

**Meeting Record and Summary Minutes
Pacific Fishery Management Council
April 4-9, 2004**

The full record of the Pacific Fishery Management Council (Council) April 4-9, 2004 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 2004 Council Newsletter.

DRAFT MINUTES

Pacific Fishery Management Council

Red Lion Hotel Sacramento
1401 Arden Way
Sacramento, California 95815
916-922-8041
April 4-9, 2004

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A. Call to Order

A.1 Opening Remarks, Introductions (04/05/04; 2:30 pm)

Mr. Donald Hansen, Chairman opened the 173rd meeting of the Pacific Fishery Management Council.

A.2 Roll Call

Dr. Donald McIsaac called the roll:

Mr. Bob Alverson
Mr. Phil Anderson
Mr. Ralph Brown
Dr. Patty Burke
Ms. Marija Vojkovich
Mr. Mark Cedergreen
Chairman Donald Hansen
Dr. Dave Hanson*
Mr. Jim Harp
Mr. Jerry Mallet
CDR. Jeff Jackson
Vice Chairman Dave Ortmann
Mr. Bill Robinson
Mr. Tim Roth*
Mr. Roger Thomas
Mr. Daryl Ticehurst
Mr. Frank Warrens
Mr. Gordy Williams

*Dr. Dave Hanson and Mr. Tim Roth were in attendance later in the week. Mr. Stetson Tinkham was absent.

A.3 Executive Director's Report

Dr. McIsaac turned the Council's attention to the two informational reports available in the briefing book. He also announced the Chairman's reception to be held on Wednesday, April 7.

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: remove Agenda Item B.2 as no new budget information was available and the Budget Committee meeting was cancelled; remove Agenda Item C.16 as no new information was available and no policy direction came from the Ad Hoc Trawl Individual Quota Committee meetings. (Motion 1)

B. Administrative Matters

B.1 Approval of Council Meeting Minutes

B.1.a Council Member Review and Comments

None.

B.1.b Council Action: Approve November 2003 Minutes

The Council approved the minutes of the November meeting as shown in Exhibit B.1, Draft November 2003 Council Minutes. (Motion 2)

B.2 Fiscal Matters

This agenda item was dropped.

B.3. Appointments to Advisory Bodies, Standing Committees, and Other Forums

B.3.a Agendum Overview

Dr. McIsaac presented the situation summary.

B.3.b Council Action: Appoint New Members to Advisory Bodies, Standing Committees, and Other Forums as Necessary

Chairman Hansen will consult with appropriate parties and appoint members to the ad hoc groundfish trawl individual quota committee analytical and enforcement work groups. An announcement of the appointments will be made at a later date.

Ms. Vojkovich requested the Council Chairman consider a nominee from CDFG for an economist to sit on the analytical work group.

Ms. Cooney stated she would check with the NOAA West Coast enforcement attorneys to see if one of them would be available to work with the enforcement work group.

B.4. Workload Priorities and Draft June 2004 Council Meeting Agenda (04/09/04; 9:42 am)

B.4.a Agendum Overview

Dr. McIsaac provided the workload and Draft June 2004 meeting materials.

B.4.b Reports and Comments of Advisory Bodies

None.

B.4.c Public Comment

None.

B.4.d Council Guidance on Workload, June Council Agenda, and Priorities for Advisory Body Consideration

Council members held a discussion with the Chairman and Executive Director regarding workload items. Reference documents used were Exhibit B.4.a, Supplemental Attachment 1 (three meeting outlook), Exhibit B.4.a, Supplemental Attachment 2 (draft June 2004 agenda), and Exhibit B.4.a, Supplemental Attachment 3 (Council workload priorities April 12 through June 18).

Agenda Discussion

Mr. Alverson asked about the implementing regulations for Amendment 14 (permit stacking) which include the owner-on-board provision. Mr. Robinson stated NMFS would bring proposed implementing regulations to the September meeting for review and recommendations.

Mr. Anderson recommended the salmon fishery update scheduled for the June meeting be an informational item only rather than having the STT Chairman travel to Foster City. He suggested the Olympic Marine Sanctuary people come to the November Council meeting to provide a briefing.

Mr. Fougner asked to provide informational HMS reports for the June meeting. He asked what was included in the Channel Islands issue—would a draft document be distributed to Council? Dr. McIsaac said their initial selection of a range of alternatives is in the process of internal review. It is expected they would provide some draft information to the SSC and the Council agenda item would be primarily an update of their proposed schedule.

Ms. Vojkovich stated there may be a need for lengthy inseason groundfish management input on Tuesday. For California recreational, they are going to try to front load that discussion prior to the Council meeting to come to some resolution instead of having the GAP start on Sunday.

Mr. Anderson said our process is not going to survive many more of the types of sessions we have had this week with massive inseason management issues on top of 2005/2006 management decisions. We need to make efforts to get the discussions and work completed to the extent we possibly can before the June meeting. Dr. McIsaac noted that we have done some thinking about time management protocols on this and asked that state representatives meet with Council staff to discuss time savings.

Mr. Robinson said we will need to add a check-in for the bycatch EIS for the June meeting and consider how to implement the preferred alternative. (Agreed)

Dr. Burke asked if the Groundfish Information Policy Committee is meeting between now and June? Dr. McIsaac said the group will get together during the month of May.

Council Workload Discussion

Dr. McIsaac said this is not only a “Council staff” workload, but it extends to the Council’s advisory bodies as well.

Mr. Alverson asked if we need to have the American Fisheries Act (AFA) Amendment 15 under delayed action? Could it be dropped? Dr. Hanson stated AFA has basically been dropped in Alaska. The Council agreed to dropped it off the list as well as the full retention pilot program. Ms. Vojkovich said California is unable to work with the near shore delegation issue and to take it off as well.

Mr. Anderson asked to get some understanding of what we would be doing regarding the sardine allocation matter in June and September. Mr. Waldeck replied the CPSMT and CPSAS will meet in May to discuss the Pacific mackerel harvest guideline and at the June meeting the Council would consider an FMP amendment for sardine allocation. Development of a workload matrix and a series of scoping meetings would follow. At the September or November meeting, (if we had scoping sessions during the summer) we would discuss initial alternatives. We may want to add it as a tentative item to the three meeting outlook for November. Final action on any amendment would occur in June of 2005.

Mr. Anderson noted that workload for the open access limitations item is below the dotted line. As we get our 2005/2006 management regime in place, and if we have time to work on it, is that something we could move up and try to address here in the next year or so? Ms. Vojkovich said she would be interested in

getting that above the line before starting work on the 2007/2008 management cycle. Dr. Burke said the concept is good, but unless we do something about inseason management policies and procedures, putting things above the line is not a good idea. She said we first need to lighten the loads where we have obvious time crunches (Chairman agreed).

Mr. Anderson suggested an allocation committee meeting prior to the June meeting so they could review the analysis of the alternatives and formulate recommendations for the Council in June. He feels that would be useful and helpful in working through the 2005/2006 management measures.

Dr. McIsaac asked if the Council might want to take a break from groundfish at the November meeting.

Dr. Burke said we need to create a way to make the groundfish workload lighter for our groundfish staff. Mr. Anderson agreed, but we need to work on other issues that we have never been able to get to. Tentatively, we could address the open access limitation issue and put that matter on the November agenda.

Dr. Coon said in November the SSC would be delivering their terms of reference for the STAR panels for the 23 assessments and terms of rebuilding as well.

Dr. McIsaac said there is also a strategic plan formal review that is a candidate during the “off-cycle”, perhaps November. Mr. Anderson agreed the review was a good idea, but should not be burdensome and hold back on open access limitation. Dr. McIsaac suggested an introductory discussion for November.

Mr. Brown agreed with Dr. Burke’s comments about not burning people out and moving forward with new ideas. We need more of an even flow of groundfish management items.

C. Groundfish Management

C.1 NMFS Report (04/05/04; 2:41 pm)

C.1.a Regulatory Activities

Mr. Bill Robinson reviewed the following regulatory actions taken since the April meeting; March 12 the shore-based Pacific whiting EFP was announced in the *Federal Register*; Amendment 16-2 was approved in January and the regulations that implement those four rebuilding plans have been working their way through the system. He also noted some items in progress: converting the shore-based Pacific whiting monitoring EFP into regulations is underway and NMFS is preparing a draft Environmental Assessment to be available to the public prior to the June Council meeting. NMFS would ask the Council to use June and September Council meetings to develop alternatives and take final action to convert the EFP to regulations for implementation in 2005. The 2004 Pacific whiting harvest specifications (ABC/OY) final rule is going through final review in Washington DC and will be published in the *Federal Register* shortly. Mr. Robinson also updated the Council on Amendment 14, the limited entry fixed gear permit stacking program. The basic components of the program were implemented through regulatory Amendment 14a in August 2001 to get the program started and to allow time for work on more complex regulatory issues. He referred to Exhibit C.1.a, Supplemental NMFS report which describes rationale for delaying implementation of the program due to workload issues (i.e., the focus on annual specifications and rebuilding plans). However, NMFS intends to carry out the remaining provisions of the program following the proposed schedule in the report. This plan calls for two additional regulatory amendments; 14b will deal with issues of permit ownership interests, certification for mid-season transfers, and a definition of “base permit”; 14c will address owner-on-board provisions, adding a spouse to a permit, at-sea processing, and establishing a fee program. NMFS plans to bring a completed regulatory amendment 14b to the Council in September along with a review of Council

decisions relative to the provisions under 14c.

C.1.b Science Center Activities

Dr. Elizabeth Clarke reported on activities of the Science Centers. Base activities continue even though programs are awaiting spending advice and are operating with no budget. A meeting with industry representatives for the new acoustic survey for widow rockfish proceeded very well and the NWFSC has plans for testing techniques for this survey and has submitted spending requests to purchase the necessary gear.

Mr. Guy Fleischer of the NWFSC was given an "Employee of the Year" award by NMFS and will be traveling to Washington DC to accept the award.

The exit interview for the GAO report for groundfish survey activities will be done this Friday. Efforts to calibrate the old triennial survey with the new annual survey continue. To that end the NWFSC plans to use six vessels this summer rather than the usual four. Training for people who plan to help with the surveys this year will be in May.

The University of Washington will be holding an ITQ meeting a part of the Bevan Symposium Series and she is encouraging participation.

The NWFSC is increasing efforts on coral mapping because of some recent petitions submitted to the agency. Finally, PACOS, the Pacific Coast Observer System which is intended to coordinate West Coast scientific activities will meet in May with details coming soon.

C.1.c Reports and Comments of Advisory Bodies

None.

C.1.d Public Comment

None.

C.1.e Council Discussion on NMFS Report

Dr. Burke referred to the Allocation Committee discussion regarding cameras on shore-based Pacific whiting vessels and asked how NMFS plans to handle the camera installations. Mr. Robinson said he did look into the issue and the intent is to mount the cameras at the convenience of the skippers. NMFS will not hold up any fishing activities and will contact vessel owners and schedule a convenient time.

C.2 Groundfish Allocation Recommendations for 2005-2006 Management (04/05/04; 2:54 pm)

C.2.a Agendum Overview

Mr. Mike Burner provided the agendum overview.

C.2.b Ad Hoc Allocation Committee Report

Mr. Burner provided a review of key aspects of the report as contained in Exhibit C.2.b, Supplemental Ad Hoc Allocation Committee Report.

Mr. Anderson asked Ms. Cooney for guidance on the use of allocations and harvest guidelines. He reviewed actions relative to yelloweye rockfish and canary rockfish in the recreational fisheries. He thought of those catch expectations as “ceilings”, not to be exceeded. Washington recreational fisheries added a feature in the management plan where if a catch expectation was to be exceeded, Washington would take action to move the recreational groundfish fishery inside 30 fathoms. In March, the Council decided to include regional management concepts for 2005-2006. He stated there is a real need to leave this meeting with a common understanding of the meaning of the terms such as harvest guideline, allocation, and OY and asked Ms. Cooney if she had guidance on this issue.

Ms. Cooney said the fishery has evolved considerably from the time of coastwide OYs, limited allocation decisions, and simplified trip limits. Managing overfished species and the specification of different regulations for different gear groups has complicated the management regime. We also have the distribution between recreational and commercial fisheries. The FMP section on allocation does not require a three meeting process, but a two meeting process and a notice and comment rulemaking process. Ms. Cooney said the key to developing regional management is a clear representation of the rationale for regional divisions and an explanation of how regional management will be implemented. The easiest short term solution to manage a sector or region for a given harvest without necessarily closing upon attainment is the adoption of a harvest guideline. However, the more complex and/or numerous the regional management strategies, the harder it is to manage the fishery.

Mr. Anderson said at this point in the process we have several tools available that could be placed in one or more options for public review. We can include concepts such as harvest guidelines by sector provided there is a justification for the intent as well as the quantity specified.

Mr. Brown, asked Ms. Cooney if there was different analysis required for a direct quota allocation versus a harvest guideline. Ms. Cooney said allocation decisions are long term actions requiring more discussion, analysis, and justification. The current state of the fishery is shifting from year to year due in part to changing constraining species and short term justifications.

Mr. Alverson asked if allocations, harvest guidelines, or allotments, can be changed from year to year or is there an obligation to carry these agreements into the future.

Mr. Burner said the committees recommendations were for 2005 and 2006.

Dr. Burke commented on the overall use of the scorecard and cautioned against heavy reliance on this one tool for a wide variety of fishery management decisions. She recommended that the GMT look at the current use of the scorecard and consider new and different informational tools in the future.

C.2.c Reports and Comments of Advisory Bodies

None.

C.2.d Public Comment

Mr. Jim Lone, Washington Recreational Fishing Industry Association, Seattle, Washington
Mr. Larry Carpenter (no address on file)
Mr. Rhett Weber, Washington Charter Operator, Westport, Washington
Mr. Daniel Strunk, Pierpoint Sportfishing, Long Beach, California
Mr. Phil Kline, Oceana, Washington DC

C.2.e Council Guidance on Groundfish Allocation Recommendations for 2005-2006 Management

Ms. Vojkovich assured everyone that California has no intention of ever exceeding any harvest limits and has every intention of managing fisheries responsibly and is not interested in having our inability to do that affect other sectors and other peoples' opportunities.

Mr. Cedergreen said he did not think that recreational anglers in Washington believe there is any intent to exceed harvest expectations in California. However, there is a concern when actions taken in the past few years to address impacts to overfished species are lost due to events that happen in other areas.

Mr. Alverson asked Mr. Robinson about the surveys to verify the CRFS program. He is not sure he believes the reports that California exceeded their canary rockfish catch expectations. He questioned the reliability of phone surveys and angler reported catch and asked about the use of a "placebo" fish or a species that does not exist to test the accuracy of angler reported catch reports. Mr. Robinson said he did not know of a phony fish in the survey, but reported on the transition process from MRFSS to CRFS and expressed hope for more timely and more accurate estimates under the new program.

Mr. Anderson said one of the reasons the Council decided to convene the Allocation Committee was to have an opportunity to provide recommendations and direction for 2005-2006 management measures rather than starting from scratch and trying to do it all on the Council floor. The Allocation Committee spent almost two days working on the issues. He felt it would be a mistake to not provide as one set of alternatives for the GMT to analyze, the recommendations that are contained in the report, specifically for black rockfish, yelloweye rockfish, lingcod, canary rockfish, bocaccio and widow rockfish. He would characterize the values as harvest guidelines rather than allocations or quotas or other terminologies. In the case of lingcod where there are separate assessments and OYs, the sequence of five steps in the report would be recommended for the development of harvest guidelines north and south of the Oregon-California border.

Dr. Burke said regional options should be analyzed, and a state by state approach is not always appropriate. The Allocation Committee talked about the issue of needing the stock assessors to consider looking at fish population distributions as a rationale for regional management so that we are not only considering political boundaries.

Ms. Vojkovich spoke about the use of the scorecard, particularly for canary rockfish management. There is confusion in the report as well as the November Council meeting minutes of what scorecard we are asking the GMT to use for alternative catch sharing options. She reviewed 2003 management issues in California, including lifting the constraints of bocaccio and the need for additional canary rockfish rockfish impacts as fishery liberalizations are considered. The use of historical MRFSS data was used at that time and as we started the discussion of 2004 management. She is interested in discussing how we move forward with giving the GMT direction beyond the recommendations of the Allocation Committee on regional management concepts and the use of the scorecard. She said California is expected to take inseason action at this meeting to keep their recreational fishery impacts within a set limit while Oregon and Washington have changed the numbers of estimated canary rockfish impacts on the scorecard, yet California is being asked to remain at the 8.5 metric tons as noted in the Allocation Committee report.

Mr. Brown on canary rockfish, stated the current scorecard reflects a tribal share of approximately 8 metric tons, equivalent to the expected catch of the entire coastwide trawl fleet. He asked the GMT and GAP to look into this and see if there is a way to redistribute some of these impacts.

Mr. Anderson thought what we were doing at this point is deciding whether or not to give direction to the GMT to use any portion of the Allocation Committee recommendations in developing the 2005-2006 management measure alternatives. We were not precluding the GMT from exploring other alternatives. He suggested that at least one of the alternatives for preliminary consideration be consistent with the recommendations of the Allocation Committee.

Dr. McIsaac asked Mr. Burner, to summarize the canary rockfish alternatives.

Mr. Burner said there are two alternatives presented in the Allocation Committee report, one based on the current version of the scorecard and a second to be based on the values in the scorecard as updated at this meeting. He thinks some more clarification would be helpful to the advisory bodies and Ms. Michele Robinson and Mr. Rod Moore came to the podium.

Ms. Robinson concurred with how Mr. Burner summarized the guidance she has received from the Allocation Committee report relative to the two “scorecards”. If the Council would like to give additional guidance, they would welcome it. Mr. Moore said we have not had much opportunity to discuss 2005-2006 in the GAP. On the issue of distribution of canary rockfish to the tribal catch as Mr. Brown referenced earlier, there are some differences how tribal canary rockfish incidental take is calculated. In terms of California recreational fishery options, any further guidance the Council can provide on the use of data systems other than MRFSS or use/non-use of particular base period years would be helpful.

Ms. Vojkovich requested that we start with a clean slate for canary rockfish, the decision the Council made in June 2003 relative to catch sharing based on historical MRFSS data, and use that as one of the alternatives for 2005-2006. Those catch shares were the basis for the catch sharing used in developing the management measures for 2004.

Ms. Robinson asked if Ms. Vojkovich was referring to the 1993-1999 RecFIN data. If so, as part of the Council guidance, the GMT would like to know what value to apply those in calculating catch shares for 2005-2006. Ms. Vojkovich said we would be choosing an OY later this week or leaving the OY alone until we have a better understanding of recreational and commercial sharing.

Mr. Anderson said the 1993-1999 base period is not at all something he is comfortable with using as Washington had begun making substantial changes to bag limits for rockfish at that time and he does not consider that a level playing field. The Council reviewed the values from the Allocation Committee.

Dr. McIsaac stated that business under this agenda is to provide guidance. There is conflicting guidance coming from Council members and he suggested a motion as a means of clarification on this particular portion of the guidance. He clarified that this is only initial guidance to help with the development of alternatives, this is not the last chance to craft alternatives.

Ms. Vojkovich asked if she could include an analysis of the September 2003 scorecard values for canary rockfish impacts as a catch sharing alternative for 2005-2006. The Council agreed to include this option for analysis.

C.3 Groundfish Management Team (GMT) Check-In on Inseason Management Issues (04/05/04; 4:37 pm)

C.3.a GMT Report

Ms. Robinson provided Exhibit C.3.a, Supplemental GMT Report.

C.3.b Reports and Comments of Advisory Bodies

Mr. Moore, and several members of the GAP met with CDFG and suggested additional alternatives to try to see if they could reduce impacts in California recreational fisheries. He agreed that a major issue to be resolved for California recreational fishery management is what base data to use in modeling projected impacts for 2004.

C.3.c Public Comment

Mr. Randy Fry, Recreational Fishing Alliance and Coastside Fishing Club, Sacramento, California
Mr. Kenyon Hensel, Hensel's, Crescent City, California
Mr. Bob Ingles, Golden Gate Fishermen's Association, Hayward, California

C.3.d Council Guidance on GMT Check-In for Inseason Management Issues

Dr. Burke asked Ms. Robinson to comment on using the 2003 data as adjusted by CDFG versus using the 2003 and 2002 data. It appears that use of 2003 would be more reflective of 2004. Did the GMT weight these issues and how robust is the 2003 estimate?

Ms. Robinson said the GMT did look at this at length and felt CDFG had a fairly innovative idea in terms of developing a model capable of projecting a 12 month season that is based on the partial year that exists in the 2003 data set. Ms. Robinson said the GMT was struggling because wave 4 data has been characterized as an outlier, but felt CDFG used a good approach when estimating what portion of the wave 4 effort was due to a derby style fishery.

Dr. Burke said she would recommend estimates based on this calibrated 2003 catch data. She could not support using an average of 2002 and 2003 that has not been calibrated.

Ms. Vojkovich asked whether we typically use one year's worth of data to make projections or a range of years.

Ms. Robinson said California has typically used a range of years and used a range of 1995-2000 for setting the regulations in 2004. Washington has always used the previous year catch estimate when modeling the next year, making adjustments where appropriate for changes in bag limits, seasons, etc. Oregon previously looked at 2002-2003 data for 2004 projections but has since changed to using only 2003 data. Dr. Burke confirmed this is the case and clarified that in the past Oregon has always used the prior year for modeling impacts to overfished species and an average for non-overfished species.

Chairman Hansen asked about the need for a buffer for California recreational lingcod fisheries.

Mr. Robinson asked if the initial buffer discussed in March was still necessary. He was assuming the buffer was in response to issues of uncertainty, therefore you could make a credible argument to reduce the buffer if you reduced the amount of uncertainty. Do we have increased certainty now versus what we had last September.

Ms. Robinson said the GMT did not view the differences in the scorecard relative to the OY as conscious decision on the part of the Council to adopt a buffer for lingcod; rather, the difference between the catch projection and OY got expressed as a buffer in the regulations. The GMT has proposed adding a row to our scorecard to specify "buffers" including what fishery they apply to.

Mr. Robinson, asked if the amount of lingcod OY not utilized by fisheries as adopted in September was simply the result of the calculated impacts falling below the OY rather than an intentional creation of a buffer. Ms. Robinson agreed.

Mr. Anderson suggested there should not be a buffer for lingcod. He said we do have more certainty as to what we can expect for 2004 since our numbers for 2003 have been firmed up; and in looking ahead to 2005, the OY even under the low option is expected to double. Given those considerations he did not feel there needs to be a specific buffer set aside for lingcod.

Ms. Vojkovich, pointed out an inconsistency on policy. In March, the California recreational fishery for lingcod was limited by a 30 inch minimum size limit and a one fish bag limit to provide for a buffer, now we are talking about no need for a buffer. It seems to be inconsistent policy.

Mr. Robinson, asked if the alternatives presented reducing the impact on canary rockfish in recreational fisheries would also reduce impacts on lingcod providing an opportunity to identify a buffer. Ms. Robinson said they did not look at lingcod impacts at all. Mr. Robinson asked to see what the savings are for lingcod when the GMT has these values available.

Ms. Cooney stated that the Council should focus on best information and the best approach for not exceeding the OYs. There were buffers applied to canary rockfish in September 2003 to cover uncertainties about new observer data due the following spring.

Dr. Burke said in talking about the March action, it was due to uncertainty in data in California and knowing the lingcod is not recovered. We were trying to figure out a way to assure the Council that California could put something in place that would minimize the chance for large closures later in the season.

Dr. McIsaac said that in March all of the information was uncertain and the necessary analyses required to identify a buffer were not available. At this time, canary rockfish seems to be the pressing issue at this early stage of inseason action and he suggested focusing on ways to reduce canary rockfish impacts and review lingcod management later.

Ms. Vojkovich said California is being asked to take an inseason action to reduce our impacts on canary rockfish to 8.1 metric tons which will likely result in drastic restrictions for the recreational sector. Oregon and Washington are not being held to this same standard. Washington has increased expected canary rockfish impacts 67%. She does not mind having to take inseason action as long as other fisheries that are exceeding their allowance are doing the same.

Dr. Burke stated that this illustrates the limits of the scorecards usefulness and reiterated her support for using the adjusted 2003 data for making estimates for California recreational fisheries in 2004.

Ms. Vojkovich said she feels the 2002 average data, plus the adjusted 2003 data give a more realistic view of what is to come in 2004. Ms. Robinson said they have looked at both in terms of the catch projections. The GMT recommended using the adjusted 2003 catch data only.

Mr. Anderson said it is clear that we need to make some allocation decisions somewhere along the line. Washington's original estimate of 2.5 metric tons of canary rockfish is a value that does not have any savings calculated for our zero bag limit because they were not certain whether the change from a one fish bag limit to zero fish bag limit produced any savings. We don't have a solid estimate of what those savings might be. There are those that believe we should have a buffer on lingcod and he is willing to listen to their arguments and rationale.

Mr. Robinson, on the buffer issue, it seems the additional closures for canary rockfish protection will result in reductions for lingcod as well. Therefore, he thinks it makes sense to model out and make the decisions on canary rockfish and assess the resulting lingcod impacts before determining the need for a buffer.

Dr. McIsaac stated that the GMT has modeled some changes in the commercial fisheries and some in the California recreational fishery. The Council needs to determine what additional modeling exercises they would like the GMT to model before final inseason action on Tuesday.

Mr. Roger Thomas said he would like see the GMT review any proposed Central California closures in May,

June, and August above 40°10' N. lat.

Ms. Vojkovich asked the GMT to look at inseason changes for Oregon and Washington to meet the canary rockfish impacts on the September 2003 scorecard to see what kind of inseason adjustment would have to be made.

The Council held the following additional discussion on Tuesday, April 6, 2004.

Regarding the guidance given on Monday, Mr. Anderson thought it was reasonable to use the September 2003 decisions and values for inseason actions as a means to share harvest opportunities and burdens of conservation for 2004. Therefore, he suggested starting with the September 2003 scorecard for recreational fisheries and, taking that total, he calculated the proportion of the recreational canary rockfish impacts that went to each state. There was a 4.5 metric ton buffer in the September 2003 scorecard and he proposed using 2.3 metric tons (about half of the buffer) to distribute proportionally among the three states to come up with new harvest guidelines as follows: 1.72 metric tons for Washington, 6.77 metric tons for Oregon, and 9.32 metric tons for California. Of the 2.3 metric tons remaining in the buffer, he took 1.1 metric tons to cover the additional canary rockfish impacts that resulted from implementation of new observer data in the commercial sectors. An additional 0.6 metric tons is required for proposed trip limit adjustments leaving 0.6 metric tons as a buffer. Working from the foundation and belief that our decision in September was to share the conservation burden and allocation among sectors fairly, he suggested this proposal as guidance to the GMT.

Ms. Vojkovich told Mr. Anderson she appreciated his thought process, and thinks this is a much cleaner way to give direction to the GMT. We are focusing on northern and central California when considering inseason action for canary rockfish savings and requested that the GMT consider restrictions in southern California as well.

Dr. Burke said this is a reasonable approach.

Dr. McIsaac reiterated that the Council would like the GMT to look at the analysis of the canary rockfish impact estimates and have the GMT provide a description of the seasons that would get to those impacts; the second is to look at southern California fisheries currently open out to 60 fathoms and report back what savings there may be in adjusting the depth limits or seasons.

Dr. Burke asked the Council to give the GMT some leeway to drop some analyses that are not consistent with the direction given today and asked if the GMT still needs to address the issue of averaging values between 2002 and 2003 when modeling 2004 recreational fisheries.

Ms. Vojkovich said the issue of averaging is important to California and asked that the GMT put that task as a low priority to allow them to work on the new proposals from today first.

C.4 Observer Data and Model Implementation (04/06/04; 8:32 am)

C.4.a Agendum Overview

Mr. DeVore provided the agendum overview and reviewed the reference documents.

C.4.b NMFS Recommendations

Dr. Jim Hastie provided a powerpoint presentation.

C.4.c Reports and Comments of Advisory Bodies

SSC

Dr. Kevin Hill provided Exhibit C.4.c, Supplemental SSC Report.

C.4.d Public Comment

None.

C.4.e **Council Action:** Approve Observer Data and Model Implementation for 2004 Inseason Management Actions and 2005-2006 Management Measures

Mr. Brown commented that the model tends to be used for two purposes; current estimates of true mortality as a result of our management and the level of observation may be adequate for that purpose; the other is for anticipating effects when we are modeling a future season. The only data available to base projections upon is the current fishery. Therefore, observations are restricted to open areas that are different today when compared to the past and potentially different from the future. We don't have enough information to use the model to consider moving management lines, particularly in the fixed gear fisheries, until more data is collected in the future through experimental fisheries.

Dr. Hastie reported that during the first two years (2000-2001) of observations there were no depth restrictions and there was a block of data collected in areas now closed to the fixed gear fleet. These data indicate higher bycatch rates for yelloweye rockfish, canary rockfish, and lingcod in areas currently closed to fixed gear vessels. Unlike the trawl model, the fixed gear model does not have the benefit of logbook data to provide a more precise indication of effort patterns.

Mr. Alverson referenced the possibility of expanding the fixed gear logbook program in Alaska to the West coast, and asked about the degree to which those data may help with effort and fishing pattern predictions. Dr. Hastie responded that additional, more comprehensive information on the fleet would be valuable especially if we are able to utilize VMS data to provide better information on the depths vessels are fishing.

Dr. Burke, on the limited entry trawl study, said the SSC has indicated lingcod discard mortality dropped from 70% to 50% and Oregon has done some studies to suggest the rate should be even lower. Did the GMT review this information when recommending the new mortality rate. Dr. Hastie said the GMT tracked past Council decisions and discovered that the Council had been using 50% and speculated that using 70% more recently was an error that treated lingcod consistently with mortality rates for Sablefish. The GMT reviewed available information and recommended 50% as a likely upper bound. He said the GMT will spend time in May to discuss the available information on discard mortality for Sablefish and lingcod to determine if mortality rates currently in use are appropriate. Dr. Burke asked if Council-adopted changes for modeling at this meeting could be revised for modeling the 2005-2006 management alternatives in the future. Dr. Hastie said yes, the final version would be revised to reflect those decisions.

Mr. Alverson moved and Mr. Brown seconded a motion (Motion 3) to approve the models for use in 2004 inseason management and 2005-2006 management decisions (the limited entry trawl bycatch model adopted for management use in 2003 and updated with new observer data, new logbook data, new fish ticket data, and new observer data stratifications as provided in Exhibit C.4.a, Attachment 1; and a new fixed gear primary sablefish bycatch model as provided in Exhibit C.4.a, Attachment 2).

Motion 3 passed.

C.5 Policy on Groundfish Management Information Usage (04/06/04; 1:31 pm)

C.5.a Agendum Overview

Dr. Ed Waters provided the agendum overview (Exhibit C.5.b).

C.5.b Report of the Ad Hoc Groundfish Information Policy Committee (GIPC)

Dr. Waters highlighted the GIPC report.

C.5.c Reports and Comments of Advisory Bodies

GAP

Dr. Waters read Exhibit C.5.c, Supplemental GAP Report.

C.5.d Public Comment

None.

C.5.e **Council Action:** Consider Recommendations of the GIPC

Mr. Anderson moved and Mr. Alverson seconded a motion (Motion 10) to adopt the report of the GIPC as contained in Exhibit C.5.b, Supplemental Report of the GIPC, including the schedule contained in page 4 of that report (the *Draft Proposed Observer Data and Bycatch Model Schedule for Multi-Year Management*).

Ms. Vojkovich questioned whether taking this action today will preclude changing out minds later, for example to resolve conflicts. The Chair responded that this action will not preclude that. Mr. Alverson, in looking through the schedule on page 4, asked if we will be using 2005 observer data for the setting the 2007 season specifications (i.e., making the decision in November 2006).

Dr. McIsaac said the intent is to also use 2005 observer data for 2006 inseason management as well. Mr. Robinson said that observer data updates will occur each year. In November 2005, observer data collected through 2004 would be used to set the 2007 and 2008 preseason specifications. Mr. Alverson was okay with the explanation.

Mr. Anderson said he understands if we are going to change the data time frame then we need to make that decision and start moving in that direction (i.e., to move to a calendar year). This would assist Dr. Clarke in making plans for the transition.

In response to a question from Ms. Vojkovich, Mr. Robinson clarified that in 11/05 we would be using an entire year of data for 2004, and in 2006 we would also add an additional year of observer data to use for inseason management.

Mr. Robinson confirmed that the data would be cumulative, except if there are significant changes in fishing regimes in which case we may opt to use something else (the point being there would generally be an additional year of data added to the database each year).

Mr. Coenen summarized that this action will begin to regularize the observer data schedule, that the observer data set will become cumulative, and that this will be a long-term structure. However there will also be other factors, as Ms. Vojkovich mentioned, and we will have to learn as we go along to synchronize all the elements of our management process.

Motion 10 passed.

C.6. Groundfish Essential Fish Habitat (EFH) Environmental Impact Statement (EIS) Analytical Model
(04/06/04; 1:51 pm)

C.6.a Agendum Overview

Dr. Kit Dahl read the situation summary.

C.6.b NMFS Report

Mr. Steve Copps, NMFS NWR, introduced the report. Mr. Graeme Parks, MRAG America, Inc., described the EFH designation model component of the EFH EIS analytical framework. (The Powerpoint presentation is available at the Council office).

C.6.c Scientific and Statistical Committee (SSC) Report

Dr. Dahl read Exhibit C.6.c, Supplemental SSC Report.

C.6.d Reports and Comments of Advisory Bodies

Habitat Committee

Mr. Stuart Ellis read Exhibit C.6.d, Supplemental HC Report.

GAP

Mr. Phil Kline read Exhibit C.6.d, Supplemental GAP Report.

C.6.e Public Comment

Mr. Phil Kline, Oceana, Washington, DC

Mr. Chris Dorsett, The Ocean Conservancy, San Francisco, California

Ms. Susan Murray, Oceana, Washington, DC

C.6.f **Council Action:** Approve EFH Identification Model and Authorize the Ad Hoc Groundfish Fishery Management Plan (FMP) EIS Oversight Committee to Develop a Preliminary Range of Alternatives

Dr. McIsaac asked Ms. Cooney, about adding an additional seat to the Groundfish FMP EIS Oversight Ad Hoc Committee. He noted that there is no representative from the plaintiffs in the original lawsuit initiating preparation of this EIS and asked if one could be appointed. He further asked if there would be a problem with this, given that the plaintiffs are a party to the settlement outcome related to this EIS. He also noted that the settlement directs that the plaintiffs develop one alternative with a strong conservation purpose for analysis in the EIS. Such an appointment would facilitate direct involvement by the plaintiffs in developing the alternatives. Ms. Cooney said there is no legal harm in doing that. The Council Chairman asked if there are Council concerns with having Mr. Chris Dorsett, The Ocean Conservancy, on the Ad Hoc Oversight Committee. There were none. Mr. Robinson noted that from an efficiency standpoint appointing Mr. Dorsett would be helpful.

Ms. Vojkovich was unclear on why available biogenic habitat data was not being used in the EFH modeling

effort described by Mr. Parkes. This question had been raised during public comment. She asked if the data were available and what the status of work was on addressing the biogenic habitat issue. Mr. Copps reminded the Council that a series of public meetings were held as part of developing this model, and this also facilitated gathering available data for use in the model. The Technical Review Committee advised that although there are data on biogenic habitat, it is not suitable for modeling purposes. This does not mean that biogenic habitat is not part of EFH or cannot be addressed outside the model. .

Ms. Vojkovich then asked if the technical advice to use presence-absence data for fish species was given before consideration of including biogenic habitat, and why this type of data could not be used to determine the distribution of biogenic habitat. Mr. Parkes responded by noting that biogenic species are part of the habitat for managed species, rather than species for which habitat is being independently determined. They would thus be part of the substrate GIS layer used as part of the model to identify EFH for managed species. However, the available data for biogenic habitat is not of the type that can be used for mapping the distribution of corals and sponges (biogenic habitat). The presence-absence data are used to compare the distribution of managed fish species in relation to the underlying habitat in order to determine EFH. The idea that because there isn't usable data on the distribution of biogenic habitat in the model means that the areas where they occur are omitted from the analysis and therefore cannot be identified as EFH is a misrepresentation of the analysis. Biogenic habitat is likely to occur within areas that could be identified as EFH with the model.

At the request of Mr. Coenen, Ms. Burke asked that she replace him on the Ad Hoc Oversight Committee. The Chairman agreed. The Chairman also appointed Mr. Dorsett to the committee based on previous Council discussion.

Ms. Vojkovich moved and Mr. Thomas seconded Motion 11 to approve the EFH designation model for use by the Ad Hoc Oversight Committee and EFH EIS team in developing and analyzing preliminary alternatives for EFH designation.

Ms. Vojkovich stated that all of the components of the analytical framework should be completed before the next step occurs. She was unsure if the impacts model is part of this discussion or if that model will come before the Council at a different time. Dr. McIsaac responded that this action pertains to just the EFH identification model component of the analytical framework. The fishing gear impact model component has yet to be reviewed by the SSC. This model will be completed at a later time. If the Council thinks identification of biogenic habitat should be incorporated into the designation model, that discussion should occur now. Otherwise, if there is a presumption that those things will be added at a later date, during the discussion of the motion Mr. Copps should provide his advice about adding additional items. Mr. Copps said for purposes of this discussion, the model is complete and our resources will be focused on the impacts model.

Mr. Ticehurst noted, per the SSC's recommendations, what questions can the model answer? Mr. Paskes said that his question related to the impacts model. Mr. Ticehurst said he has the same question for the identification model. Mr. Paskes described how the model could be used to answer various questions. Mr. Anderson noted that everywhere he has gone in the past two years it has been noted by conservation groups we are not "paying attention to EFH issues and their concerns." He stated that he does not want to leave this decision here, which would lead conservation groups to think we are not going to be looking at this again for five years. If we have additional information on this we need to get it in the model as quickly as possible. Mr. Robinson said some of the confusion comes from the word "complete." The model is conceptually and structurally complete. However, as additional data become available and are added to the model it will become more complete. As soon as data are available it will be added.

Motion 11, approving use of the EFH designation model, passed.

Dr. Dahl asked if the Council wanted to provide further direction on the revised schedule for completion of the EIS. Dr. McIsaac asked Mr. Copps to speak to that. Mr. Copps recommended to link the development of EFH alternatives with the schedule for model completion. The Ad Hoc Oversight Committee could most efficiently meet after the June Council meeting, when the fishing impacts model will be delivered; but they could meet in May if the Council so directed.

Mr. Anderson stated that the Council could have a first look at the alternatives in September and identify a preferred alternative in November. He noted that the revised schedule (Exhibit C.6.b Attachment 3) does not identify action at the November Council meeting. Mr. Copps said the models are structured so that the analysis could happen quickly. If the Council selected a preliminary range of alternatives in September, the analysis could be completed by the November meeting. Dr. McIsaac spoke to SSC review of the fishing impacts model. The groundfish and economics SSC subcommittees would review the fishing impacts model prior to the June Council meeting so that both components could be approved for use by the end of the June Council meeting. Over the summer the Ad Hoc Oversight Committee could meet to develop alternatives. The Council would then consider their recommendations and formally adopt a preliminary range of alternatives for analysis at the September Council meeting. A focused review of the analysis would occur at the November Council meeting. The Council concurred with this schedule.

Mr. Alverson, in listening to the make up of the Ad Hoc Oversight Committee and adding the plaintiffs to it, suggested adding a representative for fixed gear fisheries. It was noted that Mr. Tom Ghio is on the Committee and fulfills this role.

Dr. Dahl summed up the Council action.

C.7 Status of 2004 Groundfish Fisheries and Inseason Adjustments (04/06/04; 3:56 pm)

C.7.a Agendum Overview

Mr. Burner provided the agendum overview.

C.7.b Report of the GMT

Ms. Robinson provided Exhibit C.7.b, Supplemental GMT Report.

C.7.c Reports and Comments of Advisory Bodies

GAP

Mr. Rod Moore provided Exhibit C.7.b, Supplemental GAP Report.

C.7.d Public Comment

Mr. Kenyon Hensel, Hensel's, Crescent City, California

Mr. Daniel Strunk, Pierpoint Sportfishing, Long Beach, California

Mr. Randy Fry, Recreational Fishing Alliance and Coastside Fishing Club, Sacramento, California

C.7.e **Council Action:** Consider Inseason Adjustments in the 2004 Groundfish Fishery

Ms. Robinson clarified that the California recreational value of 287.8 metric tons on page 4 of the GMT report does not include lingcod savings resulting from the proposed fishing restrictions that achieve the canary rockfish impact of 9.3 metric tons. If the Council recommends implementing those restrictions to

decrease canary rockfish impacts, impacts to lingcod would drop 76.9 metric tons from 287.8.

Mr. Thomas stated that the lack of testimony from the industry under this agenda item suggests frustration with the data we are working with and he urged people to try to work with CRFS to get some accurate figures. Mr. Thomas also requested guidance from NMFS on how to proceed with the issue of boat limit under inseason action.

Mr. Robinson said he has not confirmed with Ms. Cooney if this could be done inseason or by way of FMP amendment. Ms. Cooney said the regulations reference boat limits as routine management measures and conformance to state laws would be a rationale for inseason action, but this assumes there is clear understanding of the impacts associated with implementing boat limits.

Mr. Thomas said he did not think impacts would be any greater and cited examples from salmon fisheries.

Mr. Robinson said he would ask the GMT if providing boat limits would change the analysis of impacts. Ms. Robinson said the GMT does not have data available to them at this time to analyze the impacts of boat limits relative to inseason action.

Chairman Hansen concurred with Mr. Thomas' comments, and was surprised there was so little public comment relative to inseason action.

Ms. Vojkovich, on the issue of lingcod, said the number in bold (298.6 metric tons) is the number of tons that in the March inseason action we could identify as being the catch with the inseason action of a 30-inch minimum size limit and a one fish bag limit. In addition to those impacts, we also specifically identified impacts we could not quantify which was represented by the 59 or 60 metric tons difference. She had concerns about not including these unquantifiable impacts in the California recreational fishery estimate as those impacts could then get redistributed to other fisheries.

Dr. McIsaac asked Ms. Robinson to comment on Ms. Vojkovich's comments. Ms. Robinson reported projected lingcod savings of approximately 77 metric tons if the Council takes action on canary rockfish at this time. This savings is greater than the 59 metric tons being discussed as a value needed to buffer against unquantifiable values. Therefore, she is unsure as to how that would result in exceeding the OY of 735 metric tons. If the Council takes action to reduce impacts to canary rockfish, the remaining lingcod savings could be identified as a buffer to cover unquantifiable impacts.

Ms. Vojkovich said Ms. Robinson is correct. However, 287.6 metric tons is not what California is managing its fisheries to achieve, that value is 346.8 metric tons.

Dr. McIsaac said the main chore is to address impacts to canary rockfish. If the lingcod questions remain, they can be addressed in June. He encouraged the Council to complete deliberations on inseason adjustments today.

Ms. Vojkovich requested GMT review of the lingcod impacts. Ms. Robinson said the GMT members present have reported the 287.6 estimate was based on an analysis received at this meeting relative to the inseason March Council action. This represents the quantifiable amount of lingcod. Accounting for the uncertainty as an error margin, the estimate should be revised to the 346.8 metric tons as our best estimate at this time.

Mr. Anderson moved and Mr. Alverson seconded a motion (Motion 12) that the Council adopt, as inseason action, the GMT inseason trawl fishery adjustments incorporated in C.7.b, Supplemental GMT Report April 2004; adopt the increased sablefish tier limits for the primary sablefish fishery; and the minor slope rockfish and splitnose rockfish trip limits south of 40°10' N. lat.; include the combination of alternatives for inseason

management needed to reduce the canary impacts in the California recreational fishery; adjust the lingcod number on page 4 such that 287.6 metric tons is replaced with 346.8 metric tons; and that we hold any further guidance on the use of buffers until the June Council meeting when additional harvest data is available.

Ms. Vojkovich understands the motion would mean a closure to all groundfish rather than rockfish and lingcod only. She has some possible fisheries that could be exceptions to those closure periods as a friendly amendment. Mr. Anderson said he is not judging in any way what is being proposed, but feels it would be more appropriate as a separate motion or an amendment to the motion.

Dr. Hanson recommended handling the matter as a separate amendment to the main motion.

Mr. Anderson understands that what we have been referring to as the buffer in our previous decisions, was based on some belief there were catches that we could not quantify specifically. This include preliminary observations out of MRFSS, the fishing allowed out to 30 fathoms in 2004, and public awareness of the adjustment in the size limit. He stated he would like some confirmation on continued need for a buffer.

Ms. Vojkovich agreed with Mr. Anderson's description of the need for a buffer. She stated the motion includes this buffer as part of the 346.8 metric tons value for California recreational lingcod impacts.

Mr. Anderson and Ms. Vojkovich discussed the possibility or revisiting this issue in June.

Chairman Hansen asked for discussion on main motion. Motion 12 passed.

Ms. Vojkovich moved and Mr. Thomas seconded a motion (Motion 13) to make exceptions to the previously adopted recreational closures in California. These exemptions include shore-based anglers, divers, and the take of leopard shark in the greater San Francisco Bay area; fishing for sanddabs is allowed. Additionally, the closures include state managed species (cabezon, greenling) so that the closure would apply to all groundfish species. The state would also take action to close ocean whitefish during these groundfish closure periods. The motion also includes a prohibition for black rockfish retention north of 40°10' N. lat. for the month of May and the months of September through December.

Ms. Vojkovich explained there are no expected impacts to canary rockfish from shore-based or San Francisco Bay fishing activity in California and divers can selectively harvest species by visual identification and avoid species like canary rockfish for which retention is prohibited. Sanddabs have been allowed in closed areas in the past due to the use of small hooks and preferred fishing areas with no impacts to overfished species expected. The closure to the retention of black rockfish north of 40°10' N. lat. is intended to address California potentially exceeding allocations in 2004.

Mr. Burner confirmed that existing gear restrictions for the sanddab fishery would still be in place.

Motion 13 passed.

Mr. Thomas moved that we include a recommendation for new federal regulatory language for the inclusion of boat limits in recreational fisheries. Mr. Ticehurst seconded the motion (Motion 14).

Mr. Robinson asked if this would also apply to Oregon and Washington. Dr. Burke said Oregon has only implemented boat limits for the salmon fishery at this time. but would not have an objection to apply the rule at the state level for all groundfish fisheries. Mr. Anderson said Washington boat limit regulations apply to all fisheries in marine waters.

Ms. Cooney asked Oregon if the federal action on boat limits apply coastwide or just to California and

Washington until Oregon state regulations can be addressed. Dr. Burke recommended coastwide regulations as Oregon can act quickly on this matter. Motion 14 passed.

Ms. Cooney clarified, relative to Ms. Vojkovich's motion, some of the items in the motion are for modeling purposes and that regulations effecting shore-based and San Francisco Bay fisheries are not really part of the federal regulations other than simply acknowledging California's intent.

04/08/04; 6:52 pm Council revisited Agenda Item C.7.e

Mr. Burner noted the GMT had a revision to rockfish for the California recreational fishery.

GMT

Ms. Robinson presented Exhibit C.7.b, Supplemental GMT Report 2.

Public

Mr. Daniel Strunk, Pierpoint Sportfishing, Long Beach, California

Mr. Randy Fry, Recreational Fishing Alliance and Coastside Fishing Club, Sacramento, California

Council Action Revisited (7:03 pm 04/08/04)

Mr. Alverson moved and Dr. Burke seconded a motion (Motion 32) to reconsider the motion taken under inseason management (Motion 12). Motion 32 passed.

Ms. Vojkovich moved and Dr. Burke seconded a motion (Motion 33) to amend the main motion (Motion 12) for groundfish inseason adjustments to adopt a 30 fathom depth closure south of Pt. Conception for the months of September and October. This would be in place of the previously defined closure for waters deeper than 40 fathoms for waves three through six.

Mr. Anderson offered a friendly amendment to the motion to prioritize the balance of 37.4 metric tons of lingcod to California recreational fisheries for 2004. Ms. Vojkovich and Dr. Burke accepted the amendment.

Motion 33 passed.

Ms. Vojkovich appreciated the Council gesture to accommodate California recreational fisheries and stated that California is working towards more effective tracking of the fisheries including alternatives to the scorecard.

Mr. Anderson moved and Ms. Vojkovich seconded a motion (Motion 34) to approve the Main Motion (Motion 12) as amended by Motion 33. Motion 34 passed.

C.8 Preferred Alternative Harvest Levels for 2005-2006 Fisheries (04/07/04; 1:05 pm)

C.8.a Agendum Overview

Mr. DeVore provided the situation summary details. Harvest specifications for the four rebuilding species are scheduled to be determined under agendum C.12 and will be automatically added to the decision under this agendum then. The harvest specifications for canary rockfish will be determined in June at the time that final management measures are adopted.

C.8.b GMT Report on the Range of Acceptable Biological Catch (ABC) and Optimum Yield (OY)

Ms. Robinson presented Exhibit C.8.b, Supplemental GMT Report.

Mr. DeVore also noted a typo. The harvest control rules on page 1 for lingcod should read as follows: ($F=0.0531$ for the north and $F=0.0610$ for the south).

Mr. Brown asked for the rationale for the proposed reduction for other flatfish when many of the species including English sole are not caught in great numbers given the current legal mesh sizes. Ms. Robinson stated that the GMT was following the Restrepo guidelines for unassessed stocks and noted that the GMT is attempting to correct some previous errors is calculating this OY. This action is not in response to specific concerns for these stocks. However, the GMT is concerned about the levels of harvest in Canada, particularly on Pacific cod. Mr. Brown stated that the guidelines are intended for species where we do not fully understand how conservative our management strategy is and this is not the case for other flatfish as many species are small and not harvested under current mesh restrictions.

Dr. McIsaac, regarding rebuilding year targets for lingcod, asked what the target rebuilding years would be under the previous assessment and under the new assessment and the GMT recommendation of managing to the medium OY with a 70% rebuilding probability. Mr. DeVore said the target year under the GMT recommendation is 2009 and under the low OY will have to be determined but would be expected to be less than 2009 as stated in the SSC statement from March. Dr. McIsaac said the SSC statement said at the onset of 2004, the stock is 99.3% of the rebuilding target.

Mr. Brown asked if it is safe to say that lingcod are rebuilding faster than expected and that the low ABC/OY levels, with updated parameters for new biomass, are based on the old recruitment and growth rate levels. Mr. DeVore said yes, the harvest control rules adopted under 16-2 were based on the old assessment.

Mr. Robinson, on Dr. McIsaac's comments, said the rebuilding plan is structured on a coastwide OY basis, the assessments are separated into north and south components that are combined into a coastwide consideration. It may be misleading to think of it as 99% rebuild when the abundance in the north is estimated to have exceeded its rebuilding target while the abundance in the south is still considerably below its target.

Ms. Robinson said the GMT would ask the Council to be precautionary when setting the lingcod OY. The Council could achieve this through specification of regional harvest targets or by choosing a lower coastwide OY for lingcod. The new assessment is based largely on one strong year class (1999) and for every 10% increment in P_{MAX} the OY drops about 3%.

Ms. Vojkovich asked if there were any recommendations from the GMT other than lingcod that did not make it into the written report.

Ms. Robinson said the GMT did discuss the cabezon OY in California. The ABC/OY table for cabezon reflects a constant catch of 69 mt for 2005 and 2006 rather than the previous levels of 51 mt and 72 mt respectively. The GMT understands that this is consistent with CDFG recommendations and concurs.

Ms. Vojkovich asked about additional lines with suggested OYs on revised Table 1 of Exhibit C.8.b, Supplemental GMT Report, under minor rockfish south and minor rockfish.

Ms. Robinson said the GMT did take a look at specific OYs for areas in the north and south within minor rockfish. Presented in the tables are the 2004 specifications broken out for nearshore, shelf, and slope categories as well as for areas north and south of 40°10' N. lat. The 2004 values are being carried forward

for 2005-2006.

Dr. Burke asked Ms. Robinson to explain some of the concerns regarding lingcod.

Ms. Robinson said several factors were identified by the GMT including the assessments reliance on the strong 1999 year class. Additionally, there are uncertainties in the new assessment and in relative catch projections. Dr. Burke then asked if the GMT considered the expected shift in effort to nearshore areas with the RCA in place. Ms. Robinson said that was brought up and discussed. The plan is to recommend the medium OY for lingcod and address those concerns under 2005-2006 management measures and the GMT would appreciate Council guidance on this concern under the next agenda item.

Dr. Burke asked Ms. Cooney about the implementation of the Restrepo policy and whether Mr. Brown's interpretation of when it should and should not be used is accurate. Ms. Cooney said that the Restrepo policy is a guidance document on scientific matters and would rather have someone else interpret the document. She clarified that the policy is not part of the FMP and therefore it is not required.

Mr. Anderson discussed going from one OY in 2005 to another in 2006 for lingcod and asked about providing some stability by choosing the same OY for both years. Ms. Robinson said yes, the GMT was looking at the calculation used to determine the medium OY value ($P_{MAX}=70\%$) from which the 2005 and 2006 OYs were derived and the GMT did not consider an alternative with the same OY for both years. Providing stability to the management regime and the fishery would be a policy decision. There is also a fairly significant difference in the whiting numbers and the GMT recommends a range for both years at this time.

C.8.c Recommendations of the States, Tribes, and Federal Agencies

Oregon

Dr. Burke said they are supportive of the GMT direction in general with concerns about the other flatfish OY situation if it is not based on a conservation issue and becomes a limiting factor. Oregon would also like to have some conservative efforts for nearshore management for lingcod.

Washington

Mr. Anderson said he is interested in trying to provide stability to the lingcod OY, while not hitting the 1999 year class harder in the first year followed by fishery reductions as the year class moves through the fisheries. WDFW supports the GMT recommendations on pacific cod in view of the actions and information from Canada and the relative catch in Canada and the US. He would also like to have more discussion relative to Sablefish OYs, because, like lingcod, there appears to be some minor downward trend in sablefish OY as we go from 2005 to 2006.

California

Ms. Vojkovich spoke to the cabezon OY issue and thanked the GMT for considering the direction received from the CDFG. Cabezon, along with 19 other species is included in the California nearshore FMP, which uses a more precautionary harvest control rule. California felt cabezon was not in the same type of classification of rockfish as cabezon are shorter lived and more resilient to handling. The California Fish and Game Commission considered three alternatives for cabezon management, application of the policies as stated in the nearshore FMP Cabezon, application of new harvest control policies, and applying a constant catch strategy knowing that cabezon will be reassessed next year. The Commission recommended to use the constant catch alternative for a three-year time frame (69 mt).

Tribes

Mr. Harp provided Exhibit C.8.c, Supplemental Tribal Recommendations.

Federal

Mr. Robinson recommended, for overfished stocks without new stock assessments, that the Council ensure that ABC/OY decisions adhere to rebuilding plan parameters.

C.8.d Reports and Comments of Advisory Bodies

SSC

Dr. Kevin Hill presented Exhibit C.8.d, Supplemental SSC Report.

GAP

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

C.8.e Public Comment

Mr. Bill James, nearshore commercial fisherman, Salem, Oregon

C.8.f Council Action: Adopt Preferred Alternative Harvest Levels (ABCs and OYs) for 2005-2006 Management

Working from Exhibit C.8.b, Supplemental GMT Report, Mr. Anderson, referred to pages 4 and 5, and moved (Motion 16) to adopt those ABCs and OYs for 2005 and 2006 as follows:

- Lingcod, the medium ABC and OY with the OY fixed for both years at 2,414 mt, the value for 2006
- Include all species represented in the tables with a single value
- For species with a range, such as pacific whiting, include the range in the motion
- Delay taking action in widow rockfish, bocaccio, cowcod, and yelloweye until final action on Amendment 16-3 and delay action on canary rockfish until final 2005-2006 management measures are adopted in June
- Include the medium ABC and OY for cabezon
- Include the low ABC and OY for pacific cod
- Do not include in the motion other flatfish and other fish categories.

Mr. Alverson seconded motion 16.

Mr. Robinson asked about sablefish. Mr. Anderson stated that he did not intend to leave out sablefish and recommended including the medium ABC and OY for 2005 and 2006 for sablefish.

Dr. Burke asked for a friendly amendment to delay setting the OYs for other flatfish until the June meeting. (accepted by Mr. Anderson and Mr. Alverson).

Mr. Brown asked about the subareas for lingcod, and asked if the motion is for coastwide harvest specifications. Mr. Anderson said we are locked into a coastwide value due to the rebuilding plan, but the Council could address the use of regional management through the use of harvest guidelines in our management decisions.

Dr. Burke confirmed with Mr. Anderson that all species with a single value in 2005 and 2006, like Dover sole, were included in the motion.

Motion 16 passed.

Mr. Anderson confirmed with Dr. Burke that her friendly amendment was only for other flatfish and did not include the other fish category.

Mr. Alverson moved that we postpone the final decision on other fish until June (Motion 17). Mr. Brown seconded the motion.

Mr. Anderson believes that would be a mistake because the GMT needs to have that value decided at this meeting so they can prepare the 2005-2006 management alternatives and is against the motion.

Motion 17 was withdrawn and Mr. Anderson offered a substitute motion.

Mr. Anderson asked for a substitute motion (Motion 18) to set the other fish value at the low ABC and OY values listed in Exhibit C.8.b, Supplemental GMT Report. Mr. Cedergreen seconded the motion.

Mr. Anderson stated his understanding that the total catches of other fish are substantially below the current OY levels as well as the low OY level in the motion.

Motion 18 passed.

Dr. McIsaac asked Mr. DeVore about the Council action to defer action on harvest specifications on canary rockfish until June. He stated it would seem a number should be in place for purposes of modeling management measures.

Mr. DeVore said the canary rockfish specifications are no different than one another in terms of rebuilding, they have the same target year and the same control rule. The OY varies among the catch sharing options between commercial and recreational fisheries. The final decision on canary rockfish OY needs to be coupled with final decisions on 2005-2006 management measures.

Ms. Vojkovich asked about process of substituting a motion. Dr. Hanson explained the substitute motion (Motion 18) carried the main motion (Motion 17) making the main motion moot. Ms. Vojkovich requested her vote be changed from yes to no. Dr. Hanson stated that a vote cannot be changed but there could be a motion to reconsider.

C.9 Review of Exempted Fishing Permit (EFP) Activities for 2003 and Initial Concepts for 2005-2006 (04/07/04; 10:20 am)

C.9.a Agendum Overview

Mr. Burner summarized the situation paper and explained the Council action.

C.9.b Recommendations of the States, Tribes, and Federal Agencies

California

Ms. Vojkovich stated that California has conducted an EFP testing selective flatfish trawl gear like Oregon and Washington. There have been problems getting people to test fish during the past few years. California

is in the process of collecting information required to implement the fishery in regulations. California intends to extend the EFP into 2005 but may not go forward in 2006 depending on participation. The results of the California EFP on selective flatfish trawl gear is presented in Exhibit C.9.b, Supplemental CDFG Report as an informational item.

Mr. Burner stated that under biennial management, the Council will approve management measures for two years and EFP that may not be conducted in 2006 should be considered as a placeholder at this time in the event that the EFP goes forward.

Oregon

Dr. Burke, agreed with the issue of placeholders and noted the results of the 2003 selective flatfish trawl EFP are presented in Exhibit C.10.a, Attachment 2.

Initial concepts for 2005-2006 EFPs are contained in Exhibit C.9.b, Supplemental ODFW Report. Oregon will be conducting research under EFPs as well as letters of acknowledgment (LOAs) in 2005.

Dr. McIsaac asked Mr. Robinson about differences between LOAs and EFPs. Mr. Robinson said scientific research conducted by non-federal organizations is normally acknowledged by an LOA. If the work is designed for the testing of gear, it is not considered research, and needs to be conducted under an EFP. If it is research and not “gear testing” the LOA route might be more appropriate.

Washington

Mr. Anderson referred the Council to Exhibit C.9.c, WDFW Report which described the 2003 EFP activities by WDFW.

WDFW’s proposed EFPs for 2005-2006 were contained in Exhibit C.9.b, Supplemental WDFW Report 2. The three EFPs proposed by WDFW are: arrowtooth flounder (with a proposal to include these provisions in federal regulations for 2005 and 2006), longline dogfish (continue in 2005 and if positive results, then possibly continue in 2006 through the use of “hotspot” management), and midwater pollock (continue in 2005 and provide that fishery through either federal regulations or state regulations in 2006).

Additional supporting materials for converting the EFPs into federal regulations can be found in Exhibit C.10.a, Attachment 2.

Tribes

Mr. Harp provided Exhibit C.9.b, Supplemental Tribal Comment.

C.9.c Reports and Comments of Advisory Bodies

GAP

Mr. Burner read Exhibit C.9.c, Supplemental GAP Report.

C.9.d Public Comment

None.

C.9.e **Council Action:** Provide Guidance on Development of EFPs for 2005-2006

Mr. Burner said the Council has heard the proposed EFPs, and this is the time for the Council to identify any of the proposed EFPs they do not want to include in the management process for 2005-2006.

Mr. Anderson requested the EFPs that have been provided as alternatives by the states be included in our draft alternatives for the 2005-2006 regulation package. He also noted that the results of the EFPs that have been conducted have been a very wise investment in his opinion and will provide fishermen the flexibility that they would not otherwise have had.

Mr. Robinson indicated his staff will work with the state of Washington to try to put together a regulatory package to take the arrow tooth EFP into federal regulations. Given the merit they have in addressing some of the bycatch issues, it will be very much a priority to move these into federal regulations.

Dr. Burke, responding to Mr. Robinson's earlier comments, stated she is hoping NMFS will work with ODFW to better define and differentiate LOAs and EFPs.

C.10 Initial Refinement of Management Measure Alternatives for 2005-2006 Fisheries (04/07/04; 2:18 pm)

C.10.a Agendum Overview

Mr. DeVore reviewed the situation summary and explained the Council task. Dr. McIsaac reviewed the schedule of subsequent meetings and tasks to complete the regulatory process for implementing 2005-2006 management measures.

C.10.b GMT Recommendations

The Council decided to defer soliciting comments, questions and advice from the GMT until C.10.c.

C.10.c Recommendations of the States, Tribes, and Federal Agencies

California

No comments.

Oregon

Dr. Burke encouraged consideration of the selective flatfish trawl with an eye on using it as a mandatory bottom gear inside 100 fm. Considerations for the whiting fishery include analysis of area management strategies (including the "hot spot" management concept) and analysis of a "penalty box" strategy for constraining overfished species. The ODFW will consider regional management of overfished species in their recreational groundfish fishery. They would like to look at status quo with different options for inseason management to respond to overharvest of overfished species. They have concerns about lingcod harvest nearshore and would like the GMT to look at these issues as well.

Washington

Mr. Anderson said WDFW is looking at putting their arrowtooth flounder EFP into regulation. They will also propose small EFPs (with caps for overfished species) for longline dogfish and pollock. They are interested in looking at harvest guidelines (HGs) for overfished species. They are looking at having a recreational groundfish regulatory package similar to the regulatory package that is in place for 2004.

Tribal

Mr. Harp read Exhibit C.10.c, Proposed Treaty Indian Management Measures, which is their proposed 2005-06 regulatory package.

