

**Meeting Record and Summary Minutes
Pacific Fishery Management Council
June 13-18, 2004**

The full record of the Pacific Fishery Management Council (Council) June 13-18, 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.

DRAFT MINUTES

Pacific Fishery Management Council

Crowne Plaza Hotel
1221 Chess Drive
Foster City, CA 94404
650- 570-5700
June 13-18, 2004

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A. Call to Order

A.1 Opening Remarks, Introductions (06/15/04; 8:01 am)

Chairman Donald Hansen called the 174th meeting of the Pacific Fishery Management Council to order at 8:01 am, June 15, 2004.

A.2 Roll Call

Dr. Donald McIsaac called the roll:

Mr. Bob Alverson
Mr. Phil Anderson
Dr. Patty Burke
Ms. Marija Vojkovich
Mr. Ralph Brown
Mr. Mark Cedergreen
Mr. Donald Hansen (Chairman)
Dr. Dave Hanson (Parliamentarian)
Mr. Jim Harp

Mr. Jerry Mallet
Cdr. Fred Myer
Mr. Dave Ortmann (Vice Chairman)
Mr. Tim Roth
Mr. Bill Robinson
Mr. Roger Thomas
Mr. Darryl Ticehurst
Mr. Frank Warrens
Mr. Gordy Williams

Mr. Stetson Tinkham was absent.

A.3 Executive Director's Report

Dr. McIsaac announced there will be a Chairman's reception on Wednesday evening to honor outgoing Council member Mr. Bill Robinson. Mr. Robinson has accepted a position in Hawaii. Dr. McIsaac also noted the closed session does not have a start or end time, but will be between Agenda Items C.1 and D.

A.4 Council Action: Approve Agenda

Mr. Cedergreen moved and Mr. Anderson seconded a motion (Motion 1) to approve the agenda as shown in Exhibit A.4, June 2004 Council Meeting Agenda. Motion 1 passed.

B. Administrative Matters

B.1. Approval of March Council Meeting Minutes (06/15/04; 8:08 am)

B.1.a Council Member Review and Comments

None.

B.1.b Council Action: Approve March 2004 Minutes

Mr. Ralph Brown moved and Mr. Frank Warrens seconded a motion (Motion 2) to approve the March 2004 Council Meeting minutes. Motion 2 passed.

B.2 Council Communication Plan - Phase I (Communication During Council Session) (06/15/04; 11:10 am)

B.2.a Agendum Overview

Ms. Jennifer Gilden provided the agendum overview.

B.2.b Reports and Comments of Advisory Bodies

Dr. Kevin Hill provided Exhibit B.2.b, Supplemental SSC Report. Mr. Stuart Ellis provided Exhibit B.2.b, Supplemental HC Report. Ms. Gilden read Exhibit B.2.b, Supplemental GAP Report.

B.2.c Public Comment

None.

B.2.d Council Guidance on Phase I and Final Communication Plan

Ms. Vojkovich said she started on the committee, but did not have time to participate. She did keep up with the email traffic. She said it is a big undertaking to deal with communication issues in this arena. What the team identified as action items is right on as far as she is concerned. These suggestions are ones we should think about implementing. She encouraged people in the California delegation to read the document and provide input. She is happy to see solid suggestions.

Dr. Burke attended the Portland meeting. She gave Ms. Gilden some recognition on her efforts in keeping the quality of the product high and the process going forward. To keep this from going on a shelf she would like to ask Dr. McIsaac to review the recommendations and integrate them into the meeting procedures. A lot of the recommendations are a Council staff workload issue.

Dr. McIsaac said that, in general, a lot of the ideas here are good and we have actually started a process of implementing them. He highlighted some things we are already doing and those things we could be doing. Given some time, we could move forward with trying to implement all of them. He did not recall any here we could not do and asked the Council to provide flexibility as far as a timeframe.

Chairman Hansen said we are on the right track. He would like to have projection screens on both sides of the meeting room just like at the Chairs' meeting in Hawaii.

Ms. Gilden asked if the Council had guidance for going to phase II and III of the plan. Dr. Burke asked Ms. Gilden to summarize what the two phases would entail. Phase II would look into how advisory bodies interact with the Council during Council meeting week. Dr. McIsaac said we could give the timeframes and costs associated with them at the September meeting.

Ms. Vojkovich asked if this task shows up on the workload priority. Dr. McIsaac answered yes.

B.3 Update of Council Operating Procedures

This agenda item was been postponed until the September Council meeting.

B.4 Legislative Matters (06/18/04; 8:08 am)

B.4.a Agendum Overview

Mr. Waldeck reviewed for the Council the briefing book materials for this agenda item.

B.4.b Legislative Committee Report

Mr. Waldeck read Exhibit B.4.b, Supplemental Legislative Committee Report.

Mr. Alverson requested the Council direct staff to send a letter to the West Coast Congressional delegation to inform them about progress in developing an individual quota (IQ) program for the groundfish trawl fishery. Dr. McIsaac noted that the scoping meetings were ongoing and suggested it might be prudent to send the letter after these meetings are completed. Mr. Alverson did not disagree with the concern about timing, but he wanted to ensure that Congressional representatives were informed of the Council's work on the trawl IQ program in case there was a need to request an exemption if Congress were to take action related to IQ programs.

Mr. Brown expressed concern about a recent meeting related to the US Commission on Ocean Policy (US Ocean Commission) held in Seattle, Washington. He reported that the meeting was sponsored by NOAA, but no one from the Council or fishing community was invited. He requested that NMFS inform the Council of these types of meeting and to include the fishing community. He is concerned that the Council and fishing community might not be represented.

Mr. Freese noted that NMFS would communicate and coordinate with the Council.

B.4.c Reports and Comments of Advisory Bodies

Mr. Rod Moore provided Exhibit B.4.c, Supplemental GAP Report.

B.4.d Public Comment

None.

B.4.e Council Action: Consider Recommendations of the Legislative Committee

Ms. Vojkovich moved and Mr. Thomas seconded a motion (Motion 20) to approve the report of the Legislative Committee as contained in Exhibit B.4.b, Supplemental Legislative Committee Report.

On Mr. Brown's request, the GAP Report (B.4.c) was added to the Legislative Committee Report as a friendly amendment to the motion.

Motion 20 passed.

B.5 Fiscal Matters (06/18/04; 8:22 am)

B.5.a Agendum Overview

Dr. McIsaac provided the agendum overview.

B.5.b Budget Committee Report

Mr. Jim Harp provided Exhibit B.5.b, Supplemental Budget Committee Report.

B.5.c Reports and Comments of Advisory Bodies

None.

B.5.d Public Comment

None.

B.5.e **Council Action:** Consider Recommendations of the Budget Committee

Ms. Vojkovich moved and Mr. Thomas seconded a motion (Motion 21) to approve the report of the Budget Committee as shown in Exhibit B.5.b, Supplemental Budget Committee Report. Motion 21 passed.

B.6 Appointments to Advisory Bodies, Standing Committees, and Other Forums

B.6.a Agendum Overview

Dr. McIsaac noted there are no reports.

B.6.b **Council Action:** Appoint Members as Necessary

Ms. Vojkovich moved and Mr. Ticehurst seconded a motion (Motion 22) to appoint Ms. Susan Ashcraft to the GMT (California seat). Motion 22 passed.

Dr. Burke moved and Mr. Brown seconded a motion (Motion 23) to appoint Dr. David Sampson to the SSC. Motion 23 passed.

B.7 Workload Priorities and Draft September 2004 Council Meeting Agenda (06/18/04; 8:30 am)

B.7.a Agendum Overview

Dr. McIsaac talked about Dr. Hogarth's letter outlining the due dates for the five year review of essential fish habitat (EFH). The required EFH review status for our Council within the next year is as follows: nothing due for salmon; groundfish is still the subject of litigation with the EFH EIS in development; the CPS FMP has been implemented for five years and it is time to review the EFH; for HMS, the plan has just been adopted and no review is due. As a matter of initial response to the letter, the Council has indicated to Dr. Hogarth that the review procedures and timing would be discussed during this agendum. Dr. McIsaac then reviewed the three handouts: three meeting outlook, draft September agenda, and Council workload priorities.

B.7.b Reports and Comments of Advisory Bodies

None.

B.7.c Public Comment

None.

B.7.d Council Guidance on Workload, September Council Agenda, and Priorities for Advisory Body Consideration

Mr. Anderson, in reviewing the three meeting outlook and workload, spoke to the need to include the Red/Green Light issue in the Ad Hoc Groundfish Information Policy Committee (GIPC) deliberations. March will be the final consideration of GIPC recommendations and we may need a meeting between September and November, and an additional meeting prior to March. Other potential meetings are an allocation meeting relative to the issue in the IQ discussion yesterday, a meeting of the marine reserves group at some point in time (between September and November), and the EFH EIS committee meeting in August.

With regard to IQ issues, Mr. Seger noted there would be the scoping meetings in August, analytical team meetings in the fall, an Ad Hoc Trawl IQ Committee meeting (probably October), enforcement group meetings (late September), an allocation meeting (sometime in the fall), and one meeting for independent experts.

Mr. Anderson spoke to the Enforcement Consultants (EC) presentation on contact-to-violation ratio in the groundfish sport fishery. He believes it is a good thing for the EC to continue to coordinate and bring us information on such issues, but perhaps on an annual basis rather than every meeting. We need to get a number of data points to see if our management actions are contributing to compliance rates. He requested such presentations be on an annual basis.

Mr. Anderson said there should be a place holder in November for 2004 inseason management - the states may have additional information on how the 2004 regulations worked/didn't work.

Dr. Burke noted we did not talk about the composition of the allocation committee to accomplish the work as tasked. Dr. McIsaac said that could be accomplished in the review of the Council Operating Procedures (COPs) in September when staff will be bringing forth a draft of a COP for the allocation committee.

Ms. Vojkovich agreed with the comments of Mr. Anderson with regard to information from the EC about the recreational fishing for 2004 and how it might relate to 2005 management; and with regard to inseason management in November. She asked that an agenda item be added to September relative to California recreational fishery data this year.

Mr. Anderson said he intended the agenda cover recreational data from all three states.

With regard to California Recreational Fishery Survey (CRFS) data, Ms. Vojkovich said that data will not be released until the September briefing book. They intend to highlight the issues that may come to light as we get the data - questions on how to compare the data with past data points and error checking. She expects a presentation with the results of the program and issues if they exist. She is not convinced that action would be part of the agenda item for September. There must be careful deliberation as to when the data is ready to use and that may not be until 2005.

Dr. Freese noted that the proposed rule for the 2005/06 specifications will have been published just prior to the next Council meeting. The Council could send in comments to the proposed rule should it deem to make any changes early on.

Dr. Freese requested clarification of the strategic plan review in the "off year". Dr. McIsaac explained the review of the plan might not be a full report. Dr. Freese noted the strategic plan might be a way to influence headquarters to spend money in the right areas.

Dr. McIsaac summarized the September Council meeting agenda (9:20 am). The CRFS update could replace the EC update on Tuesday and regulatory streamlining could be removed. Consideration of the proposed rule for the 2005/06 specifications would also be added.

Mr. Brown noted that the VMS issue is a real hot topic right now and we need to get information out about it.

Ms. Vojkovich requested that there be a break in the agenda when the Council is presented with complex management proposals to allow members to check in with their staffs before discussing and taking action on the issues. Mr. Anderson agreed with that strategy.

C. Groundfish Management

C.1 Initial Consideration of Status of Fisheries and Inseason Adjustments (06/15/04)

C.1.a Agendum Overview

Mr. Mike Burner provided the agendum overview.

C.1.b Groundfish Management Team Groundfish Advisory Subpanel Comments/Questions

Ms. Michele Robinson provided Exhibit C.1.b, Supplemental GMT Report. Dr. McIsaac requested clarification on how much of the NMFS trawl survey has been conducted. Ms. Robinson reported that the survey is just underway with the majority of the summer work still to occur.

C.1.c Reports and Comments of Advisory Bodies

Mr. Rod Moore provided a verbal report from the GAP. Relative to sablefish tier limits, the best solution the GAP has developed at this time is to reduce the daily-trip-limit fishery for open access and limited entry sectors and see how the season and catches progress with the hope that the tier limit fishery does not take its full allocation. Relative to Pacific whiting, the issue at hand resulted from a single tow and the total whiting fishery is still below the 7.3 metric tons proposed in preseason projections. The mother ship fishery has shut down, and the one remaining catcher-processor is not operating anywhere near the areas where this disaster tow occurred. The shore-based processors advised fishermen to stay away from Heceta Bank and not fish on July 4 when the next large high tide event occurs. The GAP prefers to stay with status quo. If there is a need to take regulatory action for the area around Heceta Bank, the industry would be supportive as this is an area of known high concentrations of canary rockfish. Relative to research catches, the GAP has pointed out section 303(b)(11) of the MSA gives the Council the opportunity to deduct research catches from the ABC as opposed to the OY, and noted the canary rockfish ABC is 256 metric tons and the OY is 47.3 metric tons.

Mr. Brown asked if the GAP was presented the information on the status of other fisheries relative to impacts to canary rockfish? Mr. Moore said the GAP did not get a full QSM report and there has not been time for full communication between the GMT and GAP. The GAP did have the opportunity to discuss with the team where the major canary rockfish impacts have occurred and the GAP has a general idea of what the issue is. Mr. Brown, relative to the trawl fishery, if we were running below expectations, we may not have a problem. Mr. Moore reminded the Council that the revision to the trawl estimate, as noted by the GMT, came as a result of double counting in the Washington EFP fishery, not an update on what has been caught this year.

Ms. Robinson did check with Dr. Hastie on the NMFS triennial trawl survey questions from Dr. McIsaac and Ms. Vojkovich. NMFS reports about 10-15% of the effort has occurred with about 85 to 95% to go. In 2001, the last survey time this survey was conducted, 1 metric ton of canary rockfish was caught.

C.1.d Public Comment

Ms. Michele Longo Eder, F/V Nesika, Newport, Oregon
Mr. Tom Ghio, Ghio Fish Company, Moss Landing, California
Ms. Kathy Fosmark, Pebble Beach, California
Mr. John Crowley, Fishing Vessel Owners Association, Seattle, Washington

C.1.e Council Guidance on Initial Consideration of Status of Fisheries and Inseason Adjustments

Mr. Alverson asked if Dr. Hastie is planning to provide more information this afternoon relative to the sablefish tier limit issue and if so can we take that up later? Dr. Hastie and the Council concurred.

Ms. Robinson and Mr. Moore came to the podium. Mr. Anderson stated that his recommendations are only intended as guidance for now with the understanding that the Council final action would come at a later time. Working from the GMT Report, page 2, there is a section on recommendations for the guidance they would like to receive.

Item 1- fixed gear sablefish fishery. Mr. Anderson is not aware of additional alternatives available to us. He said the alternatives the gap and GMT have discussed represent the scope of options available.

Item 2 - Pacific whiting fisheries. Mr. Anderson's understanding is we are looking for alternatives that would ensure the whiting fishery stays within the estimated impact of canary rockfish in the scorecard. It seems that voluntary closure until a rule is adopted is appropriate; there is a willingness by industry to stay away from areas that have exhibited the potential high canary bycatch in the past. Mr. Anderson requested the Council and NMFS increase their efforts in providing data for whiting tows that have canary interaction; ODFW has some data on this issue. Mr. Anderson is not in favor of imposing trip limits on the whiting fishery in the interim. A trip limit would effectively close the fishery in this case and is not a viable alternative. He also recommended industry consider areas where regulatory closures would be an effective method including the GMT recommendation of implementing area closures in the shore-based sector through the EFP process.

Item 3 - research catches of canary rockfish. There is the ability for the Council to provide for research catches within an ABC in the context of a FMP as provided in the MSA. Mr. Anderson did not have the text available, but understands that the National Standard Guidelines say the research fish should be taken out of the OY and would ask Ms. Cooney and Mr. Robinson about that matter before providing guidance. Mr. Anderson also spoke to the conundrum of potentially increasing research catches signaling good news about stock health while constraining current fisheries by taking a greater share of an historically low OY.

Dr. Burke had reservations about considering area restrictions for the shore-based sector but not the catcher-processor sector. She also had some questions about the ability of the Council to establish area restrictions (hot spot closures) on an inseason action and asked if it would be done through emergency action. We need the GMT to look at the practicality of these options relative to the amount of time it would take to implement, particularly when the fishery is nearly complete. Dr. Burke also requested guidance from NMFS regarding the regulatory time frame (i.e. what can be implemented in the less than 6 weeks).

Responding to Dr. Burke, Ms. Cooney stated that implementation of RCAs in the whiting fishery (GMT

actions 5, 6, and 7) would be emergency actions if recommended this year. The time required depends on how long it takes to identify the areas, write up the rule, and process it through Washington. The estimate is about six weeks. The development of area management preseason would specify the regulations in a notice and comment rulemaking process. Inseason action for this year would be different and would be an emergency rule, done without notice and comment.

Dr. Burke stated that if we acted at this meeting, we would only be able to control the last two weeks of the fishery. Ms. Cooney said Mr. Anderson suggested voluntary closures at first along with an emergency rule to follow as one course of action. Mr. Robinson said the notice and comment period is waived for an emergency rule but, the obligation for NEPA analysis is not waived. At large part of the six week time frame is devoted to the NEPA process and if all of the necessary information is readily available, an abbreviated schedule might be possible.

Mr. Brown, relative to Pacific whiting fisheries, if the fishery is not capable of restricting their catches, the Council will not be able to react before the September Council meeting. Mr. Brown asked about setting up a management mechanism between Council meetings to react to inseason fishery data, similar to the salmon inseason process. He reviewed the status of all the whiting sectors and noted the tribal whiting fishery is half done at this point and there is only 0.6 metric tons of whiting caught in the other whiting fisheries; given that, it appears we are probably not in the crisis situation that seems to be presented.

Mr. Anderson, on a followup to Dr. Burke's comments. He agrees that the GMT should not be spending time developing an emergency rule that defines closed areas to address the issue because the fishery would be over by the time the emergency rule is put in place. Additionally, the spots that will be brought forward are going to be brought up largely by industry and he thinks they are aware of the problem and are making good efforts to deal with the situation.

Ms. Vojkovich requested legal guidance on establishing an emergency rule to close the fishery when certain catch limits are reached and asked if this would be a shorter process than establishing closed areas. Ms. Cooney said an emergency rule to close the fishery if catch restrictions are attained would take less time to implement as it is not as complex to analyze.

Relative to research catch accounting, Ms. Cooney said the MSA section referenced by Mr. Moore was put in place when we were doing the fish for research proposal as a mechanism to pay for research. The rebuilding plans analyzed and are based on total mortality OYs which include all sources of mortality.

Mr. Moore, asked for clarification in terms of a NMFS inseason closure mechanism. The GAP and GMT understood NMFS did not have the authority to close the whiting fishery based on a projected bycatch amount. What would be the basis for a NMFS closure in the absence of specified allocations of canary rockfish for the whiting fishery. Ms. Cooney said the identification of the management trigger and the anticipated NMFS action would be the subject of the emergency rule and is not currently defined. Once the emergency rule and associated triggers are specified, NMFS could take routine inseason action to close the fishery.

Mr. Moore asked if the Council did not want to see the whiting fishery exceed a total harvest of canary rockfish of more than 7.3 metric tons and recommended NMFS close the fishery should the fishery attain that limit. Such a mechanism could be established through emergency rule. Ms. Cooney said she thinks so and would like to discuss it with other colleagues.

Mr. Robinson said to move quickly with the type of emergency rule where the Council asks NMFS to establish the authority to close the fishery, NMFS would not have to wait until the 7.3 metric tons is

achieved. NMFS could start the emergency rule process as soon as the Council makes the recommendation and have it in place if the 7.3 mt is achieved. Under these circumstances, NMFS could take action almost immediately.

Dr. Hansen suggested that the Council delay recommendations on Item 1(fixed gear sablefish) until Dr. Hastie's report is available.

Relative to Item 2 (Pacific whiting fishery), Dr. Burke moved (motion 3) to have the GMT pursue a voluntary area closure option and the option that establishes a trigger and NMFS authority to close the fishery if that trigger is attained and that we not pursue any of the other options listed in the GMT report. Mr. Brown seconded the motion.

Mr. Anderson asked what the GMT would be doing in terms of pursuing the voluntary area closures. Dr. Burke said the GMT has done what they were going to do with no additional areas other than those proposed by the GMT and GAP. Mr. Moore stated that industry is already avoiding the area where the disaster tow occurred and would be open to information on other areas of known bycatch potential.

Mr. Anderson said we have one catcher-processor vessel that will be operating, the mothership fishery is currently not active, so the majority of the fishing activity is going to be the shore-based boats. The guidance to the GMT would be to request that the GMT make all information on canary rockfish bycatch available to the industry and ask industry to avoid these areas.

Dr. Burke said the truth is the GMT would be working on very limited information. The identified spots for midwater catch are based on very small amounts of catch, but the data is available and we should use what we can.

Motion 3 passed.

Item 3 (research catch of canary rockfish). Dr. Burke asked about the ABC/OY issue relative to the accounting of research catch and Ms. Cooney said she thinks it comes out of the OY.

Mr. Anderson stated that because the rebuilding plan specifies total mortalities we have to take research catch out of the OY.

Ms. Robinson asked about Motion 3 and requested that the Council specify an actual value for the trigger NMFS would use to implement an inseason closure. It would be very helpful for the team to know a value for canary rockfish impacts in the whiting fishery. This will allow the GMT to assess the overall impacts to canary rockfish relative to the OY. It is likely that the impacts to canary rockfish will exceed the OY if research catches are included and the GMT would appreciate any additional guidance as to where the Council suggests looking for canary rockfish savings.

Mr. Alverson asked Ms. Cooney if research catch has to come off the OY or can it be counted as natural mortality?

Ms. Cooney said in the past, when the stock was healthy, research catch was sometimes accounted for as natural mortality, but she explained that this is not an option under rebuilding plans.

Mr. Brown said we don't know if we are going over the canary rockfish OY or where we stand with the QSM report. Additionally, there are research surveys going on right now. We are in a situation where we need to think more about the management between Council meetings.

Dr. Burke said the whiting target should be the original allocation of 7.3 metric tons.

Ms. Robinson said with that clarification from Dr. Burke, the GMT has adequate guidance to proceed and the GMT will work toward assessing total estimated mortality for canary rockfish.

Mr. Anderson said the QSM is not going to help us later because canary rockfish are not being landed. The critical information is contained in the West Coast Observer Program.

C.2 NMFS Report (06/15/04; 1:10 pm)

C.2.a Regulatory Activities

Mr. Bill Robinson announced Mr. Roger Thomas has been reappointed to the Council for another 3-year term. The paperwork for the Idaho nomination has been slow to come in and will be made later.

Mr. Robinson discussed personnel changes within the Northwest Region, including an official announcement of his change of positions. He has assumed the position of Regional Administrator of the Pacific Islands Region as of May 2, 2004. In the interim, Mr. Bob Lohn has appointed Dr. Steve Freese as acting Assistant Regional Administrator of Sustainable Fisheries while NMFS recruits for a permanent replacement. Dr. Freese will transition into the role of Mr. Bob Lohn's designee on the Council at this meeting. He expressed gratitude and pleasure at working with everyone at the Pacific Council.

Dr. Freese provided the NOAA Fisheries report. There were six Federal Register notices published, including: the final rule to implement Amendment 16-2, the final rule to set the 2004 whiting ABC/OY, the rule to implement the observer program for the at-sea whiting fishery, and three rules implementing Council recommendations on inseason adjustments from March and April. There are several items in progress, including: the Notice of Availability and proposed rule to implement Amendment 16-3, refinements to Amendment 14 on sablefish tier stacking, and an effort to reorganize the existing groundfish regulations to publish them in a more logical and user-friendly fashion prior to publication of the 2005-2006 specifications.

Mr. Dayna Matthews, NOAA Fisheries, provided Exhibit C.2.a, Supplemental NMFS VMS Report and noted that the first half of the report is the same as the report distributed in March with new information on page 2.

Mr. Alverson clarified that the Council will be considering expansion of the program in the Fall. Responding to Chairmen Hansen, Mr. Matthews stated that the directed open access fleet was identified by the VMSC as the highest priority for program expansion, and that, to date, no federal funding has been identified for vessels required to carry VMS. Additionally, the fleet has demonstrated the ability to fish up to the RCA management lines and NMFS has not received any complaints about drifting in the RCA and has not developed the ability to differentiate fishing from drifting using the VMS system.

Mr. Brown commented that the Skymate vendor of VMS equipment has not been as easy to work with as reported. The company was responsive, but not all issues were addressed fully and the unit is not as computer friendly as anticipated and lacks two-way communications as currently configured on his vessel.

C.2.b. Science Center Activities

Dr. Elizabeth Clarke reported they are in the middle of the slope/shelf survey on the local trawlers and the triennial survey. Both surveys are being conducted until enough overlap exists between the tow survey methodologies. However, the slope/shelf survey has been reduced from four vessels to three. They have had some equipment problems on all of the vessels and having difficulty getting replacement parts as supplies

are often diverted to defense efforts in Iraq. The slope/shelf survey will be on the water through the end of September with a break in July. Mapping work and habitat surveys continue with Mr. Chris Goldfinger. Dr. Clarke announced the Recreational CPUE workshop in July. The plans for the data workshop is scheduled during the last week of July. She noted that all stock assessment authors need to be in attendance at that data workshop. Successful completion of the 23 assessments planned for 2005 relies on full participation at this year's workshops. The video observers are also on the shore-based whiting fleet as a test phase. Relative to the catch of canary rockfish in the slope/shelf survey, the average weight of those fish was 5 pounds.

C.2.c Reports and Comments of Advisory Bodies

None.

C.2.d Public Comment

None.

C.2.e Council Discussion on NMFS Report

Dr. Burke, relative to inseason management on the whiting issue, asked if Dr. Clarke had any discussion relative to the sampling methods aboard at sea whiting vessels. The Council is currently dealing with a small amount of fish extrapolating into a large amount due to sub-sampling methods. Dr. Clarke said they are using the same protocols as those used in Alaska. Sub-sampling is always an issue when it is the only option available. The success of observer sampling is partly in the hands of the vessel, and how much they will slow down operations to allow a full sample. The observer in this case is very experienced and followed sampling protocols. Dr. Burke asked if there would be discussions about the adequacy of sub-sampling. Dr. Clarke stated there has been a lot of research in Alaska in sub-sampling techniques, but nothing is forthcoming as a recommended alternative. The preferred method would be to use partial catch sampling, but if you can only sub-sample, it is not inadequate, but not as good as other more comprehensive methods.

Dr. Burke asked if catcher ships did not have observers and could be "dumping" problem tows. Dr. Clarke said she could not confirm this, but recalls that only the motherships have observers and the catcher vessels are unmonitored.

Ms. Vojkovich asked if Dr. Clarke knew how research was done on the NE coast relative to the take of low abundance species such as cod. Dr. Clarke said she did not know.

Mr. Brown asked about the sampling. Seems that we need to stress to the owners of the vessels that although it may seem expensive to slow down and catch the fish, it might allow them to make more money by not shutting them down in the future. Dr. Clarke said NWFSC is in contact with the vessels and said, in her opinion, it is in the vessels best interest to get the best sample they can provide.

Ms. Vojkovich asked Dr. Clarke if there were plans in the future to use a non-invasive technique to sample some of these low level populations of species. Dr. Clarke replied there are for widow and other rockfish, such as, acoustic techniques, cameras, and other optics. As species recover the take of these species could increase. There has been discussions relative to pairing extractive and non-extractive methods.

Mr. Anderson asked Dr. Clarke on the methods to assess populations on the untrawlable grounds, are you going to try those optical techniques along with the acoustic survey. Dr. Clarke said they are working with industry relative to widow rockfish and have two weeks in October to do some work with ROV's and acoustics. There is an enormous amount of data that comes from the techniques. She invited people to join

her in the survey.

C.3. Final Consideration of 2004 Inseason Adjustments (06/15/04; 3:31 pm)

C.3.a Agendum Overview

Mr. Burner provided the agendum overview.

C.3.b Reports and Comments of Advisory Bodies

Mr. Rod Moore provided Exhibit C.3.b, Supplemental GAP Report. Ms. Michele Robinson provided Exhibit C.3.b, Supplemental GMT Report. Dr. Hastie explained page 7 and both responded to Council questions of clarification.

C.3.c Public Comment

Mr. Bill James, northern open access, provided comments noting open access trip limits for Sablefish should not be going down. He recommended correcting the tier limits and keeping open access trip limits the same.

Ms. Michele Longo Eder, representing fixed gear fisheries, spoke to the sablefish issues and recommended keeping the tier limits the same and modifying the trip limits.

C.3.d **Council Action:** Approve Inseason Adjustments in the 2004 Groundfish Fishery (06/15/04; 4:37 pm)

Mr. Alverson moved and Mr. Harp seconded a motion (Motion 4) for the limited entry fixed gear Sablefish tier limit: Correct the tier limits shown on page 1 of Exhibit C.3.b, Supplemental GMT Report. Mr. Alverson said this motion would try to correct the mistake that was made on the tiers to get the fishery back to harvest levels within the OY calculations. He stated the sablefish is a fairly healthy resource and he did not think it was fair to correct the problem by taking from the daily-trip-limit fishery. This is the best solution he can see.

Mr. Anderson spoke in favor of Mr. Alverson's motion, even though we have some individuals that are going to have a windfall as a result of a mistake in the calculation of the tier limits. He thinks we need to make the corrections to the tier limits now and not make any additional adjustments to the regime for either the limited entry or open access sector.

Mr. Brown asked if this was the entire packet for the change. He did not understand if this action made enough of a reduction. Dr. Hastie said at this stage, correcting the tier limits would still result in some amount of projected overage.

Mr. Anderson said his assumption, looking at the table in Exhibit C.3.b, Supplemental GMT Report, was that somewhere between 50 and 75% of the vessels would attain the higher limit by the time we get the tier limit in place. Dr. Hastie said part of the problem is that we don't have a clear idea of how the fishery is performing; in our discussions yesterday, we acknowledged there are participants in this fishery that would also be fishing in Alaska, who would not come back down to get to their tier limits before June action on this matter.

Dr. Burke said this is a tough call and is as much about fairness as it is fishery management. Dr. Burke asked NMFS what their position is on this issue.

Mr. Robinson agreed with Dr. Burke that it is difficult. We made a mistake and one sector benefitted. There is the fairness and equity issue. Do we confine the corrective action to the benefitting sector or do we extend the effect across sectors. Given the fact that sablefish is not an overfished species there is some management flexibility. He thinks that in a perfect world we would manage every species to its OY. The possibility of going over is not great, but he supports Mr. Alverson's motion to confine the correction of the error to the tier limits in the limited entry fixed gear fishery.

Motion 4 passed. Mr. Brown abstained on Motion 4.

Ms. Vojkovich moved (Motion 5), relative to the limited entry trawl fishery recommendations as indicated in supplemental GMT Report Exhibit C.3.b, to adopt recommendations one through ten. She also added an allowance for a chilipepper fishery on page 13, line 21: 1,000 pounds of chilipepper for small footrope gear with no more than 200 pounds per month that could be minor shelf and widow rockfish. Mr. Ticehurst seconded the motion.

Ms. Vojkovich, relative to the chilipepper allowance, stated that flatfish fishing in that area with small footrope encounters the occasional chilipepper and it seems appropriate to allow some landings while not creating a target fishery for anything other than flatfish.

Motion 5 passed.

Dr. Burke, on the whiting trawl fishery, moved (Motion 6) to adopt the GMT recommendation to request voluntary industry cooperation in avoiding specific areas of canary rockfish abundance and to move forward with an option to have an emergency rule initiated by NMFS so that if we attain 7.3 metric tons of canary rockfish, NMFS could close this fishery for all sectors. Mr. Brown seconded the motion.

Dr. Burke said it is wise to have the trigger available and stressed the need to have enough reaction time. Mr. Anderson asked about the referring to the GAP language which specified a closure of the entire whiting fishery and asked if the motion includes the tribal fishery. Dr. Burke said this would be included in all the fisheries in the scorecard, including the tribal fishery. Mr. Anderson said he would be opposing the motion because it doesn't fully take into account the potential impacts of the tribal fishery while addressing the overage in the non-tribal fishery.

Mr. Robinson concurred with Mr. Anderson's comments.

Ms. Robinson, for clarification, stated the motion says adopt the GMT recommendation on page 2 of the report where it says "to close all or some". Mr. Moore said perhaps to further clarify the GAP statement, the GAP is looking at the 7.3 metric tons as reference for guidance. The phrase of closing the entire whiting fishery in our minds was the closing of all 3 non-treaty sectors. They felt neither the Council or NMFS would have the authority to close the treaty fishery based on bycatch caps. Mr. Moore said the GAP would like to make clear it is for the non-treaty fisheries only.

Dr. Burke, given the intent of what was just discussed, recommended that the Council adopt the GMT recommendation of closing upon attainment of 7.3 metric tons of canary rockfish and leave it to NMFS as to what sectors are closed. Mr. Anderson offered a friendly amendment utilizing the language in the GMT report that the emergency action decision would be to close some or all of the sectors upon attainment of 7.3 metric tons.

Dr. McIsaac said the records in the original motion indicate the voluntary mechanisms and the emergency rule. The GMT statement refers to "projected" rather than "attained" bycatch caps.

Dr. Burke said given the clarification of the GMT statement, she did not consider the alternate suggestion a friendly amendment. Mr. Anderson then changed his friendly amendment to say “attained” instead of projected.

Mr. Brown said he was in favor of the motion. He asked the tribes to continue with their bycatch reduction efforts. We could also be closing other fisheries, not only the whiting fishery if canary rockfish avoidance is not successful.

Mr. Robinson clarified that the motion does not ask to initiate an emergency rule once a bycatch cap has been attained, but initiate the emergency rule now to establish the authority to close once the 7.3 metric tons is attained. Dr. Burke confirmed.

Motion 6 passed. Mr. Robinson voted no.

Mr. Alverson moved (Motion 7) to adopt the recommendations of the GMT as shown in Exhibit C.3.b, Supplemental GMT Report, item #11 on page 3 under limited entry fixed gear, and the recommendation on page 4, item #12 relative to management lines. Mr. Brown seconded the motion.

Motion 7 passed.

Mr. Anderson said the language in the GMT report states they believe they should have 3 metric tons of canary as a placeholder for anticipated catches associated with research.

Dr. Burke, asked if it would be easier to adopt the GMT scorecard as a whole? Mr. Anderson moved (Motion 8) to adopt the remainder of the GMT report, including the trip limit tables and scorecard. Mr. Mallet seconded the motion. Motion 8 passed.

Mr. Burner, on items 3, 7, and 8 which noted some changes to the trip limit tables, confirmed with the Council that the team will be editing the table accordingly.

[The Council returned to C.3 on June 18, 2004 at 11:30 am]

Dr. Burke moved and Mr. Anderson seconded a motion (Motion 24) to amend the previous motion on 2004 groundfish inseason management (Agenda Item C.3). Motion 24 passed.

Dr. Burke explained her motion was procedural in nature. She expects one or more of the member states may need to promulgate an inseason action in September. State managers need to be allowed to manage and act on new data as an inseason action independent of the Council. We will be getting data in at the end of the summer and want to be able to have the option of proceeding with any necessary inseason actions in September.

Dr. Burke moved and Mr. Anderson seconded a motion (Motion 25), stating that in the event of an inseason action, the states will consult with NMFS, and NMFS would apply conforming rulemaking consistent with actions decided by the affected states (i.e., federal regulations would conform with state regulations upon Council recommendation).

Motion 25 passed.

C.4 Groundfish Essential Fish Habitat Environmental Impact Statement Analytical Framework – Fishing Gear Impact Model Component (06/16/04; 10:23 am)

C.4.a Agendum Overview

Dr. Kit Dahl read the situation summary.

C.4.b NMFS Report

Mr. Graeme Parks gave a presentation describing how the analytical framework has been modified because of modeling constraints, new data incorporated into the framework, the fishing impacts model, and how model results and the analytical framework may be used to develop alternatives for the EFH EIS. (Exhibit C.4.b, Attachment 1, provides a written description of the fishing impacts model.)

C.4.c Scientific and Statistical Committee Report

Dr. Kevin Hill read Exhibit C.4.b, Supplemental SSC Report.

C.4.d Reports and Comments of Advisory Bodies

Mr. Waldo Wakefield read Exhibit C.4.d, Supplemental Habitat Committee Report.

C.4.e Public Comment

Mr. Jim Ayers, Oceana, Juneau, Alaska

Ms. Susan Murray, Oceana, Juneau, Alaska

Mr. Scott McMullan, Oregon Fishermen's Cable Committee, Astoria, Oregon

Mr. Brian Peterson, Shrimp Producers Marketing Association, Astoria, Oregon

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

C.4.f **Council Action:** Approve Use of the Fishing Gear Impact Component of the Analytical Framework, and Establish a Meeting Schedule for the Ad Hoc Groundfish Fishery Management Plan (FMP) EIS Oversight Committee

At the request of Mr. Ortmann, Dr. Dahl summarized the Council task as deciding what aspects of the impacts model could be approved for use by the EIS Oversight Committee to develop alternatives for the EFH EIS and approving a meeting of that committee in August.

Mr. Copps noted that the SSC is preparing a more detailed report of the complete risk assessment containing more detailed caveats on use of the model. He recommended that the Council direct the Oversight Committee to proceed based on the information in this report.

Mr. Alverson noted that both California and Washington have commercial fishery closures inside 3 miles. This protects presumably essential habitat for the juveniles of the species the Council manages. He didn't see how these mitigation measures were accounted for in the risk assessment.

Mr. Copps responded by noting that the GIS used for the analytical framework does contain data on closed areas, including the ones mentioned by Mr. Alverson. Although there is no quantitative threshold for the amount of area that should be closed, the Oversight Committee should consider the current extent of protected areas and whether it is sufficient.

Ms. Vojkovich summarized what she had heard thus far. Although there has been a lot of hesitation and warnings about the fishing impacts model, it is important to look at the progress that has been made in

developing the tools to evaluate impacts to EFH. She commended the project team for their work to develop a quantitative tool to inform management decisions. She described the results of the effort in terms of the identification of data gaps, the difficulty in gathering this type of data, and the complexity of evaluating habitat impacts. Finally, she pointed out the difficult task facing the Committee to develop alternatives.

Dr. McIsaac asked Mr. Copps if he had recommendations on how to proceed with regard to validating the habitat suitability maps. Mr. Copps noted that the budget situation has stabilized and there is now enough money to hold a meeting of the Habitat Technical Review Committee to review the status of the maps. Mr. Copps asserted that the problems with the currently available maps can be fixed. He asked to work with the Council Executive Director to facilitate a review of the maps before the Oversight Committee meets.

Mr. Brown argued that the GIS-based analytical framework eventually can be a good application, but he was cautious about the use of such technology if data and assumptions are not accurate because it can misinform the public. Mr. Brown was concerned that the model will be used prematurely, before model results are sufficiently validated. However, he recommended forwarding elements of the model for use by the Oversight Committee.

Mr. Ticehurst said he had not heard about what data will go into the model in the future and the program plan to make it absolutely useful. He asked for more information about future data gathering. Mr. Copps responded by noting that programmatic elements—such as data collection programs—can be addressed when formulating EIS alternatives, and that would be an important element in the EIS. As far as the types of data that need to be gathered, some broad themes have been identified but further consultation with the Science Centers and others will be needed to work out the specifics.

Chairman Hansen noted that the room in which the GMT/GAP joint session was held was a little small and not all may have been accommodated. He asked if Mr. Copps thought that meeting was successful, because he thought the types of questions being raised at this point should have been addressed during that meeting. Mr. Copps responded that he thought the joint session was successful for people who were there. Mr. Hansen then asked Mr. Copps if the same questions raised now were raised during the joint session. Mr. Copps said that the same types of question did come up at that session.

Ms. Vojkovich moved the following motion (Motion 12):

The Council will use the portions of the fishing impacts model identified in the forthcoming SSC Report on the fishing impacts model and follow the specific detailed guidance therein. The Council will also use GIS data and the other qualitative data on non-fishing effects and non-trawl gear types contained in the comprehensive risk assessment. The SSC report will be used during the Groundfish EIS Oversight Committee meeting to help determine a range of alternatives in a more qualitative manner than would be suggested by using the fishing impacts model by itself.

Mr. Thomas seconded the motion.

Ms. Vojkovich sought to clarify her motion. She noted that reports and comments thus far have questioned whether the fishing impacts model, which only uses trawl data, should be used. She is not suggesting using this modeling portion of the analytical framework. However, she recommended using the EFH identification model and the other components of the risk assessment, including the various data layers in the GIS, to give insight when developing alternatives.

Mr Brown asked if there would be a working version of the analytical framework at the Oversight Committee meeting. Mr. Copps affirmed this.

Motion 12 passed.

Mr. Ortmann noted that the Council still needed to take action on confirming the schedule for the EIS oversight committee meeting. He asked Dr. Dahl if that related to Exhibit C.4.b, Attachment 3. Dr. Dahl explained the relationship between the Committee meeting and the schedule shown in the exhibit, with alternatives formulated for Council action in September and November 2004. In response to a further question, Dr. Dahl noted that the Committee members agreed to August 16-18 for a meeting. Dr. McIsaac said the members are all aware of this date, and given that the previous motion passed, the Council doesn't have to authorize this meeting; they only need to concur that such a meeting should be held, consistent with Committee members' schedules. The Council concurred.

Mr. Brown asked if the Oversight Committee would address the issue of ongoing updating of EFH data to ensure valid results. If not, the concern raised before would come into play: using the data without sufficient ground truth. Dr. McIsaac said the Oversight Committee should not be charged with data validation. The Council should work with Mr. Copps to schedule a Technical Review Committee meeting and review by other bodies to correct and validate the EFH maps before the Oversight Committee meeting. Mr. Copps responded that he would try and schedule those activities before the Oversight Committee meeting. That might not be possible, but the Oversight Committee meeting should go forward in any event in order to meet the EIS schedule set forth in the settlement agreement. Validation could still occur after the Oversight Committee meeting without necessarily compromising their work.

