California Fish and Game Commission (CFGC)

Mr. Eric Larson provided a summary of the CFGC process for Mr. Bob Treanor. Two public hearings were held on the Klamath river fishery, one in Crescent City on March 25, and one in Weaverville on March 26. The CFGC adopted regulations at their April 4 meeting in Visalia. The CFGC adopted Option I for the ocean salmon recreational fisheries with a range of days open for the KMZ to allow flexibility within the Council process.

C.5.i NMFS Recommendations

Mr. Robinson presented Exhibit C.5.j, Supplemental NMFS Guidance.

C.5.j Tribal Recommendations

Mr. Harp presented Agenda Item C.5.j, Tentative Adoption of Treaty Troll.

Mr. George Kautsky provided comments for the Hoopa Valley Tribe. He stated that the Hoopa Tribe is supportive of Option I and of the concept of full utilization. The tribe is concerned about impacts on Klamath spring chinook from early season ocean fisheries in Oregon and California. The Tribe is also concerned with the absence of controls or triggers for the commercial fisheries in the Fort Bragg area.

Mr. Harold Blackwolf offered the following comments:

*The tribes still question the wisdom of proceeding with a selective fishery in Areas 5 and 6 on the Strait of Juan de Fuca. We have not had an opportunity to review potential impacts of this fishery on Columbia River stocks. We hope to be able to do so soon.*

*We are concerned along with others that there is not a forecast for Snake River fall chinook yet. It appears unlikely that a forecast can be developed in time for this year's Council process. There are still technical problems with the run reconstructions for the past three years. Tribal staff will continue to work with the state and federal staffs on these problems, and develop methods to provide these forecasts on a timely basis.*

*It appears that the tribes and states are going to be able to reach agreement on a plan for 2003 fall chinook Columbia River fisheries with the package of ocean fisheries currently under consideration. We hope to conclude this agreement soon so we have more time to devote to solving long term management issues as well as working toward salmon recovery.*

*This concludes my statement.*

C.5.k State Recommendations

None.

C.5.l Reports and Comments of Advisory Bodies (04/08/03; 1:42 pm)

**SAS**

Messrs. Don Stevens, Jim Olson, and Duncan MacLean provided the commercial options as shown in Exhibit C.5.I, Supplemental SAS Report. Messrs. Steve Watrous, Ron Lethin, Jim Welter, and Craig Stone provided the recreational options as shown in Exhibit C.5.I, Supplemental SAS Report.

Mr. Bohn asked if the reduction in the Oregon KMZ commercial fishery quota from 4,000 to 3,000 in September and the size limit change from 30 inches to 28 inches were to address potential 2004 credit card issues. Mr. Stevens responded yes.

Mr. Anderson requested a specific allocation for the June 26-30 commercial fishery north of Cape Falcon.

Mr. MacLean provided Exhibit C.5.I, Supplemental SAS Report 2.

Mr. Roth remarked that the Coleman NFH marking program is not being eliminated, just reduced, due to funding issues.

#### C.5.m Public Comment

Mr. Steve Westrick, Westport Charterboat Association; Westport, Washington  
Mr. Duncan MacLean, troller, El Granada, California

C.5.n **Council Action:** Tentatively Adopt Management Measures for 2003 Ocean Salmon Fisheries (04/08/03; 2:28 pm)

Motions 4 through 7 utilized Exhibit C.5.I, Supplemental SAS Report

Mr. Anderson moved (Motion 4) to tentatively adopt for STT analysis the options for the commercial and recreational fisheries north of Cape Falcon as presented in Exhibit C.5.I, Supplemental SAS Report, with the following changes: page 3, control zone definitions (C.4.a), change the latitude referenced on the second line to read "48° 10' N. Lat."; also under the control zone definitions, pages 4 and 7, add a new control zone entitled the Grays Harbor Control Zone, with the area defined as the ocean area from the Westport Lighthouse to Buoy #2 to Buoy #3, to the Grays Harbor north jetty, closed beginning Aug. 16<sup>th</sup> for both commercial and recreational salmon fishing; the page 1 language under the U.S./ Canada border to Cape Falcon commercial fishery beginning *State regulations require...* be modified after consultation between WDFW and ODFW to ensure accurate monitoring and timely accounting of salmon catch. Mr. Cedergreen seconded the motion.

Mr. Anderson stated the Cape Flattery Control Zone boundary of 48° 10' N. Latitude is consistent with recent years, coincides with the Area 3/4 boundary, and would preserve the integrity of data for future management decisions. The Grays Harbor Control Zone has been used to provide protection to returning Grays Harbor fall chinook, which are projected to return at less than the spawning escapement objective.

Motion 4 passed.

Mr. Bohn moved (Motion 5) to tentatively adopt for STT analysis the options for the commercial and recreational fisheries south of Cape Falcon to Humbug Mt, Oregon, and in the KMZ (Humbug Mt., Oregon to Horse Mt., California) as presented in Exhibit C.5.I, Supplemental SAS Report with the following changes: Page 1, Cape Falcon to Florence South Jetty and Florence South Jetty to Humbug Mt., change the ending date on the 27 inch minimum size limit to September 30; Page 2, Humbug Mt. to OR/CA border 2004 opening date to March 15. Mr. Brown seconded the motion. Motion 5 passed.

Mr. Larson moved (Motion 6) to tentatively adopt for STT analysis the options for the commercial and recreational fisheries in California south of Horse Mt. as presented in Exhibit C.5.I, Supplemental SAS Report with the following changes to page 2 Horse Mt. to Point Arena: change the July opening dates to July 3 and July 18; change the starting date for the July landing restriction to July 3; insert language specifying no landing restrictions beginning July 18. Mr. Thomas seconded the motion. Motion 6 passed.

Mr. Harp moved (Motion 7) to tentatively adopt for analysis by the STT a treaty troll fishery with a coho quota of 90,000, and a chinook quota of 60,000. The fishery would consist of a May/June chinook only fishery and a July/August/September all species fishery. The chinook quota would be split 50% into each fishery (30,000 in May/June and 30,000 in all species). Gear restrictions, size limits and other appropriate

regulations would be as stated in previous Salmon Technical Team analyses. Mr. Bohn seconded the motion.

Mr. Harp emphasized this is a tentative measure, and he may be looking at other alternatives for quotas pending model results.

Motion 7 passed.

Mr. Anderson moved (Motion 8) to adopt the definitions of fishing gear for tentative analysis as shown in Exhibit C.5, Attachment 1. Dr. Radtke seconded the motion. Motion 8 passed.

Mr. Tracy noted that under Exhibit C.4.c, methodology review process, Mr. Harp requested the Council provide direction to the STT to provide impact analysis specific to both Council and PSC requirements.

Mr. Harp moved (Motion 9) that the Council direct the STT and SSC to provide relevant algorithms, procedures for parameter estimation and validation, and data as recommended by the STT beginning in 2004. Mr. Bohn seconded the motion. Motion 9 passed. Mr. Anderson opposed the motion. Dr. Radtke abstained.

#### C.6 Clarify Council Direction on 2003 Management Measures

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

Mr. Tracy provided a summary of the agendum.

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

Mr. Simmons provided Exhibit C.6.b, Supplemental STT Report.

##### C.6.c Council Guidance and Direction on 2003 Salmon Management Measures

Mr. Bohn directed the STT to change language on page 1, U.S./Canada Border to Cape Falcon, regarding landing salmon south of Cape Falcon to say, *in Garibaldi* rather than *south of Cape Falcon or in adjacent areas*.

Mr. Anderson directed the STT to change language on page 1, U.S./Canada Border to Cape Falcon, to include a chinook quota of 800 for the June 26-30 open period.

Mr. Larson requested removal of the second paragraph on page 2, Horse Mt. to Pt. Arena; and addition of language in page 4 (C.7.b.) to allow consideration of inseason recommendations to open commercial seasons for all salmon except coho prior to May 1 in the area between Horse Mt. and Point Arena, California.

#### C.7 Final Action on 2003 Salmon Management Measures (04/10/03; 9:48 am)

##### C.7.a Agendum Overview

Mr. Tracy provided a summary of the agendum.

##### C.7.b STT Analysis of Impacts

Dell Simmons presented Exhibit C.7.b, Supplemental STT Report.

##### C.7.c Comments of the KFMC

None.

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

None.

#### C.7.e Tribal Comments

Mr. Harp presented Exhibit C.7.e, Tribal Comments, Final Action on 2003 Measures.

Mr. Harp stated that the final action about to occur represents the conclusion of the North of Falcon process. The state and tribal comanagers completed an agreed package of fisheries plans for 2003. The negotiations between the comanagers and many constituent groups began prior to the March Council meeting and concluded today with an agreed package that includes all fisheries from the ocean to terminal areas in Puget Sound and the Washington coast. We have spent considerable time in the North of Falcon process defining fishing strategies to address conservation concerns for Puget Sound and coastal coho and chinook stocks. The agreed package of fisheries meets our management objectives that have been previously communicated to the Council. The agreed fishing plan represents a careful balance between all fishery interests and the conservation needs of the stocks. The plan is a product of a lot of hard work and respectful negotiations between all interest groups, tribal and state comanagers, and federal agencies responsible for ESA implementation. That concludes my statement on behalf of the 20 tribes of western Washington and the four tribes of the Columbia River.

#### C.7.f Public Comments

Mr. Dave Bitts, Humboldt Bay Fisherman's Marketing Association, Eureka, California

Mr. Don Stevens, Oregon Salmon Commission, Newberg, Oregon

#### C.7.g. **Council Action:** Adopt Final 2003 Salmon Management Measures

Mr. Anderson moved (Motion 25) to adopt the commercial and recreational measures for the area north of Cape Falcon as indicated in Exhibit C.7.b, Supplemental STT Report, with the following changes: page 6 U.S./Canada Border to Cape Alava recreational fishery, change *chinook retention allowed through July to chinook retention allowed July 1-31*. Mr. Cedergreen seconded the motion. Motion 25 passed.

Mr. Bohn moved (Motion 26) to adopt the commercial and recreational measures for the area Cape Falcon to Horse Mt., California as indicated in Exhibit C.7.b, Supplemental STT Report. Mr. Brown seconded the motion. Motion 26 passed.

Mr. Larson moved (Motion 27) adopt the commercial and recreational measures for the area south of Horse Mt., California as indicated in Exhibit C.7.b, Supplemental STT Report. Mr. Thomas seconded the motion. Motion 27 passed.

Mr. Harp moved (Motion 28) to adopt the ocean treaty troll fishery measures as described in Agenda Item C.7.e, Treaty Ocean Troll, Adopt Final Measures. Mr. Bohn seconded the motion. Motion 28 passed.

Mr. Harp asked for confirmation from the STT if the Council's fisheries met the obligations of the PST, specifically the ISBM components. Mr. Simmons responded that the Council's proposed management measures were well under PSC impact rates, and further that the STT will continue to report that information annually to the Council.