Mr. Anderson asked Mr. Harp if full retention of all rockfish is mandatory in tribal fisheries? Mr. Harp explained that full retention is mandated during open competitive fisheries to avoid discards. The tribes will track attainment of overfished species with inseason monitoring and make adjustments as necessary. Mr. Anderson asked if full retention of rockfish could be mandated in all portions of the tribal fishery? Mr. Harp said the Council could do this, but the effect would be the same. Mr. Anderson asked if the Council were to decide only small footrope trawls could be used nearshore in the non-tribal fishery, would the tribes use that gear exclusively in their nearshore fishery? Mr. Harp said yes. Mr. Anderson asked what is the rate of tribal observer coverage? Mr. Harp replied 15%. Re-addressing the full retention of rockfish issue, Mr. Steve Joner explained the Makahs require full retention of rockfish. Mr. Harp added tribal fishermen could only sell up to their specified trip limit. Mr. Joner said any landings of rockfish above the trip limit are retained, but trip limits are adjusted down, if needed, to stay within expected impacts on overfished rockfish species. Mr. Brown noted that the bycatch scorecard projects 4.7 mt of a tribal total of 8.0 mt of canary rockfish impacts are attributed to the tribal whiting fishery. How many canary rockfish were observed in last year's tribal whiting fishery? Mr. Joner replied the tribal estimate was <1.0 mt, which was close to that estimated in the NMFS Observer Program.

Federal

Mr. Robinson said when Council members are making HG recommendations for a sector or a region, please be as explicit as possible on the expected regulatory response if an HG is projected to be exceeded inseason in state and/or federal waters.

Ms. Cooney had questions about the proposals for “penalty box” and “widow rockfish hotspot” strategies. She did not know what is meant or how it operates. She will speak with ODFW and the GMT over the next few days. Some of these management measures are extremely difficult to implement.

Dr. Burke clarified ODFW's nearshore lingcod concerns and explained her definition of nearshore is shoreward of the Rockfish Conservation Area (RCA). She wants the GMT to analyze conservative nearshore lingcod harvest limits.

C.10.d Reports and Comments of Advisory Bodies

GMT

Ms. Robinson said the GMT's intent was to receive informal guidance today, with a written statement tomorrow to identify state recreational options, address issues, and provide recommendations on proposed management measures.

GAP

Mr. Moore asked that the GAP be included in discussions relative to the “widow hotspot” issue. The GAP has followed the procedure that has worked in the past of establishing subcommittees based on gear groups to look at proposed management measures. He said the GAP would not have a written statement tomorrow.

C.10.e Public Comment

None.

C.10.f Council Recommendations to Refine Proposed 2005-2006 Management Measure Alternatives for Public Review, and Establish EFP Set-Asides

Ms. Robinson asked for further guidance for the GMT on the following issues:

1) Lingcod Management: The GMT believes there should be a precautionary approach to lingcod management and is supportive of setting aside a portion of the lingcod OY as a buffer against assessment uncertainty and catch projections.

Dr. McIsaac said a buffer could be alternative-specific. The Allocation Committee report provides some guidance. Dr. Burke recommended against a prescribed buffer and the GMT should factor lingcod conservation in their recommended management measures. ODFW has withdrawn new lingcod options. Ms. Vojkovich thought we would get public comment and GAP input on this.

Ms. Vojkovich advised the GMT to look at matching commercial and recreational seasons in California, which can be staggered by area. Ms. Robinson asked if there was a written document with California proposals and Ms. Vojkovich said yes. Ms. Vojkovich said the GMT should construct conservative seasons and try to build a "base" season. Cabezon and greenling management should be status quo. They are interested in combining HGs for these species for the entire state with regional HGs within the state. Lingcod commercial management should be status quo. She wanted the GMT to consider a California recreational lingcod HG with regional HGs within the state. Yelloweye management should be status quo. Canary rockfish should be managed with a state recreational HG with regional HGs within the state. For minor nearshore rockfish, the GMT should consider combining HGs for the shallow nearshore rockfish, deeper nearshore rockfish, and California scorpionfish complexes. The GMT should consider a status quo alternative and alternatives recombining HGs differently by California management region. The CDFG is also interested in exploring different lingcod size limits while maintaining the one fish bag limit.

Dr. McIsaac explained the Council adopted an OY for lingcod from a previously-specified range. When you talk about bag limits and size limits for lingcod, are you asking the GMT to find out what bag limits and seasons would achieve the low OY as well as the medium and high OYs? Ms. Vojkovich said she thought we adopted the OY for lingcod and not a range. Dr. McIsaac then asked Mr. DeVore, for the purpose of the analysis, will there be an analysis of low, medium, and high OYs? Mr. DeVore said there has to be a thorough analysis for all of the alternatives for preferred, low, medium, and high OYs. The document needs to explore all the trade offs. The ultimate decision is a recommendation to the Secretary of Commerce, so one needs to spend just as much energy and analysis on each of the alternatives as one would on the preferred alternative.

Mr. Brown asked Ms. Vojkovich about lingcod commercial status quo. Do you mean status quo in terms of percentage of allocation, or trip limits and landing limits? The effect of the latter interpretation would be the transferring of all of the increase in OY to the recreational fishery. Ms. Vojkovich said allocation has not been discussed, but her intent was to recommend status quo for the recreational fishery.

Mr. Moore asked Ms. Vojkovich if recommendations for staggering seasons regionally should be based on need? If so, for what species and what sectors of the fishery--both commercial and recreational? Ms. Vojkovich said her staff could help the GAP structure recommendations.

Dr. Burke asked if there were more subtleties on the lingcod buffer issue? Ms. Robinson replied, with regard to recommending lingcod HGs, the GMT was looking at the Allocation Committee guidance and the formula for calculating the recreational HGs. The commercial harvest portion would be the residual after specifying

recreational HGs, research set-asides, and EFP caps. Should the full residual be used to specify the commercial HG, or should some OY be left in reserve as a buffer?

Mr. Anderson thought we would analyze management measure alternatives for preferred ABCs/OYs. Now there is a different understanding that there is a need to analyze alternative management measures for each of the alternative harvest levels. How can we develop alternative management measures for other alternative harvest levels, especially when one considers the decisions already made (or about to be made) on rebuilding plans? Why would we go through the trouble of developing a range of management measure alternatives for lingcod for high, medium, and low OY harvest levels when we just adopted a range which is consistent with the rebuilding plan. He did understand there is a level of documentation in the EIS. He did not think it was developing management alternatives around low, medium, and high OYs. Mr. DeVore explained there is a NEPA requirement to analyze alternative harvest levels as well. Mr. Robinson explained that the Council and NMFS are trying to determine the most efficient NEPA process. While there is a need to analyze impacts of all alternative harvest levels, the focus should be on analyzing a range of management measure alternatives designed to attain the preferred harvest alternative. The GMT should start their analysis with the suite of management measures designed to attain the preferred harvest alternative, then scale up or down to understand what it takes to attain the ABCs/OYs which are not preferred. The level of analytical detail for management measures designed to attain non-preferred OYs is not as great a need in the NEPA document.

Mr. Anderson requested clarification on the difference between a preferred harvest level and a final harvest level. Mr. Robinson explained a preferred harvest level is a final OY from the Council perspective, but, from a NEPA perspective, there is a need to document how the OY was decided. Therefore, one needs to analyze management measures for only the preferred OY, while illustrating what would happen if other OYs had been selected. Mr. Anderson asked what species need this additional analysis? Mr. Robinson replied those target species and complexes with a range and lingcod. Whiting is different due to the fact next year's management measures will be deferred until next March. Therefore, there is a need to analyze all three whiting alternative harvest levels. Mr. Moore asked for clarification on the whiting analysis since the range of harvest levels was arbitrarily decided. Mr. Robinson explained the analysis needs to focus on the widow rockfish bycatch implications of alternative whiting harvest levels. Mr. Moore asked how much detail is needed in the analysis of whiting management measures? Mr. Robinson said just a basic management framework for whiting is needed in the EIS.

Ms. Robinson asked Mr. Robinson if it is safe to say other species would constrain attainment of an OY and describe how in the EIS? Mr. Robinson said that approach could be used. Mr. Brown remarked it appears there is a need for two NEPA processes- one for alternative ABCs/OYs and one for alternative management measures. Mr. Robinson said we are doing two NEPA analyses in one NEPA document.

Dr. Burke advised the GMT to analyze an option where lingcod are targeted with hook and line gear shoreward of the RCA, with the caveat that any strategy should avoid unnecessary rockfish bycatch and potential spawning areas. The GMT should analyze options where selective flatfish trawls are used exclusively shoreward of the RCA in areas north of 40°10' N. lat. Also, she proposes to analyze lingcod and canary rockfish HGs at the Oregon-California border rather than specifying state-specific HGs. Finally, the GMT should analyze status quo management measures and HGs for black rockfish.

Mr. Anderson, returning to Ms. Robinson's original question, said the reason for specifying a buffer for lingcod (or any other stock) is uncertainty in stock assessments and catch monitoring. He advised the GMT to quantify enough fish for each sector to account for uncertainty in catch projections.

Mr. Moore asked if non-whiting fisheries should be held harmless in efforts to protect widow rockfish? Mr. Anderson replied that there needs to be at least one alternative where non-whiting fisheries are held harmless.

Ms. Robinson asked how the GMT should allocate OY in a particular region? Mr. Anderson advised the GMT to attempt to account for all sources of mortality in a sector or region. His point reflected the challenge of more complete catch accounting, not allocation.

Ms. Robinson remarked the Allocation Committee provided guidance on a formula for dividing the lingcod OY north and south of the Oregon-California border. In light of this calculation, should the commercial HG be set at the full amount remaining? Mr. Anderson replied the Council should be informed of the remaining yield and allow the Council to decide that question.

Ms. Robinson asked if the GMT should analyze only a selective flatfish trawl shoreward of the RCA and not analyze a combination of small footrope gear and selective trawls shoreward of the RCA. Dr. Burke nodded yes.

2) Canary Allocation: Ms. Robinson asked for direction for calculating recreational HGs for canary rockfish. Ms. Vojkovich said the Allocation Committee suggested the GMT use the March 2004 scorecard impact projections as an analytical basis. However, the Council decided in yesterday's inseason action, to use the proportions (projected impacts by state) from the September 2003 scorecard. She suggested the GMT should use both ratios. These ratios were as follows: March 2004 scorecard- Washington 14.2%, Oregon 39.8%, and California 46%; September 2003- Washington 9.7%, Oregon 38.1%, and California 52.3%. Ms. Robinson said the guidance they were seeking was not relative to the ratios, but to the values that should be used as targets for setting harvest guidelines for the three states. Ms. Vojkovich said they needed to look at the commercial/recreational splits to calculate OYs before HGs can be determined. Ms. Robinson said the OY is calculated based on the commercial/recreational split and allocation is not decided up front. Therefore, the GMT needs to know the recreational HGs before continuing. Dr. Burke moved that we select the same tonnages for recreational HGs as was used in the inseason action yesterday as a starting point. The tonnages were 1.72 mt for Washington, 6.77 mt for Oregon, and 9.32 mt for California. (Motion 19) Mr. Brown seconded the motion. Ms. Vojkovich asked if this motion was in lieu of the option of using the proportions from the March 2004 scorecard and Dr. Burke said yes.

Motion 19 passed.

Ms. Robinson then asked if the GMT's plans on the timing of a written statement was acceptable? Council concurred.

Mr. DeVore then asked about EFP set asides. Mr. Anderson said to use the proposed Washington EFP caps presented in Exhibit C.9.c, WDFW Report in the scorecard. Dr. Burke said to use the proposed Oregon EFP caps presented in Exhibit C.9.b, Supplemental ODFW Report. Ms. Vojkovich suggested the Council needed to decide how to handle EFPs in the scorecard. She stated California would propose no changes for 2005-2006 EFP needs from the past. These EFP caps are as follows: bocaccio 10.0 mt, yelloweye 0.5 mt, lingcod 20.0 mt, cowcod 0.5 mt, and canary 0.5 mt.

C.11 Stock Assessment Planning for 2007-2008 Management (04/07/04; 4:28 pm)

C.11.a Agendum Overview

No agendum overview necessary.

C.11.b NMFS Report

Dr. Elizabeth Clarke provided Exhibit C.11.b, Supplemental NMFS Report (included the tables Dr. Clarke presented in her powerpoint presentation, Table 1 presented on the following page).

Table 1. Stock Assessments and Priorities for the 2007-08 management period.

Agency	Status	Priority	Species
SWFSC	update	1	Bocaccio
NWFSC	full	1	Canary
SWFSC	full	1	Cowcod
NWFSC	full	1	Darkblotched
WDFW	update	1	Lingcod
NWFSC	update	1	Pacific Ocean perch
SWFSC	update	1	Widow
WDFW	update	1	Yelloweye
NWFSC	update	1	Yellowtail
NWFSC	full	2	Blackgill
NWFSC	full	2	Cabazon
NWFSC	full	2	Dover sole
NWFSC	full	2	English Sole
NWFSC	full	2	Longspine Thornyhead
NWFSC	full	2	Pacific Hake
NWFSC	full	2	Petrale Sole
NWFSC	full	2	Sablefish
NWFSC	full	2	Shortspine Thornyhead
CDFG	full	3	California Scorpionfish
SWFSC	full	3	Gopher
SWFSC	full	3	Kelp Greenling
SWFSC	full	3	Starry Flounder
SWFSC	full	3	Vermilion
NONE	full	3	Bank Rockfish
NONE	full	4	Shortbelly
NONE	full	4	Splitnose

Dr. Burke reported that a preliminary assessment of data on kelp greenling by ODFW suggests that this species may be a candidate for a data report rather than a full stock assessment. Dr. Clarke reported that NMFS had similar concerns but scientists at the Southwest Science Center remain optimistic that a full assessment can be accomplished.

Mr. Anderson spoke in favor of a full assessment for yelloweye rockfish rather than an update and suggested reallocating resources from the yellowtail rockfish assessment if necessary to complete the full assessment on yelloweye rockfish. Dr. Clarke appreciated the input and reminded the Council that plans will remain flexible as we move through this aggressive schedule and there may be a few stocks that switch between full assessments and updates.

Ms. Stacy Miller was introduced as the person assisting Dr. Clarke as the stock assessment coordinator for the NWFSC.

C.11.c Reports and Comments of Advisory Bodies

SSC

Dr. Kevin Hill provided Exhibit C.11.c, Supplemental SSC Report.

C.11.d Public Comment

None.

C.11.e Council Action: Adopt Final Stock Assessment Planning Regime for 2007-2008 Management

Mr. DeVore noted that in table 1, there was a mistake, the priority for yellowtail is a "2" not a "1".

Ms. Vojkovich recommended adopting the stock assessment planning schedule for 2007/2008 as displayed in Exhibit C.11.b, Supplemental NMFS Report. Mr. Alverson seconded the motion. (Motion 20)

Mr. Anderson would like to provide specific guidance that if we have sufficient data to do a full assessment on yelloweye rockfish that it be one of our priorities. Both the maker and seconder of Motion 20 accepted that as a friendly amendment.

Mr. Brown said there are species such as yellowtail rockfish where harvest levels have not been achieved in recent years making a new assessment a lower priority. English sole was also mentioned as a species in this category because the last stock assessment by Dr. Sampson suggested that the fishery would be unlikely to attain the ABC under the existing regulations. He offered these suggestions as guidance only, not as a friendly amendment.

Dr. Burke asked to add as a friendly amendment that the stock assessment authors provide clear guidance where regional splits in stock populations exists for the purposes of regional management. Maker and seconder accepted. Motion 20 passed.

C.12 FMP Amendment 16-3: Rebuilding Plans for bocaccio, Cowcod, and Widow and Yelloweye Rockfish (04/08/04; 1:18 pm)

C.12.a Agendum Overview

Mr. DeVore provided the agendum overview.

C.12.b Reports and Comments of Advisory Bodies

SSC

Dr. Hill provided Exhibit C.12.b, Supplemental SSC Report.

GAP

Mr. DeVore read Exhibit C.12.b, Supplemental GAP Report.

C.12.c. Public Comment

Ms. Karen Garrison, Natural Resources Defense Council, San Francisco, California
Mr. Chris Dorsett, The Ocean Conservancy, San Francisco, California

C.12.d Council Action: Adopt Final Preferred Alternatives for Groundfish FMP Amendment 16-3

Mr. Anderson moved and Mr. Alverson seconded a motion (Motion 27) to adopt the following as preferred alternatives for Amendment 16-3 species rebuilding plans (presented on following page):

<u>Species</u>	<u>Alternative</u>	<u>Probability</u>	<u>Target Year</u>
Yelloweye Rockfish	3	P _{MAX} 80%	2058
Bocaccio	2	P _{MAX} 70%	2023, 2024 or 2029 depending on model variation

Widow Rockfish	1	P_{MAX} 60%	2025 and 2031 depending on model variation
Cowcod	2	P_{MAX} 60%	2090

Mr. Anderson spoke to the motion starting with yelloweye rockfish. The range of target years for rebuilding is fairly wide, from 2054 through 2351. There is very little difference in OYs under the various probabilities, thus minimizing the difference in socioeconomic impacts between alternatives (reference to page 31 of Exhibit C.12.a, Attachment 1). For Bocaccio, there are two different models that give a wide variation of potential OYs, and the motion essentially includes the hybrid model (STATc). The decision table on page 75 of Exhibit C.12.a, Attachment 1 provides a range of probabilities under all three model scenarios that differ depending on which model is the best reflection of the true state of nature. The range if the STATc model were chosen is from 94% to 58%. For widow rockfish, there is some language on page 30 of Exhibit C.12.a, Attachment 1 that discusses the substantial differences in the socioeconomic impacts in the fishery depending on which alternative is selected. In this case, the range of target rebuilding years (2025 and 2028) is not substantial and is the basis for his motion. For cowcod, as noted by Mr. DeVore, there is little difference in the target years of rebuilding, between 2090 and 2095 with a five year difference; this alternative would give us the highest rebuilding probability within that timeframe.

Dr. Burke stated that the target rebuilding years in the motion for widow rockfish may have been incorrect, and proposed 2034 to 2039 as the correct years.

Mr. DeVore encouraged the Council to choose a preferred model for widow rockfish and bocaccio as a specific target rebuilding year and harvest control rule is required. The advice from the SSC and STAR panel was that any of the models were equally plausible and they could not find scientific justification for choosing one model. You have a decision table for bocaccio that shows the outcomes of model choices and while no such table exists for widow rockfish, the range of rebuilding probabilities across the model outputs should help in this decision. Additionally, you can consider the STAT team rationale for choosing the base models for these species.

Dr. Burke, offered a friendly amendment to choose the base model (model 8) for the 60% P_{MAX} probability for widow rockfish due to the detail in the report regarding the Santa Cruz power coefficient and the SSC recommend action for not using a power coefficient larger than 4. The power coefficient for the models presented range from 2 to 4 with model 8 in the middle of the range with a 3, making it the most reasonable to choose.

Mr. Anderson confirmed an OY value of 284 mt under this friendly amendment. Mr. Anderson and Mr. Alverson accepted the friendly amendment.

Mr. Anderson specified the STATc model for bocaccio with an OY of 307 mt (this was the intent and is therefore included in his motion - motion 27).

Mr. Robinson asked if the maker of the motion would consider a friendly amendment to fortify the management tools to include in the FMP amendment to drive the rebuilding of these stocks. The amendatory language in Appendix D of Exhibit C.12.a, Supplemental Attachment 3, recognizes that the groundfish conservation area came into use and references the specifications for the conservation area in Southern California. Since the cowcod conservation area is a principle tool for cowcod conservation and rebuilding, he thinks it would be helpful to include a detailed description of that area in the FMP amendment along with language that says as new information becomes available, conservation area boundaries may be changed or additional cowcod conservation areas may be set up in federal regulations. This would provide flexibility to change the areas or add areas through the biannual regulatory rulemaking process without amending the FMP.

Dr. McIsaac asked about the channel islands area where marine reserves are under consideration including revisions to the cowcod conservation areas. Mr. Robinson confirmed that the Council could make changes to conservation areas under the normal regulatory cycle under this proposed FMP language.

Mr. Anderson said he is not opposed to Mr. Robinson's friendly amendment, but maybe it should be a separate motion.

Mr. Robinson said he agreed to put his recommendation in a separate motion.

Motion 27 passed.

Mr. Robinson moved and Ms. Vojkovich seconded a motion (Motion 28) to adopt the following:

In the FMP amendatory language at the end of Section 4.5.4.6 (Appendix D, Exhibit C.12.a, Supplemental Attachment 3) on Cowcod and following the description of the Cowcod Conservation Areas as a part of the cowcod rebuilding strategy, insert the following language:

"Given the particular life history characteristics of cowcod, the Council will continue to use species-specific area closures to protect cowcod. As new information becomes available on cowcod behavior and fisheries interactions with cowcod, the boundaries or related regulations concerning the current CCAs may change and additional CCAs may be established by regulation."

In the FMP amendatory language at the end of Section 4.5.4.8 (Appendix D, Exhibit C.12.a, Supplemental Attachment 3) on Yelloweye Rockfish and following the description of the yelloweye rockfish rebuilding strategy, insert the following language:

"Given the particular life history characteristics of yelloweye rockfish, the Council may continue to use a species-specific area closure or closures to protect yelloweye rockfish."

Mr. Anderson spoke to the importance of separating the discussions of these two areas because unlike the CCAs, the YRCA is not tied to yelloweye rockfish rebuilding, it only applies to recreational groundfish fisheries, and is based on anecdotal information from recreational anglers.

Don McIsaac confirmed with Ms. Cooney that the language in this motion is consistent with the intent to allow future changes to these conservation areas through a regulatory process without amending the FMP.

Motion 28 passed.

Ms. Vojkovich moved and Mr. Thomas seconded a motion (Motion 29) to task the SSC Groundfish Subcommittee to evaluate and develop the terms of reference for the standards and criteria for periodic review of the rebuilding plans. Motion 29 passed.

C.13 Bycatch Monitoring Program Draft Programmatic Environmental Impact Statement (DPEIS)
(04/08/04; 2:49 pm)

C.13.a Agendum Overview

Dr. Dahl read from the situation summary.

C.13.b NMFS Report

Mr. Jim Glock and Mr. Jim Golden provided an overview of the alternatives in the DPEIS (Powerpoint presentation on file at Council office).

C.13.c Reports and Comments of Advisory Bodies

SSC

Dr. Hill read Exhibit C.13.c, Supplemental SSC Report.

GAP

Mr. Moore read Exhibit C.13.c, Supplemental GAP Report.

TIQC

Mr. Jim Seger read Exhibit C.13.c, Supplemental TIQC Report.

HC

Mr. Ellis read Exhibit C.13.c, Supplemental HC Report.

C.13.d Public Comment

Mr. Geoff Shester, (individual) Stanford, California
Ms. Karen Garrison, Natural Resources Defense Council, San Francisco, California
Ms. Janice Searle, Oceana, Portland, Oregon
Mr. Chris Dorsett, The Ocean Conservancy, San Francisco, California
Mr. Phil Kline, Oceana, Washington, DC
Mr. Peter Huttala, Pacific Marine Conservation Council, Astoria, Oregon
Ms. Dorothy Lowman, Environmental Defense, Portland, Oregon
Mr. Bob Osborne, United Anglers of Southern California, Huntington Beach, California

C.13.e **Council Action:** Adopt Final Preferred Alternatives for the Bycatch Monitoring Program Draft Programmatic Environmental Impact Statement (04/08/04; 4:54 pm)

Mr. Robinson directed the Council to Exhibit C.13.b, Supplemental Proposal for Preferred Alternative. He felt that after hearing the advisory body reports, this strawman proposal allows for the introduction of new bycatch measures through the Council process. The proposal for a preferred alternative emphasizes practicality (i.e., implementing many of the program elements will be tempered by their practicability related to either cost or monitoring). It recognizes existing regulations and regulations that have been put in place for a number of years, which was a deficiency in Amendment 13, the original bycatch-related FMP amendment. It also recognizes the strategic plan goals. Mr. Robinson also talked about how to phase in bycatch mitigation programs.

Ms. Vojkovich, referring to the supplemental preferred alternative paper, asked about depleted groundfish species: Do we have a list of depleted species or the list of emphasis species that is in the DPEIS? Mr. Robinson said he did not have a list of specific species in mind, but referred to those that were overfished or

listed under the ESA. Ms. Vojkovich asked about the standardized reporting methodology referred to in the NMFS report. She asked if the lack of consideration of performance standards was an oversight or left out of the proposed alternative on purpose?

Mr. Robinson said that progress on a standardized reporting methodology has been made over the past three years. The issue of performance standards was not addressed because he did not have a feel of what they would be like.

Ms. Vojkovich asked if the Council would still have an opportunity to add performance standards and new reporting formats or methods at some future time. Mr. Robinson responded that nothing would limit or prohibit our ability to do so.

Dr. Burke moved and Mr. Brown seconded a motion (Motion 30) based on Exhibit C.13.b, Supplemental Proposal for Preferred Alternative. Ms. Burke outlined four changes to the Proposal for Preferred Alternative as part of the motion.

Mr. Brown commented on adding the word “commercial” to the description of the alternative as part of the motion. He said, typically the goal of recreational fisheries is to provide opportunity to as many people as possible. You may want to reduce effort, but that is done by bag limits, not by reducing capacity. Commercial fisheries are directly affected by capacity reduction.

Mr. Ticehurst asked to insert “possible future use” in the statement in the last paragraph reading “...alternative 7 would be the support of future use of IFQ programs.”

Mr. Robinson replied by wondering if there is a difference between supporting future use, which is a proactive action, versus supporting the possible use of IFQs. The word “possible use” assumes there has not been a final ruling on the use of IFQs.

Mr. Ticehurst asked that “possible” be added as a friendly amendment. Mr. Brown did not accept it as a friendly amendment. Mr. Brown said you would have nothing to analyze if you keep adding the word “possible” to the description of the alternative. In reference to the discussion of IFQ programs in the description, Mr. Warrens noted that the operative part of the sentence says “appropriate sectors,” which should answer Mr. Ticehurst concern. Mr. Anderson stated that currently there is not an IFQ program for groundfish fisheries. Developing and implementing such a program would require future Council action. After this discussion and clarification, Ms. Burke withdrew her previous acceptance of the friendly amendment. Mr. Ticehurst withdrew his friendly amendment based on clarification in the discussion.

Motion 30, as passed, reads as follows:

Create a new Alternative 7 that includes elements of Alternatives 1, 4, and 5. Elements from Alternative 1 that would be included in Alternative 7 would be all current programs for bycatch minimization and management, including but not limited to: setting optimum yield specifications, gear restrictions, area closures, variable trip and bag limits, season closures, establishing landings limits for target species based on co-occurrence ratios with overfished stocks, etc. The FMP would be amended to more fully describe our standardized reporting methodology program and to require the use of bycatch management measures indicated under Alternative 1 for the protection of overfished and depleted groundfish stocks and to reduce bycatch and to reduce bycatch mortality to the extent practicable. These would be used until replaced by better tools as they are developed.

Baseline accounting of bycatch by sector shall be established for the purpose of establishing future bycatch program goals.

Elements from Alternative 4 that would be included in Alternative 7 would be the development and adoption of sector-specific caps for overfished and depleted groundfish species where practicable. We anticipate phasing in sector bycatch caps that would include: monitoring standards, full retention programs, and individual vessel incentives for exemption from caps.

Elements of Alternative 5 that would be included in Alternative 7 would be the support of future use of IFQ programs for appropriate sectors of the fishery. The FMP would incorporate the Strategic Plan's goal of reducing overcapacity in all commercial fisheries.

Ms. Burke asked that we recognize the personnel involved in putting together the EIS.

After discussion of work needed subsequent to Council adoption of the preferred alternative, Dr. Dahl suggested that this issue could be addressed at a future Council meeting, once the FEIS had been completed. Mr. Robinson replied that it would be acceptable to defer further consideration until the June Council meeting. Once the FEIS is finished the Council will begin developing an FMP amendment to implement the Council-preferred alternative.

C.14 Clarify Council Direction on 2005-2006 Management Alternatives (04/08/04; 5:16 pm)

C.14.a Agendum Overview

Mr. DeVore provided the agendum overview and reviewed the briefing book materials.

C.14.b GMT Report

Ms. Robinson read Exhibit C.14.b, Supplemental GMT Report. Mr. Anderson suggested the GMT should specify WDFW's regulatory response for exceeding a yelloweye or canary recreational HG would be to move the fishery to inside the 30 fm line. There was some continuing discussion on how to allocate yelloweye, canary, and lingcod. It was suggested there may be a buffer (i.e., residual yield) for lingcod and yesterday's action on canary allocation was specific. However, the Council has not decided yet how to allocate yelloweye. That decision was deferred until the Council heard from advisors and the public.

Dr. Hastie walked the Council through the trawl trip limit tables in Exhibit C.14.b, Supplemental GMT Report 2. Dr. Hastie asked the Council to remove Table 1 in Attachment 1 of that document as there are two tables with impacts modeled assuming High OYs. He noted the difference in trip limits, the size of the RCA, and the estimated impacts of target and overfished species under the Low and High OY scenarios is driven by the harvest alternatives for sablefish and other flatfish. He also noted that the estimated flatfish impacts south of 40°10' N. lat. are probably too high due to an inflated correction factor. He is in touch with the PacFIN office and should be able to correct this today. Tomorrow's GMT report should show more accurate impact estimates. He corrected the estimated bocaccio impacts for limited entry trawl. Table 3 should show an estimated take of bocaccio of 47 mt, not 13.6 mt and Table 4 should show 56 mt of bocaccio, not 17.9 mt. Mr. Brown asked Dr. Hastie why the estimated take of Dover sole doesn't seem to match up under the Low OY and High OY scenarios using regular bycatch rates and small and large footrope strategies? Dr. Hastie replied he was trying to strike a balance of estimated bycatch effects using the small and large footrope strategies. Ms. Vojkovich noticed a problem with the estimated bycatch effects. Dr. Hastie stated the effect

of a large abundance of individuals in the 1999 year class was not accounted for and the correction will be in tomorrow's GMT report. He also explained the darkblotched estimate needed to be corrected as well.

Mr. Alverson asked about limited entry fixed gear trip limits. Dr. Hastie said the GMT was operating under similar assumptions as in the previous inseason report. These trip limits will be available in tomorrow's GMT report. Mr. Alverson also asked about sablefish tier limits, slope rockfish limits, and open access trip limits. Dr. Hastie said the slope rockfish trip limit increases proposed for limited entry trawl would be the same for limited entry fixed gear. Although he hadn't yet looked at the Daily-Trip-Limit (DTL) limits, they should be close to those presented in September 2003 for 2004 consideration.

Mr. Robinson asked about "hotspot" management for the shoreside whiting sector. Would this only be for the primary whiting season? Ms. Robinson replied yes, the GMT is recommending hotspot management only during the primary season, but the rule, if implemented, would apply to other whiting sectors as well.

Mr. Robinson noted the arrowtooth trawl regulations should be analyzed under a separate process. Ms. Robinson said this was a specific GMT question for the Council. She asked if it would be prudent to put as much analysis of this issue in the Specifications EIS? Mr. Robinson said the analysis is not needed in the Specifications EIS, except impacts should be included in the EIS to develop the scorecard.

Dr. Burke remarked the "penalty box" option for the whiting fishery will be included as a state option. She asked whether selective flatfish trawls were to be included as part of the arrowtooth fishery? Ms. Robinson replied only selective flatfish trawls and arrowtooth trawls would be used inside 100 fm.

Ms. Cooney expressed concern with the recommendation to consider hotspot management as an anticipated inseason action. She thought we may need a separate rulemaking process to do this routinely inseason. Ms. Robinson said the GMT would appreciate whether there should be a conceptual discussion of hotspots in the Specifications EIS. Would that allow routine inseason adjustments or should there be specified hotspots in the EIS?

C.14.c Reports and Comments of Advisory Bodies

GAP

Mr. Moore indicated that the GAP does not have a written report for this item, but will have one available for the final agenda item tomorrow. The GMT met with the GAP and shared the preliminary GMT report. They have eight different subcommittees on the GAP to figure out management proposals. Many of the types of management options for analysis are similar to those presented by the GMT. In consideration for non-sablefish fixed gear, they have looked at a range of options that will be in tomorrow's GAP statement for public review. The GAP recommendation is for the Council to adopt a range of options from both the GAP and GMT report.

Public

Mr. Bob Ingles, Golden Gate Fishermen's Association, Hayward, California

C.14.d Council Guidance and Direction on 2005-2006 Management Alternatives

Dr. McIsaac noted the GMT had many recommendations with no alternatives (e.g., Washington recreational management measures)--is this acceptable? Ms. Cooney recommended the Council focus on the main alternative and scale potential actions up or down to understand management under alternative harvest levels.

Ms. Robinson noted the range of canary and yelloweye harvest alternatives is small. The GMT is recommending static HGs for the state recreational fisheries across all the OY alternatives. The GMT does need guidance on whether yelloweye should be managed with state-specific HGs? Mr. Anderson said he would like an alternative analyzed with state-specific recreational HGs for yelloweye similar to what is recommended for canary. Dr. Burke noted the Allocation Committee did not see a need for regional management of yelloweye. She would prefer to do this only for species where it is needed. Mr. Anderson said we will be dealing with small numbers for yelloweye and catch monitoring varies by state. He preferred a particular harvest guideline for each state so each state takes responsibility to manage their respective fisheries. Ms. Vojkovich said the advice to the GMT for analyzing canary and lingcod impacts was to use the 2004 template (scorecard) for developing 2005 and 2006 management recommendations. That would be a place to start for managing yelloweye as well. Dr. Burke said she still objects to having it analyzed because even in the course of Mr. Anderson's explanation, if there is a possibility for the states to work together, calling each other and working out a management response, that would be best. Mr. Anderson said, given California's situation, they need a harvest guideline. He wants to give us the tool to respond if a response is necessary. An HG can be flexible. Ms. Vojkovich agreed with Dr. Burke on yelloweye. Regional management of canary is more important in California, yelloweye was more a northern problem. Dr. Burke said we have a coastwide OY in the yelloweye rebuilding plan, which is not projected to be taken. She doesn't believe the management needs of the species justifies regional management.

Mr. Cedergreen moved and Mr. Anderson seconded a motion (Motion 31) to include an alternative for analysis where yelloweye are managed in recreational fisheries by state, with values from the 2004 scorecard (same version used for determining canary HGs).

Dr. Burke said, since ODFW has the inseason management tools for promulgating emergency rules, that we analyze yelloweye HGs north and south of the Oregon-California border only. She proposed this as a friendly amendment. Mr. Cedergreen and Mr. Anderson accepted the friendly amendment.

Mr. DeVore pointed out that the 2004 scorecard impact estimates for yelloweye have not been updated for California and Washington. The motion specified using the values in that scorecard and he was not sure if that is the best way to go. Mr. Cedergreen asked to use the values in the September 2003 scorecard. Mr. DeVore said the average weights used to estimate impacts in Washington are being questioned by the GMT. He is not sure if any of the scorecards are updated properly. Mr. Anderson recommended using the September 2003 scorecard values as a recreational alternative.

Motion 31 with the friendly amendment passed.

Ms. Robinson explained the GMT was going to follow the formula as specified in the Allocation Committee report to develop recreational HGs for lingcod. Based on the NEPA guidance they were going to focus their efforts on the Medium OY alternative and scale it up to also model the High OY. They did not recommend analyzing the Low OY alternative as it is equivalent to status quo. Dr. Burke supported that approach and the Council concurred.

Ms. Robinson said the GMT was planning a qualitative discussion on hotspot management in the Specifications EIS. Could hotspot management be a routine inseason consideration with just this qualitative discussion in the EIS or are coordinates defining hotspots needed in the EIS? Mr. Robinson said we would need hotspot coordinates specified in the EIS or a separate rulemaking. He said we could adopt hotspots with coordinates in June that could be adjusted seasonally or hotspot management could be implemented inseason based on a pre-defined impact trigger. However, we can't just specify the concept without a regulatory process.

Ms. Robinson asked, if coordinates are specified in June, can the coordinates be changed inseason in 2005-2006? Ms. Cooney said she did not know. We need to know the inseason action ahead of time. She recommended the GMT focus on including this in the Specifications EIS and she can do some brainstorming. Dr. Burke said the intent for the widow hotspots would be to identify them up front and not change them. She would make ODFW's report available for discussion to the Council later.

Ms. Robinson then sought guidance on whether the concept of converting the arrowtooth EFP into regulations should be analyzed in the Specifications EIS. Mr. Robinson said the concept of bycatch caps would be more appropriately analyzed in a separate regulatory package. Ms. Cooney said to acknowledge in the EIS that this concept of converting the EFP into regulations may be developed and how it fits into the regulatory scheme. Mr. Anderson asked if there was some inherent obstacle to putting the arrowtooth EFP into regulation because of the use of bycatch caps that are included in the EFP? Is NOAA Fisheries opposed to the program because of bycatch caps? Mr. Robinson said no. Other provisions, such as requiring fishermen to hire observers as an example, are more complicated. The mechanics of the program require a separate rulemaking.

Ms. Robinson asked for general guidance relative to options/analyses the Council would like to see tomorrow. Mr. Brown asked if the GMT was planning to forward all four trawl trip limit tables for consideration tomorrow? Ms. Robinson said yes, but with some possible refinement.

Mr. Anderson suggested tomorrow's GMT report should include recreational HGs for canary. Ms. Robinson thought the Council direction was to include the harvest guidelines decided in this week's inseason action (i.e., WA = 1.7 mt, OR = 6.8 mt, and CA = 9.3 mt) and keep these HGs static across all alternatives. Mr. Anderson said that was acceptable.

Mr. Anderson said the sharing of lingcod is going to be quite a bit different given the status quo management of lingcod recommended by the states and the higher OY in 2005-2006. This will give greater flexibility for lingcod management in 2005-2006.

C.15 Adoption of 2005-2006 Groundfish Management Alternatives for Public Review (04/09/04; 3:01 pm)

C.15.a Agendum Overview

Mr. DeVore briefly reviewed the situation summary and the available reports and attachments for this agendum.

C.15.c Reports and Comments of Advisory Bodies

Note: The GAP report was given prior to receiving the GMT Statement.

Mr. Moore provided Exhibit C.15.c, Supplemental GAP Report. Mr. Anderson asked if the GAP was recommending the exclusive use of selective flatfish trawls shoreward of the RCA? Mr. Moore said yes. Ms. Vojkovich asked if the GAP recommendation for limited entry fixed gear south of Pt. Conception (option 3) was for an eight month or ten month season? Mr. Moore replied eight months.

C.15.b GMT Analysis of Impacts

Ms. Robinson provided Exhibit C.15.b, GMT Report (04/09/04; 3:10 pm).

Mr. Anderson asked if the GMT characterized recreational harvest limits for yelloweye as harvest targets or harvest guidelines? Ms. Robinson said they were called harvest targets. Dr. Burke noted they were called

harvest guidelines for yelloweye rockfish in the GMT report. She felt there should not be an option for state-specific harvest guidelines or harvest targets given yesterday's motion. Mr. Cedergreen, the maker of yesterday's motion, said the motion was not meant to exclude an option for state-specific harvest guidelines. Given public support for an option for regional yelloweye management, he did not see why we cannot put out an option for state-specific harvest guidelines.

Dr. Hastie reviewed the trawl and fixed gear trip limit tables in the GMT Report. Mr. Anderson asked about the GAP's recommendation #1 for limited entry trawl non-whiting. The trawl trip limit tables show the range of effects by Low, Medium, and High OY. Do these scenarios minimize the RCA and meet the GAP intent? Dr. Hastie said yes, using the current bycatch rates we have provided as much opportunity and access to fishing grounds as possible. There are trade offs due to the way the model works. Moving the line out coincides with a lowering of the trip limits available in the shelf area. He is willing to explore the tradeoffs in the Specifications EIS.

Mr. Anderson asked if the GAP recommendation for limited entry fixed gear north of 40°10' N. lat. to include a seaward RCA line of 150 fm in the analysis is something that could be done? Dr. Hastie said yes, the data are available. The prime motivation was to consider higher slope rockfish limits for fixed gear if that line could be flexed out to 150 fm and away from canary and lingcod habitat.

Ms. Vojkovich asked Ms. Robinson about the GAP recommendation to examine EFP opportunities to harvest chilipepper rockfish deeper than 75, 100, and 125 fm using fixed gear between 40°10' N. lat. and Pt. Conception. Don't we already have EFPs established for 2005 and 2006? Ms. Robinson explained the EFP process is annual, with a draft application due in June, and a final application in November. It is possible to bring a 2005 EFP application to the Council in June that is impact neutral since the Council already decided EFP caps.

C.15.d Public Comment

None.

C.15.e **Council Action:** Adopt 2005-2006 Groundfish Management Alternatives for Public Review

Dr. Burke moved and Mr. Brown seconded a motion (Motion 36) to delete parts of the GMT statement regarding separate state HGs for yelloweye. It is ODFW's intent to manage its canary and yelloweye the same way as last year. She wanted yesterday's motion reflected in the GMT statement and the Specifications EIS.

Mr. Anderson said he is more interested on the outcome of a management strategy using an HG or harvest target rather than the mechanism. Each state needs a yelloweye HG or harvest target. That is why each state specified a 30 fm line. He thought yesterday's decision was flawed from a process perspective because we did not formally hear from the GAP when we gave our guidance. He thought we would include an option that had the yelloweye OY separated into two HGs north and south of the Oregon-California border, and he believes the GMT captured that decision. He was in opposition to the motion on the basis that the removal of the language that would reference state-specific harvest targets infers the states would not be intending to manage their fisheries within the prescribed harvest targets. Mr. Brown said the Council and its advisors need to respect motions carried by the Council. Dr. Hanson said the Council did take a motion voted on the floor. If people had concerns, the way to get there is to make a motion to reconsider. Dr. McIsaac reminded everyone this was not a final decision; the action is to adopt a range of alternatives for analysis.

Dr. Burke noted that managing canary rockfish impacts should be done by state using HGs, but did not believe the same was true for managing yelloweye rockfish. She therefore withdrew Motion 36.

Dr. Burke moved and Mr. Brown seconded a motion (Motion 37): “The range of options to be analyzed relative to state recreational harvest guidelines would be no harvest guidelines consistent with the Allocation Committee report and dividing catch shares north and south of the Oregon-California border”.

Mr. Robinson said if this report is reflecting Council guidance, this is the same action as yesterday. Mr. DeVore said for the record the GMT did understand the motion from yesterday, but did not interpret the options to be analyzed as exclusive. Mr. Cedergreen did not understand yesterday's motion as being exclusive either. He wants an option analyzed where there are state-specific yelloweye HGs. He feels yelloweye rockfish is a candidate for regional management.

Motion 37 roll call. Messrs. Anderson, Alverson, Cedergreen, Robinson, Ticehurst, and Mallet voted no. 7 yes, 5 no. Motion 37 passed.

Mr. Anderson moved (Motion 38) to amend the language in Exhibit C.15.b, Supplemental GMT Report, on page 6: to reflect recreational management of canary rockfish would be done using state-specific harvest guidelines and, where recreational management of yelloweye is discussed, replace "harvest guideline" with “harvest target if any” for both Oregon and Washington. Dr. Burke seconded the motion.

Mr. Robinson asked about state regulatory responses if an HG or harvest target is reached. What is Oregon’s management intent if the combined harvest guideline is achieved? Is it to close inside 30 fm? Mr. Anderson said he included a “yelloweye harvest target if any” in this motion. The harvest target would be the proportion of the HG in Washington and Oregon.

Motion 38 passed.

There was a brief discussion of the proposed lingcod HGs. Mr. DeVore explained the northern and southern HGs of 1,801 mt and 612 mt, respectively are correct. He identified and corrected terms in the formula used to calculate these HGs.

Ms. Vojkovich, noted the language on page 7 of the GMT report and asked Ms. Cooney if we need to specify a trigger for a California management response? Ms. Cooney said it would be fine if the GMT could model something out that would work rather than coming up with triggers now if we don’t have them identified yet.

Ms. Vojkovich asked for clarification on page 3 of the GMT report regarding limited entry trawl and the sentence about the buyback program. Are there recommended specifications for increased catch allowances for rebuilding species? Increasing from what? Ms. Robinson said they do not have the details for that specified at this time, but the catch allowances would be increasing from status quo. The GMT will take up this issue at the May meeting.

Mr. Brown asked if he could assume the total take of overfished species would not increase? The scorecard would not change, it is just that, with a smaller number of boats, each boat could get a little more? Ms. Robinson said that was correct.

Ms. Cooney recommended if Oregon had specific hotspots for analysis, they should specify them now and in the Specifications EIS.

Dr. McIsaac asked Ms. Vojkovich about a specified “management response” if a recreational HG is attained in California. Is there a specific response identified? Ms. Robinson said the GMT’s plan was to discuss those specifics at the May GMT meeting and include them in the Specifications EIS. Mr. Robinson thought the Specifications EIS should include, at the very least, a range of the types of triggers and a range of the types of responses (i.e., closures or changes in bag limits). Dr. McIsaac encouraged these ranges to be specified

now. Ms. Vojkovich said we are looking at a trigger being a percentage of attainment of a harvest guideline, OY, or target by a certain date. Some of those actions (management responses) are contained in the GAP report, such as changing retention regulations, depths, fishing strategies, etc.

Mr. Anderson asked Ms. Robinson if she had a chance to look at the GAP report/recommendations? Are there elements that pose a GMT workload issue or are elements that you incorporated in your package of options? Ms. Robinson said yes, the GMT reviewed the draft GAP report and discussed their recommendations with the GAP. The GMT supports all the GAP options.

Mr. Anderson moved and Mr. Alverson seconded a motion (Motion 39) for the Council to adopt for public review, the 2005-2006 groundfish management measures as presented in Exhibit C.15.b, Supplemental GMT Report, as corrected through previous motions and the corrections given by Mr. DeVore; and the management measures included in Exhibit C.15.c, Supplemental GAP Report, as corrected by Mr. DeVore. This motion also includes guidance from CDFG that the analysis under California recreational Suboption 2a be listed as a low priority for the GMT given workload.

Mr. Brown asked if the discussion on triggers and actions cover NOAA Fisheries' concerns? Mr. Robinson said yes.

Motion 39 also includes the following friendly amendments:

Dr. Burke asked to modify the language on page 3 of the GMT report in response to Ms. Cooney's hotspots issue. Add after the word hotspots, "which will be specifically identified for analysis". This was accepted by the maker and seconder of the motion. She then asked to amend the language on page 9 of the GMT report (recommendation #8) as follows: "approve the alternative to convert the selective flatfish trawl as a management option for public review".

Mr. Anderson asked the GMT to put in the proper language for canary and yelloweye hotspots in dogfish longline areas (intended to be in original motion).

Dr. Burke asked to modify the language on page 8 of the GMT report (recommendation #6) as follows: put a period after yelloweye rockfish and delete the rest of the sentence. Mr. Anderson said how about scratching the whole thing? Mr. Anderson asked about leaving #6 and approve the recommendation "as amended"? Dr. Burke agreed.

Motion 39 passed.

Mr. Ticehurst asked to include the economic impact analysis for public review. He asked for the Council to propose guidance for an economic analysis to give to the Allocation Committee. Mr. Brown said he was at that meeting with Mr. Seger. He suggested the staff follow up with Mr. Seger to understand this guidance.

Mr. DeVore said that while the GMT statement did talk about tribal fisheries, we don't have anything to adopt the tribal management measures under C.14. Mr. Harp moved and Mr. Cedergreen seconded a motion (Motion 40) to include the items in the package for analysis for the tribal fisheries as shown in Exhibit C.10.c, Proposed Treaty Indian Management Measures. Motion 40 passed.

C.16 Update on Trawl Individual Quota (TIQ) Program

This agenda item was removed (see Motion 1).

C.17 Latent Limited Entry Trawl Permits (04/09/04; 8:05 am)

C.17.a Agendum Overview

Mr. Jim Seger provided the agendum overview.

C.17.b NMFS Report

Dr. Steve Freese provided Exhibit C.7.b, Supplemental NMFS Report.

C.17.c Reports and Comments of Advisory Bodies

GAP

Mr. Seger read Exhibit C.17.c, Supplemental GAP Report.

C.17.d Public Comment

None.

C.17.e Council Guidance on Latent Limited Entry Trawl Permits

The Council decided not to take action to address concerns about latent limited entry trawl permits remaining after the completion of the buyback program (Motion 35, moved by Mr. Brown and seconded by Mr. Warrens). While there is not a specific definition of latent permits, such permits are generally viewed as those which have not been used or have been used at a low level for a number of years. In reaching its decision the Council reviewed a NMFS report (Exhibit C.17.b) that assessed the degree of inactivity by vessels holding limited entry trawl permits.

Overall, the analysis suggested that there might be between 24 and 27 permits that might be considered latent. The Council heard that the number of permits that have been totally inactive over a long period (1998 through 2003) is relatively small (only 4 permits, or 2% of the 172 remaining permits, excluding factory trawlers). The annual number of unfished permits has increased as groundfish harvests have declined. The annual average number of permits inactive from 2001-2003 (37) was roughly twice that which were inactive from 1998-2000 (17). Still only 24 (14%) of the permits were totally inactive in the three most recent years. A high degree of permit latency relative to the total number of permits would be expected to dampen permit prices. Permit prices have approximately doubled and while some of the increase may be attributed to pending consideration of a trawl individual fishing quota program, inactive permits (those less likely to receive significant amounts of IFQ) have also been trading. Permit trading has tailed off since just after the buyback program was completed, however, as conditions in the fishery improve, latent permits may be purchased or otherwise be reactivated.

In reaching its decision, the Council discussed the experiences in other buyback programs in which high degrees of permit latency substantially reduced effectiveness of the limited entry system. It was noted that, compared to other limited entry programs, the degree of permit latency in the Pacific Coast program was not as substantial. Additionally, during deliberations on the design of the license limitation program, the Council rejected a proposal that would have required that permits make landings each year in order to qualify for renewal. Such a provision would encourage harvest. The Council thereby established a policy of not discouraging permit latency.

Finally, the Council discussion identified that all permits have some degree of latency, unused capacity. The Council found no need to take remedial action given the relatively low degree of latency represented by the highly latent permits and the lack of concern among those bearing the responsibility for repaying the industry loan which largely funded the buyback program. The Council stated further that moving forward with the IFQ project was a better solution to the issues of overcapacity in the fleet. Such an IFQ program would obviate the need to address any remaining concerns with latent permit issues.

D. Salmon Management

D.1 Identification of Stocks Not Meeting Conservation Objectives for Three Consecutive Years (04/05/04; 6:07 pm)

D.1.a Agendum Overview

Mr. Chuck Tracy presented the agendum overview.

D.1.b Report of the Salmon Technical Team (STT)

Mr. Dell Simmons presented Exhibit D.1.b, Supplemental STT Report.

Mr. Anderson noted that new information is available, indicating the preliminary 2003 Grays Harbor fall chinook run size estimate is 22,292 with 17,873 in the Chehalis system and 4,419 into the Humptulips system. The preseason forecast for 2004 for both the Chehalis and Humptulips returns exceed spawning escapement objectives, and the 2004 Grays Harbor State-Tribal fall management agreement has fisheries structured to allow escapement sufficient to meet the spawning objectives. Mr. Harp clarified that the preliminary 2003 spawning escapement estimates were 15,672 for the Chehalis system and 3,760 for the Humptulips system, for a combined escapement of 19,432 fall chinook, which exceeds the conservation objective of 14,600.

D.1.c Reports and Comments of Advisory Bodies

SSC

Dr. Kevin Hill presented Exhibit D.1.c, Supplemental SSC Report.

D.1.d Public Comment

None.

D.1.e Council Action: Identify Any Actions Necessary Under the Council's Overfishing Review Procedure

Mr. Harp suggested that a letter be sent from Mr. Anderson to the Council stating the updated 2003 Grays Harbor fall chinook spawning escapement estimates would remove that stock from the overfishing concern category. Mr. Anderson responded that once the estimates were finalized, he would join with the Quinault Indian Nation and provide that letter to Dr. McIsaac.

Dr. McIsaac asked if there is a review of the technical merits for the Grays Harbor escapement goal underway in the PSC arena. Mr. Harp responded that the issue of spawning escapement goals for Washington coastal chinook stocks has been brought up in the PSC arena recently and have been resolved for two stocks, but not

yet for Grays Harbor. However, the position of the tribes and the State of Washington is that the current objective of 14,600 natural spawners is appropriate for Grays Harbor fall chinook.

Mr. Neal Coenen asked what obligation the Council has to conclude the issue. Mr. Tracy responded that if the final escapement estimate achieves the conservation objective, the letter from the co-managers to Dr. McIsaac would meet the Council's obligation since the stock is an exploitation rate exception to the overfishing criteria, and no report from the STT would be necessary.

D.2 Tentative Adoption of 2004 Ocean Salmon Management Measures for Analysis (04/06/04; 9:22 am)

Mr. Dave Ortmann chaired this agenda item.

D.2.a Agendum Overview

Mr. Tracy presented the agendum overview.

D.2.b Update on Estimated Impacts of March 2004 Options

Mr. Simmons updated Preseason Report Table 5 with current estimates of conservation objectives for key stocks, including Snake River wild fall chinook (SRW), Interior Fraser coho, and Oregon Coastal Natural (OCN) coho. SRW impacts increased for all three options, with Option I (0.77) exceeding the conservation standard of a Snake River Fall Index (SRFI) of ≤ 0.70 , and Options II and III (0.70 and 0.67, respectively) achieving the standard. Interior Fraser coho impacts for all three options (13.2, 12.1, and 11.0 for Options I, II, and III, respectively) now exceeded the conservation standard of ≤ 0.10 . OCN impacts also increased slightly for all three options, however, all options (15.0, 13.3, and 12.4 for Options I, II, and III, respectively) achieved the conservation standard of ≤ 0.15 .

D.2.c Summary of Public Hearings

Mr. Cedergreen presented Exhibit D.2.c, Supplemental Public Hearing Report 1, a summary of the Westport, Washington hearing. He noted a correction indicating the one commercial troller testified in favor of Option I, not Option II.

Mr. Brown presented Exhibit D.2.c, Supplemental Public Hearing Report 2, a summary of the Coos Bay, Oregon hearing.

Mr. Roger Thomas presented Exhibit D.2.c, Supplemental Public Hearing Report 2, a summary for the Fort Bragg, California hearing.

Mr. Larson added that the CDFG held public hearings not pursuant to the PFMC's process, but for their own process for establishing Klamath River allocation on March 24 (Crescent City) and 25 (Weaverville). At the March 24th hearing they also presented the PFMC options and testimony favored Option I and Option II for the KMZ recreational fishery.

D.2.d Recommendations of the U.S. Section of the Pacific Salmon Commission

Mr. Jim Harp presented Exhibit D.2.d, Supplemental Pacific Salmon Commission Report.

Mr. Harp observed the Canadian 55 cm chinook size limit was smaller than the U.S. size limit, and was potentially impacting age-3 chinook, as was the recent practice of conducting West Coast Vancouver Island (WCVI) fisheries in the winter time frame and farther offshore. The Canadians have stated the reason for this

change in fisheries is to harvest southern U.S. chinook stocks while conserving Canadian stocks. Dr. McIsaac asked when the Canadians lowered their size limits, and if the PSC considered impacts to SRW. Mr. Harp responded the change was in 2003. He noted any change in impacts on healthy Columbia River stocks will have a similar effect on SRW. However, there is insufficient CWT sampling information for WCVI fisheries conducted during the winter time frame, and for fish of that size, because such fisheries did not occur during the model base period. Canada started conducting a DNA sampling program in 2003, however the resolution of the estimates is not at the stock specific level as was the CWT sampling program, so estimating impacts to SRW or other southern U.S. stocks has been inadequate.

Mr. Simmons, as a member of the CTC, indicated the 55 cm size limit is being modeled in both the Chinook FRAM and the PSC Chinook Model. In both models they used the PSC model output to estimate SRW impacts in the fisheries using CWT data, however, there is very little data available on winter fishery impacts on SRW, consequently summer fishery data is being used instead. Dr. McIsaac asked if the DNA sampling of the first year is available, and if we can detect differences between Columbia River upriver bright and SRW stocks. Mr. Simmons responded that the two stocks can be detected, but that there is not enough data to rely on yet for incorporation into the models.

Mr. Roth indicated Columbia River spring chinook impacts may increase with the WCVI fishery occurring on smaller fish in the winter time frame. Mr. Simmons responded that there were no record of Columbia River spring chinook in the 2002 DNA samples. Mr. Harp was also concerned with Washington coast spring chinook stock impacts, and the tribes believe they are being impacted in WCVI winter fisheries.

Dr. McIsaac asked Mr. Gordy Williams if southeast Alaska has a winter troll fishery and the chinook size limit. Mr. Williams responded that there has been one for quite some time and that it is modeled in the PSC Chinook Model. The minimum chinook size limit is 28" all year. He added that Alaska shares the same concerns about changes in the WCVI fisheries and the sampling program.

D.2.e Recommendations of the North of Cape Falcon Forum

Mr. Anderson gave a brief overview of the North of Cape Falcon process, which culminates this week in conjunction with the Council process, and has included 16 public meetings. Outstanding issues include SRW impacts, Interior Fraser coho, and Puget Sound chinook. Columbia River chinook, and Washington coastal and Puget Sound coho stocks appear strong this year. Constraining stocks for the North of Falcon process thus far have been Interior Fraser coho, upper Columbia River coho (as related to the sharing agreement with the Columbia River tribes), Puget Sound Chinook, and SRW chinook. The observed increases in harvest rates for Canadian fisheries in 2003 are anticipated in 2004 and have resulted in tighter constraints for U.S. fisheries for Puget Sound and SRW chinook.

Mr. Harp also noted that inriver management plans for the Washington coastal rivers are agreed upon and discussions are continuing for the Columbia River co-managers.

D.2.f Recommendations of the Klamath Fishery Management Council (KFMC)

Mr. Dan Viele presented Exhibit D.2.f, Supplemental KFMC Report.

D.2.g NMFS Recommendations

Mr. Robinson said they have no additions, subtractions or other changes to the original ESA guidance given at the March 2004 Council meeting. After consulting with NOAA General Council on the subject of boat limits for the recreational salmon fisheries, it appears the language in the federal regulations is flexible enough to allow the change to be made in the annual management measures without going through the formal

rule making process. If the Council desires, language for the federal regulations that complements state regulations can be included in the recommended management measures. Mr. Larson asked how the Federal regulations would apply to species other than salmon, since state regulations cover all species. Ms. Cooney replied that only salmon were included in their discussions and only salmon would be addressed through these management measures, but that groundfish could be covered in the development of 2005-2006 specifications. Mr. Robinson added that the groundfish FMP and federal regulations would have to be examined to determine if there is sufficient authority to make an inseason change in 2004 to address the issue this year.

Mr. Cedergreen requested the boat limit language appear in section C of the recreational fishing package.

D.2.h Tribal Recommendations

Mr. Mike Orcutt, Hoopa Valley tribe, provided information on stream flows in the Trinity River Basin and requested support in seeking relief from the injunction currently restricting flows in the basin. The tribe is concerned about potential fishery monitoring shortfalls associated with CDFG budget constraints, which could impact tribal fishery allocation.

Mr. Harold Blackwolf, Sr. and Mr. Stuart Ellis provided the following testimony on behalf of the Columbia River Treaty Tribes (on following page).

Good afternoon Mr. Chairman and members of the Council. My name is Harold Blackwolf Sr. I am a member of the Fish and Wildlife Committee of the Confederated Tribes of the Warm Springs Reservation of Oregon and a treaty fisherman on the Columbia River. I am here today to provide Testimony on behalf of the four Columbia River treaty tribes: the Yakama, Warm Springs, Umatilla and Nez Perce tribes.

The tribes have some concerns with the planning for 2004 Ocean and Strait of Juan de Fuca fisheries. The Tribes previously requested analysis of impacts from the 2003 Area 5/6 selective sport fishery. We only received some draft analysis that was not complete. The Tribes still question the wisdom of proceeding with a selective fishery in Area 5/6 of the Strait of Juan de Fuca. We have not had an opportunity to review potential impacts from this fishery on Columbia River stocks.

We are concerned that WDFW and IDFG may still propose an extreme terminal selective sport fishery targeting Snake River Fall Chinook.

Hooking Mortality in selective fisheries remains a key concern to the tribes. Columbia River sport fisheries still use barbed hooks even in their selective fisheries. This causes needless additional mortality to released fish.

It is difficult to comment on the appropriate level of ocean fisheries given that the tribes and states have not completed a management agreement for 2004 fall in-river fisheries. We hope to conclude an agreement in the near future, but until then we ask that the Council use conservative ocean management to ensure adequate escapement to the Columbia River. It is important that modeling be done on Options that meet ESA requirements.

In April, we commented on Summer Spill. We are unhappy to report that the Federal Government including the National Marine Fisheries Service are continuing their proposal to eliminate August Spill which will be disastrous to many stocks of salmon important to the tribes as well as some key Council Managed Species.

This concludes my statement. Thank You.

Mr. Harp presented a statement labeled Agenda item D2.h, Tentative Adoption of Treaty troll, April 2004.

D.2.i State Recommendations

None.

D.2.j Reports and Comments of Advisory Bodies

SAS

Exhibit D.2.j, Supplemental SAS Report was summarized by SAS members.

D.2.k Summary of Written Public Comment

Mr. Tracy summarized Exhibit D.2.k, Written Public Comment.

D.2.l Public Comment

Mr. David Yarger, Bodega Bay Salmon Fisherman (PCFFA), Sebastopol, California

Mr. Dean, Estep, commercial fisherman and receiver, Fort Bragg, California

Mr. Daniel Platt, Salmon Trollers Marketing Association, Fort Bragg, California

Mr. Doug Fricke, Washington Trollers Association, Hoquiam, Washington

Mr. Joel Kawahara, Washington Trollers Association, Quilcene, Washington

D.2.m **Council Action:** Tentatively Adopt Management Measures for 2004 Ocean Salmon Fisheries

Motions 4 through 6 were made utilizing Exhibit D.2.j, Supplemental SAS Report, April 2004.

Mr. Anderson moved (Motion 4) to tentatively adopt the management measures for 2004 ocean salmon fisheries as shown for non-Indian commercial troll and recreational fisheries north of Cape Falcon, Oregon with the following change: on page 6, under the US/Canada border to Cape Alava (Neah Bay) recreational fishery, have chinook non-retention east of the Bonilla-Tatoosh line begin August 1.

Mr. Anderson indicated that the 90,000 chinook quota would have to be reconciled with the treaty Indian fishery to ensure SRW conservation objectives were met, and that the reduction in coho quota from 275,000 to 270,000 was made to meet hatchery escapement needs in the Columbia River.

Mr. Alverson seconded the motion. Motion 4 passed.

Mr. Coenen moved (Motion 5) to tentatively adopt the management measures for 2004 ocean salmon fisheries as shown for commercial troll and recreational fisheries between Cape Falcon, Oregon and Horse Mt., California. Mr. Brown seconded the motion. Motion 5 passed.

Mr. Larson moved (Motion 6) to tentatively adopt the management measures for 2004 ocean salmon fisheries as shown for commercial troll and recreational fisheries between Horse Mt., California and the US/Mexico Border, and to include in the recreational fishery boilerplate, the NMFS language to allow for boat limits concurrent with state regulations. Mr. Thomas seconded the motion.

Mr. Anderson requested distribution of the boat limit language and asked if the EC has looked at it. Mr. Robinson responded yes, and that the EC had generated the language..

Motion 6 passed.