Dr. Burke asked for clarification on the Oversight Committee meeting schedule and asked about the location of the meeting. Dr. Dahl responded, noting that the August meeting is tentatively planned to occur in the Council's Portland office.

C.5 Preliminary Consideration of Exempted Fishing Permit (EFP) Applications for 2005/2006 (06/16/04; 2:07 pm)

C.5.a Agendum Overview

Mr. Burner provided the agendum overview.

C.5.b Recommendations of the States, Tribes, and Federal Agencies

CDFG

Ms. Vojkovich directed the Council's attention to page 7 of Exhibit C.5.b, Supplemental CDFG Report 2. She noted that this EFP has been the same for 3 years, and is included as a placeholder for 2005 should we need another year to compare the results from studies conducted off Oregon and Washington.

Mr. Ticehurst asked about the "other flatfish" and halibut listed as bycatch in the report. Ms. Vojkovich said California halibut is not in the groundfish FMP and it is not being targeted.

ODFW

Dr. Burke said the proposed ODFW EFP is a followup on the cutback flatfish trawl work that ODFW has done in the past. The data presented to the Council on this work indicated there are species they are concerned about in deeper waters. This EFP would be conducted in waters deeper than the RCA to see if net design changes would be effective in these areas. The effort will be not only to focus on gear, net size, and grates, but also fish behavior under different conditions.

Mr. Brown asked Dr. Burke about the examination of fish behavior, will the EFP use a camera? Dr. Burke said the details of the research design are underway.

Mr. Alverson asked Dr. Burke about page 2 and 3 of the ODFW report, relative to catch limits and their inclusion of discard estimates. Dr. Burke said the estimates include both.

WDFW

Mr. Anderson referred to EFP proposals submitted by WDFW for the briefing book. The Arrowtooth EFP, is recommended because of the importance of the results to the Washington trawlers and processors. In 1999, 35% of landings of groundfish, not including whiting, were Arrowtooth flounder. Access to this species is important to the survival of the Washington fleet and processors. This is the third year of the EFP. They have learned a lot, there are now trawl gear specifications as well as area or hot spot closures relative to canary rockfish. The data collected has been used to assist the whiting fishery in minimizing canary rockfish in their fishery. WDFW now feels they can move the EFP into regulations. However, NMFS has requested additional information which will be needed in order to include these provisions in the 2005-2006 specifications.

The dogfish EFP is also an ongoing project, which allows fishing shoreward of the 100 fm line (RCA boundary for the longline fixed gear fishery). They had one participant in 2004 and would like to continue for one more year.

Dr. Burke asked about the exvessel value for Arrowtooth flounder. Mr. Anderson stated the \$235,000 generated is the total value of fish vessels are able to land in excess of the trip limits. Dr. Burke then asked about the participation level. Mr. Anderson said about 8 participants, currently all Washington residents, and Washington delivery licenses. Dr. Burke said the proposed EFP has 3 participants with one more possible. Mr. Anderson said WDFW would like to move this EFP in to regulations in a manner that is canary rockfish impact neutral. Mr. Anderson stated that WDFW would retain the bycatch caps and observer coverage in the fishery at first. Only when everyone was convinced that gear modifications and area restrictions alone would provide adequate reduction in canary rockfish bycatch could we move into an approach similar to the selective flatfish trawl proposals.

C.5.c Reports and Comments of Advisory Bodies

Mr. Mike Burner read Exhibit C.5.c, Revised Supplemental GAP Report. Mr. Burner said the GMT has reviewed the EFPs in the briefing book and recommended they go forward for 2005/2006.

C.5.d Public Comment

None.

C.5.e Council Action: Preliminary Approval of EFP Applications for 2005/2006

Mr. Alverson asked about last year's EFP actions regarding discards for non-over fished species. He would like to see the observer information at the end of the year to show numbers for the over fished and non-overfished species.

Mr. Anderson said he would have to get one of the reports out to see if it is not already included. Mr. Alverson said that results often pertain to what is landed, but not what is discarded. Mr. Alverson said the overall experiment should also contain information about what is discarded.

Dr. Burke said the Council has talked about this before and it is easy to get information on the overfished species, but not the non-over fished species. Dr. Burke said Dr. Clarke was looking into a system to release data for EFP result reporting.

Dr. Clarke said at this meeting, NWFSC started discussions with some of the states to develop a protocol for getting the EFP data released so the states could use it more efficiently. This also feeds into the process for getting the data to the stock assessment scientists as well. This will be addressed in the upcoming data workshop.

Mr. Anderson moved (Motion 13) to preliminarily approve these four EFP applications for 2005-2006. Mr. Cedergreen seconded the motion.

Dr. Burke said the GAP recommended reducing canary rockfish impacts in the Arrowtooth EFP down to 1.5 metric tons. Mr. Anderson said the allotments for each one of these EFPs will be considered under the next agenda item.

Motion 13 passed.

C.6 Tentative Adoption of Groundfish Management Measures for 2005/2006 Fisheries (06/16/04; 3:19 pm)

C.6.a Agendum Overview

Mr. John DeVore provided the agendum overview. He also walked the Council through the preliminary draft environmental impact statement of Proposed Acceptable Biological Catch and Optimum Yield Specifications and Management Measures for the 2005-2006 Pacific Coast Groundfish Fishery (Exhibit C.6.a, Attachment 1).

C.6.b Ad Hoc Allocation Committee Report

Mr. DeVore summarized the draft summary minutes of the May 27, 2004 Ad Hoc Allocation Committee meeting (Exhibit C.6.b, Supplemental Attachment 1), including the Committee's recommendations for 2005-2006 management.

C.6.c Reports and Comments of Advisory Bodies (06/16/04; 3:43 pm)

GMT

Ms. Robinson, Mr. Saelens, and Mr. Burden provided the GMT report (Exhibit C.6.c, Supplemental GMT Report). Ms. Robinson reviewed pages 1-3 of the report, then Mr. Saelens provided a summary of pages 17 and 18 describing the selective flatfish trawl. Mr. Burden reviewed the trawl impact tables provided on pages 19-23 of the report.

Mr. Brown stated the selective flatfish trawl options in the GMT report show a re-allocation of some target species to the south. Also, there are some trip limits that are higher for selective flatfish trawl strategies than for deep-water strategies.

Mr. Anderson asked which alternative set of trawl management measures is recommended by the GMT? Mr. Saelens answered those presented in Attachment 3, Table 1.

Ms. Robinson resumed her presentation of the GMT report by reviewing pages 4-11. The GMT recommendations for 2005-2006 management measures were found on page 11.

Mr. Anderson asked if the GMT had reviewed Exhibit C.6.c., Supplemental Proposed Treaty Indian Management Measures and whether that report was the basis for the GMT recommendation for tribal fisheries? Ms. Robinson said the GMT did not see the report, but they did hear the tribal proposal. The GMT recommends the proposed tribal management measures with the expectation that groundfish species' impacts would be within those provided by the tribes.

Mr. Anderson asked if there was any additional action needed by the Council this week to convert Washington's Arrowtooth EFP into regulations by 2006? Ms. Robinson said the GMT expects a tiered EA will be needed to put the EFP into regulations and that would require a 2-meeting process. Preparation of the tiered EA will take a considerable amount of time and cannot be done this week. Therefore, this should not be considered the first meeting of a 2-meeting process.

Mr. Cedergreen asked how the residual canary rockfish OY would be specified? Ms. Robinson said the GMT and NMFS need to work out those details. How the residual OY is apportioned between commercial and recreational sectors affects the specified total catch OY. Mr. Alverson thought this was contrary to the Ad Hoc Allocation Committee's recommendation not to specify a buffer. Ms. Robinson said the difference is the Committee did not want it specified as a buffer in federal regulations, since any residual amount of yield may be needed to cover higher than expected catches later.

Mr. Saelens then corrected some of the text describing the specifications of the selective flatfish trawl found on page 18 of the GMT report. Instead of, "... that the expected rise of the net could not exceed 3 ft; ...", it should read, "... that the expected rise of the wing of the net could not exceed 3 ft; ...".

Ms. Vojkovich asked about the differential size of canary rockfish landed in commercial and recreational fisheries and whether these data have been updated based on recent years' sampling. Ms. Robinson said the differential gear selectivities were from a study that was used in the last assessment. The results of this study have not been updated since.

Ms. Vojkovich then provided corrections to the GMT report. On page 6 at the bottom of the page, the report talks about a regional management area demarcation at "Pigeon Point (37°11'N latitude.)". Instead it should read, "Lopez Point (36° N latitude.)". On page 10 under item (e), the text reads, "... and from any closures for lingcod which may be established from April through October." Instead it should read, "... and from any spawning closures for lingcod which may be established." Lastly, on page 5 of Attachment 4 (Exhibit C.6.c, Supplemental GMT Report 2), the Option 3 table should have June closed in the North Central and S Central - North areas, open <20 fm in July, and open <20 fm (instead of <30 fm) in October for these two areas.

Ms. Cooney asked whether WDFW would want a matching federal action to match Washington inseason action to close all or a portion of the recreational fishery inside 30 fm? Ms. Robinson indicated yes. Ms. Cooney then explained that the ODFW proposals for inseason action on page 9 of the GMT report would need more specificity at this time or it may require more elaborate inseason rulemaking next year. Dr. Burke indicated this was understood.

Tribal

Mr. Harp read the tribal management proposals from Exhibit C.6.c, Supplemental Tribal Management Measures.

GAP

Mr. Rod Moore provided Exhibit C.6.c, Supplemental GAP Report.

Mr. Alverson asked if the GAP supported the GMT's recommendations for the limited entry fixed gear sector and Mr. Moore responded yes. Mr. Alverson asked if the canary rockfish buffer should be flexibly used? Mr. Moore said the GAP discussed this, but believes the first priority should be to those sectors saving/reducing canary impacts.

Dr. Burke asked about the GAP recommendation to establish temporary rolling closures in the whiting fishery? Mr. Moore characterized these rolling closures as voluntary (or Council-directed) area closures when bycatch increases in an area. Otherwise, one cannot predict where bycatch might occur. Ms. Cooney said this strategy is more complex and needs more analytical development. Mr. Moore admitted this might not be a viable strategy for 2005, but the GAP wants this idea to be considered in the future. CDR Meyer thought this could create an enforcement concern.

Dr. Burke asked about the GAP recommendation for limited entry trawl? Mr. Moore said the Table 3 option (in Attachment 3 of the GMT Report) was preferred by a majority of the GAP; there was a minority preference for Table 2. The same coastwide Rockfish Conservation Area is less confusing.

Dr. Burke explained they could not analyze limited entry fixed gear and open access lingcod seasons. Could this be considered a routine change? Ms. Cooney said it could only if it is analyzed in the EIS.

Mr. Anderson noted the GAP proposal extends the season by one month north of 40°10' N latitude with higher trip limits. He expressed concern regarding potential canary rockfish impacts and different season lengths north and south of Cape Mendocino. Mr. Moore explained the southern area representatives on the GAP wanted this.

Ms. Vojkovich asked if the southern area season for limited entry fixed gear and open access for lingcod (in the GAP proposal) ends on October 1 or October 31? Mr. Moore said October 31.

Ms. Vojkovich asked if the GAP reviewed specific California recreational options and Mr. Moore said no.

C.6.d Public Comment

Mr. Bob Ingles, Golden Gate Fishermen's Association, Hayward, California
Mr. Randy Fry, Recreational Fishing Alliance and Coastside Fishing Club, Sacramento, California
Mr. Dan Wolford, Coastside Fishing Club, Los Gatos, California
Mr. Wayne Butler, charter boat operator, Bandon, Oregon
Mr. Daniel Strunk, Premier Sportfishing, Long Beach, California
Mr. Joe Villareal, Premier Sportfishing, Long Beach, California
Mr. Frank Ursitti, Premier Sportfishing, Long Beach, California
Mr. Steve Bodnar, Coos Bay Trawlers Association, Coos Bay, Oregon
Mr. Jim Lone, Washington recreational fishing industry, Seattle, Washington
Mr. Rick Harris, Pacific Seafood Group, Seattle, Washington
Mr. Jim Caito, Caito Fisheries, Fort Bragg, California
Mr. Steve Moore, Patriot Sportfishing, Avila Beach, California
Mr. Darby Neil, sportfishing, Morro Bay, California
Mr. Bill James, open access fisherman, Salem, Oregon

C.6.e **Council Action:** Adopt Tentative Management Measures for 2005/2006 Fisheries for GMT Analysis (Including Proposed EFP Set-Asides), and Adopt Final Acceptable Biological Catches and Optimum Yields for Other Flatfish (06/17/04; 8:06 A.M.)

Mr. Anderson moved and Mr. Harp seconded the following motion in writing (Motion 14):

I move to adopt tentative management measures for 2005-2006 fisheries for GMT analysis (including proposed EFP set asides) and adopt final ABC and OY for other flatfish as provided in Exhibit C.6.c, Supplemental GMT Report, June 2004, page 11, GMT Recommendations, with the following additions and specifications:

1. *Any residual amount of canary rockfish is assumed to be apportioned on a 50/50 basis between sport and commercial fisheries*
2. *Same as presented*
3. *Same as presented*
4. *Same as presented*
5. *Adopt recreational harvest guidelines for canary rockfish: California = 9.3 mt, North (Oregon and Washington) = 8.5 mt*
6. *Same as presented*
7. *Same as presented*
8. *Same as presented*
9. *Same as presented*
10. *As presented in Attachment 3, Tables 1 and 2, with the assumption that 6.0 mt will be provided in the scorecard for this fishery to cover any uncertainty in model projections*
11. *Same as presented*
12. *Replace language on page 8 under Washington recreational, 2nd paragraph (below bulleted list), with the following language:*

If the recreational harvest guideline for canary, yelloweye, or lingcod specified for the Washington/Oregon area is projected to be exceeded, the Washington Department of Fish and Wildlife will consult with the Oregon Department of Fish and Wildlife, and may take action inseason to close all or portions of the recreational fishery deeper than 30 fms, or adjust seasons, bag limits, or size limits, as needed. For purposes of consistency and clarification, the action taken by the Washington Department of Fish and Wildlife would be specified in federal regulations.

13. *As presented by states, except canary cap for Washington Arrowtooth EFP set at 1.75 mt*
14. *Include tribal fishery regulations as presented in Exhibit C.6.c, Supplemental Proposed Treaty Indian Management Measures, June 2004*
15. *Revise language on page 18 that addresses the expected rise of the net in the wings could not exceed three feet*
16. *On page 6, replace Pigeon Point with Lopez Point*
17. *Establish ABC for other flatfish at 6,781 mt and an OY of 4,909 mt*
18. *Round the ABC/OY numbers for other fish as proposed on page 1*
19. *Give the latitude to the GMT to include the Dover ABC when the information is provided by the assessment author*
20. *Set limited entry fixed gear tiers and RCA boundaries as proposed (GMT Report)*

Mr. Brown expressed concern with the motion relative to the Other Flatfish ABC and OY. Sanddabs and rex sole are small fish and not readily caught in trawls as shown in the Pikitch gear study. With the use of legal mesh, there is no impact on these species, yet they are constraining in this recommendation. If English

sole cannot be caught up to the OY, rex sole and sanddabs won't be caught up to these limits. He would like the GMT to review the 25% OY reduction for these two species. He asked the maker of the motion to reconsider the motion relative to the Other Flatfish ABC and OY. Mr. Anderson did not accept the friendly amendment from Mr. Brown.

Mr. Brown moved to amend the motion (Amendment #1 to Motion 14) to request the GMT to re-examine the 25% reduction for rex sole and sanddabs. Mr. Warrens seconded the amendment. Mr. Anderson asked if re-examination was to take place over the course of the next day? Mr. Brown said yes. Mr. Anderson asked about the GMT workload? Ms. Robinson said the GMT already addressed this issue when the Other Flatfish specifications were reviewed in May. Dr. Burke asked if the GMT reviewed the mesh size study? Ms. Robinson said no. She was not sure the study results were readily available. Mr. Brown then withdrew his amendment to the motion.

Mr. Anderson noted the Other Flatfish OY, with the 25% reduction from the ABC for rex sole and sanddabs, is based on an ABC set based on the highest catches on record. Mr. Brown countered that mesh size selectivity is more protective than quota management and rex sole and sanddabs will escape legal mesh. Mr. Brown then moved to amend the motion (Amendment #2 to Motion 14) to instruct the GMT to remove the 25% reduction factor on sanddabs and rex sole. Mr. Warrens seconded the amendment. Chairman Hansen called for the vote on the amendment and Amendment #2 to Motion 14 failed.

Mr. Brown expressed concern with the GMT's scorecard projection of 6 mt of canary rockfish impact in the limited entry non-whiting trawl fishery. Given the experimental nature of the selective flatfish trawl, he would hate to see the fishery close if 6.1 mt of canary were caught. He would hope there would be extra canary impacts available for the limited entry trawl sector. Mr. Anderson agreed the selective flatfish trawl impacts are not fully understood. His intention was to keep the limited entry trawl fishery open.

Mr. Anderson said he did not disagree with Mr. Brown's issues over rex sole and sanddabs. He thought the issue could be explored further, but there was no time available to do this at this meeting. Mr. Brown said his sensitivity on this issue comes from his 1985 recommendation to increase trawl mesh size from 3.5 inches to 4.5 inches (3.5-inch mesh gilled overfished Pacific ocean perch). The Pikitch mesh retention study was done at a cost of \$129,000, but has not been used.

Ms. Vojkovich asked for an explanation of the proposed 1.75 mt canary cap for the 2005 Arrowtooth Flounder trawl EFP. Mr. Anderson explained that 2.5 mt were originally set aside for this EFP. WDFW scaled the set aside back to 1.5 mt this year due to reduced participation from the trawl buyback program. WDFW again requested a 2.5 mt cap for 2005 to allow for increased participation in the EFP study. A cap of 1.75 mt is now proposed to accommodate the participation of 4 vessels. The number of participants could be modified before the final EFP is adopted at the November meeting.

Dr. Freese asked whether Oregon representatives desired having Oregon specifications and management measures published in federal regulations? Dr. Burke suggested the GMT add language to their recommendation #12 to read, *"For purposes of consistency and clarification, the action taken by the Washington Department of Fish and Wildlife would be specified in federal regulations (amendment to add language for OR and CA)"*.

Mr. Brown asked if Rockfish Conservation Area (RCA) line adjustments would be allowed in future inseason actions? Mr. Anderson presumed the Council would still have that flexibility.

Dr. Burke spoke to GMT recommendation #10 regarding limited entry trawl management measures. She advised the GMT to use the same bycatch modeling approach used for the inseason adjustments action this

week.

Dr. Burke asked how many processors would be affected by the arrowtooth flounder EFP? Mr. Anderson said the EFP would produce about \$235,000 of ex-vessel revenues and would affect three processors. Dr. Burke asked if a 2 mt canary rockfish cap in the EFP would accommodate 6 vessels and Mr. Anderson said yes. He added that a 2.5 mt cap would accommodate 8 vessels for 4 months. Changes in the EFP cap affect the number of vessels that could participate. Dr. Burke asked about the timing and process for converting this EFP into regulations. Ms. Robinson explained the EFP could not go into regulations by May 2005, but might be done by May 2006. She expected this action would require an Environmental Assessment (EA) tiered to the 2005-2006 Specifications EIS and a two-meeting Council process, perhaps the November 2005 and March 2006 meetings. Dr. Burke said it seemed this EFP provided a more profitable fishery for petrale sole than arrowtooth flounder. Is the target petrale sole or arrowtooth flounder? Mr. Anderson explained different participating vessels exhibited different behaviors. Skippers are paying observer costs. The strategy is to get 100% observer coverage and full rockfish retention, while still realizing a profit. Keeping petrale sole is important for success in this fishery. Ms. Robinson added there is a detailed report of this EFP fishery in the DEIS, which was also available at the April Council meeting. The number of petrale sole landed in this EFP fishery was less than landed in the large footrope fishery. Dr. Burke asked for a breakdown of impacts from the last three years of this EFP study. Ms. Robinson said the EFP accommodated six vessels per year and they always stayed within the 2.5 mt canary rockfish cap. Dr. Burke read the reported catches of canary rockfish in this EFP. The canary impacts were as follows: 2001- 2.29 mt, 2002- 8.16 mt, and 2003- 2.27 mt. Dr. Burke thought the arrowtooth flounder strategy may be unsupportable. Canary rockfish impacts are relatively high and allocated to just a few vessels. If these vessels didn't fish in the RCA for arrowtooth, they would probably fish with a selective flatfish trawl. There are also potential individual quota implications to consider. We should consider allocating more canary rockfish to the recreational fishery to allow more people access to this fish. Therefore, she would like the Council to consider the GAP recommendation to cap the arrowtooth trawl EFP for canary at 1.5 mt.

Dr. Burke then moved to amend the motion (Amendment #3 to Motion 14) to adopt the GAP recommendations for item #13. Specifically, the GAP recommended a canary cap of 1.5 mt in the Washington arrowtooth flounder EFP and a yelloweye cap of 0.5 mt in the Washington dogfish longline EFP.

Mr. Anderson explained that the Washington arrowtooth EFP fishery has the highest level of accountability on the West Coast. If this standard was applied to open access fisheries, it would be a major burden. Therefore, he was proud of this fishery. Without this EFP, the participating skippers would be out of business. He recommended these high standards should be applied to other fisheries.

Chairman Hansen asked for a roll call vote on Amendment #3 to Motion 14. NMFS abstained. 6 yes and 6 no. Chairman Hansen voted no and said he supports Mr. Anderson's EFP. Therefore Amendment #3 to Motion 14 failed.

Ms. Vojkovich asked to amend the motion (Amendment #4 to Motion 14) to include two options for California recreational fisheries: 1) exempt shore-based anglers and divers from depth and season restrictions, and 2) allow species in the Other Flatfish complex to be retained when caught with Pacific sanddabs (in the exempted sanddab fishery with the accompanying gear and area restrictions that are currently in regulations). Additionally, she wanted to include: 1) a Cordell Bank closure specified with waypoints that approximate the 100 fm contour, 2) an exemption for the ridgeback prawn trawl fishery from the 75 fm trawl restriction south of Pt. Conception (south of 34°27' N latitude) that would allow the fishery to operate out to the 100 fm line, and 3) a 24-inch minimum size limit and two-fish bag limit for lingcod in the California recreational fishery. Mr. Thomas seconded the motion.

Mr. Thomas said he supports the 24-inch size limit on lingcod as it will get people off the water quicker, thus reducing incidental rockfish impacts.

Mr. Alverson asked if there was an enforcement issue since Ms. Vojkovich's amendment included depth restrictions? Dr. McIsaac said, once the GMT has done the analysis, the EC will have a report on this before the final vote on Friday.

Mr. Anderson asked if the California GMT members were able to analyze the 24-inch size limit for lingcod and whether the amendment included two options for lingcod take? Ms. Vojkovich replied the GMT was able to analyze these impacts and there are two lingcod options- a 24-inch and a 26-inch minimum size option. Ms. Vojkovich then asked that the diver/shore-based exemption analysis be done (shore-based anglers vs. non-shore-based anglers).

Chairman Hansen asked for the vote on Amendment #4 to Motion 14. Amendment #4 passed. Chairman Hansen then asked for the vote on the main motion (Motion 14) as amended. The main motion passed as amended (Motion 14).

Mr. Alverson moved and Mr. Cedergreen seconded a motion (Motion 15) to assign the GMT and the Ad Hoc Allocation Committee to analyze how the Council may utilize surplus lingcod while minimizing impacts on other overfished species. He ventured this analysis could be done prior to the September Council meeting.

Mr. Anderson asked Mr. Alverson to withdraw his motion (Motion 15) as the Council will be talking about this during the trawl IQ agenda. Mr. Brown concurred with Mr. Anderson, but thought Mr. Alverson's issue to be important. Mr. Alverson said he was hoping this analysis could be done to allow 2005-2006 inseason adjustments. He noted we won't have ITQs by 2006. Mr. Anderson asked if this issue could be taken up in Friday's workload planning session? Dr. McIsaac agreed that would be a time to discuss this. Mr. Anderson then asked Mr. Alverson if he could change his motion to have the Ad Hoc Allocation Committee take this up and Mr. Alverson agreed.

Motion 15 passed.

C.7 Monitoring Program Alternatives for the Shore-based Pacific Whiting Fishery

C.7.a Agendum Overview

Mr. Burner provided the agendum overview.

C.7.b NMFS Recommendations and Environmental Assessment

Ms. Carrie Nordeen, NMFS.

C.7.c Reports and Comments of Advisory Bodies

Mr. Rod Moore provided Exhibit C.7.c, Supplemental GAP Report Captain Mike Cenci provided Exhibit C.7.c, Supplemental EC Report.

C.7.d Public Comment

None.

C.7.e Council Action: Adopt Monitoring Program Alternatives for Public Review

Dr. Burke moved and Mr. Alverson seconded a motion (Motion 17) to adopt the alternatives in Table 2.6-1 of Exhibit C.7.a, Attachment 1, with the 4th paragraph of the GAP statement incorporated into the tables; secondly, include an SSC and NWFSC formal review of the sampling plan and protocols to provide assurance we are getting not only good sampling, but cost effective sampling.

Mr. Anderson spoke to incorporating concerns from the GAP and the EC relative to monitoring of overages. NEPA does not require and we would not be well served with options that restrict this monitoring to state or federal officials.

Ms. Cooney stated that these options were drawn up to encompass all of the alternatives and in the past there were times when federal enforcement was the sole entity doing this work.

Mr. Brown asked for a friendly amendment, using Table 2.6.1, insert enforcement language from alternative 4 into alternative 3, we could cover these concerns while not excluding any alternative. The maker and the seconder agreed.

Motion 17 passed.

Dr. Burke urged everyone to try to stay on track with the schedule for this program and requested that NMFS look into consistent monitoring of all sectors of the Pacific whiting fishery.

C.8 Council Clarification of Tentatively Adopted 2005/2006 Management Measures (*If Necessary*))
(06/17/04; 6:18 P.M.)

C.8.a Agendum Overview

Mr. DeVore gave the agendum overview. He said there was an additional statement, Exhibit C.8.b, Supplemental GMT Report. The GAP will have oral comments.

C.8.b Reports and Comments of Advisory Bodies

GMT

Ms. Robinson read the GMT report (Exhibit C.8.b, Supplemental GMT Report) and Mr. Merrick Burden reviewed the trawl options in the appended Attachment 1 (Tables 1 and 2). Mr. Burden reported the analysis he did required a downward adjustment to some of the trawl trip limits relative to the previously reviewed Option 1 during agendum C.6 because some target species' OYS were exceeded. The main change was a decrease in the petrale sole trip limits.

Mr. Anderson asked if the GMT was going to analyze California recreational options? For instance, would the GMT be discussing/analyzing diver exemptions and lingcod minimum size limit options? Ms. Robinson said yes.

Mr. Anderson asked about the GMT recommendation to set aside the same yields for 2006 EFPs as specified for 2005. Is this a set-aside for all EFPs? Ms. Robinson said yes, EFP set-asides are specified annually, not biennially. This would set aside a placeholder if 2006 EFP applications go forward. Mr. DeVore clarified the scorecard does not include a cap for selective flatfish trawl EFPs. The total canary EFP cap, including Oregon EFPs, is actually 2.9 mt.

Dr. McIsaac asked about the Oregon recreational regulatory language. Is that the same language as in the motion this morning? Ms. Robinson said there is one change from the language recommended for Washington fisheries. Oregon wanted the flexibility to go to a 20 or 30 fm line in season if such an action is needed.

Dr. McIsaac asked about the recommendation to set aside 6 mt - 9.2 mt of canary impacts for non-whiting trawl fisheries. Will the GMT recommend a single impact estimate? Ms. Robinson said no, the set-aside should be decided by the Council today. Mr. Brown said the point estimate from the trawl bycatch model is 5.2 mt. He didn't feel comfortable using the point estimate due to the uncertain impacts under the new trawl regime. Ms. Robinson said that 5.2 mt is the point estimate from the trawl bycatch model, but yesterday's guidance was to set aside 6 mt of canary impacts. The GMT recommends something higher than 6 mt. Dr. Burke said she recommends setting aside 8.0 mt of canary rockfish impacts for non-whiting trawl fisheries.

GAP

Mr. Moore presented an oral report from the GAP. There is GAP consensus for the trawl option presented in Table 1 as modified by the GMT. There is no GAP consensus to close the north and central California recreational management areas in July and open in June under option 5 (in the original GMT statement).

EC

Captain Mike Cenci provided Exhibit C.8.b, Supplemental EC Report.

C.8.c Public Comment

None.

C.8.d Council Guidance and Direction on Clarification of Tentatively Adopted 2005/2006 Management Measures

Ms. Vojkovich assured everyone that California has an option that meets the targets for the species they are tracking and that the state delegation generally accepts. The GMT will not have to discuss differential bag limits.

Ms. Vojkovich said the recommendation to open the California fishery in June, close in July, and re-open it in August is not desirable. The minimum lingcod size limit analysis should be easy. Initial analysis indicates the impacts under options for a 24-inch or 26-inch minimum size limit are under the recommended harvest guideline. She was not in support of the GMT recommendation to specify a sublimit for Other Flatfish retention using sanddab gear (in areas and at times when this fishing opportunity is allowed). There is only a small incidental catch of species in the Other Flatfish complex. A one to two sub-bag limit for Other Flatfish is micro-management. The current gear restrictions and small amount of open area is protective enough. She questioned the need for a tiered environmental assessment (EA) for the ridgeback prawn trawl RCA exemption she has recommended. She noted the scorecard impact estimates haven't changed with varying the RCA lines for this fishery. She wants to know what NMFS may require to get this exemption?

Ms. Cooney said GAP representatives suggest there is not enough information currently available to set ridgeback prawn trawl RCA lines, but more information will be forthcoming. She thought a tiered EA may be needed to analyze this new information. Ms. Vojkovich said, prior to this year, the RCA was out to 100

fm, but this past year it was out to 75 fm. Restricting the ridgeback prawn trawl fishery to within 75 fm closes this fishery since it primarily operates in waters deeper than 75 fm. Mr. Anderson asked for the basis for the current bycatch assumptions for the ridgeback prawn trawl fishery? Ms. Vojkovich said expected bycatch is based on past landings when overfished groundfish species were allowed to be landed.

Mr. Anderson asked why California wants to recommend retention of Other Flatfish species in the sanddab fishery when there is a high survival rate of those fish if they are released? Mr. Thomas said the sanddab fishery in this area rarely encounters Other Flatfish species. There would be no targeting of these species.

Dr. McIsaac asked Ms. Vojkovich if the assignment to the GMT was to analyze one or two California recreational options? Ms. Vojkovich said the two proposals outlined this morning are included in this report and have since been narrowed down to one which meets the impact targets. The two proposals are slightly different (shifting of depths and months open to shore-based anglers to meet impacts).

Mr. Anderson moved (Motion 18) to approve the recommendations in Exhibit C.8.b, Supplemental GMT Report. Specifically, approve items #1, #2 (with an 8 mt canary rockfish set-aside for the non-whiting fishery in the scorecard), #3, #4, #7 and #8. Mr. Alverson seconded the motion.

Motion 18 passed.

Ms. Vojkovich moved (Motion 19) to approve a variation of GMT recommendation #6 to allow retention of Other Flatfish species with no sublimit when fishing for sanddabs. Mr. Thomas seconded the motion.

Motion 19 passed.

C.9 Update on Trawl Individual Quota (TIQ) Program (06/17/04; 4:11 pm)

C.9.a Agendum Overview

Mr. Seger provided the agendum overview, focusing on Exhibit C.9.a, Attachment 3, and Chapter 2 of Exhibit C.9.a, Attachment 2. He emphasized that if implemented, the trawl IQ program would likely be in place over a long period of time and therefore needed to be analyzed over a variety of trawl sector allocation levels.

C.9.b Reports and Comments of Advisory Bodies

Mr. Moore provided Exhibit C.9.b, Supplemental GAP Report.

C.9.c Public Comment

Mr. Tony DeFalco, Marine Fish Conservation Network, Portland, Oregon

Mr. Jay Bornstein, Bornstein Seafoods, Bellingham, Washington

Mr. Craig Urness, Pacific Seafood Group, Clackamas, Oregon

Mr. Kent Craford, Coastal Jobs Coalition, Portland, Oregon

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

Mr. Bob Osborne, United Anglers of Southern California, Huntington Beach, California

Ms. April Wakeman, United Anglers of Southern California, Huntington Beach, California

Mr. Allen Hightower, commercial fisherman, Port Townsend, Washington

Ms. Dorothy Lowman, Environmental Defense, Portland, Oregon

Mr. Bill Clingan, Ocean Gold Seafoods, Westport, Washington

C.9.d Council Action: Provide Guidance on Further Development and Approve Scoping Documents for Public Distribution

The initial discussion centered around the PMCC letter and statement that the Council needed to produce a programmatic EIS before proceeding with consideration of trawl IQs. Dr. Freese stated that there is not a definitive answer on the need for a programmatic EIS but rather alternative view points. The PMCC letter expresses one view. Another view is that a number of EISs on the fishery have recently been completed (including the programmatic habitat and programmatic bycatch EISs, rebuilding EIS, and annual specification EISs) and that these EISs include cumulative impact sections that address past present and future actions, taking into account how they interrelate. There is no sequence requirement that a certain type of EIS must be done before another or at certain time intervals in the management process. Ms. Cooney indicated NMFS will be having internal discussions on the need for a programmatic EIS.

Mr. Anderson noted the Council's effort, about 3 years ago, to develop a programmatic EIS, the difficulty encountered in developing that EIS in the face of changes in the fishery and the decision to instead develop the programmatic bycatch EIS. He stated his presumption that, if a programmatic EIS needed to be conducted prior to development of an IQ program, early on NOAA Fisheries would have informed the Council. He also noted the long delay that would be entailed if consideration of a trawl IQ program had to wait for the completion of a programmatic EIS as programmatic EISs are huge undertakings. While there may be other policy development paths the Council could have followed, he viewed the current path as legally correct from a procedural perspective. Ms. Cooney concurred.

Mr. Brown concurred with Mr. Anderson's comments and added that at the time of the decision to produce a programmatic bycatch EIS, Mr. Robinson noted that virtually all other elements of the fishery were being dealt with in other EISs and the programmatic bycatch EIS in conjunction with the other EISs would provide complete EIS coverage for the fishery. Mr. Brown identified that resolving the capacity problem that would be addressed by a trawl IQ program was the number one priority in the strategic plan which had now been in place for five years.

With respect to the appropriateness of the composition of the TIQC, Mr. Brown made a statement inferring the difficulty of including all stakeholders on the TIQC without generating a committee of a size that was too cumbersome. He believed the main issue of concern by those outside the trawl industry is one of allocation. The between sector allocation issue will need to be addressed whether or not there is a trawl IQ program and he spoke in favor of the allocation committee moving forward on this issue. He also referenced a possible need to reconstitute the allocation committee. With respect to processors, he expressed openness to direct allocation of a portion of the IFQ to them.

Mr. Ticehurst noted the testimony of those who felt they were being left out of the process and reiterated his advocacy of the inclusion of those with a recreational angler perspective. He has growing concern that trawl IQs will involve an entrenched privilege. The impression given in the drafting document is that certain species will be reserved for trawl use only and that for those species there is no concern by recreational interests. He disputed this, stating that these species may be important bycatch, may be targeted in the future, or may have been targeted in the past and will be subject to quota in the future.

Mr. Anderson asked about the rules for determining the majority vote for the TIQC. The super majority rule for the committee was 70% and there are four processors on the committee. Concern was expressed about processor representation on the TIQC committee and whether that composition precluded having processor options put on the table. It was clarified that the scoping process continues to be open for the addition of more options and that there was no pressure for the Council to add options at this meeting.

Mr. Brown commented that elements such as transferability, limitations on consolidations, and owner-on-board were more important than initial allocation and would have the longest effect. The program design and allocation issues need to be separated. Dr. Hanson commented that if allocation is addressed first, discussions get difficult before program design is addressed. Once allocation issues are resolved, people spend more time calculating the effect of a design decision on their allocation than they do carefully considering policy implications.

There was a discussion of area management and the current measures which specify that area specific IQs be considered only if necessary for stock conservation. The scoping process will allow the addition of other options to address area concerns and the Council will have an opportunity to add to the list, if it so desires.

Dr. Burke suggested a number of additions to the list of impacts to be analyzed (pages 2-7 through 2-11).

- Under habitat and ecosystem add: Environmental impacts due to economic and community changes and to resource management changes.
- Under fishery resources add: Direct and indirect impact on fisheries prosecuted by other gear sectors, including sport.
- Under socioeconomic production costs buyers and processors add: Consolidation impacts, loss of infrastructure, and indirect impacts on the businesses (e.g., shifts impacting the operation of existing businesses and their competitiveness).
- Under community impacts add: business and infrastructure impacts.
- Under fairness and equity: add affects on non trawl gear fisheries including sport gear.
- Under effects on small entities, after businesses add: including “family businesses”.

The Council concurred on the hearing dates recommended by Council staff (July 20 in Seattle Washington and July 27 in Newport Oregon).

C.10 Final Adoption of 2005/2006 Groundfish Management Measures (06/18/04; 11:30 A.M.)

C.10.a Agendum Overview

Mr. DeVore provided the agendum overview.

C.10.b GMT Analysis of Impacts

Ms. Robinson provided Exhibit C.10.b, Supplemental GMT Report. She noted one change on page 14, Attachment 3, Table 3 - estimated yelloweye rockfish mortality should be changed from 1.5 mt to 1.7 mt.

Mr. Brown asked what species was limiting slope rockfish trip limits in the north? Ms. Robinson stated it was shortspine thornyheads.

C.10.c Reports and Comments of Advisory Bodies

GAP

Mr. Moore provided Exhibit C.10.c, Supplemental GAP Report.

EC

Cpt. Cenci provided an oral report from the Enforcement Consultants. He noted, from an EC perspective, the language on page 17 of the GMT report regarding how many types of gear can be on board a trawl vessel

is problematic. Allowing more than one type of gear aboard a trawler during a cumulative limit period allows them to land additive limits. It is important to restrict the individual to the limit that applies to the most restrictive gear onboard. Ms. Robinson said there has been little or no time for the GMT to talk with the EC. The differential gear-based limits only apply north of 40°10' N latitude. In both cases, north and south, you can have more than one type of gear on board. However, vessels are constrained north of 40°10' N latitude to the more restrictive trip limits. The language in the trip limit table on page 17 of the GMT report references the trawl limits south of 40°10' N latitude. This language has been in place in federal regulations and is not changed from status quo. The GMT has modeled the impacts associated with these regulations. Lt. Cleary said, since the issue was not discussed with the GMT and EC, their recommendation would be go to one gear type allowed on board per trip. They have done an exemption this year with the midwater whiting fishery. Mr. DeVore said this language was adopted for the inseason action this week. The Council may want to consider this. Ms. Robinson suggested a modification of the regulation south of 40°10' N latitude restricting trawlers to one type of gear on board, but without differential trip limits.

C.10.d Agency and Tribal Comments

None.

C.10.e Public Comment

Mr. Randy Fry, Recreational Fishing Alliance, Sacramento, California
Mr. Bob Ingles, Golden Gate Fishermen's Association, Hayward, California
Mr. Dan Wolford, Coastside Fishing Club, Los Gatos, California
Mr. Gerry Richter, PCGA, Santa Barbara, California

C.10.f **Council Action:** Adopt Final Optimum Yield for Canary Rockfish and 2005/2006 Groundfish Management Measures

Mr. Moore noted there was consensus between the GAP, GMT, NOAA General Counsel, and the EC on an option for the “more than one type of trawl gear on board” issue in the south. He suggested the proposed rule have an allowance for both midwater and large footrope gear on board; otherwise, only one type of gear would be allowed on board. The Council and NMFS could seek final resolution in September. Ms. Cooney said this works from a procedural perspective.

Mr. Anderson asked Ms. Vojkovich about the ridgeback prawn trawl exemption. Is the area recommended for this exemption correctly identified on page 5 of the GMT report? Ms. Vojkovich said no, the affected area should be south of 34°27' N latitude, not south of 40°10' N latitude.

Ms. Vojkovich then corrected two omissions on the California recreational recommendations listed on page 7 of the GMT report. Recommendations # 4 and #6 should characterize exemptions for “divers and shore-based anglers”.

Ms. Vojkovich moved and Mr. Thomas seconded a motion (Motion 26) to adopt items 1 through 7 on Exhibit C.10.b, Supplemental GMT Report, with the following changes:

1. Page 5, #11 Ridgeback Prawn Trawl Exemption: Change south of 40°10' N latitude to south of 34°27' N latitude.
2. South of 40°10' N latitude: Align the limited entry fixed gear/open access ten-month season north and south of 34°27' N latitude: March-April closed as follows:

- a. Correct Table 4 (South) page 20:
 - Line 16: Minor shelf rockfish, widow, and yellowtail rockfish south of 34°27' N latitude:
Jan-Feb: 2,000 lb/ 2 months; Mar-Apr: CLOSED
 - Line 23: Bocaccio South of 34°27' N latitude:
Jan-Feb: 300 lb/2 months; Mar-Apr: CLOSED
 - Line 27: Shallow nearshore south of 34°27' N latitude:
Jan-Feb: 300 lb/2 months; Mar-Apr: CLOSED
 - Line 30: Deeper nearshore rockfish south of 34°27' N latitude:
Jan-Feb: 500 lb/2 months; Mar-Apr: CLOSED
- b. Correct Table 5 (South) page 22:
 - Line 19: Minor shelf rockfish, widow and chilipepper rockfish south of 34°27' N latitude:
Jan-Feb: 500 lb/2 months; Mar-Apr: CLOSED
 - Line 25: Bocaccio south of 34°27' N latitude:
Jan-Feb: 100 lb/ 2 months; Mar-Apr: CLOSED
 - Line 29: Shallow nearshore south of 34°27' N latitude:
Jan-Feb: 300 lb/ 2 months; Mar-Apr: CLOSED
 - Line 32: Deeper nearshore south of 34°27' N latitude:
Jan-Feb: 500 lb/2 months; Mar-Apr: CLOSED
3. a. Pg. 7 #4: Correct to “Fishing allowed for divers and shore-based anglers.”
b. Pg. 7 #6: Correct two parenthetical texts to “(other than divers and shore-based)”
4. Pg 7 Add #9a: North of 40°10' N latitude: Remove black rockfish sublimit of zero within the RCG Complex (sublimit was imposed as inseason action in 2004).