Mr. Anderson moved (Motion 29) to adopt the definitions of fishing gear as defined in Exhibit C.5., Attachment 1 and authorize Council staff, NMFS, and the STT to draft and revise the necessary documents to allow implementation of the recommendations in accordance with Council intent. Mr. Alverson seconded the motion. Motion 29 passed.

C.8 Clarification of Final Action on Salmon Management Measures *(If Necessary)*

This agendum was not necessary.

**D. Habitat Issues**

D.1 Essential Fish Habitat Issues (04/08/03; 4:19 pm)

D.1.a Agendum Overview

Ms. Jennifer Gilden provided the agendum overview and pointed out proposed letters on Klamath flows and Federal Energy Regulatory Commission (FERC) relicensing issues.

D.1.b Report of the Habitat Committee (HC)

Mr. Stuart Ellis provided Exhibit D.1.b, Supplemental HC Report.

Dr. McIsaac asked about Battle Creek pre-spawning mortality. The report said that stretch of the creek could support 35,000-40,000 spawners. There used to be a 40,000 spawner goal for all of the Hanford Reach above McNary Dam and the lower Snake as well. Could you speak to that? It looks like a disastrous situation.

Mr. Ellis said he suspected that a zero or two has been added to that figure, and that the number of spawners is probably lower.

Regarding Dr. Parrish's white paper and the desire to have him present it to the HC in June, Mr. Anderson asked if the HC discussed where they would like to go with this after the Parrish presentation? Is there any avenue in mind for considering marine reserves?

Mr. Ellis said there was a wide variety of opinions on marine reserves within the HC membership. Some are quite supportive, while others are less so. In general, the HC is doubtful the issue will go away, and the general objective is to follow the issue and be aware of what's going on. We expect the Council may need to get more involved in this in the future. We feel it is important to track this.

Mr. Robinson commented that the letter to Secretary Norton regarding Klamath flows refers to six actions recommended by the Council in its November letter, and comments that we are unaware of any progress towards accomplishing those. I want to indicate that with respect to the first recommendation, reinitiation of consultation, there is an expectation that will happen after new information becomes available.

D.1.c Reports and Comments of Advisory Bodies

None.

D.1.d Public Comment

Mr. Joel Kawahara, commercial salmon fisher, Washington (regarding the lack of recovery for Snake River fall chinook and the Salmon Report Card.)

Dr. McIsaac asked about the Salmon Report Card's "F" grade for hatcheries and harvests, and whether Mr. Kawahara had any comments on the fishery management grades included in the report card.

Mr. Kawahara said he didn't know the reasoning behind the grades for fishery management.

Mr. Paul Englemeyer, National Audubon Society, Yachats, Oregon (supported the direction of the HC on the FERC and Klamath letters; urged plan for dealing with salmon net pens.)

Mr. Phil Kline, Oceana, Washington, DC, and Mr. Geoff Shester, Oceana, Juneau, Alaska (Mr. Shester spoke on EFH EIS; suggested alternative proposed to North Pacific Fishery Management Council regarding bycatch caps, no-trawl areas, and monitoring and science). (Mr. Kline spoke on dam removal, the process for adopting HAPC, and the need to protect coldwater corals).

Dr. McIsaac asked if Mr. Kline could identify any candidate areas for coldwater corals that could be investigated and documented.

Mr. Kline said that NMFS has a draft map of coldwater corals that has not been released yet. He encouraged NMFS to complete and release the map.

Mr. Robinson said that Oceana is participating in the EFH EIS process, and that the Council welcomes their participation.

#### Tribal Comment

Mr. Dave Hillemeier, Yurok Tribe on Klamath River water issues. Encouraged the Council to send the letter to Secretary Norton. There is a high probability of more juvenile fish kills. It is important the Secretary work on long-term issues for Klamath water flows. He felt the current "water bank" idea in the Klamath would be ineffective.

Mr. Mike Orcutt, Hoopa Valley Tribe said he supports the Habitat Committee and Mr. Hillemeier's comments. He acknowledged there have been a lot of cooperative solutions to remedy the situation, and many different groups have been involved. He supported the HC letter and strongly encouraged it be sent. He updated the Council on current action and litigation in the Klamath/Trinity, and supported increased flows in both rivers.

#### **D.1.e Council Action:** Consider HC Recommendations

Ms. Gilden reviewed the Council tasks and noted the Klamath letter reinforces what has been sent in the past.

Mr. Mallet moved and Mr. Anderson seconded a motion (Motion 10) to transmit the letter to FERC, as shown in Exhibit D.1, Supplemental Revised FERC letter. Motion 10 passed.

Mr. Harp moved and Mr. Bohn seconded a motion (Motion 11) to transmit the letter to the Secretary of Interior on the Klamath flow management as shown in Exhibit D.1, Supplemental Attachment 4. Motion 11 passed.

Dr. Radtke moved and Mr. Anderson seconded a motion (Motion 12) to support the HC hearing more about the issue of net pens, and other related issues that also have the risk of compromising the genetic integrity to ESA listed salmon. Motion 12 passed.

Mr. Larson asked about bringing in Dr. Parrish. Ms. Gilden said there was a request to bring in Dr. Parrish in June. Dr. McIsaac asked if the Council wanted to discuss this, and said that if the Council wanted to, Dr. Parrish could be scheduled to come talk in June.

Mr. Larson said CDFG would be involved in this marine reserves issue and asked that Dr. Parrish attend the June meeting. It could be a joint meeting on a Monday.

Mr. Bohn asked about the purpose of the meeting. Would he provide new information outside of his white paper? Mr. Waldo Wakefield said the HC wanted to hear Dr. Parrish expand on his white paper and answer questions. And since the June meeting would be held in his area, the HC felt it would be a good idea to invite him.

Mr. Anderson asked what activity the Council would eventually undertake regarding Dr. Parrish's

presentation. Does the Council want the HC to do additional research work based on the concepts of Dr. Parrish's paper? If yes, then we should have the HC do that. If we don't want them to work on it, why have the HC listen to this particular presentation?

Mr. Larson said that marine reserves are an ongoing process for CDFG, but advised that this issue will be before the Council in the future. He felt that it would be beneficial to this Council.

## **E. Groundfish Management**

### **E.1 NMFS Report on Groundfish Management (04/09/03; 8:06 am)**

#### **E.1.a Regulatory Matters**

Mr. Robinson gave a quick update on the U.S./Canada Pacific whiting negotiations. Since the March meeting they have had some conference calls to exchange language and are in the stage of getting back together with the advisors to finish the deal. They are trying to conclude the agreement within the next two or three weeks. The implementing legislation would then be worked on once the agreement is in place.

The VMS proposed rule is being reviewed at NMFS Headquarters with a tentative publication date of April 25 with the 30-day comment period to follow. Around mid-June they will prepare a final rule to go to NMFS Headquarters, with the final rule published in the Federal Register near the end of June. Due to the fact the rule requires the purchase and installation of equipment, there will be a 60-day "cooling-off period" which will allow those vessels that are required to carry VMS to purchase and install equipment.

The Northwest Region is continuing to work on regulations to implement multi-year management now that the annual specifications workload has eased somewhat. They will try to complete that as quickly as they can.

The whiting shore-based EFP was issued on March 21. They would like to eliminate the need for that EFP by completing the rulemaking for FMP Amendment 10, which has been in the works for some time. This would bring the FMP requirements as specified in Amendment 10 under the regulations instead of an annual EFP.

There has been an increased interest in obtaining EFPs since the beginning of the year. NOAA Fisheries has been discouraging those based on a lack of availability of set-asides for key overfished groundfish stocks.

Last September one of the EFP set-asides was for a California shelf flatfish trawl EFP. In November, this EFP was put on hold pending further development of the application and study. NMFS has just received an EFP application from CDFG for a shelf flatfish trawl gear selectivity study. The application detailed a study of cutback headropes and other gear modifications to allow rockfish to escape as well as caps, a 100% observer coverage requirement, and full retention of rockfish. He provided it as part of his report since there is no slot on the agenda for EFP recommendations from the Council to NOAA Fisheries. NMFS would like to get the Council's recommendations before approving the EFP. He suggested asking Ms. Vojkovich of CDFG if there were questions. Ms. Cooney added there will be a notice of receipt of the application with request for comments in the Federal Register. Mr Robinson provided further details on the CDFG EFP application. There would be a monthly 100 pound EFP cap on bocaccio canary, and yelloweye rockfish, and a 50 pound monthly cap of cowcod per vessel with a monthly cumulative cap for all vessels of 500 pounds of bocaccio, canary, and yelloweye rockfish and a 100 pound cap on cowcod. The cap for all vessels fishing for the duration of the EFP is 1,000 pounds of bocaccio, canary, and yelloweye rockfish and 250 pounds of cowcod. Fishing under the EFP would occur between the end of July and the beginning of October. Ms. Marija Vojkovich said that there was a set-aside of 1.5 mt of bocaccio, 1.3 mt of canary, 0.5 mt of cowcod, and 1 mt of yelloweye for this EFP, although the impact is expected to be considerably less than the set-aside.

#### E.1.b Stock Assessment Review (STAR) Schedule Changes

Dr. Elizabeth Clarke reviewed the schedule for upcoming STAR Panel reviews of new assessments for POP, widow, bocaccio, and black rockfish. The STAR-light review schedule was changed from the end of April to the end of May (May 28-29). However, the updated darkblotched rockfish assessment results will be available to the GMT before their May meeting. The next STAR Panels will be in September to review new assessments for lingcod and cabezon to be used for 2005-06 management.

Dr. Clarke stated survey activities will go as planned. There will be a hydroacoustic survey this summer. The first combined shelf and slope survey will go on this year and will become an annual survey.

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

None.

#### E.1.d Public Comment

Ms. Karen Garrison, Natural Resources Defense Council, San Francisco, California

#### E.1.e Council Discussion on NMFS Report on Groundfish Management

There was no further Council discussion on this item.

### E.2. Report on the Bycatch Workshop and Observer Data Update (04/09/03; 8:28 am)

#### E.2.a Agendum Overview

Dr. Ed Waters provided the situation summary.

#### E.2.b NMFS Report

Drs. Clarke and Hastie each provided a Powerpoint presentation. Both are available at the Council office.

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

#### **SSC**

Mr. Tom Jagielo provided Exhibit E.2.c, Supplemental SSC Report.

#### **SAS**

Mr. MacLean provided Exhibit E.2.c, Supplemental SAS Report.

#### **GAP**

Mr. Rod Moore provided Exhibit E.2.c, Supplemental GAP Report.

#### **GMT**

Ms. Michele Robinson provided Exhibit E.2.c, Supplemental GMT Report.