Mr. Harp moved (Motion 7) to tentatively adopt for the ocean treaty Indian troll fishery and for analysis by the STT a coho quota of 75,000 chinook and a chinook quota of 50,000. This would consist of a May/June chinook directed fishery and a July/August/September all species fishery. The chinook will be split 20,000 in May/June and 30,000 in all species. The coho quota in the all species fishery would be modeled as follows: 60,000 in Area 4 and 15,000 in Areas 2 and 3. Gear restrictions, size limits and other appropriate regulations would be as stated in previous STT analysis. Mr. Anderson seconded the motion

Mr. Anderson asked about the rationale for not distributing the chinook quota evenly between the May/June fishery and the all species July-September fishery as has been the case in the past. Mr. Harp replied that the quota from the May/June fisheries does not carry over to the all species fishery, and the best estimate of catch for the May/June fishery under ideal conditions is about 20,000. If the May/June fishery caught more than the 20,000 quota, quota could be deducted from the all species fishery, but any underage would be forfeit. Mr. Anderson indicated that generally, non-Indian impacts on SRW chinook are less in the May/June time frame than in the summer.

Motion 7 passed.

Mr. Anderson moved and Mr. Brown seconded a motion (Motion 8) to tentatively adopt the gear definition used from 1996-2003, for 2004 regulations as shown in Exhibit D.2.a, Attachment 1. Motion 8 passed.

D.3 Methodology Review Process for 2004 (04/07/04; 5:02 pm)

D.3.a Agendum Overview

Mr. Tracy presented the situation summary.

D.3.b Report of the SSC

Dr. Kevin Hill provided Exhibit D.3.b, Supplemental SSC Report.

Mr. Anderson noted that WDFW will not have the resources to complete both the FRAM documentation and the review of the Chinook FRAM for evaluation of mark selective fisheries.

D.3.c Recommendations of the States, Tribes, and Federal Agencies

WDFW

Mr. Anderson indicated WDFW was in agreement with the STT's report, is committed to working with the MEW to document the FRAM, and is only contemplating small mark selective chinook fisheries as characterized in the STT report.

ODFW

Mr. Coenen said that due to staff turnover, it may be difficult to finish work on the OCN matrix, although it is a priority for ODFW.

Tribes

Mr. Harp presented D.3.c, Methodology Review Process, April 2004.

D.3.d Reports and Comments of Advisory Bodies

STT

Mr. Simmons provided Exhibit D.3.d, Supplemental STT Report.

D.3.e Public Comment

Mr. Daniel Platt, Salmon Trollers Marketing Association, Fort Bragg, California

D.3.f **Council Action:** Establish 2004 Schedule and Methodologies to be Reviewed

Mr. Anderson moved (Motion 21) to approve the methodology review process list for 2004 and 2005, prioritized as listed in Exhibit D.3.b, Supplemental SSC Report with the modifications recommended in Exhibit D.3.d, Supplemental STT Report, relating to the Chinook FRAM for marked selective fisheries and to chinook rebuilding exploitation rates. Mr. Larson seconded the motion.

Motion 21 passed.

D.4 Clarify Council Direction on 2004 Management Measures (04/07/04; 8:15 am)

D.4.a Agendum Overview

None.

D.4.b Reports and Comments of Advisory Bodies

Mr. Simmons presented Exhibit D.4.b, Supplemental STT Report, and requested Council direction on how to achieve the SRFI objective and the Interior Fraser coho objective. He indicated that the Oregon/California troll allocation in the Klamath Management Zone and the upper Columbia coho allocation issues were likely to be resolved without additional Council direction.

Mr. Coenen asked how much the north of Cape Falcon TAC would have to be reduced to meet the SRFI objective. Mr. Simmons replied probably 2,000 to 5,000.

D.4.c Council Guidance and Direction on 2004 Management Measures

Mr. Anderson requested a 30 minute recess for a caucus. Mr. Coenen and Mr. Harp agreed.

Mr. Harp noted the Oregon/California KMZ troll allocation stands at 48.5/51.5, and that depending on how it is rounded, it meets the allocation objective. He consulted with the participants in the KFMC and they are satisfied with that allocation.

Mr. Anderson requested the STT analyze the following:

- 1) Change recreational fishery start dates to June 20 for areas north of Leadbetter Point.
- 2) Reduce the non-Indian TAC from 90,000 chinook to a point that would equal the reduction in the SRFI realized by moving the recreational fishery start dates from 6/27 to 6/20.

He noted that starting the recreational fishery on June 20 risks the fishery not continuing through Labor Day.

Mr. Harp requested the STT also analyze the following to complement the non-Indian fishery analysis:

3) Treaty troll quotas of 22,500 chinook in the May/June fishery and 27,500 chinook in the summer all species fishery.

4) Treaty troll quota of 75,000 coho with 55,000 in Areas 4 and 4B, 15,000 in Area 3, and 5,000 in Area 2.

Mr. Simmons indicated the modifications would interact with each other and asked if Messrs. Anderson and Harp wanted the analyses conducted in isolation or not. Mr. Anderson requested items 1 and 3 be combined in the analysis.

STT came back in the afternoon (04/07/04; 5:32 pm)

Mr. Simmons returned to update the Council on the morning assignment to analyze four proposals. He indicated that moving the start date for the recreational fisheries north of Leadbetter Point to June 20 was equivalent to a reduction of about 2,000 chinook from the north of Cape Falcon non-Indian TAC. When either of those proposals was combined with the proposed treaty Indian troll quotas of 22,500 chinook in the May/June fishery and 27,500 chinook in the summer all species fishery, the SRFI objective was still not met. The STT then modeled the non-Indian TAC at 89,000 and the treaty Indian troll quota at 89,000 with 22,500 chinook in the May/June fishery and 26,500 chinook in the summer all species fishery, which resulted in achieving the ESA consultation standard of an SRFI of 0.70.

Mr. Anderson asked if the start date for the recreational fisheries north of Cape Falcon was June 27 on that model run. Mr. Simmons replied yes.

Mr. Simmons reported that the STT modeled coho fisheries as instructed, which resulted in achieving the Interior Fraser coho exploitation rate objective of $\leq 10\%$ for all southern U.S. fisheries. The STT also evaluated the treaty Indian coho quota of 75,000 under historical catch distribution patterns, which include a larger portion of the catch in Areas 4 and 4B, and confirmed that under that scenario the Interior Fraser conservation objective was also met. The STT recommended regulations provide for an inseason adjustment in the treaty Indian coho catch quota to maintain equivalent impacts on the Interior Fraser coho management unit in the event that actual catch in Areas 4 and 4B exceeds the modeled 55,000 catch.

Mr. Anderson observed that the landings data indicated a larger proportion of the Area 4B catch, but that some of those landings resulted from catch in Area 3. As long as the catch area is accurately recorded, there should be less discrepancy. Mr. Harp agreed and has emphasized the need for accurate catch area recording with the tribes.

Mr. Harp indicated that the tribes plan to include appropriate language for the final management measures that would keep Interior Fraser coho impacts from the tribal fisheries at preseason expectations.

Mr. Coenen asked Mr. Don Stevens, SAS Chairman, to address a change in the non-Indian commercial fishery off Oregon. Mr. Stevens reported that an error had been made in the days open for the Newport area cell, and that two additional days should be closed in the Newport area, with the savings in Klamath fall chinook being transferred to the Oregon KMZ commercial fishery by way of increasing the July quota by 200 chinook. The rationale was consistent with comments received at the March 29 public hearing in Coos Bay.

Mr. Anderson requested that the STT model the non-treaty fishery north of Cape Falcon overall chinook quota at 89,000.

Mr. Harp requested the STT model the treaty troll quotas at 22,500 chinook in May/June and the July through September quota at 26,500 chinook. There would be no change to the treaty troll coho quota.

Mr. Coenen requested the STT make the adjustments recommended by SAS Chairman Don Stevens.

D.5 Final Action on 2004 Salmon Management Measures (04/08/04; 10:46 am)

Mr. Dave Ortmann chaired this agenda item.

D.5.a Agendum Overview

Mr. Tracy presented the agendum overview.

D.5.b STT Analysis of Impacts

Mr. Simmons presented Exhibit D.5.b, Supplemental STT Report.

D.5.c Comments of the KFMC

Mr. Viele said the KFMC has no further recommendations.

D.5.d Recommendations of the States, Tribes, and Federal Agencies

WDFW

Mr. Anderson noted there will be a recommendation for a change to the late season La Push recreational fishery boundary under Council Action.

ODFW

None.

CDFG

None.

Tribes

Mr. Mike Orcutt and Mr. George Kautsky spoke for the Hoopa Valley Tribe. The Hoopa Valley tribe favors continued development of information on Klamath spring chinook and development of a management framework so the Council can actively manage that stock. The tribe is concerned with the low forecast for 2001 brood Klamath fall chinook and the potential for late 2004 and early 2005 non-Indian fisheries to impact that brood prior to allocation of the tribal share. If the 2005 forecast is such that there is a risk the spawning escapement floor may not be achieved, the Council will have to consider how to address both conservation and tribal allocation issues.

Mr. Harold Blackwolf, Sr, provided the following comments on behalf of the Columbia River treaty tribes:

Good afternoon Mr. Chairman and members of the Council. My name is Harold Blackwolf Sr. I am a member of the Fish and Wildlife Committee of the Confederated Tribes of the Warm Springs Reservation of Oregon and a treaty fisherman on the Columbia River. I am

here today to provide Testimony on behalf of the four Columbia River treaty tribes: the Yakama, Warm Springs, Umatilla and Nez Perce tribes.

As we near the completion of the planning for 2004 ocean fisheries, we would like to remind the Council of some of the issues bringing us where we are now and some of the events outside the Council process that will influence where we will end up in the future.

Regarding Snake River fall Chinook, in the 1990, a record low number of fall Chinook reached Lower Granite Dam – 335 adult fish. Of these, less than 100 may have been natural origin fish. In the mid 1990's, the tribes won a legal dispute with the states and a supplementation program was begun acclimating fish above Lower Granite Dam in an effort to use locally derived hatchery fish to supplement the natural run. This program has been a remarkable success. In 2003, a mere 13 years after the record low run, around 12,000 adult fish reached Lower Granite Dam. Of these, 3,856 were estimated to be natural origin fish. A record 2,247 redds were counted above Lower Granite Dam. NMFS has identified a preliminary de-listing target of a natural origin run size of 2,500 over an eight year geometric mean. With this increasing abundance of natural origin Snake River fall Chinook, it is entirely possible to reach this de-listing goal within this decade. While better ocean survival can not be discounted as a contributing factor, the supplementation program can not be denied as the primary reason for this strong increase in run sizes. Even with this success, the supplementation program is not without critics. There are many who argue that the trap at Lower Granite Dam be managed to reduce the number of fish that can pass the dam and contribute to rebuilding. These are people who never want to use well designed hatchery programs to contribute to recovery. The tribes have long supported the appropriate use of hatcheries to support recovery of all salmon stocks throughout the Columbia Basin.

In part because of the increase in run sizes, both the states and tribes had expressed the desire to explore some flexibility in the ESA standards for both ocean and in-river fisheries in years such as 2004 that have relatively high abundance. Such flexibility seems quite reasonable, as long as we continue to make progress towards recovery. Even some NOAA Fisheries staff were inclined to support such flexibility. However, this idea was quashed by the Federal Government and as a result planning ocean fisheries has been quite challenging this year. The tribes are convinced that the reason for this is that the Federal Government has a predetermined intent to allocate more salmon mortality to the hydro-system and so there is just nothing extra left for fisheries.

The proposal to eliminate August spill in the Columbia River will have very negative effects on many salmon stocks including Snake River fall Chinook. In 2001, spill was curtailed because of the drought and so called "power emergency". There are plenty of data showing that outmigrants in 2001 had much lower than average survival. The only reason we are not seeing dramatic effects in total adult returns currently is that we got lucky with strong survival of 2000 outmigrants and expected strong survival of 2002 outmigrants. If spill is eliminated for even one year, there probably will be effects on fisheries. If spill is eliminated for more than one year as is proposed, the negative effects on fish runs and fisheries is certain.

This year's ocean fishery planning has involved lots of hard work and very difficult decision making that will hopefully help insure a lot of Snake River fall Chinook are going to reach the spawning grounds. However, because of Federal Government policy, the offspring of these fish we are working to protect face a very uncertain future. While we commend those who have made decisions to reduce their fisheries to protect fish that are so important to the tribes, it is a perfectly natural question for you to ask, "Why are we going through this very

difficult exercise when the end result will be that the fish we save will produce offspring that will be simply ground up in the eight Federal dams?"

Unfortunately, if the Federal Government gets its way, fish recovery may become much more unlikely and fishery planning may become much more difficult.

Another issue that relates both to conservation of fish as well as fishery planning is mass marking of fish with adipose fin clips without coded wire tags. Congressman Norm Dicks is demanding that the number of mass marked fish be dramatically increased including almost all Columbia River fall Chinook. These fish are important components of ocean fisheries. If more of these fish are mass marked it will further degrade the Coded Wire Tag program. We are dependant on this program to measure impacts to various stocks. One effect of this as far as fishery planning is that, in a year like this, where fishers are required to make round after round of cuts to their proposed fisheries is that we really will not know the true effect of these cuts on key managed stocks. We will in effect be managing fisheries nearly blind.

While clearly many parts of the Federal Government are acting as a drag on fish recovery, there are things that can and are being done to benefit the fish as well as treaty and non-treaty fishermen.

Because of the Tribes' cultural and spiritual connection with salmon, the tribes are extremely focused on the health of the salmon and the water they live in. This is what produces our desire to recover fish populations. The Umatilla Tribe has successfully shown that it is possible to work with private landowners and irrigators and the State of Oregon to reintroduce coho into the Umatilla River. By working cooperatively the tribes have shown that it is possible to make improvements to habitat and water conditions to support salmon. The Nez Perce Tribe has worked successfully with the State of Idaho and the USFWS to reintroduce coho into the Clearwater. The Yakama Nation and the State of Washington have coho programs in the Yakama and Wenatchee. While these programs are all still works in progress, it shows that by working cooperatively with the tribes it is possible to do things that both support salmon recovery and provide fishery benefits for ocean and in-river fisheries. The reason that the Ocean fishery and lower Columbia River fisheries are required to ensure that 50% of the upriver coho reach Bonneville Dam is not just to meet treaty fishery needs but to ensure enough fish return so that these recovery programs can continue to produce larger runs of fish in the future.

The tribes have many other programs and proposals that will assist with recovering all salmon runs to healthy harvestable levels. These include numerous habitat improvement projects in tributaries throughout the basin and an annual water management plan for the Columbia River that proposes flows, temperatures, and spills that will provide benefits to fish while including appropriate allowances for irrigation and power generation. Unlike programs like the flawed barging program, it is these types of positive pro-active programs that need to be implemented in order to recover fish populations to healthy sustainable harvestable levels. This concludes my statement. Thank You.

Mr. Harp presented Agenda Item D.5.d, Final Action on 2004 Measures, April 2004.

NMFS

Mr. Robinson indicated that the proposed management measures are consistent with NMFS ESA guidance and with the Puget Sound Resource Management Plan, which is under review.

USFWS

Mr. Roth encouraged Council to participate in other forums including habitat issues, and to comment in those other forums when possible.

D.5.e Reports and Comments of Advisory Bodies

None.

D.5.f Public Comment

None.

D.5.g **Council Action:** Adopt Final Measures on Final Action on 2004 Salmon Management Measures

Mr. Anderson moved (Motion 22) the Council adopt non-Indian commercial and recreational management measures north of Cape Falcon as presented in Exhibit D.5.b with the following addition: for the September 25 to October 10 recreational fishery between Cape Alava and the Queets River, restrict the fishery to within state waters. Mr. Cedergreen seconded the motion. Motion 22 passed.

Mr. Coenen moved (Motion 23) the Council adopt the non-Indian commercial management measures between Cape Falcon, Oregon and the Oregon/California border, and the recreational management measures between Cape Falcon, Oregon and Horse Mountain, California, as presented in Exhibit D.5.b. Mr. Brown seconded the motion. Motion 23 passed.

Mr. Larson moved (Motion 24) the Council adopt the commercial management measures between Horse Mountain, California and Point San Pedro, California, and the recreational management measures between Horse Mountain, California, and the U.S./Mexico border as presented in Exhibit D.5.b. Mr. Thomas seconded the motion.

Mr. Brown offered a friendly amendment to include the area between the Oregon/California border and Horse Mountain, California for the commercial management measures. Mr. Larson and Mr. Thomas accepted the amendment.

Mr. Ticehurst offered a friendly amendment to include the area between Point San Pedro to the U.S./Mexico border for the commercial management measures. Mr. Larson and Mr. Thomas accepted the amendment.

Motion 24 passed.

Mr Harp made the following motion (Motion 25):

For the 2004 salmon fishery in the area from the U.S./Canada border to Cape Falcon, Oregon, I move the following management structure be adopted by the Council for the Treaty Indian ocean troll fisheries:

The Treaty Indian ocean troll fishery would have a quota of 49,000 chinook and 75,000 coho.

The overall chinook quota would be divided into a 22,500-chinook sub-quota for the May 1 through June 30 chinook directed fishery and a 26,500-chinook sub-quota for the all species fishery in the time period of July 1 through September 15.

If the treaty troll catch taken from areas 4/4B is projected inseason to exceed 55,000 coho, the total treaty troll quota will be adjusted to ensure that the exploration rate impact of the treaty troll fishery on Interior Fraser coho does not exceed the level anticipated under the assumptions employed for impact assessment.

If the chinook quota for the May-June fishery were not fully utilized, the remaining fish would not be rolled over into the all species fishery. The Treaty troll fishery would close upon the projected attainment of either of the chinook or coho quota. Other applicable regulations are shown in Table 3 of STT Report D.5.b.

Mr. Warrens seconded the motion. Motion 25 passed.

Mr. Anderson moved (Motion 26) to authorize Council Staff, NMFS, and the STT to draft and revise the necessary documents to implement the recommendations in accordance with Council intent. Mr. Cedergreen seconded the motion. Motion 26 passed.

D.6 Clarification of Final Action on 2004 Salmon Management Measures (*If Necessary*)

This agenda item was not necessary and therefore cancelled.

E. Habitat

E.1 Current Habitat Issues (04/06/04; 1:05 pm)

Ms. Jennifer Gilden provided an explanation of the briefing materials, including attachments and Council tasks.

E.1.a Report of the Habitat Committee (HC)

Mr. Stuart Ellis provided Exhibit E.1.a, Supplemental HC Report, Exhibit E.1.a, Supplemental Final Attachment 2, and Exhibit E.1.a, Supplemental Attachment 3.

Mr. Larson asked Mr. Ellis whether Mr. Keppen of the Klamath Water Users Association had offered any suggestions on how his association would work cooperatively with government and other interests.

Mr. Ellis said Mr. Keppen had discussed issues with coastal communities and fishing industry groups, but he did not offer concrete proposals on how to deal with the major impasses associated with Klamath water issues.

Mr. Larson then asked whether there was anything that the Council could do to improve that relationship and be more inclusive.

Mr. Ellis said that this meeting was a good start.

Chairman Hansen thanked Mr. Brown for arranging the visit by Mr. Keppen.

Dr. McIsaac asked about the draft EFH letter, Supplemental Final Attachment 3. The letter contains six detailed recommendations. He asked what the levels of data referred to in the letter meant. Mr. Ellis said he

believed it had to do with data quality and detail, and said the wording was taken out of the EFH guidelines. Ms. Gilden agreed and read about the levels from the existing EFH rule.

E.1.b Reports and Comments of Advisory Bodies

SAS

Ms. Gilden read the SAS report. Mr. Gerry Reinholdt discussed the letter and said the SAS supported the letter as written.

Tribes

Mr. Dave Hillemeier, Yurok Tribe, made some comments regarding the Klamath River FERC letter. There is no proposed fish passage in the five dams in the Klamath hydroelectric project. We see this as a rare opportunity to return fish to the upper Klamath Basin. It is a critical time to provide input, and it is fortunate that the Council is meeting while the license application is open for public review. Regarding long term solutions to water problems in the Klamath, there will be a technical workshop in June 2004 on lower Klamath Basin issues. It will be a good opportunity to discuss the needs of flow and the historical flows. This workshop is sponsored by the DOI.

E.1.c Public Comment

None.

E.1.d **Council Action:** Consider HC Recommendations

Mr. Brown said he has attended several meetings of the Klamath Water Project, and has toured their facilities. He understands their concerns, but does not know if they are right or not. They certainly have a different world view than most fishermen do. We'll have to understand those different worldviews if we're going to work together. The farmers consider themselves natural resource users. They are aware of what they stand to lose if they cannot solve this Klamath water flow problem, and they are willing to work on this. The rhetoric regarding this issue is not very friendly for either side; it is difficult to speak to either side without rubbing sore wounds. People in the Brookings area are trying to slowly expand the circle of people who are talking (this effort started out with Mr. Brown and his wife). (Mr. Brown discussed some of the efforts to develop discussions between the groups). He feels there is a need to continue to talk and work together and include the lower Klamath tribes, California salmon fishermen, etc.

Dr. McIsaac said regarding the EFH letter, the HC said the proposed rule comment period would close before June. What is the exact date? Mr. Ellis said he believed the deadline was April 26. Dr. McIsaac encouraged the Council to make the letter as meaningful as possible. There are a couple of things that could be strengthened by staff after the Council meeting.

The Council concurred with Dr. McIsaac's recommendations for the EFH letter as shown in Exhibit E.1, Supplemental Final Attachment 3.

Dr. McIsaac spoke about the Klamath FERC letter. Mr. Larson moved and Mr. Thomas seconded a motion (Motion 9) for the Council to approve and send the Klamath letter as shown in Exhibit E.1.a, Attachment 2.

F. Pacific Halibut Management

F.1 Adopt Final 2004 Incidental Catch Regulations for the Salmon Troll and Fixed Gear Sablefish Fisheries (04/07/04; 9:08 am)

F.1.a Agendum Overview

Mr. Tracy presented the agendum overview.

F.1.b Recommendations of the States, Tribes, and Federal Agencies

Mr. Anderson asked what the increase in the sablefish tier limits were. Mr. Alverson replied that Tier I increased from 53,000 in 2003 to 69,000 in 2004.

Mr. Anderson asked if the halibut/sablefish landing limit ratio can be modified inseason. Ms. Cooney replied she would have to look.

Mr. Anderson stated that because the status quo ratio of 150 pounds of halibut per 1,000 pounds of sablefish took nearly the entire halibut quota last year, and there is about a 23% increase in the sablefish tier limits for 2004, he supports Option 2, a ratio of 100 pounds of halibut per 1,000 pounds of sablefish. He supported Option 1a for the salmon troll fishery incidental halibut landing restrictions.

Dr. Burke said Oregon is supporting Option 1a for the salmon troll fishery.

Mr. Harp presented Exhibit F.1.b, Supplemental Tribal Comments. He agreed with Mr. Anderson's recommendations regarding both the sablefish and salmon troll fishery.

Mr. Robinson also supports Option 2 for the sablefish fishery.

F.1.c Reports and Comments of Advisory Bodies

SAS

Mr. Jim Olson said the SAS supports Option 1a for the salmon troll fishery.

F.1.d Public Comment

None.

F.1.e **Council Action:** Adopt Final 2004 Incidental Catch Regulations for the Salmon Troll and Fixed Gear Sablefish Fisheries

Using Exhibit F.1, Situation Summary, April 2004, Mr. Alverson moved (Motion 15) to adopt for final 2004 incidental catch regulations for the salmon troll fishery Option 1a in combination with Option 2 for the yelloweye rockfish conservation area (status quo) , and for the fixed gear sablefish fisheries Option 2, which is:

Beginning May 1, 2004, properly licensed vessels may return and land 100 pounds (dressed weight) of halibut for every 1,000 pounds (dressed weight) of sablefish landed and up to two additional halibut in excess of the 100 pounds per 1,000 pound ratio per landing. Halibut must be landed with the head on and be no less than 32 inches measured from the tip of the lower jaw with the mouth closed to the extreme end of the middle of the tail.

Mr. Cedergreen seconded the motion. Motion 15 passed.

G. Highly Migratory Species (HMS) Management

G.1 NMFS Report (04/08/04;

G.1.a Update on Approval of FMP

Mr. Svein Fougner spoke to recent international and domestic activities related to HMS fisheries. He referred the Council to Exhibit G.1.a, Supplemental Attachment 1.

Mr. Fougner highlighted recent findings by the Interim Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean (ISC) about the status of certain tuna species. The ISC reported concerns about fishing rates and population status for (north Pacific) albacore and northern bluefin tuna. He noted the ISC is not formally affiliated with any regional tuna fishery management entity (e.g., MHLTC, IATTC). The information provided by the ISC is important and should be tracked by the Council's HMS Management Team. The information should be included in the HMS stock assessment and fishery evaluation (SAFE) document.

Dr. McIsaac asked about the history and composition of the ISC. The ISC was established in 1995 to enhance scientific research and cooperation for conservation and rational utilization of tuna and tuna-like species of the North Pacific Ocean. The ISC is made up of representatives from coastal states and fishing entities of the region and coastal states and fishing entities with vessels fishing for HMS in the region. U.S. representation has included NMFS-SWFSC and NMFS-Pacific Islands Science Center. Mr. Fougner also noted that Dr. Bill Fox (director SWFSC) planned on formally briefing the Council about these matters at the September 2004 Council meeting.

Dr. McIsaac asked about the ISC findings concerning tuna population status and how it related to overfishing definitions in the HMS FMP. Mr. Fougner stated that the recent findings of the ISC had not been put into the context of the HMS FMP overfishing definitions.

Related to domestic activities, the final rule for implementing the HMS FMP was published on April 7, 2004. He explained the provisions that would be effective immediately and those that awaited OMB Paperwork Reduction Act clearance. Permits will be issued by the NMFS-SWR (this activity is one of those awaiting OMB clearance). NMFS also intends to coordinate distribution of an HMS FMP compliance guide, notably assistance in circulation of the guide.

Mr. Fougner also reported that a new program for the high seas pelagic longline fishery, managed under the WPFMC Pelagics FMP, was recently approved and that regulations have gone into effect. He described some aspects of the Hawaii-based longline fishery and noted their potential for use in the Pacific Council managed high seas pelagic longline fishery. The NMFS-PIR office will issue fishing effort shares to Hawaii-longline permit holders, the shares are tradeable. Eligible participants are required to notify NMFS if they intend to participate in the fishery.

G.1.b Reports and Comments of Advisory Bodies

None.

G.1.c Public Comment

Mr. Bart Mathews, American Albacore Fishing Association, Roche Harbor, Washington
Mr. Peter Flournoy, (individual), San Diego, California
Mr. Doug Fricke, Washington Trollers Association, Hoquiam, Washington

G.1.d Council Discussion on NMFS Report on HMS

None.

G.2 Endangered Species Act Considerations Related to Sea Turtle/Longline Fishery Interactions (04/08/04; 8:41 am)

G.2.a Agendum Overview

Mr. Waldeck provided an overview of the agenda item and referred the Council to Exhibit G.1.a, Supplemental NMFS letter, which will be referenced during this agenda item. He noted that G.2 was a Council discussion item, which would provide information for Council direction to the HMS advisors and Council staff under G.3.

G.2.b NMFS Report

Mr. Fougner provided a brief history of the FMP development process, notably those portions related to high seas pelagic longline fishing that would have allowed shallow-set longline fishing by vessels that target swordfish east of 150° W Longitude. These provisions were disapproved by NMFS based on the ESA section 7 consultation that concluded the proposed action would likely harm ESA-listed sea turtles.

He described the ESA-based regulations promulgated by NMFS that prohibit shallow set, swordfish targeted longline fishing east of 150° W longitude. He described the rational for the regulations.

Mr. Fougner spoke about recent research in the Atlantic Ocean and the WPFMC high seas longline fishery proposal. As noted, the WPFMC proposal was approved and implemented by NMFS. Both the recent research and the WPFMC program provide examples that could be used by the Council to remedy jeopardy findings that resulted in partial disapproval of the HMS FMP. He noted the Council is in a position to develop alternatives that might allow some highseas longline swordfish fishing without resulting in a jeopardy to listed species of sea turtles. These alternatives could include provisions for limited entry, gear requirements, time/area requirements, observer coverage requirements, or other additional measures. He stressed that the new information provided a solid foundation for the HMS Management Team to develop fishery management alternatives.

G.2.c Reports and Comments of Advisory Bodies

None.

G.2.d Public Comment

Mr. Chuck Jannisse, Federation of Independent Seafood Harvesters, Bridgewater Corners, Vermont
Mr. August Felando, American Tuna Boat Association, San Diego, California

G.2.e Council Discussion on Endangered Species Act Considerations Related to Sea Turtle/Longline Fishery Interactions

Mr. Brown asked if the Council needed to take formal action on any items.

Mr. Waldeck stated that none of the HMS agenda items were action items. G.1 and G.2 are informational, and G.3 is for providing guidance to the HMS Management Team, Advisory Subpanel, and staff for proceeding with development of an FMP amendment.

G.3 FMP Amendment for Limited Entry in the High Seas Pelagic Longline Fishery (04/08/04; 9:02 am)

G.3.a Agendum Overview

Mr. Waldeck provided the agendum overview.

G.3.b NMFS Report

Mr. Fougner reviewed ways in which the Council could approach the FMP amendment. The Council could pursue an amendment of limited scope, which could be accomplished rather quickly. Conversely, the Council could develop a more comprehensive amendment (e.g., including limited entry provisions and effort, gear, time/area, and observer requirements as was done by the WPFMC). He stressed that there are trade offs in terms of time and resources available. NMFS is committed to working with the Council.

G.3.c Reports and Comments of Advisory Bodies

HMSMT

Mr. Steve Crooke and Dr. Dale Squires provided Exhibit G.3.c, Supplemental HMSMT Report.

HMSAS

Mr. Bob Fletcher provided Exhibit G.3.c, Supplemental HMSAS Report.

G.3.d Public Comment

Mr. Chuck Jannisse, Federation of Independent Seafood Harvesters, Bridgewater Corners, Vermont
Mr. August Felando, American Tuna Boat Association, San Diego, California
Mr. Doug Fricke, Washington Trollers Association, Hoquiam, Washington

G.3.e Council Recommendations for Proceeding with Implementation of an FMP Amendment for Limited Entry in the High Seas Pelagic Longline Fishery

Dr. Hanson stressed that the Council should clarify funding uncertainties and workload concerns before discussing guidance for how to proceed with the FMP amendment. Mr. Harp, Budget Committee Chairman, also requested information about workload and funding.

Dr. McIsaac said both of the Council members are correct about funding. He noted that, over the past three years, the Council received funding through a specific line item in the federal budget. Currently, there is significant uncertainty in the federal budget and it appeared specific HMS funding would not be received. He highlighted that the workload planning document indicates that, if no specific HMS funds are available, the Council may have to either minimize HMS-related workload or reduce funding to other fishery management activities to cover HMS workload. He suggested that the Council consider providing guidance for work on the FMP amendment, but with the qualification that, under workload planning on Friday, the Council might decide to not proceed with HMS-related activities or to re-prioritize funds from other program areas to HMS activities.

Mr. Brown said it appears we have to try to move forward with some type of FMP amendment to incorporate elements related to the biological opinion. He encouraged Dr. McIsaac to send a letter to NMFS requesting HMS funding, and to also ask for enough funding to have the SSC review the biological opinion.

Chairman Hansen agreed that a letter should be sent to NMFS.

Mr. Fougner suggested the Council separate the issue of funding from the decision to provide guidance to the HMS Management Team.

Mr. Rodney McInnis (NMFS-SWR) addressed the Council. He agreed with Mr. Fougner that the Council should provide guidance to the HMS Management Team and move forward with the FMP amendment. He reiterated the HMS funding uncertainty and that funds, at the regional level, were not available, at this point, to supplement Council HMS-related activities.

To assist the Council in providing guidance to the HMSMT, Mr. Waldeck suggested that the Council consider forwarding the HMSAS report to the HMSMT. The Council Chairman concurred.

Ms. Vojkovich agreed that the report of the HMSAS be forwarded to the HMSMT, notably that limited entry and gear restrictions would need to go forward as a package. She asked about the recommendation for including the DGN fishery in the FMP amendment. Should the Council be concerned about having two limited entry systems where vessels could hold both a high seas longline permit and a DGN permit? Would that change the complexion of the fisheries and, thus, how fishery management provisions should be structured and how the fleets are structured?

Mr. Waldeck suggested the Council could request the HMSMT to provide information at the September 2004 meeting about the longline and DGN fleets, and protected resource interactions of the two fisheries (e.g., projected levels of takes under various fishery scenarios). With this information, the Council could then begin to consider how to structure alternatives that fit the respective fleets and ameliorate ESA concerns.

Ms. Vojkovich noted, then, given Mr. Waldeck's suggestion, once the Council has information about both fleets, the Council might consider management measures for restructuring both the high seas longline fishery and the DGN fishery.

Mr. Waldeck explained why the HMSAS discussed the need to consider restructuring both the longline fishery and the DGN fishery. The Biological Opinion levels of sea turtle takes in the DGN fishery approximate an overall cap on turtle takes that would be allowed for all West Coast-based HMS fisheries. The high seas longline fishery (east of 150° W longitude) was disapproved because it was expected to take additional ESA-listed sea turtles. Therefore, in restructuring the longline fishery to stay within acceptable ESA jeopardy standards it might be necessary to also restructure the DGN fishery to reduce the combined takes from both fisheries to at or below the current levels in the DGN fishery.

Mr. Alverson agreed with Ms. Vojkovich's direction, but wasn't certain that it would be out of order for a qualified vessel to hold both a WPFMC permit and a Pacific Council HMS permit.

Mr. Waldeck said that information on WPFMC-permitted vessels is included in the HMSMT fleet profile database.

Mr. Fougner noted that in the HMSAS report there are also requests of NMFS, e.g., items related to High Seas Fishing Compliance Act (HSFCA) permits. These requests will be considered by NMFS.

Mr. Waldeck noted that, in addition to the HMSAS report, the HMSMT also had direction from NMFS SWR (letter of April 7, 2004). He also highlighted the items in the HMSAS report not relevant to the FMP amendment. On the item Mr. Fougner spoke to related to HSFCA and the need for a biological opinion, did the Council want staff to write a letter?. On the issue of mercury, he encouraged the Council to think about ways to convey information to the public about the West Coast troll fishery, e.g., an article in the Council's newsletter.

Chairman Hansen said we will write the letter and put other items in the Council newsletter.

Mr. Waldeck reiterated that the Council directed HMSMT to follow the recommendations of the HMSAS in terms of broadening the information base for developing the FMP amendment; the Council recognizes the need for a biological opinion for the south Pacific albacore fishery and encourages NMFS to consider this need; and the Council directed staff to include an article in the newsletter about West Coast troll caught albacore (relative to recent reports of mercury in tuna).

The Council anticipates hearing back from the HMSMT and HMSAS in September.

Dr. McIsaac, on SSC review of the biological opinion spoken to by Mr. Brown, asked Mr. Waldeck if the biological opinion contained the turtle model used and if the SSC could review it.

Mr. Waldeck said the HMS FMP Biological Opinion is complete and final. It is within the purview of the Council to request SSC review, but he was uncertain about what that would provide given the biological opinion is a final document and not open for review. On the question of the model, he views the assessment in the biological opinion to be a simple algorithm (where past turtle takes and expected future takes are summed) rather than a modeling exercise based on life history information,

migration patterns, and other parameters. He also noted his perception of how biological opinions are developed, in general. NMFS-Protected Resources generally develops biological opinions under consultation with other NMFS offices. Outside review and input is not generally sought out. The HMSMT has, on several occasions, expressed concern about this practice and the desire for the Council to be involved in development of biological opinions. Finally, Mr. Waldeck noted that this FMP amendment might benefit from new guidelines under the regulatory streamlining program.

Mr. Fougner, on the regulatory streamlining program, said NOAA Fisheries has been working with the RFMCs on this concept. The idea is that all relevant information be provided early on so when we are in ESA section 7 consultations there are no surprises. Protected Resources personnel from NMFS will be available to the HMSMT.

ADJOURN

The 173rd meeting of the Pacific Fishery Management Council was adjourned on Friday, April 9, at 4:31 pm.

DRAFT

Council Chairman

DRAFT

Date

DRAFT Voting Log

Pacific Fishery Management Council

April 4-9, 2004

Motion 1: Approve the agenda as shown in Exhibit A.4, April Council Meeting Agenda with the following changes: remove Agenda Item B.2 as no new budget information was available and the Budget Committee meeting was cancelled; remove Agenda Item C.16 as no new information was available and no policy direction came from the Ad Hoc Trawl Individual Quota Committee meetings.

Moved by: Ralph Brown
Motion 1 passed.

Seconded by: Jim Harp

Motion 2: Approve the minutes of the November meeting as shown in Exhibit B.1, Draft November 2003 Council Minutes.

Moved by: Ralph Brown
Motion 2 passed.

Seconded by: Frank Warrens

Motion 3: Approve the models for use in 2004 groundfish inseason management and 2005-2006 management decisions (the limited entry trawl bycatch model adopted for management use in 2003 and updated with new observer data, new logbook data, new fish ticket data, and new observer data stratifications as provided in Exhibit C.4.a, Attachment 1; and a new fixed gear primary sablefish bycatch model as provided in Exhibit C.4.a, Attachment 2).

Moved by: Bob Alverson
Motion 3 passed.

Seconded by: Ralph Brown

Motions 4 through 6 were made utilizing Exhibit D.2.j, Supplemental SAS Report, April 2004 and pertain to non-treaty commercial troll and non-treaty recreational fisheries.

Motion 4: Tentatively adopt the management measures for 2004 ocean salmon fisheries as shown for non-Indian commercial troll and recreational fisheries north of Cape Falcon, Oregon with the following change: on page 6, under the US/Canada border to Cape Alava (Neah Bay) recreational fishery, have chinook non-retention east of the Bonilla-Tatoosh line begin August 1.

Moved by: Phil Anderson
Motion 4 passed.

Seconded by: Bob Alverson

Motion 5: Tentatively adopt the management measures for 2004 ocean salmon fisheries as shown for commercial troll and recreational fisheries between Cape Falcon, Oregon and Horse Mt., California.

Moved by: Neal Coenen
Motion 5 passed.

Seconded by: Ralph Brown

Motion 6: Tentatively adopt the management measures for 2004 ocean salmon fisheries as shown for commercial troll and recreational fisheries between Horse Mt., California and the US/Mexico Border, and to include in the recreational fishery boilerplate, the NMFS language to allow for

boat limits concurrent with state regulations.

Moved by: Eric Larson Seconded by: Roger Thomas
Motion 6 passed.

Motion 7: Tentatively adopt for the ocean treaty Indian troll fishery and for analysis by the STT a coho quota of 75,000 chinook and a chinook quota of 50,000. This would consist of a May/June chinook directed fishery and a July/August/September all species fishery. The chinook will be split 20,000 in May/June and 30,000 in all species. The coho quota in the all species fishery would be modeled as follows: 60,000 in Area 4 and 15,000 in Areas 2 and 3. Gear restrictions, size limits and other appropriate regulations would be as stated in previous STT analysis.

Moved by: Jim Harp Seconded by: Phil Anderson
Motion 7 passed.

Motion 8: Tentatively adopt the gear definition used from 1996-2003, for 2004 regulations as shown in Exhibit D.2.a, Attachment 1. Motion 8 passed.

Moved by: Phil Anderson Seconded by: Ralph Brown
Motion 8 passed.

Motion 9: Approve and send the letter regarding the proposed rulemaking regarding EFH guidelines as shown in Exhibit E.1.a, Supplemental Final Attachment 3.

Moved by: Eric Larson Seconded by: Roger Thomas
Motion 9 passed.

Motion 10: Adopt the report of the GIPC as contained in Exhibit C.5.b, Supplemental Report of the GIPC including the schedule contained in page 4 of that report (the *Draft Proposed Observer Data and Bycatch Model Schedule for Multi-Year Management*).

Moved by: Phil Anderson Seconded by: Bob Alverson
Motion 10 passed.

Motion 11: Approve the EFH ID model to develop preliminary alternatives for EFH designation.

Moved by: Marija Vojkovich Seconded by: Roger Thomas
Motion 11 passed.

Motion 12: Adopt, as inseason action, the GMT inseason trawl fishery adjustments incorporated in C.7.b, Supplemental GMT Report April 2004; adopt the increased sablefish tier limits for the primary sablefish fishery; and the minor slope rockfish and splitnose rockfish trip limits south of 40°10' N. lat.; include the combination of alternatives for inseason management needed to reduce the canary impacts in the California recreational fishery; adjust the lingcod number on page 4 such that 287.6 metric tons is replaced with 346.8 metric tons; and that we hold any further guidance

on the use of buffers until the June Council meeting when additional harvest data is available.

Moved by: Phil Anderson
Motion 12 passed.

Seconded by: Bob Alverson

Motion 13: For groundfish inseason management relative to California, make exceptions to the previously adopted recreational closures in California. These exemptions include shore-based anglers, divers, and the take of leopard shark in the greater San Francisco Bay area; fishing for sanddabs is allowed. Additionally, the closures include state managed species (cabezon, greenling) so that the closure would apply to all groundfish species. The state would also take action to close ocean whitefish during these groundfish closure periods. The motion also includes a prohibition for black rockfish retention north of 40°10' N. lat. for the month of May and the months of September through December.

Moved by: Marija Vojkovich
Motion 13 passed.

Seconded by: Roger Thomas

Motion 14: Include a recommendation for new federal regulatory language for the inclusion of boat limits in recreational fisheries.

Moved by: Roger Thomas
Motion 14 passed.

Seconded by: Daryl Ticehurst

Motion 15: Using Exhibit F.1, Situation Summary, April 2004, adopt for final 2004 incidental catch regulations for the salmon troll fishery Option 1a in combination with Option 2 for the yelloweye rockfish conservation area (status quo), and for the fixed gear sablefish fisheries Option 2, which is:

Beginning May 1, 2004, properly licensed vessels may return and land 100 pounds (dressed weight) of halibut for every 1,000 pounds (dressed weight) of sablefish landed and up to two additional halibut in excess of the 100 pounds per 1,000 pound ratio per landing. Halibut must be landed with the head on and be no less than 32 inches measured from the tip of the lower jaw with the mouth closed to the extreme end of the middle of the tail.

Moved by: Bob Alverson
Motion 15 passed.

Seconded by: Mark Cedergreen

Motion 16: Working from Exhibit C.8.b, Supplemental GMT Report, pages 4 and 5, adopt those ABCs and OYs for 2005 and 2006 as follows:

- Lingcod, the medium ABC and OY with the OY fixed for both years at 2,414 mt, the value for 2006
- Include all species represented in the tables with a single value
- For species with a range, such as pacific whiting, include the range in the motion
- Delay taking action in widow rockfish, bocaccio, cowcod, and yelloweye until final

action on Amendment 16-3 and delay action on canary rockfish until final 2005-2006 management measures are adopted in June

- Include the medium ABC and OY for cabezon
- Include the low ABC and OY for pacific cod
- Do not include in the motion other flatfish and other fish categories
- Include the medium ABC and OY for sablefish

Include the delay for setting the OYs for other flatfish until the June meeting.

Moved by: Phil Anderson

Seconded by: Bob Alverson

Motion 16 passed.

Motion 17: Postpone the final decision on other fish until June .

Moved by: Bob Alverson

Seconded by: Ralph Brown

Motion 17 withdrawn.

Motion 18: As a substitute motion to Motion 17, set the other fish value at the low ABC and OY values listed in Exhibit C.8.b, Supplemental GMT Report.

Moved by: Phil Anderson

Seconded by: Mark Cedergreen

Motion 18 passed.

Motion 19: Select the same tonnages for recreational HGs as was used in the inseason action as a starting point. The tonnages were 1.72 mt for Washington, 6.77 mt for Oregon, and 9.32 mt for California. (This is in lieu of the option of using the proportions from the March 2004 scorecard).

Moved by: Patty Burke

Seconded by: Ralph Brown

Motion 19 passed.

Motion 20: Adopt the stock assessment planning schedule for 2007/2008 as displayed in Exhibit C.11.b, Supplemental NMFS Report. Also provide specific guidance that if we have sufficient data to do a full assessment on yelloweye rockfish that it be one of our priorities. Also instruct the stock assessment authors to provide clear guidance where regional splits in stock populations exists for the purposes of regional management.

Moved by: Marija Vojkovich

Seconded by: Bob Alverson

Motion 20 passed.

Motion 21: Approve the methodology review process list for 2004 and 2005, prioritized as listed in Exhibit D.3.b, Supplemental SSC Report with the modifications recommended in Exhibit D.3.d, Supplemental STT Report, relating to the Chinook FRAM for marked selective fisheries and to chinook rebuilding exploitation rates.

Moved by: Phil Anderson

Seconded by: Eric Larson

Motion 21 passed.

Motions 22 through 25 were adopted utilizing the following document: Exhibit D.5.b, Supplemental STT Report, April 8, 2004 (*Salmon Technical Team, Analysis of Tentative 2004 Ocean Salmon Fishery Management Measures*):

Motion 22: Adopt non-Indian commercial and recreational management measures north of Cape Falcon as presented in Exhibit D.5.b with the following addition: for the September 25 to October 10 recreational fishery between Cape Alava and the Queets River, restrict the fishery to within state waters.

Moved by: Phil Anderson
Motion 22 passed.

Seconded by: Mark Cedergreen

Motion 23: Adopt the non-Indian commercial management measures between Cape Falcon, Oregon and the Oregon/California border, and the recreational management measures between Cape Falcon, Oregon and Horse Mountain, California, as presented in Exhibit D.5.b.

Moved by: Neal Coenen
Motion 23 passed.

Seconded by: Ralph Brown

Motion 24: Adopt the commercial management measures between Horse Mountain, California and Point San Pedro, California, and the recreational management measures between Horse Mountain, California, and the U.S./Mexico border as presented in Exhibit D.5.b. (Motion includes the friendly amendments to include the area between the Oregon/California border and Horse Mountain, California for the commercial management measures and to include the area between Point San Pedro to the U.S./Mexico border for the commercial management measures.

Moved by: Eric Larson
Motion 24 passed.

Seconded by: Roger Thomas

Motion 25: Adopt the ocean treaty troll fishery measures as described in Agenda Item D.5.g, Treaty ocean troll, Adopt Final Action on 2004 Measures, April 2004.

Moved by: Jim Harp
Motion 25 passed.

Seconded by: Frank Warrens

Motion 26: Authorize Council staff, NMFS, and STT to draft and revise the necessary documents to allow implementation of the recommendations in accordance with Council intent.

Moved by: Phil Anderson
Motion 26 passed.

Seconded by: Mark Cedergreen

Motion 27: Adopt the following as preferred alternatives for Amendment 16-3 species rebuilding plans:

Species	Alternative	Probability	Target Year
Yelloweye Rockfish	3	P _{MAX} 80%	2058
Bocaccio	2	P _{MAX} 70%	2023, 2024 or 2029 depending on model variation (STATc Model)
Widow Rockfish	1	P _{MAX} 60%	2024 and 2029 depending on model variation (Model 8)
Cowcod	2	P _{MAX} 60%	2090

Moved by: Phil Anderson
Motion 27 passed.

Seconded by: Bob Alverson

Motion 28: In the FMP amendatory language at the end of Section 4.5.4.6 (Appendix D, Exhibit C.12.a, Supplemental Attachment 3) on Cowcod and following the description of the Cowcod Conservation Areas as a part of the cowcod rebuilding strategy, insert the following language:

“Given the particular life history characteristics of cowcod, the Council will continue to use species-specific area closures to protect cowcod. As new information becomes available on cowcod behavior and fisheries interactions with cowcod, the boundaries or related regulations concerning the current CCAs may change and additional CCAs may be established by regulation.”

In the FMP amendatory language at the end of Section 4.5.4.8 (Appendix D, Exhibit C.12.a, Supplemental Attachment 3) on Yelloweye Rockfish and following the description of the yelloweye rockfish rebuilding strategy, insert the following language:

“Given the particular life history characteristics of yelloweye rockfish, the Council may continue to use a species-specific area closure or closures to protect yelloweye rockfish.”

Moved by: Bill Robinson
Motion 28 passed.

Seconded by: Marija Vojkovich

Motion 29: Task the SSC Groundfish Subcommittee to evaluate and develop the terms of reference for the standards and criteria for periodic review of the rebuilding plans.

Moved by: Marija Vojkovich
Motion 29 passed.

Seconded by: Roger Thomas

Motion 30: Adopt the following for the Groundfish Programmatic Bycatch EIS:

Create a new Alternative 7 that includes elements of Alternatives 1, 4, and 5. Elements from Alternative 1 that would be included in Alternative 7 would be all current programs for bycatch minimization and management, including but not limited to: setting optimum yield specifications, gear restrictions, area closures, variable trip and bag limits, season closures, establishing landings limits for target species based on co-occurrence ratios with overfished stocks, etc. The FMP would be amended to more fully describe our standardized reporting methodology program and to require the use of bycatch management measures indicated under Alternative 1 for the protection of overfished and depleted groundfish stocks and to reduce bycatch and to reduce bycatch mortality to the extent practicable. These would be used until replaced by better tools as they are developed.

Baseline accounting of bycatch by sector shall be established for the purpose of establishing future bycatch program goals.

Elements from Alternative 4 that would be included in Alternative 7 would be the development and adoption of sector-specific caps for overfished and depleted groundfish species where practicable. We anticipate phasing in sector bycatch caps that would include: monitoring standards, full retention programs, and individual vessel incentives for exemption from caps.

Elements of Alternative 5 that would be included in Alternative 7 would be the support of future use of IFQ programs for appropriate sectors of the fishery. The FMP would incorporate the Strategic Plan's goal of reducing overcapacity in all commercial fisheries.

Moved by: Patty Burke
Motion 30 passed.

Seconded by: Ralph Brown

Motion 31: Include an alternative for analysis where yelloweye are managed in recreational fisheries by state, with values from the 2004 scorecard (same version used for determining canary HGs). Dr. Burke said, since ODFW has the inseason management tools for promulgating emergency rules, that we analyze yelloweye HGs north and south of the Oregon-California border only. She proposed this as a friendly amendment. Mr. Cedergreen and Mr. Anderson accepted the friendly amendment.

Moved by: Mark Cedergreen
Motion 31 passed.

Seconded by: Phil Anderson

Motion 32: Reconsider the motion taken under inseason management (Motion 12).

Moved by: Bob Alverson
Motion 32 passed.

Seconded by: Patty Burke

Motion 33: Amend the main motion (Motion 12) for groundfish inseason adjustments to adopt a 30 fathom depth closure south of Pt. Conception for the months of September and October. This would be

in place of the previously defined closure for waters deeper than 40 fathoms for waves three through six. It would also prioritize the balance of 37.4 metric tons of lingcod to California recreational fisheries for 2004.

Moved by: Marija Vojkovich
Motion 33 passed.

Seconded by: Patty Burke

Motion 34: Approve the Main Motion (Motion 12) as amended by Motion 33.

Moved by: Phil Anderson
Motion 34 passed.

Seconded by: Marija Vojkovich

Motion 35: Table the latent permit issue (groundfish limited entry trawl) and continue with work on the ITQ program.

Moved by: Ralph Brown
Motion withdrawn, not voted on.

Seconded by: Frank Warrens

Motion 36: Delete parts of the GMT statement (Exhibit C.15.b, Supplemental GMT Report) regarding separate state HGs for yelloweye.

Moved by: Patty Burke
Motion withdrawn, not voted on.

Seconded by: Ralph Brown

Motion 37: On page 2 of the GMT Report (Exhibit C.15.b, Supplemental GMT Report), delete the first part of the sentence and start it with "The range of options to be analyzed relative to state recreational harvest guidelines would be no harvest guidelines consistent with the Allocation Committee report and dividing catch shares north and south of the Oregon-California border".

Moved by: Patty Burke
Roll call vote. Messrs. Anderson, Alverson, Cedergreen, Robinson, Ticehurst, Mallet voted no.
Motion 37 passed (7 yes, 5 no).

Seconded by: Ralph Brown

Motion 38: Amend the language in Exhibit C.15.b, Supplemental GMT Report, on page 6: to reflect recreational management of canary rockfish would be done using state-specific harvest guidelines and, where recreational management of yelloweye is discussed, replace "harvest guideline" with "harvest target if any" for both Oregon and Washington.

Moved by: Phil Anderson
Motion 38 passed.

Seconded by: Patty Burke

Motion 39: Adopt for public review, the 2005-2006 groundfish management measures as presented in Exhibit C.15.b, Supplemental GMT Report, as corrected through previous motions and the corrections given by Mr. DeVore; and the management measures included in Exhibit C.15.c, Supplemental GAP Report, as corrected by Mr. DeVore. This motion also includes guidance

from CDFG that the analysis under California recreational Suboption 2a be listed as a low priority for the GMT given workload. This motion also includes the following friendly amendments:

Modify the language on page 3 of the GMT report in response to Ms. Cooney's hotspots issue. Add after the word hotspots, "which will be specifically identified for analysis". Amend the language on page 9 of the GMT report (recommendation #8) as follows: "approve the alternative to convert the selective flatfish trawl as a management option for public review".

Ask the GMT to put in the proper language for canary and yelloweye hotspots in dogfish longline areas (intended to be in original motion).

Dr. Burke asked to modify the language on page 8 of the GMT report (recommendation #6) as follows: put a period after yelloweye rockfish and delete the rest of the sentence. Mr. Anderson said how about scratching the whole thing? Mr. Anderson asked about leaving #6 and approve the recommendation "as amended"? Dr. Burke agreed.

This motion also includes guidance from CDFG that the analysis under California recreational Suboption 2a be listed as a low priority for the GMT given workload.

Moved by: Phil Anderson
Motion 42 passed.

Seconded by: Bob Alverson

Motion 40: Include the items in the package for analysis for the tribal fisheries as shown in the Tribal Management Measures C.14.

Moved by: Jim Harp
Motion 40 passed.

Seconded by: Mark Cedergreen

RECEIVED

JUN 29 2004

PFMC



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, Maryland 20910

THE DIRECTOR

JUN 25 2004

MEMORANDUM FOR: Chairpersons of Regional Fishery Management Councils

FROM: William T. *Will*ogarth, Ph.D.

SUBJECT: Draft Codified text for National Standard 1 (NS1) Guidelines
and Preliminary Draft Environmental Assessment/Regulatory
Impact Review (EA/RIR)

Enclosed for your review are copies of the National Marine Fisheries Service' (NOAA Fisheries') draft codified text for the NS1 guidelines and a preliminary draft of an Environmental Assessment/Regulatory Impact Review for this action. These documents are also being posted on the website of NOAA Fisheries Headquarters' Office of Sustainable Fisheries at www.nmfs.noaa.gov/sfa/sfweb/index.htm. A mailbox is located at nationalstandard1@noaa.gov to receive public comments on these documents. Also, the NOAA Fisheries Working Group Report on NS1 (WG Report on NS1) will be made available at the same website as the draft codified text and the preliminary draft EA/RIR. NOAA Fisheries intends to publish a proposed rule for this action soon after receiving comments from the regional fishery management councils (Council) and the public. Our intention is to propose a regulation in early September. Therefore, we ask for your Council's comments on the draft codified text and the preliminary draft EA/RIR before September 1. The document containing the draft codified text has "language in bold" to represent proposed new codified text, "strikeout language" to represent current text being proposed for removal, and "italicized language" to represent language that is typically italicized in the Code of Federal Regulations.

The ideas reflected in these documents should not be new. Our goal has been only to translate the WG Report on NS1 to regulatory language. You will also have an opportunity to provide comments again, after the proposed rule is published in the Federal Register.

This action is the result of our review of the current NS1 guidelines and public comments we received on an advance notice of proposed rulemaking (ANPR) that was published in the Federal Register on February 14, 2003 (68 FR 7492). The ANPR provided five concerns that NOAA Fisheries had about the guidelines, and requested comments on the more general issues related to: (1) whether or not the national standard 1 guidelines should be revised, and (2) if revisions are desired, what parts of the NS1 guidelines should be revised, and why. The preliminary draft EA/RIR provides a brief overview of the public comments that NOAA Fisheries received on the ANPR.

If we decide to revise portions of the NS1 guidelines, we are considering the following transitional steps. For the proposed revisions other than the "Terminology" issue, the

THE ASSISTANT ADMINISTRATOR
FOR FISHERIES



new guidelines would apply to any new actions submitted by a Council. NOAA Fisheries would not require a Council to take any action relative to provisions already in place. Any new action that a Council submits that includes issues or management measures associated with status determination criteria (SDCs), overfishing definitions, or rebuilding plans must be evaluated according to the revised NS1 guidelines. However, if an action is already "in the pipeline" and a draft environmental impact statement's notice of availability has already been published in the Federal Register before a final rule for the revised guidelines is effective, then a Council may submit an FMP or FMP amendment under either the "old" or "new" guidelines for NS1. In general, the Councils would not be required to amend their SDCs, overfishing definitions, and rebuilding plans by any date certain, unless NOAA Fisheries, on behalf of the Secretary of Commerce, determines under section 304(e)(7) of the Magnuson-Stevens Act that a rebuilding plan needs to be revised.

If the proposed revisions to terminology are adopted, NOAA Fisheries would request that fishery management councils begin using the new terms in place of the old terms, and revise FMP language the next time the Council submits an FMP amendment for Secretarial review. NOAA Fisheries would begin using the new terms in its Annual Report to Congress of the Status of U.S. Fisheries (formerly called the Status of the Stocks Report). In order to be consistent with the new terminology, if any codified language exists under 50 CFR part 600 for fisheries managed under the Magnuson-Stevens Act related to "overfished" or "minimum stock size threshold" or "maximum fishing mortality threshold," the appropriate NOAA Fisheries Regional Office would submit a "correcting amendment" to the NOAA Fisheries Office of Sustainable Fisheries in Headquarters for publication in the Federal Register. In the case of Atlantic highly migratory species, the NOAA Fisheries Office of Sustainable Fisheries would prepare a "correcting amendment."

We look forward to hearing your reactions to the ideas that we have been considering in NOAA Fisheries. We also welcome comments from the public at large. Thank you for taking the time to help us in this important matter.

Enclosures

Proposed Revision to National Standard 1 Guidelines
June 10, 2004

Note to Reviewers:

Italicized language is typically italicized in the Code of Federal regulations

Language in **Bold** is proposed new codified text

~~Strikeout~~ text is current text being proposed for removal

Sec. 600.310 National Standard 1--Optimum Yield.

(a) *Standard 1.* Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the OY from each fishery for the U.S. fishing industry.

(b) *General.* **(1)** The determination of OY (**see definitions in §600.10**) is a decisional mechanism for resolving the Magnuson-Stevens Act's multiple purposes and policies, implementing an FMP's objectives, and balancing the various interests that comprise the national welfare. OY is based on MSY, ~~or on as it is~~ may be reduced as provided under paragraph(s)(f)(3) **and (f)(5)** of this section. The most important limitation on the specification of OY is that the choice of OY and the conservation and management measures proposed to achieve it must prevent overfishing.

(2) Definitions. Compliance with the guidelines requires specification of status determination criteria (limits) related to the abundance and productivity of the managed stocks and targets to avoid breaching these limits. In brief:

(i) The fishing mortality rate that would produce the maximum long-term average catch (MSY) is the MSY control rule (F_{msy}) and is set as the upper limit for the Maximum Fishing Mortality Limit (F_{lim}). Normally, F_{lim} is set equal to the MSY control rule. Overfishing occurs when the fishing mortality rate exceeds F_{lim} . The fishery must be managed so that there is less than a 50 percent chance that the actual fishing mortality rate, on an annual basis, exceeds the F_{lim} level.

(ii) The long-term expected level of biomass (abundance) that would result from fishing at F_{msy} is defined as the MSY stock size (B_{msy}), see paragraph (c)(1)(iii) of this section, and is set as the target biomass level (B_{target}) for the rebuilding of depleted stocks. Natural fluctuations in biomass above and below this level are normal and expected.

(iii) The lower edge of the normal biomass zone, below which there is increased concern regarding impaired productivity, delayed rebuilding to B_{target} and ecosystem harm, is labeled the biomass limit (B_{lim}). The proxy for B_{lim} is $\frac{1}{2} B_{msy}$. Stocks found to be below B_{lim} are considered depleted and must be managed to rebuild to B_{target} in a specified period of time that is as soon as possible subject to various constraints and conditions.

(iv) OY is the desired state of the fishery and is the

target harvest level of the fishery management system. An OY control rule that is consistent with the NSI guidelines will set the target level of the fishery below F_{lim} in order to have less than a 50-percent chance of exceeding F_{lim} , to reduce the chance of the stock size falling below B_{lim} , to rebuild depleted stocks to B_{target} , and to achieve a large fraction of the MSY. To the extent that OY is less than MSY, the resulting long-term average biomass while fishing at OY will be correspondingly greater than B_{msy} .

(v) None of these limits and levels can be calculated with perfect certainty. Some uncertainty is related to our capability to measure stock status and can be reduced through additional data collection and research. Other uncertainty is related to fluctuations in natural biological and environmental processes that can be characterized, but not reduced. Best scientific estimates of these limits and levels should include evaluation of the uncertainty, to the extent possible. The operational response to uncertainty is primarily in setting the OY control rule more conservatively than the MSY control rule, and in setting the target time to rebuild depleted stocks at less than the maximum allowable time to rebuild those stocks.

(3) *Core stocks and assemblages of stocks.* Stocks may be differentiated based on their degree of importance to the fishery or the Nation, and on the availability of data sufficient to make reliable estimates of status determination criteria for those stocks.

(i) *Core stocks.* Core stocks should have sufficient information available to be managed on the basis of stock-specific parameters. Quantitative status determination criteria and OY control rules must be developed for core stocks with the rare exception of those core stocks which are data poor, but are the principal or only target stock in a fishery. They usually are the principal target stocks of the fishery and may also include historically important stocks, important bycatch stocks, highly vulnerable stocks, and indicator stocks (see paragraph (b)(3)(ii) of this section).

(ii) *Stock assemblages.* A stock assemblage is a group of stocks that constitute all or part of a fishery, typically co-occur, and tend to have similar productivity, but for some of which the available data are insufficient to specify individual status determination criteria or control rules. Stock assemblages may be assessed and managed as a group, using limits, targets, or other benchmarks based upon indicator stock(s) or the entire assemblage. Each individual stock in an assemblage will not necessarily have status determination criteria and an OY control rule specified. Instead, SDCs and OY are specified on an assemblage-wide basis or for an indicator stock within the assemblage. A precautionary approach to management of assemblages is important; assemblages should be managed in a way that is more conservative than the management of data-rich core stocks, because stocks in those assemblages have less information

available than do core stocks. For individual stocks that are important, but data-poor, data collection should be improved, sufficient to make them core stocks. Individual stocks within assemblages should be examined periodically using available quantitative or qualitative evidence to warn of depletion of these stocks.

(c) *MSY*. Each FMP should include an estimate of MSY, as explained in this **paragraph (c)** section.

(1) *Definitions*. (i) "MSY" is the largest long-term average catch or yield that can be taken from a **core** stock or stock **assemblage** under prevailing ecological and environmental conditions.