Mr. Anderson asked about potential co-occurring rockfish impacts with varying lingcod minimum size limits in California recreational fisheries? Ms. Aseltine-Neilson explained rockfish impacts would be higher with a 26-inch size limit (relative to a 24-inch size limit) because anglers would spend more time on the water to get their lingcod.

Mr. Brown offered the following friendly amendment, which was accepted as part of Motion 26: for the southern trawl fishery - only one gear allowed on board, except midwater gear is allowed when large footrope gear is on board.

Motion 26 passed.

Mr. Harp moved and Mr. Anderson seconded a motion (Motion 27) to adopt the tribal groundfish management measures proposed under Exhibit C.6.c, Proposed Treaty Indian Management Measures provided on Wednesday.

Motion 27 passed.

Ms. Vojkovich asked for guidance on using California Recreational Fisheries Survey (CRFS) to revise seasons and harvest specifications once these data become available. Ms. Cooney said the Council can change seasons routinely with new data, but not ABCs and OYS. The mid-process OY adjustment process (e.g., red light/green light) may result in a policy to decrease OYS mid-season with a new stock assessment. Ms. Vojkovich asked if the Council could contemplate routine changes to depths and seasons with new data and Ms. Cooney said yes.

Dr. Burke said it was notable the Council recommended implementation of the selective flatfish trawl strategy for 2005-2006. This was an example of good collaboration between research and industry. She requested Chairman Hansen work with Dr. McIsaac on a “thank-you celebration party” at the November Council meeting. The State of Oregon would be happy to provide financial assistance.

Mr. Brown noted this was the first time in a long time that target species' limits are constraining non-whiting trawl fisheries rather than limits for overfished species. Mr. Anderson requested timely reporting of observer data since early feedback may be critical to manage this fishery well during the 2005-2006 management cycle.

D. Enforcement Issues

D.1 Preliminary Report on Contact to Violation Ratio In Groundfish Recreational Fisheries (06/16/04; 10:31 am)

D.1.a Agendum Overview

Mr. Jim Seger provided the agendum overview.

D.1.b Enforcement Consultants Report

Captain Mike Cenci briefed the Council on the contents of Exhibit D.1.b which provides some data regarding contact to violation ratios in the recreational groundfish fishery. The EC are concerned that there may be a need to use violation ratios to adjust estimates of total mortality in the recreational fishery. Captain Cenci noted there are many problems collecting regulation compliance data and that the level of detail of information collected varies from state to state and, that with dual fisheries occurring at the same time, the officers could code activity in a number of different ways. Captain Cenci explained specific information in Table 1 of Attachment D.1.b, as well as the action plan named operation “Orange Crush”.

Mr. Brown asked about the rate of compliance with regulations in recreational hunting activities. Captain Cenci said the range is generally 5 to 10% violations, but depends on what type of law enforcement you have available in the area. An actual compliance rate may only be around 60%.

Mr. Cedergreen asked about the results of operation “Orange Crush” with regard to whether the canary rockfish were kept knowingly or mis-identified? Captain Cenci said 95% of the retention was intentional as people had problems throwing fish away. There is also a mutilated fish category of which many were canaries. That also lends to the belief that much of the retention was intentional.

D.1.c Reports and Comments of Advisory Bodies

SSC

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

Dr. McIsaac asked, in regard to the last sentence of the SSC statement encouraging the EC to continue taking snapshots of compliance, if the SSC considered how a random sampling program could provide the desired information? Dr. Hill responded in the affirmative, but noted the SSC also understands the funding and personnel constraints. A design of further sampling programs would depend on available funding. Dr. Hill stated that perhaps more snapshots could provide enough information for certain ports or areas, but not a

generic mortality rate. The SSC felt it might be preferable to improve the overall estimates of discard mortality in the recreational fishery rather than just focusing on the regulation compliance.

Dr. McIsaac asked if the SSC has the expertise to review a stratified random sampling program design that the EC would use over the summer? Dr. Hill replied yes.

Mr. Ticehurst asked if the data is statistically significant? Dr. Hill said they are not in a position to reply, but the SSC recognizes there is a problem and realizes there are larger problems with the total recreational take estimates that need to be addressed.

GAP

Mr. Seger read Exhibit D.1.c, Supplemental GAP Report.

D.1.d Public Comment

None.

D.1.e Council Guidance on Preliminary Report on Contact to Violation Ratio In Groundfish Recreational Fisheries

Mr. Robinson asked Captain Cenci if there are instances of one individual having more than one citation. Captain Cenci said yes and agreed that the compliance rate would be higher if you adjusted for those instances.

Mr. Brown cautioned the Council about trying to gear up an extensive and expensive sampling program to better document a relatively small number of fish.

Ms. Vojkovich thanked the EC for undertaking this operation and noted it serves several purposes. Any opportunity to evaluate the effectiveness of our operations are valuable. This also could give us some idea of a trend (if we receive this on a regular basis). Keeping in mind the personnel issues and the cost-benefit ratio of launching into this, it might be a tool for the EC to focus on in certain ports. It could also help us with our communication efforts as well.

In response to questions about what the EC could provide the Council beyond the current information, Captain Cenci said it is hard to run a long term look at the recreational groundfish fishery because it occurs when salmon fishing occurs and resources are limited.

Cdr. Fred Myer stated that Mr. Brown's comments about the low percentage of fish being taken illegally enforces why the U.S. Coast Guard (CG) concentrates its enforcement effort primarily on the high priority groundfish fisheries. In the commercial groundfish fishery they see a compliance rate of about 97%. There may be a potential for the CG to provide additional assistance, but it would have to be a focused, limited time.

E. Habitat

E.1 Current Habitat Issues (06/15/04; 11:24 am)

Ms. Gilden provided the agendum overview.

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

Mr. Stuart Ellis provided Exhibit E.1.a, Supplemental HC Report.

E.1.b Reports and Comments of Advisory Bodies

None.

E.1.c Public Comment

None.

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

Ms. Vojkovich said it appears there will be recommendations about the Central Valley Water Project coming from NMFS in mid-July. The HC recommended a fast track letter or consultation. That portion of the state's watershed produces a considerable amount of salmon for California fisheries, and impacts to EFH can have ripple effects down the road. Ms. Vojkovich recommend a fast-track letter be written.

Mr. Anderson asked Mr. Ellis about the status of the Columbia River summer spill reductions and mitigation package. Mr. Ellis said under the proposal a set of offsets was designed to protect wild fish. BPA was going to put aside funds the basin managers could use for habitat-related projects. They also proposed an offset to benefit hatchery populations; however, one of the main ones proposed that 200,000 subyearling type fish at Lyons Ferry hatchery be held over and be released as yearlings. That led to a disagreement between the states and tribes. At a meeting on Monday, the tribes, states, and feds were going to discuss these issues. Environmental groups may also file litigation to keep the summer spill reductions from happening.

Dr. McIsaac asked how this proposal would be decided upon. Is there a NEPA analysis requirement? Mr. Ellis said the BPA thought a NEPA analysis was not required, but that it could be folded into the rewriting of the hydro system plan.

Mr. Robinson said the SWR will work with Council staff to prepare the fast-track letter referred to by Ms. Vojkovich.

Dr. McIsaac explained the procedures required for a fast track letter. After receiving information from NMFS SWR, Council staff will develop the letter and circulate it to all Council members. When 4 or 5 Council members and the chairman approve the letter, then it will be sent. There is also the opportunity for a conference call if necessary.

F. Coastal Pelagic Species Management

F.1. NMFS Report

F.1.a Informational Update

Mr. Svein Fougner provided a brief report about NMFS CPS-related activities. He stated that NMFS was prepared to do a rulemaking to implement the Pacific mackerel harvest guideline. He noted that preparations were underway to execute the September 1 reallocation of Pacific sardine, per the interim allocation framework. He spoke about the letter to the Council from NMFS (F.1.a), which outlines several CPS FMP-

related issues that NMFS is requesting the Council consider. He emphasized that, while the issues raised in the letter are important, these issues were not of a higher priority than the sardine allocation FMP amendment currently under development.

Related to international matters, Mr. Fougner spoke about the Tri-National Sardine Forum (US, Canada, Mexico). He noted that the Forum had provided a beneficial means for scientists and industry participants to share information about their respective sardine fisheries. He encouraged the Council to continue its participation in the Sardine Forum.

F.1.b Reports and Comments of Advisory Bodies

None.

F.1.c Public Comment

None.

F.1.d Council Discussion on NMFS Report

None.

F.2 Pacific Mackerel Harvest Guideline for the 2004/2005 Season

F.2.a Agendum Overview

Mr. Dan Waldeck provided the agendum overview. He described scheduled Council action, which is to review the current Pacific mackerel stock assessment and consider adoption of the harvest guideline for the July 1, 2004-June 30, 2005 fishery.

F.2.b Reports and Comments of Advisory Bodies

Stock Assessment Team

Dr. Kevin Hill provided the assessment information (PowerPoint on stock assessment document) and reviewed the harvest guideline derived from the FMP formula.

SSC

Dr. Kevin Hill provided Exhibit F.2.b, Supplemental SSC Report.

CPSMT

Dr. Sam Herrick provided a summary of Exhibit F.2.b, Supplemental CPSMT Report.

CPSAS

Mr. John Royal provided Exhibit F.2.b, Supplemental CPSAS Report.

F.2.c Public Comment

None.

F.2.d Council Action: Adopt Pacific Mackerel Harvest Guideline for the 2004/2005 Season

Ms. Vojkovich moved (Motion 9) and Mr. Brown seconded a motion to adopt a harvest guideline (HG) of 13,268 mt for July 1, 2004-June 30, 2005. Of this amount, the directed fishery HG would be 9,100 mt; there would be a set-aside of 4,168 mt for incidental catches and an incidental catch rate limit of 40% when Pacific mackerel are landed with other CPS, except that up to one mt of Pacific mackerel can be landed without landing any other CPS.

In response to the CPSAS request for a mop-up fishery contingent on availability of HG toward the end of the season, Ms. Vojkovich moved and Mr. Thomas seconded a motion (Motion 10) that the Council request NMFS to monitor fishery landings and to report on the remaining HG at the March 2005 meeting. Based on this information, NMFS would advise the Council if additional action (e.g., opening of a mop-up fishery) is warranted. Motion 10 passed. This contingency would only be needed if the directed fishery HG is attained and the fishery is operating under the incidental allowance cap.

F.3 Fishery Management Plan (FMP) Amendment--Sardine Allocation

F.3.a Agendum Overview

Mr. Waldeck provided an overview of the matter at hand and anticipated Council action.

F.3.b Reports and Comments of Advisory Bodies

Dr. Herrick provided Exhibit F.3.b, CPSMT Report. Mr. Royal provided Exhibit F.3.b, CPSAS Report.

F.3.c Public Comment

Mr. John Delucca, State Fish Co., San Pedro, California

Mr. Mike Okeneski, West Coast Seafood Processors Association, Portland, Oregon

Ms. Dianne Pleschner-Steele, California Wetfish Producers Association, California

F.3.d Council Guidance on Initiation of an FMP Amendment

Regarding the May 18, 2004 letter from NMFS, Mr. Fougner emphasized that the sardine allocation framework was the top priority. However, the letter identifies several issues that might need to be addressed through amendment of the CPS FMP and it might be possible to add these issues to the FMP amendment for sardine allocation. He suggested that the review of CPS essential fish habitat could be a candidate for inclusion in the current action. He also noted that, related to bycatch in CPS fisheries, NMFS-SWR was implementing a pilot program to place observers aboard CPS vessels in California. He reiterated that the sardine allocation process is the top priority.

Dr. McIsaac noted that the CPSMT suggested they could review the FMP-related issues and identify those issues that would need to be addressed through amendment to the CPS FMP and if they could be addressed in the short-term or would require more extensive time to complete. Mr. Fougner welcomed the CPSMT recommendation and suggested the CPSMT be asked to report their findings at the September 2004 meeting.

Mr. Alverson asked about the schedule for developing and implementing the sardine allocation amendment. Mr. Waldeck described the schedule developed by Council staff. The Council would review a set of

alternatives at the November 2004 meeting, preliminary adoption of a preferred alternative could occur at the April 2005 meeting, and final action could occur at the June 2005 Council meeting. If this schedule held, NMFS would have six months to review the Council's recommendation, conduct the rulemaking process, and potentially implement the new allocation framework in time for the January 2006 season.

Mr. Waldeck suggested that there are three issues the Council should consider: formal decision on moving forward with the FMP amendment and the contents of an FMP amendment (i.e., to add issues identified by NMFS in the May 18, 2004 letter); direction to the advisory bodies; and the need for scoping meetings.

Mr. Anderson moved (Motion 11) for the Council to: initiate an FMP amendment process and, at a minimum, include consideration of a long term allocation framework for sardine; direct the CPSMT to assess the FMP-related items identified by NMFS in May 18, 2004 letter and report their recommendations at the September 2004 meeting; and at the September 2004 meeting, the Council would determine the scope of the FMP amendment. Mr. Alverson seconded the motion.

Mr. Brown asked for clarification if the motion was directing the CPSAS to develop the initial alternatives for consideration? Mr. Anderson said he would be pleased to include specific direction to the CPSAS to develop a range of alternatives relative to sardine allocation.

Dr. Burke asked about Mr. Anderson's reference to scoping opportunity for consideration of other issues that could be included in the FMP amendments. She thought that the scoping opportunity mentioned by Mr. Waldeck was specific to sardine allocation? Mr. Waldeck stated his understanding that Mr. Anderson was referring to determining the scope of the FMP amendment at the September meeting. That is, deciding what issues to address, solely sardine allocation or other issues as well. Mr. Waldeck continued that the scoping hearings he referred to would be for garnering public input about sardine allocation.

Mr. Anderson clarified that his motion did not include the summer scoping hearings, but specific consideration at the September meeting to determine the workload involved and issues that would be addressed in the FMP amendment. Moreover, the CPSAS would provide a report on development of sardine allocation alternatives at the September meeting and a draft range of alternatives at the November meeting.

Dr. Burke was satisfied by the clarification.

Mr. Brown said the result of the motion would indicate the Council was proceeding with development of a new allocation framework, but inclusion of other FMP issues would not be determined until the September meeting? Mr. Anderson replied, yes, because he did not feel there was enough information at this meeting to determine the scope of the FMP amendment.

Ms. Vojkovich asked for clarification on the requirements for public scoping and the necessity of holding scoping hearings, especially as it relates to the CPSAS beginning development of allocation alternatives? Mr. Waldeck said he envisaged the purpose of the scoping hearings would be to introduce this topic and provide current information to the public so they are aware the Council is considering taking action on the issue of sardine allocation and, possibly, other items. The hearings would not be focused on the alternatives at this point, but would be informational for the public.

Ms. Vojkovich said she is concerned about waiting until September for input from the public on the initial range of sardine allocation alternatives.

Mr. Anderson stated his understanding of scoping under the FMP amendment process was that scoping relates to formal public review of the alternatives, but there is no requirement for informational-type scoping

sessions. Mr. Anderson noted that public hearings could occur after the Council adopts a preliminary range of alternatives, possibly after the November 2004 Council meeting.

Mr. Waldeck clarified that his reference to initial public scoping sessions was based on the Council's experience in drafting the HMS FMP where scoping was done at the outset of the process. He suggested that, as an alternative, the Council could publish (in the *Federal Register*) notice of its intent to undertake amendment of the CPS FMP to address sardine allocation. This would provide public notice of the proposed Council action.

Mr. Anderson concurred with this suggestion.

Ms. Cooney and Mr. Fougner agreed that public notice via an Advance Notice of Proposed Rulemaking in the Federal Register would be prudent. Ms. Cooney, in response to a question about the CPSAS developing allocation alternatives, indicated this should not cause procedural issues.

Dr. McIsaac restated the motion (Motion 11). The Council would initiate an amendment to the CPS FMP. The primary purpose of the FMP amendment would be allocation of the coastwide Pacific sardine harvest guideline. To facilitate development of the amendment, the Council directed the CPSAS to draft a range of alternative sardine allocation scenarios. Council staff will publish notice in the Federal Register of the Council's intention to develop an FMP amendment related to Pacific sardine allocation, including solicitation of public comment. The Council also directed the CPSMT to review the FMP-related issues in the NMFS May 18, 2004 letter and to report their findings at the September 2004 meeting.

Motion 11 passed.

Ms. Vojkovich asked, with the new sardine assessment and CPS STAR Panel pending, and the use of the interim allocation contingent on the 2005 sardine HG being at least 90% of the 2003 HG, could there be a problem with the allocation in 2005? Does the Council have options?

Mr. Anderson responded that, if the 2005 HG is too low, the allocation reverts back to the original FMP formula. Chairman Hansen concurred.

Ms. Vojkovich, regarding direction to the CPSAS, requested the CPSAS strive to develop a flexible allocation system. She cautioned against ending up with an allocation program that necessitates another FMP amendment (in the near future) because what was adopted is not adaptable to the current needs of the sardine fishery.

Ms. Vojkovich said Ms. Pleschner has commented before about the need for research and being able to assess the coastwide sardine stock. She urged NMFS to move forward with a comprehensive research program, including collaborative research. She requested NMFS-SWFSC be asked to report about CPS research activities at each Council meeting, similar to what is done for groundfish.

Dr. Burke asked if it would be prudent to have a mechanism in place to develop allocation alternatives if the CPSAS becomes deadlocked?

Mr. Anderson said he contemplated the period of time between now and September would be the time for the CPSAS and CPS industry to begin development of alternatives and to report progress at the September Council meeting. If need be (e.g., if progress is stalled), the Council could intercede.

Dr. Burke wanted clarification of when the states would be able to hold public hearings. Mr. Anderson

responded that the alternatives would be brought into focus at the November meeting. Public hearings could be scheduled subsequent to the November meeting.

Mr. Waldeck reiterated that staff would publish notice of the Council's intent in the *Federal Register*.

G. Marine Protected Areas

G.1 Federal Waters Portion of the Channel Islands National Marine Sanctuary (CINMS) Schedule Update (06/17/04; 10:20 am)

G.1.a Agendum Overview

Mr. Waldeck provided an overview.

G.1.b Schedule Update by CINMS Staff

Mr. Chris Mobley and Mr. Sean Hastings updated the Council on progress. They emphasized that CINMS is using a transparent process, coordinating with the Council and state of California, and doing outreach to the fishing community. They reviewed the 3 current alternatives, which propose to extend existing state marine reserves and conservation areas into federal waters within CINMS. CINMS is requesting the Council direct their advisory bodies to review the preliminary working draft document to facilitate development of Council recommendations to CINMS for proceeding with DEIS development. They are particularly seeking input on the adequacy of the range of alternatives and technical merits or deficiencies of data or analyses that would be used in the DEIS.

Mr. Mobley noted that the fishing workgroup was still developing their proposed alternative. This alternative would be incorporated when it is provided to CINMS.

Mr. Fougner thanked CINMS for their cooperative spirit in working with the Council.

G.1.c Reports and Comments of Advisory Bodies

Dr. Kevin Hill provided Exhibit G.1.c, Supplemental SSC Report. Ms. Kathy Fosmark provided Exhibit G.1.c, Supplemental GAP Report. Mr. Mike Osmond provided Exhibit G.1.c, Supplemental HC Report.

G.1.d Public Comment

Mr. Bill James, open access fisherman, Salem, Oregon

Ms. Kathy Fosmark, Alliance of Communities for Sustainable Fisheries, Pebble Beach, California

Mr. Craig Helms, The Ocean Conservancy, Santa Barbara, California

Mr. Randy Fry, Recreational Fishing Alliance, Sacramento, California

G.1.e Council Discussion and Guidance on CINMS Schedule

Ms. Patty Wolf stated she had a schedule to propose and asked Dr. McIsaac to assist with describing it for the Council. She noted that it was clear from the advisory body comments that they require more time to review the CINMS material. She also noted the SSC offer to work with CINMS staff.

Ms. Wolf moved and Mr. Anderson seconded a motion (Motion 16) to ask the SSC to work with CINMS and

to review the draft document, to direct the advisory bodies to complete their review of the CINMS materials no later than the September 2004 Council meeting, and for the Ad Hoc Channel Islands Marine Reserve Committee (CIMRC) to meet prior to the November Council meeting to develop recommendations for the Council.

Dr. McIsaac described his view of the Council role. It involves three components – (1) reviewing the proposed range of alternatives, (2) considering selection of a preferred alternative, and (2) drafting fishery regulations under the NMSA. Currently, the Council is deciding how to review and comment on the proposed range of alternatives, which would occur at the November 2004 meeting. After the November meeting, CINMS would begin to develop the DEIS, during this process the Council would have opportunity to address components 2 and 3. He agreed with the schedule of events outlined by Ms. Wolf.

Mr. Anderson said he thinks it is important for the Council to play an active role in this process. The Council has invested a considerable amount of time and resources on the CINMS MPA issue within state waters, and we need to do the same for the federal waters portion. He supported the motion.

Mr. Warrens noted the concerns raised by Mr. Fry about process and information being used by CINMS. He requested that the issues raised by Mr. Fry be discussed by the CIMRC.

Ms. Wolf agreed with Mr. Warrens' suggestion. She suggested the CINMS staff consider all of the comments they have heard this week from the Council and advisory bodies, as well as the comments developed in preparation for the November Council meeting.

Dr. Burke noted that the Council should be mindful of its expanding workload, especially to ensure that the advisory bodies are not overloaded.

Mr. Ticehurst asked Mr. Fry to provide his written statement to Council staff for distribution to the Council. Mr. Fry agreed (audience).

Chairman Hansen asked for the vote. Motion 16 passed.

G.2 Guidelines for Review of Marine Reserves Issues (06/17/04; 11:14 am)

G.2.a Agendum Overview

Mr. Waldeck provided the agendum overview.

G.2.b Scientific and Statistical Committee (SSC) Report

Dr. Hill provided the progress report to the Council.

G.2.c Reports and Comments of Advisory Bodies

Ms. Kathy Fosmark provided Exhibit G.2.c, Supplemental GAP Report. Mr. Mike Osmond provided Exhibit G.2.c, Supplemental HC Report. Mr. Steve Joner read the statement of the Makah tribes about the MPA issue (supplemental in BB).

G.2.d Public Comment

Mr. Greg Helms, The Ocean Conservancy, Santa Barbara, California

Ms. Kate Wing, NRDC, San Francisco, California

Ms. Kathy Fosmark, Alliance of Communities for Sustainable Fisheries, Pebble Beach, California

Mr. Paul Englemeyer, resident of Oregon coast, Yachats, Oregon

Mr. John Holloway, Oregon Anglers recreational group, Portland, Oregon

G.2.e **Council Action:** Consider Adopting Guideline Recommendations

Mr. Waldeck highlighted for the Council the SSC's request for more time to consider the public and agency comments, and to finalize the SSC white paper. The SSC suggested a final version of the white paper should be ready for Council action at the September meeting.

Mr. Brown agrees with the SSC request. In regard to public comments, the SSC has the discretion to accept or reject certain comments. He suggested that, if the SSC rejected certain comments, the SSC should document why the comments were rejected, notably if there was a technical basis for rejecting the comment.

Mr. Waldeck said the guidance from Mr. Brown would be included and Dr. Hill (SSC) concurred.

Mr. Anderson brought to the Council's attention a recent meeting of the Olympic Coast National Marine Sanctuary (OCNMS). At their meeting, Mr. Anderson provided a presentation from the WDFW perspective, Dr. Clarke reviewed NWFSC research activities, and Mr. Waldeck presented information on the regional council process and current Pacific Council initiatives. He described the OCNMS Sanctuary Advisory Council and its representation, including WDFW and tribal representatives. He suggested the Council keep track of their activities and engage them as appropriate.

The Council commended the SSC for their work to date on the draft "white paper." Recognizing the importance of the SSC document, and the need to fully account for public and agency comment about the document, the Council directed the SSC to thoroughly review comments received and finalize the document for Council consideration at the September 2004 meeting. Further, the Council tasked the SSC with briefly responding to comments received in writing, as part of their materials for the September Council meeting.

G.3 Update on Miscellaneous Marine Protected Areas Activities (06/17/04; 1:19 pm)

G.3.a Agendum Overview

Mr. Waldeck provided the agendum overview.

G.3.b Gulf of Farallones and Cordell Bank National Marine Sanctuaries Staff Reports

Ms. Anne Walton and Mr. Dan Howard Central Coast Sanctuaries (Gulf of Farallones NMS and Cordell Bank NMS) provided a PowerPoint presentation describing the sanctuaries joint management review process.

G.3.c Marine Protected Areas Science Institute Update

Ms. Lisa Wooninck, Santa Cruz Lab MPA Science Institute initiative, provided a PowerPoint presentation describing the National MPA Center's Science of MPAs and fishery management project.

G.3.d Reports and Comments of Advisory Bodies

Mr. Dan Waldeck read Exhibit G.3.d, Supplemental SSC Report.

G.3.e Public Comment

Mr. Bill James, commercial fisherman, Salem, Oregon

Ms. Kathy Fosmark, Alliance of Communities for Sustainable Fisheries, Pebble Beach, California

G.3.f Council Discussion on Marine Protected Areas Science Institute Update

Mr. Anderson said that he appreciated the information provided by the presenters. He opined that they are following the correct procedures, in terms of coordinating with and informing the Council.

G.4 Monterey Bay National Marine Sanctuary Krill Harvest Ban Proposal (06/17/04; 2:24 pm)

G.4.a Agendum Overview

Mr. Waldeck provided the agendum overview.

G.4.b MBNMS Staff Report

Dr. Holly Price provided a powerPoint presentation describing how the krill harvest ban proposal evolved from the Sanctuary's management plan review process. MBNMS requested the Council consider a ban on directed harvest of krill within MBNMS. She noted that each of the three West Coast states currently prohibit landing of krill.

G.4.c Reports and Comments of Advisory Bodies

Supplemental GAP Report G.4 was read into the record. Mr. Mike Osmond provided Supplemental HC Report G.4.

G.4.d Public Comment

Mr. Bill James, commercial fisherman, Salem, Oregon

Ms. Karen Reyna, Ocean Conservancy, San Francisco, California

G.4.e Council Discussion and Guidance on Monterey Bay National Marine Sanctuary Krill Harvest Ban Proposal

Mr. Brown stated that this issue was an example of the need for a way to address issues that cross-cut the Council's FMPs. That is, this issue is relevant to all Council-managed fisheries and there isn't a simple way to address it procedurally. He suggested there is a need for an overarching Management Plan that could be used to address issues like forage fish, marine reserves, habitat, etc.

Dr. Hanson provided some details about how the NPFMC addressed the forage fish issue. He described the joint FMP amendment for the NPFMC BSAI and GOA FMPs. He stated the amendment was developed rapidly, with virtually no opposition. There is an exception for forage fisheries in state waters.

Dr. Burke said she supports the idea of the Pacific Council developing measures to prohibit development of a krill fishery. She also supported Mr. Brown's suggestion for an overarching, cross-cutting Management Plan.

Relative to krill, Mr. Fougner offered to research potential mechanisms for addressing the Council's

concerns. He will work with NOAA General Counsel and the SWFSC to develop a list of options for the Council to consider at the September meeting.

Mr. Tim Roth noted that USFWS supported a ban on commercial krill fishing in the EEZ. He suggested the Council might want to consider other prey forage species as well.

Mr. Anderson supported the thoughts expressed by Dr. Burke, Mr. Roth and others. He supported Mr. Fougner's offer. Ms. Wolf concurred.

The Council initiated consideration of prohibiting directed fisheries for krill and, potentially, other forage species. Council staff will work with NMFS Southwest Region and NOAA-General Counsel to develop information about procedural mechanisms for prohibiting fishing for krill and other forage species within the West Coast U.S. Exclusive Economic Zone. The Council will review this information and provide further guidance at the September 2004 meeting.

4 P.M. PUBLIC COMMENT PERIOD

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

Mr. Peter Hutula, PMCC, Astoria, Oregon, spoke concerning a fisheries related recommendation of the US Commission report. (Written comment provided under 4 pm Public Comment).

ADJOURN

The meeting was adjourned on Friday, June 18, 2004 at 12:45 pm.

DRAFT

Council Chairman

DRAFT

Date

DRAFT VOTING LOG
Pacific Fishery Management Council
June 13-18, 2004

Motion 1: Approve the agenda as shown in Exhibit A.4, June 2004 Council Meeting Agenda.

Moved by: Mark Cedergreen
Motion 1 passed.

Seconded by: Phil Anderson

Motion 2: Approve the March 2004 Council Meeting minutes.

Moved by: Ralph Brown
Motion 2 passed.

Seconded by: Frank Warrens

Motion 3: Relative to Item 2 (Pacific whiting fishery), have the GMT pursue a voluntary area closure option and the option that establishes a trigger and NMFS authority to close the fishery if that trigger is attained and that we not pursue any of the other options listed in the GMT report.

Moved by: Patty Burke
Motion 3 passed.

Seconded by: Ralph Brown

Motion 4: For the limited fixed gear Sablefish tier limit: Correct the tier limits shown on page 1 of Exhibit C.3.b, Supplemental GMT Report.

Moved by: Bob Alverson
Motion 4 passed. Mr. Brown abstained.

Seconded by: Jim Harp

Motion 5: Relative to the limited entry trawl fishery recommendations as indicated in supplemental GMT Report Exhibit C.3.b, adopt recommendations one through ten. Include an allowance for a chilipepper fishery on page 13, line 21 of 1,000 pounds of chilipepper for small footrope gear with no more than 200 pounds per month that could be minor shelf and widow rockfish.

Moved by: Marija Vojkovich
Motion 5 passed.

Seconded by: Daryl Ticehurst

Motion 6: Adopt the GMT recommendation to request voluntary industry cooperation in avoiding specific areas of canary rockfish abundance and to move forward with an option to have an emergency rule initiated by NMFS so that if 7.3 metric tons of canary rockfish is attained, NMFS could close this fishery for all or some sectors.

Moved by: Patty Burke
Motion 6 passed. Mr. Robinson voted no.

Seconded by: Ralph Brown

Motion 7: Adopt the recommendations of the GMT as shown in Exhibit C.3.b, Supplemental GMT Report, item #11 on page 3 under limited entry fixed gear, and the recommendation on page 4, item #12 relative to management lines.

Moved by: Bob Alverson
Motion 7 passed.

Seconded by: Ralph Brown

Motion 8: Adopt the remainder of the GMT report (Exhibit C.3.b, Supplemental GMT Report), including the trip limit tables and scorecard.

Moved by: Phil Anderson
Motion 8 passed.

Seconded by: Jerry Mallet

Motion 9: Adopt a harvest guideline (HG) of 13,268 mt for July 1, 2004-June 30, 2005. Of this amount, the directed fishery HG would be 9,100 mt; there would be a set-aside of 4,168 mt for incidental catches and an incidental catch rate limit of 40% when Pacific mackerel are landed with other CPS, except that up to one mt of Pacific mackerel can be landed without landing any other CPS.

Moved by: Marija Vojkovich
Motion 9 passed.

Seconded by: Ralph Brown

Motion 10: Request NMFS to monitor fishery landings and to report on the remaining HG at the March 2005 meeting. Based on this information, NMFS would advise the Council if additional action (e.g., opening of a mop-up fishery) is warranted. This contingency would only be needed if the directed fishery HG is attained and the fishery is operating under the incidental allowance cap.

Moved by: Marija Vojkovich
Motion 10 passed.

Seconded by: Roger Thomas

Motion 11: For CPS, initiate an amendment to the CPS FMP. The primary purpose of the FMP amendment would be allocation of the coastwide Pacific sardine harvest guideline. To facilitate development of the amendment, the Council directed the CPSAS to draft a range of alternative sardine allocation scenarios. Council staff will publish notice in the *Federal Register* of the Council's intention to develop an FMP amendment related to Pacific sardine allocation, including solicitation of public comment. The Council also directed the CPSMT to review the FMP-related issues in the NMFS May 18, 2004 letter and to report their findings at the September 2004 meeting.

Moved by: Phil Anderson
Motion 11 passed.

Seconded by: Bob Alverson

Motion 12: Use the portions of the fishing impacts model identified in the forthcoming SSC Report on the fishing impacts model and follow the specific detailed guidance therein. The Council will also use GIS data and the other qualitative data on non-fishing effects and non-trawl gear types contained in the comprehensive risk assessment. The SSC report will be used during the

Groundfish EIS Oversight Committee meeting to help determine a range of alternatives in a more qualitative manner than would be suggested by using the fishing impacts model by itself.

Moved by: Marija Vojkovich
Motion 12 passed.

Seconded by: Roger Thomas

Motion 13: Preliminarily approve the four EFP applications for 2005/2006 from CDFG, ODFW, and WDFW.

Moved by: Phil Anderson
Motion 13 passed.

Seconded by: Mark Cedergreen

Motion 14: Adopt tentative management measures for 2005-2006 fisheries for GMT analysis (including proposed EFP set asides) and adopt final ABC and OY for other flatfish as provided in Exhibit C.6.c, Supplemental GMT Report, June 2004, page 11, GMT Recommendations, with the following additions and specifications:

1. Any residual amount of canary rockfish is assumed to be apportioned on a 50/50 basis between sport and commercial fisheries
2. Same as presented
3. Same as presented
4. Same as presented
5. Adopt recreational harvest guidelines for canary rockfish: California = 9.3 mt, North (Oregon and Washington) = 8.5 mt
6. Same as presented
7. Same as presented
8. Same as presented
9. Same as presented
10. As presented in Attachment 3, Tables 1 and 2, with the assumption that 6.0 mt will be provided in the scorecard for this fishery to cover any uncertainty in model projections
11. Same as presented
12. Replace language on page 8 under Washington recreational, 2nd paragraph (below bulleted list), with the following language:

If the recreational harvest guideline for canary, yelloweye, or lingcod specified for the Washington/Oregon area is projected to be exceeded, the Washington Department of Fish and Wildlife will consult with the Oregon Department of Fish and Wildlife, and may take action inseason to close all or portions of the recreational fishery deeper than 30 fms, or adjust seasons, bag limits, or size limits, as needed. For purposes of consistency and clarification, the action taken by the Washington Department of Fish and Wildlife would be specified in federal regulations (amendment to add language for OR and CA).
13. As presented by states, except canary cap for Washington Arrowtooth EFP set at 1.75 mt
14. Include tribal fishery regulations as presented in Exhibit C.6.c, Supplemental Proposed Treaty Indian Management Measures, June 2004
15. Revise language on page 18 that addresses the expected rise of the net in the wings could

- not exceed three feet
16. On page 6, replace Pigeon Point with Lopez Point
 17. Establish ABC for other flatfish at 6,781 mt and an OY of 4,909 mt
 18. Round the ABC/OY numbers for other fish as proposed on page 1
 19. Give the latitude to the GMT to include the Dover ABC when the information is provided by the assessment author
 20. Set limited entry fixed gear tiers and RCA boundary as proposed (GMT Report)

Moved by: Phil Anderson

Seconded by: Jim Harp

Amendment #1 Request the GMT to re-examine the 25% reduction for rex and sanddabs.

Moved by: Ralph Brown

Seconded by: Frank Warrens

Amendment #1 withdrawn (not voted on).

Amendment #2 Ask the GMT to remove the 25% reduction factor on sanddabs and rex sole.

Moved by: Ralph Brown

Seconded by: Frank Warrens

Amendment #2 failed.

Amendment #3 Adopt the GAP recommendations for item #13 (canary cap). Specifically, a canary cap of 1.5 mt in the Washington arrowtooth flounder EFP and a yelloweye cap of 0.5 mt in the Washington dogfish longline EFP.

Moved by: Patty Burke

Seconded by: Ralph Brown

Amendment #3 failed. (6 yes, 6 no, Chairman Hansen voted no).

Amendment #4 Include two options for California recreational fisheries: 1) exempt shore-based anglers and divers from depth and season restrictions, and 2) allow species in the Other Flatfish complex to be retained when caught with Pacific sanddabs (in the exempted sanddab fishery with the accompanying gear and area restrictions that are currently in regulations). Additionally, include: 1) a Cordell Bank closure specified with waypoints that approximate the 100 fm contour, 2) an exemption for the ridgeback prawn trawl fishery from the 75 fm trawl restriction south of Pt. Conception (south of 34°27' N latitude) that would allow the fishery to operate out to the 100 fm line, and 3) a 24-inch minimum size limit and two-fish bag limit for lingcod in the California recreational fishery.

Moved by: Marija Vojkovich

Seconded by: Roger Thomas

Amendment #4 passed.

Main Motion 14 passed as amended.

Motion 15: Assign the Allocation Committee to analyze how the Council may utilize lingcod while minimizing impact on other over fished species. This analysis would not be done for this meeting, but for sometime in the future.

Moved by: Bob Alverson

Seconded by: Mark Cedergreen

Motion 15 passed.

Motion 16: Ask the SSC to work with CINMS and to review the draft document, to direct the advisory bodies to complete their review of the CINMS materials no later than the September 2004 Council meeting, and for the Ad Hoc Channel Islands Marine Reserve Committee (CIMRC) to meet prior to the November Council meeting to develop recommendations for the Council.

Moved by: Patty Wolf
Motion 16 passed.

Seconded by: Phil Anderson

Motion 17: Adopt the alternatives in Table 2.6-1 of Exhibit C.7.a, Attachment 1, with the 4th paragraph of the GAP statement incorporated into the tables; secondly, include an SSC and NWFSC formal review of the sampling plan and protocols to provide assurance we are getting not only good sampling, but cost effective sampling. Also include using Table 2.6.1, inserting enforcement language from alternative 4 into alternative 3.

Moved by: Patty Burke
Motion 17 passed.

Seconded by: Bob Alverson

Motion 18: Approve the recommendations in Exhibit C.8.b, Supplemental GMT Report, specifically approve items #1, #2 (with an 8 mt value in the scorecard), #3, #4, #7, and #8.

Moved by: Phil Anderson
Motion 18 passed.

Seconded by: Bob Alverson

Motion 19: Approve a variation of item #6 in Exhibit C.8.b, Supplemental GMT Report, which allows restriction of other flatfish species with no sublimit when fishing for sanddabs.

Moved by: Marija Vojkovich
Motion 19 passed.

Seconded by: Roger Thomas

Motion 20: Approve the report of the Legislative Committee as contained in Exhibit B.4.b, Supplemental Legislative Committee Report; add the GAP Report (B.4.c) to the Legislative Committee Report.

Moved by: Marija Vojkovich
Motion 20 passed.

Seconded by: Roger Thomas

Motion 21: Approve the report of the Budget Committee as shown in Exhibit B.5.b, Supplemental Budget Committee Report.

Moved by: Marija Vojkovich
Motion 21 passed.

Seconded by: Roger Thomas

Motion 22: Appoint Ms. Susan Ashcraft to the Groundfish Management Team (California seat).

Moved by: Marija Vojkovich
Motion 22 passed.

Seconded by: Daryl Ticehurst

Motion 23: Appoint Dr. David Sampson to the Scientific and Statistical Committee.

Moved by: Patty Burke
Motion 23 passed.

Seconded by: Ralph Brown

Motion 24: Amend the previous motion on 2004 groundfish inseason management (Agenda Item C.3).

Moved by: Patty Burke
Motion 24 passed.

Seconded by: Phil Anderson

Motion 25: In the event of an inseason action, the states will consult with NMFS and NMFS would apply conforming rulemaking consistent with actions decided by the affected states. (Federal regulations conform with state regulations upon Council recommendation).

Moved by: Patty Burke
Motion 25 passed.

Seconded by: Phil Anderson

Motion 26: Adopt items 1 through 7 on Exhibit C.10.b, Supplemental GMT Report, with the following changes:

1. Page 5, #11 Ridgeback Prawn Trawl Exemption: Change south of 40°10' N. lat. to south of 34°27' N. lat.
2. South of 40°10' N. lat: Align LE fixed gear/OA ten-month season north and south of 34°27' N. lat: March-April closed as follows:
 - a. Correct Table 4 (South) page 20:
 - Line 16: Minor shelf rockfish, widow, and yellowtail rockfish South of 34°27' N. lat:
Jan-Feb: 2,000 lb/ 2 months; Mar-Apr: CLOSED
 - Line 23: Bocaccio South of 34°27' N. lat:
Jan-Feb: 300 lb/2 months; Mar-Apr: CLOSED
 - Line 27: Shallow nearshore south of 34°27' N. lat:
Jan-Feb: 300 lb/2 months; Mar-Apr: CLOSED
 - Line 30: Deeper nearshore South of 34°27' N. lat:
Jan-Feb: 500 lb/2 months; Mar-Apr: CLOSED
 - b. Correct Table 5 (South) page 22:
 - Line 19: Minor shelf rockfish, widow and chilipepper rockfish South of 34°27' N. lat:
Jan-Feb: 500 lb/2 months; Mar-Apr: CLOSED
 - Line 25: Bocaccio south of 34°27' N. lat:
Jan-Feb: 100 lb/ 2 months; Mar-Apr: CLOSED
 - Line 29: Shallow nearshore south of 34°27' N. lat:

Jan-Feb: 300 lb/ 2 months; Mar-Apr: CLOSED
Line 32: Deeper nearshore south of 34°27' N. lat:
Jan-Feb: 500 lb/2 months; Mar-Apr: CLOSED

3. a. Pg. 7 #4: Correct to “Fishing allowed for divers and shore-based anglers.”
b. Pg. 7 #6: Correct two parenthetical texts to “(other than divers and shore-based)”
4. Pg 7 Add #9a: North of 40°10' N. lat: Remove black rockfish sub-bag limit of zero within the RCG Complex (sublimit was imposed as in-season action in 2004).