#### E.2.d Public Comment

Mr. Joe Easley, Oregon Trawl Commission, Astoria, Oregon

Mr. Duncan MacLean, Humboldt Bay Fisherman's Marketing Association, El Granada, California

Mr. Phil Kline, Oceana, Washington, DC



Ms. Karen Garrison, Natural Resources Defense Council, San Francisco, California  
Mr. Peter Leipzig, Fisherman's Marketing Association,  
Mr. Kenyon Hensel, commercial fisherman, Crescent City, California  
Mr. Steve Bodnar, Coos Bay Trawlers Association, Coos Bay, Oregon  
Mr. Peter Huttula, Pacific Marine Conservation Council, Astoria, Oregon  
Mr. Tom Ghio, Ghio Fish Company, Salinas, California  
Mr. Rhett Webber, Westport Charterboat Association, Westport, Washington  
Mr. Bill James, nearshore fisherman, California  
Mr. Allan Hightower, trawler, Neah Bay, Washington  
Mr. Chris Dorsett, Ocean Conservancy, San Francisco, California  
Ms. Kathy Fosmark, Pebble Beach, California

E.2.e Council Discussion on Report on the Bycatch Workshop and Observer Data Update  
(04/09/03;10:29am)

Mr. Brown questioned Dr. Hastie about the issue of stratification.

Mr. Alverson said we should use this information from the observer data and felt it was appropriate to make that policy decision inseason. He moved and Ms. Vojkovich seconded a motion (Motion 13) that for the remainder of the 2003 season, as soon as feasible have the bycatch rates used in the model be replaced with the rates from the observer program. (Motion 13)

Mr. Alverson referenced the SSC's and GMT's comments on this issue. There is a concern that if we don't do this by June, the last four months could be "zeroed out" for the trawl fleet.

Mr. Brown stated he would vote against the motion. If it was for the 2004 season he would be in favor of it; but for this year's season it is not fair to shut anybody down on such short notice.

Mr. Anderson said that for us to ignore this data at this point in time would be a big mistake. And for us not to make some changes would be a mistake. He did not view it as just a problem for the trawl fleet. There may be some other areas to try to reduce anticipated mortality of species such as canary, bocaccio and some others. He thinks the idea that we could wait until 2004 to incorporate the outcome of the data analysis is not realistic; it is incumbent upon us to make some changes in our management strategies. He understands and appreciates the perspectives relative to the preliminary nature of the analysis and the rates currently being projected may change between now and June. We need to wait to make the decision on whether or not to use the new rates. Given that, the numbers we have projected for bycatch mortalities are significantly higher than what we have planned for; it is unlikely those changes would be of a magnitude to get us out of the position we are in today. If we wait until June when the numbers are firmer with less variance we will be out of options in terms of management responses and having to consider drastic measures. We need to take action to minimize to the maximize extent we can mortality for these overfished species. We need the GAP and GMT to bring forward some options to consider. The motion suggests we would replace the rates - that would be premature; but it's not premature to change our management strategy.

Mr. Bohn said their state meeting this morning was totally spent on this item and the next agenda item. They talked about the downside of waiting - the possibility of closing the whole thing in June. The SSC's statement is direct toward using the data and using it now. The GMT message is there is weakness in the information - the information is not quite ready and not fully analyzed. However, he is faced with the frustration that if we don't do something now we would be in a very difficult decision in June. The motion today says to use it now. Mr. Bohn said we should take into account what we heard, along with the scorecard and consider how significantly higher it is. It makes it look like it will be impossible to get numbers back in the vicinity of the numbers from the September meeting.

Mr. Robinson agreed with a lot of what Messrs. Anderson and Bohn already said (hard decision; social economic impacts for M-S Act; confidence information is correct). There is a high level of confidence that the trend and magnitude will be sustained once the information is finalized. The precision of the estimates

may be different, but given the SSC, GMT, and bycatch workshop recommendations - the trend is likely to be confirmed. The potential cost of failing to heed the information is failure to manage as close to the rebuilding standards and OYs as we can. He asked Mr. Alverson whether the motion implies adopting specific rates or just the general trend and magnitude of the information and hope that the issue of precision gets clarified in June. He was not comfortable assuming the information is precise, but feels we can use the implications of the information now to try to take some degree of action to slow down the catch.

Mr. Donald Hansen said he heard Mr. Leipzig say if we wait until June there will not be "wiggle room"; these numbers will be tweaked and refined and will cause shutdowns. He will probably support the motion but not sure he will go with the rates.

Mr. Brown said there seems to be confusion regarding the result of the action. If we were to use the old model for 2003 we would be using those projections for 2003. If it was only for 2004 we would have time to think about it and process the information. The real question is whether or not were going to use the new model for 2003 - if we don't, those other concerns are not legitimate.

Mr. Anderson on the motion, said if we would look at using these rates and identifying them as preliminary rates to be used in the bycatch model to make further decisions (with the GMT/GAP to make recommendations) he felt that would enable them to have a target to shoot for (with the understanding of further analysis and refinements). If we don't make a decision, we won't give them a target to shoot for. He would like that as a friendly amendment to the motion.

Mr. Alverson said he was not sure what the difference is on what your recommending? He is not clear what the amendment would do? Mr. Anderson said that rather than adopting the rates for 2003, we would adopt them as preliminary rates for 2003 inseason and replace them in June if adjustments are recommended. Mr. Alverson asked Mr. Robinson that if Dr. Clarke has information updates and recommends these bycatch rates be adjusted, wouldn't this come forward with or without this motion?

Mr. Robinson said yes it would - and the intent would be for the refinement of the info. He felt Mr. Anderson's clarification identifies this as preliminary – the real issue here is how we use these rates (for next agenda item).

Mr. Alverson asked for clarification on the friendly amendment. Dr. McIsaac restated the motion and the friendly amendment as follows: For the remainder of the 2003 season, as soon as feasible, replace the bycatch rates used in the model with the rates from the observer program; use these rates for team modeling purposes as a preliminary indicator of the magnitude of adjustments needed for the 2003 inseason management. Mr. Robinson replied he believes the level of coverage for the other aspects of the fleet is at a "pilot level"; the majority of the work for June will be refining the trawl observer data (Dr. Clarke nodded in agreement).

Dr. McIsaac called for the role (Motion 13). 10 yes; two no. Motion 13 passed.

### E.3 Status of Groundfish Fisheries and Consideration of Inseason Adjustments (04/09/03; 11:02 am)

#### E.3.a Agendum Overview

Mr. Burner previewed the situation summary and Council action.

#### E.3.b Groundfish Management Team (GMT) Report

Dr. Hastie said GMT evaluation of what actions would be needed for inseason management is dependent on Council decisions made under agenda item E.2. The GMT has started looking at alternatives using the new observer data and will convey the results to the GAP for discussion. The GMT is in the process of updating all aspects of the bycatch scorecard and will provide a report to the Council at the next opportunity. There will be some difficult choices made to bring the total mortality estimates in the bycatch scorecard within acceptable levels. The GMT encourages the Council to provide any guidance on resolving conflicts

between bycatch projected for trawl and other sectors of the fishery. GMT intent is to continue meeting and fleshing out options to take to the GAP and meet with them as soon as possible today. They do not have any specific inseason proposals to present at this time.

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

##### **GAP**

Mr. Moore said the inseason process is an iterative one and the GAP is planning to meet later in the afternoon to review options with the GMT. Following guidance from Council on the last agenda item, the GMT/GAP will draft statements and provide recommendations to the Council under Agenda Item E.8. He requested the Council consider revising the inseason agenda items for the balance of the week to allow additional consideration.

##### **EC**

CPT. Mike Cenci provided Exhibit E.3.c, Supplemental EC Report.

#### E.3.d Public Comment

Mr. Barry Cohen, fisherman/processor, Cambria, California  
Mr. Phil Kline, Oceana, Washington, DC  
Ms. Karen Garrison, Natural Resources Defense Council, San Francisco, California  
Mr. Joe Easley, Oregon Trawl Commission, Astoria, Oregon  
Mr. Doug Fricke, Washington Trollers Association, Hoquiam, Washington

#### E.3.e **Council Action:** Consider and Adopt Groundfish Inseason Adjustments, if Necessary

Dr. McIsaac recommended the Council provide guidance on the previous motion and advice from advisory bodies and the public to the GMT/GAP. Under Agenda Item E.8 on Thursday, the Council will hear recommendations for inseason adjustments from the GMT/GAP as well as further public comment. As a further check and final review of inseason adjustments, Agenda Item E.8 will be revisited on Friday.

Mr. Donald Hansen asked if there are enough GAP members available to resolve inseason issues. Mr. Moore said there are enough members, a few had to leave but we have been waiting to reconvene with the GMT. Mr. Hansen asked if there was anything else the Council could do to help the GAP. Mr. Moore said you can clone Dr. Hastie.

Mr. Anderson requested that at least people from Washington be looking for all possible savings of canary rockfish regardless of fishing sector when considering inseason management proposals.

Mr. Brown considered the preliminary bycatch projections and necessary reductions and stated the GAP may have to seriously consider closing the trawl fishery inside 200 fathoms, transferring part of those savings to another sector, probably the shrimp fishery.

Mr. Burner and Dr. McIsaac reviewed the schedule for inseason adjustments this week. Mr. Moore requested that Thursday's agenda item be moved to later in the day to allow more time.

Mr. Bohn asked if the starting point would be to run an analysis of the total reduction in bycatch if we were to use the 75 fathom line coastwide beginning May 1. Dr. Hastie said one of the options we started looking at would be moving the line to 75 fathoms in May and then assess trip limit changes for flatfish to prevent exceeding the scorecard total by June. Preliminary results suggest that these actions would result in very small limits and would more than likely exhaust the set asides for the non-whiting trawl fishery.

Mr. Brown said he saw figures floating around on trip limit levels and one of the suggestions was to move the line into 50 fathoms accompanied by some horrendous reductions in nearshore sole. Going back to the

figure in the rebuilding plan for canary rockfish that states 50 fathoms as the shallowest part of its range, why are such low limits required for flatfish inside 50 fathoms. Dr. Hastie replied stated the figures Mr. Brown is referring to likely were in association with a 75 fathom line and limits could be raised in association with a 50 fathom line.

Mr. Anderson asked Dr. Hastie to keep in mind fisheries for other species that may be going on or closed in those areas for some particular reason.

Mr. Moore told Mr. Anderson the GAP considered recreational issues and the bag limits for canary are virtually non-existent in Washington and Oregon. Mr. Moore requested the state of Washington share any concepts they are considering. Mr. Anderson said the Washington GMT representatives may have some suggestion and he would not foreclose looking at bag limit changes as a means of reducing canary rockfish mortality.

Mr. Brown stated the biggest loss of changing the line in the north is the loss of Dover sole. He also asked the advisory bodies to look at the possibility of moving the outside line shoreward as a way to provide Dover sole opportunity particularly for the smaller vessels.

#### E.4 Review of the Process for Setting 2004 Groundfish Specifications (04/09/03; 1:06 pm)

##### E.4.a Agendum Overview

Mr. John DeVore provided a PowerPoint presentation.