(ii) "MSY control rule" means a harvest strategy that, if implemented, would be expected to result in a long-term average catch approximating MSY. **The Maximum Fishing Mortality Limit (F_{lim}), above which overfishing occurs, must be set at or below the F resulting from the MSY control rule.**

(iii) "MSY stock size" (B_{msy}) means the long-term average size of the core stock or stock assemblage, measured in terms of spawning biomass or other appropriate units, that would be achieved under ~~a~~ **the MSY control rule in which the fishing mortality rate is constant. The MSY stock size is considered to be the biomass target (B_{target}) when rebuilding depleted stocks.**

(2) *Options in specifying MSY*. (i) Because MSY is a ~~theoretical concept~~ **long-term average**, its estimation in practice is conditional on the choice of an MSY control rule. In choosing an MSY control rule, Councils should be guided by the characteristics of the **stock and fishery**, the FMP's objectives, and the best scientific information available. The simplest MSY control rule is to remove a constant catch in each year that the estimated stock size exceeds an appropriate lower bound, where this catch is chosen so as to maximize the resulting long-term average yield. Other examples include the following: Remove a constant fraction of the biomass in each year, where this fraction is chosen so as to maximize the resulting long-term average yield; allow a constant level of escapement in each year, where this level is chosen so as to maximize the resulting long-term average yield; vary the fishing mortality rate as a continuous function of stock size, where the parameters of this function are constant and chosen so as to maximize the resulting long-term average yield. In any MSY control rule, a given stock size is associated with a given level of fishing mortality and a given level of potential harvest, where the long-term average of these potential harvests provides an estimate of MSY.

(ii) Any MSY values used in determining OY will necessarily be **an** estimates, and will typically be associated with some level of uncertainty. Such estimates must be based on the best scientific information available (see §600.315) and must incorporate appropriate consideration of risk (see §§600.310(c)(5) and 600.335)). **All estimates should be accompanied by an evaluation of uncertainty, to the extent**

possible, to assist in setting OY sufficiently below the MSY level. Beyond these requirements, however, Councils, with the technical guidance of their SSCs, have a reasonable degree of latitude in determining which estimates to use and how these estimates, and associated uncertainty, are to be expressed. For example, a point estimate of MSY may be expressed by itself or together with a confidence interval around that estimate.

(iii) In the case of a mixed-stock fishery, MSY should be is specified on a stock-by-stock basis for each core stock. For stock assemblages, However, where MSY cannot be specified for each stock, then MSY may be specified on the basis of one or more species stocks as an indicator for the stock assemblage, or for the stock assemblage mixed stock as a whole or for the fishery as a whole.

(iv) Because MSY is a long-term average, it need not be estimated annually, but it must be based on the best scientific information available, and should be re-estimated as required by changes in environmental or ecological conditions or new scientific information. Original establishment of MSY and related quantities (i.e., OY and SDCs), for given fisheries in an FMP should normally be part of an FMP amendment. Numerical updates to these values can be made by annual specifications or a framework rulemakings if allowed by the respective FMP, or temporarily by emergency rulemaking, as long as any new management measures resulting from such measures are accompanied by the appropriate environmental, economic and social impact analyses. The numeric level of MSY and related quantities need not be codified as regulatory text.

(3) *Alternatives to specifying MSY.* When data are insufficient to estimate MSY directly, Councils should adopt other measures of productive capacity that can serve as reasonable proxies for MSY or the MSY fishing mortality rate (F_{msy}), to the extent possible. Examples include fishing mortality various reference points defined in terms of relative spawning per recruit. For instance, the fishing mortality rate that reduces the long-term average level of spawning per recruit to 30-40 percent of the long-term average that would be expected in the absence of fishing may be a reasonable proxy for F_{msy} the MSY fishing mortality rate. The long-term average stock size that results from obtained by fishing year after year at this rate, under average recruitment, may be a reasonable proxy for the MSY stock size, and the long-term average catch so obtained may be a reasonable proxy for MSY. The natural mortality rate may also be a reasonable proxy for F_{msy} the MSY fishing mortality rate. If a reliable estimate of pristine stock size (i.e., the long-term average stock size that would be expected in the absence of fishing) is available, a stock size approximately 40 percent of this value may be a reasonable proxy for the MSY stock size, and the product of this stock size and the natural mortality rate may be a reasonable proxy for MSY. Because proxies may not represent MSY exactly, there is greater risk in

setting OY close to a proxy-based MSY estimate.

(d) *Overfishing--(1) Definitions.* (i) "To overfish" means to fish at a rate that jeopardizes the capacity of a core stock or stock assemblage to produce MSY on a continuing basis.

(ii) "Overfishing" occurs whenever a core stock or stock assemblage is subjected to a rate ~~or level~~ of fishing mortality that jeopardizes the capacity of a **core** stock or stock ~~complex~~ **assemblage** to produce MSY on a continuing basis.

(iii) In the Magnuson-Stevens Act, the term "overfished" is used in two senses: First, to describe any **core** stock or stock ~~complex~~ **assemblage** that is subjected to a rate ~~or level~~ of fishing mortality meeting the criterion in paragraph (d)(1)(i) of this section, and second, to describe any **core** stock or stock ~~complex~~ **assemblage** whose size is sufficiently small that a change in management practices is required in order to achieve an appropriate level and rate of rebuilding. ~~To avoid confusion, this section uses "overfished" in the second sense only.~~ **This second usage can cause confusion because it implies that any severe decline in stock size is necessarily caused by an excessive rate of fishing. While excessive fishing may be one or even the only contributing factor in stock decline, the severe decline in stock size could be caused by a number of other factors, including environmental factors. Rebuilding is necessary, whatever the cause. To avoid an incorrect interpretation of the cause of a severe decline in stock size, the term "depleted" will be used throughout these guidelines to describe a condition in which the stock size has become sufficiently small that a change in management practices is required in order to achieve an appropriate stock size level and rate of rebuilding.**

(2) *Specification of status determination criteria.* Each FMP must specify, to the extent possible, objective and measurable status determination criteria for each **core** stock or stock **assemblage** covered by that FMP, and provide an analysis of how the status determination criteria were chosen and how they relate to ~~reproductive potential~~ **the capability of the stock to produce MSY.** Status determination criteria must be expressed in a way that enables the Council and the Secretary to monitor the core stock or stock **assemblage** and determine annually whether overfishing is occurring and whether the **core** stock or stock ~~complex~~ **assemblage** is overfished **depleted.** **Unless sufficient data are unavailable or unless otherwise excepted in this paragraph (d)(2), in all cases,** status determination criteria must specify both of the following:

(i) A maximum fishing mortality **threshold limit (F_{lim})** or reasonable proxy thereof. ~~The maximum fishing mortality threshold~~ **F_{lim}** may be expressed either as a single number or as a function of spawning biomass or other measure of productive capacity. ~~The maximum fishing mortality threshold~~ **F_{lim}** must not exceed the fishing mortality rate ~~or level~~ associated with the relevant MSY control rule. ~~Exceeding the maximum fishing~~

mortality threshold F_{lim} for a period of 1 year or more on an annual basis constitutes overfishing. The F_{target} , which is used to calculate OY, is set below F_{lim} , so there is less than a 50% chance of exceeding F_{lim} .

(ii) A minimum stock size threshold biomass limit (B_{lim}), or reasonable proxy thereof, The stock size threshold should be expressed in terms of spawning biomass or other measure of productive capacity. To the extent possible, As a default, in the absence of other information and analysis, the stock size threshold B_{lim} should equal whichever of the following is greater one-half the MSY stock size or the minimum stock size at which rebuilding to the MSY level would be expected to occur within 10 years if the stock or stock complex were exploited at the maximum fishing mortality threshold specified under paragraph (d)(2)(i) of this section except as described in paragraphs (d)(2)(ii)(A), (B), and (C) of this section. Should the actual size of the core stock or stock assemblage complex in a given year fall below this threshold B_{lim} , the core stock or stock complex assemblage is considered overfished depleted.

(A) Use of values higher or lower than $\frac{1}{2} B_{msy}$ as the B_{lim} may be justified based on the expected range of natural fluctuations in the stock size when the stock is not subjected to overfishing.

(B) B_{lim} does not have to be specified if a fishery is being managed with a conservative OY control rule such that the fishing mortality rate is at least as conservative as would have been the case if a B_{lim} had been specified. This generally means that the fishing mortality rates associated with the OY control rule are sufficiently low that, in the event the stock falls below $\frac{1}{2} B_{msy}$, continued management of the stock according to the OY control rule is expected to rebuild the stock to B_{target} within the maximum allowable time period for rebuilding (see paragraph (e)(4)(ii)(B) of this section).

(C) In the case of extremely data-poor fisheries, F_{lim} can be used in the manner described in paragraph (e)(3)(v) of this section, as a proxy for B_{lim} , provided that there also is an OY control rule set safely below this F_{lim} .

(D) In the case of extremely short-lived species, such as penaeid shrimp, squid and Pacific salmon, that have short lifespans and may have extreme year-to-year fluctuations in stock abundance, the determination of depletion can be based on the stock abundance level in more than one consecutive year.

(3) *Relationship of status determination criteria to other national standards*--(i) *National Standard 2.* Status determination criteria must be based on the best scientific information available (see §600.315). When data are insufficient to estimate MSY, Councils should base status determination criteria on reasonable proxies thereof, to the extent possible (also see paragraph (c)(3) of this section). In cases where scientific data are severely limited, effort should also be directed to identifying and gathering the needed data.

(ii) *National Standard 3.* The requirement to manage

interrelated stocks of fish as a unit or in close coordination notwithstanding (see §600.320), status determination criteria should generally be specified in terms of the level of stock aggregation for which the best scientific information is available (also see paragraph (c)(2)(iii) of this section).

(iii) *National Standard 6.* Councils must build into the status determination criteria **and OY control rules** appropriate consideration of risk, taking into account uncertainties in estimating harvest, stock conditions, life history parameters, or the effects of environmental factors (see §600.335).

(4) *Relationship of status determination criteria to environmental change.* Some short-term environmental changes can alter the current size of a core stock or stock assemblage without affecting the long-term productive capacity of the core stock or stock assemblage. Other environmental changes affect both the current size and long-term productivity of the core stock or stock assemblage. **MSY and OY control rules must be designed and calculated for prevailing environmental, ecosystem, and habitat conditions, taking into account the scale and frequency of fluctuations in these conditions, as follows:**

(i) If environmental changes cause a **core** stock or stock ~~complex assemblage~~ to fall below the ~~minimum B_{lim} stock size threshold~~ without affecting the long-term productive capacity of the **core** stock or stock ~~complex assemblage~~, fishing mortality must be constrained sufficiently to allow rebuilding within an acceptable time frame (also see paragraph (e)(4)(ii) of this section). Status determination criteria ~~need~~ **should** not be respecified **in this situation.**

(ii) If environmental changes affect the long-term productive capacity of the core stock or stock assemblage, one or more components of the status determination criteria must be respecified. **The determination of a long-term change in environmental conditions must be based on the best available scientific information and cannot be based solely on a decline in stock productivity. Such a decline in productivity could be due to low stock abundance, which is exactly the situation that National Standard 1 seeks to avoid. Suitable evidence for a relevant environmental shift could include scientific information for a long-term change in an environmental, ecosystem, or habitat condition that has been demonstrated to relate to stock productivity. The duration of "long-term" cannot be precisely specified, but it is normally expected to be at least as long as the average life span of individuals in the stock. Once status determination criteria have been respecified, fishing mortality may or may not have to be reduced changed, depending on the status of the **core** stock or stock ~~complex assemblage~~ with respect to the new criteria.**

(iii) If ~~manmade~~ **anthropogenic** environmental changes are partially responsible for a **core** stock or stock ~~complex assemblage~~ being in a ~~overfished~~ **depleted** condition, in addition

to controlling effort, Councils should recommend restoration of habitat and other ameliorative programs, to the extent possible (see also the guidelines issued pursuant to sec. 305(b) of the Magnuson-Stevens Act for Council actions concerning essential fish habitat **at 67 FR 2343; January 17, 2002**).

(5) *Secretarial approval of status determination criteria.* Secretarial approval or disapproval of proposed status determination criteria will be based on consideration of whether the proposal:

- (i) Has sufficient scientific merit;
- (ii) Contains the elements described in paragraph (d)(2) of this section;
- (iii) Provides a basis for objective measurement of the status of the core stock or stock assemblage against the criteria; and
- (iv) Is operationally feasible.

(6) *Exceptions.* There are certain limited exceptions to the requirement to prevent overfishing. Harvesting one ~~species stock~~ of a ~~mixed-stock complex fishery~~ at its optimum level may result in the overfishing of another stock **when the two stocks tend to be caught together component in the complex**. A Council may decide to allow this type of overfishing only if all of the following conditions are satisfied:

- (i) It is demonstrated by analysis (**see** paragraph (f)(6) of this section) that such action will result in long-term net benefits to the Nation;
- (ii) It is demonstrated by analysis that mitigating measures have been considered and that a similar level of long-term net benefits cannot be achieved by modifying fleet behavior, gear selection/configuration, or other technical characteristic in a manner such that no overfishing would occur; and
- (iii) **Although this overfishing is expected to cause the affected stock to fall below its B_{target} more than 50 percent of the time in the long-term,** the resulting rate or level of fishing mortality will not cause any ~~species or evolutionarily significant unit thereof to require protection under the ESA core stock or stock assemblage to have more than a 50 percent chance of falling below its B_{lim}~~ to fall below its B_{lim} more than 50% of the time in the long-term.

(e) *Ending overfishing and rebuilding overfished depleted stocks--*(1) *Definition.* A **limit threshold**, either maximum fishing mortality or minimum ~~biomass stock size~~, is being "approached" whenever it is projected that the **limit threshold** will be breached within 2 years, based on trends in fishing effort, ~~stock abundance fishery resource size~~, and other appropriate factors.

(2) *Notification.* The Secretary will immediately notify a Council and request that remedial action be taken whenever the Secretary determines that:

- (i) Overfishing is occurring;
- (ii) A **core stock or stock complex assemblage** is overfished

below its B_{lim} (i.e., is depleted);

(iii) The rate ~~or level~~ of fishing mortality for a **core stock or stock complex assemblage** is approaching ~~its~~ the maximum fishing mortality F_{lim} threshold;

(iv) A **core stock or stock complex assemblage** is approaching its minimum B_{lim} stock size threshold; or

(v) Existing remedial action taken for the purpose of ending previously identified overfishing or rebuilding a previously identified ~~overfished~~ **depleted core stock or stock complex assemblage** has not resulted in adequate progress.

(3) *Council action.* Within 1 year of such time as the Secretary identifies that overfishing is occurring, that a **core stock or stock complex assemblage** is ~~overfished~~ **depleted**, or that a limit is being approached, or such time as a Council may be notified of the same under paragraph (e)(2) of this section, the Council must take remedial action by preparing an FMP, FMP amendment, or proposed regulations, **as appropriate**. This remedial action must be designed to accomplish all of the following purposes that apply:

(i) If overfishing is occurring, the purpose of the action is to end overfishing.

(ii) If the **core stock or stock complex assemblage** is ~~overfished~~ **depleted**, the purpose of the action is to rebuild the **core stock or stock complex assemblage** to the MSY stock size (B_{target}) ~~level within an the appropriate time frame as soon as possible subject to the constraints and conditions in (e)(4)(ii).~~

(iii) If the rate ~~or level~~ of fishing mortality is approaching the ~~maximum fishing mortality threshold~~ F_{lim} (from below), the purpose of the action is to prevent this ~~threshold limit~~ F_{lim} from being ~~reached~~ exceeded.

(iv) If the **core stock or stock complex assemblage** is approaching the ~~minimum biomass stock size threshold~~ B_{lim} (from above), the purpose of the action is to prevent this ~~threshold limit~~ B_{lim} from being reached.

(v) *Data-poor situations.* When the Secretary determines that data are inadequate to estimate biomass-based reference points reliably, it is permissible to use appropriate fishing mortality rates as proxies, in certain situations. In cases where the available quantitative or qualitative evidence suggests that a core stock or stock assemblage is depleted and requires rebuilding, it is permissible to establish a rebuilding fishing mortality rate, at or below the F_{lim} , that will result in a very low probability of the core stock or stock assemblage declining further, and a high probability that the stock will become rebuilt. Under these circumstances, the stock or assemblage may be considered to be rebuilt if the realized running average fishing mortality rate has been below the F_{lim} for at least two generation times, provided there is no other scientific evidence that biomass is still depleted.

(4) *Constraints on Council action.* (i) In cases where overfishing is occurring, Council action must be sufficient to

end overfishing as soon as practicable. The Council action must include a rationale for the time period selected for ending overfishing. The appropriate time period for ending overfishing may be influenced by considerations including those related to mixed-stock fisheries. Phase-in periods for reducing fishing mortality rate down to the level of F_{lim} should be permitted only if the following two conditions are met:

(A) For stocks that are depleted or are on a rebuilding plan, the maximum allowable rebuilding time is no greater than it would have been without the phase-in period; and

(B) Fishing mortality rate levels must, at the least, be reduced by a substantial and measurable amount each year.

(ii) In cases where a **core** stock or stock complex assemblage is ~~overfished~~ **depleted**, the Council action must specify a time period for rebuilding the **core** stock or stock complex assemblage that **is as short as possible, taking into consideration the factors listed in paragraph (e)(4)(ii)(A) of this section, and that otherwise** satisfies the requirements of sec. 304(e)(4)(A) of the Magnuson-Stevens Act.

(A) A number of factors may be considered in the specification of the time period for rebuilding:

(1) The status and biology of the **core** stock or stock complex assemblage;

(2) Interactions between the **core** stock or stock complex assemblage and other components of the marine ecosystem (also referred to as "other environmental conditions");

(3) The needs of fishing communities;

(4) Recommendations by international organizations in which the United States participates; and

(5) Management measures under an international agreement in which the United States participates.

(B) These factors enter into the specification of the maximum allowable time period for rebuilding as follows:

(1) The "minimum time for rebuilding" means the amount of time it is expected to take to rebuild a stock to its MSY biomass level in the absence of any fishing mortality, starting in the first year after a stock is determined to be depleted. In this context, the term "expected" means to reach a 50-percent probability of attaining the B_{target} . Also, technical updates to T_{min} calculations must be retrospective to the same starting date.

(2) If the minimum time for rebuilding a stock plus one mean generation time for the stock is 10 years or less, then the maximum time allowable for rebuilding that stock to its B_{target} is 10 years.

(3) If the minimum time for rebuilding a stock plus one mean generation time for the stock exceeds 10 years, then the maximum time allowable for rebuilding a stock to its B_{target} is the minimum time for rebuilding that stock, plus the length of time associated with one mean generation time for that stock.

~~(1) The lower limit of the specified time period for rebuilding is determined by the status and biology of the stock or stock complex and its interactions with other components of the marine ecosystem, and is defined as the amount of time that would be required for rebuilding if fishing mortality were eliminated entirely.~~

~~(2) If the lower limit is less than 10 years, then the specified time period for rebuilding may be adjusted upward to the extent warranted by the needs of fishing communities and recommendations by international organizations in which the United States participates, except that no such upward adjustment can result in the specified time period exceeding 10 years, unless management measures under an international agreement in which the United States participates dictate otherwise.~~

~~(3) If the lower limit is 10 years or greater, then the specified time period for rebuilding may be adjusted upward to the extent warranted by the needs of fishing communities and recommendations by international organizations in which the United States participates, except that no such upward adjustment can exceed the rebuilding period calculated in the absence of fishing mortality, plus one mean generation time or equivalent period based on the species' life-history characteristics. For example, suppose a stock could be rebuilt within 12 years in the absence of any fishing mortality, and has a mean generation time of 8 years. The rebuilding period, in this case, could be as long as 20 years.~~

~~(C) A rebuilding program undertaken after May 1, 1998 commences as soon as the first measures to rebuild the stock or stock complex are implemented.~~

~~(D) In the case of rebuilding plans that were already in place as of May 1, 1998, such rebuilding plans must be reviewed to determine whether they are in compliance with all requirements of the Magnuson-Stevens Act, as amended by the Sustainable Fisheries Act.~~

(iii) Fisheries managed by the United States and other nations. (BA) For fisheries actively being managed by international fisheries organizations to which the United States is a party, the international fisheries organization has the primary authority to determine the status of stocks or assemblages under its purview, as well as to specify the stock status determination criteria.

(AB) For fisheries managed under an international agreement, Council or Secretarial action must reflect traditional participation in the fishery, relative to other nations, by fishermen of the United States.

(C) If a relevant international fisheries organization does not have a process for developing a formal plan to rebuild a depleted stock or assemblage, the provisions of the Magnuson-Stevens Act and these guidelines will be applied and promoted by the United States in the international fisheries organization.

(D) In fisheries that are also engaged in by fishermen from

other countries, management measures shall implement internationally agreed upon measures, or appropriate U.S. fishery measures consistent with a rebuilding plan, giving due consideration to the position of the U.S. domestic fleet relative to other participants in the fishery.

(5) *Revision of rebuilding plans.* (i) Fishing mortality targets and other measures of progress in rebuilding a core stock or stock assemblage are expected to be achieved, on average, over the rebuilding period. Rebuilding plans need not be adjusted in response to each minor stock assessment update because initial rebuilding plans should have target times to rebuild that are sooner than the maximum permissible time to rebuild in order to have a buffer to absorb some slower than anticipated pace of rebuilding.

(ii) *Change in the pace of rebuilding.* (A) If rebuilding occurs faster than the rebuilding plan anticipated, then the rebuilding plan should be maintained in order to rebuild as soon as possible.

(B) If rebuilding occurs substantially slower than the rebuilding plan anticipated, despite the rebuilding fishing mortality targets having been maintained, then the rebuilding plan must be revised, either by reducing the rebuilding fishing mortality targets and maintaining the rebuilding time horizon; or by maintaining the rebuilding fishing mortality targets and lengthening the rebuilding time horizon; or by a combination of reducing the rebuilding fishing mortality targets and lengthening the rebuilding time horizon.

(iii) *Change in estimate of rebuilding target.* (A) If the best scientific estimate of stock abundance, fishing mortality, or rebuilding criteria change in such a way as to suggest that increased fishing mortality would be consistent with rebuilding within the specified time horizon, then the rebuilding plan may be revised by either increasing the rebuilding fishing mortality targets and maintaining the rebuilding time horizon; or by maintaining the rebuilding fishing mortality targets and shortening the rebuilding time horizon. The benefits of such changes need to be considered in the context of the possibility of future changes in the opposite direction.

(B) If the scientific estimates of rebuilding criteria, such as assessment parameters and variables or the rebuilding target, change in such a way as to suggest that substantial reductions in fishing mortality would be necessary to rebuild the core stock or stock assemblage within the specified time horizon, and if rebuilding fishing mortality targets have been achieved, then the rebuilding plan must be revised by a combination of reducing the rebuilding fishing mortality targets and/or lengthening the rebuilding time horizon.

(iv) Any revision to a rebuilding plan must be accomplished either by an amendment to the FMP or by some other action authorized by the FMP.

(5) (6) *Interim measures.* The Secretary, on his/her own

initiative or in response to a Council request, may implement interim measures to reduce overfishing under sec. 305(c) of the Magnuson-Stevens Act, until such measures can be replaced by an FMP, FMP amendment, or regulations taking remedial action.

(i) These measures may remain in effect for no more than 180 days, but may be extended for an additional 180 days if the public has had an opportunity to comment on the measures and, in the case of Council-recommended measures, the Council is actively preparing an FMP, FMP amendment, or proposed regulations to address overfishing on a permanent basis. Such measures, if otherwise in compliance with the provisions of the Magnuson-Stevens Act, may be implemented even though they are not sufficient by themselves to stop overfishing.

(ii) Interim measures ~~are~~ made effective without prior notice and opportunity for comment ~~they~~ should be reserved for exceptional situations, because they affect fishermen without providing the usual procedural safeguards. A Council recommendation for interim measures without notice-and-comment rulemaking will be considered favorably if the short-term benefits of the measures in reducing overfishing outweigh the value of advance notice, public comment, and deliberative consideration of the impacts on participants in the fishery.

(f) OY--(1) *Definitions.* (i) The term "optimum," with respect to the yield from a fishery, means the amount of fish that will provide the greatest overall benefit to the Nation, particularly with respect to food production and recreational opportunities and taking into account the protection of marine ecosystems; that is prescribed on the basis of the MSY from the fishery, as reduced by any relevant economic, social, or ecological factor; and, in the case of a ~~overfished~~ **depleted** fishery, that provides for rebuilding to a level consistent with producing the MSY in such fishery.

(ii) In National Standard 1, use of the phrase "achieving, on a continuing basis, the OY from each fishery" means producing, from each fishery, a long-term series of catches such that the average catch is equal to the average OY and such that status determination criteria (**F_{lim} and B_{lim}**) are ~~met~~ **not breached**.

(2) *Values in determination.* In determining the greatest benefit to the Nation, the values that should be weighed are food production, recreational opportunities, and protection afforded to marine ecosystems. They should receive serious attention when considering the economic, social, or ecological factors used in reducing MSY to obtain OY.

(i) The benefits of food production are derived from providing seafood to consumers; maintaining an economically viable fishery, together with its attendant contributions to the national, regional, and local economies; and utilizing the capacity of the Nation's fishery resources to meet nutritional needs.

(ii) The benefits of recreational opportunities reflect the quality of both the recreational fishing experience and

non-consumptive fishery uses such as ecotourism, fish watching, and recreational diving; and the contribution of recreational fishing to the national, regional, and local economies and food supplies.

(iii) The benefits of protection afforded to marine ecosystems are those resulting from maintaining viable populations (including those of unexploited species), maintaining evolutionary and ecological processes (e.g., disturbance regimes, hydrological processes, nutrient cycles), maintaining the evolutionary potential of species and ecosystems, and accommodating human use.

(3) *Factors relevant to OY.* Because fisheries have finite capacities, any attempt to maximize the measures of benefits described in paragraph (f)(2) of this section will inevitably encounter practical constraints. ~~One of these is MSY. Moreover~~ **In particular, the degree to which OY is less than MSY depends upon several** ~~various factors can constrain the optimum level of catch to a value less than MSY.~~ The Magnuson-Stevens Act's definition of OY identifies three categories of such factors: Social, economic, and ecological. Not every factor will be relevant in every fishery. For some fisheries, insufficient information may be available with respect to some factors to provide a basis for corresponding reductions in **OY relative to MSY.**

(i) *Social factors.* Examples are enjoyment gained from recreational fishing, avoidance of gear conflicts and resulting disputes, preservation of a way of life for fishermen and their families, and dependence of local communities on a fishery. Other factors that may be considered include the cultural place of subsistence fishing, obligations under Indian treaties, and worldwide nutritional needs.

(ii) *Economic factors.* Examples are prudent consideration of the risk of overharvesting when a stock's size or productive capacity is uncertain (**also see paragraph (f)(5) of this section**), satisfaction of consumer and recreational needs, and encouragement of domestic and export markets for U.S.-harvested fish. Other factors that may be considered include the value of fisheries, the level of capitalization, the decrease in cost per unit of catch afforded by an increase in stock size and the attendant increase in catch per unit of effort, alternate employment opportunities, and economies of coastal areas.

(iii) *Ecological factors.* Examples are stock size and age composition, the vulnerability of incidental or unregulated stocks in a mixed-stock fishery, predator-prey or competitive interactions, and dependence of marine mammals and birds or endangered species on a stock of fish. Also important are ecological or environmental conditions that stress marine organisms, such as natural and manmade changes in wetlands or nursery grounds, and effects of pollutants on habitat and stocks.

(4) *Specification.* (i) The amount of fish that constitutes the OY should be expressed in terms of numbers or weight of fish.

Each FMP must include an OY control rule for each core stock, i.e., a harvest strategy which, when implemented, would be expected to result in a long-term average catch approximating OY. The harvest level associated with the OY control rule (equivalent to the fishing mortality target) must be less than the harvest level associated with the maximum fishing mortality limit. The probability of exceeding the OY control rule in any given year should not exceed 50 percent. Assemblages can have either an OY control rule for the entire assemblage, or they can contain an indicator stock(s) with an OY control rule. However, OY may be expressed as a formula that converts periodic stock assessments into target harvest levels; in terms of an annual harvest of fish having a minimum weight, length, or other measurement; or as an amount of fish taken only in certain areas, in certain seasons, with particular gear, or by a specified amount of fishing effort.

(ii) ~~Either a range or a single value may be specified for OY. Specification of a numerical, fixed-value OY does not preclude use of annual target harvest levels that vary with stock size. Such target harvest levels may be prescribed on the basis of an OY control rule similar to the MSY control rule described in paragraph (c)(1)(ii) of this section, but designed to achieve OY on average, rather than MSY. The annual harvest level obtained under an OY control rule must always be less than or equal to the harvest level that would be obtained under the MSY control rule.~~

(ii) However, OY may be expressed as a formula that converts periodic stock assessments into target harvest levels; in terms of an **In addition to the OY control rule, or in cases where an OY control rule cannot be implemented, the OY may specify** annual harvest of fish having a minimum weight, length, or other measurement; or ~~as an amount of fish taken only in certain areas, in certain seasons, with particular gear; or by a~~ specified amount of fishing effort.

(iii) All fishing mortality must be counted against OY, including that resulting from bycatch, scientific research, and any other fishing activities.

(iv) The OY specification should be translatable into an annual numerical estimate for the purposes of establishing any TALFF and analyzing impacts of the management regime. There should be a mechanism in the FMP for periodic reassessment of the OY specification, so that it is responsive to changing circumstances in the fishery.

(v) The determination of OY requires a specification of MSY, which may not always be possible or meaningful. However, even where sufficient scientific data as to the biological characteristics of the stock do not exist, or where the period of exploitation or investigation has not been long enough for adequate understanding of stock dynamics, or where frequent large-scale fluctuations in stock size diminish the meaningfulness of the MSY concept, OY must still be based on the best scientific information available. When data are insufficient to estimate MSY directly, Councils should adopt

other measures of productive capacity that can serve as reasonable proxies for MSY to the extent possible (see paragraph (c)(3) of this section).

~~(vi) In a mixed-stock fishery, specification of a fishery-wide OY may be accompanied by management measures establishing separate annual target harvest levels for the individual stocks. In such cases, the sum of the individual target levels should not exceed OY.~~

(5) *OY and the precautionary approach.* In general, Councils should adopt a precautionary approach to specification of OY. A precautionary approach is characterized by three features:

(i) Target reference points, such as OY, should be set safely below limit reference points, ~~such as the catch level associated with the fishing mortality rate or level defined by the status determination criteria~~ **taking into account social, economic and ecological factors as defined in paragraph (f)(1) of this section.** Because OY is a target reference point, it does not constitute an absolute ceiling or limit, but rather a desired result. An FMP must contain conservation and management measures to achieve OY, and provisions for information collection that are designed to determine the degree to which OY is achieved on a continuing basis--that is, a long-term average catch that is equal to the long-term average OY, while meeting the status determination criteria. These measures should allow for practical and effective implementation and enforcement of the management regime, so that the harvest is allowed to reach OY, **on average, but should result in a low probability of exceeding the F_{lim} .** ~~but not to exceed OY by a substantial amount.~~ The Secretary has an obligation to implement and enforce the FMP so that OY is achieved. If management measures prove unenforceable or too restrictive, or not rigorous enough to realize OY, they should be modified; an alternative is to reexamine the adequacy of the OY specification. Exceeding OY does not necessarily constitute overfishing, **if the OY has been set safely below the MSY control rule.** However, even if no overfishing results from exceeding OY, continual harvest at a level above OY would violate National Standard 1, because OY is not being achieved on a continuing basis.

(ii) ~~A~~ **The OY control rule should be designed so that a core stock, and a stock complex assemblage that has an OY control rule, that is below the size that would produce MSY is harvested at a lower rate or level of fishing mortality than if the core stock or stock assemblage were above the size that would produce MSY.**

(iii) Criteria used to set target catch levels should be explicitly risk averse, so that greater uncertainty regarding the status or productive capacity of a **core stock or stock complex assemblage** corresponds to greater caution in setting target catch levels.

(iv) Part of the OY may be held as a reserve to allow for factors such as uncertainties in estimates of stock size and DAH.

If an OY reserve is established, an adequate mechanism should be included in the FMP to permit timely release of the reserve to domestic or foreign fishermen, if necessary.

(6) *Analysis.* An FMP must contain an assessment of how its OY specification was determined (sec. 303(a)(3) of the Magnuson-Stevens Act). It should relate the explanation of overfishing in paragraph (d) of this section to conditions in the particular fishery and explain how its choice of OY and conservation and management measures will prevent overfishing in that fishery. A Council must identify those economic, social, and/or ecological factors relevant to management of a particular fishery, then evaluate them to determine the amount ~~if any~~, by which ~~MSY exceeds~~ OY **has been set safely below MSY**. The choice of a particular OY must be carefully defined and documented to show that the OY selected will produce the greatest benefit to the Nation. If overfishing is permitted under paragraph (d)(6) of this section, the assessment must contain a justification in terms of overall benefits, including a comparison of benefits under alternative management measures, and an analysis of the risk of any species or ecologically significant unit thereof reaching a threatened or endangered status, as well as the risk of any **core** stock or stock ~~complex assemblage~~ falling below its ~~minimum stock size threshold~~ **Blim**.

(7) *OY and foreign fishing.* Section 201(d) of the Magnuson-Stevens Act provides that fishing by foreign nations is limited to that portion of the OY that will not be harvested by vessels of the United States.

(i) *DAH.* Councils must consider the capacity of, and the extent to which, U.S. vessels will harvest the OY on an annual basis. Estimating the amount that U.S. fishing vessels will actually harvest is required to determine the surplus.

(ii) *DAP.* Each FMP must assess the capacity of U.S. processors. It must also assess the amount of DAP, which is the sum of two estimates: The estimated amount of U.S. harvest that domestic processors will process, which may be based on historical performance or on surveys of the expressed intention of manufacturers to process, supported by evidence of contracts, plant expansion, or other relevant information; and the estimated amount of fish that will be harvested by domestic vessels, but not processed (e.g., marketed as fresh whole fish, used for private consumption, or used for bait).

(iii) *JVP.* When DAH exceeds DAP, the surplus is available for JVP. JVP is derived from DAH.

COUNCIL STAFF COMMENTS ON PROPOSED REVISIONS TO
NATIONAL STANDARD 1 GUIDELINES

Council staff has the following comments on the National Marine Fisheries Service (NMFS) draft codified text for National Standard 1 (NS-1) guidelines (Attachment 1):

Sec. 600.310 (c)(2)(iv) middle of page 4: An analysis of environmental, economic, and social impacts should be required for a Fishery Management Plan (FMP) amendment, including establishing Maximum Sustainable Yield (MSY) or related values, or the methodology for determining such values. However, an impact analysis should not be required for setting annual management measures as long as the measures meet the conservation and allocation objectives established in a framework FMP, and follow the process for establishing management measures in the FMP. Completing an Environmental Assessment (EA) or Environmental Impact Statement (EIS) to implement annual or biennial management measures requires excessive lead time for notice and comment, resulting in decisions being made prior to availability of the best available science, such as current stock assessments and abundance forecasts.

Sec. 600.310 (d)(4)(ii) middle of page 7: The next to last sentence suggests that although “long-term” cannot be precisely specified, it is expected to be at least as long as the average life span of individuals in the stock. The “average life span” is an equally ambiguous term, since it would depend on what life stages are included, and whether it is calculated for an exploited or unexploited stock. In addition, for some stocks (e.g., squid) the maximum life span is less than a year, which is likely not the intent of NS-1. Perhaps a more easily definable term such as mean generation time would be better as an example, but the description is too vague: “at least as long as the...” could be anywhere from 1 to 100 years, depending on the species and definition of “average life span”.

Sec. 600.310 (e)(4)(i)(B) top of page 10: Insert “During the phase-in period” at the beginning of the sentence

Sec. 600.310 (e)(5)(iii)(A and B) bottom of page 12: (A) specifies three possible considerations for allowing revision the rebuilding plan to increase fishing mortality - change in rebuilding criteria, change in stock abundance, and change in fishing mortality. (B) specifies only one consideration for requiring the revision of a rebuilding plan to reduce fishing mortality- change in rebuilding criteria. It seems logical to consider the same factors in both instances.

PFMC
08/31/04

NATIONAL MARINE FISHERIES SERVICE REVISION OF NATIONAL STANDARD 1

National Marine Fisheries Service (NMFS) has proposed revised language to National Standard 1 guidelines and has requested Regional Councils to comment. Attachment 1 includes the cover letter soliciting comments, followed by the proposed codified text. A draft Environmental Assessment is also available at the following link for those that want more background or analysis of the impacts:

http://www.nmfs.noaa.gov/sfa/domes_fish/index.htm#PR

Council staff understands the original comment deadline of September 1, 2004 has been relaxed at the request of several Regional Councils to allow the Councils to review the proposal at their September meetings.

Dr. Rick Methot will provide a briefing on the proposed language and answer questions at a joint advisory body session Monday, September 13, at 11 a.m. in the Mission C Room. Council members, advisory bodies and the public are encouraged to attend the session.

The Scientific and Statistical Committee (SSC) and Council technical teams will review the proposed revisions and provide reports to the Council. Given the technical nature of the National Standard 1 Guidelines, it is anticipated the SSC will play a principal role in development of the Council's response to NMFS.

The Salmon Technical Team comments focus on application of the proposed guidelines to salmon management (Agendum B.2.b, Supplemental STT Report). Council staff have also provided comments (Agendum B.2.a, Attachment 2).

Based on the advice of the SSC, technical teams, and Council staff, the Council should consider how to coordinate a response to NMFS.

Council Action:

- 1. Consider comments of the SSC, advisory bodies, and staff on the proposed revisions to National Standard 1 guidelines.**
- 2. Provide guidance on coordinating comments and responding to NMFS.**

Reference Materials:

1. Agendum B.2.a, Attachment 1: Memo from William Hogarth and Attached Draft Codified Text for National Standard 1 Guidelines.
2. Agendum B.2.a, Attachment 2: Council Staff Comments on Proposed Revisions to National Standard 1 Guidelines.
3. Agendum B.2.b, Supplemental STT Report: Salmon Technical Team Comments on Proposed Revisions to National Standard 1 Guidelines.

Agenda Order:

- a. Agendum Overview
- b. Reports and Comments of Advisory Bodies
- c. Public Comment
- d. **Council Action:** Response to Proposed Revision

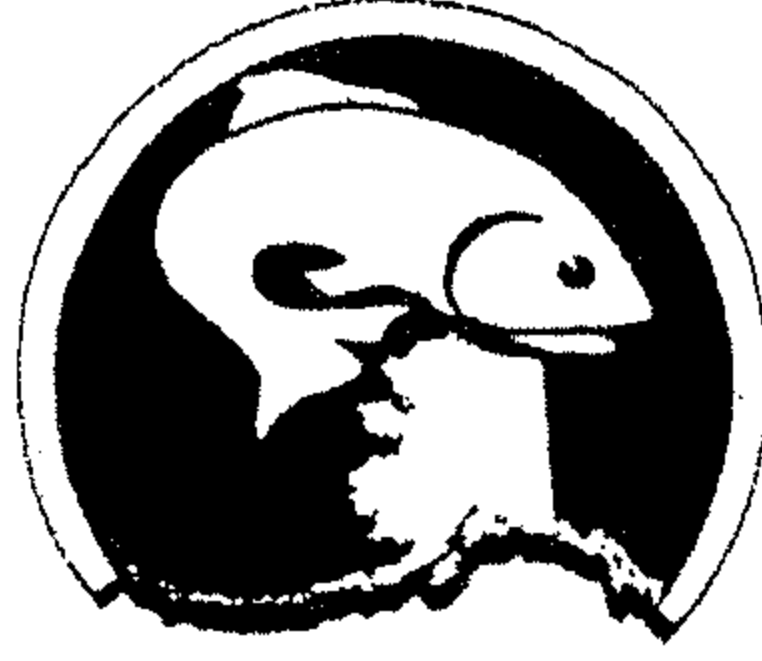
Chuck Tracy

PFMC
08/31/04

North Pacific Fishery Management Council

Stephanie Madsen, Chair
Chris Oliver, Executive Director

Telephone (907) 271-2809



605 W. 4th Avenue, Suite 306
Anchorage, AK 99501-2252

Fax (907) 271-2817

Visit our website: <http://www.fakr.noaa.gov/npfmc>

August 27, 2004

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AUG 31 2004

PFMC

Dr. William Hogarth
Assistant Administrator for Fisheries, NMFS
1315 East-West Highway
Silver Spring, MD 20910

Dear Bill:

Thank you for the opportunity to comment on the proposed revisions to the Guidelines for National Standard 1. A workgroup, consisting of our Scientific and Statistical Committee members Drs. Terry Quinn, Rich Marasco and Anne Hollowed, along with Dr. Grant Thompson and Dr. Jim Ianelli of the AFSC, met to review the proposed guidelines and provide comments on behalf of the North Pacific Council. The workgroup's comments are provided below.

Part 1: Previous Comments

Overall, the proposed revision is responsive to the concerns raised by the Council a number of years ago in a letter to NMFS. The following is a summary of the major concerns raised in that letter and the extent to which they are addressed or otherwise resolved in the proposed revision:

- 1) The Council had expressed concern over the current guidelines' lack of flexibility regarding the $\frac{1}{2}$ BMSY reference point in the definition of minimum stock size threshold. The proposed revision addresses this concern by allowing adjustments upward or downward from $\frac{1}{2}$ BMSY based on the expected range of natural fluctuations in stock size.
- 2) The Council had expressed a desire to provide for accelerated rebuilding of depleted stocks by building this feature into its standard harvest control rules, as opposed to waiting until a stock is depleted before considering how to rebuild it. The proposed revision allows for this.
- 3) The Council had asked a number of questions pertaining to the relationship between the limit and target fishing mortality rates, but these are no longer pertinent in light of (4) below.
- 4) The Council had expressed concern over the current guidelines' requirement to base projections on the limit fishing mortality rate rather than the target fishing mortality rate when determining whether a stock was below its minimum stock size threshold. The proposed revision addresses this concern by removing the requirement for projections from the status determination process and by removing the requirement for a minimum stock size threshold in cases where the existing target control rule results in fishing mortality rates that are at least as conservative as those that would result from use of a minimum stock size threshold.

In addition, the Council letter made several suggestions for future revisions to the guidelines, some of which are adopted in the proposed revision:

A) The Council had suggested that the guidelines include provisions specific to the management of stocks characterized by extreme fluctuations in stock size. The proposed revision does this to some extent by allowing the biomass limit (formally known as the minimum stock size threshold) to be based on the natural range of fluctuations. Furthermore, in the case of short-lived species, the proposed revision allows status determinations to be based on stock abundance in more than one consecutive year.

B) The Council had suggested that the guidelines use $\frac{1}{2}$ BMSY as a default in computing the minimum stock size threshold rather than as part of the definition thereof. The proposed revision does this.

C) The Council had suggested that the fixed 10-year time horizon for rebuilding be removed from the guidelines in the event that Congress removed this requirement from the Act. Because the Act remains the same, the requirement remains in the proposed revision of the guidelines. However, the proposed revision includes an improved interpretation of the Act's description of the circumstances under which the 10-year time horizon can be exceeded.

D) The Council had suggested that the guidelines include additional direction regarding treatment of uncertainty. The proposed revision describes several quantities explicitly in terms of probability statements.

E) The Council had suggested that the guidelines allow flexibility in choice of fishing mortality rates. The proposed revision does this.

F) The Council had suggested that the guidelines use a different term for the condition referred to as "overfished" in the current guidelines. The proposed revision does this, substituting "depleted" throughout.

Part 2: New Comments

Throughout: Notation should be consistent to the extent possible. In particular, B_{target} should be the long-term expected stock size resulting from fishing at F_{target} , as opposed to the long-term expected stock size resulting from fishing at F_{MSY} . Likewise, B_{lim} should be the long-term expected stock size resulting from fishing at F_{lim} , as opposed to the biomass level below which the stock is determined to be depleted. The biomass level below which the stock is determined to be depleted should be labeled " B_{dep} " instead of " B_{lim} ."

Throughout: Replace "OY control rule" with "target control rule," with the understanding that the target control rule does not *define* the annual OY but rather sets an *upper bound* on the annual OY (see comment on (f)(4)(i) below). The reason for this suggestion is that the OY specification must consider all relevant social, economic, and ecological factors, the entire array of which would be extremely difficult, if not impossible, to encapsulate in a harvest control rule.

(b)(2)(iii): Replace "proxy" with "default value."

(d)(2)(ii)(C): Strike the phrase "as a proxy for B_{lim} " and the surrounding commas. Text should be added to clarify that specification of B_{lim} is not required under these circumstances.

(d)(2)(ii)(D): Replace "extremely short-lived" with "certain." Some long-lived species can have extreme year-to-year fluctuations in stock size, too.

(e)(3)(v): Replace "use appropriate fishing mortality rates as proxies" in the first sentence with "rely solely on appropriate fishing mortality rates." Also, delete "running" in the last sentence of the paragraph. Finally, text should be added to explain what will happen in cases where two generation times exceeds the maximum permissible rebuilding time.

Dr. William Hogarth
August 27, 2004
Page 3

(e)(5)(ii)(B): Maintaining the fishing mortality targets and lengthening the time horizon should not be an option. A reduction in fishing mortality rates should be required in all cases.


(f)(4)(i): Replace everything after the first sentence with the following: "Each FMP must include a target control rule for each core stock and for each assemblage or indicator stock within an assemblage. The harvest level associated with the target control rule must be less than the harvest level associated with the fishing mortality limit. The target control rule serves as an upper bound on the annual OY. The probability of exceeding the OY in any given year should not exceed 50 percent."

In summary, the revised guidelines are very responsive to our previous comments, and appear to offer increased flexibility in our status determination criteria. The main comments that we have are that there should be better consistency in notation, greater clarity, and some additional flexibility.

Thank you for this additional opportunity to comment on the revised National Standard 1 guidelines.

Sincerely,



 Chris Oliver
Executive Director

cc: Jim Balsiger
Regional Councils

PACIFIC FISHERY MANAGEMENT COUNCIL

7700 NE Ambassador Place, Suite 200
Portland, Oregon 97220-1384

CHAIRMAN
Hans Radtke

EXECUTIVE DIRECTOR
Donald O. McIsaac

Telephone: 503-820-2280
Toll Free: 866-806-7204
Fax: 503-820-2299
www.pcouncil.org

April 3, 2003

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

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

Dear Mr. Dunnigan:

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

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

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

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

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

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

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

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

Sincerely,



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

DAW:kla

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

GROUND FISH ADVISORY SUBPANEL STATEMENT ON
NATIONAL MARINE FISHERIES SERVICE REVISION OF
NATIONAL STANDARD 1

The Groundfish Advisory Subpanel (GAP) attended the presentation by Dr. Richard Methot on proposed changes to National Standard 1 Guidelines (NSG1). Due to lack of time, the GAP was unable to hold extensive discussions on the material presented in the briefing. However, we are aware that there are issues included in the *Federal Register* notice announcing proposed revisions to NSG1 which were not covered in the briefing.

One of the most important of these is the requirement that all fishing mortality - including research mortality - be attributed to optimum yield. The law specifically allows research catch to be deducted from the acceptable biological catch, and the GAP has several times recommended to the Council that this process be used. We do not believe that National Marine Fisheries Service should provide guidance to the Councils that is contrary to law.

It is unclear to the GAP how some of the other proposed changes will affect management by the Pacific Fishery Management Council. For example, the proposal establishes a mechanism for managing core stocks and stock assemblages. If the result of this change is even more stringent weak stock management, then the GAP has serious concerns. If the result is true management of related stocks as a unit, then the GAP believes it should be more closely examined for its positive possibilities.

We are also puzzled by lack of clarity of language dealing with environmental effects on rebuilding. There appears to be no accounting for predator-prey interactions among stocks. There is reference to "prevailing ecological and environmental conditions" and "environmental changes" in the definitions of maximum sustainable yield and overfishing, but no clear definition of what these terms mean or how they should be used to accomplish management.

We recognize the Council and its advisory bodies have had only limited time to examine the proposed revisions, and the time available for comment is short. Nevertheless, we encourage the Council to make what comments it can and continue to track this issue closely.

PFMC
09/14/04

SCIENTIFIC AND STATISTICAL COMMITTEE REPORT ON
NATIONAL MARINE FISHERIES SERVICE REVISION OF NATIONAL STANDARD 1

The Scientific and Statistical Committee (SSC) received the “Report of the NMFS Standard 1 Guidelines Working Group” by Dr. Richard Methot. In general, the SSC is encouraged that the revised language to National Standard 1 guidelines responds to several concerns with the current language, such as:

- the 10-year rebuilding discontinuity has been removed;
- the term “overfished” has been replaced by “depleted” and the term Minimum Stock Size Threshold (MSST) has been replaced with B_{lim} ;
- the specification of B_{lim} has been simplified; and
- it is now possible to apply Status Determination Criteria to assemblages, as well as individual stocks.

The SSC will work with Council staff to provide specific comments through the chair of the SSC within the next two weeks. Some areas of continuing concern include:

- the problem of defining “prevailing” environmental conditions when establishing biomass targets and limits;
- exceptions to the requirement that B_{lim} be determined, especially in situations where data are adequate to do so;
- classification of stocks as either “core” stocks or into stock “assemblages;”
- lack of clarity in the guidelines for determining progress towards rebuilding depleted stocks; and
- the extent to which the guidelines apply to short-lived species, such as salmon and squid.

PFMC
09/14/04

DRAFT

COUNCIL OPERATING PROCEDURES

Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 200
Portland, Oregon 97220-1384
(503) 820-2280
<http://www.pcouncil.org>

As Amended Through September 2004~~2000~~

Introduction

[editorial note – text in ~~strikeout~~ is a suggested deletion, text in underline is a suggested policy-neutral clarification or previously adopted policy change, [REDACTED] text is a suggested addition or clarification that represents a potential change in policy, and straight brackets [] designate explanatory rationale phrases for suggested revisions.]

These Council Operating Procedures (COPs) have been developed and adopted by the Pacific Fishery Management Council (Council) to guide the process for development of fishery management plans, plan amendments and regulatory measures for ocean fisheries off the coasts of Washington, Oregon and California. COPs are specific to Council operations, rather than fishery regulations or management specifications. They specify how the Council and its advisory entities will run their meetings including how public comments will be entertained. They document the schedules for developing plan amendments and annual management measures, and they cover special processes of importance to the Council.

These procedures provide detailed specificity ~~are in addition to those~~ the broader policies and procedures found in the *Statement of Organization, Practices and Procedures*, adopted by the Council in amended language March, 2002, as required by Section 302 (f) (6) of the Magnuson-Stevens Fishery Conservation and Management Act as Amended Through October 11, -----
Whereas revisions the SOPP document require Secretarial approval, revisions to a COP may occur through Council review (including advisory body and public input) and adoption. This may occur with proper notice before a Council meeting, or may occur over the course of two Council meetings, with preliminary action at the first meeting and final action at the second. After final Council action the revised COP would enter into effect. However, at any rate, changes to existing COPs or the addition of a new COP must be consistent with the broader
[REDACTED] [This language designates the process of formal change or creation of a COP.]

The operating procedures are structured into two categories: administrative and process. Administrative COPs (1-9) are those that apply to the structure and function of Council and advisory committees. Process COPs (10-18) cover aspects of Council activities, for example management cycles, fishery management plan amendment cycles, and process reviews.

List of Procedures

Administrative

1. Council
2. Advisory Subpanels
3. Planning Teams
4. Scientific and Statistical Committee
5. Enforcement Consultants

6. Habitat Committee

~~7. Groundfish Permit Review Board and Appeals Procedures for the Council~~

[Incorporated into COP-2 as a function of the Groundfish Advisory Subpanel.]

— **Groundfish Allocation Committee**

~~8. Council Performance Select Group~~

— **Ad-Hoc Committees**

Process

9. Annual Management and Activity Cycles

10. Preseason Salmon Management Process

11. Plan Amendment Cycles

12. Development and Communication of Research and Data Needs

13. Confidentiality of Statistics

14. Documentation of Outside Agreements

15. Salmon Estimation Methodology Review

16. Weather-related Adjustment to Salmon Fisheries

17. Foreign Fishing Permit Review Procedure

18. Protocol for Industry Sponsored Salmon Test Fishery Proposals

19. Protocol for Council Consideration of Exempted Fishing Permits for Pacific Coast

Groundfish Fisheries

COUNCIL OPERATING PROCEDURE

General Council Meeting Operations

1

Approved by Council: 04/06/95

Revised: 03/07/97, 06/25/99, 04/03/00, 12/15/03, **09/17/04**

[editorial note – text in ~~strikeout~~ is a suggested deletion, text in underline is a suggested policy-neutral clarification or previously adopted policy change, [REDACTED] text is a suggested addition or clarification that represents a potential change in policy, and straight brackets [] designate explanatory rationale phrases for suggested revisions.]

PURPOSE

To establish general procedures for the Council meetings and administrative matters.

MEETINGS

The Council shall, generally, meet five times per calendar year. ~~meet a~~ At the call of the Council Chair or upon request of a majority of its voting members, emergency meetings may be held. Upon receiving a request for an emergency meeting from any Council member or upon the Chair's own instigation, the Council Chair shall instruct the staff to conduct a telephone poll of available voting Council members. If a quorum agrees, the Chair shall call such a meeting.

Public Participation

Council meetings are held for the purpose of conducting official Council business. As a matter of practice, however, the public will be ~~has been~~ provided an opportunity to address the Council at its meetings and submit information relevant to matters under consideration ~~discussion~~. To further encourage public participation, the Council, when practicable, shall establish a period at each meeting during which the public shall be granted an opportunity to address the Council on matters of concern to them. These discussions need not necessarily be related to items on the current meeting ~~the~~ agenda. The following procedures shall be observed.

Written

The public shall be permitted to file written statements with the Council at any time before or after a meeting. This submission of written statements by the public is a statutory right which cannot be administratively hampered by arbitrary conditions of length, format, numbers of copies, typography, etc. All written information submitted to the Council by an interested person shall include a statement of the source and date of such information and a brief description of the background and interests of the person in the subject of the oral or written statement. Any oral or written statement shall include a brief description of the background and interests of the person in the subject of the oral or written statement. To ensure adequate review and timely action, the following procedure will be followed:

1. Written comments regarding matters on the Council agenda received at the Council office no later than two weeks prior to the beginning of the Council meeting, or no later than a specially published deadline, will be placed in the Council members' briefing books distributed prior to the meeting. If appropriate, these comments will be summarized by staff at the Council meeting.
2. Written comments submitted after the above deadline and during the week prior to the Council meeting will be distributed at the meeting as supplemental briefing material.
3. Written comments received after the end of the week prior to the meeting will not be copied or distributed by the Council staff. In these instances, individuals are encouraged to attend the Council meeting and present their testimony orally and in writing. Written comments submitted in person at the meeting will be made part of the Council's record. For such late comments, individuals should make their own photocopies for distribution. At least 40 copies, each with the Agenda Item Number written in the upper right corner of the front page of the document. **The public should be aware that the Council does not have time to thoroughly review extensive written comments submitted at the meeting. The Council's advisory entities may not have a chance to review such comment at all.** (The Council will not pay collect charges for comments transmitted to the meeting hotel by facsimile machine.)
4. When multiple copies of the same or similar written public comment is received, Council staff will provide one copy of the material with a notation indicating the total number of copies received. This procedure will be used for written material received in advance of the Council meeting, per numbers 1 and 2 above.

Oral

To the extent that the meeting time and agenda permit, interested persons should be allowed to present oral statements or to participate in the discussion subject to such reasonable rules or procedures as may be established by the Council. Thus, advance approval for oral participation may be required, or time limits on such participation may be prescribed. In any event, every effort should be made to set aside a portion of every meeting for public participation. Any oral statement shall include a brief description of the background and interests of the person in the subject of the oral statement. The following procedures will be followed:

1. The Council will publish in the *Federal Register* and Council meeting notices the time for public comment for each agenda item, as appropriate, and provide a time for public comment on items not on the agenda of the Council meeting.
2. Registration Sign-up cards will be provided at the entrance of the meeting room for individuals wishing to address the Council. The following information shall be included, (1) name, (2) address, (3) affiliation, and (4) agenda item/subject of testimony. After public comment begins on each agenda item, additional cards will not be accepted for that agenda item.

3. At his^d or her discretion, the Council Chair may establish a sequence for calling on individuals, according to topics to be discussed. Generally, verbal testimony is limited to five minutes for individuals and ten minutes for groups or individuals representing organizations.
4. Depending upon time and Council wishes, the Council Chair may ask for comments from the public on subjects of interest to the Council after all comments have been made by individuals from the comment registration cards ~~on the sign-up list.~~
5. When there are numerous public comments, the Chair may decide to use an alternative approach to expedite the comment process. The following procedure may be used when there are two opposing factions:
 - The Chair requests, in advance of the public comment period, that each side choose a panel to present the arguments.
 - Each panel makes its presentation.
 - The Chair calls on each individual that filled out a sign-up card and allows appropriate time for each individual to testify.
6. If new information from a state or federal agency or from a Council advisory entity is accepted by the Council, the Chair shall insure that the Council gives comparable consideration to new information offered at that time by interested members of the public. Interested parties shall have a reasonable opportunity to respond to new data or information before the Council takes final action on conservation or management measures (pursuant to the Magnuson-Stevens Fishery Conservation and Management Act ~~amendment of 1990~~).
7. Council members shall be allowed to ask questions of individuals addressing the Council.

Electronic Mail (E-mail)

The Council will treat e-mail comments in the same regard as written comments. The public shall be permitted to file e-mail statements with the Council at any time before or after a meeting, subject to the requirements in the following paragraph. A format describing e-mail necessities and acceptance procedures will be posted on the Council website and notice of same will be placed in the Council Newsletter. Copies of qualifying e-mail will be treated the same as written public comment (described above) and subject to the same deadlines for distribution. ~~will be placed in a binder available at Council meetings for public viewing.~~ All e-mail received designating testimony relevant to a particular Council meeting will be made part of the official meeting record.

All e-mail information submitted to the Council for purposes of comment on a Council meeting agenda item shall include the name of the person submitting the statement, a brief description of the representation or interest of person submitting the statement, an e-mail address at which the person can be contacted, the subject or meeting agenda item the comment pertains to, and when relevant information is submitted, a statement of the source and date of such information. Attachments to e-mail will not be accepted as part of the e-mail comment.

To facilitate timely review by Council members, the following procedure will be followed:

1. Qualified e-mail comments regarding matters on a Council public meeting agenda received at the Council office no later than two weeks prior to the beginning of the Council meeting, or no later than a published notification deadline, will be printed and placed in the Council members briefing books distributed prior to the meeting. If multiple identical comments are received, only one representative copy will be included in the briefing books with the total number of such comments received noted on the copy. If appropriate, ~~These~~ these comments will be summarized by staff at the Council meeting.
2. Qualified e-mail submitted after the above deadline and during the week prior to the Council meeting will be distributed at the meeting as supplemental briefing material. ~~Qualified e-mail comments received between the above deadline and three working days before the onset of the Council meeting will be printed and distributed at the meeting as supplemental briefing material.~~ If multiple identical comments are received, only one representative copy will be included in the supplemental briefing material with the total number of such comments received noted on the copy. If appropriate, ~~These~~ these comments will also be summarized by staff at the Council meeting.
3. Qualified e-mails received after the end of the week prior to the meeting will not be copied or distributed by the Council staff. In these instances, individuals are encouraged to attend the Council meeting and present their testimony orally and in writing. ~~Qualified e-mail comments received after three working days before the onset of a Council meeting may be printed and made available to the Council, to the extent practicable. The public should not expect that such comment will be reviewed by Council members. For such late comments, individuals should consider presenting verbal statements at the Council meeting following established procedures. However, all e-mail comments received will be made a part of the official record of the meeting.~~

Public Notification of Meetings

News Releases. Timely public notice of each regular meeting and each emergency meeting, including the time, place, and agenda ~~topics for~~ of the meeting, shall be widely distributed via facsimile machine, electronically (email and Council website), and/or U.S. Post, ~~including~~ to individuals on mailing lists maintained by the Council and to local media newspapers in the major fishing ports of Washington, Oregon, and California (and in other regional areas ~~major fishing ports~~ having a direct interest in the affected fishery, e.g., Idaho). ~~Notice of meetings to discuss salmon issues shall be distributed to selected Idaho newspapers deemed to have sufficiently large circulations to adequately inform the interested public.~~ The notice also may be announced by such other means as will result in wide publicity. For purposes of this notice, the term "timely" will be defined as two weeks prior to the actual meeting. However, the Council recognizes that due to the expediency of some Council actions and/or other reasons deemed valid, such two-week advance notice may not always be possible.

Federal Register Notices. Timely notice of each regular meeting, emergency meeting, and hearing also shall be published in the *Federal Register*. ~~The~~ The Council staff shall prepare this notice in coordination with the appropriate National Marine Fisheries Service (NMFS) regional office. In this

context, the term "timely" shall denote submission of the notice to NMFS (at least 23 calendar days prior to the meeting) for publication in the *Federal Register* ~~at least 23 calendar days prior to the meeting.~~

The published agenda of the meeting may not be modified to include additional matters for Council action without public notice or within 14 days prior to the meeting date, unless such modification is to address an emergency action under section 305(c) of the Magnuson-Stevens Act, in which case public notice shall be given immediately.

Voting Procedures

Robert's Rules of Order will be strictly enforced. Makers of motions must first be recognized by the Chair, and if an action is to be reconsidered, the motion for reconsideration must be made by an individual who originally cast a vote for the prevailing side.

Motions. The maker of a motion must clearly and concisely state and explain the motion. After discussion and a call for the question, the motion must be restated clearly and concisely by the Chair before the vote is taken. Motions must be recorded in written form visible to each Council member present and the public if the action (1) requires approval or amendment of a fishery management plan (including any proposed regulations), (2) requests an amendment to regulations implementing a plan, or (3) is a recommendation for responding to an emergency. The written motion, as voted on, must be preserved as part of the record or minutes of the meeting, and include the exact vote of the Council members. ~~For a vote on a Council finding that an emergency exists in a fishery, the exact number of votes (for, against, and abstaining) must be preserved as part of the record of the meeting.~~

In the case of a telephonic vote, the Chair or the maker of the motion must clearly read the motion aloud immediately prior to the vote, such that everyone on the call understands the wording of the motion up for vote, being voted on. The motion would then become part of the written record of the call/vote, which would also include the exact vote of the Council members.

Votes. At the request of any voting member of the Council, the Council shall hold a roll call vote on any matter before the Council. The official minutes and other appropriate record of any Council meeting shall identify all roll call votes held, the name of each voting member present during each roll call vote, and how each member voted on each roll call vote. All other votes shall be by verbal indication. Council members/designees who are not in attendance may not vote by telephone.

A voting member of the Council may not vote on any Council matter that would have a significant and predictable effect on a financial interest of that Council member. A designated official (Council parliamentarian) will determine whether a Council decision would have a significant and predictable effect on a financial interest of a member. An affected individual who may not vote may participate in Council deliberations relating to the decision after notifying the Council of the voting recusal and identifying the financial interest that would be affected.

For a vote on a Council finding that an emergency exists in a fishery, the exact number of votes (for, against, and abstaining) must be preserved as part of the record of the meeting.

Measures to Improve Meetings

Report Presentation

- Council staff, advisory body representatives, invitational speakers, and Council members should shorten all oral reports to the extent possible. For lengthy written reports, provide brief executive summaries highlighting major points.
- Provide ~~only~~ written reports on ~~administrative~~ items ~~that~~ ~~which~~ are only informational and do not require Council action.
- Advisory subpanel reports should describe areas of consensus and differences. Individual subpanel members shall ~~should~~ not provide public testimony as part of the subpanel presentation.
- In general, lengthy detailed presentations will be provided during joint advisory body meetings (e.g., Scientific and Statistical Committee, Groundfish Management Team, Groundfish Advisory Subpanel joint meetings to review stock assessment information) rather than during the Council session. Council members should endeavor to attend these advisory body meetings.