The following friendly amendment was accepted as part of the motion: for the southern trawl gear - only one gear allowed aboard except midwater gear is allowed when large footrope gear is aboard.

Moved by: Marija Vojkovich
Motion 26 passed.

Seconded by: Roger Thomas

Motion 27: Adopt the final groundfish management measures for 2005 and 2006 as set forth in Exhibit C.6.c, Proposed Treaty Indian Management Measures which was distributed Wednesday.

Moved by: Jim Harp
Motion 27 passed.

Seconded by: Phil Anderson

**Meeting Record and Summary Minutes
Pacific Fishery Management Council
November 1-5, 2004**

The full record of the Pacific Fishery Management Council (Council) November 1-5, 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 Winter 2004 Council Newsletter.

DRAFT MINUTES
Pacific Fishery Management Council
November 1-5, 2004
Embassy Suites Portland Airport
7900 NE 82nd Avenue
Portland, OR 97220
503-460-3000

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A. Call to Order

A.1 Opening Remarks, Introductions Don Hansen, Chair

Meeting called to order at 9:07 am. A closed session was held from 8 to 9 am to discuss litigation and personnel matters. Opening remarks by Don Hansen, Chairman.

A.2 Roll Call

Dr. Don McIsaac called the roll and the following members were present:

Mr. Bob Alverson	Dr. Patty Burke
Mr. Phil Anderson	Mr. Brian Corrigan
Mr. Ralph Brown	Mr. Dave Ortmann
Mr. Mark Cedergreen	Mr. Tim Roth
Dr. Steve Freese	Mr. Roger Thomas
Mr. Don Hansen (Chairman)	Mr. Darryl Ticehurst
Dr. Dave Hanson (Parliamentarian)	Ms. Marija Vojkovich
Mr. Jim Harp	Mr. Frank Warrens
Mr. Jerry Mallet	Mr. Gordy Williams

Mr. Stetson Tinkham was absent.

A.3 Executive Director's Report

Dr. McIsaac provided a brief Executive Directors report, including a summary of the Informational Reports.

A.4. Council Action: Approve Agenda

The Council approved the agenda as shown in Agenda Item A.4, Council Meeting Agenda, November 2004. (Motion 1)

B. Administrative Matters

B.1 Approval of Council Meeting Minutes

This agenda item was cancelled (June 2004 minutes will be available at the March 2005 meeting).

B.2 Council Operating Procedures (COP) Document (11/05/04; 1:39 pm)

B.2.a Agenda Item Overview

None.

B.2.b Reports and Comments of Advisory Bodies

Provided as supplemental written reports.

B.2.c Public Comment

None.

B.2.d Council Action: Review and Approve Proposed Updates to COP Document

Mr. Anderson moved (Motion 27) and Mr. Harp seconded a motion to recommend the Council staff review the suggestions in the available advisory body reports and put out a subsequent draft for consideration in March. He also asked, with regard to COP 3, that the changes in that COP be as consistent as possible with current practices relative to roles and responsibilities, highlighting additional workload issues for a particular planning team.

Motion 27 passed.

B.3 Election of Council Chair and Vice Chair (11/05/04; 1:44 pm)

B.3.a Agenda Item Overview

None.

B.3.b Nominations

See B.3.c.

B.3.c Council Action: Elect Council Chair and Vice Chair

Mr. Harp moved (Motion 28) to re-elect Mr. Hansen Council Chairman and Mr. Ortmann Vice Chairman for the 2005 term. Mr. Thomas seconded the motion. Motion 28 passed.

B.4 Legislative Matters (11/05/04; 1:45 pm)

B.4.a Agenda Item Overview

Mr. Waldeck provided the agenda item overview.

B.4.b Legislative Committee Report

Mr. Waldeck read Exhibit B.4.b, Supplemental Legislative Committee Report.

B.4.c Reports and Comments of Advisory Bodies

GAP

Mr. Moore provided Agenda Item B.4.c, Supplemental GAP Report.

B.4.d Public Comment

None.

B.4.e Council Action: Consider Recommendations of the Legislative Committee

Mr. Harp moved for adoption of the Legislative Committee report and the recommendations therein. This motion was seconded by Mr. Ortmann, and passed by voice vote.

B.5 Fiscal Matters

B.5.a Agenda Item Overview

Dr. John Coon provided a brief overview.

B.5.b Budget Committee Report

Mr. Jim Harp provided the report of the Budget Committee.

B.5.c Reports and Comments of Advisory Bodies

None.

B.5.d Public Comment

None.

B.5.e **Council Action:** Consider Recommendations of the Budget Committee

The Council approved the report as shown in Agenda Item B.5.b, Supplemental Budget Committee Report. (Motion 30)

B.6 Interim Appointments to Advisory Bodies

B.6.a Agenda Item Overview

None.

B.6.b **Council Action:** Appoint Members to Advisory Bodies

Mr. Anderson moved (Motion 31) that Mr. John Holloway and Mr. Jim Martin fill the Groundfish Advisory Subpanel sport fisheries at-large positions; Mr. Mike Sorenson fill the Salmon Advisory Subpanel Oregon charter boat operator position; the Ad Hoc Allocation Committee Advisor (non-voting) positions be filled by Ms. Michele Longo-Eder (fixed gear), Mr. Pete Leipzig (limited entry trawl), Ms. Kathy Fosmark (open access), Mr. Bob Osborn (sport fisheries) Mr. Rod Moore (processor), and Mr. Mike Weber (conservation group), and the Coastal Pelagic Species Advisory Subpanel conservation group seat be readvertised to include nominees with regional orientation. Mr. Cedergreen seconded the motion. Motion 31 passed.

B.7 Work Load Priorities and Draft March 2005 Council Meeting Agenda (11/05/04; 2 pm)

B.7.a Agenda Item Overview

Dr. McIsaac provided the agendum overview.

B.7.b Reports and Comments of Advisory Bodies

None.

B.7.c Public Comment

None.

B.7.d Council Guidance on Work Load, March Council Agenda, and Priorities for Advisory Body Consideration

Working from the supplemental attachments for this agenda item, Council members worked with staff on setting the March agenda and priorities for advisory bodies.

C. Pacific Halibut Management

C.1 Proposed Changes to the Catch Sharing Plan and Annual Regulations (11/02/04; 9:18 am)

C.1.a Agenda Item Overview

Mr. Chuck Tracy presented the situation summary.

C.1.b State Proposals WDFW/ODFW

Mr. Phil Anderson presented Agenda Item C.1.b, Supplemental WDFW Reports 1 and 2.

Mr. Warrens asked what the difference in average size of the landed catch was in Washington areas with and without the 32 inch minimum size limit. Mr. Anderson replied that the difference was only about one inch different. Mr. Warrens asked if there were any biological implications to doing away with the minimum size limit. Mr. Anderson replied that size at age has changed over time for Pacific halibut, but that the commercial minimum size limit remains at 32 inches and if any disproportional impacts were being incurred, the International Pacific Halibut Commission (IPHC) would likely take swift action. Mr. Anderson was aware of no IPHC proposals, and felt there were no biological implications of either keeping or removing the 32 inch minimum size limit in the recreational fishery.

Dr. Burke presented Agenda Item C.1.b, Supplemental ODFW Reports 1 and 2.

C.1.c Tribal Comments

Mr. Jim Harp presented Agenda Item C.1.c, Tribal Comments.

C.1.d Reports and Comments of Advisory Bodies

Mr. Rod Moore provided Agenda Item C.1.d, Supplemental GAP Report.

C.1.e Public Comment

Mr. Jim Tuggle, sport fisherman, Tumwater, Washington

Mr. Steve Watrous, Columbia Pacific Anglers Association, Vancouver, Washington

Mr. Rod Lee, sport fisherman, Beaverton, Oregon

Mr. Kurt Bergner, Columbia River Sub-Area Oregon Marine Sports Fishing Group, Portland, Oregon
Mr. Dennis Richey, Oregon Anglers, West Linn, Oregon
Mr. Jim Crofts, sport fisherman, Sweet Home, Oregon
Ms. Janice Green, Oregon Anglers, Umpqua, Oregon
Mr. Butch Smith, Ilwaco Charterboat Association, Ilwaco, Washington
Mr. Ron Lethin, charter boat owner/operator, Hammond, Oregon
Mr. Mitchell Buell, Garibaldi Charters, Garibaldi, Oregon
Ms. Linda Mitchell, Garibaldi Charters, Garibaldi, Oregon
Mr. Mike Sorenson, charter boat operator, Toledo, Oregon

C.1.f Council Action: Adopt Proposed Regulatory Changes for Implementation in 2005

Dr. Patty Burke moved (Motion 2) to adopt the Oregon proposals for the Pacific Halibut Catch Sharing Plan (CSP) as listed in Agenda Item C.1.b, Supplemental ODFW Report 1, as corrected by Agenda Item C.1.b, Supplemental ODFW Report. Mr. Brown seconded the motion.

Dr. Burke, speaking to the motion, indicated that while Oregon had ample debate of the proposal to divide the Columbia River subarea at the state line, Washington did not, nor was there a collaborative debate involving both states, which should occur before considering such an action. She indicated that the testimony at the Oregon public hearings were clear, that the transfer and additional 2% of quota from the central Oregon subarea to the Columbia River subarea should not occur unless there was a guarantee that those fish were allocated to Oregon ports only; therefore the transfer provision could not occur at this time. She stated her motion included all provisions in Agenda Item C.1.b, Supplemental ODFW Report 1 except the transfer of fish from the Central Oregon subarea to the Columbia River subarea (proposal 6). She recommended the States of Oregon and Washington investigate the problem more over the course of the next year to reach an acceptable solution that includes adequate public input.

Dr. Burke observed that the proposed yelloweye rockfish conservation area was only the high relief portion of Stonewall Bank, not the entire area, and that most halibut are caught outside the high relief area. She feels the Council should take opportunities when available to close areas to protect overfished stocks, then evaluate the effects to see if they merit continuation.

Dr. McIsaac asked for clarification on the motion; Dr. Burke then withdrew Motion 2.

Dr. Burke moved (Motion 3) to adopt the proposals for the catch sharing plan as shown in Agenda Item C.1.b, Supplemental ODFW Report with the deletion of item #6; and incorporate the changes that were listed in ODFW Supplemental Report 2 to correct the language per NMFS recommendations. Mr. Brown seconded the motion.

Mr. Anderson remarked that there was a fair debate of item #6 in the Washington state meetings; but did not have a meeting of the affected constituents along the Columbia River to get this issue resolved. He stated that Washington was willing to work with Oregon over the next year to fully consider the issue.

Ms. Vojkovich indicated she was supportive of the closure for the Stonewall Bank area due to bycatch concerns.

Motion 3 passed.

Dr. Burke moved (Motion 4) to adopt Agenda Item C.1.b, Supplemental WDFW Report, WDFW Motion. Mr. Anderson asked for clarifying language to be inserted into the motion indicating the amount specified

was to be in pounds. Dr. Burke agreed. Mr. Anderson seconded the motion.

Dr. Burke noted the motion was intended to demonstrate a commitment to addressing the issues of equitable sharing in the Columbia River subarea while a long term solution could be worked out. She stated for the record that Oregon may consider including the Oregon portion of the Columbia River subarea with the rest of the central Oregon subarea in the future.

Ms. Cooney then noted the CSP is a long-term plan and will not change unless amended again.

Motion 4 passed.

Mr. Anderson moved (Motion 5) to make a change to the Pacific Halibut Catch Sharing Plan as reflected in C.1.b, Supplemental WDFW Report 2. Mr. Cedergreen seconded the motion.

Motion 5 passed.

D. Salmon Management

Mr. Dave Ortmann chaired the Salmon Management agenda.

D.1 Inseason Consideration of the 2005 Opening Date for Oregon Commercial and Recreational Fisheries South of Cape Falcon (11/02/04; 11:24 am)

D.1.a Agenda Item Overview

Mr. Chuck Tracy presented the situation summary.

D.1.b Agency and Tribal Reports and Comments

Mr. Curt Melcher, ODFW, noted there was no additional information on age-4 Klamath fall chinook abundance, and will not offer any modifications to the season opening dates, but may consider inseason action in March following release of new forecasts.

D.1.c Reports and Comments of Advisory Bodies

SAS

Mr. Don Stevens, provided Agenda Item D.1.c, Supplemental SAS Report.

D.1.d Public Comment

None.

D.1.e **Council Action:** Consider Modifying the March 15 Opening Date

None.

D.2 Salmon Methodology Review (11/02/04; 11:29 am)

D.2.a Agenda Item Overview

Mr. Tracy presented the situation summary.

D.2.b Scientific and Statistical Committee (SSC) Report

Dr. Pete Lawson presented Agenda Item D.2.b, Supplemental SSC Report.

Mr. Anderson noted that there was a “Catch 22” between having enough information to evaluate the model performance and having a large enough fishery to collect the necessary information. The WDFW approach was to start with small pilot fisheries to gain insight into model performance, then build on that experience. Dr. Lawson responded that the SSC report recognized the Catch 22 and provided some guidelines for expanding fisheries. The SSC requests future reports include a more rigorous statistical analysis.

Mr. Roth asked if there was a catch level or fishery size that the SSC would recommend to facilitate an adequate analysis. Dr. Lawson responded that using coded wire tags for stock composition information may never provide adequate information because of the low tag rates, but that genetic stock identification may provide a more powerful tool in the near future.

Mr. Ortmann asked how far in the future would genetic stock identification be available. Dr. Lawson responded that it was being used now in some areas, but probably within a year for Puget Sound fisheries. He noted that data collection can occur now, pending analysis at a later date after the baseline is established.

Mr. Williams asked what level of cooperation with the Canadian management agencies was required to facilitate use of the Chinook FRAM. Mr. Simmons responded that Canada has ceased electronic sampling due to budget concerns, and although this has raised concerns about double-index tag sampling, it has not compromised the model yet, and there are hopes that Canada can resume electronic sampling again before it becomes a significant problem.

D.2.c Model Evaluation Workgroup Report

Mr. Dell Simmons presented Agenda Item D.2.c, Supplemental MEW Report.

D.2.d Reports and Comments of Advisory Bodies

STT

Mr. Simmons presented Agenda Item D.2.d, Supplemental STT Report.

Mr. Brown asked if it would be possible to develop the necessary tools to evaluate a chinook mark selective fishery before prosecuting one. Mr. Simmons responded that there was a “Catch 22” of needing to have a substantial fishery to collect enough data to adequately develop the model to evaluate such a fishery.

Mr. Anderson noted that the internal structural limitations of the Chinook FRAM affected the models ability to evaluate both non-selective and mark selective fisheries. Mr. Simmons agreed, but stated that the effects were likely to be greater for mark-selective fisheries.

Tribes

Mr. Jim Harp presented Agenda Item D.2.d, Supplemental Tribal Comments.

D.2.e Public Comment

None.

D.2.f **Council Action:** Adopt Final Methodology Changes for 2005

No additional discussion or guidance.

Mr. Bob Lohn provided information regarding the Columbia River biological opinion under this agenda item.

D.3 Preseason Salmon Management Schedule for 2005 (11/02/04; 1:28 pm)

D.3.a Agenda Item Overview

Mr. Tracy presented the situation summary.

D.3.b Reports and Comments of Advisory Bodies

None.

D.3.c Public Comment

None.

D.3.d Council Action: Approve 2005 Hearing Sites and Management Schedule

Mr. Larson asked if there were contingencies if the information necessary to complete Preseason Report I was not available because the STT meeting dates were moved up to accommodate the Pacific Salmon Commission meeting. Mr. Tracy responded that the STT was consulted and they felt comfortable with the schedule, but the week following the STT meeting was available to complete the document if there were loose ends to wrap up.

Mr. Larson noted the concerns for Klamath River fall chinook may increase interest in the preseason process this year and asked if there would be Council funds available for an additional California public hearing in Eureka, since the single date for Ft. Bragg may be inadequate. Dr. McIsaac responded the Councils 2005 budget is still pending approval, but felt the Council should proceed assuming its priorities would be met. If a second meeting is deemed necessary and budget is available, the Council could discuss and act on the proposal at the March meeting.

Mr. Anderson asked if the hearing site locations listed in the situation summary that were not in bold would be proposed for meetings in 2005. Mr. Tracy responded that those are for reference only and to give an idea of attendance and locations history.

Dr. McIsaac asked what Council and state sponsored meetings were held in 2003. Mr. Tracy responded the Council sponsored meetings in Westport, Washington, Coos Bay, Oregon, and Fort Bragg, California. There were no state sponsored meetings in Washington or Oregon specifically to address the Council ocean fishery options, although the North of Falcon meetings did accommodate some of that process. California did sponsor a meeting to address Klamath in river issues, which also provided some opportunity for feedback on Council options. Mr. Anderson noted the two North of Falcon meetings were well attended and did provide specific sessions to address Council options.

Mr. Anderson was concerned with moving the STT preseason forecast meeting up a week, and increasing the risk of not having all of the preseason forecasts available.

Mr. Larson moved and Mr. Anderson seconded a motion (Motion 6) to adopt the schedule for the 2005 salmon management process as shown in Agenda Item D.3.a, Attachment 1, adding a contingency for another meeting in the Eureka, California area if Council budget allowed and public interest was sufficient.

Motion 6 passed.

D.4 Fishery Management Plan (FMP) Amendment Issues (11/02/04; 1:44 pm)

D.4.a Agenda Item Overview

Mr. Tracy presented the situation summary.

Mr. Brown asked if the amendment process included a scoping session and if this meeting constituted a scoping session. Mr. Tracy responded that the amendment process did require a scoping session to identify issues to be included in the amendment process, but that this meeting was not a formal scoping session. This meeting was just to update the Council on potential subjects and to allow the Council to consider if there were sufficient need to initiate the amendment process.

D.4.b Agency and Tribal Reports and Comments

Dr. Peter Dygert presented Agenda Item D.4.a, Attachment 2; Essential Fish Habitat Five-Year Review for the Pacific Coast Salmon Plan.

D.4.c Reports and Comments of Advisory Bodies

STT

Messrs. Doug Milward and Dell Simmons presented Agenda Item D.4.c, Supplemental STT Report.

Mr. Cedergreen asked if the process suggested by the STT would involve sending out a wide selection of selective and non-selective fishery options based on the Council's request for a particular fishery. Mr. Milward responded that only the options requested by the Council would be sent out for public review, but the STT would model the fishery according to the process outlined.

Mr. Anderson recommended developing a core, or base, non-selective option with allocations based on that option. Options II and III would incorporate selective fisheries based on process outlined in the STT report, which is consistent with the FMP. His intent is to avoid developing three options, all non-selective, then converting each to selective, resulting in essentially six options for public review.

Dr. McIsaac asked if the STT felt the procedures outlined in their report would require an FMP amendment to implement. Mr. Simmons responded no, that the procedures met not only the intent but the requirements of the current FMP.

Mr. Melcher asked what was proposed for the base fishery in terms of south of Cape Falcon fisheries. Mr. Milward responded it would be based on the historical average catch for a given sector, area, and time.

Mr. Warrens asked if a non-selective fishery could be established inseason, if it were contemplated

preseason, providing adequate impacts were available. Mr. Milward responded predicting the change in catch would be difficult, although the impacts could be modeled; however the procedure is a policy issue for the Council to consider.

Mr. Anderson asked if the procedure would be used to analyze the effects of 2004 regulations on 2005 forecast abundance, as used in Preseason Report I. Mr. Milward responded that it would not, because the preseason regulations specify selective fishery quotas, and those are what would be evaluated. That would then help form the base fishery from which the options would be derived.

Mr. Cedergreen asked if the March options would be based on a single impact level and the options would just vary the selective nature of the fisheries, as opposed to selecting three impact levels for public review. Mr. Milward responded it would be possible to have different impact levels and use the base fishery establishing approximate proportional impact levels for the respective sector, area, and time strata. However, the iterative process to determine actual modeled impacts for the strata will slow the final selection process.

SAS

Mr. Don Stevens presented Agenda Item D.4.c, Supplemental SAS Report.

Dr. McIsaac asked if the SAS recommendation was to develop a Klamath spring chinook management objective for 2005 management. Mr. Stevens responded that it was not intended for 2005 management, just as a prompt to move the process forward.

HC

Mr. Stuart Ellis presented Agenda Item D.4.c, Supplemental HC Report.

D.4.d Public Comment

Mr. Petey Brucker, Salmon River Restoration Council, Sawyers Bar, California

D.4.e Council Guidance on Salmon FMP Amendment Issues

Mr. Curt Melcher stated ODFW does intend to include the south of Cape Falcon coho allocation issue in the next FMP amendment. Because there is no longer a specific spawning escapement goal for OCN coho, the current FMP allocation formula can not be implemented. The sport and commercial allocation to the OCN harvest rate matrix may be an appropriate alternative. With the low allowable impacts available recently, it has not been an issue, but improving stock status may necessitate action soon. ODFW also anticipates including the revised OCN coho workgroup matrix into the FMP.

Mr. Anderson indicated that issues for consideration as amendment topics include coho allocation north of Cape Falcon as it relates to selective fisheries; updating conservation objectives for some Puget Sound coho stocks; updating Puget Sound chinook conservation objectives to be consistent with the Puget Sound chinook management plan; and pending the outcome of the EFH review, updating salmon EFH, including designating Habitat Areas of Particular Concern (HAPC). Based on the time line, the EFH review is the most time sensitive, unless the coho allocation process is problematic for 2005, in which case its priority would be elevated. The conservation objectives for Puget Sound coho and chinook should not require a great deal of analysis since they have already been approved by co-managers.

Mr. Brown asked if it were possible to develop separate management objectives for Klamath spring chinook

if they were not listed as a separate species under the ESA. Mr. Tracy responded that Klamath spring chinook are listed as a separate stock under the FMP so the Council has a responsibility to address the conservation objectives as information becomes available.

Mr. Brown asked what the process is if Klamath spring chinook management conflicts with fall chinook management? Mr. Tracy responded that for ocean fisheries, which the Council manages, there were a number of constraining stocks, and Klamath spring chinook would potentially be one more. Inriver fisheries management is a Klamath Fisheries Management Council issue, the Council would defer to them.

Mr. Anderson directed the STT follow the current FMP process for allocating coho north of Cape Falcon. He recommended maintaining historical catch shares for establishing a base fishery option in March from which to develop options for public review, and minimize the complexity of those options regarding selective and non-selective fisheries.

Dr. Dygert recommended the EFH review continue with an update at the March Council meeting, and perhaps additional recommendations on pursuing an FMP amendment to address any necessary EFH updates or HAPC designation. The Council concurred.

Dr. McIsaac asked what the intended implementation date was for the issues identified by Oregon and Washington. Mr. Anderson responded that although Council workload priorities would influence the decision, there was no particular urgency for the issues Washington identified, as long as the allocation process was acceptable. Mr. Melcher responded ODFW would like to start the process for incorporating the OCN Workgroup matrix into the FMP, depending on Council workload priorities. Mr. Tracy responded the OCN Workgroup matrix could be incorporated via a technical review, pending submission of a technical appendix to the SSC and completion of the methodology review process. The overall amendment process is a three meeting process, including an initial meeting for scoping to identify issues, a second meeting to adopt range of alternatives, and third meeting to adopt final recommendations.

E. Groundfish Management

E.1 NMFS Report (11/02/04; 3:49 pm)

E.1.a Regulatory Activities

Dr. Steve Freese provided an update on regulatory activities. NMFS has published two regulatory items in the *Federal Register*, a proposed rule to implement the 2005-2006 harvest specifications and management measures on September 21, and the final rule to implement Amendment 16-3 on September 28.

Ms. Becky Renko and Mr. Dayna Matthews have begun to coordinate with the states to put together the logistics for public meetings on the proposed expansion of VMS to the open access sector. Tentative dates and locations are as follows:

- California, January 10-12, Morrow Bay, Los Alamitos, Ft. Bragg.
- Oregon, January 31-February 1, Newport, Astoria; February 7-9, Port Orford
- Washington, January 17 or 24, Westport

Relative to progress on the permanent monitoring program for the shore-based whiting fishery, NMFS is waiting for the results from this year's study of the feasibility of monitoring full retention with onboard cameras. NMFS is working on revising the Environmental Assessment and some draft regulatory language.

NMFS is hoping to present a revised range of alternatives to the Council in June 2005 with Council final action anticipated in September 2005. Meetings are being organized between state and federal managers to discuss available resources. Industry is very interested in the process and will be included in meetings and/or conference calls to further discuss ways to fund the monitoring program.

At the September meeting, there was considerable discussion about our ability to track and monitor fishery catch data on an inseason basis. The GMT has been discussing ways to modify the QSM portion of the PacFIN system as well as developing new tools that will be needed. There will likely be a more detailed discussion of this issue later in the week. There are several ongoing projects relative to the quality of the data systems in place and what improvements are necessary. The National Academy of Science is reviewing RecFIN data from around the nation to assess the ways the data is collected and to determine if the data is adequate for inseason management or area management. Funding has been provided to PSMFC by the NWFSC to address data issues within both PacFIN and RecFIN. NWFSC is also working with California on ways to improve recreational fishery statistic reporting and projections. Finally, NMFS is working on evaluating and studying practicality, legality, and confidentiality issues on replacing the existing fish ticket system with an electronic data system.

Mr. Alverson asked about the status of regulations to complete the sablefish permit stacking program. Ms. Cooney reported that legal council in Washington D.C. is in the review process.

Dr. Burke referenced the letter in the briefing book regarding Amendment 17. The materials presented seemed to indicate adjustments to OYs could only be reductions when she understood the purpose of the letter was to state that all parties agree that the intent was to allow adjustments in either direction. Dr. Freese stated that NMFS is trying to find the best option for correcting the language currently in place. One option is to go through a notice and comment process with the Council and another is simply to publish revised language in the *Federal Register*. Dr. Burke clarified that the letter in the briefing book has gone to NMFS and the Council may need to draft another letter depending on what process NMFS chooses.

Dr. McIsaac asked about the handout relative to the status of the Pacific whiting fishery. Dr. Freese stated that the handout is merely a tracking sheet for the whiting fleets provided to the Council on an informational basis. The catcher/processor fleet has nearly attained its whiting allocation while staying under the caps adopted by the Council in September.

E.1.b Science Center Activities

Dr. Elizabeth Clarke provided a brief overview of Northwest Fishery Science Center activities. The bottom trawl surveys for 2004 have been completed and were very successful. Dr. Clarke thanked the trawl industry for their continued support in this endeavor. Additionally, NWFSC has completed a habitat and advanced technology cruise to test new integrated mapping techniques over rocky habitat. The hook and line survey is going out in about two weeks out of Long Beach, California. The off-year science workshops have been completed. The recreational fishery workshop was organized by the Southwest Center and the data and modeling workshops were organized by NWFSC. The SSC has the summary report from the data workshop and will be completing a report for the modeling workshop over the winter. The Council should expect these reports at their March meeting. NWFSC is getting a variety of observer data requests and is working to meet the usual January deadline for the next data report summarizing data from September 2003 and August 2004.

There has been an interim request for observer data from December 2003 from Coos Bay Trawlers. Dr. Clarke noted she was surprised that one-quarter of the fish tickets from December 2002 are still missing and those data are needed to complete work on the observer program as well as stock assessments. There is a new NRC study reviewing scientific information on the effects of fishing on marine ecosystems. This is a new National Academy of Sciences study that is just getting started and they are asking for nominees. Dr. Clarke

felt it was important for nominees from this region as this a topic of interest on the West Coast.

Dr. Clarke expressed her appreciation for industry participation in cooperative research and in studies such as the cost/earning survey. Dr. Clarke introduced Dr. Carl Lian who presented Agenda Item E.1.b NMFS Science Report summarizing the Commercial Cost-Earnings Survey of the Limited Entry Trawl Fleet.

Dr. Freese commented that the NEFSC has been pursuing similar surveys in recent years allowing a wide range on fishery economic analyses, including models for ITQ programs, area closure impacts, revenue changes, regional management, break even analyses, crew share payments, and bycatch. These are all issues being faced on the West Coast and encouraged this type of research for its benefits to Council decision making and resource management.

E.1.c Reports and Comments of Advisory Bodies

Dr. Kevin Hill provided Agenda Item E.1.c, Supplemental SSC Report.

E.1.d Public Comment

Mr. Mike Hyde, Pacific Whiting Conservation Group, Seattle, Washington

E.1.e Council Discussion on NMFS Report on Groundfish Activities

The Council accepted the SSC recommendation (under Agenda Item E.1.c, Supplemental SSC Report) to delay the assessment of vermillion rockfish until the next biennial cycle due to data quality concerns while providing an information report on the findings of Dr. Alec McCall to the STAR panel and for the SAFE document.

E.2 Terms of Reference for Groundfish Rebuilding Plan Review and Stock Assessment Review (STAR) Panels (11/02/04; 4:54 pm)

E.2.a Agenda Item Overview

Mr. John DeVore provided the situation summary.

E.2.b SSC Report

Dr. Hill provided Agenda Item E.2.b, Supplemental SSC Report.

Mr. Brown noted the SSC recommended the new draft STAR Terms of Reference with three revisions. Does the SSC recommend the language for the number of reviewers in a STAR Panel? Dr. Hill said yes.

Ms. Vojkovich asked if the SSC discussed the GMT recommendation to mandate inclusion of management parameter estimates in the STAR Terms of Reference? Dr. Hill said no, that would require further deliberations. Dr. McIsaac said he thought the SSC report said some management parameters could not be produced in a stock assessment. How can that be? Dr. Hill said he didn't know.

Mr. Anderson asked how would regional stock differences be incorporated in a stock assessment when the GMT indicates this request? Dr. Hill said that process might work.

Dr. Freese said there is a need for a rebuilding plan review Terms of Reference by next March.

E.2.c Reports and Comments of Advisory Bodies

GMT

Mr. DeVore read Agenda Item E.2.c, Supplemental GMT Report.

GAP

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

E.2.d Public Comment

None.

E.2.e **Council Action:** Adopt Final Terms of Reference for STAR Panels

Mr. Brown moved and Mr. Alverson seconded a motion (Motion 7) to adopt the Groundfish Stock Assessment Terms of Reference as noted in Agenda Item E.2.a, Attachment 1, with the modifications suggested by the SSC (Agenda Item E.2.b, Supplemental SSC Report - Items 1 through 3).

Mr. Anderson said he was concerned with identifying how to incorporate regional stock differences in stock assessments. How and when would the GMT make this request? Is it too late to make this request for 2005 stock assessments? Dr. McIsaac asked if this would be a burden to the GMT? Mr. DeVore answered yes.

Ms. Vojkovich noted the GMT recommendations to mandate summaries of management parameter estimates in stock assessments is still important for providing management advice. These estimates are needed for management decision-making. Dr. Freese said the GAO report also states these management parameters need to be included in Terms of Reference. A standard template helps to develop the NMFS Report to Congress on the state of stocks.

Mr. Brown said regional stock differences are discussed at every STAR Panel. The GMT attends these meetings. Given that ABC/OY projections depend on recruitment assumptions, etc., these projections may not be available for STAR Panels.

Ms. Vojkovich asked for an amendment to include the September 2004 GMT recommendations as shown in Agenda Item E.2.a, Attachment 3 (amendment to motion 7). Mr. Anderson seconded the amendment.

Mr. Anderson said the GMT recommendation is written to include the word “should” not “must”, so it provides discretion for flexibility.

Dr. Burke asked Dr. Clarke about standardizing the approach to include management parameters in executive summaries of stock assessments? Dr. Clarke recommended this be mandatory as recommended by the GAO. It should be relatively straightforward and the NWFSC will be doing it this way.

Vote on amendment to motion 7: passed. Main Motion 7 passed.

Dr. Freese requested a new Terms of Reference for rebuilding plan reviews be done by March 2005.

E.3 Exempted Fishing Permits for 2005 (11/02/04; 5:30 pm)

E.3.a Agenda Item Overview

Mr. Mike Burner provided the agenda item overview.

E.3.b Recommendations of the States, Tribes, and Federal Agencies

Mr. Anderson provided Agenda Item E.3.b, WDFW Report. Dr. Burke provided Agenda Item E.3.b, Supplemental ODFW Report. Ms. Vojkovich summarized Agenda Item E.3.b, CDFG Report 1 and CDFG Report 2.

E.3.c Reports and Comments of Advisory Bodies

GMT

Ms. Michele Culver provided Agenda Item E.3.c, Supplemental GMT Report.

GAP

Mr. Moore provided Agenda Item E.3.c, Supplemental GAP Report.

E.3.d Public Comment

None.

E.3.e **Council Action:** Adopt Final Recommendations for Exempted Fisheries

Dr. Burke spoke to the joint EFP submitted on behalf of all three states relative to the shore-based Pacific whiting fishery. Dr. Burke reminded the Council there are a few outstanding issues that will need to be worked though by NMFS, industry and the states including the use of cameras on vessels. Dr. Burke asked Dr. Freese if it is assumed that there will be expanded shoreside sampling. Dr. Freese said expanded shoreside coverage is up for debate. Dr. Burke also mentioned that the results of the 2004 study of the use of cameras on vessels are not available and asked if the use of trip limits is still something NMFS is considering should the camera results be unfavorable. Dr. Freese reported that the idea behind the trip limit concept was to give vessels an option of not participating in the EFP while fishing under the same regulations as other trawlers, including sorting requirements rather than full retention. This concept is still up for consideration and further discussion. Dr. Burke stated that the state workload for this fishery is increasing under the current informal process and that ODFW welcomes and would help organize meetings with NMFS and industry to move forward on this issue.

Ms. Vojkovich responded to some of the GMT comments by stating the CDFG is planning to work with NMFS to define Scottish seine gear separately from small footrope trawl gear to allow Scottish seine to be regulated as a separate gear type and to end the need for an EFP. However, this is unlikely to occur before 2005. This would also allow the bycatch rates for Scottish seine that are currently being studied to be incorporated into the bycatch model.

Mr. Anderson asked about the purpose of the Scottish seine EFP. Ms. Vojkovich stated the purpose was to allow the use of the gear in the study areas as the gear would otherwise be restricted along with small footrope trawl gear under existing regulations. Mr. Anderson asked if the goal was to legalize a gear type or collect a forth year of data. Ms. Vojkovich felt there is a catch-22 situation where there is existing data suggesting regulatory changes making the EFP unnecessary, but the regulations cannot be implemented for

2005. However, there is value in continuing the EFP into 2005 and collecting additional information on gear specific bycatch rates. Mr. Anderson stated that WDFW was in a similar situation with the longline dogfish EFP where there was no way to get the study areas included in the 2005 regulations, but it was also difficult to justify and EFP because the data had been collected.

Ms. Vojkovich moved and Mr. Thomas seconded a motion (Motion 8) to approve the California selective flatfish trawl gear EFP and the joint state (California, Oregon, and Washington) shore-based Pacific whiting EFP. Ms. Vojkovich clarified for Mr. Anderson and Mr. Alverson that the motion includes two EFPs, one of which covers both selective flatfish trawl gear and Scottish seine gear. Motion 8 passed.

E.4 Initial Consideration of Status of Fisheries and Inseason Adjustments (11/03/04; 8:14 am)

E.4.a Agenda Item Overview

Mr. DeVore provided the situation summary.

E.4.b Groundfish Management Team/Groundfish Advisory Subpanel Comments/Questions

GMT

Ms. Culver provided Agenda Item E.4.b, Supplemental GMT Report.

Dr. McIsaac asked if it was true that if the impacts in the whiting fishery came in as projected, the canary overage would be 0.8 mt? Ms. Culver said yes. Dr. McIsaac asked if it was true the darkblotched OY could have been larger than the ABC according to the rebuilding plan? Ms. Culver said yes. Dr. Freese asked if the GMT used a 66% discard rate to calculate canary impacts in the non-whiting trawl fishery? Ms. Culver said yes. Mr. Brown noted we were under last year's darkblotched OY. If the petrale fishery were to open in December, then we might still be under the two-year OY. What was last year's total catch mortality of darkblotched? Dr. Hastie said the landings plus discard of darkblotched in 2003 was 50-60 mt below the OY. Mr. Anderson asked for the total mortality of canary in 2003. Dr. Hastie said he needed to look this up.

Dr. Burke asked if the GMT would be updating the bycatch scorecard? Ms. Culver said there would be no further updates, other than that presented today, unless there is inseason action. Dr. Burke said the GMT might be interested in recreational fishery updates. Ms. Culver said the Washington and Oregon recreational impacts were updated in September and there were no updates for the California recreational fishery. Dr. McIsaac asked for the schedule for receiving 2004 California recreational fishery updates using CRFS estimates. Ms. Vojkovich said the CDFG and PSMFC were working to debug CRFS estimates with the goal of providing these for management use by March 2005. There are still errors in estimation methodology. Comparing CRFS versus salmon program catch estimates shows the CRFS estimates to be high. Comparative effort estimates were reasonable. CDFG has requested MRFSS effort estimates to compare to CRFS to determine effort trends. They have looked at 2001-2004 catch per unit effort (CPUE) estimates and found no red flags. The 2004 CPUE estimates were lower than 2001-2003. Dr. McIsaac asked if there were any qualitative estimates of canary impacts in the 2004 California recreational fishery available? Is there any expectation the impacts are lower than projected? Ms. Vojkovich said they were unable to do this. This year they have concentrated on increasing sampling rates in the field. Dr. Burke stated it was a problem not having an adequate monitoring in place for this fishery. When will CRFS be available for use? Will NMFS take action to get a monitoring system in place? Dr. Freese said they have been talking with PSMFC and expect CRFS will be ready by next March. NMFS will press state and federal folks developing this program to do this. Dr. Burke asked who they could talk to to do this? We need estimates and management measures in March. Dr. Freese said he would start making calls. The CRFS program is a shared responsibility. He

will get an answer in a couple of weeks. Mr. Anderson emphasized the need to start the 2005 fishery with a working monitoring system. We don't want surprises next June. There is a risk to other fisheries. Mr. Brown stated there is also a commercial data monitoring problem, Who's in charge of this data tracking system? Losing the petrale season this year was unacceptable.

Dr. Hastie provided a more definitive answer to the earlier questions regarding total mortality of canary and darkblotched in the last two years. Darkblotched impacts in the last two years were estimated to be under the OY as follows: in 2003, total mortality was 50 mt under the OY and, in 2002, total mortality was 42 mt under the OY. The reverse was true for canary impacts with total mortality exceeding the OY in both years. In 2002, total mortality of canary was estimated to be 13 mt over the OY and, in 2003, total mortality was 17 mt over the OY.

GAP

Mr. DeVore read Agenda Item E.4.b, Supplemental GAP Report.

E.4.c Reports and Comments of Advisory Bodies

No additional statements.

E.4.d Public Comment

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

Mr. Bill Brooks, Coos Bay Trawlers Association, Coos Bay, Oregon

E.4.e Council Guidance on Initial Consideration of Status of Fisheries and Inseason Adjustments

Mr. Anderson noted the GMT estimates an additional 3-20 mt of darkblotched mortality with a petrale opening in December. He asked if this estimate was based on opening only the petrale areas in December or is it based on moving the seaward line of the northern trawl RCA from 250 fm to 150 fm? Ms. Culver said she believed there were five petrale areas north of 40°10' N latitude. The 3-20 mt darkblotched impact estimate is based on projected impacts during period 6 for depths ≥ 150 fm. Mr. Anderson asked for an explanation of the range and Ms. Culver deferred to Dr. Hastie. Dr. Hastie said he looked at observer data from 2001-2003. The 3 mt impact projection was based on period 6 observations in 2003 and the 20 mt impact was based on 2001 and 2002 data. He noted we did not have petrale areas in place in 2001 or 2002; therefore, the lower end of the impact range was more likely. He added the petrale areas go in to 200 fm. Mr. Anderson asked if there was a 200 fm line defined in the north? Dr. Hastie corrected himself and said the petrale areas go in to 150 fm in five discrete areas. Mr. Anderson asked if the GMT recommendation assumed the RCA would go out to 250 fm in the non-petrale areas? Ms. Culver said the GMT has a modified 250 fm line that accommodates the petrale areas. Mr. Anderson asked if the GMT could model darkblotched impacts with this adjustment? Dr. Hastie said there was much uncertainty. The 2003 darkblotched discard rate during the petrale season was about 2%. He can attempt to identify impacts within the petrale areas. Dr. Burke asked how much darkblotched was left in the whiting catcher-processor cap? Mr. DeVore answered there was 2 kg of darkblotched caught of the 1.39 mt remaining in the cap to date. Mr. Brown asked if the GMT could estimate impacts if there is a limit on effort and a decreased petrale limit? He said he was also interested in mandating excluders in trawls for the rest of the year. Can these things be analyzed? Dr. Hastie said it was difficult to analyze gear change effects, but he could analyze differential effort assumptions. Dr. Burke asked how many trawlers are using selective flatfish trawls this year? Dr. Hastie said that gear was not effective at avoiding darkblotched. Mr. Brown remarked the fleet has been reduced with the buyback program. Dr. Freese asked if the buyback program was put in place the first week

of December last year and Mr. Brown answered December 12. Ms. Vojkovich asked if there were defined petrale areas between 36° and 38° N latitude? Ms. Culver said she was not sure. Ms. Vojkovich asked if we have observer data for the south to analyze effects? Dr. Hastie said we were not anticipating darkblotched impacts south of 38° N latitude. Mr. Brown asked why the trawl RCA was moved out to 200 fm between 36° and 38° N latitude? Dr. Hastie said trawl survey distribution data indicated the presence of some darkblotched there, but most of the stock is distributed north of 38° N latitude. Mr. Brown asked if we could do a line change in the north to 200 fm in petrale areas, could this be analyzed? Dr. Hastie said the expected impacts would be less according to trawl survey distribution data.

Mr. Brown asked Mr. Bodnar and Mr. Brooks what additional restrictions they had in mind in their proposals? Mr. Bodnar said they were open and would like to have some petrale opportunity even if it means a reduced trip limit or other restrictions. They simply want to save the fishery and the market and a small supply is better than no supply whatsoever. Mr. Brooks said he thinks this is a darkblotched avoidance problem. Restricting petrale is not needed since fishermen can avoid darkblotched. Mr. Brown noted that petrale are distributed shallower in December. He asked Mr. Brooks if a 200 fm line in petrale areas would work for him? Mr. Brooks said he wouldn't turn it down, but it compromises petrale opportunity. Darkblotched and petrale aggregate in different areas during the winter months. Fishermen know this and can avoid darkblotched. Past landings of darkblotched during petrale fisheries can be explained by fishermen targeting both species in separate tows to improve profits.