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

#### **GMT**

Mr. DeVore read E.4.b, Supplemental GMT Report.

#### **GAP**

Mr. DeVore read Exhibit E.4.b, Supplemental GAP Report.

##### E.4.c Public Comment

None.

##### E.4.d **Council Action:** Adopt a Three-Meeting Process or a Two-Meeting Process for Setting 2004 Groundfish Specifications

Mr. Robinson addressed the concept of a three-meeting process and a four-month emergency rule (see Exhibit E.4.b, Supplemental NMFS Report). Given the complexity and the length of time it takes to do rule making for proposed management measures, there is not enough time to do a four-month emergency rule. We did a two-month emergency rule last year and it took from September to December 31. In addition, there is a burdensome review process for emergency rule making. We found out last year it was harder than ever to get it through the review process at NOAA Fisheries Headquarters.

Mr. Bohn moved and Mr. Caito seconded a motion (Motion 14) to adopt a two-meeting (June and September) process for proposing and adopting 2004 groundfish regulations.

Mr. Bohn said he was reluctant to make this motion as he was a proponent of the three-meeting process. He noted once we get into the multi-year management, we will go into a three-meeting process.

Ms. Cooney said emergency rule making is not a smaller, expedited rule making process, but the start of the proposed rule without public notice and comment. A separate NEPA document is required for an emergency rule and it needs to be ready and processed before the emergency rule can be implemented.

Mr. Robinson said he was in complete agreement with Mr. Bohn and he is not a fan of the two-meeting process and looks forward to the multi-year management with a three-meeting process.

Dr. McIsaac talked about staff workload should this motion pass. If the Council wants to go this way, Dr. McIsaac will spend some time with Mr. Robinson between now and Friday to discuss the impacts on staff workload.

Motion 14 passed.

#### E.5 Groundfish Fishery Management Plan (FMP) Amendment 16 - Rebuilding Plans (04/09/03; 1:29 pm)

Mr. DeVore summarized this agenda item.

##### E.5.a Process and Standards

Dr. Kit Dahl gave a PowerPoint presentation on Amendment 16-1, an assessment of process and standards alternatives for incorporating rebuilding plans into the FMP or regulations.

##### E.5.b Rebuilding Plans

Mr. DeVore gave a PowerPoint presentation on rebuilding plans. He summarized the proposed content and schedule for rebuilding plans including Amendment 16-2, rebuilding plans for darkblotched rockfish, Pacific ocean perch, canary rockfish, and lingcod.

##### E.5.c Reports and Comments of Advisory Bodies

#### **GMT**

Mr. DeVore reported the GMT stood by their previous report from the November 2002 Council meeting.

#### **SSC**

Mr. Jagielo provided Exhibit E.5.c, Supplemental SSC Report.

##### E.5.d Public Comment

Mr. Peter Huttula, Pacific Marine Conservation Council, Astoria, Oregon

##### E.5.e **Council Action:** Adopt Groundfish Fishery Management Plan (FMP) Amendment 16 Elements for Public Review

Mr. Robinson addressed the evolution of process and standards issue 1 and specifically option 1d. This option was put forward by the NMFS Northwest Region staff after consultation with NMFS Headquarters and Council staff. It maintains flexibility by specifying  $T_{TARGET}$  and the harvest control rule in regulations. All the other rebuilding parameters would be incorporated into the FMP as an historical record of what was considered when rebuilding plans were first put in place. Biological parameters could then change automatically with new stock assessments. These descriptive parameters would be originally specified in the FMP, but they would not be controlling the rebuilding strategy. The strategic parameters that are specified in regulations would drive the rebuilding program.

Mr. Bohn moved and Mr. Anderson seconded a motion (Motion 15) to specify Alternative 1d as the preferred alternative. He said this provided flexibility and echoed Mr. Robinson's earlier comments.

Motion 15 passed.

The Council briefly discussed the other issues in the process and standards environmental assessment and agreed that the preferred alternatives for those issues still stand.

Mr. Robinson provided a motion in writing ("Motion for Agenda Item E.5") with several FMP housekeeping measures he wanted added to Amendment 16-1. His motion in writing would add the following mandates: 1) The NMFS Groundfish Observer Program would become mandatory, 2) Section 4.5.3.4 would have new language explaining that approved rebuilding plans will be fully implemented in management measures, and 3) Section 2.1 of the FMP would have new language that clarifies rebuilding goals in consistent fashion with the Sustainable Fisheries Act. Objective 3 would be modified to make the rebuilding plan requirement explicit. He offered this for Council staff guidance.

Mr. Brown did not agree to the motion language as stated for objective 3 unless the following language was appended, "... unless analysis shows harvest under a mixed stock exception. Mr. Robinson said he was not comfortable with that alternative language.

Mr. Robinson moved to adopt for public review the language in Agenda Item E.5 (Motion 16) Mr. Mallet seconded the motion.

Mr. Brown further discussed the need for his suggested language for objective 3. Since the mixed stock exception is part of the National Standard Guidelines, it should not be ignored in the FMP. Mr. Bohn asked why is that addition objectionable? The intent of the modification recognizes a mixed stock exception would have to stand up to the analysis. Ms. Cooney suggested adding language to objective 3 to say "... as required by the Magnuson-Stevens Act". Mr. Bohn asked for a friendly amendment to include the suggested language by Ms. Cooney. Both the maker and the seconder agreed.

Motion 16 passed.

Ms. Cooney explained for the need to clean up the FMP regulatory language on the allocation process. She said she would help draft this modified language.

Mr. Alverson said he was concerned with the language in goal 1 in the Motion for Agenda Item E.5, "to prevent any net loss of habitat". In looking at the Magnuson-Stevens Act, the extent of EFH protection is characterized "to the extent practicable". Mr. Robinson pointed out that is existing language that has been in the FMP for a long time and he was not inclined to change it. He thought perhaps sometime in the future it can be revisited when habitat issues or other goals and objectives are considered.

Mr. Alverson moved to reconsider Motion 16 (Motion 17). Mr. Brown seconded the motion. Motion 17 passed.

Mr. Alverson moved and Mr. Brown seconded a motion (Motion 18) to amend Motion 16 to say the words "prevent to the extent practicable any net loss of habitat". The Council discussed this motion and two contrary points were raised. While there was some concern with amending the FMP in areas where rebuilding plans are not addressed, there is a lot of discussion of EFH in the rebuilding plans and Amendment 16-2.

Dr. Radtke asked for a vote on motion 18. Motion 18 passed.

Mr. DeVore directed the Council's attention to Amendment 16-2. Council staff is seeking guidance on how to structure the alternatives including which stocks should be analyzed under the Mixed Stock Exception alternative. Dr. McIsaac referred to the SSC statement where widow rockfish was not recommended to be analyzed under the Mixed Stock Exception alternative. Mr. DeVore confirmed bocaccio, canary rockfish,

and yelloweye rockfish should be analyzed under the Mixed Stock Exception alternative since they are binding constraints on various sectors of the fishery. The SSC does not believe that widow rockfish would constrain fisheries. Mr. Brown disagreed and said a case could be made for widow rockfish under a Mixed Stock Exception.

Ms. Vojkovich moved and Mr. Bohn seconded a motion (Motion 19) to put the rebuilding plans out for public review the way they are currently structured with darkblotched rockfish not analyzed under a Mixed Stock Exception alternative. Mr. Bohn said he understood the motion to include a Mixed Stock Exception analysis for bocaccio, canary rockfish, yelloweye rockfish, and widow rockfish; Ms. Vojkovich agreed.

Mr. Brown noted the economic section is not done in the preliminary draft of Amendment 16-2. Mr. DeVore said the economic analyses will be in the amendment package for public review. Mr. Robinson said he preferred a stock complex analytical treatment for the Mixed Stock Exception, but that is not available. He wished we had more approaches/choices for rebuilding plans.

Mr. Brown asked Mr. DeVore if the cumulative effects analyses would be available before June? Mr. DeVore said the cumulative effects chapter would not be available in the May public review draft, but would be in the draft that goes into the June briefing book.

Motion 19 passed.

Mr. Robinson addressed the NMFS letter criticizing the proposed timeline for completing rebuilding plans (Exhibit E.5.c). He said the Council and NMFS Northwest Region staff will work to prioritize and address concerns over the schedule.

#### E.6 Vessel Monitoring System (VMS) (04/09/03; 4:01 pm)

##### E.6.a Agendum Overview

Mr. Burner provided the agendum overview.

Mr. Robinson reviewed the schedule for VMS implementation as reported under agenda item E.1. NMFS is trying to implement the program as quickly as possible and concluded that a 30-day comment period would provide more time at the end of the implementation process for vessel owners to make purchases and install the equipment. Mr. Robinson noted several previous opportunities to comment on the proposed program making a 30-day comment period adequate for public feedback.

##### E.6.b Reports and Comments of Advisory Bodies

#### **GMT**

Mr. Burner read Exhibit E.6.b, Supplemental GMT Report.

#### **GAP**

Mr. Moore provided Exhibit E.6.b, Supplemental GAP Report.

#### **EC**

CPT. Cenci provided Exhibit E.6.b, Supplemental EC Report.

Mr. Bohn asked about the EC position on the length of the comment period. Cpt. Cenci responded that from an enforcement perspective, the sooner VMS is implemented the better.

Ms. Vojkovich requested clarification on the fourth paragraph of the EC statement and information on how other VMS programs handle the issue of drifting or breakdowns that result in incursions.

Mr. Steve Springer, SAIC, NMFS, responded that the fourth paragraph specifically speaks to vessels being able to turn the equipment on and off. There are no other programs he is aware of where any fishing is allowed within a closed area, this is a unique feature of this program.

Mr. Anderson quoted sections of the GMT statement referring to the use of VMS data by state scientists and enforcement personnel outside of the federal government. What is the status of data accessibility.

Cpt. Cenci reported the current understanding is that the MSA prohibits the disclosure of VMS to anyone other than a federal agent. There are joint enforcement agreements between the states and NMFS. There are efforts to address this language and possibly change this determination.

Mr. Alverson asked about the ability to get some VMS track signatures from the NPFMC that are reported to clearly show the difference between vessels drifting and actively fishing. He requested this information be explored and presented at the June meeting.

Cpt. Cenci's understanding is that drifting and towing signatures look very similar and it would be difficult to visually verify drifting vessels. Mr. Springer felt there was information from Western Pacific fleets that support Cpt. Cenci's statement.

Mr. Brown asked about the equity of only requiring VMS equipment for a portion of the fishery. Cpt. Cenci stated that this is a pilot program and expansion is likely.

#### E.6.c Public Comment

Mr. Phil Kline, Oceana, Washington, DC

Mr. Steve Bodnar, Coos Bay Trawlers Association, Coos Bay, Oregon

#### E.6.d **Council Action:** Consider the Next Steps in the VMS Implementation Process

Mr. Brown said several of the groups brought up the idea of extending the public comment period for 60 days. It is truly more important that we implement VMS correctly rather than quickly. Mr. Brown moved and Mr. Bohn seconded a motion (Motion 20) to extend the VMS public comment period for 60 days. Motion 20 passed. Mr. Robinson abstained.