SSC Reviews for Scientific Merit

The SSC requires good documentation and ample review time in order to provide the best possible advice to the Council. Agencies and review document authors should be responsible for ensuring materials submitted to the SSC are technically sound, comprehensive, clearly documented, and identified by author. If there is any uncertainty on the part of authors regarding SSC expectations, authors should clarify assignments and expectations of deliverables with the meeting Chair. In order that there be adequate time for careful review, documents and materials destined for review by the SSC or any of its subcommittees must be received at the Council office at least two weeks prior to the meeting at which they will be discussed and reviewed. The Council will then provide copies to appropriate SSC members at least five working days prior to the meeting. If this deadline cannot be met, it is the responsibility of the author to contact the meeting Chair prior to the two-week deadline, so appropriate arrangements, rescheduling, and cancellations can be made in a timely and cost-effective manner. This deadline applies to all

[Proposed by SSC]

Public Comments

- The Council cChair will limit the length of oral testimony to five minutes per individual and ten minutes per group or individual representing a group. At the discretion of the Chair, less time may be allotted. If less time is to be provided, the Chair shall announce this prior to the start of public testimony on an agenda item.
- The Council Chair will uUrge members of the public to not repeat comments provided by a previous public commenters speaker.
- Avoid-Council member debate and record development should be avoided during the public testimony period. Allow QQuestions should be for clarification only.

Structure of Agenda

- As appropriate, the Council cChair will advise Council members of time limits for each agenda item. Time limits will not be rigidly enforced, but they may serve as a guide or reminder to focus discussion and be concise.
- Avoid placing too many weighty issues near the end of the meeting. Intersperse major items throughout the agenda to the extent possible.
- Review work load and next meeting agenda at or near the end of each meeting. Establish priorities for activities. Priorities should be publicized ~~Publicize priorities~~.
- Proceed without agency philosophical comments prior to salmon actions.
- ~~Schedule detailed informational reports during informal evening sessions to the extent possible.~~

Council Discussion and Debate

- Debate should be complete and not be arbitrarily limited, but it should be focused on the motion. (Robert's Rules limit members to two speeches per topic and ten minutes per speech).

MINUTES

A detailed meeting record of each Council meeting ~~Detailed minutes of each meeting of the Council~~, except for any closed session, shall be kept and shall contain a record of the persons present, a complete and accurate description of matters discussed and conclusions reached, and copies of all statements filed. At a subsequent meeting, the Council will review and adopt the meeting record. A copy of the official meeting record shall be submitted to NMFS. ~~The chairman shall certify the accuracy of the minutes of each such meeting and submit a copy thereof to the Secretary.~~ The meeting record ~~minutes~~ shall be made available to any court of competent jurisdiction.

STAFF RESPONSIBILITIES

In addition to drafting meeting minutes, the staff will prepare brief pre-Council meeting issue summaries, identifying issues and options for each agenda action item. These summaries are provided in the briefing books.

NEW MEMBER ORIENTATION

New Council members will be provided with a one-day to two-day briefing session with appropriate Council members, staff, and advisory Chairs (Scientific and Statistical Committee, advisory subpanels, and plan development/management Teams) prior to their first Council meeting. During this session, both mechanics of operation and management issues and techniques will be addressed. In addition, new members will attend the Council Chair's briefing for the first two Council meetings.

COUNCIL CHAIR'S BRIEFING

The Council Chair's briefing is for the purpose of briefing the Council Chair and not a forum for debate or discussion of the issues.

QUICK RESPONSE PROCEDURE

This procedure addresses Council comments to other entities on actions proposed by those entities. It does not include fishery management action items ~~that~~ ~~which~~ are the responsibility of the Council and ~~which~~ must be approved by the Council at a regular or emergency meeting.

For new policy matters ~~that~~ ~~which~~ will be implemented or ~~which~~ have a comment deadline prior to the next Council meeting, the Council Chair is authorized to send a letter on behalf of the Council using the following procedure:

Staff will distribute a summary of the issue and a proposed response to all Council members. If the Council Chair receives a response from at least one voting member from each state, ~~he/she~~ they may send an official Council comment letter taking into account the responses received from members. Consensus is not required.

OFFICERS

The Council Chair and Council Vice Chair of the Council shall be elected by majority vote of Council members present and voting. Generally, elections are held during the November Council meeting. Officers shall serve one-year terms, which commence January 1. Appointments may be renewed for a second one-year term by majority Council vote at the next November meeting. Each officer may not serve more than two one-year terms, in his/her respective office.

COUNCIL OPERATING PROCEDURE

Advisory Subpanels

2

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, **09/17/04**

[editorial note – text in ~~strikeout~~ is a suggested deletion, text in underline is a suggested policy-neutral clarification or previously adopted policy change, [REDACTED] text is a suggested addition or clarification that represents a potential change in policy, and straight brackets [] designate explanatory rationale phrases for suggested revisions.]

PURPOSE

To establish procedures for advisory subpanels.

OBJECTIVES AND DUTIES

When requested by the Council Chair 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~~ U.S. commercial and recreational fisheries will harvest the resources managed under their respective FMPs ~~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, FMP amendments, and regulatory amendments during preparation of such FMPs or amendments by the Council, (b) FMPs prepared by the U.S. 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 Chair 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), Sustainable Fisheries Act, and other applicable law.

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 the Council's ~~its~~ duties as specified under the Magnuson-Stevens Act and other applicable law.

MEMBERSHIP

Terms

All 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 they (1) transfers employment or moves to a different location, (2) ~~is~~ are absent from two meetings in any 12-month period, or (3) appear unable to fulfill their obligations as a subpanel member (4) engage in disreputable or criminal behavior.

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 per the Council travel rules. Exceptions may be made to exceed the single incidence allowance, at the discretion of the Executive Director for highly unusual occurrences.

Officers

The Council Chair and Council Vice Chair of each subpanel shall be elected by majority vote of subpanel members present and voting. Such officers shall be confirmed by the Council Chair and shall serve one-year terms. There is no limit as to the number of terms that individuals may serve as officers. The presiding officer has the responsibility and authority to ensure that meetings are conducted in an orderly and business-like manner.

~~Subpanel officers shall be appointed by the Council Chair 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 Chair or Executive Director, as often as necessary to fulfill their responsibilities. The Council will reimburse travel costs for nonfederal advisory body members while on official Council travel as per the *Council Travel Rules* document.

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 Chair. 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 ~~discretion~~ direction of the Council Chair. Members of the public may be asked to leave the meeting at the Council Chair'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 Council Chair.~~ The granting of permission for the public to tape all or any part of the meeting is at the discretion of the subpanel Chair and such permission must be obtained in advance.

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

Public Notification of Meetings

Timely public notice of each subpanel meeting, including the time, place, and agenda topics for the meeting, shall be widely distributed via facsimile machine, electronically (email and Council website), and/or U.S. Post to individuals on mailing lists maintained by the Council and to local media. The notice also may be announced by such other means as will result in wide publicity. For purposes of this notice, the term "timely" will be defined as two weeks prior to the actual meeting. However, the Council recognizes that due to the expediency of some Council actions and/or other reasons deemed valid, such two-week advance notice may not always be possible.

Timely notice of each regular meeting, emergency meeting, and hearing also shall be published in the *Federal Register*. Council staff shall prepare this notice in coordination with the appropriate National Marine Fisheries Service (NMFS) regional office. In this context, the term "timely" shall denote submission (at least 23 calendar days prior to the meeting) of the notice to NMFS for publication in the *Federal Register*.

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

MINUTES

As workload permits, ~~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 necessary ~~requested~~.

REPORTS TO COUNCIL

Subpanels shall report to the Council as directed by the Council Chair or Executive Director.

Reports will describe both areas of consensus and differences. If necessary, majority and minority reports may be drafted to present the divergent views of the subpanel. The subpanel Chair will present both majority and minority reports to the Council.

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 Council Chair.

NEW MEMBER ORIENTATION

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

AD HOC ADVISORY GROUPS

~~The Council Chair 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. [Now covered under separate COP for Ad Hoc committees.]~~

GROUND FISH PERMIT REVIEW

When requested by the Council Chair or Executive Director, the Groundfish Advisory Subpanel (GAP) has the responsibility to review and comment on the groundfish limited entry permit system, in accordance with Amendment 6.

Note: Responsibility for making reports to the Council on the progress of the groundfish license limitation program and need for adjustments was assigned to the GAP at the April, 1996 Council Meeting. 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.

Objectives and Duties

1. Review appeals related to issuance of permits and gear endorsements, make recommendations through the Council to the regional director as to whether the appeal should be granted, and explain how the recommendation is consistent with the implementing regulations.
2. Make recommendations to the Council on whether non-federal/non-state limited entry systems should be certified as being consistent with the goals and objectives of the limited entry program established by Amendment 6 to the groundfish FMP, as described in Section 14.3.1.4 of that amendment.

Meetings

1. The GAP-comprised review board shall meet at the request of the Council Chair or Executive Director as often as necessary to fulfill their responsibilities.
2. Notice of these meetings shall be published in the *Federal Register*, distributed to the news media, and via other means to ensure wide distribution.

Public Participation

Testimony on Appeals - The GAP-comprised review board shall receive testimony from appellants and members of the public on appeals under consideration. Testimony by the appellants shall be submitted to the limited entry office of NMFS in written form at least four weeks prior to the meeting.

Appellant written testimony will be made available to all interested persons in a timely manner prior to the meeting. At the meeting, the appellant may provide an oral summary of written testimony and additional oral testimony in response to questions by members of the GAP-comprised review board and public comment. Public comment shall be in written form and be provided to the NMFS Northwest Region limited entry office at least ten days in advance of the meeting. Members of the public may present oral summaries of written testimony. Time for oral testimony by both the appellant and the public may be limited by the Council Chair.

Testimony on Other Issues Considered by the Review Board - The GAP-comprised review board shall receive comments from members of the public on issues under consideration not related to appeals at a time specified on the agenda. Time for such testimony may be limited by the Council Chair.

Reports to the Council

The GAP-comprised review board shall report to the Council as directed by the Council Chair or Executive Director. Reports to the Council will be written and will describe both areas of consensus and differences. Both majority and minority positions will be presented.

Council's Role

The Council will consider GAP-comprised review board reports on appeals and forward recommendations to the NMFS Northwest Region director. This function is delegated to the Council Chair when prompt action is required for timely rulings by the NMFS Regional Administrator. All testimony to the Council on permit appeals will be in written form.

REPRESENTATION ON SUBPANELS ~~AND SPECIAL DUTIES~~

Subpanel and Total Number of Members	Affiliation <u>or Representation</u>
Coastal Pelagic (10)	<u>3 California Commercial Fisheries</u> <u>1 Oregon Commercial Fisheries</u> <u>1 Washington Commercial Fisheries</u> <u>3 Processors (California, Washington, or Oregon)</u> <u>1 California Charter/Sport Fisheries</u> <u>1 Conservation Group</u>
Groundfish (20)	<u>3 Fixed Gear Fisheries (at-large)</u> <u>1 Washington Trawl Fisheries</u> <u>1 Oregon Trawl Fisheries</u> <u>1 California Trawl Fisheries</u> <u>1 Open Access Fisheries north of Cape Mendocino</u> <u>1 Open Access Fisheries south of Cape Mendocino</u> <u>2 Processors (at-large)</u> <u>1 At-Sea Processor</u> <u>1 Washington Charter Boat Operator</u> <u>1 Oregon Charter Boat Operator</u> <u>1 California north of Pt. Conception Charter Boat Operator</u> <u>1 California south of Pt. Conception Charter Boat Operator</u> <u>3 Sport Fisheries (at-large)</u> <u>1 Tribal Fisheries (individual must be active in tribal fishery)</u> <u>1 Conservation Group</u>

~~—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.~~

REPRESENTATION ON SUBPANELS ~~AND SPECIAL DUTIES~~

Subpanel and Total Number
of Members

Affiliation or Representation

Highly Migratory Species

(13)

- 1 Commercial Troll Fisheries
- 1 Commercial Purse Seine Fisheries
- 1 Commercial Gillnet Fisheries
- 3 Commercial At-Large
- 1 Processor north of Cape Mendocino
- 1 Processor south of Cape Mendocino
- 1 Charter Boat Operator
- 1 Private Sport Fisheries
- 1 Sport Fisheries At-Large
- 1 Conservation Group
- 1 Public At-Large

Salmon

(15)

- 1 Washington Troll Fisheries
 - 1 Oregon Troll Fisheries
 - 1 California Troll Fisheries
 - 1 Gillnet Fisheries
 - 1 Processor
 - 1 Washington Charter Boat Operator
 - 1 Oregon Charter Boat Operator
 - 1 California Charter Boat Operator
 - 1 Washington Sport Fisheries
 - 1 Oregon Sport Fisheries
 - 1 Idaho Sport Fisheries
 - 1 California Sport Fisheries
 - 1 Tribal Fisheries (Washington Coast, individual must be active in tribal fishery)
 - 1 Tribal Representative (California)
 - 1 Conservation Group
-

COUNCIL OPERATING PROCEDURE

Planning, Technical, and Management Teams

3

Approved by Council: 07/20/83

Revised: 09/16/87, 11/13/90, 04/06/95, 6/17/03, **09/17/04**

[editorial note – text in ~~strikeout~~ is a suggested deletion, text in underline is a policy-neutral clarification or previously adopted policy change, [REDACTED] text is a suggested addition or clarification that represents a potential change in policy, and [straight brackets] designates explanatory rationale phrases for suggested revisions.]

PURPOSE

To establish procedures for ~~planning~~, technical, and management teams (Teams).

OBJECTIVES AND DUTIES

When requested by the Council Chair or the ~~e~~Executive ~~d~~Director, the ~~planning~~ tTeams shall:

1. Furnish ~~an~~ objective, scientific appraisals of the particular fisheries and associated biological resources as assigned by under its responsibility to the Council (for example, fisheries for salmon, groundfish, coastal pelagic species, or highly migratory species). It will not be the [REDACTED] **However, Teams have the discretion to note Team Preferred Alternatives and the rationale for the** [REDACTED] [Conformity to recent practice.]
2. Draft fishery management plans (FMP), FMP amendments, ~~to FMPs~~ or regulatory amendments to regulations when it is determined by the Council that such FMPs or amendments are required.
3. [REDACTED] Ppresent alternative management goals and objectives to the Council for adoption. Management goals and ~~Those~~ objectives ~~presented~~ should be operational and as specific as possible. Goals and objectives should be based on measurable criteria, which will provide a basis for evaluating if management programs are meeting stated goals and objectives. [Intended clarity that assignments from the Council for a Team to develop goals and objectives primarily occur during development of an FMP.]
4. Present analyses that ~~which~~ examine short-term and long-term tradeoffs, particularly when policy decisions have long-term implications (e.g., rebuilding rates).
5. In drafting the FMP or amendment, make decisions with regard to what is included in the successive drafts to be presented to the Council. The Scientific and Statistical Committee (SSC) and other advisory ~~subpanels~~ bodies may ~~shall~~ advise the Teams and Council, but their advice is not binding on the Teams. The Council shall decide if the FMP is to be modified and Teams shall comply with Council directives.
6. When presenting successive drafts of FMPs or amendments, submit in writing a list of problems and alternative solutions which require resolution by the Council. An analysis of alternative

management strategies ~~should~~ shall be included prior to adoption of each FMP or amendment. (Note: This type of analysis should also be included in the Regulatory Impact Review (RIR)).

7. Prepare documents and reports required by an FMP or the Council, such as Stock Assessment and Fishery Evaluation (SAFE) documents, abundance forecasts, and rebuilding plans.
8. Evaluate, validate, document, and recommend changes to models used to estimate impacts of Council management proposals. [Primarily an accommodation of the Model Evaluation Workgroup purpose.]

- **In preparing a regulatory amendment, develop proposed regulatory language as** [Accounts for the “emergency and proposed regulation” responsibility deleted from the in previous number 7, the existing need for Team developed regulatory language on matters such as area closure coordinates, and the potential future need for regulatory language under National Marine Sanctuaries Act provisions.]

7. 10. Assist the Council and National Marine Fisheries Service (NMFS) staff in the preparation of the RIR necessary documentation required for Secretarial approval of a Council action by providing and reviewing appropriate written work elements from the duties described in items 1 - 9 above. This documentation may include an Environmental Assessment, or Environmental Impact Statement or other documents required under the National Environmental Policy Act, Regulatory Impact Reviews, Regulatory Flexibility Analyses, and all other documents required by applicable law. emergency and proposed regulations
-----Except as directed by the Council, the Council staff shall be responsible for coordination of materials provided by the Teams into the necessary federal documents and final submission to the NMFS for Secretarial approval

9. 11. Attend Council meetings at the request of the Council Chair or the eExecutive dDirector to advise the Council on specific fisheries, with particular reference to the biological and socioeconomic implications of managing those fisheries.

13. 12. Be represented at Attend meetings of the relevant advisory subpanel to provide technical information as requested by the subpanel, with number of Team members present dependent on expertise, necessity, and competing workload assigned by the Council.

8. 13. Attend public hearings on the FMPs or amendments, with number of Team members present dependent on expertise, necessity, and competing workload assigned by the Council.

11. 14. Present models, stock assessments and or fishery analyses of elevated scientific complexity for review by the SSC. When possible, the documents should be provided accordance with COP 4, SSC Objective and Duty 10. distributed two weeks before the SSC meeting

12. 15. Perform such other necessary and appropriate Team 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), National Environmental Policy Act, and other applicable law.

COMPOSITION

1. Teams shall consist of not more than eight members (unless additional members are deemed necessary by the Council), each concerned with carrying out the objectives and duties of their appointed Team ~~with respect to a fish species or stock.~~
2. The Council may establish or abolish such Teams as it deems necessary to perform Council its duties as specified under the Magnuson-Stevens Act and other applicable laws.
3. Teams shall be composed of state, federal, tribal, and non-governmental specialists, as necessary. Members are nominated by their agencies or organizations, qualifications of the members are reviewed by the SSC and Council members, and ~~the member is~~ are appointed by the Council.
- ~~4. Each Team shall meet at the call of its Council Chair when authorized by the Council Chair or Executive Director.~~
- ~~5. The Teams shall report to the Council as directed by the Council Chair or Executive Director.~~

[These latter two points are covered in the Objectives and Duties section.]

MEMBERSHIP

Term of Members

Members shall be appointed by the Council and serve indefinite terms unless terminated by the Council per the procedure described below or the member resigns ~~at the pleasure of the Council.~~

Termination of Membership

A Team member may be replaced at the Council's discretion if they (1) transfers employment or moves to a different location, (2) is absent from two or more consecutive meetings without giving adequate notification to the Team ~~eChair or Council eExecutive dDirector~~, ~~or~~ (3) appears unable to fulfill their obligations as a Team member, or (4) is reassigned by sponsoring agency.

Replacement of Members

Upon receipt of a letter of resignation or following Council action to remove a member, the ~~eExecutive dDirector~~ shall contact the agency or organization ~~which~~ the former member represented for a replacement nominee.

Alternates

A Team member may send an alternate to a Team meeting when the official member is unable to attend. ~~The function of that alternate is expected to fulfill the primary duties of the absent member shall be determined by the Council Chair of the Team.~~ The alternate may be reimbursed for travel expenses per the Council travel rules.

Officers

The Council Chair and Council Vice Chair of each Team shall be elected by majority vote of Team members present and voting. Such officers shall be confirmed by the Council Chair and shall serve one-year terms. There is no limit as to the number of terms that individuals may serve as officers. The presiding officer has the responsibility and authority to ensure that meetings are conducted in an orderly and business-like manner.

Subcommittees

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

MEETINGS

The Teams shall meet at the request of Council Chair or Executive Director, or their respective Team Chair with the approval of the Council Chair or the ~~e~~Executive ~~d~~Director, as often as necessary to fulfill their responsibilities.

Public Participation

Scheduled meetings of ~~plan-development/management~~ Teams and Team subcommittees for purposes of completing draft documents for submission to the Council shall be announced in advance in the *Federal Register* and by other means to ensure wide distribution (described below) ~~Council news releases which shall provide a tentative agenda.~~ Meeting notices will describe the purpose of the meeting and topics to be discussed. Unless otherwise announced, a scheduled Team meeting shall be of the same duration as the Council meeting during which it is held. These scheduled meetings shall be open to the public. Public comments will be accepted by the Team during a public comment period or at the discretion of the Council Chair. Public comments shall be limited to items on the Team agenda. Policy issues and decisions concerning final choices among options are the province of Council deliberations. ~~Therefore, therefore,~~ it is in the Council forum that public comments on such matters shall be received, not in Team meetings.

Minutes reporting major Team actions, and records and documents prepared for the Council, shall be filed in the Council office, where they will be available for public review.

Because Team meetings are essentially working sessions for drafting materials for Council review, public taping of those proceedings shall be permitted only as specifically authorized by the Council Chair. ~~Draft documents utilized by the Teams at these meetings will be made available to the public~~

Draft work product, 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 Council Chair.

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

Public Notification of Meetings

Timely public notice of each Team meeting, including the time, place, and agenda topics for the meeting, shall be widely distributed via facsimile machine, electronically (email and Council website), and/or U.S. Postal Service to individuals on mailing lists maintained by the Council and to local media. The notice also may be announced by such other means as will result in wide publicity. For purposes of this notice, the term "timely" will be defined as two weeks prior to the actual meeting. However, the Council recognizes that due to the expediency of some Council actions and/or other reasons deemed valid, such two-week advance notice may not always be possible.

Timely notice of each regular meeting, emergency meeting, and hearing also shall be published in the *Federal Register*. Council staff shall prepare this notice in coordination with the appropriate National Marine Fisheries Service (NMFS) regional office. In this context, the term "timely" shall denote submission (at least 23 calendar days prior to the meeting) of the notice to NMFS for publication in the *Federal Register*.

~~Notice of Team meetings shall be published in the *Federal Register* and news media.~~

MINUTES

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

STAFF RESPONSIBILITIES

Council staff members will assist the Teams as required.

STATE AGENCY OR ORGANIZATION SPOKESPERSON POLICY POSITION ADVOCATES

Team members will not be act as official ~~spokespersons~~ policy advocates of agency or organization ~~state~~ positions while ~~serving~~ acting in their capacity as Team members.

ADDITIONAL EXPERTISE

Teams are encouraged to invite individuals with specialized expertise to assist them as needed. The Council ~~e~~Executive ~~d~~Director will consider reimbursing such experts for travel expenses on a case-by-case basis.

CURRENT REPRESENTATION ON ~~PLANNING~~ TEAMS

<u>Team and Total Number of</u>		<u>Members</u>		<u>Affiliation</u>
Coastal Pelagic		2	California Department of Fish and Game	
(6)		2	National Marine Fisheries Service	
		1	Washington Department of Fish and Wildlife	
		1	Oregon Department of Fish and Wildlife	

~~PLANNING~~
CURRENT REPRESENTATION ON PLANNING TEAMS

Team and Total Number of Members	Affiliation
Groundfish (7 <u>12</u>)	<u>3</u> <u>6</u> State Fish Management Agency (Two each from Washington, Oregon, California) <u>1</u> NMFS Southwest Fisheries Science Center <u>+</u> <u>2</u> NMFS Northwest Fisheries Science Center <u>+</u> <u>2</u> NMFS Northwest Region <u>1</u> Tribal Governments <u>One of the Members Should be an Economist</u>
Highly Migratory Species (8)	<u>5</u> NMFS Southwest Fisheries Science Center <u>3</u> State Fish and Game (Washington, Oregon, California)
Salmon (8)	<u>3</u> State Fish and Game (Washington, Oregon, California) <u>3</u> NMFS <u>1</u> USFWS <u>1</u> Tribal Governments
<u>Model Evaluation</u> <u>Workgroup</u> (7-9)	<u>3</u> <u>State Fish and Game (Washington, Oregon, California)</u> <u>1</u> <u>NMFS</u> <u>1</u> <u>Northwest Indian Fisheries Commission</u> <u>1</u> <u>Columbia River Inter-Tribal Fish Commission</u> <u>1</u> <u>USFWS</u> <u>1</u> <u>SSC (may be filled by one of the state or tribal agency</u> <u>representatives)</u> <u>1</u> <u>STT (may be filled by one of the state or tribal agency</u> <u>representatives)</u>

COUNCIL OPERATING PROCEDURE

Scientific and Statistical Committee

4

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, **09/17/04**

[editorial note – text in ~~strikeout~~ is a suggested deletion, text in underline is a suggested policy-neutral clarification or previously adopted policy change, [REDACTED] text is a suggested addition or clarification that represents a potential change in policy, and straight brackets [] designate explanatory rationale phrases for suggested revisions.]

PURPOSE

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

OBJECTIVES AND DUTIES

When requested by the Council Chair 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. Provide advice on the Scientific basis of any proposed regulations under consideration by the Council to implement any FMP or amendment.

8. Assist the Council in establishing criteria for judging the effectiveness of an FMP or amendment.
9. Attempt to resolve scientific or technical disputes within or between Planning, Technical, or Management Team (Team), assessment review body (e.g., groundfish Stock Assessment Review, salmon Methodology Evaluation Workgroup), and/or organizations perspectives before the issues come before the Council. ~~(NOTE: See Council operating procedure entitled Salmon Estimation Methodology Review.)~~
10. Review, evaluate, recommend improvements, and provide findings of scientific quality, soundness, uncertainty of stock assessments, fishery or habitat models and analysis of fishery ecosystems or marine protected areas under consideration by the Council. ~~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.~~

SSC Reviews for Scientific Merit

The SSC requires good documentation and ample review time in order to provide the best possible scientific advice to the Council on scientific merit. Analysis or report authors should be responsible for ensuring materials submitted to the SSC are technically comprehensive, clearly documented, and complete. If there is any uncertainty on the part of authors regarding SSC expectations, authors should clarify assignments and expectations of materials to be reviewed with the SSC Chair. In order that there be adequate time for careful review, documents and materials destined for review by the SSC or any of its subcommittees must be received at the Council office at least two weeks prior to the meeting at which they will be discussed and reviewed. The Council will staff then provide copies to appropriate SSC members. If this deadline cannot be met, it is the responsibility of the author to contact the SSC Chair prior to the two-week deadline, so appropriate arrangements, rescheduling, and cancellations can be made in a timely and cost-effective manner. This deadline applies to all official SSC activities and
 [Proposed by SSC]

11. Review qualifications of Plan Team and SSC nominees and present recommendations to the Council.
12. Perform such other necessary and appropriate duties as may be required by the Council to carry out its functions under the Magnuson-Stevens Act and other applicable laws.

COMPOSITION

Committee members shall be appointed for each category listed below (146 members). The Council shall strive to have the committee shall consist of include three social scientists, of which at least two shall have economic sciences 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 (3~~5~~)
 - Alaska Fisheries Science Center (1)
 - Northwest Fisheries Science Center (2—one with expertise in groundfish stock assessment)
 - Southwest Fisheries Science Center (2)
3. West Coast Indian tribal agency with fishery management responsibility (1)
4. At-large positions (6)

MEMBERSHIP

Term of Members

~~Non at-large federal, state, and tribal 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,~~ non-federal employees will be reimbursed for their actual expenses while traveling to and participating at meetings on official Council business, as per the Council Travel Rules document.

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.~~

An SSC member may be replaced at the Council's discretion if they (1) transfers employment or moves to a different location, (2) are absent from two or more consecutive meetings without giving adequate notification to the SSC Chair or Council Executive Director, or (3) appear unable to fulfill their obligations as an SSC member.

Replacement of Members

Upon receipt of a letter of resignation, from either the individual in an at-large position or the sponsoring fishery management agency for an agency seat, 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

If the Executive Director is notified, in advance, in writing, Each committee member representative when an appointed member will not be able to attend an federal, state, or tribal 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 per the Council travel rules. Designees for at-large committee members are not authorized.

Officers

The Council Chair and Vice Chair of the SSC shall be elected by majority vote of SSC members present and voting. Such officers shall be confirmed by the Council Chair and shall serve one-year terms. There is no limit as to the number of terms that individuals may serve as officers. However, general practice has been for officers to serve two consecutive one-year terms. The presiding officer has the responsibility and authority to ensure that meetings are conducted in an orderly and business-like manner. [Consistent with plan teams and subpanels]

~~The Chair and Vice Chair of the SSC shall be elected by majority vote of committee members present and voting. Such officers shall be confirmed by the Council Chair 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 Chair, with the approval of the Council Executive Director, as often as necessary to fulfill its responsibilities. Generally, the SSC will meet ~~The usual time for meetings shall be~~ Monday and Tuesday during ~~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 Chair. 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 Chair or a committee member. Members of the public may be asked to leave the meeting at the Chair'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 Chair and such permission must be obtained in advance.

Draft work product, 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 Chair. [Consistent with change for teams]

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

Public Notification of Meetings

Timely public notice of each SSC meeting, including the time, place, and agenda topics for the meeting, shall be widely distributed via facsimile machine, electronically (email and Council website), and/or U.S. Postal Service to individuals on mailing lists maintained by the Council and to local media. The notice also may be announced by such other means as will result in wide publicity. For purposes of this notice, the term "timely" will be defined as two weeks prior to the actual meeting. However, the Council recognizes that due to the expediency of some Council actions and/or other reasons deemed valid, such two-week advance notice may not always be possible.

Timely notice of each regular meeting, emergency meeting, and hearing also shall be published in the *Federal Register*. Council staff shall prepare this notice in coordination with the appropriate National Marine Fisheries Service (NMFS) regional office. In this context, the term "timely" shall denote submission (at least 23 calendar days prior to the meeting) of the notice to NMFS for publication in the *Federal Register*.

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

MINUTES

As workload permits, a Council staff member shall attend and draft minutes of each committee meeting. 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 meeting logistics ~~format problems~~, and to provide other expertise needed by the committee on a case-by-case basis.

COUNCIL OPERATING PROCEDURE

Enforcement Consultants

5

Approved by Council: 11/13/85

Revised: 04/06/95, **09/17/04**

[editorial note – text in ~~strikeout~~ is a suggested deletion, text in underline is a suggested policy-neutral clarification or previously adopted policy change, [REDACTED] text is a suggested addition or clarification that represents a potential change in policy, and straight brackets [] designate explanatory rationale phrases for suggested revisions.]

PURPOSE

To establish procedures for the Enforcement Consultants.

OBJECTIVES AND DUTIES

When requested by the Council Chair or Executive Director, the Enforcement Consultants shall provide advice to the Council concerning the feasibility of proposed management measures from an enforcement standpoint.

MEMBERSHIP

U.S. Coast Guard, 11th District
U.S. Coast Guard, 13th District
National Marine Fisheries Service, Northwest Region
National Marine Fisheries Service, Southwest Region
Washington Department of Fish and Wildlife
Oregon State Police
California Department of Fish and Game

Term of Membership

~~A member being considered to serve as~~ An Enforcement Consultant member must be appointed by the appropriate agency head who shall notify the Council of that appointment. The appointed individual will serve an indefinite term unless the appointing agency head determines otherwise.

Termination and Replacement of a Member

An Enforcement Consultant serves the Council at the discretion of the appointing agency and may be replaced at the discretion of the appointing agency.

Alternates

After notifying the Executive Director in advance, in writing, an Enforcement Consultants may send an alternate to a meeting if when the official member is unable to attend. The n Nonfederal alternates will be reimbursed by the Council for travel expenses per the Council travel rules as long as the official member is not in attendance.

ORGANIZATION

[Does not seem necessary]

- ~~1. Each member will have one vote.~~
- ~~2. Additional representatives of an agency may attend meetings but may not vote.~~

OFFICERS

1. A Chair will be elected by majority vote to serve a two-year term. The term will run from October 1 of the first year through September 30 of the second year.
2. The Vice Chair's position will be permanently filled by the U.S. Coast Guard representative from the 13th District.

MEETINGS

With the approval of the Executive Director, the Enforcement Consultants will meet in conjunction with each Council meeting or as determined by the Enforcement Consultant's Chair to achieve Council enforcement objectives. The Council will reimburse travel costs for nonfederal Enforcement Consultant members while on official Council travel as per the *Council Travel Rules* document.

MEETING ATTENDANCE

1. Enforcement Consultants or their alternates ~~designees~~ will attend all Council meetings. In the event the Chair is unable to attend, the Vice Chair will assume all responsibilities of the Chair.
2. The Chair will ensure that they are kept abreast of Council developments by maintaining close contact with Council staff. The Chair will be responsible for seeing that attendance is provided for at all meetings pertinent to the business of the Enforcement Consultants. The person attending such meetings shall provide the necessary information on the meeting attended to the Chair for information dissemination.
3. The Chair will call a meeting of the Enforcement Consultants, as authorized by the Council Executive Director, prior to or at Council meetings when issues affecting enforcement are to be addressed.

4. Other agencies and Council groups are welcome to attend the Enforcement Consultants' meetings. Individuals wishing to address an issue with the Enforcement Consultants should notify the Chair prior to the meeting.

REPORTING PROCEDURES

1. The Enforcement Consultants Chair will represent the consensus position of the group to the Council. In the absence of the Chair, the Vice Chair will act in their place.
2. Group positions to be presented to the Council will be established by majority vote.
3. Any member agency having an agency position differing from that of the group may present its position to the Council. Such a position must be given separately from the group report and clearly stated that it is a minority report and does not represent the view of the group.
4. Items presented to the Council will be summarized in writing in addition to the oral report. Copies will be provided to members of the Enforcement Consultants.

NOTIFICATION OF MEETINGS

The Chair shall give notice of Enforcement Consultant meetings, which shall be published in the agenda of the upcoming Council meeting. Scheduled meetings shall be open to the public.

PUBLIC PARTICIPATION AT MEETINGS

Comments or testimony from the public on issues under consideration at the time may be received by the Chair prior to each meeting. The Chair may limit testimony given by an individual both in terms of time and substance.

MINUTES

Minutes reporting major actions, records, and documents prepared for the Council shall be filed in the Council office where they will be available for ~~public review~~ upon request.

COUNCIL OPERATING PROCEDURE

Habitat ~~Steering Group~~ Committee

6

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, 10/17/03, **09/17/04**

[editorial note – text in ~~strikeout~~ is a suggested deletion, text in underline is a suggested policy-neutral clarification or previously adopted policy change, [REDACTED] text is a suggested addition or clarification that represents a potential change in policy, and straight brackets [] designate explanatory rationale phrases for suggested revisions.]

PURPOSE

To establish procedures for the Habitat Committee (HC).

OBJECTIVES AND DUTIES

When requested by the Council Chair 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 135 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) Northwest or Southwest Region.
- 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 sport recreational.
- One member representing a conservation group.
- One member at-large.
- One member from National Marine Sanctuaries (NMS).
- One member from NMFS Northwest or Southwest Fisheries Science Center.

MEMBERSHIP

Terms

The HC members representing NMFS, USFWS, PSMFC, NMS, and the state agencies ~~and tribal entities~~ will be appointed for indefinite terms and replaced only as needed or at the pleasure of the Council Chair. The other HC members (tribal, industry, conservation, and public at-large) will be appointed for three-year terms. The Council Chair may select members that ~~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 they (1) transfer employment or moves to a different location, (2) is absent from two or more consecutive meetings without giving adequate notification to the committee Chair or Council executive director, or (3) appears unable to fulfill their obligations as a committee member. [Consistent with plan teams and SSC]

~~A committee member may be replaced at the Council's discretion if they: (1) transfer employment or moves to a different location, (2) is absent from two meetings in any 12 month period, or (3) appears unable to fulfill their 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 member's 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 for 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 per Council travel rules.

Officers

A Chair (or co-chairs) will be recommended by the HC to be appointed by the Council Chair 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 Chair to achieve Council habitat objectives. ~~As budget permits,~~ The Council will reimburse travel costs for nonfederal HC members while on official Council travel as per the *Council Travel Rules* document.

Public Notification of Meetings

Timely public notice of each HC meeting, including the time, place, and agenda topics for the meeting, shall be widely distributed via facsimile machine, electronically (email and Council website), and/or U.S. Postal Service to individuals on mailing lists maintained by the Council and to local media. The notice also may be announced by such other means as will result in wide publicity. For purposes of this notice, the term "timely" will be defined as two weeks prior to the actual meeting. However, the Council recognizes that due to the expediency of some Council actions and/or other reasons deemed valid, such two-week advance notice may not always be possible.

Timely notice of each regular meeting, emergency meeting, and hearing also shall be published in the *Federal Register*. Council staff shall prepare this notice in coordination with the appropriate National Marine Fisheries Service (NMFS) regional office. In this context, the term "timely" shall denote submission (at least 23 calendar days prior to the meeting) of the notice to NMFS for publication in the *Federal Register*.

~~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 Chair 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 Chair 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.
- Habitat Committee-related, 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(s) and ~~to permit an evaluation~~ of the need for Council action and/or support.

Approved by Council: **09/17/04**

[[[THIS IS A NEW COP DESIGNED TO ELEVATE THE ALLOCATION COMMITTEE FROM AN AD HOC TO A STANDING COMMITTEE, AND CLARIFY THE ROLE, RESPONSIBILITIES, AND FUNCTION OF THE ALLOCATION COMMITTEE.]]]

PURPOSE

The purpose of this Council Operating Procedure is to specify the role, responsibilities, and function on the Groundfish Allocation Committee.

OBJECTIVES

Per the Groundfish Fishery Management Plan, direct allocation decisions must be made through a three-meeting Council process to allow the Council to fully consider the alternatives and comments from its advisory entities and the public.

The Groundfish Allocation Committee is charged with developing options for allocating certain groundfish species (e.g., “overfished” species) among the commercial and recreational sectors, and among gear groups within the commercial sector.

The purpose of the Groundfish Allocation Committee is to distribute the harvestable surplus among competing interests in a way that resolves allocation issues on a long-term basis.

National Standard 4 of the Magnuson-Stevens Fishery Conservation and Management Act (50CFR600.325) requires that “allocations shall be: (1) fair and equitable to all such fishermen; (2) reasonably calculated to promote conservation; and (3) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.” Moreover, National Standard 4 states “conservation and management measures shall not discriminate between residents of different states.”

[[[The following “principles” were lifted from the Groundfish Strategic Plan]]]

General Allocation Principles

1. All fishing sectors and gear types will contribute to achieving conservation goals (no sector will be held harmless). The fair and equitable standard will be applied to all allocation decisions but is not interpreted to mean exactly proportional impacts or benefits.
2. Non-groundfish fisheries that take groundfish incidentally should receive only the minimal groundfish allocations needed to efficiently harvest their target (non-groundfish) species. To determine the amount of allocation required, identify the economic values and benefits associated with the non-groundfish species. Directed fishery harvest of some groundfish may

need to be restricted to incidental levels to maintain the non-groundfish fishery. Consider gear modification in the non-groundfish fishery to minimize its incidental harvest.

3. Modify directed rockfish gears, as needed, to improve their ability to target healthy groundfish species and avoid or reduce mortality of weak groundfish species.
4. When information on total removals by gear type becomes available, consider discards in all allocations between sectors and/or gear types. Each sector will then receive adjustments for discard before allocation shares are distributed.
5. Fairly distribute community economic impacts and the benefits and costs of allocation coast-wide. Allocations should attempt to avoid concentration and assure reasonable access to nearby resources. Consider the diversity of local and regional fisheries, community dependency on marine resources and processing capacity, and infrastructure in allocation decisions.
6. Consider impacts to habitat and recovery of overfished stocks or endangered species (dependent on affected habitats) when making allocation changes.
7. Allocation decisions should consider and attempt to minimize transfer of effort into other fishery sectors, particularly for state managed fisheries (crab and shrimp).
8. Allocation decisions will: (a) consider ability to meet increased administrative or management costs; and (b) be made if reasonably accurate in-season quota monitoring or annual catch accounting has been established or can be assured to be established and be effective.
9. As the tribe(s) expand their participation in groundfish fisheries, allocations of certain groundfish species may have to be specified for tribal use. In such cases, the Council should ask the affected parties to *U.S. v. Washington* to convene and develop an allocation recommendation.

Area Management as Related to Allocation

10. Structure allocations considering both the north-south geographic and nearshore, shelf and slope distributions of species and their accessibility by various sectors and gears.
11. In addressing recreational/commercial rockfish allocation issues, use the following fishery priorities by species group: for nearshore rockfish, states may recommend a recreational preference, with any excess to be made available for commercial use; for shelf rockfish, the Council may set a recreational preference only on a species-by-species basis; and for slope rockfish, commercial allocation.
12. Licenses, endorsements or quotas established through management or capacity reduction measures may be limited to specific areas through exclusive area registrations and consider port landing requirements.

COMPOSITION

The Groundfish Allocation Committee will be composed of the Council Chair, and one representative each from the state management agencies, National Marine Fisheries Service, Pacific States Marine Fisheries Commission, and NOAA General Counsel.

Member Terms

Groundfish Allocation Committee members serve indefinite terms. However, a Committee member may be replaced at the Council's discretion if they (1) transfer employment or moves to a different location, (2) is absent from two or more consecutive meetings without giving adequate notification to the Committee Chair or Council Executive Director, or (3) appears unable to fulfill their obligations as an Committee member.

Alternate Members

Upon advance notice to the Council Chair or Executive Director, Committee members may designate alternates to serve in their absence. Such designees may participate in committee deliberations as a regular member and shall be reimbursed for expenses per the Council travel rules.

Officers

The Council Chair will act as Chair of the Groundfish Allocation Committee.

MEETINGS

The Groundfish Allocation Committee shall meet at the request of the Council Chair as often as necessary to fulfill its responsibilities. Committee members may request the Council Chair to convene a Committee meeting, but the Council Chair ultimately decides whether a meeting is necessary. The Council will reimburse travel costs for nonfederal Committee members while on official Council travel as per the *Council Travel Rules* document.

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 Chair. 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 Chair or a Committee member. Members of the public may be asked to leave the meeting at the Chair'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 Chair and such permission shall be obtained in advance of the meeting.

Copies of this operating procedure shall be available upon request from the Council office.

Public Notification of Meetings

Timely public notice of each Groundfish Allocation Committee meeting, including the time, place, and agenda topics for the meeting, shall be widely distributed via facsimile machine, electronically (email and Council website), and/or U.S. Postal Service to individuals on mailing lists maintained by the Council and to local media. The notice also may be announced by such other means as will result in wide publicity. For purposes of this notice, the term "timely" will be defined as two weeks prior to the actual meeting. However, the Council recognizes that due to the expediency of some Council actions and/or other reasons deemed valid, such two-week advance notice may not always be possible.

Timely notice of each regular meeting, emergency meeting, and hearing also shall be published in the *Federal Register*. Council staff shall prepare this notice in coordination with the appropriate NMFS regional office. In this context, the term "timely" shall denote submission (at least 23 calendar days prior to the meeting) of the notice to NMFS for publication in the Federal Register.

Minutes and Reports

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

The Groundfish Allocation Committee shall report to the Council as directed by the Council Chair or Executive Director.

Reports will describe both areas of consensus and differences. If necessary, majority and minority reports may be drafted to present the divergent views of the Committee. The Committee Chair will present both majority and minority reports to the Council.

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 Chair.

STAFF RESPONSIBILITIES

In addition to drafting meeting minutes, a Council staff member shall be assigned to assist the committee with coordination, organization, and meeting logistics (e.g., *Federal Register* and meeting notices), and to provide other expertise needed by the Committee on a case-by-case basis.

COUNCIL OPERATING PROCEDURE

Ad Hoc Committees

8

Approved by Council: 09/17/04

[[[THIS IS A NEW COP TO ESTABLISH PROCEDURES FOR AD HOC COMMITTEES]]]

PURPOSE

To establish procedures for creating, operating, and terminating Ad Hoc Committees.

CREATION AND TERMINATION

Ad Hoc Committee are created to address specific (or short term) issues and are intended to be in place for a limited duration. Ad Hoc Committees are created and terminated by vote of the Council. Current Ad Hoc Committees (including names and affiliations, but not contact information) shall be listed in the Council Roster.

OBJECTIVES AND DUTIES

Objectives, duties, and expected duration for each ad hoc committee shall be specified at the time the committee is created.

MEMBER COMPOSITION AND TERMS

Based on the advice of Council members and advisory committees, the Council Chair appoints ad hoc committee members.

Member Terms

Ad Hoc Committee members serve until the tasks assigned to the ad hoc committee are completed. However, an Ad Hoc Committee member may be replaced at the Council Chair's discretion if they (1) transfer employment or moves to a different location, (2) is absent from two or more consecutive meetings without giving adequate notification to the Committee Chair or Council Executive Director, or (3) appears unable to fulfill their obligations as an Committee member.

Alternate Members

Due to the limited and specific nature of Ad Hoc Committees, members shall, generally, not be allowed to appoint alternates and are strongly encouraged to attend all ad hoc committee meetings. However, at the discretion of the Council Chair or Executive Director and upon advance notice, in writing, committee members may designate alternates to serve in their absence. Such designees may participate in ad hoc committee deliberations as a regular member. At the discretion of the Council Chair or Executive Director, alternates may be reimbursed for expenses per the Council travel rules.

Officers

The Chair and vice Chair of each ad hoc committee shall be elected by majority vote of ad hoc committee members present and voting. Such officers shall be confirmed by the Council Chair and shall serve for the duration of the ad hoc committee. The presiding officer has the responsibility and authority to ensure that meetings are conducted in an orderly and business-like manner.

MEETINGS

The committee shall meet at the request of the Council Chair 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 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 Chair. 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 Chair or a Committee member. Members of the public may be asked to leave the meeting at the Chair'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 Chair and such permission shall be obtained in advance of the meeting.

Copies of this operating procedure shall be available upon request from the Council office.

Public Notification of Meetings

Timely public notice of each Ad Hoc Committee meeting, including the time, place, and agenda topics for the meeting, shall be widely distributed via facsimile machine, electronically (email and Council website), and/or U.S. Postal Service to individuals on mailing lists maintained by the Council and to local media. The notice also may be announced by such other means as will result in wide publicity. For purposes of this notice, the term "timely" will be defined as two weeks prior to the actual meeting. However, the Council recognizes that due to the expediency of some Council actions and/or other reasons deemed valid, such two-week advance notice may not always be possible.

Timely notice of each regular meeting, emergency meeting, and hearing also shall be published in the *Federal Register*. Council staff shall prepare this notice in coordination with the appropriate NMFS regional office. In this context, the term "timely" shall denote submission (at least 23 calendar days prior to the meeting) of the notice to NMFS for publication in the *Federal Register*.

Minutes and Reports

As workload permits, a Council staff member shall attend and draft minutes of each ad hoc committee meeting. Such minutes shall be submitted for approval by the majority of committee members prior to or at the next committee meeting.

Ad Hoc Committees shall report to the Council as directed by the Council Chair or Executive Director.

Reports will describe both areas of consensus and differences. If necessary, majority and minority reports may be drafted to present the divergent views of the Ad Hoc Committee. The Committee Chair will present both majority and minority reports to the Council.

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 Chair.

STAFF RESPONSIBILITIES

In addition to drafting meeting minutes, a Council staff member shall be assigned to assist the committee with coordination, organization, and meeting logistics (e.g., *Federal Register* and meeting notices), and to provide other expertise needed by the Committee on a case-by-case basis.

COUNCIL OPERATING PROCEDURE

Annual Management and Activity Cycles

9

Approved by Council: 07/10/85

Revised: 09/16/87, 04/06/95, 11/03/99; **06/17/04**

[editorial note – text in ~~strikeout~~ is a suggested deletion, text in underline is a suggested policy-neutral clarification or previously adopted policy change, [REDACTED] text is a suggested addition or clarification that represents a potential change in policy, and straight brackets [] designate explanatory rationale phrases for suggested revisions.]

PURPOSE

To establish ~~annual~~ management and activity cycles conducted by the Pacific Fishery Management Council (Council), its advisory entities, or staff for the groundfish, salmon, coastal pelagic species, halibut, and highly migratory species fisheries, and administrative matters.

~~ANNUAL~~ MANAGEMENT AND ACTIVITY CYCLES

Schedule 1 Biennial Management cycle and activities related to groundfish management.

~~Schedule 1a Annual management cycle and activities related to groundfish management based on five Council meetings.~~

~~Schedule 1b Annual management cycle and activities related to groundfish management based on four Council meetings.~~

Schedule 2 Annual management cycle and activities related to salmon management.

Schedule 3 Annual management cycle and activities related to coastal pelagic species management.

Schedule 4 Annual management cycle and activities related to halibut allocation.

Schedule 5 Annual management cycle and activities related to highly migratory species management.

~~Schedule 5b~~ Annual administrative management cycle and activities.

SCHEDULE 1. Annual management cycle and activities related to groundfish management.

<u>Year</u>	<u>Month</u>	<u>Entity and Management Activity</u>
<u>Year 1</u>	<u>November</u>	<p>To begin development of specifications for the next biennial management period (Years 3 and 4), the <i>Groundfish Management Team (GMT) and Scientific and Statistical Committee (SSC)</i> review and incorporate new impact assessment methodologies, including new observer data from January through December of the previous year, approve stock assessments completed in Year 1, and recommend appropriate harvest specifications.</p> <p><i>Council</i> adopts initial fishery management guidance, final modeling methodologies, and stock assessments for the next biennial period (Years 3 and 4), including identification of acceptable biological catches (ABCs), preferred optimum yields (OYs), and specific fishery management measures.</p> <p><i>Council</i> adopts final Exempted Fishing Permits (EFPs) for Year 2</p>
<u>Year 2</u>	<u>February</u>	<p><i>GMT</i> meets to continue review and analysis of initial management measures and Council preferred harvest specifications adopted by the Council in November.</p>
	<u>March</u>	<p>Consistent with the U.S./Canada agreement, the <i>Council</i> adopts the stock assessment, ABC, and OY for management of the Pacific Whiting fishery in Year 2. [note: the need for this action by the Council may not be necessary once the U.S./Canada Treaty for Pacific Whiting is ratified and implemented]</p> <p><i>Groundfish Advisory Subpanel (GAP)</i> meets to review current fishery status, develop Pacific whiting recommendations, and refine management measure alternatives for Years 3 and 4.</p> <p><i>GMT</i> meets to review inseason management issues and continue analysis of preliminary management measures and harvest specifications.</p>
	<u>April</u>	<p><i>GAP</i> meets to develop current inseason management recommendations and management measure alternatives for Years 3 and 4.</p> <p><i>GMT</i> meets to analyze current inseason management recommendations and management measure alternatives for Years 3 and 4.</p> <p><i>Council</i> recommends inseason management adjustments as necessary and adopts final ABCs and OY's and management measure alternatives for public review.</p>
	<u>May</u>	<p><i>GMT</i> meets (if necessary) to complete final analysis and documentation of April Council adoption of management measures for public review.</p>

SCHEDULE 1. Annual management cycle and activities related to groundfish management.

<u>Year</u>	<u>Month</u>	<u>Entity and Management Activity</u>
	<u>June</u>	<u><i>GAP</i> meets to develop current inseason management recommendations and final recommendations for management measures in Years 3 and 4.</u>
		<u><i>GMT</i> meets to analyze current inseason management recommendations and final management measures in Years 3 and 4.</u>
		<u><i>Council</i> recommends inseason management adjustments as necessary, approves draft EFP applications for Year 3, and adopts final management measures for implementation by NMFS.</u>
	<u>July</u>	<u>Council staff and <i>GMT</i> complete documents and DEIS for biennial management specifications and submit them to NOAA .</u>
<u>Year 2 (cont)</u>	<u>September</u>	<u><i>GMT</i> monitors fisheries and meets with <i>GAP</i> to assess recommendations for inseason management. <i>GMT</i> analyzes recommended inseason adjustments.</u>
		<u><i>Council</i> recommends inseason management adjustments as necessary.</u>
	<u>November</u>	<u><i>GMT</i> monitors fisheries and meets with <i>GAP</i> to assess recommendations for inseason management. <i>GMT</i> analyzes recommended inseason adjustments.</u>
		<u><i>Council</i> recommends inseason management adjustments as necessary and approves final EFPs for Year 3.</u>
<u>Year 3</u>	<u>January</u>	<u><i>U.S. Department of Commerce</i> implements harvest level specifications and management measures for next biennial management period (Years 3 and 4).</u>
	<u>March</u>	<u>Consistent with the U.S./Canada agreement, the <i>Council</i> adopts the stock assessment, ABC, and OY for management of the Pacific whiting fishery in Year 3.</u>
	<u>April, June, and September</u>	<u><i>GMT, GAP, and Council</i> participate in inseason management activities and special off-year activities, as appropriate.</u>
	<u>November</u>	<u>Repeat management activities of November in Year 1 to begin development of next biennial cycle.</u>

SCHEDULE 1a. Annual management cycle and activities related to groundfish management based on five Council meetings. (Page 1 of 2)

Month	Entity and Management Activity
January +	<i>U.S. Department of Commerce</i> implements annual harvest level specifications and management measures.
March	<i>Foreign Fishing Committee</i> meets, if necessary, to review foreign fishing permit applications and develops a report to Council.
	<i>Council</i> reviews and acts on the Foreign Fishing Committee's recommendations.
	<i>U.S. Department of Commerce</i> implements the Council's recommendations, as appropriate.
March or April	<i>Groundfish Management Team (GMT)</i> meets to develop a decision document for inseason fishing based on current fishery data, and monitors the fisheries.
April	<i>GMT</i> presents inseason catch projection report to the Groundfish Advisory Subpanel (GAP) and Council.
	<i>GAP</i> meets to review GMT report, develops recommendations, identifies potential management issues for the upcoming year, and develops proposals and alternatives for new management measures that require impact analysis.
	<i>Scientific and Statistical Committee (SSC)</i> meets to review the GMT documents and advise the Council.

SCHEDULE 1a. Annual management cycle and activities related to groundfish management based on five Council meetings. (Page 2 of 2)

Month	Entity and Management Activity
April (cont)	<i>Council</i> recommends inseason management adjustments as necessary; identifies preliminary issues to be addressed through rulemaking procedures, and directs the GMT to prepare impact analyses and develop alternatives.
	<i>U.S. Department of Commerce</i> implements the Council's recommendations, as appropriate.
May	<i>GMT and Groundfish Subcommittee of the SSC</i> meet to prepare and/or review preliminary stock assessment documents.
June or July	<i>GMT</i> monitors fisheries, presents catch projection report to the GAP and Council, and reports on the status of the impact analyses.

GAP meets to review the GMT catch projections and develops recommendations; and reviews management issues identified for upcoming year and provides advice to the GMT and Council on alternatives and potential impacts.

SSC meets to review GMT documents and provides advice to the Council.

Council recommends inseason management measures, if necessary; and refines issues to be addressed through rulemaking and directs the GMT for analyses.

U.S. Department of Commerce implements the Council's recommendations, as appropriate.

July through August ***GMT*** monitors fisheries; meets to develop a catch projection document for the period September-December based on current fishery data; reviews preliminary stock assessments and prepares preliminary acceptable biological catch (ABC) recommendations; and prepares preliminary impact analyses on proposals identified by the Council.

August or September ***GMT*** presents the catch projection report to the GAP and Council; presents preliminary ABC recommendations and preliminary impact analyses of management proposals to the GAP, SSC, and Council.

SSC, GAP, and Public review the GMT catch projection document and develop inseason management recommendations; review preliminary ABC, harvest guideline and quota recommendations; provide preliminary ABC recommendations to the Council; review the preliminary impact analyses of proposed management measures; and provide advice to the Council.

Council recommends inseason management measures for September-December, if necessary; recommends preliminary harvest level specifications; approves proposals for ensuing year's alternatives; and acts on other groundfish issues as appropriate.

U.S. Department of Commerce implements the Council's recommendations, as appropriate.

September through October ***GMT*** meets to finalize the Stock Assessment and Fishery Evaluation (SAFE) document; prepares final ABC, harvest guideline, and quota recommendations; develops catch projection documents for remainder of the year; monitors fisheries; finalizes impact analyses of proposed management measures; and develops appropriate documents for Council review and action.

October or November ***GMT*** presents final catch projection report to the GAP and Council; and presents final ABC recommendations and impact analyses to the GAP, SSC, and Council.

GAP, SSC, and Council recommend final action on harvest level specifications and management for ensuing year.

November through December	<i>U.S. Department of Commerce</i> implements the Council's recommendations for ensuing year's fishery.
	<i>GMT</i> prepares appendix to SAFE document including final specifications, adopted management measures, and summary of fishing year; and monitors fisheries (if operating), analyzes data, etc.

SCHEDULE 1b. Annual management cycle and activities related to groundfish management based on four Council meetings. (Page 1 of 2)

Month	Entity and Management Activity
January +	<i>U.S. Department of Commerce</i> implements annual harvest level specifications and management measures.
March	<i>Foreign Fishing Committee</i> meets, if necessary, to review foreign fishing permit applications and develops a report to Council.
	<i>Council</i> reviews and acts on the Foreign Fishing Committee's recommendations.
	<i>U.S. Department of Commerce</i> implements Council recommendations, as appropriate.
March or April	<i>GMT</i> meets to develop a decision document for the inseason based on current fishery data, and monitors the fisheries.
April	<i>GMT</i> presents inseason catch projection report to the GAP and Council.
	<i>GAP</i> meets to review GMT report, develops recommendations, identifies management issues for the upcoming year, and proposes any new management measures that require federal rulemaking.
	<i>SSC</i> meets to review the GMT documents and advise the Council.
	<i>Council</i> recommends inseason management adjustments as necessary; identifies issues to be addressed through rulemaking procedures, and directs the GMT to prepare analyses and alternatives.
	<i>U.S. Department of Commerce</i> implements Council recommendations, as appropriate.
May	<i>GMT and Groundfish Subcommittee of the SSC</i> meet to prepare and/or review preliminary stock assessment documents.
June through August	<i>GMT</i> monitors fisheries; meets to develop a catch projection document for September-December based on current fishery data; reviews preliminary stock assessments and prepares preliminary ABC recommendations; and prepares preliminary analyses of proposals for new management measures that require federal rulemaking.

SCHEDULE 1b. Annual management cycle and activities related to groundfish management based on four Council meetings. (Page 2 of 2)

Month	Entity and Management Activity
June through August (cont)	<i>SSC, GAP, and Public</i> review the GMT's catch projection document and develop inseason management recommendations; review preliminary ABC, harvest guideline and quota recommendations; provide preliminary ABC recommendations to the Council; review preliminary impact analyses of proposed management measures; and advise the Council.
	<i>Council</i> recommends inseason management measures for September-December, and if necessary; recommends preliminary harvest level specifications; approves proposals for ensuing year's alternatives; and acts on other groundfish issues, as appropriate.
	<i>U.S. Department of Commerce</i> implements Council recommendations, as appropriate.
September through October	<i>GMT</i> meets to finalize the SAFE document; prepares final ABC, harvest guideline, and quota recommendations; develops catch projection documents for remainder of the year; monitors fisheries; finalizes impact analyses of proposed management measures; and develops appropriate documents for Council review and action.
October	<i>GMT</i> presents final catch projection report to the GAP and Council; and presents final ABC recommendations and impact analyses to the GAP, SSC, and Council.
	<i>GAP, SSC, and Council</i> recommend final action on harvest level specifications and management for ensuing year.
November through December	<i>U.S. Department of Commerce</i> implements Council recommendations for ensuing year's fishery.
	<i>GMT</i> prepares appendix to SAFE document including final specifications, adopted management measures, and summary of fishing year; and monitors fisheries (if operating), analyzes data, etc.

SCHEDULE 2. Annual management cycle and activities related to salmon management.^{a/}
(Page 1 of 1)

Month	Entity and Management Activity
<u>January</u>	<i>Salmon Technical Team (STT)</i> meets to draft annual fishery review for the previous season.
<u>February</u>	<i>STT</i> meets to draft the report providing projected stock abundances and potential management measure impacts.
<u>March</u>	<i>Council</i> meets to adopt no more than three annual salmon fishery management options and conducts public hearings (hearings may extend into April). <i>Salmon Advisory Subpanel (SAS)</i> meets with the Council to develop initial annual management option recommendations. <i>STT</i> meets to develop impact analyses of the Council's proposed annual management options, identifies management concerns, and participates in public hearings. <i>SSC</i> meets to identify methodology issues which merit review, informs the Council of methodologies selected for review, and establishes a review schedule (this process may extend to the April meeting).
<u>April</u>	<i>Council</i> meets to adopt final annual salmon fishery management measures. <i>STT and SAS, and SSC</i> meet with Council to assist in selection and analysis of final annual management measures. <i>SSC</i> meets to identify methodology issues which merit review, informs the Council of methodologies selected for review, and establishes a review schedule. (this process may extend to the April meeting). <i>SSC</i> as appropriate, initiates or continues methodology review process described for March (above).
<u>May through October</u>	<i>U.S. Department of Commerce</i> reviews and implements the Council's recommendations in time for May 1 season opening.
<u>May through October</u>	<i>Council, STT, and National Marine Fisheries Service (NMFS)</i> monitor fisheries to implement inseason management provisions, as necessary.
<u>October or November</u>	<i>SSC, STT, and SAS</i> meet with Council to provide direction as needed, especially with regard to the review of prediction and harvest impact modeling procedures and annual management measure process.

a/ For additional detail, see operating procedure for "Annual Salmon Management Process."

SCHEDULE 3. Annual management cycle and activities related to coastal pelagic species management. (Page 1 of 1)

<u>Month</u>	<u>Entity and Management Activity</u>
<u>PACIFIC MACKEREL AND MONITORED SPECIES</u>	
<u>April</u>	<u><i>Assessment authors (NMFS and California Department of Fish and Game [CDFG])</i> prepare draft assessment documents.</u>
<u>May</u>	<u><i>SSC, Coastal Pelagic Species Management Team (CPSMT), Coastal Pelagic Species Advisory Subpanel (CPSAS), and public</i> review draft assessments, executive summaries, and recommended harvest guidelines.</u> <u><i>Assessment authors (NMFS and CDFG)</i> revise assessments and recommendations based on comments from the SSC, CPSMT, CPSAS, and public.</u>
<u>June</u>	<u><i>Assessment authors</i> submit final assessments, executive summaries, and recommended harvest guidelines to Council staff for inclusion in June Council meeting briefing book.</u> <u><i>CPSMT</i> meets to review revised assessments, executive summaries, and recommended harvest guidelines.</u> <u><i>CPSAS</i> meets to review revised assessments, executive summaries, and recommended harvest guidelines.</u> <u><i>SSC</i> reviews assessments, executive summaries, and recommended harvest guidelines.</u> <u><i>CPSMT</i> forwards final assessments, executive summaries, and recommended harvest guidelines to Council staff for inclusion in June Council meeting briefing book.</u> <u><i>Council</i> adopts annual harvest level specifications and management measures.</u> <u><i>U.S. Department of Commerce</i> implements annual harvest level specifications and management measures. Pacific mackerel season opens July 1.</u>

PACIFIC SARDINE

<u>September</u>	<u><i>Assessment authors (NMFS and CDFG)</i> prepare draft assessment documents.</u>
<u>October</u>	<u><i>SSC, CPSMT, CPSAS, and public</i> review draft assessment, executive summary, and recommended harvest guideline.</u> <u><i>Assessment authors (NMFS and CDFG)</i> submit revise assessment to Council staff for inclusion in November Council meeting briefing book. and recommendations based on comments from the SSC, CPSMT, CPSAS, and public.</u> <u><i>CPSMT</i> meets to review revised assessment, executive summary, and recommended harvest guideline.</u> <u><i>CPSAS</i> meets to review revised assessment, executive summary, and recommended harvest guideline.</u> <u><i>CPSMT</i> forwards final assessment, executive summary, and recommended harvest guideline to Council staff for inclusion in November Council meeting briefing book.</u>

November SSC reviews assessment, executive summary, and recommended harvest guideline.
Council adopts annual harvest level specification and management measures.
U.S. Department of Commerce implements annual harvest level specification and
management measures. Pacific sardine season opens January 1.