Dr. Burke said we created the petrale areas based on the fact that there wasn't darkblotched there. Most of the petrale areas are >180 fm. Exceeding the ABC is taken seriously. However, there is lack of consistency in Council decisions; she cited the September decision to keep the whiting fishery open. She recommended the GMT analyze estimated effort and impacts with the current petrale areas open to 150 fm and 200 fm. She wanted the GMT to also explore differential petrale trip limits to minimize darkblotched impacts. Mr. Brown said he proposes the same type of analysis. He asked Ms. Cooney if an emergency rulemaking could be done to mandate excluders in trawls and allow petrale opportunity to only those trawlers who do not have crab permits? Ms. Cooney said the line change is a routine inseason action, but the excluder devices and crab permit issue would have to be done through an emergency rule. However, there was not enough time to do an emergency action.

Mr. Anderson said there is a difference in the earlier whiting decision and this one. The tools the Council has to manage fisheries include trip limits, gear options, and existing depth-based lines. We can't limit participation or consider new, undefined management lines. The GMT should consider reduced trip limits and the current 250 fm line with petrale areas open in December. Can we include excluders in trawls? Ms. Culver said the GMT could explore a modified line and trip limit changes. However, the GMT will be unable to analyze the effect of differential gears. Perhaps gear modifications can be done on a voluntary basis. Modeling line changes is not sophisticated and the resulting impact estimates will be imprecise. She added the GMT is still seeking guidance for reducing canary impacts. Mr. Anderson said there is a policy question for darkblotched impacts exceeding the ABC. Further impacts will have to be low; therefore, model decreased trip limits. He is recommending no inseason action to reduce canary impacts. Mr. Brown questioned whether there was any darkblotched available given we are over the ABC?

Dr. McIsaac stated that the GMT should discuss improvements in catch monitoring and tracking when inseason actions are revisited under Agenda Item E.8.

Council revisited Agenda Item E.4: 11/03/04; 2:01 pm

Dr. McIsaac stated this session was to inform the public and the Council advisors of the results of a Council closed session that just occurred.

Mr. Anderson thanked Mr. Bodnar and Mr. Brooks for their testimony on the issue of providing petrale fishing opportunity while minimizing further darkblotched impacts. The Council struggled with trying to provide some fishing opportunity given the economic consequences of closing this fishery and made some difficult decisions. The problem is that darkblotched are overfished and consequently we have a rebuilding plan in place. We are also over the ABC. Regardless of how small additional impacts may be, the Council cannot allow overfishing or fishing over the ABC in any one year. Averaging multi-year impacts and/or ABCs/OYs is not an available mechanism. Even if this could occur, we'd still be in violation of the rebuilding plan.

Mr. Anderson explained this is a different situation than the September whiting decision. When the Council capped the whiting fishery, which is 100% observed, we did not add additional darkblotched mortalities. Announcing a whiting fishery closure in September would have resulted in increased effort to attain whiting quota prior to implementing the closure. Rockfish mortalities in that case would have been higher than resulted with deciding bycatch caps and allowing the fishery to proceed. Based on all of those considerations, it is his judgement that we should not proceed with having the GMT evaluate petrale fishing options.

Mr. Alverson complimented Mr. Bodnar and Mr. Brooks for their public testimony. If the circumstances had been different, the Council would have tried to give some more petrale opportunity to the industry.

E.5 Bycatch Programmatic Environmental Impact Statement (EIS) (11/03/04; 4:34 pm)

E.5.a Agenda Item Overview

Dr. Kit Dahl provided the situation summary.

E.5.b Reports and Comments of Advisory Bodies

GMT

Dr. Dahl read Agenda Item E.5.b, Supplemental GMT Report.

GAP

Mr. Moore provided Agenda Item E.5.b, Supplemental GAP Report.

E.5.c Public Comment

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

Ms. Karen Garrison, NRDC, San Francisco, California

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

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

E.5.d **Council Action:** Determine Next Steps in Implementation of the Bycatch Programmatic Environmental Impact Statement

Ms. Vojkovich referenced Agenda Item E.5.a, Attachment 2 (proposed FMP elements to be addressed by amendment) and sought to clarify the task. She asked if the task is just an FMP amendment that adds a description of current monitoring and mitigation measures, and objectives for future action, or does the task also involve developing options for the implementation of sector and vessel-specific catch caps.

Dr. McIsaac responded by confirming that Ms. Vojkovich's analysis was essentially correct: the FMP amendment is mainly a descriptive and organizational task, along the lines of Attachment 2. The one exception could be suggested changes to FMP Chapter 5, which are related to Amendment 17, not this amendment. He then referenced the six items listed in the situation summary, noting that the first three items are descriptive elements to be added to the FMP by the amendment. Item five, relating to the IFQ program, would not be part of the amendment and item six, having to do with sector and vessel-specific catch caps, represents a new initiative. Issues raised in public testimony also would have to be considered with regard to this last issue. The consideration is whether the Council wants to move forward with the MSA component of the FMP amendment process and what should the amendment address.

Dr. Freese argued there should be a discussion of IFQs in the FMP, which would provide a placeholder and a sense of where the Council is going on this issue, particularly in reference to how IFQs help mitigate bycatch. Later on, if there is a conflict between the IFQ program and the bycatch program those issues can be resolved once there is a better understanding of these programs.

Ms. Vojkovich responded to Dr. Freese's comments by agreeing that the amendment could describe the relation between IFQs and bycatch mitigation. She then asked for further clarification on the use of the term "sector caps program" in Attachment 2 because this is different from what she is familiar with. Dr. Dahl said a "sector caps program" is another way of talking about bycatch caps.

Ms. Cooney said part of this is documenting what we are doing. But in addition, referencing the first item listed in the situation summary, it is incorporating into the FMP current practices, such as setting trip limits and RCAs, as required elements of a bycatch mitigation program. When these measures are implemented you will use information on bycatch and incidental catch to develop them. Developing draft amendment language is part of the task for the March Council meeting; the other part is developing a work plan describing how to deal with catch caps and IFQs. These two elements are part of the whole package the Council would receive in March.

Mr. Brown asked about Attachment 2. It discusses revising a section on allocation and adding a section on discard caps programs. On the situation summary, item number four, implement a sector-specific bycatch accounting methodology, looks like a required action, which would presumably be a separate section in the FMP. Item number six states "authorize the use of sector-specific total catch cap programs"; that does not appear to require immediate implementation. The Council is setting up the appropriate authority to use them when the tools are available, particularly the sector-specific bycatch accounting methodology referenced in item number four in the situation summary. He asked if this is a correct interpretation. In response, Dr. Dahl confirmed this interpretation, referencing discussion in the situation summary about how the action was characterized in the EIS. The FMP amendment would establish broad program and policy direction. Specific measures would be implemented subsequently through separate regulatory or other actions.

Mr. Brown was still concerned that the FMP language could be too specific about bycatch cap programs. There are a number of other activities and decisions that have to occur, such as allocation decisions related to the IFQ program. FMP language could limit the scope of those decisions if not crafted carefully. These issues are very complicated. He referenced some of the issues related to allocation within the open access sector raised in public testimony by Mr. Hensel. Furthermore, good catch accounting across all these sectors is a prerequisite for any kind of catch cap program. The main concern is not to tie the Council's hands with respect to future action and create the risk of legal vulnerability if measures cannot be implemented.

Dr. Burke asked Dr. Freese how the sector-specific bycatch accounting methodology referenced in item number four in the situation summary would be implemented, who will be responsible for this program, and when it will be implemented.

Dr. Freese said the FMP amendment will document the current methods for bycatch accounting. A related task is figuring out next steps on improving sector-specific bycatch accounting. The same techniques may not be used for all sectors. From a strategic perspective it is necessary to look at what is in place now, think about what can be implemented on a sector-by-sector basis, and what funding resources are available to implement new programs. The Council should be involved in helping NMFS answer these sorts of questions.

Ms. Cooney said the Council needs to look at Alternative 7, the preferred alternative in the bycatch program EIS. The description states part of Alternative 7 is “the development and adoption of sector-specific caps for overfished and depleted groundfish species where practicable.” This is a tool that we want to use and the intent is to look at using it where practicable. The intent is not to put them in place for all sectors right now, but to see if there are sectors that can be managed in this way, keeping in mind the issue of practicability.

Dr. Burke asked who will be doing the work proposed here. Dr. McIsaac responded that this was a workload item that would have to be dealt with under that administrative agenda item on Friday. Council and NMFS staff have traded off workload responsibilities in the past. With a little direction now on the nature of the task, on Friday the specifics of staff workload and GMT involvement can be discussed.

Dr. McIsaac then asked Dr. Freese about the reference in Attachment 2 to the red light/green light process. He asked if this issue would be better addressed in another process, as had been discussed earlier under Agendum E.1, and whether this should be referenced in any motion under the current agendum.

In response, Dr. Freese agreed that the red light/ green light issue can be taken out of consideration here, based on the earlier discussions.

Dr. Freese then turned to the matter at hand, noting the issues are how to move forward, coordination with other efforts, and work planning. He suggested the two tasks for the March meeting are to conceptualize what we want in the FMP and the second is an actual work plan outlining all the obligations that need to be met under this amendment.

Vice Chair Ortmann asked if that could be put into a motion.

Dr. Freese then stated it as follows: The issue is we have to start working on an FMP [amendment] and we have before us some direction under Attachment 2 agenda item E.5.a. The suggestion is that we start looking at how we would write up some of those issues and the specific amendment language, a quick draft, and what we need to do as a work plan to carry out the full completion of this amendment and use that as a discussion document at the March meeting.

Ms. Vojkovich made and Mr. Thomas seconded a motion (Motion 11) based on Dr. Freese’s description.

Mr. Anderson asked about the reference to the IFQ program. In addition to being part of Alternative 7 (the preferred alternative), it is also mentioned in Attachment 2 as an element of the FMP amendment. He stated that successful implementation of the preferred alternative was not contingent on implementing an IFQ program. It could be one of the tools used to minimize bycatch but does not have to be used; and this would not mean that the Council failed in achieving the goals of the amendment. He also noted the use of gear modifications and configurations to reduce bycatch was not clearly stated as one of the FMP amendment elements. The EFPs conducted by the states on different trawl configurations and excluder devices demonstrate some experience with these as bycatch reduction measures. It doesn’t show up in the briefing materials and he is interested in having that as one of the elements that would be included in the FMP

amendment.

Ms. Vojkovich asked if the reference in Attachment 2 to amendments to FMP Chapter 7 dealing with EFPs was sufficient to address Mr. Anderson's concerns. Mr. Anderson responded that discussion is close to addressing his concern in that what is learned through EFPs opens the potential of gear modifications, but the purpose of bycatch reduction should be clearly stated.

Dr. Burke asked if the amendments to FMP Chapter 5 described in Attachment 2 were excluded from the motion, based on the earlier point made by Dr. McIsaac. The maker and seconder affirmed this change (relating to the Amendment 17 issue) was not part of the motion.

Ms. Vojkovich clarified the motion by saying that issues which should be part of the amendment, such as Mr. Anderson's reference to gear modifications, can be brought up when the amendment is brought up at the March Council meeting.

Mr. Brown referenced Mr. Anderson's comments and said that it is important that bycatch reduction measures already in place and currently being developed should be described in the FMP as part of this amendment, especially fishing gear requirements. He cited a number of measures, such as trawl footrope restrictions, selective flatfish trawl, and Scottish seine net regulations, which were implemented specifically to reduce bycatch.

Motion 11 passed.

E.6 Trawl Individual Quotas (TIQ) - Part I (11/04/04; 8:15 am)

E.6.a Agenda Item Overview

Mr. Jim Seger provided the situation summary.

E.6.b Ad Hoc TIQ Advisory Body Reports

E.6.b.i Independent Experts Panel Report

Mr. Seger read the panel report.

E.6.b.ii Analytical Team Report Kate Quigley

Ms. Kate Quigley provided Agenda Item E.6.b, Supplemental Ad Hoc TIQ Analytical Team PowerPoint Presentation.

E.6.b.iii Enforcement Group Report

Mr. Dayna Matthews provided Agenda Item E.6.b, Ad Hoc TIQ Enforcement Group Report.

E.6.b.iv TIQ Committee Report

Mr. Seger provided Agenda Item E.6.b, Ad Hoc TIQC Report.

E.6.c Reports and Comments of Advisory Bodies

SSC

Dr. Hill provided Agenda Item E.6.c, Supplemental SSC Report.

GAP

Mr. Moore provided Agenda Item E.6.c, Supplemental GAP Report.

E.6.d Public Comment

Dr. Rod Fujita, Environmental Defense, Oakland, California

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

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

Mr. Rod Moore, West Coast Seafood Processors Association, Portland, Oregon

Mr. Pete Leipzig, Fishermen's Marketing Association, Eureka, California

E.6.e Tentative Refinement of a Range of Alternatives for Preliminary Analysis (11/04/04; 10:17 am)

Mr. Brown indicated his intent to recuse himself on any issue related to the initial allocation of individual fishing quota, over which he might have a conflict of interest. He stated he did not view other aspects of the program, such as who can own and community ownership provisions, to be an issue of direct conflict of interest.

Dr. Hanson noted his agreement with the GAP statement on the need for the TIQC to get back together to complete their discussions. In making this statement he did not want to preclude the Council from giving the TIQC additional direction at this time.

Based on public comment by Mr. Leipzig. Ms. Vojkovich moved and Mr. Thomas seconded a motion (Motion 12) to do the following:

Have the PFMC request an opinion from the U. S. Justice Department's Antitrust Division regarding the advisability and legality of a quota share system that would:

- 1. allow harvesting shares to be held (owned) by fish processors at any time*
- 2. issue harvesting shares to fish processors at the time of initial allocation of shares*
- 3. restrict the sales of fish by fishermen to particular fish processors*
- 4. restrict the sales of fish by fishermen to fish processors that hold (own) matching shares*
- 5. in any way limit or restrict the number of fish processors that may purchase fish from fishermen*

Additionally, advice of the level of any accumulation caps that may be imposed within a quota share system should be requested.

Mr. Anderson asked for flexibility such that other questions might be added to the list as appropriate based on the IFQ package under consideration. Ms. Vojkovich concurred. The letter should also present information on the processing sector on the West Coast to provide situation specific context for the questions and reply. Dr. Freese expressed concern that addressing the questions might be a very complex matter and suggested that rather than providing answers the DOJ might identify issues and questions for the Council to consider in its deliberations. Ms. Vojkovich said the questions are specific to the Anti-Trust Division and, on that basis, thought that the questions might not require the degree of analysis indicated by Dr. Freese.

Dr. Burke suggested that the letter be drafted to NOAA GC and that Dr. Hanson craft it with as much specificity as possible. NOAA GC can then advise the Council on what needs to go further. Ms. Vojkovich noted that several of the items in the motion were specific and corresponded to items in Agenda Item E.6.a, Attachment 4; Issue 1 is in Section 4.2, Issue 2 is in Section 13.1, and Issue 5 is in Section 4.7. The others are less formed. Dr. Hanson noted that the drafting of the letter would be a collaborative effort involving himself, the Chairman, and Council staff. After discussion it was agreed that the letter should be addressed to NOAA GC, that NOAA GC be asked to refer issues to the Department of Justice, if appropriate; that the letter be rephrased to ask for “legal advice” rather than “legality and advisability”; and that the letter be developed through the fast track approval process. Motion 12 passed. (Letter to NOAA Fisheries GC).

Dr. Hanson asked for Council concurrence on pursuing in the name of the Council several other information requests covered in committee reports. Mr. Anderson expressed concern about the use of GMT resources. While Washington had committed to tracking the process and committee discussions they had not committed to attendance at every meeting. Dr. Hanson stated he would make it a point involve the GMT only when needed.

Mr. Anderson noted the issue of whether or not the scope of action needs to extend beyond the trawl fishery. That issue is raised on page 2 of the decision step summary (Agenda Item E.6.a, Attachment 3). It is his thinking that current individual quota program development should be just for the trawl fishery; expanding to other sectors would get too complicated and would be ill-advised right now. Dr. Hanson concurred.

Ms. Vojkovich, commented on the IEP recommended revisions Objective 3 of the program. In the suggested change, it seems that the focus is only on the mortality of discards, and not the whole idea of bycatch in general. There was concurrence among Council members that one of the focuses of the IQ program was to reduce bycatch. Mr. Alverson said that a subpart of the objective should be the reduction of mortality of bycatch. Mr. Brown moved and Mr. Warrens seconded a motion (Motion 13) to change the language to say “reduce bycatch and discard mortality”. Motion 13 passed.

Mr. Anderson asked what is being asked of the Council with respect to the definition of status quo? Mr. Seger said the idea was to advise the Council on what analysts think status quo might look like and their expectation and characterization of future policy developments under status quo. It is very important to the analytical results that status quo be accurately described. If the Council has any guidance or concern about the assumptions they are making the analysts need to know. In response to questions from Mr. Anderson, Mr. Seger clarified that status quo indicated the existing need and not an anticipated funding level. This interpretation was discussed with respect to enforcement and the observer program.

There was a discussion of whether or not to approve a revised set of objectives. Dr. Hanson noted that the goals and objectives are fluid and suggested that time not be spent word smithing unless there was a vital concern on the part of the Council.

Mr. Anderson noted his opinion that the Council may not be able to successfully implement a program unless there is resolution between fishers and processors. He stated that he would not support continued investment in this program if issues between the fishers and processors could not be resolved. Mr. Brown dissented, noting the complex and contentious issues that had been resolved on the Council floor for the fixed gear fleet. Mr. Alverson concurred with Mr. Brown and expressed concern that the Council not give a false direction that one group may have veto over a system and therefore a reason to not try to reach an agreement. He noted his interest in the discussions and compromises that are offered on the allocation issue. Mr. Anderson acknowledged these comments and restated his view, noting his interest in seeing progress from the current polarized positions.

The next allocation committee meeting to address intersector allocations necessary for an individual quota program will likely occur over the winter. The issue will be discussed in more detail when the allocation committee advisors are appointed on Friday.

Mr. Brown spoke to the potential expediency in developing all other program elements before addressing the initial allocation issue. You cannot expect industry to reach agreement on initial allocation as it is too contentious. The Council should consider pursuing something similar to the Canadian approach by hiring a facilitator to hear each group's position and then give advice to the Council.

E.7 Groundfish Essential Fish Habitat – EIS (11/04/04; 11:15 am)

E.7.a Agenda Item Overview

Dr. Dahl provided the situation summary.

E.7.b NMFS Report

Mr. Steve Copps did not have additional items to add to the materials provided in the briefing book, but was available to address Council questions.

E.7.c Reports and Comments of Advisory Bodies

SSC

Dr. Hill provided Agenda Item E.7.c, Supplemental SSC Report.

EC

Dave Cleary provided Agenda Item E.7.c, Supplemental EC Report.

HC

Dr. Wakefield provided Agenda Item E.7.c, Supplemental HC Report.

GMT

Ms. Michele Culver provided Agenda Item E.7.c, Supplemental GMT Report.

Council break from 12:15 to 1:15 pm

GAP

Mr. Moore provided Agenda Item E.7.c, Supplemental GAP Report.

Tribal

Mr. Harp asked Mr. Steve Joner to provide some general comments before he read his statement. Mr. Joner began by reminding everybody that tribal fisheries are place oriented and this is the basis for the usual and accustomed fishing areas. These are described in the federal regulations. As such, tribes are immobile and a closure that would impinge on one of these areas would create a problem because the tribes couldn't move

to another area. Second, the tribes were asked to provide a list of measures for protecting and enhancing EFH, but the tribes don't really have this type of list; rather, the tribes manage their fisheries in a conservative manner that by design minimizes EFH impacts, bycatch, and other concerns. Tribes are actively involved in watershed management both on and off reservation; the approach to marine habitat is to use the tribes' philosophy of managing their resources on a long-term sustainable basis. This stems from the old practice where fishing banks were owned by families. These types of claims were ceded, although fishing rights were retained, but this ethic of considering their fishing grounds has guided the cautious approach to fisheries management. He cited several examples of how this approach has been applied by the Makah tribe. He concluded by pointing out that although measures such as the RCA don't apply to tribal fisheries, the tribes implement their own measures consistent with their own philosophy, which also have a conservation element.

Mr. Anderson asked if it would be correct to say that tribal council and fisheries managers could consider the measures that might come out of this EFH EIS process and implement those that would be considered consistent with the tribal philosophy.

While stating that he is not committing to anything in advance, Mr. Joner said that they would be willing to consider such actions as a tribal decision in consultation with NMFS.

Mr. Harp read Agenda Item E.7.c, Supplemental Tribal Comments.

E.7.d Public Comment

Mr. Chuck Cook, Environmental Defense, San Francisco, California
Ms. Mary Gleason, Environmental Defense, San Francisco, California
Mr. Steve Barrager, Stanford Fisheries Policy Project, Stanford, California
Mr. Peter Huhtula, PMCC, Astoria, Oregon
Mr. George Steinbach, CARE, Ojai, California
Mr. Dan Wolford, Coastside Fishing Club, San Diego, California
Mr. Jim Ayers, Oceana, Juneau, Alaska
Mr. Jon Warrenchuk, Oceana, Juneau, Alaska
Mr. Chris Dorsett, The Ocean Conservancy, San Francisco, California
Ms. Karen Garrison, NRDC, San Francisco, California
Mr. Jeff Boardman, commercial fisherman, Newport, Oregon
Mr. Bob Osborn, United Anglers of Southern California, Huntington Beach, California
Mr. Tom Ghio, Ghio Fish Company, Moss Landing, California
Mr. Rod Moore, West Coast Seafood Processors Association, Portland, Oregon

E.7.e **Council Action:** Adopt Preferred Alternatives for Draft EIS Analysis and, if Appropriate, Further Refine the Range of Alternatives Included in the Draft EIS

Mr. Anderson opened discussion by thanking those that had participated in the process of developing the EIS. He stated he wanted to make a motion in three parts because the issues are complicated.

For the first of these, Mr. Anderson moved and Dr. Burke seconded a motion (Motion 14) to adopt as preliminary preferred alternatives for the EFH EIS, EFH designation alternative 2 and EFH designation alternative 3. He then described those alternatives from the briefing materials.

Mr. Anderson said he looked at the minority report of the GAP, where they proposed a modified alternative 7A, which would use the upper 50% of the HSP to designate EFH for all groundfish. There is very little

difference between that and EFH designation alternative 3; therefore there wouldn't be much to gain from an analysis of this alternative. Furthermore, the EFH designation needs to be pretty all-encompassing, so that all essential habitat is included.

Dr. Freese asked if there will be an opportunity to delete alternatives. Chairman Hansen said the Council will consider deletions separately.

Motion 14 passed. Mr. Brown abstained.

Dr. McIsaac said that motions to eliminate alternatives should take up eliminating EFH identification alternatives first and HAPC designation alternatives second.

Dr. Freese moved and Ms. Vojkovich seconded a motion (Motion 15) to remove EFH designation Alternative 4 because it is not consistent with the Magnuson-Stevens Act. Motion 15 passed. Mr. Brown abstained.

Ms. Vojkovich noted that the description of EFH designation Alternative 5 omitted cabezon from the list of "precautionary zone" species. For this reason Ms. Vojkovich made and Mr. Ticehurst seconded a motion (Motion 16) to remove this alternative from consideration. Motion 16 passed. Mr. Brown abstained.

Mr. Anderson moved and Dr. Burke seconded a motion (Motion 17) to adopt the following HAPCs as preliminary preferred alternatives: HAPC designation Alternative 2, HAPC designation Alternative 3, HAPC designation Alternative 4, and HAPC designation Alternative 6. As part of the motion Alternative 6 was modified to also include rocky reef habitat areas occurring deeper than 35 fm and in waters outside 3 nautical miles from shore. Dr. Burke seconded the motion.

Ms. Vojkovich asked if the terms rocky reef and estuary referred to areas specifically identified in the GIS database. Mr. Copps said they are both defined in the GIS database based on information provided by geologists and ecologists. Ms. Vojkovich asked if there was a figure in the document showing the location of these areas. Mr. Copps said there are maps in the draft document showing the extent of each HAPC alternative.

Dr. Burke asked Mr. Copps if the concerns about the analytical methods raised by the SSC could be overcome when the EIS analysis is done. Mr. Copps said they will be addressed, and in fact have been in the risk assessment. However, in terms of the EIS analysis they have not yet been resolved due to a lack of time but can be before the EIS is published.

Ms. Vojkovich asked if ephemeral habitats, such as canopy kelp and seagrass beds, are designated HAPCs as they occur generally over time, rather than as a static area defined at a specific point in time. Mr. Copps replied that the alternative designates areas where kelp has been documented and mapped. Kelp canopy cover is subject to considerable variability in terms of geographic location. There is precedent for defining HAPCs separate from geographic location, but that is not what this alternative does.

Motion 17 passed. Mr. Brown abstained.

Mr. Anderson made and Dr. Burke seconded a motion (Motion 18), to identify preliminary preferred alternatives to minimize the impacts of fishing gear and to delete an alternative from further consideration. The following alternatives were so identified: include Alternative 4 option 1 (freeze trawl footprint) and option 2 (freeze fixed gear footprint), delete Alternative 6 option 1 (close 25% of representative habitat) and option 2 (close 25% of biogenic habitat), and include Alternative 10 (fishing gear restrictions). Within

Alternative 10 the following options are adopted: option 1 (prohibit roller gear larger than 15"), option 3 (prohibit flat trawl doors), option 5 (limit the length of longlines), option 6 (use habitat friendly anchoring, with the deletion of "assess potential" from the description), option 7 (prohibit dredge gear), option 8 (prohibit beam trawl), option 9 (prohibit gillnets with the suboption of deeper than 60 fm), and option 11 (prohibit dingle bar gear). The motion also includes Alternative 11 (central California no-trawl zones), Alternative 12 (relax gear endorsement requirements), and Alternative 13 (Oceana proposal). Under Alternative 13 the following two options are added: 1) the areas identified in Alternative 13 will be closed to all fishing and 2) the areas identified in Alternative 13 will be closed to bottom-contact gear (defined as fixed gear or bottom trawl gear). Mr. Anderson also noted Alternative 13 as originally described closes those areas to bottom trawling only.

Mr. Anderson discussed the rationale for eliminating Alternative 6. He stated that the level of ambiguity in it is more than what we can expect to overcome and it will be difficult to define these areas in the time we have. The Oceana proposal encompasses Alternative 6 in that it defines areas of habitat and overlays existing fishing effort. The resulting closed areas are therefore the least disruptive to fishing, recognizing that there is still a lot of work to be done refining the boundaries of those closed areas. This approach is more definitive, understandable, and workable in comparison to Alternative 6. It is better to spend time analyzing the other, better defined alternatives. Finally, Mr. Anderson said this motion provides a broad range of alternatives for analysis. For example, Alternatives 4 and 6 freeze things as they are now; Alternative 13, with the addition of no fishing in specified areas, is at the other end of the spectrum.

Mr. Alverson asked about Alternative 4, which prohibits expansion of fishing beyond those areas fished from 2000 to 2002. For fixed gear he noted that the closures inside 150 fm and 100 fm would affect this calculation and that is not a function of impact on habitat. He stated this will be revealed in the analysis. He asked if that was what was intended. Mr. Anderson recalled that the Council did not put the RCAs (the closures referenced by Mr. Alverson) in place in the year 2000 or 2001 but in August 2002. So the time period used in the calculation includes two years when RCAs were not in place.

Mr. Alverson asked about the inclusion of bottom-tending mobile gear under Alternative 13. Did Mr. Anderson combine this with some other alternative? Mr. Anderson replied that Alternative 13 was based on a proposal developed by Oceana. Under their proposal there are certain areas that are defined and closed to bottom trawling. Mr. Anderson worked from that proposal (Alternative 13) and added two suboptions to it so that either bottom trawling, all gear, or bottom-contacting gear (defined as fixed gear or bottom trawl) would be prohibited in those areas. He then reiterated the point made earlier about the rationale for choosing this alternative and the need for further refinement.

Mr. Alverson then asked how the option under Alternative 10 (gear restrictions), which would assess habitat friendly anchoring systems, would be analyzed. Mr. Anderson said he thinks there would be a limited survey, which would contact fishing organizations, the GAP, and fixed gear representatives to learn what types of anchors are used and determine which types are "habitat friendly."

Mr. Warrens asked Mr. Anderson about the definition of no bottom-contacting gear in the option added to Alternative 13 (the Oceana proposal). Does this include crab pots or just groundfish gear? Mr. Anderson said it would include all fixed gear whether it be groundfish or crab pots.

Ms. Vojkovich asked Mr. Copps if Alternative 12 is specifically focused on the groundfish limited entry gear endorsements? Mr. Anderson replied in the affirmative.

Chairman Hansen asked Mr. Copps, if HAPC Alternative 8 is left out of the motion, is it then not evaluated? Mr. Copps stated that only Alternative 6 was deleted. Mr. McIsaac then followed up for clarification, asking

what kind of analysis would be expected for alternatives that are not chosen as preliminary preferred under the motion but are not deleted from the list of alternatives entirely. Mr. Copps was not prepared to answer the question.

Dr. Freese, said in order to satisfy the plaintiffs' request, Alternative 13, the Oceana proposal, needs to be kept as a stand-alone alternative without adding suboptions to it. Mr. Anderson responded by saying it would be fine to identify the two suboptions he described as separate alternatives.

Mr. Ticehurst asked Mr. Anderson why impacts minimization Alternative 5 (krill fishery ban) was not deleted. He was concerned because this food fish are being considered part of the environment. This could open the door for a whole lot of other species to be included in the analysis. Mr. Anderson replied that, while not knowing all the prey species that are important to groundfish, krill is an important forage species that is not included in any Council FMPs. It is important to prevent fisheries in federal waters by vessels that are not under state jurisdiction. As to the inclusion of additional species, he wasn't sure if others could be looked at in the future, but for the purpose of this EIS only krill are considered.

Mr. Warrens asked Mr. Copps about the analysis of economic impacts and the rationale that revenues would be displaced rather than lost. He wanted to know if there will there be a more thorough analysis of economic losses in situations where displacement may not be an option. Mr. Copps stated that the EIS can provide a more detailed analysis of that. In response, Mr. Warrens said it should not be assumed that revenue will be displaced rather than lost entirely.

Motion 18 passed. Mr. Brown abstained.

Mr. Anderson said he purposely did not try to identify preliminary preferred alternatives in the research and monitoring category at this time.

Dr. Dahl asked for clarification relative to the identification of two preliminary preferred alternatives for EFH identification. He wanted to make sure it was understood that these alternatives are mutually exclusive and ultimately the Council would have to choose just one of them. Mr. Anderson replied that this was understood.

Ms. Vojkovich moved and Mr. Ticehurst seconded a motion (Motion 19) to reconsider Motion 17. Ms. Vojkovich wanted to reconsider the motion because she wanted to add an additional HAPC alternative to the original motion. Motion 19 passed. Dr. Burke and Mr. Alverson voted no; Mr. Brown abstained.

Ms. Vojkovich moved and Mr. Ticehurst seconded a motion (Motion 20) to amend Motion 17 to include HAPC Alternative 8 (oil production platforms) as a preliminary preferred alternative.

Dr. Burke was against the motion because Alternative 8 will get some analysis and the Council is considering their preferred alternatives at this time. By identifying Alternative 8 as a preferred alternative the Council is indicating a strong preference for it. She questioned whether a structure which was put in place by humans and then evolved into habitat should be designated a HAPC. By choosing it as a preliminary preferred alternative it will get too much analytical emphasis. She was concerned that the Council is setting a precedent to use a natural resource law to provide options for people involved in the decommissioning process for manmade objects. She mentioned that, by analogy, sunken fishing vessels and gear could eventually be designated HAPC.

Mr. Alverson agreed with Dr. Burke. HAPCs are natural areas rather than man-made objects. Although oil platforms may be valuable to juvenile rockfish and other species, he has a problem choosing this as a

preferred alternative. He also spoke about the possible precedent, leading to the designation of all underwater wreckage as HAPCs.

Mr. Brown reiterated the points just made, asking where the line will be drawn in terms of designating man-made materials as essential habitat. He described man-made objects brought up in his trawl net to make a point about the vast amount of trash in the ocean. By extension one could intentionally place objects in the ocean for the purposes of creating HAPCs.

Chairman Hansen noted that a lot of artificial reefs have been placed in California waters as mitigation; they are considered habitat.

Mr. Warrens said he will be voting against the motion for all the reasons stated by Mr. Alverson, Dr. Burke, and Mr. Brown.

Mr. Anderson asked for clarification of the rationale for the motion. Ms. Vojkovich replied that she wanted to bring it to the table for discussion since it had not been discussed earlier. There is considerable support for this HAPC from different parties in Southern California, as shown in the public comment in the briefing book.

Chairman Hansen again asked whether or not this alternative would be analyzed. Dr. McIsaac then asked Mr. Copps if there is a difference between the analysis of the preliminary preferred alternatives and the other alternatives included in the EIS. Mr. Copps responded that any alternative carried forward would be fully analyzed in the EIS. However, it would be natural to focus a little more on the preliminary preferred alternatives. Dr. McIsaac said this would be a more intensified level of analysis and asked if he could speak to that level of difference. Mr. Copps said the reason for identifying preliminary preferred alternatives is to signal the public what the Council's preferences are. It is not to make a big distinction between the level of analysis for different alternatives.

Roll call vote on Motion 20 (motion to amend Motion 17): Mr. Cedergreen, Mr. Thomas, and Mr. Ticehurst - yes; Mr. Harp, Mr. Mallet, Mr. Warrens, Mr. Ortmann, Mr. Alverson, Dr. Burke, and Mr. Anderson - no; Mr. Brown, Dr. Freese, and Ms. Vojkovich - abstain. Motion 20 failed with 3 yes, 7 no, and 3 abstentions.

The main motion (Motion 17) was then voted on and passed.

Dr. Dahl then asked Mr. Anderson to clarify the intention of not identifying preliminary preferred alternatives for the research and monitoring category. Mr. Anderson replied he did not intend to make a motion identifying preliminary preferred alternatives in that category.

E.8 Final Consideration of 2004 Inseason Adjustments (11/04/04; 4:46 pm)

Mr. Ortmann chaired this agenda.

E.8.a Agenda Item Overview

Mr. DeVore provided the situation summary.

E.8.b Reports and Comments of Advisory Bodies

GMT

Ms. Culver provided Agenda Item E.8.b, Supplemental GMT Report.

Mr. Brown asked if the GMT was recommending a second Council meeting to develop a mechanism for NMFS to take management action between Council meetings if necessary?

Mr. Anderson asked if there could be inseason groundfish management conference calls as is done in salmon and halibut management? Dr. Freese deferred to Ms. Cooney, but added he was concerned about public comment. Ms. Cooney said that triggers for action need to be determined (e.g., the triggers defined for 2004 inseason actions in recreational groundfish fisheries). However, the GMT recommendation is open-ended. This mechanism would require public notice of a meeting or conference call. Mr. Anderson asked if this could be done if a trigger was defined (i.e., impacts are $\geq 10\%$ over expectations for a landing period)? He noted this is done in salmon management. Ms. Cooney said a trigger could be flexible, but there is a need for adequate consultation with the states or whomever. She would need to flesh that out with the folks in Washington, D.C.

Dr. McIsaac remarked the GMT was recommending no liberalization of groundfish fisheries in the first six months of a fishing season except for data corrections. What are considered data corrections? Ms. Culver said data corrections would be modeling based on erroneous data, etc.

Ms. Vojkovich said she was concerned about inseason catch tracking and a management response mechanism between the June and September Council meetings. Why is there a need for a response mechanism? Ms. Culver said the GMT also recommended a response and tracking mechanism in September. Ms. Vojkovich asked when are we considering new data for management use? For instance, is the expected schedule of receiving new observer data allowed in this mechanism? Ms. Culver said the observer data is a contemplated new data feed that would be used in the first six months for fishery adjustments.

Dr. McIsaac wanted to know who would be doing what in the recommended catch monitoring and data tracking mechanism? If the GMT is monitoring new data, who from the GMT would be so tasked? Ms. Culver said the GMT Chair would remind GMT members to check data every month. The GMT identified three state representatives and a NMFS Northwest Region representative who would track ongoing fisheries. A “red flag” could be raised by any GMT member. Ms. Vojkovich asked if all GMT members check the Quota Species Monitoring (QSM) report? Ms. Culver answered yes. The GMT email exchange allows the Team to confer on potential problems or confirm fisheries are proceeding according to expectations. Red flags would trigger a conference call. Council staff could communicate concerns to Council members.

GAP

Mr. Moore provided an oral report from the GAP. The GAP likes the tracking mechanism recommended by the GMT. One GAP concern is the response mechanism. The GAP would like the opportunity to comment. The Council might want to task the GMT and GAP to develop a fast-track response mechanism at the March 2005 Council meeting.

If new data in the first six months of the fishing year indicates the ability to increase trip limits, that would be allowed according to the GMT recommendation.

E.8.c Public Comment

Mr. Bob Osborn, United Anglers of Southern California, Huntington Beach, California

E.8.d Council Action: Approve Inseason Adjustments in the 2004 Groundfish Fishery

Mr. Brown remarked that tracking catches inseason is complicated since catch trends are not linear. He cautioned that thoughtful consideration should be given to developing a management response mechanism and that industry comment will be needed before taking any inseason action. Industry would prefer more frequent small changes to the fishery rather than infrequent large changes such as unexpected fishery closures. He recommended the Council continue this discussion next year to refine a response mechanism.

Dr. Burke asked how the Council would deal with developing this response mechanism and the red light/green light (mid-course OY change) mechanism? Dr. McIsaac said these are different mechanisms; both could be developed at next year's March meeting. Dr. Burke asked if mid-course OY changes would only be considered at Council meetings? Dr. McIsaac said yes and such changes would only be triggered by a new stock assessment.

Ms. Vojkovich said there is time between now and the next Council meeting to develop inseason management policies. She has alternative management policies she would like to explore and share with the Council.

Ms. Cooney remarked the main time frame we are concerned about is the period between the June and September Council meetings. One thought is to schedule a telephone conference Council meeting for early August with the thought you only use it if you actually need it. There would be notice with maybe four listening posts along the coast. That could be the mechanism to adequately consult with industry on a management response. You can set up a conference call ahead of time and cancel it if it is not necessary.

Vice Chairman Ortmann felt the GMT did a great job in taking this as far as they did. The Council asked the GMT to come back in March with more thoughts to further develop this response mechanism.

F. Highly Migratory Species (HMS) Management

F.1 Highly Migratory Species FMP Implementation Issues (11/03/04; 10:18 am)

F.1.a Agenda Item Overview

Mr. Dan Waldeck provided the agenda item overview.

F.1.b NMFS Report

Mr. Fougner provided an oral update on funding issues. He noted that FY2005 Appropriation legislation was pending in Congress and that the federal government was operating under a continuing resolution. This meant there were no funds for the Council for HMS FMP-related matters. However, NMFS is proceeding with implementation of the HMS FMP. NMFS is preparing regulations and procedures for administering HMS FMP permits, logbooks, and vessel marking requirements. NMFS is also developing an HMS FMP compliance guide for commercial and recreational fishermen. The guide is intended to provide information about the HMS FMP and help fishermen understand and comply with FMP requirements. NMFS intends to work with West Coast states and the Council in distributing the compliance guide. It will also be posted to the NMFS-SWR and Council websites.

Mr. Fougner also described NMFS engagement with industry participants investigating the potential of an exempted fishing permit (EFP) for the use of longline gear on the high seas to target swordfish. If fishing occurred under an EFP, this information would be useful to future Council work to amend the HMS FMP. Finally, he noted that mitigation measures for enhancing protection of ESA-listed sea turtles were also being explored by NMFS.

Ms. Vojkovich asked if NMFS SWR had received specific funding for HMS FMP activities? Mr. Fougner indicated that SWR was using general funds for the activities he listed.

Ms. Vojkovich asked about the role of the SWFSC in support of the HMS FMP, such as development of the HMS SAFE document? Mr. Fougner stated the SWFSC would be the principal source for data and analyses for management and the SAFE document. He also stated that SWFSC staff would continue to participate on the HMS Management Team. He emphasized that neither SWR nor SWFSC would independently produce a SAFE document.

Mr. Anderson said it appeared that the Council had worked with NMFS to develop the FMP, but now NMFS is implementing only the portions of the FMP that they think necessary (without the Council). He was concerned that, without funding to support Council activities, NMFS would proceed on their own. He was concerned about public participation.

Mr. Fougner stated that NMFS was not acting independently. He clarified that NMFS is administering provisions of the FMP (permits, logbooks, etc.). He emphasized that no policy changes or regulatory changes were occurring or planned.

Mr. Anderson said it sounds like NMFS is independently implementing the FMP. Mr. Fougner stated that these FMP-related activities provide information for managing HMS fisheries.

Mr. Anderson was concerned that the Council would not be able to produce the HMS SAFE document. Mr. Anderson asked, if NMFS was asked to develop the SAFE document together, would they do that? Mr. Fougner responded that NMFS will be collecting information that could be included in the SAFE document, and if the West Coast states wanted to also participate in developing the document, that would be welcome.

Mr. Brown disagreed with Mr. Fougner on the involvement of industry in things like logbooks and other administrative matters. Industry is part of the Council process and he is very skeptical that, if the data showed there needed to be management adjustments and there were no funds for the Council process, the industry would have no input into the process. He was concerned about not having Council and industry involvement in management adjustments.

Mr. Alverson asked if only partial implementation of the FMP occurs does the Pacific Council come become subordinate to the WPFMC in HMS management? Mr. Fougner responded that the Pacific Council would not be subordinate, but it would be difficult if the WPFMC proposed changes to HMS management because the Pacific Council might not be in a position to deal with the proposal.