Mr. Robinson said they would take the Council's advice under advisement and consult with NMFS staff and come back with the decision quickly.

Mr. Alverson reiterated his request for some examples of VMS signatures from the NPFMC for presentation at the June meeting, particularly in regards to comparisons of vessels drifting. Mr. Robinson said it is a reasonable request if there is any information that would help the enforcement groups running the program.

Mr. Brown understands the concerns of the industry and the enforcement consultants hesitation. He gave some scenarios of speeds of towing versus drifting and expressed safety concerns and rough weather issues. There are situations where vessels have little choice in direction.

Mr. Robinson said that the signatures may be helpful for the enforcement folks on how to apply their resources but they will still have to verify signatures represent certain activities. Effective enforcement is vital to the existence of RCAs.

Mr. Alverson he was concerned about this due to his experiences with the NPFMC. The regulations become almost like a "money maker" when they are very difficult to comply with.

Ms. Vojkovich said she wanted to make sure that we can effectively enforce the regulations. She would like to see a report detailing the protocols and procedures being developed between the agencies for joint enforcement so we know who is going to do what and how when VMS is implemented.



## E.7. Standards and Criteria for Approving Exempted Fishing Permits (EFPs) (04/10/03; 8:05 am)

### E.7.a Agendum Overview

Mr. DeVore provided the agendum overview. He recommended that Ms. Michele Robinson brief the Council on the GMT-proposed standards and criteria for approving EFPs.

Ms. Michele Robinson briefed the Council on the GMT-proposed standards and criteria for approving EFPs (Exhibit E.7 Supplemental Revised Attachment 2, and Exhibit E.7 Supplemental Attachment 3).

Dr. McIsaac asked if the advisory bodies saw Attachment 2 or Supplemental Revised Attachment 2 and Ms. Robinson answered the latter. Mr. Robinson liked the data description and methodology section. He asked if the GMT considered coordination of state and federal scientists in recommending the sampling design for EFPs? Ms. Robinson said no, but she thought that would be helpful.

Ms. Vojkovich asked if the June briefing of EFPs as proposed in the GMT timeline (Exhibit E.7 Supplemental Attachment 3) was for past year's EFPs? Ms. Robinson said yes. Mr. Robinson thought the proposed schedule seems to work well for the Council process, but what about individual-sponsored EFPs that might come out of phase with this schedule? Ms. Robinson said the GMT had a limited discussion about this and they struggled with the potential proliferation of EFPs. Therefore, the GMT recommends that all EFP applications adhere to this schedule.

Dr. McIsaac questioned whether the proposed schedule meshes well with the new multi-year management process. Is Year 1 in the proposed timeline 2003? Ms. Robinson said yes. How would this schedule work for the 2005-2006 management period? Ms. Robinson explained the Council would receive draft EFP applications in September 2004 when final OYs are set. Final EFP applications would be approved by the Council in November. The Council would set two 1-year EFP set-asides in April or June 2004 for the 2005-2006 management period. Dr. McIsaac asked if the EFP set-asides would be annual and Ms. Robinson answered yes.

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

#### **GMT**

Ms. Robinson read Exhibit E.7, Supplemental GMT Report.

#### **GAP**

Mr. DeVore read Exhibit E.7.b, Supplemental GAP Report.

#### **EC**

CPT. Cenci provided Exhibit E.7.b, Supplemental EC Report.

There was some discussion regarding the EC recommendation to deny future EFP participation to those who are convicted of fishery violations. Concern was raised regarding denying EFP participation to those with minor violations. This concern was somewhat alleviated when it was pointed out that the EC language was "... may be denied ...", not "... will be denied ...".

#### **SSC**

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

Mr. Jagielo was asked if the SSC considered a scoring system or evaluation criteria for deciding the scientific merits of EFP proposals? Mr. Jagielo replied no, the SSC envisioned a more generic review of EFP proposals.

#### E.7.c Public Comment

None.

#### E.7.d **Council Action:** Adopt a Criteria and Standards for Approving EFPs

Ms. Robinson was asked to answer more Council questions regarding the GMT proposal. Dr. McIsaac stated he would prefer a synchronization of EFP and specifications decisions with final decisions for both occurring at the same meeting. He thought the proposed timeline did not appear to mesh with the multi-year management decision-making process? Ms. Robinson said he had characterized the schedule correctly. The EFP set-aside would not be based on EFP applications. A release of these set-asides could be decided in September to re-allocate that amount of harvest back to directed fisheries. She maintained it would be hard for state sponsors to develop EFP proposals in November 2003 for 2005-2006.

Mr. Anderson thanked the GMT for developing the proposal on this issue but expressed some concern on the timeline. He was not sure he was ready to vote on the timeline portion of the proposal because he shared the concerns relative to multi-year management.

Mr. Anderson moved and Mr. Alverson seconded a motion (Motion 21) to approve the COP protocols as shown in Exhibit E.7, Supplemental Revised Attachment 2 with the following modification: "under other considerations", substitute the language of the EC from their report.

Mr. Brown asked if he could assume the EC language will reflect the potential of losing EFP privileges, not other privileges? Mr. Anderson replied yes, the language is flexible to allow consideration of extenuating circumstances. Mr. Bohn suggested incorporating language to the effect that EFP application review would be coordinated with state and federal scientific, management, and enforcement staffs. This was agreed to by Mr. Anderson and Mr. Alverson.

Motion 21 passed.

Mr. Bohn thought the schedule and timeline piece of the GMT-recommended COP was appropriate for year one (2004). He thought the greater challenge was to link the COP timeline with the multi-year management schedule. Mr. Anderson agreed that the year one schedule is appropriate. More thought needs to be put into how to best coordinate EFP applications and multi-year management decisions. He expressed the need for the Council to decide how far out in front we need to be to develop EFPs. Mr. DeVore said the GMT will be contacting their state representatives. They will have more discussion and come back to the Council with some other ideas on the timeline at the June Council meeting.

#### E.8 Final Action on Groundfish Inseason Management

##### E.8.a Agendum Overview

Note: this agenda item was taken up twice - first for the initial tentative adjustments and second for the final inseason adjustments.

Mr. Burner noted that at this time there was an update by the GMT and GAP. The GAP and GMT chairmen reported they did not have any tentative inseason adjustments at this time and their primary focus would be inseason actions for May and June. They were asked by Dr. Radtke about a timeframe. The GMT replied 3 p.m.

The Council returned to this agenda item on 04/10/03; 4:02 pm and Mr. Burner provided an agendum overview.

E.8.b Reports and Comments of Advisory Bodies (04/10/03; 4:03 pm)

Dr. McIsaac reviewed the revised schedule for this agenda and suggested that if the regulatory package presented is complicated in nature or requires further adjustments the Council could revisit the issue and take final action on Friday.

**GMT**

Ms. Robinson provided Exhibit E.8.b, Supplemental GMT Report. Dr. Jim Hastie provided explanation for the numbers in the tables of that report.

**GAP**

Mr. Moore provided Exhibit E.8.b, Supplemental GAP Report.

**EC**

CPT. Mike Cenci provided Exhibit E.8.b, Supplemental EC Report.

E.8.c Public Comment

Mr. Joe Easley, Oregon Trawl Commission, Astoria, Oregon  
Mr. Tom Ghio, Ghio Fish Company, Salinas, California  
Mr. Phil Kline, Oceana, Washington, DC  
Mr. Robert Briscoe, Jr., Washington Trawlers Association,  
Mr. Bud Femling, Washington  
Mr. Allan Hightower, trawler, Washington  
Ms. Janice Green, Recreational Fishing Alliance,

E.8.d **Council Action:** Consider and Adopt Groundfish Inseason Adjustments, if Necessary

Dr. McIsaac said the Council should take final action on inseason adjustments at this time. Given the complexity, he said the NMFS and Council staff will put the motion into writing overnight for GAP and GMT review. He concluded that Council intent should not include the expectation of new options development or additional modeling. The Council will review the written motion as final business on Friday.

Mr. Burner pointed out a correction of the GMT statement on page 5. It should read "South of 40° 10' N. latitude., not 38° N. latitude.

Mr. Alverson asked the GMT about bycatch data for target species collected during the observer program and whether modeling forecasts of trip limits and total mortality of target species have been adjusted accordingly. Dr. Hastie said the NWFSC has not had time to evaluate those results. Mr. Alverson then talked about discard levels for sablefish in the trawl fleet appearing much higher than previously anticipated and asked about the timeline for incorporating these new data. Dr. Hastie said NMFS would not have time between now and June to do that. He is not ready to comment on the discard implications of the observer data at this time. The emphasis at this stage has been to develop our analysis to sufficiently estimate total bycatch for the overfished species for this process. Dr. Hastie cautioned against drawing conclusions from the raw observed data before further analyses can be completed. Mr. Alverson asked if they were satisfied with the discard rates for the whole fleet of the overfished species. Dr. Hastie said those are not discard rates, but total bycatch rates. The GMT estimates total mortality of overfished species as a function of the target species catch. The GMT is not attempting to predict how much of the species is discarded and how much is retained.

Mr. Brown asked for the rationale behind requiring a vessel to choose between large and small footrope in Option 1 north of 40° 10' N. lat. Dr. Hastie said that part of the rationale was to encourage vessels capable of fishing offshore to do so, thereby reducing mortality for canary rockfish. This would have the additional benefit of dampening the effect of those vessels that remain in the significantly reduced area inshore.

Cdr. Fred Meyer, reminded the Council about his letter to Dr. McIsaac about the risk that potentially applies to the smaller trawlers having to fish outside of 200 fathoms.

Mr. Anderson asked if the analysis of the options as presented assumes the lines would go in place effective May 1 - notwithstanding the B platoon piece. Dr. Hastie said the effective implementation of the 200 fathom line was modeled as of July 1. North of 40° 10' N. lat., the GMT assumed that the fishery would be closed inside of 250 fathoms beginning May 1 and that the 50 fathom line would be established within three weeks. However, the fishery was modeled as if the 50 fathom line was in place on May 1 because it was assumed that participants would be able to catch the two-month cumulative limit before the end of the period at the end of June.

Mr. Burner reviewed the Council's task and suggested the Council work from the GMT Report.