NOTE: The Council decided the Stock Assessment and Fishery Evaluation (SAFE) document for coastal pelagic species will be prepared and presented in two sections. The main section will be submitted at the June Council meeting. This portion of the SAFE will include the annual Pacific mackerel assessment, evaluation of the fisheries based on the calendar year, and the status of monitored species. The second (supplemental) section will include the Pacific sardine assessment and status of the sardine fishery. The supplemental section will be presented at the November Council meeting.

The coastal pelagic species management cycle does not provide for inseason changes to management specifications that are specified at the beginning of the season and/or in the fishery management plan. For example, the sardine fishery opens on January 1 and the harvest guideline is initially allocated 33% to the northern subarea (Subarea A) and 66% to the southern subarea (Subarea B). On September 1, unharvested sardine is reallocated, 20% to Subarea A and 80% to Subarea B. All unharvested sardine that remain on December 1 are pooled and made available coastwide. The dividing line between the two areas is Point Arena, California (39° N latitude). This schedule can not be altered during the fishing season except through emergency action.

SCHEDULE 4. Annual management cycle and activities related to halibut management. (Page 1 of 1)

<u>Year</u>	<u>Month</u>	<u>Entity and Management Activity</u>
<u>Year 1</u>	<u>September</u>	<u>Council receives a report on the status of the current Pacific halibut fishery. With regard to next year's season (Year 2), the Council hears management recommendations from the states and public; and, if necessary, adopts for public review proposed changes to recreational season structuring and minor changes to the Pacific halibut catch sharing plan for fisheries in Year 2 (e.g., opening dates, days per week, early season/late season ratios, and port/area sharing).</u>
		<u>SSC reviews halibut stock assessment, proposed halibut bycatch estimates or other halibut estimation methodologies as necessary prior to NMFS submission to the International Pacific Halibut Commission (IPHC).</u>
	<u>September or October</u>	<u>States conduct public workshops on the proposed changes to the catch sharing plan or sport fishery measures, as appropriate.</u>
	<u>October or November</u>	<u>Council receives a report on the status of the current Pacific halibut fishery. Within the scope of the proposed changes formulated at the September meeting and with further public input, the Council adopts recommendations for management changes to be implemented by IPHC regulations and NMFS in the catch sharing plan governing Pacific halibut fisheries in the coming season (Year 2).</u>
	<u>November through January</u>	<u>IPHC staff distribute draft documents that impact Area 2A to the Council office and NMFS.</u>
<u>Year 2</u>	<u>January</u>	<u>IPHC meets to establish quotas for each management area.</u>
	<u>January or February</u>	<u>NMFS publishes proposed rule to implement catch sharing plan and prepares appropriate NEPA documents.</u>
	<u>March</u>	<u>Council adopts, for public review, a range of landing restrictions for incidental halibut harvest in the non-Indian troll salmon fishery and, if necessary, for the commercial longline sablefish fishery north of Point Chehalis, Washington.</u>
		<u>Council holds public hearings to receive input on salmon fishing options and incidental halibut landing limit options.</u>

April *NMFS* publishes final rule to implement catch sharing plan.

Council adopts final recommendations for incidental harvest in the non-Indian troll salmon fishery and, if necessary, for the commercial longline sablefish fishery north of Point Chehalis, Washington.

May Non-Indian Pacific Halibut Fisheries open in Area 2A under IPHC regulations

May *NMFS* regional director makes inseason adjustments to sport seasons as
though necessary. The *IPHC* closes fisheries when quotas are projected to be met.
September

SCHEDULE 4. Annual management cycle and activities related to halibut management. (Page 1 of 1)

<u>Month</u>	<u>Entity and Management Activity</u>
<u>February-July</u>	<u>SSC reviews halibut stock assessment and, at the request of the Council, other halibut methodologies.</u>
<u>April or June</u>	<u>Council determines if the catch-sharing plan needs major modifications for the following year. (These modifications would include changes in tribal/non-tribal sharing, commercial/recreational or Washington/Oregon-California recreational ratios.) If so, Council specifies issues and options for analysis.</u>
<u>July-August</u>	<u>Halibut Managers Group^{b/} and Council staff prepare Environmental Assessment/Regulatory Impact Review for changes to catch sharing plan, if necessary. Halibut Advisory Subpanel (HAS)^{b/} meets to review options and analysis.</u>
<u>May-September</u>	<u>NMFS regional director makes inseason adjustments to sport seasons as necessary. The International Pacific Halibut Commission (IPHC) closes fisheries when quotas are projected to be met.</u>
<u>August or September</u>	<u>SSC reports the results of its review(s) to the Council. IPHC is informed of the results of the SSC review. Council adopts proposed changes to catch sharing plan, if necessary. Council adopts ranges for proposed changes in state recreational season structuring, if necessary. (These changes include items such as opening dates, days per week, early season/late season ratios, and port/area sharing.)</u>
<u>September or October</u>	<u>States conduct public workshops on the proposed allocations or sport fishery measures, as appropriate.</u>
<u>October or November</u>	<u>HAS^{b/} and Halibut Managers Group^{b/} meet, if necessary, to develop final recommendations on changes to catch sharing plan, if any.</u> <u>Council meets to take final action on changes to catch sharing plan, if any; and considers changes to sport fishery measures. Recommendations sent to NMFS and IPHC.</u>
<u>November</u>	<u>NMFS publishes proposed rules on catch sharing plan changes, if applicable, and anticipated sport fishery measures.</u>
<u>November-January</u>	<u>IPHC staff distribute draft documents that impact Area 2A to the Council office. IPHC staff also will forward these documents directly to Dr. Gary Stauffer of NMFS. Council staff will distribute copies of such documents only to appropriate scientists and managers for comments, and will submit a list of these individuals to IPHC. Council staff will serve as a clearinghouse for any comments and will forward such comments to IPHC.</u>
<u>January</u>	<u>IPHC meets to establish quotas for each management area.</u>
<u>February</u>	<u>NMFS publishes final rules.</u>
<u>b/ Budget limitations preclude travel cost reimbursement for these meetings.</u>	

SCHEDULE 5. Annual management cycle and activities related to highly migratory species management. (Page 1 of 1)

<u>Month</u>	<u>Entity and Management Activity</u>
<u>Year 1</u>	
<u>June</u>	<u>HMSMT provides update to the Council on status of the HMS fisheries; preliminary SAFE report. If necessary, Council directs HMSMT to prepare draft regulatory analysis to implement harvest levels and/or management measures.</u>
<u>Sept.</u>	<u>HMSMT presents annual SAFE document to Council. If necessary, Council directs HMSMT to prepare a draft regulatory analysis to implement new harvest levels and/or management measures. Council adopts for public review proposed actions addressing concerns from current and previous SAFE reports.</u>
<u>Nov.</u>	<u>Council adopts final action and submits to NMFS for approval.</u>
<u>Year 2</u>	
<u>April</u>	<u>If approved by NMFS, measures become effective, and stay in effect for at least two years.</u>

As detailed above the HMS FMP established a biennial management cycle with the regulatory/statistical year April 1 to March 31, which provides sufficient time for data analysis, provides for timely response to fishery problems, and allows most fishers adequate access to the management process, as scheduled.

The cycle is repeated biennially, with new actions considered in September and becoming effective in April every other year. The Council would schedule HMS for the June, September, and November Council meetings.

Under this biennial cycle, the HMS Management Team (HMSMT) would conduct ongoing reviews of HMS fisheries and stock status. The HMSMT would prepare an annual SAFE document for the Council's September meeting.

This management cycle may be altered to a different annual or multi-year management cycle by majority vote of the Council without necessity of an FMP amendment, provided the Council gives six-month advance notice to the public of any intent to alter the management cycle.

SCHEDULE 65. Annual administrative cycle and activities. (Page 1 of 1)

Month	Management Activity
<u>Year-Round</u>	<u>Review any needed changes in the Council's policies and procedures for revisions to the Statement of Organizations, Practices, and Procedures. Fill vacancies in advisory body positions as necessary. Plan staff workload and Council meeting agendas.</u>
<u>August or September</u>	<u>Every third year, review composition of the SSC and advisory subpanels and request nominations to fill the next three-year term. every even-numbered year prior to seeking nominations, and elect the chairman and vice chairman for the Council. Approve final administrative and programmatic budgets for submission to NMFS. Provide guidance on administrative and programmatic budget issues.</u>
<u>October or November</u>	<u>Elect Council Chair and Vice Chair, and Appoint parliamentarian and standing committees for the next calendar fiscal year. Every third year, appoint membership of the SSC and advisory subpanels for three-year terms beginning January 1. every even-numbered year, and a Approve the Council meeting schedule for three years hence. and provide guidance on administrative and programmatic budget issues.</u>

Approved by Council: 09/22/88
Revised: 03/06/90, 04/06/95; **09/17/04**

[editorial note – text in ~~strikeout~~ is a suggested deletion, text in underline is a suggested policy-neutral clarification or previously adopted policy change, **reverse shaded** text is a suggested addition or clarification that represents a potential change in policy, and straight brackets [] designate explanatory rationale phrases for suggested revisions.]

PURPOSE

To establish a schedule and procedures governing the annual salmon management process beginning in ~~February~~ January and ending in April. The process is limited by available time, as stock abundance forecasts ~~estimates~~ are not available until late February and regulations must be in place by May 1. Therefore, the process must be as efficient as possible while maximizing the opportunity for public involvement. The principal features of the process are (1) a March meeting to adopt realistic preliminary ocean salmon fishery management options, (2) public hearings, and (3) an April meeting to adopt final management recommendations. Several non-Council meetings are also complementary to this process, including (1) meetings held prior to the March Council meeting in which state/federal managers review Salmon Technical Team preseason forecasts with Salmon Advisory Subpanel members and members of the general public, (2) meetings of the Klamath Fishery Management Council, and (3) meetings of the North of Cape Falcon Forum between the March and April Council meetings.

For this process to be effective, the Council should adopt allowable ocean harvest levels as early as possible, and options developed in March should be consistent with the management objectives defined in the fishery management plan (FMP). The April meeting should focus on how to structure ocean fishing seasons which meet, to the maximum practicable extent, the social and economic objectives of the Council.

PROCEDURE

<u>January</u>	<u>Notice published in the <i>Federal Register</i> announcing the availability of Salmon Technical Team and Council documents, the dates and locations of the two Council meetings, the dates and locations of the public hearings, and publishing the complete schedule for determining proposed and final modifications to the management measures.</u>
	<u><i>Salmon Technical Team (STT)</i> meets to draft the review of ocean salmon fisheries for the previous year.</u>

<p>Ete February through or Early March</p>	<p><u><i>STT</i> meets in February to draft preseason report providing stock abundance forecasts and harvest and escapement estimates when recent regulatory regimes are projected on current year abundance.</u></p> <p>State management and Klamath Fishery Management Council meetings occur <u>in February or early March</u> to assess expected stock abundances and possible season options. <u>The STT reports, which summarize the previous salmon season and project the expected salmon stock abundance for the coming season, are available to the public from the Council office.</u></p>
<p>First week of March</p>	<p>Notice published in the <i>Federal Register</i> announcing the availability of Salmon Technical Team and Council documents, the dates and locations of the two Council meetings, the dates and locations of the public hearings, and publishing the complete schedule for determining proposed and final modifications to the management measures. The salmon team reports, which summarize the previous salmon season and project the expected salmon stock abundance for the coming season, are available to the public from the Council office.</p>
<p>First or second full week of March^{a/}</p>	<p>The Council and advisory entities meet to adopt not more than three alternative regulatory options for formal public hearings which <u>are expected to</u> meet FMP management objectives. Prior to adoption of alternatives, the Pacific Salmon Commission (PSC) will be asked to document and articulate to the Council any agreements reached that impact Council management.</p> <p>The options will represent a range of anticipated total allowable harvest and stock impacts in Council fisheries. Proposed options are initially developed by the Salmon Advisory Subpanel and further refined after analysis by the Salmon Technical Team, public comment, and consideration by the Council.</p> <p>The Council will consider any potential emergency changes to fishery management objectives or other provisions of the FMP. Any request for an emergency change must meet the attached criteria.</p>
<p>Week following March Council meeting</p>	<p>The Council newsletter, public hearing announcement and preseason report II are released which outline Council-adopted options.</p>

Prior to April Council Meeting	Agencies, tribes, and public meet to agree on allowable ocean <u>and inside waters</u> harvest levels north of Cape Falcon. <u>The Council's ocean fishery</u> options are refined to meet allowable ocean harvests <u>based on conservation and allocation objectives</u> .
Last week of March and first week of April	General time frame for formal public hearings on the proposed salmon management options.
First or second full week of April ^{a/}	The Council and advisory entities meet to adopt final regulatory measure recommendations for implementation by the Secretary of Commerce. Agreements reached in other forums are presented in writing on Tuesday of the April meeting. New options or analyses presented at the April meeting must be reviewed by the Salmon Technical Team and public prior to action.
First week of May	Final notice of Secretary of Commerce decision and final management measures published in <i>Federal Register</i> .
May 15	Close of NMFS public comment period.
a/ The March Council meeting is set as late as possible while ensuring no less than three to four weeks between the end of the March meeting and the beginning of the April meeting. Working backward from the May 1 implementation date, the April Council meeting is generally set as late as possible while not extending past April 12 for approval of final salmon management recommendations.	

CRITERIA FOR REQUESTING EMERGENCY CHANGES TO THE SALMON FMP

Section 305(~~ec~~) of the Magnuson-Stevens Fishery Conservation and Management Act allows the Secretary of Commerce to implement emergency regulations independently or in response to a Council recommendation of an emergency if one is found to exist. The Secretary has not published criteria for determining when an emergency exists. A Council FMP may be altered by emergency regulations, which are treated as an amendment to the FMP for a limited period of ~~90~~180 days and which can be extended for an additional ~~90~~180 days.

Council FMPs can be changed by the amendment process which takes at least one to two years, or modified temporarily by emergency regulations, which can be implemented in a few weeks. Framework plans, like the Council's salmon FMP, have been developed to allow flexibility in modifying management measures between seasons and during the season.

Some measures, like ~~escapement goals~~most conservation objectives and allocation schemes, are deliberately fixed in the plan and can be changed only by amendment or temporarily modified by emergency regulation. (~~Escapement goals~~certain conservation objectives also may be changed by

court order or without an amendment if, in the view of the Salmon Technical Team, Scientific and Statistical Committee, and Council, a comprehensive review justifies a change.) They are fixed because of their importance and because the Council wanted to require a rigorous analysis, including extensive public review, to change them. Such an analysis and review were conducted when these management measures were originally adopted. It is the Council's intent to incorporate any desired flexibility of ~~escapement goals~~ conservation objectives into the framework plan, making emergency changes prior to the season unnecessary. The Oregon coastal natural coho ~~spawning escapement goal~~ conservation objective is an example of a flexible ~~goal~~ objective, which is more conservative ~~reduced~~ when stock abundance is low.

The use of the emergency process essentially "short circuits" the plan amendment process and reduces public participation, thus there needs to be sufficient rationale for using it. Moreover, experience demonstrates that if there is disagreement or controversy over a council's request for emergency regulations, the Secretary is unlikely to approve it. An exception would be an extreme resource emergency.

To avoid protracted, last-minute debates each year over whether or not the Council should request an emergency deviation from the salmon FMP, criteria have been developed and adopted by the Council to screen proposals for emergency changes. The intent is to limit requests to those which are justified and have a reasonable chance of approval, so that the time spent in developing the case is not wasted and expectations are not unnecessarily raised.

Criteria

The following criteria will be used to evaluate requests for emergency action by the Secretary.

1. The issue was not anticipated or addressed in the salmon plan, or an error was made.
2. Waiting for a plan amendment to be implemented would have substantial adverse biological or economic consequences.
3. In the case of allocation issues, the affected user representatives support the proposed emergency action.
4. The action is necessary to meet FMP objectives.
5. If the action is taken, long-term yield from the stock complex will not be decreased.

Process

The Council will consider proposals for emergency changes at the March meeting and decide whether or not a specific issue appears to meet all the applicable criteria. If the Council decides to pursue any proposal, it will direct the Salmon Technical Team to prepare an impact assessment for review by the Council at the April meeting, prior to final action. Any proposals for emergency change will be presented at the public hearings between the March and April meetings. It is the clear intent of the Council that any proposals for emergency change be considered no later than the

March meeting in order that appropriate attention be devoted at the April meeting to developing management recommendations which maximize the social and economic benefits of the harvestable portion of the stocks.

The Council may consider other proposals for emergency change at the April meeting if suggested during the public review process, but such proposals must clearly satisfy all of the applicable criteria and are subject to the requirements for an impact assessment by the Salmon Technical Team.

Approved by Council: 07/10/85
Revised: 09/16/87, 04/06/95, **09/17/04**

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PURPOSE

To serve as a guide to amendment sponsors and establish a general ~~biennial~~ schedule for fishery management plan amendments ~~cycles~~ conducted by the Council, its advisory entities, ~~or~~ and staff for the ~~groundfish and salmon fisheries~~.

GENERAL PLAN AMENDMENT ~~CYCLES~~ SCHEDULE

The Council may initiate the amendment process at anytime as management needs are identified. Potential amendments should be clearly identified by the sponsoring parties and address the criteria below which will be used by the Council and its advisory entities to assess the need for pursuing the amendment:

- a. Assessment of need for action and compatibility with the objectives of the pertinent fishery management plan
- b. Alternative ways to address the problem without plan amendment
- c. Potential impacts from the proposed action
- d. Possible amendment alternatives
- e. Complexity or controversial nature of the proposed action

Technically complex amendment issues may require special meetings or assignments to advisory entities to develop basic data or modeling tools before the Council determines whether or not to proceed with the amendment process.

Once the Council decides to proceed with a plan amendment, Council staff will determine whether an environmental assessment or Environmental Impact Statement (EIS) must be prepared. If an EIS will be prepared, a notice of intent (NOI) must be published in the *Federal Register*. Scoping may occur before the NOI is published and must occur afterwards.

The first Council meeting listed in the schedule below occurs after the preliminary identification described above has occurred. The subsequent meetings are not necessarily consecutive meetings, but depend on the specific amendment schedule the Council develops at the first meeting.

Schedule 1 - ~~Groundfish fishery management plan amendment process:~~

Schedule 2 - Salmon fishery management plan amendment process.

Meeting or
Interim

Management Activity

First
Meeting

The Council formally identifies pertinent amendment issues based on input from advisory entities and the public ~~(may be a scoping session).~~^{a/} All major issues should be identified at this time. This scoping may be conducted within the normal Council meeting agenda and/or in one or more advertised scoping sessions outside of the Council meeting agenda. ~~If not already completed, the Council assigns the groundfish subpanel, team and staff to review the issues and provide the following information.~~^{a/}

- ~~a. Assessment of need for action~~
- ~~b. Alternative ways to address the problem without plan amendment~~
- ~~c. Potential impacts from the proposed action~~
- ~~d. Possible amendment alternatives~~
- ~~e. Complexity or controversial nature of the proposed action~~

The Council establishes a schedule for completion of the amendment, taking into account its current meeting schedule, work load, budget, requirements of the National Environmental Policy Act (NEPA), and other relevant issues. The Council instructs the pertinent advisory entities and staff to prepare an initial analysis.^{a/}

First
Interim

The staff and pertinent advisory entities prepare the initial draft amendment package for Council review.

Second
Meeting

Pertinent Council advisory entities and the public provide comments on the preliminary draft amendment package.

The Council considers the comments, decides on the issues and the range of alternatives to be included in the amendment, selects preferred alternatives, if possible, ~~The Council~~ adopts a draft amendment package for public review, and instructs the staff and other pertinent personnel ~~team and staff~~ to complete all necessary ~~the~~ documentation ~~for public review~~. If the Council ~~feels~~ believes additional alternatives should be developed, additional analysis prepared, or additional public review is necessary, it may direct a repeat of the first interim and second meeting steps.^{a/}

Meeting or Interim	Management Activity
Second Interim	<p><u>Staff and pertinent advisory entities complete the final draft amendment preparation, including a preliminary environmental impact analysis and make it available for and a public comment period draft amendment.</u></p> <p><u>For amendments that are controversial and/or have wide ranging impacts, public hearings may be held during this interim period in strategic locations pertinent to the impacts of the amendment. In other cases, there may be a formal hearing linked to the third Council meeting, or simply a final comment period during the agenda of the third meeting.</u></p>
Third Meeting	<p>Public hearings on the draft amendment. The Council <u>considers final advisory entity and public comments, and</u> adopts the final amendment for implementation by the Secretary of Commerce.^{a/}</p> <p>If an EIS is prepared for the action, the Council may authorize staff to release a complete draft for the required statutory public comment period after either the second or third meeting.</p>

a/ Action required.

SCHEDULE 1. Groundfish fishery management plan amendment process. (Page 1 of 1)

Meeting or Interim	Management Activity
First Meeting	<p>The Council identifies pertinent amendment issues based on input from advisory entities and the public (may be a scoping session).^{a/} All major issues should be identified at this time. If not already completed, the Council assigns the Groundfish Advisory Subpanel, Groundfish Management Team and staff to review the issues and provide the following information.^{a/}</p> <ul style="list-style-type: none">a. Assessment of need for actionb. Alternative ways to address the problem without plan amendmentc. Potential impacts from the proposed actiond. Possible amendment alternativese. Complexity or controversial nature of the proposed action <p>The Council establishes a schedule for completion of the amendment, taking into account its current meeting schedule, work load, budget and other relevant issues. The Council instructs the team and staff to prepare an initial analysis.</p>
First Interim	<p>The staff and groundfish team prepare initial draft amendment package for the Council's review.</p>
Second Meeting	<p>The Groundfish Advisory Subpanel, Scientific and Statistical Committee, and Groundfish Management Team provide comments on the draft amendment package.</p> <p>The Council considers the comments, decides on the issues and the range of alternatives to be included in the amendment and selects preferred alternatives, if possible. The Council adopts draft amendment package and instructs the team and staff to complete the documentation for public review. If the Council feels additional alternatives should be developed, additional analysis prepared, or additional public review is necessary, it may direct the team and staff to repeat the first interim and second meeting steps.^{a/}</p>
Second Interim	<p>Final team and staff preparation and public comment period on draft amendment.</p>
Third Meeting	<p>Public hearings on the draft amendment. The Council adopts the final amendment for implementation by Secretary of Commerce.^{a/}</p>

a/ Action required.

~~SCHEDULE 2. Salmon fishery management plan amendment process. (Page 1 of 2)~~

Meeting or Interim	Activity
—The Council may initiate the amendment process by announcing a scoping session in the meeting agenda whenever necessary to meet management needs (the Salmon Advisory Subpanel should be convened at this meeting whenever possible). Once amendment issues have been identified and approved for development, the Council should establish a specific schedule for completing the current process based on management need, work load, budget and the general guidance presented below. All amendments recommended for implementation at the beginning of a salmon season (May) must be approved by the Council no later than the November Council meeting.	
First Meeting	The Council identifies all pertinent amendment issues based on input from advisory entities and the public (scoping session). All amendment proposals considered by the Council should contain a clear statement of: a. the need and purpose of the proposed action, including reference to specific objectives of the fishery management plan, and b. a concise description of the specific action proposed. If necessary, the Council identifies a contact person or sponsor responsible for providing or working with the salmon team and staff to clarify the proposal. All documents provided in support of amendment proposals should include identification of authors and sources of all data. Complex issues may require user meetings to develop initial alternatives before the Council determines whether or not to proceed with review of the amendment. If not already completed, the Council assigns the salmon team and staff to review the issues and provide the following information at an appropriate subsequent meeting (second meeting): a. Assessment of need for action b. Alternative ways to address the problem without plan amendment c. Potential impacts from the proposed action d. Possible amendment alternatives
First Interim	Council staff, salmon team and other appropriate persons complete preliminary assessment of amendment issues or begin initial draft amendment if adequate information and direction have been provided at the first meeting.

~~Second Meeting The salmon team and staff present their preliminary assessment of identified amendment issues and all advisors provide recommendations with regard to any further amendment development.~~

~~Council considers adoption of amendment issues for (1) formal preparation of the amendment package, including draft impact analysis by the salmon team and staff; or (2) further development by appropriate parties (may require repeat of first interim and second meeting steps), or terminates consideration. The Council should provide guidance on the range of alternatives to be considered and clarify any other questions with regard to the form of the amendment issue.~~

~~Second Interim Initial draft amendment package prepared by the salmon team and staff (or appropriate persons) and distributed to Council advisors for review.~~

~~SCHEDULE 2. Salmon fishery management plan amendment process. (Page 2 of 2)~~

Meeting or Interim	Activity
Third Meeting	The staff and salmon team present the completed initial draft amendment package for Council consideration.
	The Council considers advisor and public comment and adopts issues and alternatives for the official draft amendment package for public hearings.
Third Interim	Public hearings on draft amendment.
Fourth Meeting	Council considers final adoption of amendment for implementation by the Secretary of Commerce.

COUNCIL OPERATING PROCEDURE

Biennial Update and Communication of Research and Data Needs and West Coast Economic Data Plan

12

Approved by Council: 07/08/87

Revised: 01/14/88, 03/08/90, 07/10/92, 04/06/95, 03/10/00, **09/17/04**

PURPOSE

To enhance the accomplishment of the Council's research and data needs by providing a formal and effective procedure for updating these needs and communicating them to organizations which may be able to provide support in their achievement.

The Council, to the extent possible within its workload priorities, will update and maintain:

1. A research and data needs document which lists and prioritizes unmet Council research and data collection needs for each fishery management plan (FMP); and
2. A West Coast Economic Data Plan which serves as a coordinating instrument for the development and implementation of a systematic approach to fulfilling the Council's needs for economic data.

~~The purposes of this procedure are as follows:~~

- ~~1. Update the Council's research and data needs document. The research and data needs document lists and prioritizes unmet Council research and data collection needs for each fishery management plan (FMP). It also emphasizes some of the ongoing data collection efforts that are particularly important to the Council.~~
- ~~2. Update the Council's West Coast Economic Data Plan. Economic data in particular suffers from the lack of consistent and coordinated collection efforts. The economic data plan is intended to serve as a coordinating instrument for the development and implementation of a systematic approach to the fulfillment of the Council's needs for economic data.~~
- ~~3. Communicate needs to organizations which may be able to provide support.~~

Neither the research and data needs document nor the economic data plan bind any agency to addressing or responding to Council needs. The key to the effectiveness of these documents is clear and timely communication of needs to parties with an interest and ability to respond. Particular emphasis is placed on strengthening communication with the National Marine Fisheries Service (NMFS). The procedure outlined below is timed to have the best chance of influencing annual NMFS operating plans and NMFS budget requests for upcoming years.

PROCEDURES

Contingent upon its overall workload priorities, the Council will strive to develop and maintain relevant documents which display and communicate the Council's research and data needs using the following schedule of tasks as a standard guide.

Biennial Update Cycle

Continuous

Year-Round	Council staff keeps track of research and data needs as they arise in various forms throughout the year and, as appropriate, advocates for efforts to address Council needs and implement the economic data plan (such advocacy shall not include the direct lobbying of Congress).
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Biennial Update Cycle

Even Number Years

April	Council staff presents updated research and data needs and economic data plan documents to the Scientific and Statistical Committee (SSC) and other advisory bodies for review at the April Council meeting. Advisory bodies provide written comments to the SSC. (Item is not on Council agenda).
June	The SSC presents recommended revisions to the Council. Other advisory bodies provide comment to the Council. The Council approves draft documents for public review.
September	After reviewing comments from the public and Council advisory entities, the Council adopts its research and data needs and economic data plan. These documents are submitted to NMFS West Coast regions and centers and the states. The final document is also transmitted to West Coast and National Sea Grant institutions and posted on the Council web page.
Early December	Council Chair and staff meet with representatives from NMFS West Coast regions and centers and Pacific States Marine Fisheries Commission (PSMFC) to develop a consensus on high priority initiatives needed to respond to Council needs. Council Chair writes a letter to transmit the conclusions from the meeting to NMFS.

Out-of-Cycle Modifications to the Needs List

If a situation arises that would benefit from an out-of-cycle modification to the documents, the Council may announce its intent to modify one or both documents outside the biennial process and make such a modification at its next meeting.

Approved by Council: 01/11/84
Revised: 07/11/84, 04/06/95, **09/17/04**

PURPOSE

In accordance with Section 302 (i) (4) of the Magnuson-Stevens Fishery Conservation and Management Act, establish policies and procedures to ensure confidentiality of statistics submitted to the Council by federal or state authorities, and voluntarily submitted to the Council by private persons, including restriction of Council employee access and prevention of conflicts of interest. In the case of statistics submitted by a state or federal entity, policies and procedures must be consistent with the laws and regulations of the federal or state entity submitting the statistics.

DEFINITIONS

(For purposes of these procedures.)

Aggregate of Summary Form - Restructuring confidential data or information in such a way that the person submitting the data cannot be identified, either from the present release of the restructured data being processed or in combination with preceding or other releases.

Authorized Use - That specific use which is allowable within the constraints imposed on a Council by federal or state statutes, regulations, and directives; by Council policies and procedures; or by commitments made by the Council or Council staff to persons submitting data under data collections sponsored by the Council.

Authorized User - A Council staff member or contractor specified by the Council Executive Director as having a need to use confidential data, who has met other requirements specified in these procedures, is cognizant of these procedures, has agreed to comply with the requirements herein, and has signed a "Statement of Nondisclosure" affirming the user's understanding of Council policies and procedures with respect to confidentiality of statistics, including obligations to comply with federal and state confidentiality laws, regulations, and procedures. Contractors specified to have need to access state or federal confidential data must obtain those data directly from the federal or state entity and comply with the federal, state, and Council laws, regulations, and procedures.

Confidential - Information, the disclosure of which may be prejudicial or harmful, including data received from state or federal agencies labeled confidential and Council-sponsored data collections where confidentiality was pledged to the person submitting the data.

Conflict of Interest - Access to confidential data that will provide personal gain, reward, or competitive advantage.

Contract/Agreement - All binding forms of mutual commitment under a stated set of conditions to achieve a specific objective.

Data, Information, and Statistics - Used interchangeably; all three may be confidential.

Data Base Administrator - For National Marine Fisheries Service (NMFS) or state-sponsored data gathering, an employee in each NMFS data management center responsible for the direction and development of data management systems. The Council's data base administrators are the Northwest Fisheries Science Center (NWFSC) and Southwest Fisheries Science Center (SWFSC) data base administrators. For Council-sponsored data gathering, the Executive Director will serve as data base administrator.

Need to Know - The request for access is consistent with the use for which the data are obtained.

Refer to National Oceanic and Atmospheric Administration (NOAA) Directives on Confidential Fisheries Statistics for additional definitions.

POLICY

Disclosure

Confidential data received from federal or state agencies will not be disclosed without authorization from that agency. Disclosure of confidential data collected under Council sponsorship shall be in accordance with guidelines established by NOAA directive governing confidential fishery statistics.

Access

All users having access to confidential data shall be informed that the data are confidential and be required to sign a statement of nondisclosure. When there is a potential for, or possible appearance of, conflict of interest, access will not be permitted. Council staff specified by the Executive Director as authorized users shall sign a statement to ensure no conflict of interest.

Operational Responsibilities

The Council Executive Director will serve as the Council's data base administrator for purposes of Council-sponsored data collections. The Executive Director will coordinate with NMFS data base administrators as it relates to federal confidential data and with designated state officials for state confidential data.

PROCEDURES

Obtaining Confidential Data

From State or Federal Agencies

Council Executive Director, or Council staff member designated as authorized user, may request confidential data from state or federal agencies to carry out Council responsibilities where direct access to confidential data has not been granted.

Council-sponsored Data Collection

Data submitted are voluntary. If a pledge of confidentiality is made to the person submitting data, these data are to be treated as confidential. The Executive Director is responsible for making the determination as to when a pledge of confidentiality may be made. Persons submitting data will be advised, in all cases, orally or in writing, of the purpose for collecting data, uses that may be made of the data, and that submission of the data is voluntary. If a pledge of confidentiality is made, the person submitting the data shall be advised in writing.

If the Council contracts to have data gathered on its behalf, contractors and their employees are subject to the same civil and criminal penalties as any authorized user. Contractor personnel will be required to sign a statement of nondisclosure. Confidential data collected under contract are to be transferred on a timely basis to authorized Council staff. No copies of these data can be retained by the contractor. Aggregated data may be retained. A data return clause shall be included in the contract.

Conflict of Interest

Authorized users are prohibited from using confidential data for personal gain, reward, or competitive advantage. If a potential conflict of interest or the appearance of a conflict of interest exists, the Executive Director will refer the matter to the NOAA Office of General Counsel, Northwest Region, for determination.

Maintenance

Security

An inventory will be maintained by the Council Executive Director of all confidential data received from state or federal agencies or collected by Council. The inventory will include a record of distribution and final disposition of each data set. Data will be maintained in a secure fashion whether hard copy or electronic.

Access

Access Control

Access to confidential data received from state or federal agencies shall be approved by a designated agency official. Access to confidential data collected under Council sponsorship shall be approved by the Council Executive Director in accordance with Council policies and procedures.

Users

Access will be limited to authorized users. Council authorized users are the Council staff members specified by the Executive Director.

Identified Council technical staff would have routine access (through the office micro computer or other means) to confidential data.

1. All confidential data will be adequately protected in any electronic files (on-line or off-line storage) or in standard files.
2. Council staff with access to confidential data will not release confidential data, data derived from confidential data (e.g., aggregated data), or the results of any analysis of confidential data to anyone until:
 - A. Confidential data, data derived from confidential data, or results of any analysis of confidential data have been classified as being not confidential by the NWFSC and SWFSC data base administrators. The timely review and classification of material can be done by long-distance computer hookups.
 - B. Confidential data have been approved for release by the data base administrators because of established "need to know" presented by the Council Executive Director to the data base administrators.

Reproduction

Reproduction of any confidential data must be approved by the Executive Director and entered into the data inventory.

Contractors

Council contractors may be authorized access to confidential data collected under Council sponsorship with the approval of the Executive Director. Requests for access by a contractor to confidential data submitted to the Council by a state or federal agency shall be submitted to the designated agency official for approval. Documentation of that approval must be entered into the data inventory.

Statement of Nondisclosure

Each user or clerical who handles the data is required to sign a statement (see attachment) which states he/she understands the confidential nature of the data and the penalties for unauthorized use and disclosure. The statements shall be kept on file by the Executive Director.

Release of Confidential Data

Release of Confidential Data (Public Requests)

Verbal requests will be refused. Written requests are to be treated as Freedom of Information Act requests and will be forwarded to NMFS for decision.

Requests from Congress and Federal and State Agencies

Requests shall be submitted to NMFS.

Subpoenas for Data

Subpoenas should be submitted immediately to NOAA Office of General Counsel, Northwest Region.

Requests for Release of Aggregate Data

Requests for aggregate data compiled from confidential data shall be approved by the data base administrators for submitting agency or the Executive Director for Council-sponsored data collections.

STATEMENT OF NONDISCLOSURE, CONFLICT OF INTEREST
AND CONFIDENTIALITY PROCEDURES

I will not disclose any statistics identified as confidential by a state, the National Marine Fisheries Service (NMFS), or a fishery management council to any person or persons except authorized users in accordance with NMFS, Council, and/or state applicable procedures and policies.

I will use any NMFS, Council, or state confidential data for authorized purposes only and not for personal gain or competitive advantage.

I will follow the "Pacific Fishery Management Council Confidentiality of Statistics Procedures," a copy of which has been given to me.

I am fully aware of the civil and criminal penalties for unauthorized disclosure, misuse, or other violation of the confidentiality of such statistics as provided for in the Magnuson Fishery Conservation and Management Act and other applicable law.

Signature

Date

Affiliation

Approved: _____
Executive Director

Approved by Council: 01/14/88

Revised: 04/06/95, **09/17/04**

[editorial note – text in ~~strikeout~~ is a suggested deletion, text in underline is a suggested policy-neutral clarification or previously adopted policy change, [REDACTED] text is a suggested addition or clarification that represents a potential change in policy, and straight brackets [] designate explanatory rationale phrases for suggested revisions.]

PURPOSE

Some ~~harvest~~ management recommendations adopted by the Council are the result of joint recommendations or agreements among stakeholders ~~users~~ and managers developed outside the direct Council process (e.g., Klamath Fishery Management Council and north of Cape Falcon ~~stakeholder~~~~users~~ and agency meetings). The results of these meetings and specific agreements need to be clearly documented to guide the Council in its preseason deliberations, to assure management intent is not subverted by inseason action, and to allow for participation and understanding by interested or affected persons. Guidelines presented below are provided to assure a clear and sound basis for the Council's management recommendations and to allow for an accurate assessment of the effectiveness of the Council in meeting management objectives.

REQUIRED DOCUMENTATION

The Council requests documentation of all management recommendations brought before it which represent positions or agreements arrived at in joint agency and stakeholders~~users~~ meetings outside the Council's scheduled advisor meetings or public hearings. The Council suggests that one participating agency act as lead agency to document the meeting. Where possible, Council staff will be available to assist the lead agency in this task. The following information should be documented.

1. Date, location, and purpose of the meeting.
2. Meeting participants (indicate designated agency and user group representatives).
3. Identify any affected parties not represented at the meeting.
4. Summarize any consensus or agreement reached at the meeting and/or indicate majority and minority opinions. List specific recommendations to the Council which result from this meeting and the rationale for the recommendations, including compliance with approved management plans and agreements previously available for Council review.
5. Provide a copy of any signed or draft agreement resulting from this meeting that affects Council management.
6. Identify pertinent technical modeling used to arrive at decisions in this meeting and describe coordination with or review by the pertinent Council advisory body ~~Salmon Technical Team~~. Only technical data or models previously recognized by the appropriate entities of the Council, ~~or~~ Pacific Salmon Commission or similar management authority should be utilized.

This information should be available to the Council in writing before the time it is discussed at a Council meeting and will be incorporated in the Council meeting record.

Management recommendations from outside meetings and agreements which become part of the Council's recommended ocean salmon management are evaluated by the Salmon Technical Team in its annual post season review.

Approved by Council: 07/10/85

Revised: 11/19/87, 03/09/89, 04/06/95, 06/23/97, **09/17/04**

[editorial note – text in ~~strikeout~~ is a suggested deletion, text in underline is a suggested policy-neutral clarification or previously adopted policy change, [REDACTED] text is a suggested addition or clarification that represents a potential change in policy, and straight brackets [] designate explanatory rationale phrases for suggested revisions.]

PURPOSE

To establish procedures for the review and approval of Council estimation methodologies, utilizing the Scientific and Statistical Committee (SSC) and the Salmon Technical Team (STT). This oversight review of current and proposed methodologies for abundance and harvest projection, and conservation objectives methodologies is intended to help clarify the technical basis for the Council's management actions. It should function to provide peer review of the technical estimation and modeling procedures, to ensure the best and most objective technical analyses possible, to minimize confusion during the preseason option development process, and to resolve disputes over methodology.

OBJECTIVES AND DUTIES

During the March and April meetings or at other appropriate times, the SSC, in conjunction with the STT and Model Evaluation Workgroup (MEW), will identify methodology issues which need documentation and/or merit a full review.

The SSC will inform the Council of the methodologies selected for review and recommend a review schedule ~~request travel funds for meetings~~. The SSC also will notify the Council of assistance needed from management entities and the MEW to accomplish the review.

The role of the SSC is primarily one of oversight. The appropriate management entities, with assistance from the MEW, are expected to provide background information on procedures and data bases for methodologies undergoing full review, as well as early notification and documentation of anticipated changes in procedures for methodologies not under full review in a particular year. Management eEntities, with assistance from the MEW, are responsible for ensuring that materials they submit to the SSC and Council are technically sound, clearly documented and identified by author. Documents should receive internal entity review before being sent to the Council. To provide adequate review time for the SSC, materials must be received in the Council office at least three weeks before scheduled review meetings.

The SSC and STT will report to the Council ~~and STT~~ at the November meeting on the results of these reviews and provide recommendations for all proposed methodology changes. During the November meeting, the Council will adopt all proposed changes to be implemented in the coming season or will provide directions for handling any unresolved methodology problems.

During each March meeting, the STT will report on the status of all current estimation procedures and models used in analyzing the management options and identify any problems or potential changes to model inputs or parameters that could occur prior to completion of the annual preseason management process in April.

Approved by Council: ~~07/10/85~~09/18/92
Revised: ~~09/16/87~~; 04/06/95; **09/17/04**

[editorial note – text in ~~strikeout~~ is a suggested deletion, text in underline is a suggested policy-neutral clarification or previously adopted policy change, [REDACTED] text is a suggested addition or clarification that represents a potential change in policy, and straight brackets [] designate explanatory rationale phrases for suggested revisions.]

PURPOSE

To provide guidance for making weather-related adjustments to salmon fisheries.

GENERAL

The Council approved this policy on September 18, 1992, after reviewing public comments on the reports and recommendations of an ad hoc committee formed to explore this issue in July 1991.

PROCEDURE

Preseason

To provide the most effective and least confusing management with regard to weather impacts on fishers and stock conservation, the Council will strive to give adequate consideration to potential weather and safety conflicts when developing preseason management recommendations. In particular, the Council will attempt to avoid establishing extremely short open periods for non-quota fisheries which may be lost to severe weather.

Inseason

The Council's policy for inseason adjustments to fishery seasons due to both beneficial and negative impacts of weather are outlined below. Inseason adjustments for weather are constrained by the complexity of determining weather effects on harvest levels and the need to assure achievement of harvest allocations and stock conservation ~~goals~~objectives.

For quota fisheries scheduled for a season duration of one month or less, the normal inseason management process may be used to consider the need for season adjustments due to weather. Adjustments for weather may be recommended to the National Marine Fisheries Service regional when data clearly indicate that unusually adverse weather has precluded a fishery from reaching a specific quota or other management guideline. Potential sources of data should include, but not be limited to, records from wind buoys, U.S. Coast Guard assessment of weather conditions, and evidence of extremely low ~~fisher~~ effort. Seasons may not be extended if such an extension could be expected to reduce the escapement of any critical stock to levels below that expected in the preseason escapement projections.

For quota fisheries scheduled for more than one month's duration, weather adjustments generally should not be made. The complexities of calculating differential stock impacts and weather effects on fishing effort and harvest over extended periods is generally beyond the capabilities of inseason management.

For seasons that are constrained by time and area restrictions ~~to meet certain critical stock impact levels~~, inseason adjustments for weather are unnecessary. The models used to determine these seasons generally contain an average weather factor which, over time, should balance fishing opportunity and stock protection. (An example of a season constrained by time and area restrictions is that imposed to protect Klamath River fall chinook in the troll fishery south of Point Arena in 1991.)

Approved by Council: 07/15/82 and 09/19/85
Revised: 11/19/87, 04/05/89, 04/06/95, **09/17/04**

[editorial note – text in ~~strikeout~~ is a suggested deletion, text in underline is a suggested policy-neutral clarification or previously adopted policy change, [REDACTED] text is a suggested addition or clarification that represents a potential change in policy, and straight brackets [] designate explanatory rationale phrases for suggested revisions.]

PURPOSE

To establish, in accordance with Section 204(b) of the Magnuson-Stevens Fishery Conservation and Magnuson Act, a procedure for reviewing foreign fishing permit applications and providing comments and recommendations to the U.S. Secretary of Commerce regarding approval/disapproval of the requests and any special conditions or restrictions for the permits. The fisheries managed by the Council are, in general, fully utilized by domestic fishers and processors, or precluded from further harvest by necessary management constraints. However, certain limited cases may arise that allow for consideration of requests for foreign fishing permits that meet or do not impact Council management intent.

FOREIGN FISHING PERMIT REVIEW PROCEDURE

~~At its first meeting of the year, the Council will review all prospective joint ventures (JV) and directed fishing applications for the calendar year. This will be after the November Council meeting when final recommendations are made on apportioning available groundfish yields to domestic annual processing (DAP: totally U.S. harvested and processed), joint venture processing (JVP: U.S. harvested and foreign processed), and total allowable level of foreign fishing (TALFF: foreign harvested and processed).~~

The Council has 45 days from time of receipt from the U.S. Secretary of Commerce to provide its comments and recommendations on a foreign fishing permit application. The Council review procedure will vary as provided below, depending on the timing and type of operation requested.

When possible to meet the comment deadline, the Council will review permit applications for foreign vessels to operate in joint ventures (JVs) and directed fisheries at the first Council meeting after the applications are received by the Council. ~~arrive at the U.S. Department of State.~~ Applications are expected to be complete and to have been published in the *Federal Register* preceding this Council meeting.

Applications submitted after the first meeting of the year may not receive prompt and full review. Late submissions will be reviewed and recommended for approval or denial based upon the merits of the proposed operation compared to previously approved or denied applications and the availability of resources. If deemed to be expedient by virtue of the fact the application is either noncontroversial or it is not possible to review the permit application at a Council meeting within the comment deadline, the Council Chair may appoint an ad hoc committee ~~in the absence of a~~

~~meeting, the Council may convene its Foreign Fishing Committee (FFC) to review and provide recommendations on permit applications. These recommendations may be forwarded to the U.S. Secretary of Commerce following the "Quick Response" procedures in COP 1. The Council will act on these recommendations by means of a telephone conference, if necessary. In addition, the executive director may act upon the following types of applications without consulting with Council members.~~

~~Each applicant will be notified of an opportunity to present oral testimony before the Council's FFC, which will meet before or during the Council meeting week. The Council will review permits and committee recommendations during its meeting.~~

~~NONCONTROVERSIAL APPLICATIONS~~

~~In order to expedite review of noncontroversial foreign fishing permit applications, the executive director may act on the following types of applications without consulting with Council members:~~

- ~~1. Permit applications for vessels which would not be involved in fishing or processing per se; e.g., transport, supply, and fuel vessels.~~
- ~~2. Replacement or new vessels for operations (species or countries) which have already been approved by the Council. The executive director shall take into account any pending legal action against vessels in the foreign fleet when considering an application for a replacement vessel.~~

~~All other noncontroversial foreign fishing permit applications shall be acted upon by the executive director after consulting with the Chair of the FFC. Included would be applications for directed foreign fisheries by nations which have historically participated in the Washington, Oregon, and California whiting fishery.~~

~~CONTROVERSIAL APPLICATIONS~~

~~Controversial permit applications, including but not limited to the following categories, will be subject to scrutiny by the FFC and the Council.~~

- ~~1. Permit applications for vessels involved in new joint ventures:~~
~~_____~~
- ~~2. Permit applications for vessels involved in a new foreign fishery (either a new country or a new species):~~
~~_____~~
- ~~3. Permit applications containing irregularities or vessels with unresolved violations:~~
~~_____~~

~~Any application may be referred to the FFC and/or the Council if deemed controversial by the executive director.~~

PERMIT REVIEW CRITERIA

Applications will be reviewed and recommended for approval or denial based upon the merits of the proposed operation compared to previously approved or denied applications and the availability of resources.

Priority will be granted to operations involving foreign processing vessels and U.S. harvesters. Preference will be given to those nations which demonstrate a willingness to involve U.S. industry in all phases of the operation and which give strongest support to the development of the domestic industry for underutilized species. No directed fishing will be authorized without at least an equal JV operation.

The Council will use the criteria in Table 1 on a provisional basis to evaluate joint operation requests relative to each other and make its recommendations to the National Marine Fisheries Service. These criteria will become especially important when biologically available surplus is insufficient to meet all demands. In such cases, approval or disapproval will depend on Council's ranking of all joint operations.

Tonnages by species requested on foreign permit applications for JVs are to be firm targets. ~~The FFC, in consultation with the Council Chair and executive director, will review and may be authorized to act on requests for changes in operating JVs or new JVs if received outside a regularly scheduled Council meeting.~~

Table 1. Provisional criteria for the review of JV requests.^{a/}

-
- Potential net economic benefits and contributions of JVs to the nation as a whole
 - Compatibility of joint operation with other U.S. fisheries and incidental species (i.e., gear conflicts, ground preemption, environmental degradation, bycatch of highly valued species totally utilized by U.S. industry, etc.)
 - Destination and final marketing of products and competition with U.S. products
 - Purchase of finished or semifinished U.S. product, especially underutilized species
 - Efforts to lower or remove trade barriers
 - Foreign participation in fisheries research off Washington, Oregon, and California
 - Reporting of fishery and market information beyond that required by law
-

a/ No priorities meant or implied.

Approved by Council: 11/02/99
Revised: **09/17/04**

[editorial note – text in ~~strikeout~~ is a suggested deletion, text in underline is a suggested policy-neutral clarification or previously adopted policy change, [REDACTED] text is a suggested addition or clarification that represents a potential change in policy, and straight brackets [] designate explanatory rationale phrases for suggested revisions.]

DEFINITION

For the purpose of this protocol, a salmon test fishery can be characterized as a conceptual proposal made by an individual or entity representing the fishing industry without the authority or capability to collect and assess the target data. A test fishery generally relies on participation by unpaid fishermen (the available fleet) to provide landings which can be sampled by a funded and authorized entity to obtain stock composition or other pertinent information from which to determine precise fishery impacts or other data beneficial to future fishery management decisions. Such test fisheries often are set to occur in a restricted area and/or time which may be outside the normal or standard season parameters with the intent of establishing fisheries which minimize impacts on stocks of concern while providing local economic and social benefits.

PURPOSE

Test fisheries have been proposed by the fishing industry during the preseason salmon management process with varying degrees of planning, justification, and management agency support. Because of the difficulty of fully developing, assessing, and budgeting for such proposals during the relatively short and intensive preseason process, the Council believes the procedures below are necessary to more adequately consider and implement test fisheries in the most effective and beneficial manner. This test fishery protocol is based on the protocol developed at the request of the Council by an eleven member work group of California Department of Fish and Game and National Marine Fisheries Service (NMFS) staff which met in Healdsburg, California on May 27, 1999. The protocol includes procedures and specifications for submitting, reviewing, reporting, and implementing the results of test fisheries. The Council urges all test fishery sponsors to coordinate their proposals with the appropriate management entities.

PROTOCOL

A. Submission

1. Proposals for test fisheries must be submitted to the Council office approximately three weeks prior to the November Council meeting preceding the season in which the test fishery would be implemented. The exact cutoff date each year may be obtained by contacting the Council office. ~~For the 2000 season, proposals will be accepted through March 7, 2000 (the March Council meeting) since the protocol was not available until mid-October.~~
2. Council staff will screen proposals and distribute complete proposals to Council members and advisors with briefing materials for the November meeting. Proposals that do not meet minimum content requirements will be returned to applicants.
3. Multi-year test fisheries approved for the initial year will not require resubmission under the protocol to receive consideration for the follow-up years.

B. Review and Approval

1. November Council Meeting
 - a. The Scientific and Statistical Committee (SSC), Salmon Technical Team (STT), and Salmon Advisory Subpanel (SAS) will initiate review of the proposals and may provide preliminary comments to the Council.
 - b. The states, tribes, and NMFS may supply comments on the proposals through their STT members, including resources available for test fisheries.
2. March Council Meeting
 - a. The STT, SSC, and SAS will provide written evaluations of the proposals to the Council.
 - b. The Council will determine which test fisheries to include in the options for public review.
3. April Council Meeting - The Council will make its final decision on adoption of test fisheries and provide an explanation of why test fisheries have been accepted or rejected.

C. Proposal Contents

1. Project Summary - Include a statement of objectives, methods to be employed, and the potential impact of the project. Relate the proposal to the Council Research and Data Needs and the NMFS Strategic Plan for Fisheries Research.
2. Project Personnel - Identify the project manager (the person responsible for overall coordination of the project from beginning to end), and other staff or organizations necessary to complete the project, including specific responsibilities related to technical, analytical, and management roles. ~~Is~~ Provide evidence that the work proposed is appropriate for the experience of the investigators.
3. Objectives
 - a. Make a clear statement of the specific purposes of the study (may be stated as a hypothesis in the form of a question).
 - b. Benefits - Identify potential benefits to fisheries management and coastal communities, or specific stocks, such as improved estimates of key harvest model parameters (e.g., stock contact rates, hooking mortality rates, gear selectivity on encounter rates).

4. Research Design and Methodology
 - a. Specify the major elements of the design, including sample size, number of years the test fishery will run, potential limitations of the proposed approach, and geographic scope.
 - b. Data Collection - describe sampling methods, personnel, and protocols.
 - c. Data synthesis and analysis - describe how the data will be analyzed and evaluated.
 - d. Reporting - provide a time table for delivering report(s) to the Council.
 - e. Discuss compatibility with existing seasons and other test fisheries, potential difficulties with processors or dealers, additional enforcement requirements, and potential negative impacts of the study (e.g., species listed under the Endangered Species Act, allocation shifts, shortened season length, etc.).
5. Ability to Conduct Proposed Research - Identify the total costs (including collection of samples, tissue, and data analysis) associated with the test fishery and sources of funding; identify any existing commitments for participation in, or funding of the project.

D. Report Contents

1. Summary of the work completed
2. Analysis of data
3. Conclusions and recommendations
4. Include raw data as well as summaries

E. Application of Results

1. In general, at least three years of data should be accumulated before incorporating the results of test fisheries into appropriate harvest models.
2. The STT may consider interim results from test fisheries to inform decisions on harvest management if appropriate.
3. The SSC requires information relevant to methodology changes be submitted by the November meeting prior to the season of implementation.

Approved by Council: 09/10/03

Reviewed: **09/17/04**

[editorial note – text in ~~strikeout~~ is a suggested deletion, text in underline is a suggested policy-neutral clarification or previously adopted policy change, [REDACTED] text is a suggested addition or clarification that represents a potential change in policy, and straight brackets [] designate explanatory rationale phrases for suggested revisions.]

DEFINITION

An exempted fishing permit (EFP) is a federal permit, issued by the National Marine Fisheries Service, which authorizes a vessel to engage in an activity that is otherwise prohibited by the Magnuson-Stevens Fishery Conservation and Management Act or other fishery regulations for the purpose of collecting limited experimental data. EFPs can be issued to federal or state agencies, marine fish commissions, or other entities, including individuals. An EFP applicant need not be the owner or operator of the vessel(s) for which the EFP is requested.

PURPOSE

The specific objectives of a proposed exempted fishery may vary. The Pacific Fishery Management Council's (Council) fishery management plan (FMP) for West Coast groundfish stocks provides for EFPs to promote increased utilization of underutilized species, realize the expansion potential of the domestic groundfish fishery, and increase the harvest efficiency of the fishery consistent with the Magnuson-Stevens Act and the management goals of the FMP. However, EFPs are commonly used to explore ways to reduce effort on depressed stocks, encourage innovation and efficiency in the fisheries, provide access to constrained stocks while directly measuring the bycatch associated with those fishing strategies, and to evaluate current and proposed management measures.

PROTOCOL

A. Submission

1. The Pacific Fishery Management Council and its advisory bodies [Groundfish Management Team (GMT), Groundfish Advisory Subpanel (GAP) and Scientific and Statistical Committee (SSC)] should review EFP proposals prior to issuance; the advisory bodies may provide comment on methodology and relevance to management data needs and make recommendations to the Council accordingly. The public may also comment on EFP proposals.
2. Completed applications for EFPs from individuals or non-government agencies for Council consideration must be received by the Council for review, at least two weeks prior to the June Council meeting.
3. Applications for EFPs from federal or state agencies must meet the briefing book deadline for the June Council meeting.

B. Proposal Contents

1. EFP proposals must contain sufficient information for the Council to determine:
 - a. There is adequate justification for an exemption to the regulations;
 - b. The potential impacts of the exempted activity have been adequately identified; and
 - c. The exempted activity would be expected to provide information useful to management and use of groundfish fishery resources.
2. Applicants must submit a completed application in writing that includes, but is not limited to, the following information:
 - a. Date of application.
 - b. Applicant's names, mailing addresses, and telephone numbers.
 - c. A statement of the purpose and goals of the experiment for which an EFP is needed, including a general description of the arrangements for the disposition of all species harvested under the EFP.
 - d. Valid justification explaining why issuance of an EFP is warranted
 - e. A statement of whether the proposed experimental fishing has broader significance than the applicant's individual goals.
 - f. An expected total duration of the EFP (i.e., number of years proposed to conduct exempted fishing activities).
 - g. Number of vessels covered under the EFP.
 - h. A description of the species (target and incidental) to be harvested under the EFP and the amount(s) of such harvest necessary to conduct the experiment; this description should include harvest estimates of overfished species.
 - i. A description of a mechanism, such as at-sea fishery monitoring, to ensure that the harvest limits for targeted and incidental species are not exceeded and are accurately accounted for.
 - j. A description of the proposed data collection and analysis methodology.
 - k. A description of how vessels will be chosen to participate in the EFP.
 - l. For each vessel covered by the EFP, the approximate time(s) and place(s) fishing will take place, and the type, size, and amount of gear to be used.
 - m. The signature of the applicant.
 - n. The GMT, GAP, SSC, and/or Council may request additional information necessary for their consideration.

C. Review and Approval

1. The GMT and SSC will review EFP proposals in June and make recommendations to the Council for action; the Council will consider those proposals for preliminary action. Final action on EFPs will occur at the November Council meeting. Only those EFP applications that were considered in June may be considered in November; EFP applications received after the June Council meeting for the following calendar year will not be considered.

2. EFP proposals must contain a mechanism, such as at-sea fishery monitoring, to ensure that the harvest limits for targeted and incidental species are not exceeded and are accurately accounted for. Also, EFP proposals must include a description of the proposed data collection and analysis methodology used to measure whether the EFP objectives will be met.
3. The Council will give priority consideration to those EFP applications that:
 - a. Emphasize resource conservation and management with a focus on bycatch reduction (highest priority).
 - b. Encourage full retention of fishery mortalities.
 - c. Involve data collection on fisheries stocks and/or habitat.
 - d. Encourage innovative gear modifications and fishing strategies to reduce bycatch.
 - e. Encourage the development of new market opportunities.
 - f. Explore the use of higher trip limits or other incentives to increase utilization of underutilized species while reducing bycatch of non-target species.
4. The GMT review will consider the following questions:
 - a. Is the application complete?
 - b. Is the EFP proposal consistent with the goals and objectives of the West Coast Groundfish FMP?
 - c. Does the EFP account for fishery mortalities, by species?
 - d. Are the harvest estimates of overfished species within the amounts set aside for EFP activities?
 - e. Does the EFP meet one or more of the Council's priorities listed above?
 - f. Is the EFP proposal compatible with the federal observer program effort?
 - g. What infrastructure is in place to monitor, process data, and administer the EFP?
 - h. How will achievement of the EFP objectives be measured?
 - i. Is the data ready to be applied? If so, should it be used, or rejected? If not, when will sufficient data be collected to determine whether the data can be applied?
 - j. What are the benefits to the fisheries management process to continue an EFP that began the previous year?
 - k. If propose integrating data into management, what is the appropriate process?
 - l. What is the funding source for at-sea monitoring?
 - m. Has there been coordination with appropriate state and federal enforcement, management and science staff?
5. SSC Review:
 - a. All EFP applications should first be evaluated by the GMT for consistency with the goals and objectives of the groundfish FMP and the Council's strategic plan for groundfish.
 - b. When a proposal is submitted to the GMT that includes a significant scientific component that would benefit from SSC review, the GMT can refer the application to the SSC's groundfish subcommittee for comment.

- c. In such instances, the groundfish subcommittee will evaluate the scientific merits of the application and will specifically evaluate the application's (a) problem statement; (b) data collection methodology; (c) proposed analytical and statistical treatment of the data; and (d) the generality of the inferences that could be drawn from the study. The SSC groundfish subcommittee's shall be presented to the full SSC for review and comment.
- d. EFP proposals can be deferred to allow adequate time for SSC review.

D. Other considerations:

- 1. EFP candidates or participants may be denied future EFP permits under the following circumstances:
 - a. If the applicant/participant (fisher/processor) has violated past EFP provisions; or has been convicted of a crime related to commercial fishing regulations punishable by a maximum penalty range exceeding \$1,000 within the last three years; or within the last three years assessed a civil penalty related to violations of commercial fishing regulations in an amount greater than \$5,000; or, has been convicted of any violation involving the falsification of fish receiving tickets including, but not limited to, mis-reporting or under-reporting of groundfish. Documented fish receiving tickets indicating mis-reporting or under-reporting of groundfish will not qualify for consideration when fish reporting documents are used as part of the qualifying criteria for EFPs.

E. Report Contents

- 1. The EFP applicant must present a preliminary report on the results of the EFP and the data collected (including catch data) to the GMT at the April Council meeting of the following year.
- 2. A final written report on the results of the EFP and the data collected must be presented to the GMT, SSC, and the Council at the September Council meeting.
- 3. The final report should include:
 - a. A summary of the work completed.
 - b. An analysis of the data collected.
 - c. Conclusions and/or recommendations.
- 4. Timely presentation of results is required to determine whether future EFPs will be recommended.

06/17/04

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PURPOSE

To provide guidance for making weather-related adjustments to salmon fisheries.

GENERAL

The Council approved this policy on September 18, 1992, after reviewing public comments on the reports and recommendations of an ad hoc committee formed to explore this issue in July 1991.

PROCEDURE

Preseason

To provide the most effective and least confusing management with regard to weather impacts on fishers and stock conservation, the Council will strive to give adequate consideration to potential weather and safety conflicts when developing preseason management recommendations. In particular, the Council will attempt to avoid establishing extremely short open periods for non-quota fisheries which may be lost to severe weather.

Inseason

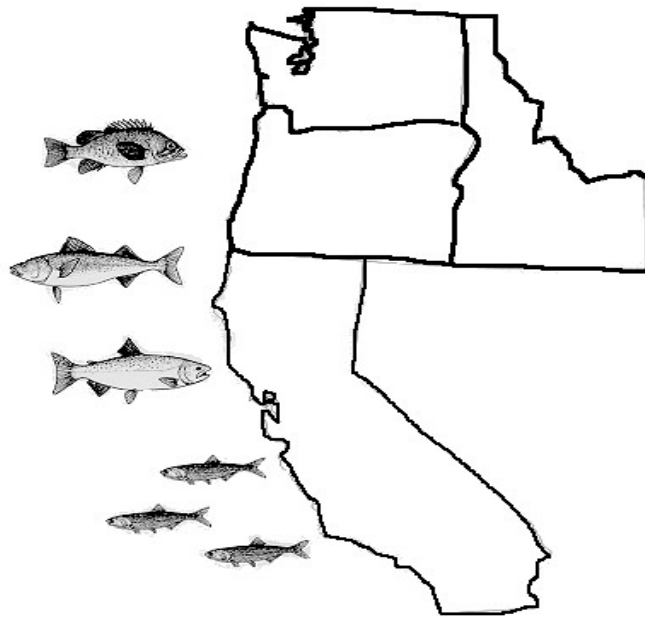
The Council's policy for inseason adjustments to fishery seasons due to both beneficial and negative impacts of weather are outlined below. Inseason adjustments for weather are constrained by the complexity of determining weather effects on harvest levels and the need to assure achievement of harvest allocations and stock conservation ~~goals~~objectives.