Chairman Hansen said he had thought the HMS FMP was on hold because there was no funding. Now he hears that NMFS is proceeding with implementation. Mr. Fougner responded that NMFS is implementing the components of the FMP that were approved.

Dr. McIsaac asked for specifics about how much money the SWR and SWFSC were spending on HMS-related matters. Mr. Fougner said he did not know of any particular funds other than base funds for the SWR and SWFSC that are being used for HMS activities. The information is also used for the IATTC and other

HMS management forums. He noted that SWR has redirected personnel and resources to the HMS program. He emphasized that SWR-Sustainable Fisheries Division did not get specific HMS funding, nor was there funds in the SFD account for grants or contracts to fund HMS activities. Mr. Fougner stated they were instructed to spend about 15% of their yearly allowance in the first quarter of the year and basically have no flexibility.

Ms. Vojkovich asked if the newly developing bluefin tuna pen rearing operation off of California was siphoning off HMS funds? She also asked how the HMS FMP relates to those types of activities? Mr. Fougner stated that bluefin tuna operation was a private venture – no NMFS funds are being used. However, NMFS-Habitat Conservation Division is writing a report on potential impacts.

F.1.c Reports and Comments of Advisory Bodies

None.

F.1.d Public Comment

Mr. Bob Osborn, United Anglers of Southern California, Huntington Beach, California

In response to Mr. Osborn's comments, Mr. Fougner noted that \$100,000 was available for cooperative research. He re-iterated that industry was working with NMFS in developing an EFP application for highseas longline fishing, which could evolve into a research project rather than an EFP fishery.

F.1.e Council Guidance on HMS FMP Implementation Issues

Dr. McIsaac spoke to the letter from the WPFMC proposing a joint meeting to discuss HMS-related management and stock status issues. He opined that it was a positive sign towards a more cooperative relationship. He recommended the Council consider responding to the WPFMC request.

Ms. Vojkovich supported Dr. McIsaac's suggestion. She also requested a letter be sent to Dr. Hogarth and Admiral Lautenbacher expressing the Council's dismay at not being able to fund the FMP, if there is to be no funding should the Council consider rescinding the HMS FMP?

Mr. Brown agreed. He stated that NMFS encouraged the Council to develop the HMS FMP, but now they are not providing funds to support the FMP.

Mr. Fougner noted that, personally, he is very disappointed by the current situation. It is frustrating and difficult. He emphasized he was speaking as an individual, not as a NMFS representative.

G. Coastal Pelagic Species Management

G.1 NMFS Report (11/03/04; 10:50 am)

G.1.a Regulatory Activities

None.

G.1.b Science Center Activities

Ms. Tonya Wick provided an update of NMFS SWR and SWFSC activities related to CPS.

G.1.c Reports and Comments of Advisory Bodies

None.

G.1.d Public Comment

None.

G.1.e Council Discussion on NMFS CPS Report

None.

G.2 Pacific Sardine 2005 Stock Assessment and Harvest Guideline (11/03/04; 11 am)

G.2.a Agenda Item Overview

Mr. Waldeck provided the agenda item overview.

Dr. Ray Conser presented a review of the 2004 Pacific sardine stock assessment and the FMP-formula derived harvest guideline. He referred to Agenda Item G.2.a, the 2004 Pacific Sardine Stock Assessment.

Ms. Vojkovich asked about the influence of sea-surface temperature (SST) on sardine recruitment and potential differences in productivity between the northern and southern areas of the fishery.

Dr. Conser responded that incoming recruits are a key factor in supporting a sustainable fishery. The assessment model assumes spawning areas are concentrated in the southern area and the SST is comparable throughout the spawning area. He noted that the Scripps's Pier SST is used because it provided a very long time series (back to the 1920s) and its trends are similar to temperature trends in other areas of the coast.

Ms. Vojkovich asked for information about the estimates of historic biomass and the FMP harvest control rule. Dr. Conser responded that the CPS FMP details the information used to develop the control rule and the process by which the Council selected the control rule (from a suite of alternatives). The harvest guideline control rule aims to achieve a stable fishery, to reduce pulses of high and low abundance, and to prevent stock collapse.

Ms. Vojkovich asked about research and data needs and what would be priority items. Dr. Conser referenced the CPS STAR Panel recommendations for research and data needs.

Mr. Ticehurst asked about the 150,000 mt Cutoff value in the harvest control rule. Dr. Conser responded that this amount is left in reserve for forage and ecosystem needs. It also is a buffer against potential stock collapse, that is, if biomass fell to 150,000 mt (or below) there would be no directed fishery.

Mr. Brown asked about the biomass trend, what is the likelihood sardine is in a downward trend? Dr. Conser responded that there was a clearly increasing trend through 1996, since then the stock appears stable at about 1 million mt. There is not an indication of decline over the later period. Dr. Conser described reasons for the sardine stock collapse that started in the 1940s. The collapse was due to a combination of intense fishing pressure and low stock productivity (because of an unfavorable environmental regime).

G.2.b Reports and Comments of Advisory Bodies

Dr. Sam Herrick provided Agenda Item G.2.b, CPSMT Report. Dr. Kevin Hill provided Agenda Item G.2.b, Supplemental SSC Report. Mr. John Royal and Ms. Heather Munro-Mann provided Agenda Item G.2.b, CASAS Report.

G.2.c Public Comment

None.

G.2.d Council Action: Adopt Harvest Guideline for 2005

Ms. Vojkovich moved and Mr. Thomas seconded a motion (Motion 9) to adopt the harvest guideline of 136,179 mt for the Pacific sardine fishery for 2005. She noted that the allocation framework currently in place will be used to divide the harvest guideline for the 2005 fishery.

Mr. Ticehurst noted concern about the potential for the Mexican fishery to increase their harvest, and the logic for the set aside of 150,000 mt. He was concerned the Council was not looking at this from an ecosystem perspective. Mr. Ticehurst proposed an amendment to Motion 9 (seconded by Mr. Thomas for discussion) to set the Pacific sardine fishery harvest guideline at 95 mt. [Mr. Ticehurst said "95 mt," Council staff believes he intended to say 9,500 mt.]

Mr. Anderson said he believed that when the harvest control rule was established that forage and ecosystem considerations were part of that process. He believes the Council took a very conservative approach in establishing a 15% harvest rate. He noted that the recommended harvest guideline of 136,179 mt is a small fraction of the total biomass and believes it is consistent with other ecosystem needs. He did not consider Mr. Ticehurst's concern to be valid.

Mr. Ticehurst elaborated on his concern and noted that 150,000 mt Cutoff might not be adequate, especially for recovering overfished groundfish stocks. He was also concerned that the combined Mexico, U.S., and Canada fisheries could potentially approach the acceptable biological catch.

Mr. Fougner said the FMP formula is essentially fixed, and if the Council wanted to change the harvest guideline formula for the 2005 fishery that would require emergency action.

Mr. Anderson said he did not disagree with the value of Mr. Ticehurst's argument, philosophically, but did want to make clear we are not bumping up against an ABC.

Chairman Hansen asked for the vote on Amendment 1 to the main motion. The amendment failed.

Mr. Alverson asked if the motion includes an allocation for 2005? Ms. Vojkovich said the next agenda item is for 2006 and beyond and the allocation formula we have for this year is also in place for next season.

Dr. Burke said she thought it was for this year. Mr. Waldeck explained the duration of the interim allocation formula and that it would be in place for 2005.

Chairman Hansen called for vote on motion 9. Motion 9 passed by voice vote.

G.3 FMP Amendment--Sardine Allocation (11/03/04; 2:15 pm)

G.3.a Agenda Item Overview

Mr. Waldeck provided the agenda item overview.

G.3.b Reports and Comments of Advisory Bodies

CPSAS

Mr. Royal and Ms. Munro-Mann provided Agenda Item G.3.b, CPSAS Report.

Mr. Fougner asked about the alternative identified as PNW Option 2, could this result in a derby fishery? Ms. Munro-Mann responded, yes, that could be a possibility. Mr. Fougner expressed his opinion about crafting an allocation that achieves predictability and stability, and that a derby fishery would not achieve these aims.

G.3.c Public Comment

Mr. Ryan Kapp, sardine fisherman, Bellingham, Washington

The Council had numerous questions for Mr. Kapp about how his proposed alternative would work and how it compared to the alternatives forwarded by the CPSAS. The Council was also interested in various modifications to certain aspects of Mr. Kapp's proposal.

Mr. Jerry Thon, Astoria Holdings, Astoria, Oregon

In his testimony, Mr. Thon proposed several criteria that he recommended the Council use to guide the analysis of alternative allocation scenarios. Under Council action, the Council adopted these criteria as guidance to the CPSMT.

Mr. Mike Okoniewski,, Pacific Seafoods, Woodland, Washington
Ms. Heather Munro Mann, Munro Consulting, Inc., Newport, Oregon
Mr. Pete Gugliermo, sardine fisherman, City of Commerce, California
Mr. Vince Torre, Tri-Marine Fish Company, San Pedro, California
Mr. Rick Mayer, Marcus Food Co., Camarillo, California
Ms. Diane Pleschner-Steele, California Wetfish Producers Association, Buellton, California

G.3.d Council Action: Adopt Preliminary Range of Alternatives for Sardine Allocation

Dr. Burke asked several question of Dr. Herrick (CPSMT chair). She wanted to know if the criteria suggested by Mr. Thon would be practicable for the CPSMT analysis. She also asked for the CPSMT perspective about adding an objective that seeks to achieve predictability and stability to the set of objectives proposed by the CPSAS. She asked if the CPSMT would want to be able to combine aspects of the CPSAS alternatives if the analysis revealed such combinations could produce effective alternatives. She also wanted assurance that the CPSMT would not exclude any of the CPSAS alternatives from the analysis.

Dr. Herrick spoke to the assignment for developing an allocation framework for the long-term. He noted that this would, in some ways, be complicated by the cyclic nature of sardine. For this reason, he felt a five-year review process would be prudent. He noted that, to reduce the workload burden, the review process should be part of the CPS FMP framework provisions. This could allow adjustments to the allocation framework without necessitating an FMP amendment.

Dr. Burke asked again about the CPSMT being able to combine aspects of the alternatives. Dr. Herrick concurred that this would be useful guidance.

Mr. Cedergreen asked how much extra work would be involved by adding Mr. Kapp's proposed alternative. Dr. Herrick said he did not see anything in the alternative that would make it extraordinarily difficult to look at. That is, on the face of it, he couldn't rule it out as too complex.

Mr. Fougner asked about another proposed additional alternative, which would involve "setting aside" a portion of the harvest guideline off the top to be held in trust by NMFS. Dr. Herrick responded that the CPSMT had not considered this (or the other alternatives) because the CPSAS had the lead in developing alternatives.

Ms. Vojkovich moved (Mr. Alverson, second) a motion (Motion 10) to adopt all of the options as shown in the CPSAS report, with addition of two new alternatives – the one proposed by Mr. Kapp and the suggested "set-aside" approach Ms. Pleschner spoke about in her public testimony. The objectives recommended by the CPSAS would also be adopted under this motion.

Mr. Fougner asked for a friendly amendment to include additional objectives – (1) one that calls for the allocation framework to achieve a high probability of stability and predictability for the fishery, and (2) a second that seeks to achieve a low risk of economic dislocation or disruption (when the stock declines) from increases in fishery capacity. The maker (and second) of the motion accepted the friendly amendment.

For his latter objective, Mr. Fougner explained his intent was for the CPSMT to assess the risk of having excess capacity in the fishery if the stock declines, notably excess capacity in the Pacific northwest.

Dr. Burke said she was concerned about overburdening the CPSMT by adding an analysis of capacity.

Mr. Fougner expressed his concern about growth in the Pacific Northwest (PNW) fishery and subsequent potential for idle capacity and financial impact when the cyclic sardine resource declines. He felt inclusion of the objective would be a sign to the PNW industry about expansion of capacity in the PNW.

Dr. Burke suggested this objective not be included. If it was included, she was not in favor of the friendly amendment.

Mr. Alverson asked if he could "unaccept" the friendly amendment? Dr. Hanson stated that a formal motion could be made to remove the friendly amendment (or a portion of it) from the main motion.

Mr. Anderson asked to add another alternative, which would be a modification of status quo. He moved to amend motion 10 (Amendment 1) by adding a new alternative as follows: Subarea dividing line at Pt. Arena, California; on January 1, harvest guideline allocated 66% to south, 33% to north; on September 1, remaining harvest guideline pooled and reallocated 50% to south, 50% to north; and on November 1, remaining harvest guideline pooled and available coastwide.

He emphasized that this motion would not change the "status quo" alternative, but would add an additional alternative. Mr. Cedergreen seconded the amendment to motion 10.

Amendment 1 to Motion 10 passed.

Dr. Burke asked for an Amendment (Amendment 2, seconded by Mr. Warrens) as follows:

For the analysis, the CPSMT is to:

- analyze each alternative in a consistent manner;
- review differential impacts on northern and southern sectors for each alternative;
- review effects of high and low catch years by sector for each alternative;
- review resulting effects at various harvest guideline levels ranging from 25,000 - 200,000 mt (at appropriate intervals) for each alternative; and
- at the discretion of the Management Team, combine aspects of the various alternatives to create new alternatives that meet program objectives.

The Chairman called for vote on Amendment 2, which passed by voice vote.

Mr. Anderson asked to have Mr. Fougner repeat his previous friendly amendment. Mr. Fougner repeated the two objectives he asked to add via his friendly amendment.

Mr. Anderson moved to amend the main motion (Amendment 3, second Mr. Cedergreen) to strike the second of the two objectives added by the friendly amendment.

The Council discussed the ramifications of the Mr. Fougner's second objective.

Mr. Anderson explained why he wanted the objective removed, because he objected to certain sectors being labeled as overcapitalized.

Mr. Fougner stated his concern about the further build up in the PNW fishery given the potential for a very sharp drop in the abundance of the stock and harvest guideline. He is concerned that there would be idle capacity in the northwest and did not want the industry to say that the Council had promoted capacity development. Mr. Anderson clarified that he understood Mr. Fougner's intent, but his formal Amendment stands for Council vote.

Mr. Warrens said that industry recognizes there will be a decline in the stock at some time. The industry knows they have to make sound business decisions; and he was wondering if we are delving into business plan decisions that need to be made by the individual business owners. He said the industry acknowledges the fact the stock will decline at some time.

Mr. Brown pointed out he is going to vote for the amendment; he is concerned that adding this objective would create a bias to southern California. Moreover, he agreed with Mr Warrens' comments that the industry recognizes that the stock may decline at some point.

Mr. Anderson agreed that development of capacity in the fishery is a business decision.

Mr. Fougner said this discussion has been helpful and he hopes that the Council and industry recognize that a decline in stock abundance is possible. Removing the objective is fine with him and he supports Amendment 3.

Vote on Amendment 3 to Motion 10, passed by voice vote.

Mr. Harp asked for Dr. McIsaac to re-read the motion. Dr. McIsaac read the amended main motion.

Main motion 10 passed by voice vote.

Mr. Waldeck asked for clarification about Mr. Kapp's alternative because the Council had discussed modification of the alternative. Mr. Anderson said the motion included Mr. Kapp's proposal as presented in the briefing documents. The CPSMT has discretion to clarify the alternative.

Mr. Waldeck also asked for clarification about the "set-aside" alternative, which is not written down. Who would be charged with developing this alternative and when would it be available to the CPSMT? Ms. Munro-Mann and Ms. Pleschner indicated they would develop language for the "set-aside" alternative and provide it to Council staff in time for the Council Newsletter. Council members concurred.

H. Marine Protected Areas

H.1 Federal Waters Portion of the Channel Islands National Marine Sanctuary (11/05/04; 8:05 am)

H.1.a Agenda Item Overview

Mr. Waldeck provided the agenda item overview.

H.1.b Report of the Sanctuary Staff

Mr. Chris Mobley complimented those involved in the Council's review of the CINMS preliminary documents. He explained the process and schedule for going forward, including potential changes to the CINMS designation document and development of NMSA regulations. Ms. Stephanie Campbell (NOAA Fisheries General Counsel) also provided information about the process to modify the designation document.

Mr. Mobley emphasized that the Council would have a role in the designation document review process. Potential changes are expected to be very narrow, limited to only what is necessary to implement the proposed marine reserves and conservation areas. Council participation would be facilitated by synchronizing the review process with the Council meeting schedule.

Mr. Larson asked if CINMS anticipated non-fishing matters to be included in the proposed designation document changes. He pointed to the proposed CBNMS and MBNMS designation document changes. He was concerned about combining changes in regulatory authority with modification to a Sanctuary designation document.

Mr. Mobley assured the Council that CINMS would be mindful of the Council process and work with Council staff to ensure a good fit of CINMS work with the Council process.

H.1.c Report of the Ad Hoc Channel Islands Marine Reserve Committee

Mr. Waldeck read the CIRMRC report on Channel Islands National Marine Sanctuary preliminary working draft document and recommendations for a new marine protected area ad hoc committee (Agenda Item H.1.c, CIMRC Report).

H.1.d Reports and Comments of Advisory Bodies

Mr. Waldeck read Agenda Item H.1.d, Supplemental SAS Report. Mr. Michael Osmund provided Agenda Item H.1.d, Supplemental HC Report. Mr. Moore provided Agenda Item H.1.d, Supplemental GAP Report.

H.1.e Public Comment

Ms. Kathy Fosmark, Alliance of Citizens for Sustainable Fisheries, Pebble Beach, California
Mr. Gregg Helms, The Ocean Conservancy, San Francisco, California

H.1.f Council Action: Recommend a Range of Draft EIS Alternatives for Marine Reserves and Conservation Zones within the Sanctuary

Mr. Fougner remarked that, as described in the Ad Hoc CIMRC report, there is a need to provide complete information prior to the Council considering the Draft EIS in March.

Dr. McIsaac noted that the Council might want to consider adding a tribal representative to the Ad Hoc MPA Committee, especially for times when the Committee is addressing issues related to the Olympic Coast National Marine Sanctuary.

Mr. Larson moved and Mr. Ticehurst seconded a motion (Motion 21) to adopt the CIRMC report recommendations as presented in Agenda Item H.1.c, CIRMC report; and to include the modification of the name of the Ad Hoc CIRMC to Ad Hoc Marine Protected Areas Committee, and include the Enforcement Consultants as a non-voting advisory seat to this Committee.

Dr. McIsaac, on the question of Committee composition, would there be discretion to add a tribal representative to the Committee (e.g., if the Olympic Coast National Marine Sanctuary were at issue)? The Council concurred.

Motion 21 passed by voice vote.

H.2 Cordell Bank NMS (11/05/04; 9 am)

H.2.a Agenda Item Overview

Mr. Waldeck provided the agenda item overview.

H.2.b Report of the Cordell Banks NMS Staff

Ms. Anne Walton and Mr. Dan Howard presented an overview of the proposed actions and a video of the project area. Power Point presentation on file at the Council office.

Ms. Walton prefaced her presentation with comments about the National Marine Sanctuary Program letters to the Council requesting Council action to develop NMSA regulations and reviewing/commenting on proposed Sanctuary designation document changes. She noted that the NMSA mandates a 120-day deadline for Regional Fishery Management Councils to respond to requests for preparing NMSA regulations. For the Designation Document review process, Ms. Walton stated that the standard was for a 60-day deadline, but this was not mandated in the NMSA. She noted that these deadlines did not match with the Council meeting schedule (i.e., the Council does not meet again until March 2005), and stated the NMSP would work with the Council to ensure it had adequate time to respond to the NMSP request. These comments pertained to both CBNMS and MBNMS.

She emphasized that the Council should make a formal request for extension of the deadlines, and the request should detail why there was “good cause” for the extensions.

After the presentation, Mr. Brown asked what harm were they trying to prevent? Mr. Howard responded that an objective was to protect the area on the Bank itself, especially from potential impacts to the benthic

environment from current or future fishing gear.

Mr. Brown spoke about a specific type of vertical hook and line gear (“dingle-bar” gear) that could impact the habitat because it employs a weight which bounces along the bottom. Mr. Howard noted that he heard similar comments from the GAP and EC, and that CBNMS would work with the Council to modify the Sanctuary’s proposed action to ensure proper regulations are crafted.

Dr. McIsaac asked about the use of the term “NOAA preferred alternative.” Ms. Walton noted that the use of this term was used in the narrow context of the required consultation document and was meant only to indicate to the Council which of the proposed actions the NMSP and NOAA felt best achieved the sanctuaries’ goals and objectives.

H.2.c Reports and Comments of Advisory Bodies

Mr. Stuart Ellis provided Agenda Item H.2.c, Supplemental HC Report. LT. Dave Cleary provided Agenda Item H.2.c, and H.3.c, Supplemental EC Report. Mr. Moore provided Agenda Item H.2.c, Supplemental GAP Report.

H.2.d Public Comment

Ms. Kathy Fosmark, Alliance for Communities for Sustainable Fisheries, Pebble Beach, California
Mr. Tom Ghio, Ghio Fish Company, Moss Landing, California

H.2.e Council Guidance on a Range of Alternatives to Protect the Benthic Environment within the Cordell Banks Sanctuary

Mr. Larson asked for clarification from Council staff if the Council would be able to address the Sanctuary’s request at the March 2005 meeting.

Dr. McIsaac responded that later in the November agenda the Council would discuss workload and the draft March 2005 agenda. The current matter at hand was how did the Council want to respond to the NMSP request.

Mr. Anderson said the CBNMS proposal has merit; if we are going to hold up our end of the partnership we need to make time on our agenda to consider the proposal. He suggested the Council write a letter to request an extension of the time to allow us to take the proposal through our process and to have the advisory bodies respond at the March 2005 meeting. He suggested that it would be difficult to draft regulations without advisory body input. He suggested that the April 2005 meeting should be the meeting where the Council takes action on draft regulatory language.

The Chairman asked Mr. Anderson if he wanted to make that a motion for Council action. Mr. Anderson responded, yes. (Motion 22). Mr. Ticehurst seconded the motion.

Mr. Larson asked for a friendly amendment to add that the letter to the NMSP should (1) stress the Council’s concern about our partnership with the NMSP and (2) request retraction of the term “preferred alternative.” He noted the Council has a process to come up with preferred alternatives.

Mr. Anderson agreed with the part about the “NOAA preferred alternative,” but not the part suggesting the Council chastise the NMSP for their process. He stated that the NMSP is here listening to the Council’s concerns, and this is a relatively new partnership. He did not feel that it needed to be part of the letter.

Mr. Larson agreed. The maker and seconder agreed to the friendly amendment requesting retraction of the term “NOAA preferred alternative.”

Mr. Brown noted that, given the Council schedule, there would be preliminary action at the March meeting in Sacramento, California; but final action on regulatory language would occur in Tacoma, Washington. He was concerned that stakeholders from the project area (Central California Coast) would be less able to attend the Tacoma meeting and, thus, have less opportunity to participate. He suggested that March/June might be better.

Dr. McIsaac asked if a March/June Council action schedule would disrupt the NMSP process? Ms. Walton stated the NMSP is endeavoring to have a DEIS developed by Spring 2005. If the Council delayed final action until June, that could disrupt their process.

Dr. Hanson asked if the schedule is internally-driven or court-ordered? Ms. Campbell responded the NMSP was operating under an internal schedule.

Relative to the request for retraction of the term “preferred alternative,” Ms. Walton said the NMSP would more likely not retract the term, but would better clarify its usage.

Mr. Alverson asked if MPA matters were a funded workload item or if they were drawing funds from the Council base budget. Mr. Hansen replied that there were specific funds for MPA work.

Mr. Anderson clarified that his motion would include in the letter to the NMSP a request that they retract the “preferred alternative” notation because the NMSP identified a preferred alternative before they formally consulted with the Council.

Motion 22 passed by voice vote.

{closed session was held for one hour }

Ms. Cooney clarified some aspects of NMSP consultation with Regional Fishery Management Councils and modification of a Sanctuary’s Designation Document. If a designation document is subject to proposed changes it must go through the same process used when the original designation document was developed. This designation document modification process is detailed in the NMSA. For fishing regulations within a sanctuary, the NMSA requires the appropriate Council be given the first opportunity to draft the regulations. The APA and NEPA procedures must be followed by the NMSP. Relative to Council selection of a preferred alternative for a NMSP action, the NMSP has authority to select a preferred alternative. If it differs from the Council’s preferred alternative, the Secretary of Commerce ultimately decides. The Council’s comments and recommendations are part of the public record and would be included in the decision making process.

Mr. Larson asked Ms. Cooney about MBNMS proposed extension of the Sanctuary’s boundary to include Davidson Seamount. It seems out of order to draft fishing regulations under NMSA authority for an area not covered by the NMSA. It seems like a disconnect. Secondly, how does the Secretary of Commerce select a preferred alternative, is he/she made aware of the Council’s preferred alternative?

Ms. Cooney responded, in terms of final decision making authority, it is likely that decision making authority is delegated to National Ocean Service or NMSP. However, the final decision could get made farther up the chain of command, especially if it is controversial or involves numerous partner agencies. Relative to consulting on regulations prior to changes to a designation document, the NMSA directs the agency to publish

in the *Federal Register* proposed regulations along with the proposal regarding the designation document. However, the regulations could not go into effect before the designation document is formally revised.

Dr. McIsaac noted that under the M-S Act, if the Secretary of Commerce disapproves a Council recommendation, the Secretary must notify the Council and suggest remedies; is there a similar process under the NMSP?

Ms. Cooney responded that she is not aware of a similar statutory requirement in the NMSA, but it is very likely that there would be communication between the NMSP and the Council.

H.3 Monterey Bay NMS (11/05/04; 11:21 am)

H.3.a Agenda Item Overview

Mr. Waldeck provided the agenda item overview.

H.3.b Report of the Monterey Bay Sanctuary Staff

Dr. Holly Price and Mr. Huff McGonigal provided a Power Point presentation, which is on file at Council office.

Dr. Price noted that she concurred with the comments made by Ms. Walton (during Agenda Item H.2) about extension of deadlines to accommodate the Council schedule.

Mr. Brown asked for clarification of what action MBNMS was asking for from the Council. Dr. Price stated that, similar to CBNMS, they are requesting the Council draft fishing regulations and comment on proposed Designation Document changes.

H.3.c Reports and Comments of Advisory Bodies

Mr. Stuart Ellis provided Agenda Item H.3.c, Supplemental HC Report. The GAP and EC comments were already provided under Agenda Item H.2.c.

H.3.d Public Comment

Mr. Tom Ghio, Ghio Fish Company, Moss Landing, California

Ms. Kathy Fosmark, Alliance for Communities for Sustainable Fisheries, Pebble Beach, California

H.3.e Council Guidance on a Range of Alternatives to Protect the Davidson Seamount

This portion of Council discussion with MBNMS occurred between the public testimony of Mr. Ghio and Ms. Fosmark –

Mr. Warrens asked about the extension of the Sanctuary boundary. Would the boundary be extended to include the seamount and waters between it and the sanctuary, or would the seamount be bounded by a “stand-alone box?”

Dr. Price stated the MBNMS and the Sanctuary working group had reviewed various options, which are described in the briefing materials. The proposed action is for a square box around the seamount, not contiguous with the current sanctuary boundary.

Mr. Warrens commented that if the boundary extension was contiguous, it could have significant impacts on existing fisheries. Dr. Price clarified that MBNMS was focused on a boundary around the seamount. Moreover, changes to the Designation Document would be limited to specific restrictions in a specific area. It would not provide for managing fisheries in other areas of MBNMS.

Mr. Larsen asked about the combined fishing regulation boundary extension actions. He suggested that by drafting fishing regulations for the Davidson Seamount area the Council could be seen as assenting to the MBNMS boundary extension.

Dr. Price stated that the Council should consider responding separately to the two requests from MBNMS, one in regard to fishing regulations, a second in regard to the Designation Document.

Mr. Larsen was concerned because the Council had not seen an analysis to determine what action the Council would want to take. He noted that the Council action under groundfish EFH might provide the protections MBNMS was seeking for Davidson Seamount.

Dr. Price responded that the goals and objectives of including the seamount within the MBNMS boundary go beyond groundfish EFH.

The remainder of Council discussion occurred under the Council guidance portion of the agenda.

Mr. Brown asked about MBNMS concerns about potential future threats, and potential “research collection” versus other activities, such as “bio-prospecting.” Dr. Price responded that bio-prospecting is generally considered a commercial venture, whereas research would be regulated differently.

Regarding the MBNMS requests of the Council, Mr. Ticehurst remarked that he thought the logical sequence would be to first consider expansion of the sanctuary boundary to include Davidson Seamount. The second step would be to approach the Council to draft fishing regulations.

Mr. Fougner commented that the two actions are connected, designation document changes are needed to protect the resources of Davidson Seamount and the fishing regulations are needed to achieve the protections deemed necessary. He sees it as a combined process. Dr. Price noted that by doing the Designation Document change and fishing regulations together, the public has opportunity to review and comment on both aspects as a package.

Mr. Ticehurst asked Mr. Fougner if the fishing regulations developed by the Council would be part of the Designation Document changes or separate? Mr. Fougner responded that the proposed changes to the Designation Document would contain two components – one for expansion of the MBNMS boundary, the second would change the authorization language to provide for fishing controls within the area above the seamount. The regulations would be a separate procedural element that would go through “notice and comment” rulemaking.

Mr. Warrens feels it is important to involve the public. He asked about the MBNMS timeline for action, notably if there would be time to accommodate public testimony about this matter at the June 2005 Council meeting in Foster City, California?

Dr. Price responded that the NMSP had discussed extension of the deadlines to accommodate the March 2005 Council meeting, but waiting until June could compromise their process and create delays for the NMSP Joint Management Plan Review process. She described the various avenues for public input into the Sanctuary’s process.

Mr. Warrens detailed his concerns and stated that, if the MBNMS timeline was not mandated or court-ordered, it would benefit all involved if the process could be extended to include the June 2005 Council meeting.

Mr. Ticehurst stated that no fishing is occurring in the area, and that the fishing public is used to addressing these matters to the Council. He did not feel that the sanctuaries met with the entire fishing community. He did not see a reason to accelerate this and felt that June 2005 would provide a better opportunity for public input.

Mr. Brown asked how do we define fishing and how the concept of bio-prospecting related to the regulation of fishing activity? He was curious about who had authority over such activities?

Ms. Cooney responded that if bio-prospecting involved collection of living organisms then it might be considered fishing. If the MBNMS designation document addresses bio-prospecting, then they could potentially have authority to regulate this activity. Ms. Cooney clarified that bio-prospecting could be considered fishing as fishing is defined under the M-S Act. She was not aware of how the NMSA defined fishing. Ms. Stephanie Campbell said there is no definition of fishing under the NMSA.

Mr. Anderson stated that the motion he made and the Council action under H.2 did not apply to MBNMS. He is not convinced that the designation document changes had to occur simultaneous to development of fishing regulations. He sees it as a two-step process, where extension of the MBNMS boundary is the first step. At this time, he would be inclined to decline the offer to draft fishing regulations, because the offer is to draft regulations under the NMSA for an area that is not included in a Sanctuary. He felt the Council action should be to request an extension from MBNMS of the deadline for commenting on the proposed designation document changes to provide for Council advisory bodies to review and consider the proposed changes prior to Council action.

Ms. Cooney advised the Council to consider the combined action as similar to how the Council does an FMP amendment. As an FMP amendment is developed, regulations to implement proposed measures are developed simultaneously so that the FMP amendment and regulations are published together. She noted that if the Council declined to draft fishing regulations, under the NMSA, the sanctuary could then draft the fishing regulations to go along with the proposed changes to the designation document. She suggested the Council (hypothetically) could respond that they do not support the designation document change, but include in the response if the NMSP proceeded with the action.

She clarified her interpretation of the NMSP request for MBNMS is for the Council to draft regulations to accompany proposed changes to the designation document, as a package.

Mr. Brown asked for clarification about the Council drafting regulations under NMSA authority for an area not in a National Marine Sanctuary.

Ms. Cooney responded that the fishing regulation provisions in the NMSA state that regional fishery management councils will be provided the opportunity to prepare draft regulations for fishing within the U.S. EEZ as the Council may deem necessary to implement the proposed designation. Thus, if fishing regulations had accompanied the original MBNMS designation, the NMSP would have made a similar request of the Council. Currently, MBNMS is seeking expansion of the sanctuary boundary and to add fishing regulations, thus, they are requesting the Council draft fishing regulations to accompany the proposed designation. Therefore, the NMSA does provide for the process as proposed by the NMSP.

Dr. McIsaac suggested the Council could take an action similar to that done under H.2, which would allow

the Council to fully consider the issues at the March 2005 Council meeting.

Mr. Larson noted that the consultation package and proposed designation document changes cover much more than just fishing-related matters. He felt that the Council needed more information about the range of matters being contemplated by the Sanctuaries. The Council needs this information to consider the proposed changes for all three sanctuaries in total. Thus, he supports review of the information between now and March 2005, but he would like the Council to request the additional information to support a thorough review.

Mr. Warrens asked if this required use of the Council's "two-meeting" process. Ms. Cooney responded that the two-meeting process is in the groundfish FMP; this is a separate matter, which the Council could address in one meeting.

Mr. Larson moved (seconded by Mr. Anderson) that a letter in response to the NMSP request be sent asking for an extension of the deadlines to provide for advisory body review and possible Council action in March 2005; also request additional information for the full range of proposed designation document changes for the three sanctuaries. The Council would consider drafting regulations at the April 2005 meeting (Motion 23).

Mr. Larson clarified that the CBNMS and MBNMS matters could be addressed in a single letter to the NMSP. However, as noted, he would like more information about the proposed changes for all of the sanctuaries.

Motion 23 passed by voice vote.

Ms. Cooney, to clarify, reviewed NMSA language. She stated that in proposing to designate a National Marine Sanctuary, or to amend designation, the Secretary of Commerce shall issue in the Federal Register a notice of the proposed regulations that may be necessary and reasonable to implement the proposal and a summary of the draft management plan. Thus, the NMSA does provide for doing the actions simultaneously, i.e., designation and draft regulations.

H.4 Krill Harvest Ban (11/05/04; 12:30 pm)

H.4.a Agenda Item Overview

Mr. Waldeck provided the agenda item overview.

H.4.b NMFS Report

In Mr. Fougner's absence, Dr. McIsaac reviewed the NMFS Report (Agenda Item H.4.b, NMFS Report). He noted that NMFS had indicated that option 2, which would incorporate krill as a management unit species in the CPS FMP, was their preferred course of action. Dr. McIsaac also indicated that NMFS had discussed the possibility of taking the lead on developing information and analyses for this action.

H.4.c Reports and Comments of Advisory Bodies

Mr. Waldeck summarized the CPSMT report, read Agenda Item H.4.c, CPSAS Report, and Agenda Item H.4.c, Supplemental SAS Report. Mr. Michael Osmund provided Agenda Item H.4.c, Supplemental HC Report. Mr. Moore provided Agenda Item H.4.c, Supplemental GAP Report.

H.4.d Public Comment

Ms. Kate Wing, NRDC, San Francisco, California

Ms. Kathy Fosmark, Alliance for Communities for Sustainable Fisheries, Pebble Beach, California

H.4.e Council Action: Consider the Next Steps to Protect Krill

Dr. Burke moved and Mr. Brown seconded a motion, Motion 24 (referring to Agenda Item H.4.b, NMFS Report) to adopt Option 2, which would incorporate krill as a management unit species in the CPS FMP.

Mr. Larson noted that the issue of krill fishing was brought to the Council's attention by the NMSP. He asked for a "friendly amendment" to include as an alternative an outright ban on krill fishing within the West Coast National Marine Sanctuaries.

Dr. McIsaac suggested that specific alternatives, such as Mr. Larson's request, would be developed during the next phase. The Council action at this point is to select a process for moving forward.

Mr. Larson appreciated the clarification. He asked if the Council could incorporate his suggested friendly amendment into the CPS FMP action, specifically for consideration in March of a outright ban on the harvest of krill within sanctuary waters?

Dr. Hanson recommended that Mr. Larson bring his issue forward as a separate motion or formal amendment to the main motion.

Mr. Brown did not see that Mr. Larson's issue was necessary at this time. As part of the CPS FMP amendment, a scoping process would occur and specific alternatives would be developed. The range of alternatives could include an outright ban as suggested by Mr. Larson.

Mr. Larson said he felt it was necessary to include this option of an outright ban within the sanctuaries and that he would make it a separate motion.

Mr. Anderson expressed his concern that Option 2 seemed to have the highest amount of workload and cost associated with it. His preference would be for Option 3, which would involve less work for the Council and the CPSMT.

Dr. Burke, in response, did not agree that Option 3 would entail less work. Moreover, the CPS FMP exists as a vehicle to proceed with this action. Whereas, Option 3 is less defined in terms of the scope of the process and how fishing restrictions would be developed.

Mr. Alverson noted that the Council's earlier action for groundfish EFH included an alternative to define krill as groundfish EFH. He suggested that Option 3 could be workload intensive. He asked why the groundfish EFH wasn't sufficient and why a separate action was needed?

Mr. Brown clarified that the groundfish EHF proposal for krill was just that, a proposal. He also noted that it could possibly include other forage species, not just krill. He opined that the CPS FMP approach was the most straightforward way to proceed. He spoke to other forage fish issues.

Mr. Ortmann asked for the motion to be read back to the Council and then called for the question.

Motion 24 passed by voice vote. Messrs. Anderson and Cedergreen voted no.

Mr. Larson moved (Motion 25) to include a specific alternative in the CPS FMP krill fishing amendment that would prohibit harvesting of krill within West Coast National Marine Sanctuaries. Mr. Ticehurst seconded the motion.

Mr. Brown and Ms. Cooney asked for clarification that Mr. Larson was seeking to include a specific alternative in the CPS FMP krill action. Mr. Larson responded, yes.

Motion 25 passed by voice vote.

I. Habitat

I.1 Current Habitat Issues (11/05/04; 1:35 pm)

I.1.a Report of the Habitat Committee

Ms. Jennifer Gilden provided Agenda Item I.1.a, Supplemental HC Report.

I.1.b Reports and Comments of Advisory Bodies

None.

I.1.c Public Comment

None.

I.1.d Council Action: Consider HC Recommendations

Mr. Anderson moved to accept the report of the HC (Motion 26) - Mr. Cedergreen seconded the motion. Motion 26 passed. There was no further Council discussion on the matter.

4 P.M. PUBLIC COMMENT PERIOD

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

Mr. Peter Huhtula, PMCC, Astoria, Oregon; and Ms. Sara Klain, Ecotrust. Spoke about the Spatial Community Outreach Project (SCOOP). PMCC is working with Ecotrust, to gather information from fishing communities on the impacts of spatial (area-based) management.

Mr. Bill James, commercial fisherman, Salem, Oregon. Testified about the MLPA task force recent meeting. He felt the task force members are not vested in fisheries management. He requested either NMFS or the Council provide a representative to be placed on that task force, or at least offer input to the task force.

Ms. Heather Munro Mann, Munro Consulting, Inc., Newport, Oregon. She provided an update to the cooperative research program. Scientists were hired to come up with alternative ways to study rockfish. She also spoke about the port liaison project which is funded by NMFS and administered by Oregon State University.

Mr. Petey Brucker, Salmon River Restoration Council, Sawyers Bar, California. Testified that the Klamath Task Force (authorized by the Klamath Act) will sunset in 2006. He would like to see that Act reauthorized and asked for Council support on this matter.

ADJOURN, Friday, November 5, 2004 at 2 pm.

DRAFT

Council Chairman

DRAFT

Date

DRAFT VOTING LOG
Pacific Fishery Management Council
November 1-5, 2004

Motion 1: The Council approved the agenda as shown in Agenda Item A.4, Council Meeting Agenda, November 2004.

Moved by: Ralph Brown
Motion 1 passed.

Seconded by: Frank Warrens

Motion 2: Adopt the Oregon proposals for the Pacific Halibut Hatch Sharing Plan (CSP) as listed in Agenda Item C.1.b, Supplemental ODFW Report 1, as corrected by Agenda Item C.1.b, Supplemental ODFW Report.

Moved by: Patty Burke
Motion 2 withdrawn.

Seconded by: Ralph Brown

Motion 3: Adopt the proposals for the catch sharing plan as shown in Agenda Item C.1.b, Supplemental ODFW Report with the deletion of item #6; and incorporate the changes that were listed in ODFW Supplemental Report 2 to correct the language per NMFS recommendations.

Moved by: Patty Burke
Motion 3 passed.

Seconded by: Ralph Brown

Motion 4: For the halibut catch sharing plan, adopt Agenda Item C.1.b, Supplemental WDFW Report; with the inclusion of the phrase "pounds equal to". (Clarified WDFW Motion - should have been labeled Agenda Item C.1.f).

Moved by: Patty Burke
Motion 4 passed.

Seconded by: Phil Anderson

Motion 5: Make a change to the Pacific Halibut Catch Sharing Plan as reflected in C.1.b, Supplemental WDFW Report 2.

Moved by: Phil Anderson
Motion 5 passed.

Seconded by: Mark Cedergreen

Motion 6: Adopt the schedule for the 2005 salmon management process as shown in Agenda Item D.3.a, Attachment 1, but add a contingency for a meeting in Eureka if Council budget allowed for that and interest in the public is sufficient.

Moved by: Eric Larson
Motion 6 passed.

Seconded by: Phil Anderson

Motion 7: Adopt the groundfish stock assessment terms of reference as noted in Agenda Item E.2.a, Attachment 1, with the modifications suggested by the SSC (Agenda Item E.2.b, Supplemental SSC Report - Items 1 through 3).

Moved by: Ralph Brown

Seconded by: Bob Alverson

Amendment: Include the comments of the GMT as shown in Agenda Item E.2.a, Supplemental GMT Report.

Moved by: Marija Vojkovich

Seconded by: Phil Anderson

Amendment passed.

Main motion 7 as amended passed.

Motion 8: Approve the California selective flatfish trawl gear EFP and the joint state (California, Oregon, and Washington) whiting EFP.

Moved by: Marija Vojkovich

Seconded by: Roger Thomas

Motion 8 passed.