Mr. Anderson moved and Mr. Brown seconded a motion (Motion 33) to adopt, using Supplemental GMT Report E.8.b, the groundfish trawl trip limit changes reflected in Option 1 for north of 40° 10' N. lat. and the option indicated for south of 40° 10' N. lat. This includes the distribution of total mortality presented in the scorecard on pages 2 and 3 of the document. The motion includes the retention of yellowtail rockfish in the salmon troll fishery north of 40° 10' N. lat. as identified on page one. This motion does not include adjusting the regulations for recreational fishing on the slope in the south. The motion includes concurrence with the GMT's recommendation on the proposed corrections to the RCA boundaries and their recommendation on the line changes for the "B" platoon. By including the scorecard values on pages 2 and 3 the motion recognizes the change of the canary set aside in the EFPs. Additionally, working from Supplemental GAP Report Exhibit E.8.b, the motion includes the GAP language on page two recommending a deferral of the scientific research plan for the Southern California hook-and-line survey.

Dr. Radtke intervened and asked Mr. Anderson to explain his motion.

Mr. Anderson first acknowledged the GAP and the GMT for their hard work and noted that they complete in the last 36 hours a task that has taken three meetings in the past. Under the stress, it was an incredible job done with a horrific situation that has affected peoples' lives financially and otherwise. North of 40° 10' N. lat. he had concerns about pushing the trawl fleet inside of 50 fathoms for reasons identified by the GMT but he is hoping to preserve a small opportunity for all sectors of the trawl industry. The small footrope restrictions will likely limit inshore effort to the traditional small boat fleet. This fleet operates primarily in the north where impacts to the crab resource should be minimized. On the EFP issue, we have people in the trawl fleet and WDFW that have made a significant investment in looking at alternative fishing strategies with benefits for the coastwide fleet. There has been a lot of gear experimentation and he views it as an investment in the future and hopes it pays dividends to the broader trawl fleet. He knows the GMT did not add these to the values of the original scorecard, but the team recognized that changing the line would all but preclude us from doing the EFP.

Mr. Moore stated that for Option 1, the GMT recommendation is identical to the GAP, with the exception of raising the yellowtail bycatch limit to 10,000 pounds per two months. There was tentative agreement on this issue and the GAP statement intended to reflect the change but does not.

Mr. Alverson said we are down to four or five species that the industry relies on. He heard the GMT is going to be looking at recalibrating the bycatch numbers by the June meeting and this is a work in progress. It seems to me, we need to know where we are on our directed fishery; in particular sablefish. We should have some forecast of total mortality of target species at the June meeting. He did not think that was an unreasonable request.

Mr. Robinson recognized the good faith of the industry in the face of hardship and the hard work of the GMT and commended the cooperative efforts and the precautionary approach. He expressed disappointment that the motion include the GAP language calling for deferral of the Southern California hook and line survey. NMFS staff have worked hard on the statistical design of this pilot program, the projected bycatch is extremely low and is within the specifications in the scorecard, there have been years of pressure to increase surveys in this area, and the results will be informative. Additionally, the survey is divided into spring and fall periods with time between to assess impacts. Therefore, Mr. Robinson requested a friendly amendment to remove the scientific research piece from the motion, allowing him to support it. Mr. Anderson accepted the removal as friendly amendment.

Mr. Brown asked if the bocaccio impacts from the NMFS hook and line survey are shown on the scorecard and if so, he would accept the amendments as the second. Mr. Robinson confirmed that the scorecard includes estimates for the spring and fall portions.

Mr. Donald Hansen stated he would appreciate it if the bocaccio survey stayed in as the first study in 26 years in this area and the results would be useful.

Mr. Alverson asked Mr. Robinson if target species total mortality is going to be presented in June along with the usual catch to date information. Mr. Robinson said he would have to defer to the GMT on that one.

Dr. Hastie replied the GMT doesn't measure total catch inseason right now, rather landed catch. Currently the landings for every major target species are running lower than the bycatch model projected.

Mr. Anderson said the trip limit structure presented along with the fishery structure for the fixed gear sectors take into account total mortality estimates and that these estimates stay within the sablefish OY for sablefish. Dr. Hastie concurred. Dr. Hastie believed that as part of the annual specifications process, each sector is held accountable for their estimated total mortality.

Mr. Robinson corrected his response to Mr. Brown. The estimate for the shelf survey presented the current scorecard and includes estimates for trawl surveys and the spring portion of the hook-and-line survey. The fall survey is contingent upon favorable results in the spring.

Mr. Brown said that did not change his concurrence to the friendly amendment.

Motion 32 passed.

#### E.8 Final Action on Groundfish Inseason Management (04/11/03; 11 am)

Mr. Burner walked the Council through Exhibit E.8.d, Supplemental GMT/GAP Report on Council Action with the corrections to period 6.

Mr. Anderson asked how long the changes in the lines will take, specifically changing 100 fathom line to the 50 fathom line? He asked if the trawl fishery north of 40° 10' N. latitude will remain closed shoreward of 250 fathoms until the new lines are in place. Mr. Burner said that is correct.

Mr. Brown said a very specific notice to that effect needs to go out to the fleet to avoid confusion.

Mr. Robinson said they have an extensive distribution system and will get that word out. He said it is NMFS intent that the interim closure and the implementation of the revised trip limits outside of that line will take affect on May 1. Discussions with NMFS staff suggest the new lines could be in place by then, but there are no guarantees.

Mr. Alverson, referring to the option for small footrope in the far column asked why boats fishing shallower than 50 fathoms were provided 3,000 pounds sablefish.

Mr. Burner suggested that small footrope vessels are not restricted to shallow areas and Dr. Hastie explained the 3,000 pound value was proposed by the GAP to avoid discard problems for people participating in that fishery.

Mr. Caito asked if south of 38° vessels be allowed to fish between 150 and 200 fathoms or will the fishery be closed until the new line is implemented. Dr. Hastie said they would be able to fish as shallow as 150 fathoms throughout period 3 until the 200 fathom line is in place. We did not just want to close everything outside until the 200 fathom line could get described. The fishery was modeled as if it were open outside of 150 fathoms for all of period 3 so the impact estimates are likely conservative.

#### E.9. Status of the Groundfish EFH Environmental Impact Statement

This agenda item was dropped from the agenda. See Motion 1.

### F. Pacific Halibut Management

#### F.1 Adopt Final 2003 Incidental Catch Regulations for the Salmon Troll and Fixed Gear Sablefish Fisheries (04/10/03; 9 am)

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

Mr. Tracy provided an overview of the agendum.

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

#### GAP

Mr. Tracy read Exhibit F.1.b, Supplemental GAP Report.

##### F.1.c Public Comment

Mr. Jim Olson, salmon troller, Auburn, Washington  
Mr. Doug Fricke, Washington Trollers Association, Hoquiam, Washington  
Mr. Don Stevens, Oregon Salmon Commission, Newberg, Oregon  
Mr. Joel Kawahara, fisherman, Quilcene, Washington

##### F.1.d **Council Action:** Adopt Final Annual Incidental Halibut Harvest Restrictions for the Salmon Troll and Fixed Gear Sablefish Fisheries

Mr. Bohn moved (Motion 22) to adopt the final 2003 incidental halibut catch regulations for the salmon troll fishery the measures presented in Option 1a, Exhibit F.1, Situation Summary. Mr. Brown seconded the motion.

Mr. Bohn stated that his recommendation of a landing limit of 25 halibut per trip in the salmon troll fishery was based on concern that the fishery has turned into a halibut target fishery. It would also help preserve halibut opportunity in the July and August salmon fishery period.

Mr. Cedergreen stated that the salmon troll halibut quota is intended to be caught in the May-June time frame according to the Area 2A Catch Sharing Plan, and that under the status quo landing limit of no more than 35 halibut per trip, the quota was not taken until late August in 2002. With a lower chinook quota in 2003, the halibut quota may not be taken by the end of the salmon season

Dr. Radtke called for a role call vote for Motion 22. Motion 22 failed.

Mr. Cedergreen moved (Motion 23) to adopt the final 2003 incidental halibut catch regulations for the salmon troll fishery the measures as presented in Option 1a combined with Option 2, Exhibit F.1, Situation Summary. Mr. Anderson seconded the motion. Motion 23 passed.

Mr. Anderson stated that if there was a desire to spread the halibut catch out over the May/June and summer fishery time frame, and weight the two periods equally, that should be addressed in the process to modify the catch sharing plan (CSP).

Mr. Alverson moved (Motion 24) to adopt for the final 2003 incidental halibut catch regulations for the commercial sablefish fixed gear fishery north of Point Chehalis the measures in Option 1a combined with Option 2 as presented in Exhibit F.1, Situation Summary. Mr. Harp seconded the motion. Motion 24 passed.

### **G. Coastal Pelagic Species Management**

Vice-Chairman Mr. Donald Hansen chaired Agenda items G.1, G.2, and G.3.

#### **G.1 NMFS Report on Coastal Pelagic Species Management (04/10/03; 10:30 am)**

##### **G.1.a Informational Update**

Mr. Svein Fougner reported there were no updates.

#### **G.2 Approve Final Regulatory Amendment and Analysis for Changes to the Sardine Allocation (04/10/03; 10:31 am)**

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

Mr. Dan Waldeck provided the agendum overview.

##### **G.2.b Reports and Comments of Advisory Bodies**

### **CPSMT**

Dr. Sam Herrick provided a brief overview of the *Analysis of Sardine Harvest Guidelines Allocation Options 2003*. The presentation is on file at the Council office.

### **CPSAS**

Mr. John Royal provided Exhibit G.2.b, Supplemental CPSAS Report.

##### **G.2.c Public Comment**

Ms. Vanessa DeLuca, State Fish Company, San Pedro, California  
Mr. Neal Guglielmo, sardine fisherman, San Pedro, California  
Mr. Curt England, England Marine Supply, California  
Ms. Dayna Gunderson, Astoria, Oregon  
Mr. Nick Jervokovich, Gig Harbor, Washington  
Mr. Darrel Capp, Astoria, Oregon  
Mr. Ryan Capp, sardine fisherman, Bellingham, Washington  
Mr. Tom Libby, Point. Adams Packing Company, Hammond, Oregon  
Mr. Steve Lovejoy, commercial sardine fisherman, Seattle, Washington  
Mr. Richard Mayer, Marcus Food Company,  
Mr. Peter Guglielmo, Southern California Seafood Company, San Pedro, California  
Mr. Reid MacIntyre, West Bay Marketing, Inc., Astoria, Oregon

Mr. Mike Okeneski, Pacific Seafoods, Woodland, Washington  
Mr. Jerry Thome, Astoria Holdings, Astoria, Oregon  
Mr. Leif Nelson, (no data)  
Mr. Rob Zuanich, Purse Seine Vessels Association, Seattle, Washington  
Dr. Eric Fruits, EcoNorthwest (representing Astoria Holdings), Portland, Oregon  
Ms. Heather Munro Mann, for West Coast Seafood Processors Association, Newport, Oregon  
Ms. Diane Pleschner, California Wetfish Seafood Producers Association, San Pedro, California

**G.2.d Council Action:** Adopt Regulatory Amendment to the Coastal Pelagic Species (CPS) FMP

Ms. Vojkovich moved and Mr. Thomas seconded a motion (Motion 30) for the Council to adopt Alternative 4 as shown in Exhibit G.2, Situation Summary, where the initial allocation on January 1 is 66% to the southern subarea and 33% to northern subarea; the subarea dividing line is Pt. Piedras Blancas; re-allocation is 50%-50% on September 1; and coastwide reallocation on December 1.