For quota fisheries scheduled for a season duration of one month or less, the normal inseason management process may be used to consider the need for season adjustments due to weather. Adjustments for weather may be recommended to the National Marine Fisheries Service regional when data clearly indicate that unusually adverse weather has precluded a fishery from reaching a specific quota or other management guideline. Potential sources of data should include, but not be limited to, records from wind buoys, U.S. Coast Guard assessment of weather conditions, and evidence of extremely low ~~fisher~~ effort. Seasons may not be extended if such an extension could be expected to reduce the escapement of any critical stock to levels below that expected in the preseason escapement projections.

For quota fisheries scheduled for more than one month's duration, weather adjustments generally should not be made. The complexities of calculating differential stock impacts and weather effects on fishing effort and harvest over extended periods is generally beyond the capabilities of inseason management.

For seasons that are constrained by time and area restrictions ~~to meet certain critical stock impact levels~~, inseason adjustments for weather are unnecessary. The models used to determine these seasons generally contain an average weather factor which, over time, should balance fishing opportunity and stock protection. (An example of a season constrained by time and area restrictions is that imposed to protect Klamath River fall chinook in the troll fishery south of Point Arena in 1991.)

STATEMENT OF ORGANIZATION, PRACTICES, AND PROCEDURES



PACIFIC FISHERY MANAGEMENT COUNCIL

ADOPTED ~~MARCH 2002~~ SEPTEMBER 2004

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INTRODUCTION

Pursuant to Section 302(f)(6) of the Magnuson-Stevens Fishery Conservation and Management Act (Public Law 94-265, as amended; hereafter the MSA), the Pacific Fishery Management Council (Council) is responsible for determining its organization and prescribing its practices and procedures for carrying out functions under the MSA in accordance with such uniform standards as prescribed by the U.S. Secretary of Commerce (Secretary). This document constitutes the Statement of Organization, Practices, and Procedures (SOPP) for the Council, thereby carrying out this responsibility. This document was adopted September 17, 2004 as a replacement to the previous SOPP document, most recently adopted June 25, 1999 by vote of the Council March 15, 2002.

The content of this SOPP represents binding procedures to which the Council is obliged to adhere to, absent ~~approval for~~ amendment by the Secretary of the Department of Commerce (Secretary). The Council ~~has~~ follows other operational documents authorized by this SOPP describing lesser procedures the Council has adopted. These operational documents can be changed without Secretarial approval; however, any changes to these lesser documents must be consistent with the Council SOPP. Such documents as of ~~March 2002~~ September 2004 include the *Council Operating Procedures*, *Personnel Rules for the Pacific Fishery Management Council*, ~~*Council Staff Operating Procedures*~~ and *Pacific Fishery Management Council's Travel Rules*, and *Pacific Fishery Management Council Financial Management Procedures*.

This SOPP is published and is also available on the Council website, www.pcouncil.org for the purpose of informing the public of how the Council operates within the framework of the Secretary's uniform standards. Paper or electronic copies of the Council SOPP or other Council documents regarding operational procedures or protocols are available upon request by writing or calling:

Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 200
Portland, Oregon 97220-1384
(503) 820-2280

PURPOSE

The purposes of the Council shall include:

1. Preparing and submitting to the Secretary a fishery management plan (FMP) for each fishery under its authority that requires conservation and management, and amendments to each such FMP that are necessary to manage the fishery consistent with MSA, ~~either for reasons internal to that fishery, or as a result of changes in conservation and management measures in another fishery that substantially affect the fishery for which such FMP was developed;~~
2. Preparing comments on any application for foreign fishing transmitted under Section 204(b)(4)(C) or Section 204(d) of the MSA, and any FMP or amendment transmitted under Section 304(c)(4) of the MSA.

3. Submitting to the Secretary such periodic reports as the Council deems appropriate, and any other relevant report which may be requested by the Secretary.
4. Reviewing on a continuing basis, and revising as appropriate, the assessments and specifications made with respect to the optimum yield from, the capacity and extent to which United States harvests fish from, and the total allowable level of foreign fishing in, each fishery within its geographical area of authority.
5. Conducting any other activities which are required by, or provided for, in the MSA or which are necessary and appropriate to the foregoing four purposes.

COUNCIL ORGANIZATION

Organizational Structure

The Council consists of the States of California, Oregon, Washington, and Idaho and has authority over fisheries in the Pacific Ocean seaward of such states. The Council is organizationally structured with Council members that include a Chair and Vice Chair, a Council staff, and various committees and advisory bodies. There is a total of 19 Council members, 14 of which are eligible to vote on matters brought before the Council. The Council staff is responsible for the administration and execution of Council operations. Standing committees consist of Council members, and ad hoc committees may be composed of Council members and non-Council members; both committee types serve the purpose of providing recommendations to the Council on matters of Council business. Advisory bodies are composed of individuals knowledgeable about West Coast fisheries matters and serve the purpose of providing expert advice to the Council on matters related to the Council purpose.

Council Members

1. The voting members of the Council shall be:
 - a. The principal state official in the government position with marine fishery management responsibility and expertise in each of the four Council constituent states who is designated as such by the Governor of the state.
 - b. The Regional Administrator of the National Marine Fisheries Service (NMFS) for either the Northwest Region or the Southwest Region, or his or her designee. The Northwest Region representative is the designated voter for fishery matters primarily or exclusively off Oregon and Washington, and the Southwest Region representative is the designated voter for fishery matters primarily or exclusively off California.
 - c. Eight members appointed by the Secretary in accordance with MSA Section 302(b)(2), at least one of whom is to be appointed in accordance with Section 302(b)(5) of the MSA from each of the four states, and one member appointed from an Indian tribe with federally recognized fishing rights from California, Oregon, Washington, or Idaho.

2. The nonvoting members of each Council shall be:

- a. The Columbia Basin Ecoregion director of the United States Fish and Wildlife Service or his or her designee.
- b. The commander of the 13th Coast Guard District, or his or her designee.
- c. The Executive Director of the Pacific States Marine Fisheries Commission or his or her designee.
- d. One representative of the Department of State designated for such purposes by the Secretary of State, or his or her designee.
- e. One representative who shall be appointed by, and serve at the pleasure of, the Governor of Alaska.

In accordance with Section 302(j)(1 through 6) of the MSA, certain Council members are required to file appropriate Statement of Financial Interest forms within 45 days of taking office, and update the statement within 30 days of acquiring or substantially changing a financial interest, or annually by February 1.

Designees

The MSA authorizes only the principal state officials, the NMFS Regional Administrators, and the nonvoting members to designate individuals to attend Council meetings in their absence. The Chair of the Council must be notified in writing in advance of any meeting at which a designee will initially represent the Council member, including the name, address, and position of the individual designated. Such officials may submit to the Chair, in advance, a list of several individuals who may act as designee.

Only a full-time state employee of the state agency responsible for marine and/or anadromous fisheries shall be appointed by a constituent state Governor as the principal state official for purposes of Section 302(b) of the MSA. A principal state official may name his or her designee(s) to act on his or her behalf at Council meetings. Individuals designated to serve as designees of a principal state official on a Council, pursuant to Section 302(b)(1)(A) of the MSA, must be residents of the state and be knowledgeable and experienced, by reason of occupational or other experience, scientific expertise, or training, in the fishery resources of the geographic area of concern to the Council. New or revised appointments by state Governors of principal state officials and new or revised designations by principal state officials of their designees(s) must be delivered in writing to the appropriate NMFS Regional Administrator and the Council Chair at least 48 hours before the individual may vote on any issue before the Council. A designee may not name another designee. Written appointment of the principal state official must indicate his or her employment status, how the official is employed by the state fisheries agency, and whether the official's full salary is paid by the state. Written designation(s) by the principal state official must indicate how the designee is knowledgeable and experienced in fishery resources of the geographic area of concern to the Council, the county in which the designee resides, and whether the designee's salary is paid by the state.

Council Staff

The staff of the Council comprises an Executive Director and other staff necessary to carry out administration and execution of Council operations. The Executive Director is responsible to the Council, and the remaining staff is responsible to the Executive Director. In addition to the conditions contained in this SOPP, the Executive Director shall manage the Council staff in accordance with the *Personnel Rules for the Pacific Fishery Management Council*.

Committees

The Council includes standing committees consisting of Council members, and ad hoc committees that may consist of Council members and non-Council members. Standing committee members are appointed by the Council Chair. Ad hoc committees can be appointed for specialized purposes by the Council Chair or vote of the Council. The names, functions, designated membership, and terms of office of the standing and ad hoc committees are described in *Council Operating Procedures*.

Advisory Bodies

The Council organization includes advisory bodies appointed for the purpose of providing expert advice on matters related to the purposes of the Council. The advisory bodies include a Scientific and Statistical Committee (SSC); plan development, technical, and management teams; fishery advisory subpanels; an Enforcement Consultants group; and a Habitat Committee. The Council may establish new advisory bodies by Council vote. Membership, terms of office, nomination procedures, appointment protocols, and other terms of reference are described in *Council Operating Procedures*. The advisory bodies are assigned responsibilities and tasks by the Council or by the Executive Director and will provide reports to the Council as appropriate. Generalized descriptions and purposes of the Council advisory bodies are as follows.

Scientific and Statistical Committee

The SSC is composed of scientists of national reputation from state and federal agencies, academic institutions, and other sources. Members represent a wide range of disciplines required for preparation and review of management plans. The purpose of the SSC is to:

1. Identify scientific resources required for development of FMPs and FMP amendments.
2. Provide the multidisciplinary review of FMPs and FMP amendments, and advise the Council on their scientific content.
3. Assist the Council in evaluation of such statistical, biological, economic, social, and other scientific information as is relevant to Council activities, and recommend methods and means for development and collection of such information.
4. Recommend to the Council the composition of and individuals to serve on the plan development, technical, and management teams.

Plan Development, Technical, and Management Teams

Plan development, technical, and management teams are established by the Council for each FMP or fishery which will be the subject of a planning effort for an FMP. Such teams consist of state, federal, tribal, and nongovernment scientific specialists and serve the purpose of providing data and analyses relevant to the particular fishery for which they were established. As of March 2002, the Council has the following teams: Coastal Pelagic Species Management Team, Groundfish Management Team, Highly Migratory Species Plan Development Team, and Salmon Technical Team.

Advisory Subpanels

Council fishery advisory subpanels collectively constitute the Fishing Industry Advisory Committee required in Section 302(g)(3)(A) of the MSA. Fishery advisory subpanels are established by the Council for each existing FMP, or fishery with an FMP under development, or a fishery being actively monitored. Fishery advisory subpanels consist of individuals representing groups or interests concerned with management of the respective fishery and having expertise related to the respective fishery. The purposes of the subpanels are to advise the Council as to fishery management problems, fishery management planning efforts, and the content and effects of FMPs and FMP amendments. As of March 2002, the Council has the following fishery advisory subpanels: Coastal Pelagic Species Advisory Subpanel, Groundfish Advisory Subpanel, Highly Migratory Species Advisory Subpanel, and Salmon Advisory Subpanel.

Enforcement Consultants Group

The Enforcement Consultants Group provides advice to the Council concerning the feasibility of proposed management measures from a regulation enforcement standpoint.

Habitat Committee

The Habitat Committee reviews and evaluates essential fish habitat in FMPs and FMP amendments, including adverse impacts on such habitat and the consideration of actions to ensure conservation and enhancement on such habitat. The Habitat Committee provides expert advice on the effects of proposed management measures on fish habitat and other habitat related matters brought before the Council for action. The Habitat Committee also reviews activities, or proposed activities, to be authorized, funded, or undertaken by any federal or state agency that may affect habitat of a fishery resource under the jurisdiction of the Council.

COUNCIL MEETINGS AND HEARINGS

Meetings

The Council meets in plenary sessions at the call of the Chair or upon request of a majority of the voting members. The Chair, or Vice Chair in the absence of the Chair, convenes and presides over Council meetings. The Federal Advisory Committee Act does not apply to the Council or Council advisory bodies. Advisory groups, working groups, and committees may meet with the approval of

the Chair or the Executive Director. Emergency meetings may be held at the call of the Chair or equivalent presiding officer in his or her absence or by assignment of the Executive Director.

Notice

Notice of Council, advisory group, work group, and committee meetings will be published in the *Federal Register* in a timely basis. The Council will also issue meeting notices to interested persons and the news media to announce the time, location, and agenda for each meeting. The published agenda of the meeting may not be modified to include additional matters for Council action without public notice or within 14 days prior to the meeting date, unless such modification is to address an emergency action under Section 305(c) of the MSA, in which case public notice will be given immediately. Drafts of all regular public meeting notices will be transmitted to NMFS headquarters office at least 23 calendar days before the first day of the regular meeting, except for the April Council meeting. The April meeting agenda is developed during the March Council meeting and transmission of public notice for the April Council meeting will be done at the close of the March Council meeting. Drafts of emergency public notices must be transmitted to the NMFS Washington, D.C. office at last five working days prior to the first day of the emergency meeting whenever possible. Although notices of, and agendas for, emergency meetings are not required to be published in the *Federal Register*, notices of emergency meetings must be promptly announced through the appropriate news media.

Conduct of Meetings

All meetings of the Council, advisory groups, work groups, and committees are open to the public unless closed for reasons described in this SOPP. Council meetings are conducted according to Robert's Rules of Order and in a manner to permit the greatest possible participation by all members of the Council and public. A majority of the voting members of the Council constitute a quorum for Council meetings, but one or more such members designated by the Council Chair may hold hearings.

All meetings of the Council and its associated bodies are held in a manner and place physically accessible to people with disabilities and will provide for, with notice of a request at least five days prior to the meeting date, a sign language interpreter or other auxiliary aids needed for hearing disabled persons to track the Council proceedings.

If any new information from a state or federal agency or from a Council advisory entity is considered by the Council, the Chair must ensure the Council gives comparable consideration to new information offered at that time by the public. Interested parties and the public shall have a reasonable opportunity to respond to new data or information before the Council takes final action on conservation or management measures. All written information submitted to the Council by an interested person shall include a statement of the source and date of such information. Any oral or written statement shall include a brief description of the background and interests of the person in the subject of the oral or written statement.

Voting

Decisions of the Council are by majority vote of the voting members present and voting, except for a vote to propose removal of a Council member where a two-thirds majority of voting members is required. Decisions by consensus are permitted except when the action (1) recommends approval of an FMP or amendment of an FMP (including any proposed regulations), (2) requests an amendment to regulations implementing an FMP, or (3) is a recommendation for responding to an emergency. Voting by proxy is permitted only by principle state officials and NMFS Regional Administrators via properly named designees. An abstention does not affect the unanimity of a vote. At the request of any voting member of the Council, the Council shall hold a roll call vote on any matter before the Council. All other votes may be by verbal indication. Council members or designees who are not in attendance may not vote by telephone.

Voting members of the Council who dissent on any issue to be submitted to the Secretary are permitted to submit a statement of their reasons for dissent to the Secretary. If any Council member elects to file a minority report, including principle state officials raising federalism issues, it will be submitted at the same time as that of the majority. If the Regional Administrator of NMFS serving on the Council, or the Regional Administrator's designee, disagrees with the Council on any matter to be submitted to the Secretary, the Regional Administrator shall submit a statement to the Council explaining the reason(s) for the vote within ten working days after adjournment of the Council meeting. This statement is to be made available to the public upon request.

On any matter for which a vote is taken on (1) an amendment of an FMP (including any proposed regulations), (2) a Council request for amendment to regulations implementing an FMP, (3) a Council finding that an emergency exists involving any fishery (including recommendations for responding to the emergency), or (4) Council comments to the Secretary on FMPs or FMP amendments, a vote may not be taken until the motion before the Council is recorded in written form visible to each Council member present and to the public. The written motion, as voted on, will be preserved as part of the record or minutes of the meeting. In the case of a telephonic vote during an emergency meeting, the Chair or the maker of the motion must clearly read the motion aloud immediately prior to the vote, such that everyone on the call understands the wording of the motion.

In accordance with 302(j)(7) of the MSA, a voting member of the Council may not vote on any Council matter that would have a significant and predictable effect on a financial interest of that Council member. At the request of the affected Council member or the Chair, the designated NOAA General Counsel Attorney will determine whether a Council decision would have a significant and predictable effect on a financial interest of a member. An affected individual who may not vote may participate in Council deliberations relating to the decision after notifying the Council of the voting recusal and identifying the financial interest that would be affected.

Record

A detailed record of each Council meeting is prepared by the Council staff. Content of the Council meeting record are shown in the Recordkeeping section of this SOPP.

Closed Meetings

In accordance with 50 CFR Part 600.135 and after consultation with National Oceanic and Atmospheric Administration (NOAA) General Counsel, the Council or advisory bodies may close a portion of any meeting to discuss national security matters, international negotiations, litigation, or personnel matters including appointments to advisory bodies. Advisory body appointments made by the Council will be announced in an open session. If any Council meeting or portion thereof is closed, the time and place of the closed meeting will be included in the notice of the Council meeting sent to local newspapers in the major fishing ports within its region. A brief closure of a portion of a meeting not to exceed 2 hours in order to discuss personnel or other administrative matters, does not require such notification.

Frequency

The Council will meet as often as necessary to discharge its duties, but will meet at least once every six months. Council advisory bodies, committees, and work groups may meet as frequently as necessary, with the approval of the Council Chair or the Executive Director.

Location

The Council will strive to hold Council meetings throughout the area of the Council's jurisdiction and endeavor to meet in the area where people reside who are likely to be immediately affected by actions taken by the Council at that particular meeting. Criteria for selection of meeting locations consistent with the above intent will include ease of transportation for both Council members and the public and the cost of holding such meetings.

Hearings

The Council may hold public hearings in order to provide the opportunity for all interested individuals to be heard with respect to the development of FMPs or FMP amendments and with respect to the administration and implementation of other relevant features of the MSA. Notice of each hearing will be received by NMFS for publication in the *Federal Register* at least 28 calendar days prior to the hearing. The Council will also issue notices to announce the time, location, and agenda for each hearing in a manner sufficient to assure all interested parties are aware of the opportunity to make their views known. When it is determined a hearing is appropriate, the Council Chair will designate at least one voting member of the Council to officiate. An accurate record of the participants and their views, obtained by use of a tape recording, typewritten transcript, or detailed minutes, will be made available to the Council at the appropriate Council meeting and maintained as part of the Council's administrative record.

EMPLOYMENT PRACTICES

Council Members and Council Staff

Council members, except for federal government representatives, and Council staff are not federal employees subject to Office of Personnel Management regulations.

Equal Opportunity Employer

The Council is an Equal Opportunity Employer. Council staff positions must be filled solely on the basis of merit, fitness for duty, competence, and qualifications. Employment actions must be free from discrimination based on race, religion, color, national origin, sex, age, disability, reprisal, sexual orientation, status as a parent, or on any additional basis protected by applicable federal, state, or local law. No employee of the Council may be deprived of employment, position, work, compensation, or benefit provided for or made possible by the MSA on account of any political activity or lack of such activity in support of or in opposition to any candidate or any political party in any national, state, county, or municipal election, or on account of his or her political affiliations. Procedures employees must follow if they claim they are discriminated against or harassed are found in the *Council Personnel Rules* document.

In conducting official Council business, Council members and staff generally have the same protection from individual tort liability as federal employees on official actions, and are protected by the federal workmen's compensation statute, by the minimum wage/maximum hour provisions of the Fair Labor Standards Act, and by the rights of access and confidentiality provisions of the Privacy Act. Additionally, Council staff is eligible for unemployment compensation in the same manner as federal employees.

Personnel Actions

The Executive Director may establish positions, recruit, hire, compensate, promote, demote, and dismiss personnel. Dismissal will be made for misconduct, unsatisfactory performance, and/or lack of funds, with reasonable notice to the employee. Personnel vacancies should be filled on a competitive evaluation basis, unless unusual circumstances dictate otherwise. For this purpose, the Council may avail itself of the vacancy advertising system operated by NOAA. The *Council Personnel Rules* describe other personnel management actions the Executive Director may execute, such as maintaining current position descriptions and conducting periodic performance evaluations.

Salary and Wage Administration

The annual pay rates for Council staff positions shall be consistent with the pay rates established for General Schedule (GS) federal employees as set forth in 5 U.S.C. 5332, and the Alternative Personnel Management System for the U.S. Department of Commerce (62 FR 67434). Overtime payments for Council staff shall be made in accordance with provisions of the Fair Labor Standards Act. The Council will use locality and cost of living pay adjustments for Council staff in the same manner as federal employees in the same geographic area. Salary increases funded in lieu of life, medical, and dental insurance benefit policies are not permitted. Council members who are not government employees shall be paid at the rate of GS 15 step 7 for the Portland-Salem, Oregon locality on a daily basis for time spent attending Council meetings or performing other actual Council business authorized by the Council Chair.

Employee Benefits

Employee benefits are detailed in *Council Personnel Rules*, including paid leave, retirement pension, deferred compensation, and other miscellaneous benefits. Paid leave will be granted for holidays, vacations or exigencies (annual leave), sickness, civic duties (jury, military reserve obligations), and administrative purposes as determined by the Executive Director. Leave of any type is not transferable to or from federal agencies. Full-time Council employees may accrue annual leave at the following rates, (1) up to three years of service receive a maximum of 13 days per year, (2) three to 15 years of service receive a maximum of 20 days per year, and (3) more than 15 years of service receive a maximum of 26 days per year. Part-time employees working at least half time accrue leave at the same rate, per hours worked. Employment with state and federal agencies or interstate fishery compact agencies qualifies in computing years of service.

Distributions of accumulated funds for unused annual leave are authorized upon employee separation, retirement, or death.

Full-time Council employees may accrue sick leave at the rate of two hours per week (13 days per year). Part-time employees working at least half time accrue leave at the same rate, per hours worked. Unused sick leave credit may be accumulated without limit. Distributions of accumulated funds for unused sick leave may be made to the employee upon his or her retirement, or to his or her estate upon his or her death.

In meritorious cases, the Council may advance up to one year's earnings of sick or annual leave when it is reasonably expected the advanced leave will be repaid by the employee. This must be approved in writing by the Council Chair or designee.

Experts and Consultants

The Council may contract with experts and consultants, as needed, to provide technical assistance not available from NOAA. This includes legal assistance in clarifying legal issues, but the Council must notify the NOAA Office of General Counsel before seeking outside legal advice. If the Council is seeking legal services in connection with an employment practices question, the Council must first notify the U.S. Department of Commerce Office of the Assistant General Counsel for Administration, Employment and Labor Law Division. The Council may not contract for the provision of legal services on a continuing basis.

Details of Government Employees

All federal agencies are authorized by the MSA to detail personnel to assist the Council in the performance of its functions. Council requests to the heads of such agencies must contain the purpose of the detail, length of time, and the stipulation that the assistant administrator is to be consulted prior to granting the request. Copies of this correspondence will be transmitted to the assistant administrator through the servicing regional office. Federal employees so detailed retain all benefits, rights, and status to which they are entitled in their regular employment. The Council may negotiate intergovernmental personnel agreements or other arrangements with state or local government agencies, in addition to federal government agencies, to utilize employees to further

accomplish Council purposes. Assistance in arranging these details may be obtained through the servicing regional NMFS office.

FINANCIAL MANAGEMENT

The Council's ~~grant activities are governed by~~ complies with the condition described in the current Office of Management and Budget (OMB) Circular A-110 (Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations), OMB Circular A-122 (Cost Principles for Non-Profit Organizations), 15 CFR Part 29b (Audit Requirements for Institutions of Higher Education and other Nonprofit Organizations), and the terms and conditions specified in the current of the Cooperative Agreement issued by the NOAA Grants Management Division. These circulars and regulations describe standards for financial management, financial reporting, audits, property management, and procurement. ~~The procedures the Council will comply with the terms and conditions of these circulars unless otherwise described in this SOPP document~~ follows in complying with these standards and other financial management practices are detailed in the *Pacific Fishery Management Council Financial Management Procedures* document.

Cooperative Agreements

The Council receives administrative funds through cooperative agreements from the U.S. Department of Commerce. The Council submits a formal cooperative agreement application package in accordance with the instructions provided by the NOAA Grants Management Division. The funding requirements for the Council are subject to regular budgetary review procedures. Annual or multiple year grants and cooperative agreements will provide such federal funds as the Secretary determines are necessary to the performance of the functions of the Council and consistent with budgetary limitations.

The Council may not independently enter into agreements, including grants, contracts, or cooperative agreements, whereby funds are received for services rendered. All such agreements must be approved and entered into by NOAA on behalf of the Council. The Council is not authorized to accept gifts or contributions directly. All such donations must be directed to ~~the NMFS Regional Administrator~~ in accordance with applicable U.S. Department of Commerce regulations.

Travel Reimbursement

Detailed procedures covering processing reimbursement claims for travel expenses are described in the *Pacific Fishery Management Council's Travel Rules* available from the Council office. These procedures are updated regularly for allowance amount and other changes, but are consistent with the following guidelines and other matters in this SOPP document.

All nonfederal members of the Council, SSC, advisory subpanels, technical teams, work groups, ad hoc committees, staff, and special consultants performing authorized services are eligible to receive reimbursement for limited per diem travel expenses when away from their home station or while away from their work location in the metropolitan area of their residence. Travel expenses for which reimbursement is allowable will be confined to those expenses essential to transacting official

Council business. The Council observes the General Services Administration (GSA) reimbursement rates for private vehicle mileage, commercial transportation, and per diem rates for lodging, meals, and incidental expenses. The limits may be exceeded in special cases if approved by the Executive Director, up to the maximum amount allowed in current circulars governing Council grant activities. Reimbursement of travel expenses to any meeting for a Council member must be limited to the Council member, or, in the case of the absence of the member, one designee (in any case, one person).

Foreign Travel

Foreign travel must be approved, in advance, by the assistant administrator for fisheries. Requests for foreign travel approval should be submitted, in writing, at least 15 days in advance to the assistant administrator, through NMFS OMB and the grants officer. Routine across-the-border travel to Mexico and Canada is exempt. The Council Chair or Executive Director may approve routine across-the-border travel to Canada or Mexico for members of the Council entourage issued travel orders, within specified GSA per diem rate limitations.

Accrued Leave

One or more accounts are maintained to pay for annual leave or unused sick leave balances and will be funded from the Council's annual operating allowances. Interest earned on the account(s) will be maintained in the account(s), along with the principal, for the purpose of payment of unused annual and sick leave only. These account(s), including interest, may be carried over from year to year. The Council has the option of depositing funds into the account(s) at the end of the budget period if unobligated balances remain. Budgeting for accrued leave will be identified in grant proposals and financial reports.

RECORDKEEPING

Administrative Records for Council Meetings and Fishery Management Plans

The Council maintains records of each Council meeting and records pertaining to FMPs and FMP amendments. Council records are handled in accordance with NOAA records management office procedures. All records and documents created or received by Council employees while in active duty status belong to the federal government. When an employee leaves the Council, he or she may not take the original or file copies of records with them.

A detailed record of each meeting of the Council is compiled by Council staff containing an audio recording of the entire proceedings, a list persons present, summary minutes of matters discussed, motions made, votes taken, a ledger of the vote of each member when roll call votes are taken, conclusions reached, copies of all statements filed, and copies of all written testimony and correspondence. The Council shall approve, and the Council Chair shall certify the accuracy of the summary minutes of each meeting, and the Executive Director shall submit the complete meeting record to NMFS. The detailed meeting record will be made available to the public and any court of competent jurisdiction.

Categories of documents which generally constitute the administrative record of FMPs or amendments to FMPs include notice of all Council-sponsored meetings, scoping comments, work plans, discussion papers, Council meeting records, advisory body reports, hearing reports, National Environmental Policy Act documents, regulatory analyses, Paperwork Reduction Act justifications, proposed regulations, final regulations, and emergency regulations.

Copies of all Council meeting records and records pertaining to FMP and FMP amendments will be provided to NMFS in a timely manner, who also maintains such records. The Council will consult with NOAA before destroying Council records.

Privacy Act Records

The Council maintains in its office, under appropriate safeguards, personnel files on Council members, Council staff, and experts and consultants under contract.

All records subject to the Privacy Act will be collected, maintained, used, and disseminated in accordance with the provisions of the Privacy Act. They will be kept securely, with disclosure or viewing limited to only those permitted accesses pursuant to the Privacy Act.

Freedom of Information Act

All Freedom of Information Act (FOIA) requests to the Council must be submitted in writing. The envelopes and letter should be clearly marked "Freedom of Information Request." FOIA requests to the Council will be noticed to, and controlled, coordinated, and documented in the appropriate NMFS region. While the Council may disclose unclassified information in its possession, only the NMFS Assistant Administrator is authorized to deny information requested from the Council under the FOIA.

Confidentiality of Statistics

In accordance with the MSA and 20 CFR Part 600.405-600.425, the Council will follow appropriate procedures for ensuring the confidentiality of the statistics that may be submitted by federal or state authorities and may be voluntarily submitted by private individuals including, but not limited to, procedures for the restriction of Council member, employee, committee member, or advisory group member access and the prevention of conflicts of interest, except that such procedures must, in the case of statistics, be submitted to the Council by a state and be consistent with the laws and regulations of the state concerning the confidentiality of such statistics.

UPDATE OF COUNCIL OPERATING PROCEDURES AND
STATEMENT OF ORGANIZATION, PRACTICES AND PROCEDURES DOCUMENTS

Council Operating Procedures Document

Since the inception of the Pacific Fishery Management Council (Council), formal written operating procedures have been developed and adopted by the Council to guide various processes associated with the requirements and obligations described in the Magnuson Act and its 1996 reauthorization and amendment, the Magnuson-Stevens Fishery Conservation and Management Act. These Council Operating Procedures (COP) specify how the Council and its advisory entities conduct meetings, consider public comment, develop fishery management plans and amendments, adopt regulatory measures, and deal with special processes of importance to the Council. As some COP have not been reviewed for several years and some changes in procedures had not formally been described in writing, the Council assigned a comprehensive review and update of the full COP document.

Agendum B.3.a, Attachment 1, entails a review of the 19 existing COP and drafts for two new COP dealing with (1) the Groundfish Allocation Committee and (2) Ad-Hoc Committees. In these COP, text in ~~strikeout~~ is a suggested deletion, text in underline is a suggested policy-neutral clarification or previously adopted policy change, [REDACTED] text is a suggested addition or change with potential policy implications, and [straight brackets] designate explanatory rationale phrases for suggested revisions.

On the COP document, the Council task is to consider adopting some or all of the revisions, providing guidance on further revisions, or postponing consideration of some or all of the revisions until the next Council meeting. In particular, the draft new COP have not been viewed in the Council forum before and may be candidates for further consideration at the November Council meeting for reasons of broader public review.

Council Statement of Organization, Practices, and Procedures Document

The Council should also consider adopting minor edits to the *Statement of Organization, Practices, and Procedures* (SOPP) document. At a recent meeting with the NOAA Grants Division, it was advised that more detail on procurement procedures be included in the SOPP document. This addition can be found on page 11 of Agendum B.3.a, Attachment 2. Also, there are minor edits proposed for page 1 of the SOPP document.

Council Tasks:

1. **Consider Agendum B.3.a, Attachment 1, and provide guidance on adoption, further revision, or further process on the COP language contained in the agendum.**
2. **Consider adopting edits described in Agendum B.3.a, Attachment 2.**

Reference Materials:

1. Agendum B.3.a, Attachment 1: draft *Council Operating Procedures As Amended Through September, 2004*.
2. Agendum B.3.a, Attachment 2: draft Pacific Fishery Management Council *Statement of Organization, Practices, and Procedures*, adopted September, 2004.

Agenda Order:

- a. Agendum Overview
- b. Reports and Comments of Advisory Bodies
- c. Public Comment
- d. **Council Action:** Review and Approve Proposed Updates to COP and SOPP Documents

Don McIsaac

PFMC

08/31/04

SUMMARY OF COUNCIL OPERATING PROCEDURE PROPOSED CHANGES

Introduction. Edits to clarify relativity to the Council *Statement of Organization, Practices, and Procedures* document. Provides procedure for creating or changing a Council Operating Procedure (COP).

COP-1 – General Council Meeting Operations. Minor edits to incorporate previously adopted policy changes, current practices, grammar and clarity. Adds Scientific and Statistical Committee (SSC) recommendation for advance submission of materials protocol.

COP-2 – Advisory Subpanels. Changes for consistency with current practices and policies. Added definition of “public-at-large” position. Public notice (meetings) update for consistency with COP-1. Added statement that draft work products will not be distributed to the public unless authorized by the chair. Deleted ad-hoc advisory group text (see new COP-8). Added groundfish permit review function for Groundfish Advisory Subpanel (GAP) (per Council action, April 1996). Updated representation list.

COP-3 – Plan, Technical, and Management Teams. Changes to reflect technical team role in developing fishery management plans (FMPs), regulations, FMP amendments, and regulatory amendments. Added stock assessment and fishery evaluation (SAFE) document to duties list. Added Model Evaluation Workgroup (MEW)-related model evaluation to duties list. Clarified list of National Environmental Policy Act (NEPA)-related documents technical teams prepare and contribute to. Added draft work product statement, consistent with COPs 2 and 4. Public notice (meetings) updated for consistency with COPs 1, 2, and 4. Updated representation list.

COP-4 – SSC. Minor editorial changes – elections of officers, public notice (meetings), and termination of members; consistent with other COPs. Added draft work product clause, consistent with COPs 2 and 3.

COP-5 – Enforcement Consultants. Minor update to meeting section.

COP-6 – Habitat Committee. Updated representation list. Termination of members and public notice (meetings) consistent with COPs 2, 3, and 4.

Old COP-7 – Groundfish Permit Review Board. Deleted. Duties transferred to GAP per Council action April 1996.

New COP-7 – Allocation Committee. New COP designed to elevate the Ad Hoc Allocation Committee from an ad hoc to a standing committee and clarify the role, responsibilities, and function of the Allocation Committee.

Old COP-8 – Council Performance Select Group. Deleted; never met.

New COP-8 – Ad Hoc Committees. New COP to establish procedures for ad hoc committees.

COP-9 – Management and Activity Cycles. Substantial edits to update groundfish with biennial cycle, incorporate Ad Hoc Groundfish Information Policy Committee recommendations. Substantial edits to Pacific Halibut to reflect current schedule. New section on Highly Migratory Species (HMS) management cycle. Substantial changes to Coastal Pelagic Species (CPS) to reflect current schedule.

COP-10 – Preseason Salmon Management Process. Minor changes to reflect current schedule and terminology from Amendment 14.

COP-11 – Plan Amendment Cycles. Substantial update to account for CPS and HMS, and make schedule similar for all FMPs.

COP-12 – Research and Data Needs, Economic Data Plan. Moderate changes to reflect need to prioritize within other Council workload items.

COP-13 – Confidentiality of Statistics. Minor format changes only.

COP-14 – Documentation of Outside Agreements. Minor update in terminology.

COP-15 – Salmon Methodology Review. Minor updates to clarify role of Salmon Technical Team and MEW in the process.

COP-16 – Weather Related Adjustment to Salmon Fisheries. Minor updates in terminology.

COP-17 – Foreign Fishing Review Procedure. Substantial changes to reflect current situation without regular participation of foreign vessels or joint venture activities.

COP-18 – Salmon Test Fishery Proposals. Minor changes for clarity.

New COP-19 – Groundfish Exempted Fishing Permits. Incorporation of Council-adopted policy into COP format.

PFMC

09/14/04

SALMON ADVISORY SUBPANEL REPORT ON
UPDATE OF COUNCIL OPERATING PROCEDURES AND
STATEMENT OF ORGANIZATION, PRACTICES, AND PROCEDURES DOCUMENTS

The Salmon Advisory Subpanel supports the proposed changes to the Council Operating Procedures.

PFMC
09/14/04

SCIENTIFIC AND STATISTICAL COMMITTEE REPORT ON
UPDATE OF COUNCIL OPERATING PROCEDURES
AND STATEMENT OF ORGANIZATION, PRACTICES, AND
PROCEDURES DOCUMENTS

The Scientific and Statistical Committee (SSC) discussed the Draft Council Operating Procedures (COP). COP 1 - page 6 and COP 4 - page 2 include sections pertaining to the SSC's suggested requirement for good documentation and timely receipt of materials. The SSC strongly endorses inclusion of these sections in the COP.

The SSC recommends the following editorial changes to the document:

1. COP 4 - page 4, "Officers" section: change "The Council Chair and Vice Chair of the SSC..." to "The SSC Chair and Vice Chair...".
2. COP 4 - page 4, "Subcommittees" section: delete the second sentence, as the SSC's ability to establish subcommittees such as Economics and Marine Reserves is already established under the first sentence.
3. COP 4 - page 4, "Subcommittees" section: add a sentence stating: "Subcommittee reports will not be considered final until approved by the full SSC."
4. COP 4 - page 5: change wording of the second and third sentences as follows: "Draft work products, reports, or statements prepared and discussed at these meetings will be available in final form after submission to the Council. Distribution prior to submission to the Council will be limited to SSC members unless authorized by the Chair."

PFMC
09/15/04

COUNCIL COMMUNICATION PLAN

In June 2004, the Council received an update on Phase I of the Council Communication Plan and asked that staff report at this meeting on the status of the recommendations contained in the plan, the costs associated with the recommendations, and the timetable for Phases II and III of the plan. Agendum B.4.a, Attachment 1, shows the table of contents of the Communications Plan, including the titles of each phase.

Agendum B.4.a, Attachment 2, reports on the current status of the recommendations contained in Phase I of the plan. The implementation status is given in the third column of the table (whether recommendations are currently being implemented, will be implemented in the near future, cannot be implemented at this time, etc.).

The timetable for Phases II and III will depend on Council action. Phase II will focus on communication between advisory bodies and the Council during Council meeting week (including communication within and between advisory body members and technical teams), while Phase III will focus on communication with constituents. Phase II is likely to take substantially less time and resources than Phase III. The best way to determine the timetables for these phases is to have the Communications Enhancement Team (CET) meet to fully describe the tasks that each phase would entail.

The CET was established as an informal advisory group and is composed of volunteer representatives of the Council, Council staff, advisory subpanels, National Marine Fisheries Service, and Oregon Sea Grant. The Council should consider formalizing the CET as an ad hoc advisory body for purposes of covering travel costs, placement on the roster, and giving the CET the same status as other advisory bodies. A current CET roster is attached (Agendum B.4.a, Attachment 3).

Council Task:

- 1. Consider implementation status for Phase I; consider and provide guidance on the implementation plans; discuss implementation of items that require further Council discussion (Category 8, pages 7-8); consider whether to formalize the CET; and consider whether to direct the CET to continue work on Phases II and III.**

Reference Materials:

1. Agendum B.4.a., Attachment 1: The Council Communication Enhancement Process Action Plan (Table of Contents).
2. Agendum B.4.a., Attachment 2: The Council Communication Enhancement Process Action Plan, Phase I: Implementation Status.
3. Agendum B.4.a, Attachment 3: Roster of the Communications Enhancement Team.

Agenda Order:

- a. Agendum Overview
- b. Reports and Comments of Advisory Bodies
- c. Public Comment
- d. Council Guidance on Implementing Phase I of
Communication Plan and Timetable for Phases II and III

Jennifer Gilden

PFMC
08/30/04

Investing in Trust:

**The Council Communication
Enhancement Process Action Plan**

5/20/04 Version

Table of Contents

Chapter 1:	Terms of Reference / Background
Chapter 2:	Setting One: Communication During Council Proceedings
Chapter 3:	Setting Two: Communication Between Advisory Bodies and the Council during Council meeting week (including communication within and between advisory bodies and technical teams)
Chapter 4:	Setting Three: Communication Between Constituents and Council Members and Advisory Body Representatives.
Chapter 5:	Relationship and Perceptions
Chapter 6:	Summary

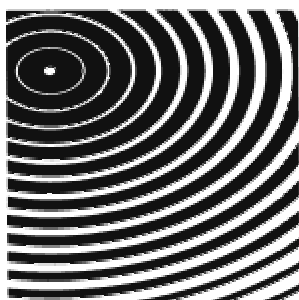
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Chapter 1: Terms of Reference and Background

Introduction

In April 2003, the Pacific Fishery Management Council directed a group of agency staff to develop a communication plan. This document includes terms of reference, background, and the first chapter of the action plan for enhancing communication in the Council process. The goal of this effort is to create “best practices” for communication in fisheries management.

This effort was inspired by the publication *An Investment in Trust: Communication in the Commercial Fishing and Fisheries Management Communities*, which is based on a study of communications conducted by Jennifer Gilden and Flaxen Conway for Oregon Sea Grant (2002). *An Investment in Trust* describes current communication issues and challenges, and presents a series of recommendations for improving communication in fisheries management.

The current project was spearheaded by an unfunded, informal group of agency and Sea Grant staff. The group has met seven times and has expanded to include representatives from most Council advisory subpanels.

Problem Statement: Communication Related to Fisheries Management

Many people in the fisheries management and fishing communities feel that communication between the groups needs to be improved. However, improving communication will require effort from both the fishing and management communities. It is neither fair nor realistic to expect one community to single-handedly solve current communication problems.

Challenges to communication, and some potential solutions, were gathered and described in *An Investment in Trust*, which was based on interviews with members of the fishing and fisheries management communities. Chronic and acute crises in fisheries have exacerbated communication problems. Both managers and fishing community members are under stress, increasing their need for clear communication while decreasing their ability to communicate clearly.

In the Council arena, many communication efforts rely on formal methods. Formal communication is the result of procedural mandates, and includes efforts such as environmental impact statements, *Federal Register* notices, public hearings, Council meetings and advisory body meetings. Informal communication includes efforts such as educational outreach materials,

websites and newsletters (which do not have Federal mandates), informal meetings and workshops, and person-to-person communication. Both types of communication are suited to particular purposes, and both have pros and cons.

Factors within both the fisheries management community and the fishing community that exacerbate, or are symptoms of, communication problems include the following. (These are generalizations; not all members of either community share these traits.)

- Complex nature of information that must be communicated
- Tendency of the media to simplify and polarize issues
- Distrust and lack of respect for other communities
- Lack of clarity about agency roles regarding informal communication
- Varying levels of awareness about the importance of communication
- Varying levels of personal motivation to communicate
- Fluctuating levels of outreach effort
- Cultural and personal differences that muddle communication

Factors within just the fishing community that exacerbate, or are symptoms of, communication problems include the following:

- Confusion about what federal and state agencies do
- Perception that managers and scientists are not accessible, and/or are not interested in listening
- Beliefs that management wants to shut down the fishing industry
- Need to feel that concerns have been heard, even when management decisions don't fulfill hopes or expectations
- Competition and lack of cohesion, making it difficult to disseminate information or speak with a unified voice
- Economic and social stress, reducing people's capacity or willingness to communicate
- Involvement in management limited to a small, core group of people, while most are disengaged

Factors within the fisheries management community that exacerbate, or are symptoms of, communication problems include the following:

- Overwork and lack of funding, leading to a reactive rather than proactive system
- Low prioritization of informal (person-to-person) communication
- Federal mandates limit available options, resulting in the impression that managers are not listening or reacting to fishing community concerns
- Formal Federal communication methods are not highly successful in reaching average fishing community members
- *Federal Register* notification requirements reduce flexibility in communicating

The people who work and interact with the Council have a wide diversity of expertise and communication styles. This diversity is both a great strength and a great challenge. This project focuses on assuring effective information exchange so these diverse perspectives are heard and considered when final decisions are made.

Composition

As of May 2004, the following people were involved, either directly or as advisors, in the process:

Flaxen Conway	Oregon Sea Grant Extension
Steve Copps	NMFS Northwest Region
Jennifer Gilden	Pacific Council
Fran Recht	Habitat Committee
Suzanne Russell	NMFS Northwest Fisheries Science Center
Janet Sears	NMFS Northwest Region
Don Stevens	Salmon Advisory Subpanel
Dayna Matthews	Enforcement Consultants
Rod Moore	Groundfish Advisory Subpanel
Heather Mann	Coastal Pelagic Species Advisory Subpanel
Kate Wing	Highly Migratory Species Advisory Subpanel

The principal responsibility of this group is to carry out the terms of reference for this process, the purpose of which is to help the Council family understand the communication enhancement process, and to ultimately enhance communication.

Improving communication and creating trust will require the involvement of many people, including Council and advisory body members, agency staff, representatives of stakeholder groups, and members of the public. Involvement will need to take place at many levels, from providing suggestions for improving communications to actively creating and implementing the action plan.

Goals of the process

The goal of enhancing communication through this effort is for all people involved in the Council process to:

- Clearly understand how the fisheries management process works.
- Understand how to effectively involve themselves in the process.
- Be able to express their views clearly, and in a timely way, within the process.
- Feel that their views have been heard and respected.

It will take time for these goals to be realized. While improved communication will not solve all fisheries-related problems, good communication is essential for effective fisheries management. Improvements in communication can lead to a better understanding of the management process, more effective involvement and increased trust by participants, and, ultimately, better management of our fisheries.

However, communication should enhance, not hinder, the management process. The suggestions laid out in the Action Plan are guidelines, and should not represent a new level of bureaucracy. Many of the suggestions could require additional staff time and financial resources that may or may not be available. In addition, it is important to note that many of the actions listed here are already being undertaken to some extent by Council staff.

Objectives

The objectives for reaching these goals are to:

- Use the recommendations set out in *An Investment in Trust* as a springboard for improving communication efforts
- Develop a flexible, organic communications action plan that describes specific ways to improve communication
- Involve advisory body members in developing the action plan
 - Propose choosing a lead person from each advisory body to be the liaison between the communications group and the advisory committee
 - For each Council meeting, develop a place holder on each advisory committee agenda to have regular updates regarding communication
- Address communication on the following levels:
 - actions that can be undertaken on an individual level (by Council staff, Council members, advisory body members, and NMFS staff)
 - actions that can be undertaken by the Council (and NMFS) as a whole
 - actions that can be undertaken by advisory bodies
- Conduct the work in a transparent and inclusive manner
- Update the Council consistently on the progress of these efforts

Structure of the Plan

This plan aims to enhance communication by identifying and describing communication tools and processes. Tools include such items as the Briefing Book and printed materials placed on the back table of the Council chamber. Processes include Council decision making and the process of creating and following the Council agenda.

Each element includes a section providing context and a table that contains the core components of the action plan:

1. A description of one or more issues or problems associated with the element. These are issues that could be addressed to enhance communication and improve trust.
2. A list of potential action(s) that address the issues. (Some actions might address one issue while others address multiple issues.)

Once the Council has approved the action plan, the actions should be taken by the Council in a timely manner.

Communication settings

Communication occurs on many levels. In order to simplify the task of improving communication in the Council process, we have focused on communication in three settings. At present, the document only includes Setting One (communication in the Council chamber, while the actual Council session is taking place). Setting II of the plan will focus on communication between advisory bodies and the Council during Council meeting week, including communication within and between advisory bodies and technical teams. Setting III will focus

on communication between constituents and Council members and advisory body representatives.

Some final words

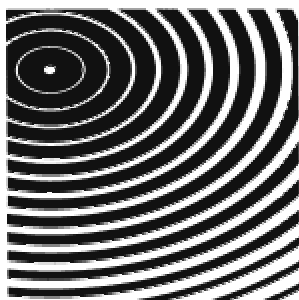
The development of a communications plan is an open and continuous process; therefore, this is a “living document” that may be revised multiple times in the future. Many of the solutions listed here have already been undertaken, or will be undertaken soon by Council staff or others.

Improving communication and creating trust will also require the involvement of many people, including Council and advisory body members, agency staff, representatives of stakeholder groups, and members of the public. Involvement will need to take place at many levels, from providing suggestions for improving communications to actively creating and implementing the action plan. We welcome input from those who participate in and communicate with the Council. Is this effort on track? Are the elements, context, issues/problems, and potential actions described accurately? Should any additional elements or issues/problems be listed? Are the suggested potential actions appropriate or effective? Are there additional potential actions that could help address these problems?

Informing oneself about management is an individual responsibility. However, communicators also need to ensure that their messages are clear and understandable from a wide variety of perspectives.

Definitions

Throughout these documents we use the terms “fisheries management community” and “fishing community.” By “management” we mean the various fisheries management agencies (including, but not limited to National Marine Fisheries Service, the Pacific Fishery Management Council, state fish and wildlife departments, and the Pacific States Marine Fisheries Commission), staff, scientists, Council members, Council advisory body members, and other policymakers. By “fishing community” we mean fishing families, fishing family businesses, fishermen and women, fishermen’s wives groups, industry support groups, processors, and service/suppliers.



Chapter 2: Communication During Council Proceedings

This setting focuses on communication in the Council chamber, while the actual Council session is taking place.

Tools

This section focuses on four major tools:

1. The Briefing Book
2. Presentations and Visual Aids
3. Supplemental Materials
4. Back-Table Materials

1. The Briefing Book

Council members, Council staff and chairs of advisory bodies and committees receive a copy of the Council Briefing Book. The Briefing Book contains summaries of each agenda item (“situation summaries”), reports and materials for each agenda item, and written public comment. Because of the size of the Briefing Book, and the effort required to create it, Briefing Books are not available to the general public, and members of advisory bodies (other than chairs) do not receive them. However, the Council has begun to place Briefing Book materials on its website.

There are two Briefing Book deadlines. The first (and main) deadline is approximately two and a half weeks before the Council meeting (see footnote, page 13). Public comments and reports supplied before this deadline are included in the Briefing Book. The second deadline is known as the “supplemental” deadline. Public comments and reports provided by this deadline are distributed to Council members at the Council meeting.

The Briefing Book is often very large. There is a tradeoff between providing the proper amount of information to advisory body members and providing too much information (in terms of both preparation and information overload). Also, communication needs differ for agency appointees and private citizens serving on the Council. Agency appointees tend to have staff who can conduct research and help the Council members digest the material.

<i>Issue/Problem</i>	<i>Potential Action to Address Issue</i>
The Briefing Book does not include sufficient background information on complex topics.	<ul style="list-style-type: none"> • Continue to prepare information sheets (or backgrounders) on timely topics. • Put relevant fact sheets on the back table, next to related Briefing Book materials.
Some meeting attendees are not aware that Briefing Book materials are available to them.	<ul style="list-style-type: none"> • Publicize the fact that the Briefing Book is available on the web site, and parts may be obtained by calling the Council office. • Post a sign clarifying that Briefing Book materials are available on the back table. • Make one or two bound Briefing Books available to the public for reference.
Others?	<ul style="list-style-type: none"> • Others?

2. Presentations and Visual Aids

The Council often sees presentations by scientists and the public. As with the Briefing Book, presentations face a tradeoff between detail and clarity. The Council and public need enough information to be informed, but not overwhelmed. There are two general types of presentations—those prepared in advance of the meeting (such as presentations by “outside” scientists); and presentations of new information developed during the Council meeting (such as information from advisory bodies such as the Groundfish Advisory Subpanel). In addition, presentations are of varying quality and clarity. Ensure guidelines are not so rigid that they create another level of bureaucracy.

<i>Issue/Problem</i>	<i>Potential Action to Address Issue</i>
Presentations need to be clear to both the Council members and the public.	<ul style="list-style-type: none"> • Create Guidelines for Presenters. Describe a) what the Council needs to know in order to make a decision (such as a summary of the issues, methods, assumptions, and conclusions) and b) formatting suggestions (font size, use of acronyms, number of bullets per page, number of slides, how to match amount of information presented with time allocated, etc.).
Presentation and table text is often too small to read.	<ul style="list-style-type: none"> • Request that presenters follow the Guidelines for Presenters (above). Use handouts in addition to or instead of overheads or PowerPoint presentations when a lot of detailed information needs to be presented.
Others?	<ul style="list-style-type: none"> • Others?

3. Supplemental Materials

Two types of supplemental materials are presented to the Council: those that arrive late in the process, and those created during the Council meeting.

<i>Issue/Problem</i>	<i>Potential Action to Address Issue</i>
The public doesn't know when new supplemental materials are introduced into the Council discussion.	<ul style="list-style-type: none">• The Chair or staff should point out when new supplemental materials have arrived.
The public and advisory body members get confused when there are multiple versions of the same report or document on the back table at once.	<ul style="list-style-type: none">• If possible, do not place multiple versions of the same document on the back table at the same time.• When there are multiple versions of a report, post the time and date prominently on them (for example, in the upper-right-hand corner) so readers know what time each version was created.
Council members, advisory body members and/or the public don't have time to evaluate newly introduced supplemental materials.	<ul style="list-style-type: none">• When practical, the Chair or staff could recommend a short break when materials need to be read.
Advisory body chairs sometimes don't get supplemental reports until after the Council has received them.	<ul style="list-style-type: none">• When possible, distribute supplemental materials to the Council and the public as soon as they are available. (This immediate distribution would need to be weighed against the desire not to interrupt the Council process.)
Others?	<ul style="list-style-type: none">• Others?

4. Back-Table Materials

Copies of situation summaries, agendas, reports, and supplemental materials are placed on a table at the back of the Council chamber.

<i>Issue/Problem</i>	<i>Potential Action to Address Issue</i>
The presence of back-table materials in the Council chamber encourages people to talk during the proceedings.	<ul style="list-style-type: none">• When possible, put back-table materials in the hall outside the Council chamber.
People who are not familiar with the system do not understand the codes in the upper right hand corner of the back-table and supplemental materials.	<ul style="list-style-type: none">• Create an information sheet that explains how materials are coded.• Clarify labeling. For example, use "Agenda Item" instead of "Exhibit Number" on labeled materials.

Sometimes there are not enough copies of documents available, especially for important issues (trip limits, proposals, and final reports).	<ul style="list-style-type: none"> • Make more copies of handouts for controversial or important issues. (It is Council policy to distribute additional copies of handouts that are likely to be in high demand, but delays can be caused by the limited number of photocopiers.)
Others?	<ul style="list-style-type: none"> • Others?

Processes

This section focuses on five major processes:

1. Following the Agenda
2. Understanding the Council Process
3. Providing Public Testimony
4. Council Decision-Making; Motions and Justification for Decisions
5. Distractions During Council Proceedings

1. Following the Agenda

The Council works off an agenda that is drafted at the previous Council meeting. Agendas are posted on the Council’s website, sent to a large mailing list, and provided on a table at the back of the Council chamber.

Agendas for the next Council meeting are usually discussed on Friday of the Council meeting. During the weeks following the meeting, a draft agenda is developed by Council staff. The agenda is then finalized on the first day of the subsequent Council meeting.

At the Council meeting, each agenda item is addressed by the Council as it comes up in the schedule. First, a Staff Officer presents the Council members with an overview of what to expect during the agenda item. This overview is essentially the same as the “situation summary” which is provided in the Briefing Book. This may be followed by presentations or discussion of the particular topic; by advisory body comments or reports; and by public comment. Finally, the Council discusses the topic and may vote on it.

The agenda is often very full. Overcrowding of the agenda can lead to many problems including schedule changes and limited time for deliberations or public comment.

Keeping the public up to date about the status of the agenda is a challenge. While the Council is making a renewed effort to maintain the agenda schedule, changes are sometimes inevitable and even desired in certain circumstances. Each morning staff are notified about possible agenda changes, and they pass this information along to their advisory bodies. In addition, a sign with the current agenda item is placed in the Council chamber and is updated by staff. When available, the agenda is also posted on an in-house television channel. The availability of this feature depends on the hotel’s facilities.

One challenge in tracking the agenda is that Council staff do not want to either prevent the Council from making necessary schedule changes, or provide a false sense of security to the public regarding the Council's schedule. In other words, there is no way to ensure that the agenda absolutely will not change. This must be kept in mind when providing updates to the public about the status of the agenda.

<i>Issue/Problem</i>	<i>Potential Action to Address Issue</i>
At Council meetings, schedules sometimes slip, so the Council must modify the agenda during the course of the meeting. Such changes to the agenda are not always communicated to the attendees. At times it can be difficult to find out when items are going to show up on the agenda.	<ul style="list-style-type: none"> • Have a white board or some similar system placed <i>outside</i> the Council room door that notes what agenda item the Council is currently addressing, and the estimated time for other agenda items. • When possible, advise advisory body chairs when the Council agenda changes (this is already done to some extent.) • If possible and financially feasible, use an in-house telephone number to provide a voicemail message that provides updates on Council progress and explains when agenda items are likely to be covered. • If possible, post changes to the agenda and updates on the status of the agenda on a closed-circuit hotel TV channel (both in rooms and on a monitor outside of the Council chamber).
Advisory body members don't always know what the Council wants from them in terms of commenting on agenda items.	<ul style="list-style-type: none"> • Have the committee Chair walk through the agenda in advance with the committee's staff person to determine what the Council wants the committee to comment on.
Advisory body members would like more detail about agenda items (and Council action) that they are not specifically requested to comment on by Council staff.	<ul style="list-style-type: none"> • Publicize the fact that Briefing Book materials are posted on the web. • Consider providing a CD with Briefing Book materials to the advisory bodies as part of their committee mailings. • Ensure situation summaries include a clear description of the action to be taken by the Council.
The advisory body/Council agenda often requires people to be in many places at once.	<ul style="list-style-type: none"> • Consider implications for advisory bodies when the Council sets the agenda. • Divide advisory bodies into subcommittees or designate representatives to attend other meetings when possible.
Others?	<ul style="list-style-type: none"> • Others?

2. Understanding the Council Process

Stakeholders have the opportunity to participate in the Council process at virtually every level of fisheries management. The Council meets for four days, Tuesday through Friday, with advisory bodies meeting on Monday. With the exception of a brief closed session in which the Council discusses personnel and litigation issues, the remainder of the meeting is open to all members of the public.

At the start of each day the Chairman reviews the day's agenda and entertains changes that are required in order to meet scheduling conflicts. Next, the Council moves through the agenda as described under "Following the agenda," above.

Although this process is fairly straightforward, it can be confusing for people who are new to Council meetings or who attend only occasionally.

<i>Issue/Problem</i>	<i>Potential Action to Address Issue</i>
New Council members, advisory body members, and the public need to understand how the Council process works. Note: Some orientation materials are already given to new advisory body members.	<ul style="list-style-type: none">• Conduct orientations or a "Council Process 101" class for all interested parties, with both experienced Council/advisory body members involved. Orientations could be held twice a year on the Sunday of a Council meeting. If it is not possible to schedule such an orientation, create a system where experienced members can orient new members individually.• Create written orientation materials.• Promote the recently-created Guide to the Council Process and print hard copies of the Guide to distribute.
It is unclear how information reaches the Council, and through whom. People need to know when and how to provide input to the Council process in order to be most effective.	<ul style="list-style-type: none">• Use handouts, orientations, or a guide to explain how the process works.• Clarify which Council meetings are focused on which fisheries, so people know which meetings to attend.• Emphasize the desirability of getting testimony in on time to be included in the Briefing Book.• Emphasize how members of the public can get involved with advisory bodies.
It is difficult for people in the Council audience to understand the context of agenda items and the decision to be made.	<ul style="list-style-type: none">• Use a handout or orientation session to direct people to the "Situation Summaries."• Place fact sheets on complex topics near the situation summaries.
Others?	<ul style="list-style-type: none">• Others?

3. Providing Public Testimony

Public comment during Council meetings is an important part of the fisheries management process and is an important opportunity for stakeholder involvement in the process. Public comments are always accepted before any Council action. While this chapter focuses on events that happen within the Council meeting setting, it is important to note that written public comments received by the Council office by the Briefing Book deadline¹ are included in Council members' Briefing Books, which they review before the meeting. This is one of the most effective ways for stakeholders to communicate their positions on important issues. Written comments provided before the meetings, followed by oral testimony at the meetings, provides an optimal level of input to Council members.

There are two settings at Council meetings where it is appropriate to provide oral public comment. If the comment pertains to an issue that is not on the Council's agenda, comments are taken at a prescheduled time, usually 4:00 p.m. on the Tuesday of the meeting. Members of the public may comment on any issue not on the agenda for the current meeting. Comments related to issues on the agenda are generally taken once advisory body reports have been provided, and before Council discussion and action. Members of the public who request the opportunity to provide oral comment or testimony at the meetings are required to complete a "public comment card." Blank cards are located on the staff table near the entrance to the meeting room. Members of the public must complete the information requested on the card and submit the card to the staff person, who gives all completed cards to the Council Chair before the public comment period begins.

Once public comment has begun on an issue, additional cards are not accepted. Council operating procedures state that individuals shall have five minutes each to provide comments and individuals representing groups shall have ten minutes to provide their comments. Once the comment has been provided, the Chairman will invite Council members to question the commenter as appropriate.

Written public comments are also accepted during Council meetings. Interested persons should bring 40 copies of their written public comment and deliver them to the Secretarial Center. Staff there will ensure that the comments are distributed at the appropriate time.

<i>Issue/Problem</i>	<i>Potential Action to Address Issue</i>
Providing public testimony at Council meetings can be uncomfortable and intimidating. People don't always know the procedure for testifying.	<ul style="list-style-type: none">• Have a sign posted outside the Council room that explains how to give testimony, and a handout/outline available for reference.• When the Chair invites testimony, he or she could explain a) the process and function of testifying effectively, and b) what the Council would like to hear from the public.
Members of the public expect to be given their	<ul style="list-style-type: none">• Whenever possible, the Chair should allow

¹ The Briefing Book deadline falls 2-3 weeks before the Council meeting. The date is posted on the Council website, listed in the newsletter, and is available by calling the Council office.

allotted amount of time to testify, and sometimes they are cut off due to time constraints or for other reasons.	the allotted time for public testimony stated on the Council's website (5-10 minutes).
Others?	<ul style="list-style-type: none"> • Others?

3. Council Decision-Making: Motions and Justification for Decisions

The text of motions is an extremely important part of the Council process, with implications for both natural resources and livelihoods. Motions need to be clear to Council members, advisory bodies, and the public. All parties need to understand what the Council is voting on, assure the motions accurately capture the language in the advisory body suggestions (if so desired), or otherwise clearly articulate policy direction/decisions.

<i>Issue/Problem</i>	<i>Potential Action to Address Issue</i>
It is difficult to keep track of motions and friendly amendments to motions.	<ul style="list-style-type: none"> • Place a large screen in the Council chamber to show motion text and have one person whose job it is to update the motion continuously. • Require that all major or complex motions be in writing and projected on screen as they are developed.
The justification for the Council's decisions, and a record of how the Council addressed a particular issue, need to be made clear.	<ul style="list-style-type: none"> • Having motions in writing would help address this. • When possible, explain the rationale for controversial or important motions and votes, either in writing or orally.
Others?	<ul style="list-style-type: none"> • Others?

4. Distractions during Council Proceedings

The Council chamber is the center of activity during Council meeting week. People often meet there to discuss issues while keeping track of Council deliberations. However, high noise levels can make it difficult for the audience to hear Council proceedings. While the noise level in the Council chamber is under the control of the Council Chair, some measures may reduce noise before it becomes a problem.

<i>Issue/Problem</i>	<i>Potential Action to Address Issue</i>
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People who talk in the back of the Council room distract attention from the Council proceedings. The noise makes it difficult to hear Council proceedings.	<ul style="list-style-type: none"> • Put back-table documents outside the Council chamber when possible. • Place a closed-circuit TV monitor outside the Council chamber to allow people to watch and talk in the hall. • Post a sign requesting silence. • The Chair could remind people to be quiet when necessary.
Others?	<ul style="list-style-type: none"> • Others?

References

Gilden, Jennifer D., and Flaxen D.L. Conway. 2002. *An Investment in Trust: Communication in the Commercial Fishing and Fisheries Management Communities*. Corvallis, Oregon: Oregon Sea Grant publication ORESU-G-01-004.

COMMUNICATIONS ENHANCEMENT TEAM ROSTER

This is the core group of Communications Enhancement Team members. Others representing the Council, National Marine Fisheries Service (NMFS), the State of Oregon, and Natural Resources Defense Council (NRDC) have also taken part occasionally.