Motion 9: Adopt the harvest guideline of 136,179 mt for the Pacific sardine fishery for 2005; noting that the allocation framework currently in place will be used to divide the harvest guideline throughout 2005.

Moved by: Marija Vojkovich

Seconded by: Roger Thomas

Amendment: Adopt the harvest guideline of 95 mt for the Pacific sardine fishery for 2005.

Moved by: Daryl Ticehurst

Seconded by: Roger Thomas

Amendment failed.

Main motion 9 passed.

Motion 10: Adopt all of the options as shown in the CPSAS report, with addition of two new alternatives – the one proposed by Mr. Kapp and the suggested “set-aside” approach Ms. Pleschner spoke about in her public testimony. The objectives recommended by the CPSAS would also be adopted under this motion. Include additional objectives – (1) one that calls for the allocation framework to achieve a high probability of stability and predictability for the fishery, and (2) a second that seeks to achieve a low risk of economic dislocation or disruption (when the stock declines) from increases in fishery capacity.

Moved by: Marija Vojkovich

Seconded by: Bob Alverson

Amendment 1: Add the following additional alternative:

Subarea dividing line at Pt. Arena, California;
On January 1, harvest guideline allocated 66% to south, 33% to north;
On September 1, remaining harvest guideline pooled and reallocated 50% to south, 50% to north; and
On November 1, remaining harvest guideline pooled and available coastwide.

Moved by: Phil Anderson Seconded by: Mark Cedergreen
Amendment 1 to Motion 10 passed.

Amendment 2: For the analysis, the CPSMT is to:

- analyze each alternative in a consistent manner;
- review differential impacts on northern and southern sectors for each alternative;
- review effects of high and low catch years by sector for each alternative;
- review resulting effects at various harvest guideline levels ranging from 25,000 - 200,000 mt (at appropriate intervals) for each alternative; and
- at the discretion of the Management Team, combine aspects of the various alternatives to create new alternatives that meet program objectives.

Moved by: Dr. Burke Seconded by: Mr. Warrens
Amendment 2 to Motion 10 passed.

Amendment 3: Strike the second of the two additional objectives in the main motion.

Moved by: Mr. Anderson Seconded by Mr. Cedergreen
Amendment 3 to Motion 10, passed by voice vote.
Main motion 10 passed by voice vote.

Motion 11: To determine the next steps in implementation of the bycatch programmatic EIS, have staff write up the issues and specific amendment language that the Council would like to include in the FMP, and at the March Council meeting, use that document as discussion for a work plan and determine what steps will be needed for an amendment.

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

Motion 12: Have the PFMC request an opinion from NOAA Fisheries GC regarding the legality of a quota share system that would:

1. allow harvesting shares to be held (owned) by fish processors at any time
2. issue harvesting shares to fish processors at the time of initial allocation of shares
3. restrict the sales of fish by fishermen to particular fish processors
4. restrict the sales of fish by fishermen to fish processors that hold (own) matching shares

5. in any way limit or restrict the number of fish processors that may purchase fish from fishermen

Additionally, advice of the level of any accumulation caps that may be imposed within a quota share system should be requested.

Moved by: Marija Vojkovich Seconded by: Roger Thomas
Motion 12 passed.

- Motion 13: In Agenda Item E.6.b, Independent Experts Panel report change Objective 3 to read “reduce bycatch and discard mortality.”

Moved by: Ralph Brown Seconded by: Frank Warrens
Motion 13 passed.

- Motion 14: Adopt as preliminary preferred alternatives for the designation of EFH: EFH Alternative 2 and EFH Alternative 3.

Moved by: Phil Anderson Seconded by: Patty Burke
Motion 14 passed. Ralph Brown abstained.

- Motion 15: Remove EFH designation Alternative 4 because it is not consistent with the Magnuson-Stevens Act.

Moved by: Steve Freese Seconded by: Marija Vojkovich
Motion 15 passed. Ralph Brown abstained.

- Motion 16: Remove EFH designation Alternative 5 from consideration.

Moved by: Marija Vojkovich Seconded by: Daryl Ticehurst
Motion 16 passed. Ralph Brown abstained.

- Motion 17: Adopt the following HAPCs as preliminary preferred alternatives: HAPC Alternative 2, HAPC Alternative 3, HAPC 4, and HAPC designation Alternative 6; also, in Alternative 6, include rocky reef habitat areas deeper than 30 fm outside 3 nautical miles.

Moved by: Phil Anderson Seconded by: Patty Burke
Motion 17 passed. Ralph Brown abstained.

- Motion 18: Adopt preliminary preferred alternatives to minimize impacts of fishing gear as follows: Alternative 4 option 1 (freeze trawl footprint) and option 2 (freeze fixed gear footprint), delete Alternative 6 option 1 (close 25% of representative habitat) and option 2 (close 25% of biogenic habitat), and include Alternative 10 (fishing gear restrictions). Within Alternative 10 the following options are adopted: option 1 (prohibit roller gear larger than 15"), option 3 (prohibit flat trawl doors), option 5 (limit the length of longlines), option 6 (use habitat friendly anchoring, with the deletion of “assess potential” from the description), option 7 (prohibit dredge gear), option 8 (prohibit beam trawl), option 9 (prohibit gillnets

with the suboption of deeper than 60 fm), and option 11 (prohibit dingle bar gear). The motion also includes Alternative 11 (central California no-trawl zones), Alternative 12 (relax gear endorsement requirements), and Alternative 13 (Oceana proposal). Under Alternative 13 the following two options are added: 1) the areas identified in Alternative 13 will be closed to all fishing and 2) the areas identified in Alternative 13 will be closed to bottom-contact gear (defined as fixed gear or bottom trawl gear--Alternative 13 as originally described closes those areas to bottom trawling only).

Moved by: Phil Anderson Seconded by: Patty Burke
Motion 18 passed. Ralph Brown abstained.

Motion 19: Reconsider Motion 17.

Moved by: Marija Vojkovich Seconded by: Daryl Ticehurst
Motion 19 passed. Dr. Burke and Mr. Alverson voted no; Mr. Brown abstained.

Motion 20 Amend Motion 17 to include HAPC Alternative 8 (oil platforms) as a preliminary preferred alternative.

Roll call vote on Motion 20 (amendment): 3 yes and 7 no. Mr. Brown, Dr. Freese, and Ms. Vojkovich abstained. Motion 20 failed.
The main motion (Motion 17) passed. Mr. Brown abstained.

Motion 21: Adopt the CIRMC report recommendations as presented in Agenda Item H.1.c, CIRMC report and include the modification of the name of the Ad Hoc CIRMC to Ad Hoc Marine Protected Areas Committee, and include the Enforcement Consultants as a non-voting advisory seat.

Moved by: Eric Larson Seconded by: Darryl Ticehurst
Motion 21 passed.

Motion 22: Write a letter to request an extension of the time to allow the Council to take the CBNMS proposal through our process and to have the advisory bodies respond at the March 2005 meeting with the April 2005 meeting as the meeting where the Council takes action on draft regulatory language; also request retraction of the term “preferred alternative” as the NMSP identified a preferred alternative before they formally consulted with the Pacific Council.

Moved by: Phil Anderson Seconded by: Darryl Ticehurst
Motion 22 passed.

Motion 23: Request that a letter be sent in response to the NMSP asking for an extension of the deadlines to provide for advisory body review and possible Council action in March 2005; also request additional information for the full range of proposed designation document changes for the three sanctuaries. The Council would consider drafting regulations at the April 2005 meeting.

Moved by: Eric Larson Seconded by: Phil Anderson
Motion 23 passed.

Motion 24: Referring to Agenda Item H.4.b, NMFS Report to adopt Option 2, which would incorporate krill as a management unit species in the CPS FMP.

Moved by: Patty Burke
Motion 24 passed.

Seconded by: Ralph Brown

Motion 25: Include a specific alternative in the CPS FMP krill fishing amendment that would prohibit harvesting of krill within West Coast National Marine Sanctuaries.

Moved by: Eric Larson
Motion 25 passed.

Seconded by: Darryl Ticehurst

Motion 26: Accept the report of the HC.

Moved by: Phil Anderson
Motion 26 passed.

Seconded by: Mark Cedergreen

Motion 27: Recommend the Council staff review the suggestions in the available advisory body reports and put out a subsequent draft for consideration in March. In addition, with regard to COP 3, that the changes be as consistent with current practices as possible, highlighting additional workload issues for a particular planning team.

Moved by: Phil Anderson
Motion 27 passed.

Seconded by: Jim Harp

Motion 28: Re-elect Mr. Hansen Council Chairman and Mr. Ortmann Vice Chairman for the 2005 term.

Moved by: Jim Harp
Motion 28 passed.

Seconded by: Roger Thomas

Motion 29: Approve the report of the Legislative Committee as shown in Supplemental Legislative Committee Report B.4.b.

Moved by: Jim Harp
Motion 29 passed.

Seconded by: Dave Ortmann

Motion 30: Approve the report of the Budget Committee as shown in Agenda Item B.5.b, Supplemental Budget Committee Report.

Moved by: Jerry Mallet
Motion 30 passed.

Seconded by: Bob Alverson

Motion 31: Appoint the following persons to the following committees: Mr. John Holloway and Mr. Jim Martin to fill the Groundfish Advisory Subpanel sport fisheries at-large positions; Mr. Mike Sorenson to fill the Salmon Advisory Subpanel Oregon charter boat operator position; the Ad Hoc Allocation Committee Advisor (non-voting) positions be filled by:

Ms. Michele Longo-Eder (fixed gear), Mr. Pete Leipzig (limited entry trawl), Ms. Kathy Fosmark (open access), Mr. Bob Osborn (sport fisheries) Mr. Rod Moore (processor), and Mr. Mile Weber (conservation group), and the Coastal Pelagic Species Advisory Subpanel conservation group seat be readvertised to include nominees with regional orientation.

Moved by: Phil Anderson
Motion 31 passed.

Seconded by: Mark Cedergreen

**Meeting Record and Summary Minutes
Pacific Fishery Management Council
September 12-17, 2004**

The full record of the Pacific Fishery Management Council (Council) September 12-17, 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.

DRAFT MINUTES
Pacific Fishery Management Council
September 12-17, 2004
Hyatt Regency Islandia
1441 Quivira Road
San Diego, CA 92109
619-224-1234

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A. Call to Order

A.1 Opening Remarks, Introductions (09/14/04; 8:56 am)

Chairman Donald Hansen opened the 175th meeting of the Pacific Fishery Management Council.

Dr. Steve Freese announced the reappointments for Messrs. Roger Thomas and Dave Ortmann.

A.2 Roll Call

Dr. Donald McIsaac called the roll:

Mr. Bob Alverson
Mr. Phil Anderson
Mr. Ralph Brown
Dr. Steve Freese, NMFS
Mr. Mark Cedergreen
Mr. Donald Hansen (Chairman)
Dr. Dave Hanson (Parliamentarian)
Mr. Jim Harp, Tribes
Mr. Jerry Mallet, IDFG

Dr. Patty Burke, ODFW
Cdr. Fred Myer, USCG
Mr. Dave Ortmann (Vice-Chairman)
Mr. Roger Thomas
Mr. Darryl Ticehurst
Ms. Marija Vojkovich, CDFG
Mr. Frank Warrens
Mr. Gordy Williams, ADFG

Mr. Tim Roth, US Fish and Wildlife representative was absent during this meeting. Mr. Stetson Tinkham, US Department of State (DOS) was also absent; however, Mr. Jim Story, DOS, was present on Thursday..

A.2.a Obituaries

Chairman Don Hansen, Mr. Daryl Ticehurst, and Mr. Rod Moore honored the memory Mr. Randy Fry. Cdr. Fred Myer, on behalf of Captain Mike Cenci and the Enforcement Consultants, provided recollections in honor of SAIC Brett Schneider. A moment of silence was also held in their honor.

A.3 Executive Director's Report

Dr. Don McIsaac summarized the four informational reports and announced that the Pacific Council will host the next Regional Fishery Management Council (RFMC) Chairs' meeting in April 2005 (Dana Pt., California). He highlighted Informational Report 3, pertaining to the Oregonian's editorials and various responses regarding the role of the eight RFMCs.

A.4 Council Action: Approve Agenda

The Council approved the agenda as shown in Agendum A.4, Council Meeting Agenda, September 2004. (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 April 2004 Minutes

The Council approved the April 2004 minutes as shown in Agendum B.1, Draft April 2004 Council Minutes (Motion 2).

B.2 National Marine Fisheries Service Revision of National Standard 1 (09/14/04; 4:29 pm)

B.2.a Agendum Overview

Mr. Tracy presented the agendum overview.

B.2.b Reports and Comments of Advisory Bodies

Dr. Kevin Hill presented Agendum B.2.b, Supplemental SSC Report. Dr. Hill noted that the SSC did not have time to review the proposed language for specific implications to council managed species, and has requested the SSC sub committee chairs to conduct such a review and submit reports back to him for compilation and distribution to the SSC for final review. A final document will be forwarded to the Council for submittal to NMFS.

Mr. Brown asked for additional information on the SSC concerns regarding stock classification and applications to short lived species. Dr. Hill replied that regarding stock classification, biological (e.g., productivity) and geographic factors should also be considered in addition to assessment information. Regarding short lived species, biomass based assessments are not the convention for salmon, and for squid, biomass estimates are not available.

Mr. Moore presented Agendum B.2.b, Supplemental GAP Report.

Mr. Hansen asked Dr. Methot to clarify the question regarding attributing research mortality to the Optimum Yield. Dr. Methot replied that issue will be addressed in the final rule.

Mr. Brown asked how the proposed guideline would address the needed flexibility (e.g., gear modification) to access healthy stocks in an assemblage if the indicator stock was declining. Dr. Methot replied that assemblages are intended to address stocks of unknown status, and not as a replacement for the mixed stock exception. Implementing the assemblage concept has not been tried and may be difficult, but the guidelines are intended to emphasize core stock management.

B.2.c Public Comment

None.

B.2.d Council Action: Response to Proposed Revision of National Standard 1

Dr. McIsaac noted that the SSC would work with Council staff in putting together a letter regarding NS1 guidelines, and asked for any additional Council input.

Mr. Brown asked that the letter request clarification on how assemblage management would be implemented and how management flexibility would be preserved.

Ms. Vojkovich recommended other advisory body comments be channeled through the SSC to avoid conflicting advice.

Dr. McIsaac asked Dr. Methot about the time frame for Council comments in relation to publishing the final rule. Dr. Methot replied that comments should be in no later than the September 24, 2004.

B.3 Update of Council Operating Procedures (COP) and Statement of Organization, Practices, and Procedures (SOPP) Documents (09/17/04; 8:04 am)

B.3.a Agendum Overview

Dr. McIsaac provided the agendum overview stating there were some COPS that he felt could be dealt with at this meeting.

Dr. Burke had issues about the timing of this agendum and felt there was not enough time for discussion; regardless if

some were nonconsequential -- the COPS still needed to be reviewed. She felt the GMT still needed to provide input but they did not have ample time to discuss the COPS.

B.3.b Reports and Comments of Advisory Bodies

Dr. McIsaac read Agendum B.3.b, Supplemental SSC Report. Dr. McIsaac read Agendum B.3.b, Supplemental SAS Report.

B.3.c Public Comment

Mr. Rod Moore, West Coast Seafood Processors Association, Portland, Oregon

B.3.d **Council Action:** Review and Approve Proposed Updates to COP and SOPP Documents

Dr. Burke said we have not had time to look at it in detail, but there may be some we can do. But she hasn't been able to talk to Council members about C.9 to raise the issue of the 150 fm line.

Mr. Warrens asked Dr. McIsaac with regards to this agenda item, are there any issues that can be put off? What is urgent? Maybe changes and typo errors can be corrected at the November meeting. Dr. McIsaac said none are urgent as we have COPS on the books right now.

Mr. Anderson said he did not have a chance to go through the COPS at all and would prefer to bring this back to the Council in November in order to have a brief discussion about the SOPPs. Mr. Anderson said it did not look like policy issues, but in response to the strong recommendation from the NOAA Fisheries Grants Division. He did not see anything else in the SOPPs that caused concern. It seems that we could take action on the SOPPs. He agreed with the other Council members who had concerns over not having enough time.

Ms. Vojkovich said she did read up until COP 7 and all of the SOPPs. She would agree with Mr. Anderson that the SOPPs can be taken care of at this meeting and found general typographical errors. She supported having the advisory bodies take a look at the COPS that are relevant to their entity. Regarding the statement by the SAS, she was unclear about which COPS the SAS reviewed.

Mr. Warrens moved and Mr. Anderson seconded a motion (Motion 13) to approve the SOPPs as shown in Agendum B.3.a, Attachment 2, and delay adoption of the COPS until the November Council meeting. Mr. Anderson seconded the motion. Motion 13 passed.

B.4 Council Communication Plan (09/17/04; 1:41 pm)

B.4.a Agendum Overview

Ms. Jennifer Gilden provided the agendum overview and explained the Council's tasks related to this agenda item.

B.4.b Reports and Comments of Advisory Bodies

Ms. Gilden read statements from the Habitat Committee and Salmon Advisory Subpanel.

Dr. Burke read a statement regarding ODFW's response to the Habitat Committee's comments. Mr. Brown said that ODFW had communicated as well as it could have regarding a recent recreational groundfish closure.

B.4.c Public Comment

None.

B.4.d Council Guidance on Implementing Phase I of Communication Plan and Timetable for Phases II and III

Ms. Vojkovich said that communications are important, but that funding the committee would be problematic. She supports the recommendations in the Action Plan, but did not support funding the group.

Mr. Warrens agreed about the funding, but said it was important to move ahead with Phases II and III of the Action Plan. He moved (Motion 21) to continue with the next phases in succession and get feedback from the Council. Dr. Burke seconded the motion.

Mr. Anderson said that the recommendation about tracking motions would require additional staff, and recommended that the Council restate motions as a more cost-effective way to track motions.

Mr. Warrens noted that as long as attachments that form the basis of motions are available to the public, that should be sufficient.

Dr. Burke said she felt the CET's work needed to continue, but she was concerned that the recommendations in Phase I be implemented before moving on to the next phases.

Dr. McIsaac said that Council staff was working on implementing the recommendations.

Mr. Harp supported the motion. He noted that his motions are always in writing and hopes they are clear to people. He encouraged other Council members to do the same.

Mr. Brown asked if committee participation was voluntary. Mr. Warrens said that participation was and would continue to be voluntary.

Mr. Mallet thanked Ms. Gilden and the CET and said that one of our major tasks, and the reason we are here, is to serve the public. He said we need to go forward with this even if we don't have the funds to implement every item. We need to be reminded of that constantly.

The Council adopted the communication plan as shown in Agendum B.4.a, Attachment 2 and directed the Communications Enhancement Team (CET) to continue with Phases II and III of the plan. (Motion 21)

B.5 Legislative Matters (09/17/04; 2:12 pm)

B.5.a Agendum Overview

This agenda item was postponed until the November 2004 meeting.

B.6 Fiscal Matters (09/17/04; 2:13 pm)

B.6.a Agendum Overview

Dr. John Coon provided the agendum overview.

B.6.b Budget Committee Report

Mr. Harp provided Agendum B.6.b, Supplemental Budget Committee Report.

B.6.c Reports and Comments of Advisory Bodies

None.

B.6.d Public Comment

None.

B.6.e Council Action: Consider Recommendations of the Budget Committee

Ms. Vojkovich asked what the process would be if funds were necessary and available to fund the salary expense for the Idaho Fish and Game representative to attend the October conference. Dr. McIsaac said that this is a minor item and would be taken care of between Idaho liaison and the Council.

The Council approved the report of the Budget Committee as shown in Agendum B.6.b, Supplemental Budget Committee Report. (Motion 22 moved by Mr. Thomas and seconded by Mr. Ortmann).

B.7 Interim Appointments to Advisory Bodies (09/17/04; 2:20 pm)

B.7.a Agendum Overview

Mr. Tracy presented the agendum overview.

B.7.b Council Action: Appoint Members to Advisory Bodies as Necessary

Mr. Anderson moved (Motion 23) to appoint Dr. Stephen Barrager to the GAP to replace Mr. Phil Kline who resigned. Ms. Vojkovich seconded the motion. Motion 23 passed.

Mr. Tracy indicated nominations will be solicited to fill two vacancies in the Groundfish Advisory Subpanel (GAP) sport fisheries at-large seats, and one vacancy in the Salmon Advisory Subpanel Oregon Charter Boat Operator seat.

Mr. Ticehurst moved (Motion 24) to allow Mr. Jim Martin to serve as an alternate on the GAP sport fisheries at-large seat for the late Mr. Randy Fry at the November 2004 Council meeting. Mr. Anderson seconded the motion. Motion 24 passed.

B.8 Work Load Priorities and Draft November 2004 Council Meeting Agenda (09/17/04; 2:23 pm)

B.8.a Agendum Overview

Dr. McIsaac provided the agendum overview.

B.8.b Reports and Comments of Advisory Bodies

None.

B.8.c Public Comment

Mr. Rod Moore, West Coast Seafood Processors Association, Portland, Oregon

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

B.8.d Council Guidance on Work Load, November Council Agenda, and Priorities for Advisory Body Consideration

Mr. Brown urged that the Council discuss management options sometime between March and April. November may not be the appropriate time to do it. He would like to be able to discuss a mechanism to make adjustments if necessary.

Mr. Anderson thinks we better plan for problems with inseason management and recommends the Pacific halibut fishery update be an informational report in the briefing book; same with the salmon fishery update. He suggested eliminating artificial reefs from the agenda – this would give more time to inseason as well as move it later on in the day to give the GAP and GMT time to discuss it.

Mr. Fougner reported he will be retiring in mid-November and that will be his last Council meeting. He would like to see a half hour on the agenda to discuss how or whether to proceed with any HMS regulatory items. Between now and

early November he plans on trying to find resources and a process so the Council can continue to work on this at a minimal expense. Also, on the krill harvest ban proposal, it was indicated that the gap and GMT would be the primary providers of comments, he asked the Council to broaden the issue as it affects other fisheries as well.

Mr. Anderson said the analysis for 2005/2006 regulations was done prior to having the 2003 observer data and the GMT will be looking at that. We need to make sure we provide them ample time.

Ms. Vojkovich, speaking about funding, noticed NMFS has issued a final plan of action for handling fishing capacity. She wondered if there were some funds that came with that policy and plan that we might try to tap into for the open access permit issue that has been below the line for a long time.

Dr. Freese stated he is not aware of any funds. He will provide more info on it at the next Council meeting.

C. Groundfish Management

C.1 California Recreational Fishery Survey (CRFS) Program Review (09/14/04; 9:27 AM)

C.1.a Agendum Overview

Mr. Mike Burner provided the agendum overview.

C.1.b Program Report

Mr. Russell Porter and Mr. Steve Crooke provided an overview of the CRFS program survey methods and sampling rates.

Mr. Steve Crooke talked about the California phone survey program and license data program.

Mr. Thomas stated many of the trailers left in lots at ramps are from commercial salmon vessels and could be counted as recreational effort and asked if the survey has taken this into account. Mr. Crooke stated that this is an issue that is continually being considered not only for commercial trailers, but for trailers of recreational boats that are temporarily moored at a marina.

Mr. Crooke and Mr. Porter reiterated the schedule of monthly reporting of CRFS data for inseason consideration in 2005 and assured Dr. McIsaac and Dr. Burke that sample sizes collected in 2004 were adequate even though there were some initial problems with the angler license database and concerns about a bias towards higher sampling in Southern California.

Dr. Burke asked when results from the survey would be available for Council consideration. Ms. Vojkovich stated that the results are under review at CDFG and will not be available at this meeting. CDFG will provide some inseason information on California recreational fisheries under the inseason agenda item, but this information will not be CRFS estimates. Ms. Vojkovich stated the results would be fully reviewed and available for Council consideration at the March 2005 meeting.

Mr. Anderson reminded the Council of how far we have come in improving the sampling of California recreational fisheries in a relatively short period of time and commended PSMFC and CDFG staffs for their hard work.

Mr. Porter responded to questions from Dr. Freese about internet access to recreational survey data by stating that PSMFC has been busy with CRFS and has fallen a bit behind on internet postings, but anticipates complete postings in 2005.

C.1.c Reports and Comments of Advisory Bodies

Dr. Kevin Hill provided Agendum C.1, Supplemental SSC Report. Mr. Burner read Agendum C.1, Supplemental GAP

Report.

C.1.d Public Comment

Mr. Dan Wolford, Coastside Fishing Club, San Diego, California

Mr. Bob Fletcher, Sportfishing Association of California, San Diego, California

C.1.e Council Guidance on the Next Steps in the CRFS Program

Mr. Burner requested the Council consider guidance on both the information provided at this meeting relative to survey design and sampling rates, but also, guidance on implementation of the new CRFS data once available. Specifically, what type of review process the Council would like to see prior to using the new results in fishery management.

Ms. Vojkovich stated that CDFG went to the RecFIN Statistical Committee for review of the sampling design and estimation algorithms for catch and effort. The program was reviewed by the RecFin committee as well as NMFS and was essentially approved as a valid approach. CDFG is currently reviewing the preliminary results to ensure that the coding of the programs are correct and are following the approved approach. When estimates are brought forward, they will be accurate and precise. CDFG is under the impression that the CRFS data will be usable as brought to the Council without further review by any other body. Ms. Vojkovich stated she understands this is the same process for review and approval for Oregon and Washington recreational sampling programs as well.

Dr. Burke said all of the states are recognizing that monthly reporting requirements are getting to be inadequate for inseason management and that recreational fishery models do not take into account the potential effort shifts that can occur following inseason closures. Dr. Burke complemented the efforts to improve the California survey and reminded the Council that continued improvements in Oregon and Washington will also need to be addressed.

Ms. Vojkovich agreed with Dr. Burke's comments and stated that "knife edge" implementation of fisheries and impacts has raised many problems and concerns. PSMFC had to add additional staff to the program to help California so other staff could take care of issues in other states and California provided additional contract funds to support this endeavor.

Mr. Anderson agreed with comments relative to increasing the frequency of reporting groundfish catches, more frequent than the current monthly reporting that are a month behind. WDFW has put a lot of resources into their program in the last two years to ensure that monthly estimates are available within 30 days. WDFW does not have the additional resources needed to report more quickly. He thinks there needs to be more discussion in terms of the needs from a management perspective at some later time. He did not want the Council or the public to think we were leaving this meeting with more frequent or expedient reporting.

Dr. Burke said that is her point, we are putting together regulations that require frequent reporting that is not currently available and as a result we have difficulty in managing to such small fine tuned expectations. Ms. Vojkovich echoed both Dr. Burke's and Mr. Anderson's concerns. Ms. Vojkovich also noted having discussions with CDFG internally on exploring different approaches to recreational fisheries and she is becoming increasingly concerned about the management system we currently have.

C.2 Initial Consideration of Status of Fisheries and Inseason Adjustments (09/14/04; 10:55 am)

C.2.a Agendum Overview

Mr. Mike Burner provided an overview.

C.2.b Groundfish Management Team/Groundfish Advisory Subpanel Comments/Questions

Ms. Michele Culver provided Agendum C.2.b, Supplemental GMT Report.

Dr. McIsaac asked about reasons for the exceptional catch of the darkblotched rockfish over the summer. Ms. Culver said trip limits for slope rockfish were increased at the April Council meeting and the RCA boundary was at 150 fathoms, creating the potential for a target fishery. The basis for the trip limit increase in April was based on GMT projections using new observer data and results of the trawl buyback program.

Dr. Burke asked if recreational impacts to canary rockfish were available. Ms. Culver stated numbers for Washington have been updated with current catch projections but those for Oregon and California are the same, with one exception. The projection of widow rockfish in California recreational fisheries was increased. There is no evidence from Oregon or California fisheries to suggest that projected harvest estimates should be updated at this time.

Mr. Anderson asked if the discard rates used by the GMT were from 2003 and if the 2003 regulations were more closely aligned with 2002 or 2004 regulations. Ms. Culver said the GMT looked at the discard proportion from 2002 and 2003 for canary rockfish and 2003 only for darkblotched rockfish and thought it was prudent to use the latest data, 2003, as the best available data for both of the species. The model, as based on data for 2002, is incorrectly projecting impacts. In an effort to try to predict how far off the model is, the GMT is looking at the 2003 data. The regulations between the 2003 and 2004 seasons are largely similar except the shallow boundary line for the trawl RCA was more restrictive in 2003.

Mr. Anderson referenced an earlier discussion about the frequency of recreational catch reporting and wondered about how we find ourselves considerably over the darkblotched rockfish limits. He thought the commercial catches were being updated more frequently than the one month lag in the recreational fisheries. Mr. Anderson asked if the GMT or NMFS has tasked someone to track those landings and if so, how often. Ms. Culver said there is no formal designation of someone to provide updates to the GMT or to the Council family. However, PacFIN landing estimates are updated weekly and there are email exchanges amongst team members to anticipate inseason adjustments. If the Council would like a more formal process to identify someone to track landings, the GMT would welcome and help the effort.

Dr. McIsaac asked why the OY for darkblotched rockfish is set equal to the ABC, this is unusual for an overfished species. Ms. Culver explained that the last rebuilding analysis was influenced by recent strong recruitment and indicated that the stock would rebuild at OYs that exceed the ABC.

C.2.c Reports and Comments of Advisory Bodies

Mr. Rod Moore provided Agendum C.2.b, Supplemental GAP Report.

Dr. Burke asked what opportunities the industry would lose with a closures out to 250 fathoms. Mr. Moore said it depends on many things, weather, fuel costs, and what opportunities remain nearshore. Mr. Moore added that the largest expected loss from the proposed action is the loss of the winter petrale sole fishery. Dr. Burke asked about the shift in effort inshore and asked about GMT or GAP expectations for predicting the impacts of effort shift. Mr. Moore said the GAP did not have specific discussions on what people might do. It will depend on what opportunity is available deeper than 250 fathoms and at what cost. If fishing in deep areas is not cost effective due to markets or fuel costs, nearshore opportunities will become more attractive, even with the lower limits for inshore areas. Dr. Burke asked if the GMT had a chance to consider effort shift. Ms. Culver said the GMT is unable to predict effort shifts associated with moving the line out to 250 fathoms. However, regarding canary rockfish impacts, the GMT is not anticipating many inshore opportunities.

Dr. Burke then asked Ms. Culver if the GMT has options on canary rockfish available for Council comment and guidance. Ms. Culver said the GMT does not have any recommendations and would appreciate Council guidance on specific fishery reductions, if any, the Council would like the GMT to consider.

Mr. Brown stated that if we shut down the fishery within 250 fathoms we would stop darkblotched rockfish landings for the rest of the year. This would effectively end the year's data on darkblotched rockfish catches from the observer program. Mr. Brown stated that landings through August are not over the darkblotched rockfish OY. Only estimated total impacts, including discards as calculated using the 2003 discard rate. He asked how long it will take the GMT to look at the data from 2004 to see what was actually discarded. Those numbers may show that we are not over the estimated OY and at this point we don't know.

Dr. Freese asked Mr. Brown if he was requesting an analysis after the year is over or for inseason management. Mr. Brown said he was not requesting the analysis for inseason consideration, but stated a follow up analysis needs to be done to assess the effects of our management decisions after the season is complete. He believes this could have a big effect on future Council actions.

Mr. Anderson asked if there is an explanation for that large of difference in canary rockfish impacts between 2002 and 2003 relative to the regulations that were in place. Ms. Culver said in 2002 they did not have observer data in the bycatch modeling and many regulations were different including RCA boundaries, trip limits, changes in fishing effort and behavior.

Mr. Alverson asked Ms. Culver about the slope rockfish trip limits during recent years. Ms. Culver said in 2003 it was 1,800 pounds per two months, then raised in 2004 to 4,000 pounds per two months, then an inseason action in April of 2004 raised the limit to 8,000 pounds per two months.

C.2.d Public Comment

None.

C.2.e Council Guidance on Groundfish Management Team/Groundfish Advisory Subpanel Comments and Questions

Mr. Anderson, relative to darkblotched rockfish, said it looks like the management tool we have is moving the RCA line deeper, and the GMT has noted a 250 fathom line as one that would exclude or prevent the fishery from interacting with darkblotched rockfish for the remainder of the year. There was also a reference by Ms. Culver about the trip limits going from 8,000 to 1,800 pounds suggesting that the areas we have left open have some potential for interaction with darkblotched rockfish, which is a potential problem as we need to get the fishery off that species.

Ms. Culver said the GMT felt that trip limits would have to be changed. The 1,800 pounds is referencing a slope rockfish trip limit, not a darkblotched rockfish trip limit. There is no anticipated darkblotched rockfish interactions expected in areas deeper than 250 fathoms, but the GMT is recommending the 1,800 pounds of slope rockfish to allow some incidental landings for vessels targeting the DTS complex.

Mr. Alverson asked about the tracking and reporting issue, particularly for overfished species between the June and September meetings. He felt that NMFS should take the lead on that and they should be able to take an inseason action between meetings if necessary.

Dr. Freese said we don't have a mechanism in place, and it is a combined responsibility upon the states and NMFS. The idea of having a designated staff to better track impacts is a good one and a mechanism for inseason should be considered.

Mr. Alverson asked if the groundfish FMP allowed for in season action without a Council forum. Ms. Cooney said the FMP is structured to have the Council recommend an inseason action to NMFS. We could have the Council recommend in June that NMFS track and take an inseason action if necessary for overfished species. That has been done before for other fisheries when needed.

Cdr. Myer reminded the Council, as always, that moving the line out to deeper water has safety concerns, because it creates longer response time for rescue efforts and it takes vessels longer to get to a port of safe haven.

Dr. Burke and Mr. Anderson asked if we could get an update from each of the states on recreational impacts on canary rockfish.

Mr. Anderson said for 2004, the Washington scorecard estimate for canary rockfish was 1.74 metric tons, rounded to 1.7 metric tons in the GMT report; lingcod, the original estimate was 65 metric tons and the updated value is 71.7 (72 metric tons); yelloweye rockfish estimates changed from 3.5 metric tons to 3.4 metric tons. He noted that WDFW assumes no survival of released canary rockfish or yelloweye rockfish in any of these projections.

Dr. Burke said for Oregon in 2004, cabezon was prohibited as of August 18 to remain within the harvest limit. ODFW is now literally tracking and managing some of these fisheries by day. On black rockfish, original projections suggested the recreational fishery would continue at least through mid-September when effort begins to decline. Catches tracked ahead of expectations and weather was favorable and ODFW decided to close the fishery on Thursday, effective the Friday before the Labor Day weekend. As a result, there are some savings for canary rockfish and yelloweye rockfish. The canary rockfish preseason estimate was 6.8 metric tons and fisheries have taken 3.5 metric tons leaving 3.3 metric tons. Lingcod was estimated at 109 metric tons and is now at 109.9 metric tons taken, so non-retention regulations would have been necessary if the closure did not take effect. Yelloweye rockfish was projected to be 3.2 metric tons and is now at 2.3 metric tons taken. Dr. Burke stated it would be helpful to see if California has estimated impacts for these species. The state of Oregon took action in two cases to honor and manage to the caps we have. In the past, the Council has used previous years' catches as quasi allocations. If a fishery is closed early, there is corresponding reduction in the take of many species that can influence future allocation decisions. The incentives should be to keep within your harvest limits without impacting future allocation discussions. Oregon recreational fisheries have taken a huge hit and ODFW is working with NMFS to explore minimizing this impact by finding other opportunities, such as halibut fishing. These opportunities will take small amounts of yelloweye rockfish and canary rockfish but could mean the difference between business staying open or closing for good. Dr. Burke is hopeful that the Council can provide guidance that will find ways to manage canary rockfish to impacts below the OY while preserving minimal recreational opportunities for the remainder of 2004.

Mr. Brown requested an assessment of canary rockfish impacts through August from the GMT.

Mr. Alverson asked if we could have some recommendation from the GMT when the discussion takes place about the "tracking assignment" whether it be at this meeting or some other meeting. Ms. Culver said the GMT will take that as guidance and try to have a recommendation for the Council under final inseason consideration later in the week.

C.2.e Council Guidance on Groundfish Management Team/Groundfish Advisory Subpanel Comments and Questions (continued)

Ms. Vojkovich spoke to last November's Council meeting relative to California recreational MRFSS estimates that came in and indicated the California recreational fishery had caused the canary rockfish, lingcod, and black rockfish OYs to be exceeded, resulting in coastwide fishery closures. At September's meeting we had established the 2004 season structures and regulations and as we went through the winter we had discussions with NMFS that resulted in February discussions regarding altering lingcod seasons, size, and bag limits for the 2004 season. We had that discussion in March, which resulted in a two fish to one fish bag limit reduction, an increase in size limit, and a closure to lingcod retention in November and December. In April we looked at how to address canary rockfish and black rockfish issues for the remainder of the season and changed the north coast recreational season to be aligned with Oregon, reduced black rockfish opportunity to only 3 months, and implemented the depth restriction of no deeper than 30 fathoms for the recreational fishery. For central coast, it was a 7 months closure with a depth closure at 20 fathoms to address canary rockfish issues. In March and April California took drastic measures to address the issues the 2003 MRFSS data indicated they would have. This was done earlier this season, and in many cases there has been little or no fishing until August. Ms. Vojkovich said earlier she did not have new information from the CRFS program for this meeting. In response to Council concerns, CDFG has attempted to provide some sort of index of recreational take to see if there were any "red flags" to bring to the Council's attention.

Ms. Vojkovich asked Ms. Debra Aseltine-Neilson to explain what California brought forth to the Council. Ms. Aseltine-Neilson reviewed the methodology for sampling CPFVs. This method is essentially the same under CRFS and MRFSS providing a glimpse into how 2004 is tracking relative to previous years. These CPFV numbers were provided to the GMT and no red flags were identified at that time. She spoke about the different sampling programs, programming difficulties, and lack of time there has been to fully review the data. CDFG has found errors in some of the CRFS estimates and is working with PSMFC to correct them. CDFG expanded the estimates for CPFV impacts using the recent relative contribution of the CPFV fleet to the entire recreational fishery to create an estimated total recreational catch for all modes. CDFG believes this provides a benchmark of the status of the recreational fishery, but the methodology has not been reviewed by the GMT and is only recommended to be used at this time as a rough estimate. The review of the data did reveal a greater than anticipated take of widow rockfish and the GMT has increased the California recreational value in the scorecard. CDFG has asked the CPFV fleet to avoid areas of widow rockfish catch to keep this catch under control. CPFV operators were happy to be informed of the situation and voluntarily agreed to change their fishing practices.

Ms. Vojkovich said the recreational take of widow rockfish has been essentially 100% in the CPFV fleet and CDFG feels confident that the numbers reflect a fishery wide estimate that has been effectively dealt with. Other than widow rockfish, CDFG feels that the changes instituted in April, and the model projection for the rest of the year, do not indicate the need for changes to the recreational impacts in the scorecard for California. Relative to the California sponsored EFP, there is a set aside for canary rockfish of 0.5 metric tons. In the past few years, this set aside has not been used and CDFG feels they could reduce the set aside on canary rockfish from 0.5 metric tons to 0.1 metric tons.

Mr. Anderson asked Ms. Vojkovich when red flags would go up relative to the proposed assessment and the fact that there were no red flags identified. Ms. Vojkovich replied that they looked at the range of projections that bracketed the estimated catch and compared it to the scorecard. If there was anything over, such as widow rockfish, that would have been the red flag. On other species if the scorecard values fell within the range they did not see a problem. CDFG did not feel safe to assume they were on the upper or lower edge of any of these ranges. On Bocaccio, it fits within the range, but it is on the higher end so we took action to get the CPFV fleet to minimize bocaccio impacts. The numbers in the scorecard are within the boundaries of the estimates we have projected from that one source of information.

Mr. Brown said if you close the commercial fisheries and the Oregon and Washington recreational fisheries today and leave California recreational values as stated, there is still an overage on canary rockfish and asked if CDFG has a proposal on how to deal with that. Ms. Vojkovich said they took the action in April to make sure California was dealing with the canary rockfish issue and there is not much room available to reduce any impacts below what is in the scorecard.

Mr. Thomas said, relative to canary rockfish, when California moved from 30 fathom to 20 fathoms we drastically reduced our impacts. Additionally, he feels the recreational fishery impacts on canary rockfish will come in under projections because many boats have been participating in this year's exceptional salmon season.

Dr. Burke stated that the range presented on canary rockfish by CDFG has an upper extreme of 6.1 metric tons of canary rockfish which is considerably less than the 9.3 metric tons in the scorecard. Ms. Vojkovich said the numbers in the current scorecard are based on the model projection that was reviewed and discussed in the GMT and GAP. This CPFV benchmark range of estimates has not undergone that scrutiny, she did not feel it was appropriate to use this approach for the scorecard.

Dr. McIsaac restated Council tasks under this agenda item. He asked the GMT chair to identify the fisheries that remain for 2004 where the Council may begin discussions relative to canary rockfish savings.

Ms. Culver stated it is difficult to find canary rockfish savings in general when it is September and many of the fisheries have concluded. Ms. Culver went through each fishery on page 3 of the GMT report and reviewed canary rockfish impacts.

Regarding California recreational fisheries, Dr. McIsaac asked if there are any seasons left now open that catch canary rockfish.

Ms. Aseltine noted that many of the California recreational fisheries in the north had closures during the beginning of the year and recently reopened. In general, those areas still open are only open out to 30 fathoms with minimal canary rockfish potential and are about halfway through their season.

Mr. Anderson reiterated the canary rockfish impacts as a 0.6 metric ton savings in the whiting fisheries, and the tribal midwater yellowtail fishery has taken 0.7 of 1.3 metric tons. The Washington sport fishery, if it were to close outside 3 miles, might provide a savings of 0.3 metric tons. Ms. Culver said 0.3 metric tons would be a maximum savings from such an action. Mr. Anderson said in Oregon recreational fisheries there are 3.3 metric tons left and 0.4 metric tons needed in the fisheries that would take place later this month resulting in 2.9 metric tons of savings. Adding the 0.4 metric tons of savings from the California EFP, the Council has identified 4.8 metric tons of savings assuming the limited entry groundfish fishery would remain closed shoreward of the RCA boundary for the remainder of the year. We need 5.2 metric tons of canary rockfish savings to balance the books, so we are short 0.4 metric tons.