Ms. Vojkovich noted that the estimated 10% increase in harvest in the CPSMT analysis is just that, an estimate, and should be used as a tool for comparing the alternatives, but not for hard predictions of total landings by sector. Alternative 4 is similar to what was used to address the 2002 closure of the northern fishery, and provides a win-win situation for all sectors. She noted the biomass has not been increasing and harvest guidelines have declined in recent years. If the CPSMT projections hold (i.e., the estimated 10% increase), the 2003 harvest guideline could be achieved. She understands that fishing communities in Oregon and Washington are depressed, but is concerned that the rate of growth in the northern fishery is not sustainable (i.e., 50% increase in landings). The FMP recognized the potential for a northern fishery and provided for a minor fishery in the north, but also included safeguards (limited entry and allocation) for the southern fishery, which is perceived by some to be the traditional sardine fishery.

She opined Alternative 4 would not result in negative impacts to any sector. The only negative is that there will be 1400 mt of the harvest guideline left unharvested. And Alternative 4 would prevent early closures.

For these reasons, Ms. Vojkovich recommended adoption of Alternative 4 as preferred.

Mr. Anderson was opposed to the motion. He felt that, based on the CPSMT analysis under Alternative 4, the northern subarea (Monterey, California; Oregon; and Washington) would receive, in total, almost 20,000 mt less than what is projected to be caught in these areas). He believed the likelihood of early closure of the northern fishery was very high under Alternative 4, as noted during public testimony. Under Alternative 4, the southern fishery is projected to catch about 54,000 mt, but would be allocated 73,000 mt. He did not see Alternative 4 as a win-win outcome. He has heard discussion about the need for conservation and precaution, and statements of declining biomass. However, the stock assessment authors noted, while projected biomass declined, the general trend was stable and possibly increasing. Thus, he did not agree with the characterization that the resource is declining.

Mr. Anderson also noted the overall outcomes of the various alternatives were similar, but the manner in which each of the alternatives is structured will make a big difference. He stated that if the current motion fails he is prepared to make another motion for adoption of Alternative 3.

Mr. Fougner asked Mr. Anderson about the basis for the harvest and allocation amounts he stated? Did they take into account the September 1 reallocation? Mr. Anderson stated that under Alternative 4 a much greater amount than had been caught in recent years would go to the south, the northern allocation would be less than is projected to be caught in the north.

Mr. Bohn was not in favor of the motion. He noted that Alternative 4 would not satisfy the purpose of the management action. That is, Alternative 4 would not prevent the socio-economic problems the management action was aiming to solve. He felt the relative benefits of Alternative 3 to the north, compared to the modest loss to the south, made it the preferred alternative.

Ms. Vojkovich stated that the 10% projected increases are conservative estimates. If the Pacific Northwest expanded by 20% the impact on southern California could be substantial.



Ms. Vojkovich asked Dr. Hill (CPSMT) about the status of the stock. Dr. Hill responded harvest guidelines have been declining and the biomass trend is increasing, but relatively flat. In the survey data, egg production estimates show lower egg densities, which could be from changes in the spawning distribution of the stock or timing of the survey.

Mr. Anderson asked Dr. Hill if there were biological concerns that should be considered in making this allocation decision. Dr. Hill stated that there was insufficient information about the sardine stock, especially the northern portion of the stock, to say definitively if there was a conservation concern.

Dr. Radtke was not in favor of the motion. Under the harvest guideline control rule, the fishery is sustainable and efforts should be made to catch all of the available harvest. He noted the economic importance of the fishery.

Mr. Ortmann said he could abstain and not vote on this issue. However, the evidence he's seen shows an opportunity to do something positive for a fishery when customarily the opposite is true. He has been convinced there could be economic benefits to the Pacific Northwest, without undue impact on southern California. Thus, he was not in favor of the motion.

Mr. Fougner said he supported the motion. It is consistent with the objectives of the FMP and the limited entry program. Alternative 4 also recognizes the historic dependence of the southern fishery, which should be protected from early closure.

Mr. Donald Hansen called for a roll call vote. Motion 30 failed; 5 yes, 9 no.

Mr. Anderson moved (Motion 31) and Mr. Bohn seconded the motion, that the Council adopt Alternative 3 as presented on page 5 of Exhibit G.2.b, the CPSMT Report. Alternative 3 includes changing the allocation dividing line from Point Piedras Blancas to Point Arena, and re-allocation of unused quota 80%-20% on September 1 and coastwide on December 1. As an interim measure, this allocation regime would be in place for 2003 and 2004, and extended to 2005 if the 2005 harvest guideline were at least 90% of the 2003 harvest guideline.

Ms. Vojkovich asked if Alternative 3 would establish a "routine action." Ms Cooney responded that this action was to establish management schemes for up to three years, not to establish a routine action.

Ms. Vojkovich asked about whether the time frame in the motion would tie the Council's hands down the road. That is, would the Council be locked into this scheme for the defined period? Ms. Cooney responded that this action, if approved and implemented, would be in place until it is changed. If a change is desired, the Council and NMFS would likely have to go through another rulemaking process, although, if compelling need was demonstrated, an emergency rule could be pursued.

Mr. Fougner noted that, once the new allocation system is implemented, it might be very difficult to demonstrate the occurrence of an emergency, and need for an emergency rule, unless something dramatically different occurred in the fishery.

Motion 31 passed. 12 yes, 2 no.

Mr. Waldeck noted remaining items were guidance to staff for finalizing the regulatory amendment and, possibly, indicating Council intent to move forward with a formal FMP amendment to address allocation for the long term.

Ms. Vojkovich, relative to the guidance for an FMP amendment, said she felt it important to consider mechanisms that provide flexibility for allocation decisions on a year-to-year basis. This could include alternatives for allocations during years of high biomass, high harvest guidelines, and high coastwide availability; and alternatives for periods when biomass is lower. That is, a range of allocation scenarios tied to sardine population dynamics and availability to the various sectors, which could prevent having to re-consider the allocation question each year.

Mr. Anderson agreed with Ms. Vojkovich's comments.

In terms of finalizing the regulatory amendment, Mr. Fougner stated Southwest Region would work with the CPSMT and Council staff.

### G.3 CPS Stock Assessment Terms of Reference (04/10/03; 3:50 pm)

#### G.3.a Agendum Overview

Mr. Waldeck provided an overview and reviewed the briefing book items.

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

### **SSC**

Mr. Waldeck read the SSC statement.

### **CPSAS**

Mr. Waldeck read the CPSAS statement.

### **CPSMT**

Mr. Waldeck noted the CPSMT had spoken to this issue in March 2003.

#### G.3.c Public Comment

None.

#### G.3.d **Council Action:** Approve CPS Stock Assessment Terms of Reference

Mr. Brown asked about the SSC statement that the "rebuilding parameters" described in the draft terms of reference were from the groundfish STAR terms of reference and not appropriate for CPS. Mr. Waldeck said yes, the intent of the SSC was to point that out and suggest a change.

The Council approved the terms of reference for a CPS STAR process (Exhibit G.3, Attachment 1) with the changes suggested by the SSC and the CPSAS. (Motion 32 made by Dr. Radtke, seconded by Ms. Vojkovich). Motion 32 passed.

### 4 P.M. PUBLIC COMMENT PERIOD (04/08/03; 4:08 pm)

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

Mr. Peter Huttulla, PMCC. Report about the EcoTrust organization.

Dr. Tom Welsh, recreational salmon angler. Spoke about deceptive reporting practices of NOAA Fisheries. He said they have failed to recognize the four lower Snake River Dams and that hydropower operations have placed fisheries in jeopardy. Suggested the Council write a letter to NOAA Fisheries and that they issue an erratta on this fishery.

Mr. Dave Bitts, for PCFFA, spoke about the decline of the fish of the Eel River (pike minnow dispute between NOAA Fisheries and CDFG).

Mr. Kenyon Hensel, Crescent City, California. Spoke about his letter to the Council regarding the rockcod conservation area.

ADJOURN

The meeting adjourned on Friday, April 11, 2003 at 11:21 am.

**DRAFT**

**Council Chairman**

**DRAFT**

**Date**

**DRAFT VOTING LOG**  
**Pacific Fishery Management Council**  
April 7-11, 2003

MOTION 1: Approve the agenda as shown in Exhibit A.4, April Council Meeting Agenda with the following changes: delete agenda items C.1 and E.9.

Moved by: Bill Robinson  
Motion 1 passed.

Seconded by: Burnie Bohn

MOTION 2: Establish the model evaluation work group (MEW) as shown in Exhibit C.3 Situation Summary. The MEW would be made up of representatives from the following entities: WDFW, NWIFC, CRITFC, ODFW, CDFG, USFWS, NOAA Fisheries, as well as a member from the STT and the SSC. Those entities would provide names to the Council Chairman and Executive Director.

Moved by: Bob Alverson  
Motion 2 passed.

Seconded by: Donald Hansen

MOTION 3: Adopt the list of methodology review issues for 2003/2004 as shown in Exhibit C.4.d, Supplemental SSC Report - with the revisions to items #3 and #4 as recommended by the STT; and the changing of priorities by changing the order of items #2 and 3 (moving item #3 to item #2 and item #2 to item #3).

Moved by: Phil Anderson  
Motion 3 passed.

Seconded by: Eric Larson

MOTION 4: Tentatively adopt for STT analysis the options for the commercial and recreational fisheries north of Cape Falcon as presented in Exhibit C.5.I, Supplemental SAS Report, with the following changes: page 3, control zone definitions (C.4.a), change the latitude referenced on the second line to read "48° 10' N. Lat."; also under the control zone definitions, pages 4 and 7, add a new control zone entitled the Grays Harbor Control Zone, with the area defined as the ocean area from the Westport Lighthouse to Buoy #2 to Buoy #3, to the Grays Harbor north jetty, closed beginning Aug. 16<sup>th</sup> for both commercial and recreational salmon fishing; the page 1 language under the U.S./ Canada border to Cape Falcon commercial fishery beginning *State regulations require...* be modified after consultation between WDFW and ODFW to ensure accurate monitoring and timely accounting of salmon catch. Mr. Cedergreen seconded the motion.

Moved by: Phil Anderson  
Motion 4 passed.

Seconded by: Mark Cedergreen

MOTION 5: Tentatively adopt for STT analysis the options for the commercial and recreational fisheries south of Cape Falcon to Humbug Mt, Oregon, and in the KMZ (Humbug Mt., Oregon to Horse Mt., California) as presented in Exhibit C.5.I, Supplemental SAS Report with the following changes: Page 1, Cape Falcon to Florence South Jetty and Florence South Jetty to Humbug Mt., change the ending date on the 27 inch minimum size limit to September 30; Page 2, Humbug Mt. to OR/CA border 2004 opening date to March 15.