Flaxen Conway	Oregon Sea Grant Extension
Steve Copps	NMFS Northwest Region
Jennifer Gilden	Pacific Council staff
Dayna Matthews	Enforcement Consultants
Heather Mann	Coastal Pelagic Species Advisory Subpanel
Rod Moore	Groundfish Advisory Subpanel
Fran Recht	Habitat Committee
Don Stevens	Salmon Advisory Subpanel
Frank Warrens	Pacific Council member

COUNCIL COMMUNICATION PLAN

The Salmon Advisory Subpanel supports moving ahead with phase II of the Council Communication Plan, and has one suggestion for immediate improvement in communications between the Council and advisory bodies: immediately notify all advisory body chairs when the Council agenda changes, so appropriate adjustments in schedules can be made.

PFMC
09/14/04

HABITAT COMMITTEE COMMENTS ON
COUNCIL COMMUNICATION PLAN

The Habitat Committee endorses adoption of Phase I of the Council Communications Plan and encourages the Council to move to Phases II and III. Clear, effective communication among the Council, collaborating agencies, and the public is essential (obviously) and continues to be an area of needed improvement. With the recent closure of recreational black rockfish fishing in Oregon, there were breakdowns in communication between the state agency, the Council, and the public, resulting in public confusion about who was responsible for the closure. Emphasizing and formalizing responsibilities for data review, reporting, and communication between agencies, the Council and the public can only improve the credibility, efficacy, and transparency of Council and agency decision-making.

PFMC
09/15/04

**Oregon Department of Fish and Wildlife Statement
Regarding the Habitat Committee's Report on the Council Communication Plan
(B-4.b supplemental HC Report September 2004)**

The Oregon Department of Fish and Wildlife has concerns regarding the focus of the comments made by the Habitat Committee regarding Council Communication in the above-referenced document.

The focus of the statement is the recent closure in Oregon due to early attainment of a black rockfish sport harvest cap. Council staff was quoted in the Oregon media during this closure explaining that, "although the Council/NMFS recommends and sets harvest caps, it is the state responsibility to track and manage fishery closures". The burden is appropriately on the states to handle public notification of state actions resulting from the existing complex federally-driven management framework.

However, lack of timely notice is exacerbated by the extremely inadequate funding for states to support the monitoring and data infrastructure mandated by the federal regulations, which have grown in complexity in a very short period of time. From the perspective of the state, these facts do cause public confusion regarding the federal role in establishing and implementing this groundfish management framework through the states. It would be assistive if our Federal partners could provide that context when asked about state management actions that result from Federal decisions. But this is not an issue that the Council Communication Plan is likely to resolve.

It might be suggested that a more appropriate direction for a Council Communication plan would be to consider the frequent pattern of in-season actions taken by the Council, and what communication (vs. management) issues exist relative to those actions. In addition, our recent experience in Oregon shows a large gap in public understanding of the driving forces (e.g., stock assessments) and mechanisms which result in federal constraints on fisheries.

LEGISLATIVE MATTERS

The Legislative Committee will meet Monday, September 13 to review federal legislative issues.

Several congressional bills related to national ocean policy and fishery management were introduced since the June 2004 Pacific Fishery Management Council (Council) Meeting. Much of this legislation responds to recommendations made by the U.S. Commission on Ocean Policy in their preliminary report. HR 4706, which pertains specifically to Regional Fishery Management Councils (RFMC), is included in the Briefing Book (Agendum B.5.a, Attachment 1). Other bills are briefly summarized below and copies of these bills are available from Council staff.

NOAA and fishery management-related legislation includes:

House Bills

HR 4706 – *Fisheries Management Reform Act of 2004*. The stated purpose of this bill is to “provide for stewardship of fishery resources for the American public.” The bill would modify the RFMC appointment process by giving appointment authority to the National Oceanic and Atmospheric Administration (NOAA) Administrator, and adds specific requirements for allocation of appointments to “representatives of the public interest in marine conservation.” The bill would also modify disclosure of financial interest and recusal requirements. It would also establish Regional Science and Technical Teams (RSTT) who would be charged with recommending acceptable biological catch (ABC) limits, bycatch levels, measures to protect essential fish habitat, and measures to protect Endangered Species Act-listed species. Under this bill, based on RSTT recommendations, the U.S. Secretary of Commerce shall provide to RFMCs conservation and management measures that establish catch and bycatch limits that do not exceed ABCs.

HR 4546 – *NOAA Act*. This bill outlines the roles and responsibilities of NOAA and authorizes appropriations. RFMCs are not a subject of this legislation.

HR 4607 – *NOAA Organic Act of 2004*. “Organic Act” to “establish” NOAA and modify the organization and functions of the NOAA Advisory Committee on Oceans and Atmosphere. RFMCs are not a subject of this legislation.

HR 4900 – *Oceans Conservation, Education, and National Strategy for the 21st Century Act (Oceans 21)*. This bill would establish a national ocean policy. It would establish National Standards for ocean policy that include, among other things, explicit ecosystem protection and maintenance provisions. It would establish a central National Oceans Council (comprised of Executive branch cabinet officers and state governor representatives) and Council of Advisors on Ocean Policy (comprised of member appointed by the President, representatives from state government, academia, fishing communities, non-fishing marine activities, agricultural interests, watershed organizations, and non-governmental organizations).

HR 4900 would also establish Regional Ocean Councils (ROC) authorized to “develop and implement a regional ocean ecosystem plan.” ROCs are comprised of similar representatives and cover the same regions as the RFMC system (with the addition of a Great Lakes Council). ROCs are to “build on other efforts within the region.” RFMCs are not mentioned in, or the subject of, this legislation.

Senate Bills

S 2647 – *National Ocean Policy and Leadership Act*. This bill would establish a national ocean policy and “missions” for NOAA. RFMCs are not a subject of this legislation.

The Legislative Committee will provide a summary report to the Council.

Council Action:

1. Consider recommendations of the Legislative Committee.

Reference Materials:

1. Agendum B.5.a, Attachment 1: HR 4706.

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
08/25/04

108TH CONGRESS
2D SESSION

H. R. 4706

To amend the Magnuson-Stevens Fishery Conservation and Management Act to provide for stewardship of fishery resources for the American public, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 24, 2004

Mr. RAHALL (for himself, Mr. FARR, Mr. JACKSON of Illinois, Ms. LEE, Ms. MCCOLLUM, Mrs. CAPPS, Mr. GEORGE MILLER of California, Mr. WEXLER, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. CASE, Mr. MORAN of Virginia, Mr. HONDA, Mr. KUCINICH, Mr. VAN HOLLEN, and Mr. SCHIFF) introduced the following bill; which was referred to the Committee on Resources

A BILL

To amend the Magnuson-Stevens Fishery Conservation and Management Act to provide for stewardship of fishery resources for the American public, 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 “Fisheries Management
5 Reform Act of 2004”.

1 **SEC. 2. AMENDMENT REFERENCES.**

2 Except as otherwise expressly provided, whenever in
3 this Act an amendment or repeal is expressed in terms
4 of an amendment to, or repeal of, a section or other provi-
5 sion, the reference shall be considered to be made to such
6 section or other provision of the Magnuson-Stevens Fish-
7 ery Conservation and Management Act (16 U.S.C. 1801
8 et seq.).

9 **SEC. 3. REPRESENTATION OF THE PUBLIC INTEREST ON**
10 **REGIONAL FISHERY MANAGEMENT COUN-**
11 **CILS.**

12 (a) APPOINTMENT OF MEMBERS BY ADMINIS-
13 TRATOR.—

14 (1) APPOINTMENT OF MEMBERS.—Section 302
15 (16 U.S.C. 1852) is amended—

16 (A) by striking “appointed by the Sec-
17 retary” each place it appears and inserting “ap-
18 pointed by the Administrator of the National
19 Oceanic and Atmospheric Administration”;

20 (B) in paragraphs (2) and (6) of sub-
21 section (b) by striking “The Secretary” each
22 place it appears and inserting “The Adminis-
23 trator of the National Oceanic and Atmospheric
24 Administration”;

25 (C) in paragraph (5)(A) of subsection (b)
26 by striking “The Secretary” the first and sec-

1 ond places it appears and inserting “The Ad-
2 ministrator of the National Oceanic and Atmos-
3 pheric Administration”;

4 (D) in subsection (b) by striking “the Sec-
5 retary” each place it appears, other than in
6 paragraph (6)(B), and inserting “the Adminis-
7 trator”; and

8 (E) in subsection (b)(2)(B)(iii) by striking
9 “the Secretary’s” and inserting “the Adminis-
10 trator’s”.

11 (2) APPLICATION WITH RESPECT TO CURRENT
12 MEMBERS OF COUNCILS.—

13 (A) APPOINTMENT NOT AFFECTED.—The
14 amendment made by paragraph (1)(A) shall not
15 affect any appointment by the Secretary of
16 Commerce made before the date of the enact-
17 ment of this Act.

18 (B) REMOVAL.—In applying section
19 302(b)(6) of the Magnuson-Stevens Fishery
20 Conservation and Management Act, as amended
21 by this subsection, to a member of a Regional
22 Fishery Management Council appointed before
23 the date of the enactment of this Act, “by the
24 Secretary” shall be substituted for “by the Ad-
25 ministrator”.

1 (b) REPRESENTATION BY STATE OFFICIALS.—Sec-
2 tion 302(b)(1)(A) (16 U.S.C. 1852(b)(1)(A)) is amended
3 by adding at the end the following: “Such official shall
4 represent the interests of the general public.”.

5 (c) ALLOCATION OF APPOINTMENTS.—Section
6 302(b)(2)(B) (16 U.S.C. 1852(b)(2)(B)) is amended in
7 the first sentence—

8 (1) by striking “of the active participants” and
9 inserting “among the active participants”; and

10 (2) by inserting before the period the following:
11 “and representatives of the public interest in marine
12 fish conservation, including individuals who do not
13 derive any of their annual income from commercial
14 or recreational fishing and who are knowledgeable
15 regarding the conservation and management of the
16 fishery resources of the geographic area concerned”.

17 (d) CONSULTATION BY STATES IN SUBMITTING
18 NOMINEES.—Section 302(b)(2)(C) (16 U.S.C.
19 1852(b)(2)(C)) is amended—

20 (1) in the second sentence by inserting “and
21 representatives of conservation organizations” after
22 “commercial and recreational fishing interests”; and

23 (2) by striking the third sentence and inserting
24 the following: “Each list shall consist of a broad
25 slate of candidates for each vacancy, shall include at

1 least two representatives from each of the commer-
2 cial fishing industry sector, the recreational fishing
3 sector, and the marine fish conservation public inter-
4 est sector who do not derive any of their annual in-
5 come from commercial or recreational fishing, and
6 shall consist solely of individuals who are knowledge-
7 able regarding the conservation and management of
8 the fishery resources of the geographic area con-
9 cerned.”.

10 (e) TRAINING OF APPOINTED MEMBERS.—

11 (1) TRAINING REQUIREMENT.—Section 302(b)
12 (16 U.S.C. 1852(b)) is amended by adding at the
13 end the following:

14 “(7) TRAINING OF APPOINTED MEMBERS.—

15 “(A) IN GENERAL.—The Secretary shall
16 provide to each member of a Council appointed
17 by the Secretary under this subsection, by not
18 later than 6 months after the date of the mem-
19 ber’s appointment, training in matters relating
20 to the functions of the Council, including—

21 “(i) fishery science and basic fish
22 stock assessment;

23 “(ii) social science and fishery eco-
24 nomics;

1 “(iii) the requirements of this Act, the
 2 National Environmental Policy Act of
 3 1969, chapter 5 of title 5, United States
 4 Code (popularly known as the Administra-
 5 tive Procedures Act), and other relevant
 6 statutes or regulations;

7 “(iv) conflict of interest policies that
 8 apply to Council members; and

9 “(v) the public process for developing
 10 fishery management plans.

11 “(B) RESTRICTION ON VOTING.—A mem-
 12 ber of a Council to whom the Secretary is re-
 13 quired to provide training under this paragraph
 14 may not vote on any decision of the Council be-
 15 fore the date the member completes such train-
 16 ing.”.

17 (2) LIMITATION ON APPLICATION.—The amend-
 18 ment made by paragraph (1) shall not apply to a
 19 member of a Regional Fishery Management Council
 20 appointed before the date of the enactment of this
 21 Act.

22 (f) TECHNICAL CORRECTION.—Section 302(b)(2)(B)
 23 (16 U.S.C. 1852(b)(2)(B)) is amended in the second sen-
 24 tence by striking “Merchant Marine and Fisheries” and
 25 inserting “Resources”.

1 **SEC. 4. QUALIFICATION OF VOTING COUNCIL MEMBERS;**
2 **DISCLOSURE OF FINANCIAL INTEREST AND**
3 **RECUSAL.**

4 (a) QUALIFICATIONS OF VOTING COUNCIL MEM-
5 BERS.—Section 302(b)(2)(A) (16 U.S.C. 1852(b)(2)(A))
6 is amended by—

7 (1) inserting after “geographical area con-
8 cerned” the following: “, and must not have been
9 found by the Secretary, after notice and an oppor-
10 tunity for a hearing in accordance with section 554
11 of title 5, United States Code, to have committed an
12 act prohibited by section 307(1)(D), (E), (F), (H),
13 (I), or (L) or section 307(2)”; and

14 (2) striking “of the Fishery Conservation
15 Amendments of 1990” and replacing with “of the
16 Fisheries Management Reform Act of 2004”.

17 (b) DISCLOSURE OF FINANCIAL INTEREST AND
18 RECUSAL.—

19 (1) AMENDMENTS RELATING TO DISCLOSURE
20 AND RECUSAL.—Section 302(j) (16 U.S.C. 1852(j))
21 is amended as follows:

22 (A) By striking the heading and inserting
23 “DISCLOSURE OF FINANCIAL INTEREST AND
24 RECUSAL.—”.

1 (B) By striking paragraph (6), and redesi-
2 gnating paragraphs (7) and (8) in order as
3 paragraphs (6) and (7).

4 (C) In paragraph (6), as so redesignated,
5 by striking so much as precedes subparagraph
6 (B) and inserting the following:

7 “(6) PROHIBITION ON PARTICIPATION.—(A)(i)
8 An affected individual shall not vote on a Council
9 decision that would have an effect on a financial in-
10 terest that the individual is required to disclose
11 under paragraph (2).

12 “(ii) An affected individual who is prohibited
13 from voting on a Council decision may not partici-
14 pate in any Council deliberations relating to the de-
15 cision.”.

16 (D) In paragraph (6)(B), as so redesign-
17 ated—

18 (i) by inserting “or a member of the
19 public” after “an affected individual”; and

20 (ii) by striking “would have a signifi-
21 cant and predictable effect on a financial
22 interest” and inserting “would have an ef-
23 fect on the financial interest of an affected
24 individual”.

1 (E) In paragraph (6)(C), as so redesignated,
2 nated, by inserting “, or member of the public,”
3 after “Any Council member”.

4 (F) In paragraph (6), as so redesignated,
5 by striking subparagraph (D) and redesignating
6 subparagraphs (E) and (F) in order as sub-
7 paragraphs (D) and (E).

8 (G) In paragraph (6)(D), as so redesignated—
9 nated—

10 (i) by striking “may not” and inserting
11 “shall”; and

12 (ii) by inserting before the period the
13 following: “, if the Secretary determines
14 that the Council decision had an effect on
15 the financial interest of an affected indi-
16 vidual and the affected individual’s vote
17 decided the Council action”.

18 (H) By amending paragraph (6)(E), as so
19 redesignated, to read as follows:

20 “(E) The Secretary, in consultation with the
21 Councils and by not later than one year after the
22 date of enactment of the Fisheries Management Re-
23 form Act of 2004, shall promulgate regulations that
24 allow for the making of determinations under sub-
25 paragraphs (B) and (C).”.

1 (2) CONFORMING AMENDMENT.—Section
2 307(1)(O) (16 U.S.C. 1857(1)(O)) is amended by
3 striking “302(j)(7)(A)” and inserting
4 “307(j)(6)(A)”.

5 **SEC. 5. REGIONAL SCIENCE AND TECHNICAL TEAMS.**

6 Section 302(g) (16 U.S.C. 1852(g)) is amended—

7 (1) by redesignating paragraph (5) as para-
8 graph (6), and by inserting after paragraph (4) the
9 following:

10 “(5) REGIONAL SCIENCE AND TECHNICAL
11 TEAMS.—(A) The Secretary shall establish regional
12 science and technical teams to provide the Secretary
13 with recommendations to carry out section 303(e).

14 “(B) Each science and technical team estab-
15 lished under this paragraph shall consist of Federal,
16 State, and academic qualified independent scientists.

17 “(C) Each science and technical team estab-
18 lished under this paragraph shall—

19 “(i) based on the best scientific informa-
20 tion available, recommend to the Secretary—

21 “(I) acceptable biological catch and
22 bycatch limits, including annual limits,
23 that are consistent with the national stand-
24 ard set forth in section 301(a)(1) and that

1 consider predator-prey relationships and
2 other ecological factors;

3 “(II) specific habitat and area protec-
4 tions necessary to protect essential fish
5 habitats; and

6 “(III) specific requirements necessary
7 to protect species listed as threatened spe-
8 cies or endangered species under section 4
9 of the Endangered Species Act of 1973 (16
10 U.S.C. 1533);

11 “(ii) allow an opportunity for public input,
12 including with respect to catch and bycatch lim-
13 its and habitat protection measures rec-
14 ommended by the team, consider such input in
15 developing its recommendations, and create a
16 public record of such input and the team’s re-
17 sponse to such input; and

18 “(iii) publish its recommendations in the
19 Federal Register.

20 “(D) Recommendations of a regional science
21 and technical team submitted to the Secretary under
22 this paragraph must be subjected to peer review by
23 qualified independent scientists.”; and

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

1 “(7) For the purposes of this subsection, the term
2 ‘qualified independent scientists’ means individuals who—

3 “(A) through publication of peer-reviewed sci-
4 entific literature and academic training, have dem-
5 onstrated scientific expertise in fisheries science or
6 marine ecology; and

7 “(B) have no direct financial interest, and are
8 not employed by any person with a direct financial
9 interest, in any fishery.”.

10 **SEC. 6. CONTENTS OF FISHERY MANAGEMENT PLANS.**

11 (a) REQUIRED PROVISIONS REGARDING PROTEC-
12 TION, RESTORATION, AND PROMOTION OF ECO-
13 SYSTEMS.—Section 303(a)(1) (16 U.S.C. 1853(a)(1)) is
14 amended—

15 (1) in subparagraph (A) by inserting before the
16 semicolon the following: “and the associated eco-
17 system”;

18 (2) by striking “and” after the semicolon at the
19 end of subparagraph (B), by striking the period at
20 the end of subparagraph (C) and inserting “; and”,
21 and by adding at the end the following:

22 “(D) consistent with the conservation and
23 management measures developed by the Sec-
24 retary pursuant to subsection (e), except a
25 Council may modify any conservation and man-

1 agement measure to provide greater conserva-
2 tion in order to achieve plan objectives, includ-
3 ing to protect and maintain the ecological role
4 of forage fish.”; and

5 (3) by amending paragraph (14) to read as fol-
6 lows:

7 “(14) allocate any quotas or other conservation
8 and management measures established by the Sec-
9 retary under subsection (e) fairly and equitably
10 among the commercial, recreational, and charter
11 fishing sectors in the fishery, and allow individual
12 sectors of the fishery to develop allocation plans sub-
13 ject to the approval of the Council.”.

14 (b) DEVELOPMENT OF CONSERVATION AND MAN-
15 AGEMENT MEASURES BY SECRETARY.—Section 303 (16
16 U.S.C. 1853) is amended by adding at the end the fol-
17 lowing:

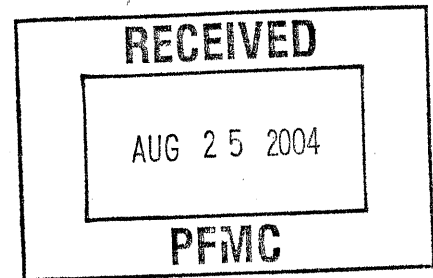
18 “(e) DEVELOPMENT OF CONSERVATION AND MAN-
19 AGEMENT MEASURES BY SECRETARY.—The Secretary
20 shall, based on recommendations of the regional science
21 and technical teams established under section 302(g)(5),
22 provide Councils conservation and management measures
23 for incorporation into fishery management plans, plan
24 amendments, or annual specifications, that establish—

1 “(1) catch and bycatch limits that do not ex-
2 ceed acceptable biological catch limits, including an-
3 nual limits, that are consistent with the national
4 standard set forth in section 301(a)(1) and that con-
5 sider predator-prey relationships and other ecological
6 factors;

7 “(2) specific habitat and area protections nec-
8 essary to protect essential fish habitats; and

9 “(3) specific requirements necessary to protect
10 species listed as endangered species or threatened
11 species under section 4 of the Endangered Species
12 Act of 1973 (16 U.S.C. 1533).”.

○



Fax Transmission

Total Number of Pages: 3

Date: August 24, 2004

To:

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North Pacific FMC
Pacific FMC
Gulf of Mexico FMC
New England FMC
Mid-Atlantic FMC
South Atlantic FMC
Caribbean FMC

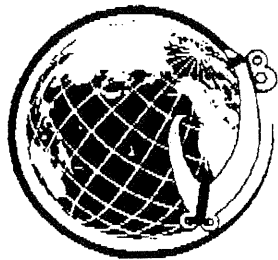
From: Kitty Simonds, WPRFMC

Fax #: (808) 522-8226

Re: Deep Sea Coral Protection Act (S. 1953)

Attached is a letter from the Western Pacific Regional Fishery Management Council to Senator Daniel K. Akaka (Hawaii) regarding the Council's position on Senate Bill 1953, known as the Deep Sea Corals Protection Act.

If you have any questions, please call me at (808)522-8220.



**Western
Pacific
Regional
Fishery
Management
Council**

August 19, 2004

The Honorable Daniel K. Akaka
United States Senate
141 Hart Senate Office Building
Washington D.C. 20510

Dear Senator Akaka,

The Western Pacific Regional Fishery Management Council (Council) would like to thank you for your staff's August 10, 2004 inquiry as to our stance regarding the proposed Deep Sea Coral Protection Act (S. 1953). The Council fully supports increased research, mapping, and monitoring of these fragile benthic habitats. However the extension of the proposed bill to include the management of deep sea marine species is in direct opposition to the Magnuson-Stevens Fishery Conservation and Management Act and for that reason this bill as currently written is opposed by the Council.

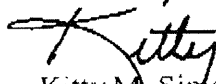
The Council provides protection for corals and associated species under two of its Fishery Management Plans (FMPs): the Coral Reef Ecosystems FMP, and the Precious Corals FMP. Through the regulations promulgated under both FMPs both shallow and deep sea coral ecosystems in the waters of the Western Pacific Region are carefully conserved and managed. The Coral Reef Ecosystems FMP was published in February, 2004 (69 FR 8336) and protects shallow water coral reef ecosystems. The Precious Corals FMP was published in September 1983 (48 FR 39229) and manages bamboo, black, gold, and pink deep water precious coral species.

In order to minimize incidental impacts to precious corals or their substrate, the Council's Precious Coral FMP requires the use of selective harvesting gear (gear which can be used to discriminate between types, sizes, and characteristics of living and dead corals) throughout the Western Pacific Region. The FMP's regulations also include area quotas, minimum size limits, restrictions, and permitting and reporting requirements. In addition, under the Council's other FMPs the use of bottom-trawling, bottom-set gill nets, and gears that could be defined as "mobile bottom-tending fishing gear" are all prohibited due to the damage they can cause to demersal substrates. As a result, both precious corals and benthic habitats in the Western Pacific region have been conservatively managed by the Council for over 20 years.

Again, the Council fully supports the increased research, mapping, and monitoring of deep sea corals, sponges, and associated bycatch proposed in the Deep Sea Coral Protection Act. However the management of these resources is, and should remain, under the purview of the

Regional Fishery Management Councils. We urge you to refrain from supporting this bill in its current form and instead suggest that you ensure that the intent and implementation of the Magnuson-Stevens Fishery Conservation and Management Act is not undermined by the usurpation of management authority proposed in the Deep Sea Coral Protection Act.

Sincerely,

A handwritten signature in black ink, appearing to read "Kitty", with a stylized flourish extending from the end.

Kitty M. Simonds
Executive Director

cc: Council Members

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NOAA FISHERIES/NATIONAL MARINE FISHERIES SERVICE

The Committee recommends an appropriation of \$723,544,000 for NOAA Fisheries/National Marine Fisheries Service [NMFS]. Committee recommendations are displayed in the following table:

NOAA FISHERIES/NATIONAL MARINE FISHERIES SERVICE
(In thousands of dollars)

NOAA Strategic Goal	NOAA Fisheries/NMFS operations, research, facilities and systems analysis	Fiscal year 2005 Committee Recommendation
✓ EDO	Marine Mammals & Sea Turtles:	
EDO	California Sea Lions/Protected Species Management (PSM)	750
EDO	Cook Inlet Beluga and Bio Research	200
	Dolphins:	
EDO	Bottlenose Dolphins	4,000
EDO	MS Inst. For Marine Mammal Studies	2,500
EDO	Dolphin Enrichment	2,253
EDO	Dolphins/Yellowfin Tuna Research	233
EDO	Marine Mammal Protection (MMP)/NMFS Activities	7,978
✓ EDO	Marine Mammal Strandings:	
EDO	Alaska Sea Life Center	1,000
EDO	MS Center for Marine Education and Research	2,000
EDO	Charleston Health and Risk Assessment	800
EDO	Marin Headlands Marine Mammal Center	2,000
EDO	Stead Marine Mammals	250
EDO	Marine Mammal Initiative	12,000
EDO	Prescott Grant Program	4,000
EDO	Marine Mammals, Sea Turtles & Other Species/Endangered Species Act (ESA)	23,504
EDO	Marine Mammal Commissions Studies (protection/protection)	1,207
	Native Marine Mammals:	
EDO	Alaska Eskimo Whaling Commission	900
EDO	Participation of AEWIC in International Whaling Commission Meetings	100
EDO	Alaska Harbor Seals	150
✓ EDO	Alut Pacific Marine Resources Observers	125
EDO	Beluga Whale Committee	225
EDO	Bowhead Whale Spatial Studies	500
EDO	Bristol Bay Native Association	50
EDO	National Fish & Wildlife Foundation (NWFF) Species Mgmt (PSM)	1,000
EDO	North Pacific Southern Resident Orca Population (PSM)	1,500
✓ EDO	Alut Marine Mammal Commission	150
EDO	Right Whale Activities (ESA)	10,109
EDO	Cooperative State Plans	2,000
	Sea Turtles:	
EDO	ESA	5,176
EDO	Hawaiian Sea Turtles	7,800
EDO	Southeastern Sea Turtles	300
	Seals:	
EDO	Harbor Seals	600
EDO	Alaska Native Harbor Seal Commission	[800]
EDO	Hawaiian Monk Seals	825
	Stellar Sea Lions:	
EDO	Endangered Species Act	850
EDO	Alaska Seals and Stellar Sea Lions	8,500
EDO	State of Alaska Seals and Stellar Sea Lion Programs	3,200
EDO	Alaska SeaLife Center Seals and Stellar Sea Lion Programs	7,000
→ EDO	N. Pacific Universities MM Consortium (and Harbor Seal Research)	2,500
→ EDO	Recovery Plan:	
EDO	Fisheries Management (North Pacific Council)	2,000
EDO	Univ of AK Gulf Apex Predator	1,500
EDO	Winter Food Limitation (Pr William Sound Sei Ctr)	1,000
EDO	Subtotal, Marine Mammals & Sea Turtles	122,933
✓ EDO	Fisheries:	
	Alaska Fisheries Information Network (AKFIN)	3,200

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NOAA FISHERIES/NATIONAL MARINE FISHERIES SERVICE—Continued
(In thousands of dollars)

NOAA Strategic Goal	NOAA Fisheries/NMFS operations, research, facilities and systems analysis	Fiscal year 2005 Committee recommendation
	Alaska Groundfish Monitoring:	
ECO	Bering Sea Fisherman's Association Community Development Quota (CDQ)	175
ECO	Crab Research NMFS	473
ECO	NMFS Activities	2,017
ECO	NMFS Field Fishery Monitoring	300
ECO	NMFS Rockfish Research	334
ECO	Winter Pollock Survey	800
ECO	State of AK Rockfish Research	1,000
ECO	Alaska Near Shore Fisheries State of Alaska	1,000
	Alaskan Groundfish Surveys:	
ECO	Calibration Studies	240
ECO	NMFS Activities	400
	American Fisheries Act:	
ECO	Implementation	3,525
ECO	National Standards 4 and 8 State of Alaska	500
ECO	NMFS Activities	2,100
ECO	Anadromous Fish Commission—North Pacific	750
ECO	Anadromous Grants	2,100
ECO	Atlantic Herring and Mackerel	193
ECO	Bering Sea Pollock Research	835
ECO	Bluefish/Striped Bass	700
ECO	Rutgers	500
ECO	Charleston Bump	650
ECO	British Tagging	500
ECO	Chesapeake Bay Multi-Species Management	500
ECO	Expand Annual Stock Assessments—Improve Data Collection	18,900
ECO	California Oceanic Cooperative Fisheries Investigation (CalCOFI)	500
ECO	Narragansett Bay (Phase IV)	1,000
	Fisheries Statistics	12,771
ECO	Atlantic States Marine Fisheries Commission	2,000
ECO	Economics & Social Sciences Research	4,100
ECO	National Fisheries Information System	2,575
ECO	National Standard 8	998
	Fisheries Development Programs:	
ECO	Hawaii Fisheries Development (Oceanic Institute)	750
ECO	Product Quality and Marketing:	
ECO	Gulf Shrimp	2,000
ECO	South Atlantic Shrimp	2,000
ECO	Product Quality and Safety/Seafood Inspection	6,724
ECO	Fisheries Research and Management Programs	127,346
ECO	Gulf Fisheries Information Network (GULF FIN) Data Collection Effort	4,500
ECO	Gulf of Maine Groundfish Survey	519
ECO	Hallibut Data Collection	500
ECO	Hallibut/Sablefish	1,143
ECO	Hawaii Seafood Safety Program	1,500
ECO	Hawaii Stock Management Plan (Oceanic Institute)	500
ECO	Highly Migratory Shark Fishery Research Program (Moba)	2,000
ECO	Interjurisdictional Fisheries Grants	2,590
	Interstate Fish Commissions:	
ECO	3 Commissions	750
ECO	Atlantic Cooperative Management	7,250
ECO	Large Pelagics Research Program (LURP)	3,000
	Marine Fisheries Initiative (MARFIN):	
ECO	NMFS Activities	2,433
ECO	NE Activities	250
ECO	Red Snapper	750
ECO	New England Stock Depletion	1,000
ECO	Management of George's Bank	441
ECO	Pacific Coastal Fisheries Information Network (PACFIN) Catch Effort Data	2,954
ECO	Recreational Fishery Harvest Monitoring/Rec. Fisheries Info Netw (RECFIN)	9,445
ECO	RECFIN—SC (inshore recreation species assessment/ tagging)	500

20 times down
insert the following
New item
Bering Sea + Aleutian
Islands non pollock
groundfish fisheries
long term program
ASes

127,346 - 40X

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NOAA FISHERIES/NATIONAL MARINE FISHERIES SERVICE—Continued
(In thousands of dollars)

NOAA Strategic Goal	NOAA Fisheries/NMFS operations, research, facilities and systems analysis	Fiscal year 2003 Commitment obligation
ECO	Red Snapper Monitoring and Research	5,000
ECO	Reduce Fishing Impacts on Essential Fish Habitat (EFH)	500
ECO	Reducing Bycatch	3,800
ECO	Regional Councils	15,547
	Salmon:	
ECO	Atlantic Salmon:	
ECO	ESA Recovery and Research	2,915
ECO	Recovery Plan	450
ECO	Research	694
ECO	Panobscot River Habitat Restoration	2,000
ECO	State of Maine Salmon Recovery (PSM)	1,645
ECO	Chinook Salmon:	
ECO	Management	150
ECO	Pacific Salmon Treaty—Chinook Salmon Agreement	1,844
ECO	Research at Auke Bay	300
ECO	Yukon River Chinook Salmon:	
ECO	State of Alaska	1,000
ECO	Yukon River Drainage Fisheries Assoc	500
	Pacific Salmon:	
ECO	Columbia River:	
ECO	ESA—Columbia River Biological Opinion (BCOP) Implementation	5,000
ECO	Endangered Species Studies	299
ECO	Facilities (Columbia River Hatcheries)	3,265
ECO	Hatcheries and Facilities	11,467
ECO	Hatcheries—Monitor, Evaluation and Reform	1,700
ECO	Pacific Salmon Treaty	8,100
ECO	ESA Recovery and Research	51,777
ECO	West Coast Groundfish	4,851
ECO	Subtotal, Fish	383,931
ECO	Crustaceans & Mollusks:	
ECO	Bering Sea Crab (State of Alaska)	1,200
ECO	Blue Crab Research Consortium	2,500
ECO	Crab Rationalization NOAA Fisheries	1,000
ECO	Chesapeake Bay Oyster Restoration	2,000
ECO	Horseshoe Crab Research (HCRRC)	650
ECO	Labster Sampling	150
ECO	Mobile Bay Oyster Recovery	1,000
ECO	Oyster Restoration (Chesapeake—VIMS)	2,000
ECO	Seafood Safety Initiatives	2,000
ECO	Sealion Fishery Assessment (MFO)	2,000
ECO	Shrimp Pathogens: South Carolina	650
ECO	South Carolina Oyster Recovery	1,000
ECO	South Carolina Shrimp Assistance	1,000
ECO	Subtotal, Crustaceans & Mollusks	17,150
	Enforcement & Observers:	
	Enforcement & Surveillance:	
ECO	Driftnet Act Implementation	1,199
ECO	Ghostnab—High Seas Driftnet Detection	250
ECO	NMFS Activities	1,692
ECO	Pacific Rim Fisheries	150
ECO	State Participation AFWA	200
ECO	Enforcement & Surveillance	23,343
ECO	Cooperative Agreements w/ States	17,383
ECO	Vessel Monitoring System	4,000
ECO	Subtotal, Enforcement	43,217

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NOAA FISHERIES/NATIONAL MARINE FISHERIES SERVICE—Continued

[In thousands of dollars]

NOAA Strategic Goal	NOAA Fisheries/NMFS operations, research, facilities and systems analysis	Fiscal year 2005 Committed re- authorization
ECO	Observers/Training:	
ECO	Atlantic Coast Observers	3,345
ECO	East Coast Observers	330
ECO	Hawaii Longline Observer Program	4,000
ECO	N. Pacific Marine Resources Observers	1,934
ECO	N. Pacific Observer Program	800
ECO	NE Groundfish Court-Ordered Observers	9,500
ECO	National Observers Program	3,000
ECO	S. Atlantic/Gulf Shrimp Observers	800
ECO	West Coast Groundfish Observers	5,000
ECO	Subtotal, Observers/Training	28,629
ECO	Subtotal, Enforcement and Observers/Training	76,846
ECO	Habitat Conservation & Restoration:	
ECO	Connecticut River Partnership	400
ECO	Fisheries Habitat Restoration:	
ECO	Brook River Restoration	1,000
ECO	Community-Based Restoration Grants	18,619
ECO	Habitat Conservation	17,377
ECO	Merrimack River fish habitat/land conservation	500
ECO	Refine EFH Designations	1,000
ECO	Subtotal, Habitat Conservation & Restoration	20,896
ECO	Other Activities Supporting Fisheries:	
ECO	Antarctic Research	1,468
ECO	Center for Marine Education and Research MS	9,000
ECO	Chesapeake Bay Studies	2,000
ECO	Climate Regimes & Ecosystem Productivity	1,500
ECO	Computer Hardware and Software—FY 2004 Omnibus Funded in PAC	3,383
ECO	Conservation and Recovery with States	950
ECO	Consortium for Fisheries & Wildlife Conflict Resolution (UNH/NEA/WMAS)	500
ECO	Cooperative Research:	
ECO	Cooperative Marine Education & Research	200
ECO	Cooperative Research—North Pacific Research Board	3,000
ECO	National Cooperative Research	2,750
ECO	NE Cooperative Research	3,750
ECO	Northeast Consortium	4,000
ECO	SC Cooperative Research	2,000
ECO	SE Cooperative Research	3,250
ECO	West Coast Groundfish Cooperative Research	500
ECO	Ecosystem Management:	
ECO	Gulf of Mexico	500
ECO	Middle Atlantic	500
ECO	New England	500
ECO	South Atlantic	500
ECO	Endangered Species Act—Fish, Crustaceans, Mollusks	5,109
ECO	FMP Extended Jurisdiction, State of Alaska	1,200
ECO	Gulf of Alaska Coastal Communities Coalition	425
ECO	Hawaiian Community Development	500
ECO	Information Analysis & Dissemination	17,983
ECO	International Fisheries Treaty Negotiation & Compliance	5,000
ECO	Joint Institute for Marine and Atmospheric Research (JIMAR), HI	2,500
ECO	Magnuson-Stevens (MSA) Implementation off Alaska	7,120
ECO	Marine Environmental Research Institute	300
ECO	Marine Resource Monitoring, Assessment & Prediction Prgm (MarMap)	1,250
ECO	National Environmental Policy Act (NEPA)	9,000
ECO	New England Multispecies Survey (SEAST)	3,000
ECO	PAYMENT TO NOMAD	700

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NOAA FISHERIES/NATIONAL MARINE FISHERIES SERVICE—Continued
(In thousands of dollars)

NOAA Strategic Goal	NOAA Fisheries/NMFS operations, research, facilities and systems analysis	Fiscal year 2005 Committee recommendation
ECO	SCORE Science Consortium—NM/NM/NM Marine	1,000
ECO	Southeast Area Monitoring & Assessment Program (SEAMAP)	1,750
ECO	Pacific Island Region/Center	5,000
ECO	NW Fisheries Science Center (Groundfish Team)	1,700
ECO	South Carolina Taxonomic Center	500
	Subtotal, Other Activities Supporting Fisheries	93,288
	Systems Acquisition/Construction	
ALL	Systems Acq. Computer Hardware & Software	3,500
ALL	NOAA Pacific Regional Facility	18,000
ALL	Phase III—Galveston Laboratory Renovation	2,000
	Subtotal, Construction	20,500
	Total, Systems Acquisition and Construction	20,500
	Total, NOAA Fisheries	733,544

NOAA Strategic Goals:
ECO—Ecosystem Research and Management
NM—Marine and Water Programs
CF—Coastal and Transportation
C—Climate Programs
ALL—NOAA-wide Programs

The Committee believes it is important that sufficient resources are available to NOAA Fisheries, the State of Alaska, and the Alaska research entities to address research demands for species of concern which are either listed or candidate species under the Endangered Species Act, or which are determined to be depleted under the Marine Mammal Protection Act. The Committee has consolidated all Alaska seal and sea lion research programs under a single category, with base funding allocations to each of the research entities currently involved in the North Pacific. The Committee is providing the flexibility for funds to be allocated to the research of any pinniped population as the research demands need. The Committee strongly encourages NOAA Fisheries to take the lead in developing a coordinated Alaska pinniped research program with other grant recipients to avoid duplication and ensure adequate funding for the most pressing research needs.

The Committee recommends \$1,500,000 to address the proliferation of exotic species such as Atlantic salmon in the marine environment of the North Pacific. Of this amount, \$750,000 is for the Pacific States Marine Fisheries Commission to prevent the escapement of Atlantic salmon into Alaskan streams and to address other invasive species issues including mitten crab and green crab.

The Committee is pleased with the Fisheries' Service commitment to the Native Hawaiian Observer Program because it is an excellent example of Government and community partnering that leads to community participation in the management of fishery resources. The Committee wants to ensure the continued success of the program, and directs NOAA Fisheries to continue to accept certification from the program as sufficient academic credentials to

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serve as a biological observer in the Hawaii, Guam, or American Samoa longline fishing industry.

The Committee continues to support sustainable expansion of the Pacific tropical ornamental aquaculture industry and provides \$500,000 for the Economic Development Alliance of Hawaii for this purpose.

The \$250,000 for the Hawaii Marine Invasives Program is exempted from any non-Federal matching requirement.

The Committee is concerned with the National Marine Fisheries Service/NOAA Fisheries disregard for Senate and Conference Committee guidance relating to the expenditure of funds designated for dolphin encirclement research. Consequently, the Committee directs NMFS/NOAA Fisheries to submit to the Committees on Appropriations a spending plan for all funding made available for dolphin encirclement activities. This plan shall be subject to the requirements of section 605 of this Act.

NOAA RESEARCH/OCEANIC AND ATMOSPHERIC RESEARCH

The Committee recommends an appropriation of \$479,885,000 for NOAA Research/Oceanic and Atmospheric Research [OAR].

Committee recommendations are displayed in the following table:

NOAA RESEARCH/OFFICE OF OCEANIC AND ATMOSPHERIC RESEARCH
(In thousands of dollars)

NOAA Strategic Goal	Fiscal year 2005 operations, research, facilities, and systems acquisition	Fiscal year 2005 Committee re- appropriation
C	Climate Research: Laboratories & Joint Institutions Laboratories & Joint Institutions	48,233
	Subtotal, Laboratories & Joint Institutions	48,233
	Climate & Global Change Program:	
C	Climate and Global Change	65,630
C	Accelerating Climate Models—IRI	1,441
	Subtotal, Climate & Global Change Program	67,071
C	Climate Observations & Services:	
	Climate Reference Network	2,907
	Climate Data & Info and CLASS in PAC	560
	Baseline Observations	2,422
	Regional Assessments, Education and Outreach	1,581
	Climate Change Assessments	820
	Weather-Climate Connection	890
	Carbon Cycle	2,508
	Ocean Observations/Ocean Systems	4,865
	ARGO	7,014
C	Climate Change Research Initiative	40,020
	Subtotal, Climate Observations & Services	64,257
NM	Other Partnership Programs:	
	East Tennessee Ozone Study	300
	International Pacific Research Center (U of HI)	2,000
	Joint Council for Local Environmental Initiatives	500
	Climate and Environmental Change	2,473
	Arctic Climate Change Research	1,000
C	Arctic Research (Research/Venture Shiptime)	4,000

FISCAL MATTERS

The Council's Budget Committee will meet on Monday, September 13, 2004 at 1 p.m. to consider budget issues as outlined in Ancillary E, Budget Committee Agenda.

The Budget Committee's report will be provided to the Council for review and approval on Friday, September 17.

Council Action:

Consider recommendations of the Budget Committee.

Reference Materials:

1. Agendum B.6.b, Supplemental Budget Committee Report.

Agenda Order:

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

Donald McIsaac
Jim Harp

PFMC
08/31/04

REPORT OF THE BUDGET COMMITTEE

The Budget Committee met on September 13, 2004 and received the Executive Director's Budget Report from Dr. Donald McIsaac. The report included the status of current grants and contracts, and funding plans for 2005 and beyond.

Status of Current Grants and Contracts

The Calendar Year 2003 Base Grant has been fully expended in accordance with the overall directions provided by the Budget Committee at its November 2003 meeting.

The audit of 2003 revenues and expenditures has been completed and copies distributed to committee members (in future years the audit report will be distributed prior to the Budget Committee meeting). The auditors' findings for the Council's financial affairs were an unqualified approval and no reportable conditions or material weaknesses were noted.

The expenditure of funds from the Council's total 2004 budget (2004 base grant, Operational Enhancements Grant, and Pacific States Marine Fisheries Commission [PSMFC] Contract) is proceeding within normal expectations. As of July 31, 2004 (58% of the year), expenditures totaled 47% of the budget. This compares with 48% for the same time period in 2003 and is typical for the January through July period. All 2004 contracts with the states and PSMFC have been consummated and partially encumbered. In response to questions, Dr. McIsaac reported that no additional funding had been received for highly migratory species plan implementation.

The committee discussed funding aspects of the October workshop in Baltimore for Regional Council members. The National Marine Fisheries Service (NMFS) will provide funds to the Councils to cover travel and Council member compensation costs. The committee agreed that if a projected year end surplus in Council member compensation remains, such funds could be considered, if necessary, to amend the Idaho State Liaison Contract to cover salary expenses of the Idaho Fish and Game council representative.

Funding Plans for Calendar Year 2005 and Beyond

Dr. McIsaac briefed the committee on the five-year budget process (2007-2011) that all councils have participated in this year to better define their funding needs for Congress. This process resulted from collaboration with NMFS at the annual Council Chairs' meeting and is the same process used by NMFS organizational subdivisions. The Congressional appropriation for Regional Councils has not increased commensurate with the increasing work loads of the Councils and has been supplemented from other line items by NMFS. The budgets developed under the new process recognize the full needs of the Councils and should enhance Congressional understanding of the appropriate annual funding level. Details of the process and resulting projected budgets were provided to the committee in *Regional Fishery Management Council Requirements Analysis*.

The Regional Council report also established realistic council funding needs for 2004, which all Councils have agreed to use as the 2005 grant request. For the Pacific Council, the 2005 request will be \$3,450,898. This compares to a 2004 base grant of approximately \$2.2 million and a total 2004 budget of approximately \$3.2 million.

The Regional Council's and NMFS Grants Management Division also met this summer and agreed upon a new way of submitting Council grant requests. This new process more fully recognizes the unique relationship of the Councils and NMFS and provides a more Council-tailored and efficient process. Under the new process, the Regional Councils will submit a five-year rather than a single- year grant request. The Pacific Council will submit its 2005 through 2009 grant request on October 1. Dr. McIsaac cautioned that there are no guarantees as to the actual appropriation Congress will provide for 2005 and that the timing of any final funding action is extremely uncertain in this election year.

PFMC
09/17/04

INTERIM APPOINTMENTS TO ADVISORY BODIES

This agendum includes an appointment of the Conservation Group representative on the Groundfish Advisory Subpanel (GAP). Mr. Phil Kline has resigned. Council staff solicited nominations for the vacancy and has received the following nominations as of the submission deadline:

1. Mr. Jim Hie, Pacific Marine Conservation Council (PMCC), Bodega Bay, California; nominated by Ms. Jennifer Bloeser, PMCC.
2. Mr. Bill Coplen, Oregon South Coast Fisherman (OSCF); nominated by Mr. John Foht, OSCF; Mr. Russ Crabtree, Port of Brookings Harbor; Mr. Roger Thompson, Port of Brookings Harbor Fisheries Committee.
3. Mr. Chad Woods, Chastworth, California; self nominated.
4. Dr. Stephen M. Barrager, Stanford Law School, Stanford, California; self nominated and nominated by Dr. Rod Fujita, Environmental Defense, Oakland, California and Mr. Barton H. Thompson, Jr., Director, Stanford Institute for the Environment.
5. Mr. Jim G. Likes, Olympia, Washington; self nominated.
6. Mr. Kollin Higgins, fisheries biologist, Kent, Washington; self nominated.

Council Action:

1. Appoint new Conservation Group representative to the GAP.

Reference Material:

1. Closed Session, Attachment 1; GAP Nomination Letters.

Agenda Order:

- a. Agendum Overview
- b. **Council Action:** Appoint Members as Necessary

Chuck Tracy

PFMC
09/1/04

WORKLOAD PRIORITIES AND DRAFT NOVEMBER 2004 COUNCIL MEETING AGENDA

At each Council meeting, except the March Council meeting, the Council provides guidance on the three matters associated with the next Council meeting agenda:

1. The Council three-meeting outlook.
2. Council staff work load priorities.
3. The draft agenda for the next Council meeting.

At this Council meeting, the Executive Director will review a draft of proposed agenda topics for the next three Council meetings, a draft agenda for the November 2004 Council meeting in Portland, Oregon, a draft matrix of Council work load priorities for the period September 20, 2004 through November 5, 2004, and any other matters relevant to this agendum.

The Council will hear any reports and comments from advisory bodies, consider public comment, and provide guidance on potential agenda items for the next three Council meetings, workload priorities between the September and November Council meetings, and the November Council meeting agenda. During the process of providing guidance on a proposed agenda, the Council should also identify priorities for advisory body consideration for the November Council meeting.

Council Tasks:

- 1. Provide guidance on potential agenda topics for the next three Council meetings.**
- 2. Provide guidance on priorities for Council work load management between the September and November Council meetings.**
- 3. Provide guidance on the draft agenda for the November 2004 Council meeting.**
- 4. Identify priorities for advisory body consideration at the November Council meeting.**

Reference Materials:

1. Agendum B.8.a, Supplemental Attachment 1: Proposed Preliminary Three-Meeting Outlook for the Pacific Council.
2. Agendum B.8.a, Supplemental Attachment 2: Preliminary Draft Council Meeting Agenda, November 1-5, 2004, Portland, Oregon.
3. Agendum B.8.a, Supplemental Attachment 3: Council Work Load Priorities September 20, 2004 Through November 5, 2004.

Agenda Order:

- a. Agendum Overview
- b. Reports and Comments of Advisory Bodies
- c. Public Comment
- d. Council Guidance on Work Load, November Council Agenda, and
Priorities for Advisory Body Consideration

Don McIsaac

PFMC

08/31/04

Proposed Preliminary Three Meeting Outlook for the Pacific Council (All Candidate Agenda Items Listed; Shaded Items are Contingent)

November Portland, OR; 11/01/04	March Sacramento, CA 3/7/05	April Tacoma, WA 4/4/05
<u>Coastal Pelagic Species</u> CPS Fishery Update FMP Amend.: Sardine Alloc.--Prelim Range of Alts. Pacific Sardine Stock Assessment and Harvest Guidelines for 2005	<u>Coastal Pelagic Species</u> FMP Amend.: Sardine Alloc.--Adopt Range of Alts. for Public Review (may delay to April)	<u>Coastal Pelagic Species</u> FMP Amend.: Sardine Alloc.--Adopt Range of Alternatives for Public Review
<u>Enforcement Issues</u> Contact-to-Violation Ratio in GF Commercial Fishery	<u>Enforcement Issues</u> U.S. Coast Guard Fishery Enforcement Report	<u>Enforcement Issues</u>
<u>Groundfish</u> 2004 Inseason Management IQ EIS - Approve Preliminary Alts. For Analysis Bycatch Programmatic EIS Implementation Shoreside Whiting EA - Adopt Preferred Alt. Terms of Reference including STAR & Rebuilding Plans Review: Final Consideration Final Approval of EFPs for 2005 EFH EIS: Approve Final Preferred Alternative	<u>Groundfish</u> IQ EIS Update or delayed to April Bycatch Programmatic EIS Implementation (may delay to April) Open Access Limitation Issues (may delay to Apr) Alternative Management Approaches: Planning VMS: Adopt Preferred Expansion Alternative Criteria for Midterm Adj. To OY's (Red L./Green L.) Adopt Public Review Draft (may delay to Apr) Whiting: Adopt final 2005 ABC, OY, and Management Measures Consider GIPC Recommendations Strategic Plan Review in Off Cycle--Planning	<u>Groundfish</u> 2004 Inseason Management IQ EIS Update Bycatch Programmatic EIS Implementation Consider GIPC Recommendations Review & Comments on EFH DEIS
<u>Habitat Issues</u> Habitat Committee Report Artificial Reefs in Southern California	<u>Habitat Issues</u> Habitat Committee Report Artificial Reefs in Southern California	<u>Habitat Issues</u> Habitat Committee Report

Agendum B.8.a
Supplemental Attachment 1
September 2004

Proposed Preliminary Three Meeting Outlook for the Pacific Council

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

November Portland, OR; 11/01/04	March Sacramento, CA 3/7/05	April Tacoma, WA 4/4/05
<u>Highly Migratory Species</u> No Activities Funded	<u>Highly Migratory Species</u> Update on High Seas Longline Amendment (Turtle Protection, Limited Entry; et al.) *If funding is provided	<u>Highly Migratory Species</u> Update on High Seas Longline Amendment? (Turtle Protection, Limited Entry; et al.) *If funding is provided
<u>Marine Protected Areas</u> CINMS: Recommend Range of Alternatives Cordell Bank NMS: Review Range of Alts. to Protect Benthic Envr. Monterey Bay NMS: Review Range of Alts. for Protection of Davidson Seamount Update on other MPA Issues Krill Ban Proposal--further consideration	<u>Marine Protected Areas</u> CINMS: Adopt Preferred Alternative Cordell Bank NMS: Adopt Preferred Alternative to Protect Benthic Envr. Monterey Bay NMS: Adopt Preferred Alternative for Protection of Davidson Seamount Update on other MPA Issues	<u>Marine Protected Areas</u> Update on other MPA Issues Olympic Marine Sanctuary Status Rpt.
<u>Pacific Halibut</u> Fishery Update 2005 Changes: Final Action	<u>Pacific Halibut</u> Report on IPHC Annual Meeting Adopt Incidental Catch Regs for Public Review	<u>Pacific Halibut</u> Adopt Final Incidental Catch Regs for 2005
<u>Salmon</u> Fishery Update Consider Modification of 3/15 Opening for OR Troll & Rec. S. of Cape Falcon Methodology Review: Final Action 2005 Preseason Schedule Review of Industry Proposed Experimental Fisheries FMP Amendments: Process Update	<u>Salmon</u> 2005 Management Options: Adopt for Public Review Appoint Hearings Officers Final Approval of Experimental Fisheries Proposals (If Necessary)	<u>Salmon</u> 2005 Management Options: Final Adoption 2005 Methodology Review: Establish Process & Preliminary Priorities Identify Stocks not Meeting Consv. Objectives
<u>Administrative</u> Legislative Committee Report Budget Committee Report Interim Appointments Workload Planning and Draft March Agenda Council COPs: Final Approval Election of Chair and Vice Chair for 2005	<u>Administrative</u> Legislative Committee Report Interim Appointments Workload Planning and Draft April Agenda Communication Plan next steps Regulatory Steamlining Program Update	<u>Administrative</u> Legislative Committee Report Interim Appointments Workload Planning and Draft November Agenda

PRELIMINARY DRAFT COUNCIL MEETING AGENDA, NOVEMBER 1-5, 2004, PORTLAND, OR

				ANCILLARY MEETING SCHEDULE		
AG#	TIME	AGENDA TOPICS/COMMENTS	COUNCIL TASK	ADVISORY BODY PRIORITY 1/	Day/Group	Continuing Start Time Through
MONDAY, NOV 1 - 8:00 am					MONDAY:	
		<i>Ancillary Meetings - see Ancillary Schedule</i>			A. GAP	8:00 AM Fri.
					B. GMT	8:00 AM Fri.
					C. SAS	8:00 AM Tue.
					D. STT	8:00 AM Tue.
	2.50	Joint Sessions:			E. SSC	8:00 AM Tue.
		9:30-10:45 A.M. - EFH EIS Briefing on Analysis of Alternatives		2-day HC mtg	F. HC	10:30 AM Mon.
		11:00 A.M.-noon - Briefing on Shoreside Whiting Monitoring			G. Legislative	11:00 AM Mon.
					H. MEW	1:00 PM Tue.
					I. Budget	1:00 PM Mon.
					Chair's Briefing	3:30 PM Mon.
					J. EC	4:30 PM Fri.
TUESDAY, NOV 2 - 8:00 am					TUESDAY:	GAP, GMT, SSC, EC; SAS; STT; MEW; HC continue
	1.00	Closed Session Agenda: Personnel & Litigation				
		Advisory Body Issues - Interim Appointments	Info			
		Litigation Status (E. Cooney)	Info			
A.	0.25	General Session Call to Order - 9:00 am				
1-3		Opening, Roll Call, ED Rpt	Info			
4		Approve Agenda	Decision			
B.		Administrative Matters				
1	0.10	Approve Minutes - June, 2004	Decision			
C.		Groundfish Mgmt				
1	1.00	Initial Consideration of Inseason Adjustments	Guidance	GMT; GAP		
D.		Salmon Mgmt				
1	0.25	Salmon Fishery Update	Info			
2	0.25	Modification of 3/15 Opening--OR troll & rec S. of Falcon	Decision	STT; SAS		
3	0.50	Methodology Review: Adopt Final Methodology Changes for 2005 Mgmt Use	Decision	MEW; SSC; STT; SAS		
4	0.25	Preseason Mgmt Schedule for 2005: Approve Schedule	Decision	STT; SAS		
5	1.00	FMP Amendments: Process Update	Guidance	STT; SAS		
E.		Pacific Halibut Mgmt				
1	0.20	Fishery Update	Info			
2	0.75	Adopt Proposed Catch Sharing Pln Changes for 2005 for Pub Rev	Decision	GAP; SAS		
C.		Groundfish Mgmt (continued)				
2	0.50	NMFS Rpt, including Science Centers	Info			
3	0.75	Terms of Ref. For STAR & Rebuilding Plan Rev.: Final Consideration	Decision	SSC; GMT; GAP		
F.		Habitat Issues				
1	0.50	Habitat Committee Rpt	Decision	HC		
2	0.75	Artificial Reefs in Southern California	Guidance	HC; GAP; GMT		
	0.50	4 pm Public Comment Period	Info			
	8.55					

PRELIMINARY DRAFT COUNCIL MEETING AGENDA, NOVEMBER 1-5, 2004, PORTLAND, OR

					ANCILLARY MEETING SCHEDULE		
AG#	TIME	AGENDA TOPICS/COMMENTS	COUNCIL TASK	ADVISORY BODY PRIORITY 1/	Day/Group	Start Time	Continuing Through
WEDNESDAY, NOV 3 - 8 am					WEDNESDAY: GMT, GAP, EC, HC continue		
G.		Marine Protected Areas					
1	1.50	CINMS: Recommend Range of MPA Alternatives	Decision	All			
2	0.75	Cordell Bank NMS: Review Range of Alts. To Protect Benthic Environment	Guidance	SSC; GAP; GMT; HC			
3	0.75	Monterey Bay NMS: Review Range of Alts. To Protect Davidson Seamount	Guidance	SSC; GMT; GAP; HC			
4	0.75	Krill Harvest Ban Proposal - next steps	Decision	SSC; GAP; GMT			
5	0.50	Update on Other MPA Issues	Info	SSC; GAP; HC			
C.		Groundfish Mgmt (continued)					
4	4.00	EFH EIS: Adopt Preferred Alternatives for DEIS Analysis	Decision	SSC;GMT; GAP; HC			
	8.25						
Council Chairman's Reception -- 6:00-7:30 pm							
THURSDAY - NOV 4 - 8 am					THURSDAY: GAP, GMT, EC continue		
H.		Coastal Pelagic Species Mgmt					
1	0.50	NMFS Rpt, including Science Center Rpt (including fishery update)	Info				
3	0.50	Pacific Sardine Stock Assessment & Harvest Guidelines for 2005	Action	CPSAS; CPSMT			
4	1.25	FMP Amendment--Consider Prelim. Range of Alts. For Sardine Allocation (final approval for sardine allocation 6/2005)	Guidance	CPSAS; CPSMT			
C.		Groundfish Mgmt (continued)					
5	2.00	2004 Inseason Mgmt - Final Action	Action	GMT; GAP; EC			
6	0.50	Bycatch Programmatic EIS: Next steps in implementation	Guidance	GMT; GAP; EC			
7	4.00	IQ EIS: Adopt Alts. For Preliminary Analysis--Part I	Decision	GMT; GAP; SSC; EC			
	8.75						

PRELIMINARY DRAFT COUNCIL MEETING AGENDA, NOVEMBER 1-5, 2004, PORTLAND, OR

				ANCILLARY MEETING SCHEDULE		
AG#	TIME	AGENDA TOPICS/COMMENTS	COUNCIL TASK	ADVISORY BODY PRIORITY 1/	Day/Group	Continuing Start Time Through
FRIDAY - NOV 5 - 8 am					FRIDAY: none	
C.		Groundfish Mgmt (continued)				
7	1.50	IQ EIS: Adopt Alts. For Preliminary Analysis--Part II	Decision	GMT; GAP; SSC; EC		
8	1.00	Shore-based Whiting Fishery: Adopt Final Monitoring Program	Action	GMT; GAP, EC, SSC		
9	0.75	Final Approval of EFPs for 2005	Action	GMT; GAP; EC		
B.		Administrative Matters (Continued)				
2	0.30	Council COPs: Adopt Final	Decision	All		
3	0.30	Election of Council Chair and Vice Chair for 2005	Decision			
4	0.50	Legislative Matters	Guidance			
5	0.30	Fiscal Matters	Decision			
6	0.25	Interim Appointments & Replacements to Advisory Bodies, Standing Com., & Other Forums	Decision			
7	1.00	Workload Priorities and Draft Mar 2005 Agenda	Guidance	GMT; GAP; & as nec		
	5.90					

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

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

1		
2		
3		
4		

- **Key for Council Task:** Info=briefing; Guidance=formal or informal direction on issue; Decision=formal determination; Action=directly results in implementation by NMFS.

Due Dates:

Meeting Invitation Memo Distributed:	9/22
Public Meeting Notice Mailed:	10/4
FR Meeting Notice transmitted:	10/8
Final day to receive public comments for placement in BB:	COB 10/13
Final deadline to submit all BB materials:	COB 10/13
Final deadline to submit cover memos for Ancillary Meetings:	COB 10/15
Briefing Book Mailing:	COB 10/21
Final deadline to receive public comments for distribution to Council on first day of mtg:	COB 10/26

COUNCIL WORKLOAD PRIORITIES SEPTEMBER 20, 2004 THROUGH NOVEMBER 5, 2004
(Bolded tasks represent a Core Program Responsibility)

	Salmon	Groundfish	CPS	HMS	Other
ACTIVE	Inseason Management	2005-06 Mgmt Specs--Complete FEIS		No Activity Funded	Admin Necessities
		Inseason Mgmt			(Briefing Book, minutes, Advisory Body coord, Newsletter, etc.)
	Model Eval Work Group	SAFE 2002-2004: Volume II			Pacific Halibut Mgmt
	Amendments:		FMP Amendment: sardine allocation		Inseason Mgmt
	NOF Selective Coho Allocation	Trawl IQ Program EIS Development	EFH EIS 5 year review		Proposed Changes for 05
	Methodology Review	EFH EIS			Marine Protected Areas coord
	Update Historic DataSets	Redlight/Greenlight Threshold			CINMS MR Matters
	Future NEPA process	Shoreside Whiting EA: Prepare for final action			NMFS Integration Projects
		Terms of Ref including STAR and Rebuilding Plan Reviews			Central CA Sanctuary coord
		Stock Assmnt Analytical Methods Workshops			Social Science White Paper
CONTINGENT		Final EFPs			PacFIN/RecFIN/EFIN issues
		VMS: Committee Meeting; next steps			Communication Plan
		Programmatic Bycatch EIS-- consideration of FMP Amendment			All-RFMC Workshop
					Nat'l Standard 1 review
					COP Edits
	Sacramento River Workgroup (Winter & Spring Chinook)	GF Strategic Plan Formal Review	Update FMP w/ Amendment 9	FMP Amendment:	
	Amendments:	Ad Hoc Groundfish Info Policy Committee	International Mgmt	Longline Limited Entry Program & other matters	Research & Data Needs
	Sacramento River Chinook	Open Access Limitations			
	OCN Coho Matrix				
	SOF Coho Allocation				
DELAYED	Puget S. Chinook & Coho Cons. Objectives				
	Selective Fishery Process				
	EFH Update				
		Permit Stacking Implementation:			
		Fixed-Gear Issues			
		SSC B ₀ & MSY Workshop			
		SSC Bycatch Workshop II			