Moved by: Burnie Bohn  
Motion 5 passed.

Seconded by: Ralph Brown

MOTION 6: Tentatively adopt for STT analysis the options for the commercial and recreational fisheries in California south of Horse Mt. as presented in Exhibit C.5.I, Supplemental SAS Report with the following changes to page 2 Horse Mt. to Point Arena: change the July opening dates to July 3 and July 18; change the starting date for the July landing restriction to July 3; insert language specifying no landing restrictions beginning July 18.

Moved by: Eric Larson  
Motion 6 passed.

Seconded by: Roger Thomas

MOTION 7: For the ocean Treaty troll salmon fishery, tentatively adopt for analysis:

A coho quota of 90,000, and a chinook quota of 60,000.

This would consist of a May/June chinook only fishery and a July/August/September All Species fishery. The chinook will be split 50% into each fishery (30,000 in May/June and 30,000 in all species). Gear restrictions, size limits and other appropriate regulations would be as stated in previous Salmon Technical Team analysis.

Moved by: Jim Harp  
Motion 7 passed.

Seconded by: Burnie Bohn

MOTION 8: Adopt the definitions of fishing gear for tentative analysis as shown in Exhibit C.5, Attachment 1. Motion 8 passed. (These definitions of fishing gear has been used for the 1996-2002 regulations).

Moved by: Phil Anderson  
Motion 8 passed.

Seconded by: Hans Radtke

MOTION 9: Direct the STT and SSC to provide relevant algorithms, procedures for parameter estimation and validation, and data as recommended by the STT beginning in 2004.

Moved by: Jim Harp

Seconded by: Burnie Bohn

Motion 9 passed. Mr. Anderson opposed the motion.

MOTION 10: Send the letter to FERC, as shown in Exhibit D.1, Supplemental Revised FERC letter.

Moved by: Jerry Mallet  
Motion 10 passed.

Seconded by: Phil Anderson

MOTION 11: Transmit the letter to the Secretary of Interior on the Klamath flow management as shown in Exhibit D.1, Supplemental Attachment 4.

Moved by: Jim Harp  
Motion 11 passed.

Seconded by: Burnie Bohn

MOTION 12: Support the HC hearing more about the issue of net pens, and other related issues that also have the risk of compromising the genetic integrity to ESA listed salmon.

Moved by: Hans Radtke  
Motion 12 passed.

Seconded by: Phil Anderson

MOTION 13: For the remainder of the 2003 season, as soon as feasible, replace the bycatch rate estimates used in the model with the rates from information from the observer program; these rates are to be used for GMT modeling purposes towards preliminary indicators of the magnitude of adjustments needed for the 2003 inseason management.

Moved by: Bob Alverson  
Motion 13 passed. Mr. Brown and Mr. Caito voted no

Seconded by: Marija Vojkovich

MOTION 14: Adopt the two-meeting process for consideration of the 2004 groundfish regulations.

Moved by: Burnie Bohn  
Motion 14 passed.

Seconded by: Jim Caito

MOTION 15: For the elements of Amendment 16 to the groundfish FMP specify Alternative 1d as the preferred alternative.

Moved by: Burnie Bohn  
Motion 15 passed.

Seconded by: Phil Anderson

MOTION 16: Adopt for public review the language in Agenda Item E.5 with the revisions of including the suggested language ("as required by the MS-Act").

Moved by: Bill Robinson  
Motion passed.

Seconded by: Jerry Mallet

MOTION 17: Reconsider Motion 16.

Moved by: Bob Alverson  
Motion 17 passed.

Seconded by: Ralph Brown

MOTION 18: Amend Motion 16 to say the words "to the extent practicable of any net loss".

Moved by: Bob Alverson  
Motion 18 passed.

Seconded by: Ralph Brown

MOTION 19: Put the rebuilding plans out for public review the way they are currently structured (darkblotched without MSE) and the MSE within the remaining rebuilding plans.

Moved by: Marija Vojkovich                      Seconded by: Burnie Bohn  
Motion 19 passed. Mr. Ralph Brown opposed the motion.

MOTION 20: For VMS, extend the public comment period for 60 days.

Moved by: Ralph Brown                      Seconded by: Burnie Bohn  
Motion 20 passed. Mr. Bill Robinson abstained.

MOTION 21: For EFPs, approve the COP protocols as shown in Exhibit E.7, Supplemental Revised Attachment 2 with the following modification: "under other considerations", substitute the language of the EC from their report. Include incorporating language to the effect that EFP application review would be coordinated with state and federal scientific, management, and enforcement staffs.

Moved by: Phil Anderson                      Seconded by: Bob Alverson  
Motion 21 passed.

Motions 22 through 24 utilized Exhibit F.1, Situation Summary, April 2003

MOTION 22: Adopt for the final 2003 incidental halibut catch regulations for the salmon troll fishery the measures in Option 1b.

Moved by: Burnie Bohn                      Seconded by: Ralph Brown  
Motion 22 failed on a role call vote.

MOTION 23: Adopt for the final 2003 incidental halibut catch regulations for the salmon troll fishery the measures in Option 1a combined with Option 2. The motion included the "C" shaped closure as a voluntary closure.

Moved by: Mark Cedergreen                      Seconded by: Phil Anderson  
Motion 23 passed.

MOTION 24: Adopt for the final 2003 incidental halibut catch regulations for the commercial sablefish fixed gear fishery north of Point Chehalis Option 1a and Option 2.

Moved by: Bob Alverson                      Seconded by: Jim Harp  
Motion 24 passed.

Motions 25 through 27 were adopted utilizing the following document: Exhibit C.7.b, Supplemental STT Report, April 10, 2003 (*Salmon Technical Team, Analysis of Tentative 2003 Ocean Salmon Fishery Management Measures*):

MOTION 25: Adopt the commercial and recreational measures for the area north of Cape Falcon with the understanding the corrections identified by the STT would be included in the final document.

Moved by: Phil Anderson  
Motion 25 passed.

Seconded by: Mark Cedergreen

MOTION 26: Adopt the commercial and recreational measures for the area Cape Falcon to Oregon-California Border to Horse Mt. to and including the KMZ Area with the modifications reported from the STT.

Moved by: Burnie Bohn  
Motion 26 passed.

Seconded by: Ralph Brown

MOTION 27: Adopt the commercial and recreational measures for the area from Horse Mt to the US Mexico-border with the amended language changes by the STT.

Moved by: Eric Larson  
Motion 27 passed.

Seconded by: Roger Thomas

MOTION 28: Adopt the ocean treaty troll fishery measures as described in Agenda Item C.7.e, Treaty Ocean Troll, Adopt Final Measures, April 2003.

Moved by: Jim Harp  
Motion 28 passed.

Seconded by: Burnie Bohn

MOTION 29: Adopt the definitions of fishing gear as defined in Exhibit C.5., Attachment 1; and authorize Council staff, NMFS, and the STT to draft and revise the necessary documents to allow implementation of the recommendations in accordance with Council intent.

Moved by: Phil Anderson  
Motion 29 passed.

Seconded by: Bob Alverson

MOTION 30: For the changes to the Pacific sardine allocation, adopt Alternative 4 as shown in Exhibit G.2, Situation Summary, where the initial allocation starts January 1, 66% to the southern area, 33% to northern area; dividing line Pt. Piedras Blancas; re-allocation 50%-50% on September 1; coastwide December 1.

Moved by: Marija Vojkovich  
Roll call vote. 5 yes, 9 no.  
Motion 30 failed.

Seconded by: Roger Thomas



MOTION 31: For the changes to the Pacific sardine allocation, adopt Alternative 3 as represented on page 5 of Exhibit G.2.b, CPSMT Report, April 2003 as an interim revision to the Pacific Sardine Allocation Framework within the CPS FMP for the 2003 and 2004 seasons. The allocation regime in Alternative 3 would be extended to 2005 if the 2005 harvest guideline was at least 90% of the 2003 harvest guideline.

Moved by: Phil Anderson                      Seconded by: Burnie Bohn  
Roll call vote. 12 yes, 2 no (Ms. Vojkovich and Mr. Thomas voted no).  
Motion 31 passed.

MOTION 32: Using Supplemental GMT Report E.8.b, adopt the groundfish trawl trip limit changes reflected in option 1 for north of 40° 10' and the option indicated for south of 40° 10'. This includes the distributions of the various species within the various sectors indicated on pages 2 and 3 of the document. It includes the retention of yellowtail rockfish in the salmon troll fishery north of 40° 10' as identified on page one. It also includes concurrence with the GMT's recommendation on the proposed corrections to the RCA boundaries. And include their recommendation on the line changes for the "B" platoon by including the values on pages 2 and 3 (including the change of the canary set aside in the efps). It also includes, working from the GAP Report on the scientific research plan for southern California hook and line survey for bocaccio.

Moved by: Phil Anderson                      Seconded by: Ralph Brown  
Motion 32 passed. Mr. Bob Alverson opposed the motion.

MOTION 33: Approve the draft agenda as provided in Supplemental Draft June Agenda (Exhibit B.6) with the addition of the session on alternative management strategies.

Moved by: Phil Anderson                      Seconded by: Don Hansen  
Motion 33 passed.

## SCIENTIFIC AND STATISTICAL COMMITTEE INPUT INTO NOAA FISHERIES CONSTITUENT SURVEY

The Scientific and Statistical Committee (SSC) identified three broad areas that we consider important to the quality and effectiveness of West Coast fishery management in the near future.

### Capacity Reduction

Capacity reduction is the highest priority for the West Coast groundfish fishery. If an aggressive groundfish capacity reduction program is implemented many of the problems facing the West Coast groundfish fishery could be reduced or eliminated. The fishing industry has taken the initiative on this issue but considerable support from the Council and NOAA Fisheries is needed to make this successful. Additional measures such as permit stacking and fishing quota programs may be necessary for long-term effective management of capacity.

### Data Collection

Given the intensity of current management and the high economic and social stakes of fishery closures, it is important to have high quality and consistent long-term data sets. Stock assessments, species rebuilding plans, by-catch estimates, and economic assessments all have specific data requirements. To address these needs, the SSC encourages NOAA Fisheries to conduct and expand fisheries sampling and fishery independent data collection. This applies to all species that are managed by the Council including groundfish, coastal pelagic species, salmon, and highly migratory species. The need for independent sampling is especially important for monitoring rebuilding of stocks that have severely restricted fisheries.

### Marine Reserves

Marine reserves are an important and contentious issue. There are differences and potential conflicts in the objectives of the Magnuson-Stevens Act and National Marine Sanctuary Act. Lines of authority and responsibility among NOAA Fisheries, the Council, and the National Marine Sanctuary Program are not clear. Clarification of each agency's role is needed to facilitate communication and coordination.

PFMC  
09/09/03