Dr. Burke stated that the Oregon recreational fishery proposals for the remainder of the year are still being considered and analyzed and could be anywhere from 0.46 to 0.86 metric tons.

Ms. Vojkovich asked Ms. Culver if any updated PacFIN values for the 1.6 metric tons of canary rockfish estimated in the salmon troll fishery would be available. Ms. Culver said they cannot retain canary rockfish so PacFIN would provide no new information.

Mr. Harp stated, relative to the tribal midwater trawl fishery, so far they have taken 0.7 metric tons and they are scheduled to resume in late September or October. He did not think the tribes are prepared to close the fishery. This midwater number was revised from 2.3 metric tons to 1.3 metric tons at either the April or June meeting based on observer data and the tribes will continue to use observer data to keep canary rockfish impacts within expectations.

Mr. Brown focused on the at-sea processor sector and stated that the Council needs to seriously consider a closure. He does not want to close fisheries that have not contributed to the fault, but does not see many other solutions available at this time.

Mr. Anderson understood that if we closed the whiting fishery we generate a savings of 1.4 metric tons of canary rockfish as opposed to the 0.6 metric tons previously referenced by making the adjustment in the bycatch rate. That gives us a 0.8 metric tons swing to the good, resulting in 5.6 metric tons of savings, minus the 0.6 metric tons in the tribal midwater trawl fishery, which leaves us at 5.0 metric tons of canary rockfish savings. If Washington closes their recreational fishery it would actually be a 0.1 metric tons savings putting us back down to 4.8 metric tons.

Mr. Brown asked if the 0.5 metric tons projected for the pink shrimp fishery has been considered for updating and asked the GMT to look into the matter.

Mr. Anderson recommended Council guidance be to close the whiting fishery; make the modification in the scorecard associated with the Oregon recreational fishery, including the provisions for the late September outside of 40 fathom halibut fishery; and incorporate the savings from the canary rockfish EFP in California. He thinks that gets us to 4.7 metric tons of the 5.2 metric tons of canary rockfish needed.

Ms. Culver, in tracking Mr. Anderson's recommendation, asked if he included the Washington recreational closure outside 3 miles. Mr. Anderson said he did not include it. He expects the GMT will take this guidance, check estimated impact values and the math, and report back under agenda item C.9.

Dr. Burke agreed with Mr. Anderson's guidance and asked the GMT to consider canary rockfish impacts in Oregon's limited entry open access commercial nearshore fishery to see if there are any potential savings while leaving that targeted fishery open.

Dr. Freese asked if the GMT could first check the math so we know exactly where we are.

Dr. Burke stated that we need to be aware of what happened relative to the tracking of darkblotched rockfish impacts and not consider these interim actions as permanent solutions. The GMT should be looking at the long term solutions

to this problem, not just these inseason solutions, particularly as we move into 2005-2006 management.

Mr. Brown asked the GMT to look at month-to-month landings in that 18 metric tons of canary rockfish to be certain that the numbers are accurate and made sense.

C.3 Consideration of Limited Refinements to the 2005/2006 Fishery Management Specifications (09/14/04; 2:11 pm)

C.3.a Agendum Overview

Mr. John DeVore provided the agendum overview.

C.3.b Reports and Comments of Advisory Bodies

Ms. Culver provided Agendum C.3.b, Supplemental GMT Report with GMT recommendations for refinements to the 2005-2006 groundfish fishery management measures. The GMT recommended: 1) a decrease in the limited entry fixed gear trip limits for longspine and shortspine thornyheads south of 40°10' N latitude, 2) a slight decrease in the 2006 sablefish tier limits, 3) an increase in the northern (Washington and Oregon) recreational lingcod harvest guideline for 2005 and 2006, 4) changing the seaward boundary of the trawl Rockfish Conservation Area (RCA) from 150 fm to 200 fm north of 38° N latitude, and 5) a decrease in the limited entry trawl slope rockfish trip limit north of 38° N latitude.

Mr. Rod Moore provided Agendum C.3.b, Supplemental GAP Report. Mr. Moore noted some additions to the GAP report. He explained the GMT's recommendations for refinements to limited entry trawl management measures came in too late for a GAP discussion. However, he pointed out the GMT's recommendations for limited entry trawl were consistent with GAP recommendations for 2004 groundfish inseason actions. Likewise, there may be a need for the Council to consider changing the Period 5 deeper nearshore rockfish trip limit south of 40°10' N latitude from a monthly limit of 400 lb to 400 lb/2 months to be consistent with the contemplated 2004 groundfish inseason actions.

Mr. Anderson provided Agendum C.3.b, Supplemental WDFW/ODFW Report. The 2004 recreational catch updates in Washington and Oregon led to a recommendation to increase the northern recreational lingcod harvest guideline. He noted there is no recommendation to liberalize management measures. Only projected impacts consistent with previously-decided management measures changed with the data update. Dr. Burke gave thanks to WDFW for working with ODFW on the recreational lingcod issue. She said the Council may also want to consider increasing the commercial lingcod harvest guideline as well.

Ms. Cooney noted there was no recommendation provided regarding the specification of a commercial black rockfish harvest guideline in Oregon. Dr. Burke said that Oregon will set its nearshore species' trip limits and intersector harvest guidelines in December. They decided to go with status quo for 2006 and will have the Oregon Fish and Wildlife Commission (OFWC) settle it at their December meeting. Ms. Cooney explained the overall Oregon black rockfish harvest guideline has already been set, but not the distribution between commercial and recreational sectors in Oregon. NMFS will leave the public comment period open for proposed 2005-2006 specifications and management measures until December. They will solicit public comment, including the OFWC allocation decisions, then. The final decision will be published in the Federal Register with the whiting rule in March 2005.

Mr. Brown asked if the Council needs to take action on this or can NMFS act on this independently? Ms. Cooney said it would be helpful to have the Council bless this action.

Ms. Vojkovich asked, if recreational sampling data through July is being used to change the 2005 and 2006 northern harvest guidelines, is there an intention to update projections again later this year to consider changing the harvest guideline? Or is this action simply to correct an oversight in the original analysis? Mr. Anderson said it was not an oversight since 2004 recreational sampling data was not available to the Council for their decision in June. When we got through June of this year and looked at the catches and looked at the projection that we had provided to the Council in June, we found it to underestimate projected 2005 and 2006 catches. This is an effort to update projected lingcod impacts.

C.3.c Public Comment

None.

C.3.d Council Action: Adopt Recommendations for 2005/2006 Fishery Management Specification Refinements

Mr. Alverson moved and Dr. Burke seconded a motion (Motion 3) to re-specify the limited entry fixed gear trip limits for thornyhead species, as well as to re-specify the 2006 sablefish tier limits as recommended by the GMT in Agendum C.3.b, Supplemental GMT report. Mr. Brown asked for a friendly amendment to adopt the GMT recommendations for the limited entry trawl slope rockfish trip limit and the trawl RCA boundary change to 200 fm for the area north of 38° N latitude. Mr. Anderson asked for a friendly amendment to include in the motion the period 5 trip limit change for deeper nearshore rockfish south of 40°10' N latitude of 400 lb/2 months, and the requested increase in the Oregon and Washington recreational lingcod harvest guideline as per Agendum C.3.b, Supplemental WDFW/ODFW Report. Both friendly amendments were accepted. Motion 3 passed.

Dr. Burke moved and Mr. Brown seconded a motion (Motion 4) that the Council agree with the plan to have NMFS extend public comment on the proposed 2005-2006 groundfish specifications and management measures through December of 2004 and incorporate the OFWC allocation decisions for black rockfish in 2006 Oregon nearshore fisheries with the whiting rulemaking in March 2005. Motion 4 passed.

Ms. Vojkovich gave notice that there may be consideration for changing some California recreational seasons next March depending on actions by the California Fish and Game Commission (CFGF). The CFGF will adopt conforming regulations at their October 21 meeting. There was public comment regarding a proposal to institute a four month season beginning July 1 through September. They said that they would prefer the season open in June for business reasons. She is unsure whether the CFGF will entertain that request at this time; but if they do, there would be a possibility we would come to the Council for inseason action next March. Mr. Brown asked if this season change is expected to change projected impacts in the California recreational fishery? Ms. Vojkovich said no, the change should be impact-neutral. CDFG is looking at the model projection and will advise the CFGF regarding the boundaries of an altered season to stay within projected impacts.

C.4 Red Light/Green Light Threshold for Optimum Yield Adjustments (09/14/04; 4:55 pm)

C.4.a Agendum Overview

Mr. DeVore provided the agendum overview.

C.4.b Reports and Comments of Advisory Bodies

Ms. Culver provided Agendum C.4.b, Supplemental GMT Report. Mr. Moore provided Agendum C.4.b, Supplemental GAP Report.

C.4.c Public Comment

None.

C.4.d Council Guidance on Defining the Task for Red Light/Green Light Threshold for Optimum Yield Adjustments

Dr. McIsaac restated the Council tasks as noted in the situation summary.

Mr. Anderson said he believed the original intent was to develop a process to consider modifying OYs both up and down based on new stock assessments. He thought the Groundfish Information Policy Committee (GIPC) should take up this issue. Changes from new stock assessments would have to be significant to compel an OY adjustment. He also intended the process would handle overfished species differently than healthy, target species. His thought would be to consider only downward adjustments to overfished species' OYs, but that policy should be deliberated by the GIPC. Mr. Brown said he agreed with Mr. Anderson and OY adjustments should be rare events. Mr. Ticehurst added that a policy to consider only downward OY adjustments would be unrealistic.

Ms. Cooney said the next steps in developing this policy should be done by the GIPC. The thresholds and process for mid-course OY adjustments needs to be developed. The GIPC needs to determine the sideboards and process for considering OY adjustments.

Ms. Vojkovich agreed with Messrs. Anderson and Brown. The SSC previously recommended a retrospective stock assessment analysis to understand the potential frequency of OY changes. Those kinds of suggestions would be valuable for this next GIPC meeting. Some of that background work needs to be done if those are appropriate ways to set criteria and processes.

Dr. McIsaac asked Ms. Cooney if the Council intended that the FMP language be different than what is now in the FMP, what would it take to implement that change? Would this action require a technical correction or a new FMP amendment? Ms. Cooney said it would not require re-doing the Council process since this issue entails a minor change in the FMP to allow this process later. However, it would have to go through the Department of Commerce FMP approval process again.

Dr. McIsaac said, given Ms. Cooney's comments, Council staff would send a transmittal letter to NMFS clarifying the Council's intent on this process, as well as requesting a change in the affected FMP amendatory language. While that correction is underway, we need to ask the advisory bodies for input on how to get this policy development process rolling. There were some comments about tasking the GIPC, as well as having the GMT take a look at it as well. It would be helpful if the Council gave specific guidance to advisory bodies at this time.

Mr. Anderson said it seems the first step is to go to the GIPC. The GIPC can request a retrospective analysis of stock assessments. The recent experience with bocaccio stock assessments and responsive management decisions might help us craft triggers, as well as developing the process of how to implement changes. He felt the SSC would also play an important role in the process. Ms. Vojkovich agreed, adding there is also a need to understand how to deal with equally plausible, yet competing stock assessment models. Mr. Brown commented that this will likely be strictly a policy decision. We need to fully understand the goals of multi-year management to weigh the tradeoffs.

Ms. Cooney said the GIPC also needs to know when critical information may be available.

Mr. DeVore said it might be useful to task someone with the retrospective analysis.

Dr. McIsaac said Council staff will task the advisory bodies on needed technical analyses. The next GIPC meeting will probably take place after the November Council meeting. The policy and mechanism for considering a mid-course OY adjustment needs to be in place by early next year.

Mr. Brown said we need to develop two thresholds- a magnitude threshold and a timing threshold.

C.5 NMFS Report (09/15/04; 10:22 am)

C.5.a Regulatory Activities

Dr. Steve Freese reported the final rule implementing Amendment 16-3 was being published this week along with *Federal Register* notices for inseason actions from the June meeting and an emergency rule establishing NMFS authority to close the Pacific whiting fishery based on impacts to overfished species. In addition, NMFS closed the shore-based Pacific whiting fishery upon attainment of the quota and has been working on completing the Environmental Impact Statements relative to bycatch and Essential Fish Habitat.

C.5.b Science Center Activities

Dr. Elizabeth Clarke stated the F/V Excaliber left today for another leg of the trawl survey. The Observer Program has hired a new observer analyst which will begin work October 18 and Dr. Clarke thanked the Council and the NW Region for their support in getting this new position. Stock assessment authors are on track for a hake stock assessment for the winter of next year and have a group working with the Canadian scientists for next summer's acoustic survey. Dr. Clarke will be at sea next week working with OSU on habitat mapping. The hook and line survey is continuing into

November and will be working on exploring new tagging methods to tag fish without actually having to bring them to the surface. Relative to the Cooperative Research Program, PSMFC has recently completed the grant process for this year and noted there were more fundable proposals than available funds (25 fundable proposals with funding for 7). Dr. Clarke announced an upcoming meeting with industry members on designing a new canary rockfish survey and will discuss a widow rockfish survey as well. Economists at the NWFSC and PSMFC will conduct a cost earnings survey of the limited entry fleet that will result in better information for conducting economic analyses in the future such as those planned for the ITQ program. This survey will start December 2004 and end February 2005 and Dr. Clarke asked for support from the Council.

C.5.c Reports and Comments of Advisory Bodies

None.

C.5.d Public Comment

None.

C.5.e Council Discussion on NMFS Report

Mr. Brown said he heard a rumor that one of the vessels is having trouble meeting the sampling protocols. Dr. Clarke said some of the vessels are having problems keeping up with the number of stations per day due to electronic problems.

Dr. Burke thanked the NWFSC for spending some time with operators of smaller vessels in Oregon who were having some troubles with observers. Dr. Burke asked about the funding for cooperative research. Dr. Clarke said the funding is not in the president's budget and did not have any more details.

Ms. Vojkovich asked if the ongoing or planned research this year will be used in the next round of stock assessments. Dr. Clarke said all of the survey and observer research is on schedule and will be available for next year's stock assessments. However, the canary rockfish and widow rockfish surveys are in the planning phase and will not be ready for the next assessments.

C.6 Groundfish Essential Fish Habitat (EFH) Environmental Impact Statement (EIS) – Preliminary Alternatives (09/15/04; 10:34 am)

C.6.a Agendum Overview

Dr. Kit Dahl read the situation summary.

Ms. Cooney introduced Jane Hannuksela of NOAA GC-NWR, who was present to provide advice on this item.

C.6.b Ad Hoc EFH EIS Oversight Committee Report

Mr. Phil Anderson asked Mr. Steve Copps, and members of the Ad Hoc Groundfish EIS Oversight Committee (Messrs. Chris Dorsett, Peter Huhtula, and Tom Ghio) to come to the podium to assist in answering questions.

Mr. Anderson reviewed Agendum C.6.b, EFH EISOC Report 1, Report of the Ad Hoc EFH EIS Oversight Committee, and asked Committee members to provide any clarifications if necessary.

Mr. Brown responded by stating that Alternatives 4 and 9 on measures to minimize adverse impacts are not characterized correctly as written and therefore the rationale for the second option doesn't become clear. Alternative 4 restricts the expansion of fisheries, and there was a clause under that alternative stating until research could prove there was no substantial damage to the habitat as a result of any expansion. Similarly, in the third paragraph of the description of Alternative 9 in the attachment, Mr. Brown noted that any scientific demonstration of the effect of gear types, as a criterion for allowing use in various zones, should apply to all gear types. He said he included Option 2 in both of those alternatives to be consistent and apply the same standards to all gear, not just one gear type.

Mr. Dorsett also pointed out some corrections to the description of the alternatives. These corrections apply to impacts minimization Alternatives 3 and 7. Both alternatives include different sensitivity and recovery index values in order to highlight the effects of the measures on different gear types. However, he didn't mean this to be included with the hotspot concept under Alternative 3. Second, for the HAPC the alternatives, all of them except for the special areas alternative (Alternative 7) only affect consultation requirements. He concurred with Ms. Vojkovich's letter highlighting that consultation language, but that's not reflected in Attachment 1. Finally, he pointed out some of the caveats the Committee raised in relation to these alternatives. First, for the EFH alternatives, only half the species and life stages are included in that modeling effort. Alternative 8 also uses other information on distribution of groundfish, using the 3,100 m boundary as a maximum depth for the distribution of groundfish. Second, for the state of Washington, there are still some coding errors on habitat types which could change depending on Ad Hoc Groundfish EFH TRC review of the alternatives this fall.

Mr. Huhtula agreed with the clarifications by both Messrs. Brown and Dorsett.

Mr. Brown said the mood of the Committee was to be inclusive in adopting things for analysis. The Committee felt it was better to have more options than fewer in trying to satisfy the requirement of analyzing the full range of alternatives. These should not be viewed as preferred alternatives.

Mr. Alverson, asked what the Committee's intention for longliners was under Alternative 10, option 7. (This option would require longline gear to be suspended off the bottom.) Mr. Ghio said this came from the Gulf Coast EFH EIS and mentioned his experience related to gear deployment. Mr. Alverson, pointed out that you are not going to catch target species if you float longline gear off the bottom. He asked if the Oversight Committee discussed what other species might be impacted.

Dr. Burke responded that the Committee looked at the gear limitations in all of the other Councils' EFH EISs. Because the Committee does not have the expertise of the different gear users on the West Coast, they expected that the alternative would be modified in response to these types of comments. Messrs. Alverson, Brown, and Ghio engaged in a discussion as to whether suspending the groundline was still practiced by West Coast fishermen and what effect it would have on the efficacy of the gear.

Mr. Copps pointed out, in response to Mr. Dorsett's comment, that the Council may want to address whether HAPCs should be used in the EFH consultation process for non-fishing impacts or also fishing impacts. The Council can then provide guidance on how the alternatives are analyzed.

Dr. Burke asked if the problems with the substrate data from off of Washington had been corrected yet. Mr. Copps said that data problem is being addressed. He noted that these updates should not affect the EFH designations very much.

Ms. Vojkovich took the view that HAPCs are designations and do not necessarily entail any additional action. Her position is that they are a subset of EFH that could be used or evaluated for use to address different issues and therefore should be considered in terms of both fishing and non-fishing impacts..

C.6.c Reports and Comments of Advisory Bodies

Mr. Tom Ghio provided Agendum C.6.c, Supplemental GAP Report. Ms. Culver provided Agendum C.6.c, Supplemental GMT Report. Ms. Teresa Scott provided Agendum C.6.c, Supplemental HC Report. Mr. Harp provided Agendum C.6.c, Supplemental Tribal Comments.

C.6.d Public Comment

Mr. Chris Dorsett, The Ocean Conservancy, San Francisco, California
Mr. Geoff Shester, Oceana, Stanford, California
Mr. Jim Ayers, Oceana, Juneau, Alaska
Ms. Janice Searles, Oceana, Portland, Oregon
Ms. Karen Garrison, Natural Resources Defense Council, San Francisco, California
Mr. Tom Raftican, United Anglers of Southern California, Huntington Beach, California

Mr. John Crowley, Fishing Vessel Owners Association, Seattle, Washington
Mr. George Steinbach, California Artificial Reef Enhancement Program, Ojai, California
Ms. Dorothy Lowman, Environmental Defense, Portland, Oregon
Mr. Tom Ghio, Ghio Fish Company, Moss Landing, California
Mr. Peter Huttula, Pacific Marine Conservation Council, Astoria, Oregon

C.6.e **Council Action:** Adopt Range of Alternatives for Preliminary Draft EFH EIS Analysis

Mr. Anderson moved and Mr. Alverson seconded a motion (Motion 7) to adopt the range of alternatives as presented in Agendum C.6.b, EFH EISOC Report 1, September 2004, including the proposed action and purpose and need statements with the following additions and modifications:

EFH alternatives as presented with no changes.

HAPC alternatives: add the suggestion from the HC relative to criteria for future HAPC designations; modify the description to note that NMFS consultation would be for both fishing and nonfishing activities.

Minimize adverse impacts: add to Alternative 2 a 60 fm shoreward line for fixed gear as suggested by GAP; Alternative 4, delete the second sentence (restrict the expansion of commercial fisheries); under Alternative 9, regarding the term mobile fishing gear, use consistent language as appropriate for that type of gear; Alternative 10, with suboptions, add the GAP-suggested language to the introduction, delete options 6 and 7, which require floats on longlines and limits the length of longlines to 1 mile; for option 12, which deals with setnets, keep the current 30 fm option but add 80 fm option; modify option 13 as suggested by the GAP, which would change the description from stick gear to weights with hooks; add an alternative as suggested by the GAP to allow legal gear to be used to catch trip limits without the gear endorsement; and include GMT recommendation #7.

Include in the analysis the Northwest Fisheries Science Center paper on deepwater corals.

In reference to the point made by Mr. Dorsett on the data limitations related to habitat suitability probabilities, make sure that all available data are used, particularly updating the Washington coast information.

Add the Oceana proposal when fleshed out.

Incorporate the formatting and analysis and suggestions from the GMT and HC reports, as appropriate.

The Chairman allowed a question from Mr. Brown but then corrected himself by directing Mr. Anderson to speak to his motion at this point.

Mr. Anderson began by discussing the rationale for his motion. First, he responded to comments on reducing the number of alternatives, arguing that any such narrowing or repackaging of alternatives should not occur at this point, although it could be part of the action the Council takes in November. Second, he noted that most of the suggestions from the GMT and HC were addressed through the parts of the motion having to do with formatting and presentation of the alternatives. An important point brought out by these committees was that unless you say what you are going to do differently in HAPCs, it is difficult to analyze the impacts both from a habitat protection and fishing perspective. There is an expectation that some special action will be taken with respect to these areas and this needs to be considered in the analysis. Third, in relation to the alternative covering fishing gear requirements (impact minimization Alternative 10), after talking to industry and listening to public comment, he felt the changes he made in the motion were appropriate and he did not see the need of keeping the deleted options, which would add to the analytical burden.

Mr. Brown repeated his question about impact minimization Alternative 2: does the addition of a 60 fm line option add an option 3 or replace option 2?

Mr. Anderson responded by saying that it adds an option 3 to the alternative.

Mr. Brown asked if under Alternative 4 Mr. Anderson intended to delete the first sentence, or, as the GAP recommended, delete the second sentence. Mr. Anderson said he apparently misread the GAP recommendation. On examination, he stated that he didn't feel strongly about this and was happy to delete that part of his motion or delete the second sentence as recommended by the GAP.

Mr. Alverson asked about the issue of Alternative 10, option 12. The original recommendation was to prohibit set-gillnets in waters deeper than 30 fm. He asked if this was based on status quo in California or would this allow use of this gear to expand. In other words, should there be some qualifying geographic language?

Ms. Vojkovich spoke relative to California. Gillnets are allowed outside of state waters, so if there are not allowances in other states at all it needs to be stated in the alternative. Mr. Alverson said he was not sure what the groundfish FMP says about sunken gillnet gear.

Ms. Cooney said they are only legal gear off California. Therefore, this option was to address restrictions off California. It should be made clear in the EIS document.

Dr. Burke asked about including the NWSC coral information. Should this information be incorporated into every map in the EIS where it is relevant, or is there a particular place where it should be included? Mr. Anderson did not have specific guidance. The report is new information, which is available to Mr. Copps and his team. There was public comment that spoke to it and Mr. Doresett's comment; he didn't have further views on how it should be used in the EIS analysis.

Dr. Burke asked more questions to ensure that Mr. Copps had the specific guidance he needed. First, is the direction in the motion good enough to know where to use the NWSC coral information? Mr. Copps said he and Dr. Clarke will discuss how to use the report information. Second, Dr. Burke asked if more specific direction was needed about the formatting and analysis recommendations in the GMT and HC reports. She wondered if Mr. Anderson could provide more specific guidance about which points in those reports to incorporate. Mr. Anderson responded by identifying #2, #3, and #6 of the seven recommendations in the GMT report. Mr. Anderson also noted that a recommendation from the tribal report relative to consultation needed to be added to the motion. Mr. Anderson then spoke about the elements of the HC report that should be addressed. First, they recommended combining some EFH alternatives, which he already spoke to in terms of his rationale. Generally, the recommendations related to analysis, rather than any that would change the alternatives, should be addressed in the EIS analysis given to the Council for their November meeting.

Dr. Burke asked Mr. Anderson if he intended to skip over recommendations #4 and #5 in the GMT report because they related to analytical issues. Mr. Anderson responded that those items refer to both fishing and non-fishing impacts. But Ms. Burke asked if it constitutes a new alternative. He then said it was only for nonfishing related activities for HAPCs; noting that the Council had heard a lot about including consultation for both fishing and nonfishing impacts. He felt that the issue was already covered in his motion. However, upon reconsideration he decided it was not included in the motion.

Dr. Burke then asked whether Mr. Anderson also intended to address item #7 in his motion. Mr. Anderson responded that the motion would address this issue: NMFS should consult with the Washington coastal treaty tribes over the effects of the alternatives.

Dr. Hanson said that Mr. Anderson cannot amend his own motion to address the tribal issue. The Chair asked for a motion and Mr. Harp offered a friendly amendment to include GMT recommendations item #7 from their report. Both the maker and seconder accepted the friendly amendment.

Finally, Dr. Burke asked Mr. Copps if Mr. Anderson's clarifications, asking that items #3 and #5 in the GMT Report—which have to do with analyses included in the EIS—would be a feasible addition to the workload. Mr. Copps was confident the EIS team could do that through the GIS tools. Dr. Burke reiterated whether item #5 would be feasible. Mr. Copps said he was unsure if that item was a feasible task and would have to think about it.

Mr. Brown asked about GMT recommendation #2, list the coverage of EFH designation alternatives from highest to lowest. Was the coverage by area? Mr. Anderson said he has a few questions for the GMT and asked the GMT chair

to come to the podium.

Ms. Culver, GMT Chair, answered the intention of item #2 was that EFH designation alternatives should be listed in order by the total area covered.

Mr. Brown made some suggestions on the modification of the wording of impacts minimization Alternative 4 made by the motion. He offered a friendly amendment to further modify the wording, removing the reference to trawl fisheries and specifying the content of the two options, referring to trawl gear in option 1 and all bottom tending gear types in the second option. Messrs. Anderson and Alverson accepted this as a friendly amendment with the understanding that the modification for Alternative 4 under "Draft Alternatives for Minimizing Adverse Impacts to EFH" would be combined to read "Restrict the expansion of commercial fisheries into areas that are currently unimpacted or have not been fished between 2000 and 2002."

Mr. Alverson asked about the alternative proposed by the GAP, allowing trawl vessels to switch to fixed gear. Could they move into an area they had not historically fished when using the new gear? Mr. Anderson responded they could as long as they fished in areas that remained open under any other adopted alternative (e.g., Alternative 2).

Mr. Brown asked about the language in Alternative 9 related to the description using the term bottom tending "mobile fishing gear"; He asked for a friendly amendment to remove references to "mobile gear." Mr. Anderson said that was addressed in the motion.

Ms. Vojkovich asked several questions relative to the GAP report and impact minimization alternative 2, options 1 and 2. The new option included in the motion was directed at fixed gear inside 60 fm. But she wondered about the GAP recommendation for analysis of the 150 fm exclusion for trawl in option 2 of that alternative. She asked Mr. Anderson if he deliberately left that GAP recommendation out. Mr. Anderson said yes, the motion was for the 60 fm and would be added to the other option that includes 150 fm closure line north of 40 degrees 10 minutes and a 100 fm closure line in the south.

Ms. Vojkovich then asked about the formatting issues discussed in the HC report. Page 2 of the report notes that HAPC alternatives 2, 3, 4, and 6 designate habitat types as HAPCs. There is a part of a sentence that says "however we suggest that differing proportions of each habitat type be evaluated for overall effects." She wanted to make it clear the Council is not directing the EFH team to find the percentages of those types. Mr. Anderson said that was correct.

Ms. Vojkovich said Mr. Dorsett and Mr. Brown made a comment correcting impact minimization Alternative 4. She thought there was some correcting language stating expansion of fishing would be restricted until research could demonstrate that there was no damage to EFH. Mr. Brown said he was referring to the discussion of the Oversight Committee meeting. The alternative would restrict the expansion of fisheries until research showed it could be done without harming EFH. That is why he offered up option 2 under Alternative 4; if it is good for one gear, it should be good for all gears. But this issue also applies to impacts minimization Alternative 9. He emphasized that it rested on a burden of proof issue (whether lack of harm needs to be demonstrated) and application to all gear types

Mr. Anderson stated his understanding of Alternative 9, reading from the report. The first option would not necessarily apply to all bottom contact gear types while the second option would apply to all types. He noted that the language could be further clarified using meeting notes, if necessary, but he thought it characterized what the Committee agreed on.

Ms. Vojkovich next asked whether the motion included adding krill as EFH as an option. Dr. Burke said it is Alternative 5 on page 5 of the report. Dr. Burke added that the HC recommended that this include appropriate forage fish as well as krill. Ms. Vojkovich reiterated, in the EFH designation alternatives, not the impacts minimization alternatives, does the motion include krill as EFH? Mr. Anderson said that is not in the motion, the krill prohibition is only as it pertains to minimizing adverse impacts to EFH. He pointed out that the designation alternatives included the water column, so krill would be included in the designation.

Ms. Vojkovich then asked for clarification on how this analysis will be structured and the requirements that she thought Oceana stated relative to HAPCs. In designating HAPCs, is an analysis of impacts to HAPCs and action to mitigate

those impacts required? If so, there would have to be some additional action after the designation to address mitigation.

Mr. Anderson said the HC and GMT were struggling with this issue. Given the time limitations, impact minimization tools under those alternatives could be applied to HAPCs when regulations were implemented. Therefore, it is important to have the management tools necessary to mitigate impacts, especially in HAPCs.

Ms. Vojkovich then asked Mr. Copps if the EIS would describe which alternatives would cancel each other out or not be compatible. Mr. Copps asked if she meant can you designate HAPCs that are not within EFH; you cannot pick HAPCs that occur outside of EFH. The EIS will include an overlay analysis to determine which HAPC or impacts minimization alternatives would not be consistent with any EFH designation alternative. Ms. Vojkovich then asked about impacts minimization Alternative 11 (permit buyout alternative). Would the analysis evaluate it's effect on non-limited entry vessels displaced from those closed areas? Mr. Copps said he was not sure how to analyze the economic impacts of that alternative until The Nature Conservancy negotiations are clarified. The analysts will try to characterize all trawlers that would be affected, but Mr. Copps was not sure what else could be analyzed at this point.

Ms. Vojkovich then asked about minimizing impacts alternative 10, option 9, which would assess string length of pot gear. She didn't see how the analysis could be done and wondered if that would invalidate the option. Mr. Copps said all of the Alternative 10 options would have to be discussed with fishing gear experts. This relates to the language about assessing characteristics.

Ms. Vojkovich wanted to make sure the EIS document would be understandable to the public. Affected parties should understand the document and how to participate in the Council process. The EIS should describe what options the Council has for picking alternatives.

Dr. Freese noted that research and monitoring alternatives had not been discussed. He asked if the motion included the alternatives described in the EFH EISOC report (under Agendum C.6.b) as reviewed by the GMT and HC. Mr. Anderson affirmed that those alternatives were included with no changes.

Mr. Anderson asked Ms. Culver about two recommendations, numbered 4 and 5 on page 2 of the GMT report. She replied that item #5, recommending that the rationale for restricting fishing and nonfishing either inside or outside of HAPCs, did relate to the new alternative proposed in item #4, which would establish impact minimization measures in any HAPCs that might be designated. The point of these recommendations was to emphasize that impact minimization measures should focus on HAPCs, while the consultation process applies to all. Mr. Anderson noted that this related to earlier discussion of how HAPCs would be used in relation to minimizing impacts. He felt that these GMT recommendations were an ideal but could not be accomplished in the amount of time available to prepare the DEIS.

Mr. Brown asked a clarifying question using impact minimization alternative 3 as an example. Under this alternative areas would be closed to fishing based on habitat characteristics. He wondered if the GMT proposal was that these areas should then be designated HAPCs. According to Ms. Culver, the closed areas identified in the example would likely be different from any of the HAPCs chosen under those alternatives; the GMT recommendation was that only the areas identified under the impact minimization alternative which also fell within HAPCs designated by Council action would become closed areas. She also provided another example to explain the GMT's point. The analysis should discuss the tradeoff between limiting impact-causing activities only in HAPCs as opposed to some broader area that might be identified in an impact minimization alternative. Mr. Anderson said some impact minimization measures could apply outside of HAPCs while others might apply only to HAPCs. But there is not enough time to do this kind of analysis right now.

Mr. Copps asked Mr. Anderson how to interpret his proposal for designating HAPCs: is it a process or a set of biological criteria? Mr. Anderson said this is a suggestion in the GMT and the HC reports. In addition to designating HAPCs as part of the EIS process, the DEIS describe an ongoing process, and appropriate criteria, for defining additional HAPCs. Mr. Copps said that the North Pacific FMC identified a public process, which could be used as a model for an alternative in the DEIS.

Motion 7 passed.

Dr. Burke asked Mr. Copps to make sure the impact minimization alternative banning krill fisheries will be consistent with other processes that the Council is considering to achieve this, on the advice of Mr. Fougner. Mr. Copps assented. She also referenced the guidance on page 2 of the HC report in reference to the criteria mentioned in Mr. Anderson's motion. Finally, Dr. Burke said it would be helpful to code each of the alternatives with a unique letter and number.

C.7 Off-Year Science Improvements Report (09/15/04; 4:10 pm)

C.7.a Agendum Overview

Mr. DeVore provided the agendum overview.

C.7.b Northwest Fisheries Science Center Report

Dr. Elizabeth Clarke reported on recent Science Center activities. A Recreational CPUE Workshop was conducted in June. A report on this workshop will be available in the November briefing book. The Science Center also sponsored a Data Workshop in July to discuss available data sources for upcoming stock assessments. A report of this workshop will be posted on the Science Center web site. She asked if the report could also be posted on the Council website? The Science Center is also planning a Modeling Workshop in October. They are currently discussing the agenda for this workshop with the SSC. The models for upcoming stock assessments will be announced at this workshop. Finally, Dr. Clarke said the dates for next year's Stock Assessment Review (STAR) panels will be available by the November Council meeting.

C.7.c Reports and Comments of Advisory Bodies

Dr. Kevin Hill provided Agendum C.7.c, Supplemental SSC Report.

C.7.d Public Comment

None.

C.7.e Council Discussion and Guidance on Off-Year Science Improvements Report

None.

C.8 Terms of Reference for Groundfish Rebuilding Plan Review and Stock Assessment Review (STAR) Panels (09/15/04; 4:20 pm)

C.8.a Agendum Overview

Mr. DeVore provided the agendum overview.

C.8.b SSC Report

Dr. Hill provided Agendum C.8.c, Supplemental SSC Report.

Mr. Anderson asked Dr. Hill if the SSC discussed the WDFW/NWIFC recommendation to regionally stratify stock assessments? Dr. Hill admitted he was not present for the entire SSC discussion, but they would discuss this further at the November Council meeting. He added it was unclear how to regionally stratify stock assessments. Mr. Anderson said he wasn't sure this recommendation needed to be included in the Stock Assessment Terms of Reference. He encourages this type of stratification if recommended by Stock Assessment Teams. Dr. Hill said the Terms of Reference already mandates a discussion of stock structure. He added there may be more than one population (or species) of vermilion rockfish based on new information.

Dr. McIsaac asked if the process for developing a terms of reference for rebuilding plan reviews would require a two meeting process (i.e., November and March or April)? Dr. Hill said yes. Dr. McIsaac asked Dr. Freese if this would

work under the court-ordered rebuilding schedule and the precepts specified with FMP Amendment 16-1? Dr. Freese said he thought so, but deferred to his staff.

Ms. Vojkovich asked if there was time to schedule SSC member attendance at post STAR meetings next year? Dr. Hill said he didn't know. Dr. Burke said it was her understanding the post-STAR meeting would be within the Council framework.

Ms. Yvonne de Reynier answered Dr. McIsaac's question on the timing of developing a terms of reference for rebuilding plan reviews. We need a final rebuilding plan review process in place by next March.

C.8.c Reports and Comments of Advisory Bodies

Mr. DeVore read Agendum C.8.c, Supplemental GMT Report.

C.8.d Public Comment

None.

C.8.e Council Guidance on Finalizing Terms of Reference for Groundfish Rebuilding Plan Review and Stock Assessment Review (STAR) Panels

Mr. Harp offered some comments in writing. He supports the WDFW/NWIFC recommendation for regionally stratifying stock assessments as outlined in Agendum C.8.d., Public Comment.

Ms. Vojkovich addressed the need for a standardized format for stock assessments and STAR Panel reports in order to get through the proposed 23 assessments expected next year. She noted few stock assessments are complete with all the critical information needed for management decision-making. This needs to be included in the Terms of Reference.

Dr. Freese said he appreciated the GMT recommendations for standardized formats and a regional approach in stock assessments. This report will help us in planning down the road. He likes what he sees in the GMT report.

Dr. Burke agrees with the comments of Ms. Vojkovich and Dr. Freese. She also supports the WDFW/NWIFC position on encouraging regional differences to be identified in stock assessments whenever possible. What has been left out is the "burden" factor. The SSC should proactively work with the GMT to coordinate schedules, STAR meetings, and post-STAR meetings.

Ms. Vojkovich recommended the Council approve the SSC recommendation to appoint an SSC member to chair STAR Panel meetings. She also recommended completion of the policy development for rebuilding plan reviews by next March.

Mr. Brown noted independent reviewers sitting on STAR Panels sometimes have a different perspective than SSC members or other members of the Council family. There should be some consideration for independent reviewers to chair STAR Panel meetings. However, the independent reviewer often cannot attend post-STAR meetings.

Dr. McIsaac asked Mr. DeVore to extend compliments to the GMT on their report for this agendum.

C.9 Final Consideration of 2004 Inseason Adjustments (09/16/04; 3:56 pm)

C.9.a Agendum Overview

Mr. Burner provided the agendum overview.

C.9.b Reports and Comments of Advisory Bodies

Ms. Culver provided Agendum C.9.b, Supplemental GMT Report.

Responding to Mr. Brown, Ms. Culver stated landing values for darkblotched rockfish have changed a little due to updates to QSM reported landings since the last GMT report.

Dr. McIsaac asked Ms. Culver to elaborate on the GMT recommendation to use a 33% discard rate from the 2003 observer programs when the slope rockfish trip limit was 1,800 pounds per two months when modeling estimated impacts in 2004 in which the slope rockfish trip limits were first set at 4,000 pounds and later adjusted to 8,000 pounds. Ms. Culver stated that the latest information available to the GMT is the 2003 observer data. The 2004 observer data is not available. The observer data was collected at a time when trip limits were much lower, but the seaward trawl RCA boundary was also out at 200 fathoms unlike the 150 fathom line adopted in season for 2004. It is difficult to determine what portion of the increased catch of darkblotched rockfish in 2004 is attributable to the increased trip limits or the line move.

Dr. Mc Isaac asked if boats in the summer of 2004 were coming in with the full 8,000 pound trip limit or something less and would this help determine if the discard situation is as bad as 2003 when the limit was 1,800 pounds. Ms. Culver stated that the GMT did consider this issue, but with the line moved to 150 fathoms it is impossible to tell what the appropriate discard rate would be.

Mr. Alverson asked how quickly a Council recommendation could be implemented in regulation. Ms. Culver responded October 1.

Mr. Anderson asked for clarification on impacts in the whiting fishery. Ms. Culver acknowledged some areas provided some corrected values in the table on page 5 of Agendum C.9.b, Supplemental GMT Report. Ms. Culver updated the whiting column and the total column relative to canary rockfish impacts. The projection through September of 6 metric tons is correct. Option 1 should be adjusted down from 6.7 to 6.2 metric tons with a corresponding total of 47.6 metric tons. Option 2 is correct as stated.

Mr. Brown asked if the mothership sector has quit fishing, and if so, how likely is it that they will resume fishing. Ms. Culver reported that the GMT understanding is that they have stopped fishing and fishery representatives in attendance have stated they have no intention of starting again.

Dr. Burke asked why there is an option which anticipates the mothership sector to take its full allotment if we don't anticipate them fishing. Ms. Culver stated that they aren't closed and until then the GMT decided to present all possible scenarios. The GMT also wanted to illustrate that the fishery would be capped at 7.3 metric tons of canary rockfish before catching all of the whiting.

Mr. Anderson asked what the canary rockfish OY would be if we adjusted it for the different proportion of canary rockfish taken between commercial and recreation fisheries in 2004 relative to preseason expectations. Ms. Culver stated that the Council would have to take specific action to change the OY for canary rockfish so the OY has remained at 47.3 metric tons. However, the GMT did look into this matter and estimates the OY would be somewhere around 49.4 metric tons if the OY was recalculated. The canary rockfish ABC is 256 metric tons.

Mr. Moore provided Agendum C.9.b, Supplemental GAP Report.

C.9.c Public Comment

Mr. Dave Benson, Trident Seafoods, Seattle, Washington
Mr. Mike Atteberry, Alaska Ocean Seafood, Anacortes, Washington
Mr. Karl Haflinger, Sea State, Inc., Vashon, Washington
Mr. John Bundy, Glacier Fish Company, Seattle, Washington
Mr. Joe Bersch, Supreme Alaska seafoods, Seattle, Washington
Mr. Dale Myer, Arctic Storm, Seattle, Washington
Mr. Brad Pettinger, Oregon Trawl Commission, Astoria, Oregon
Mr. Dan Wolford, Coastside Fishing Club, Los Gatos, California
Mr. Chris Dorsett, The Ocean Conservancy, San Francisco, California

Mr. Mike Sorensen, charterboat operator, Toledo, Oregon
Mr. Bob Ingles, Golden Gate Fisherman's Association, Hayward, California
Mr. Bob Osborn, United Anglers of Southern California, Huntington Beach, California

C.9.d Council Action: Approve Inseason Adjustments in the 2004 Groundfish Fishery

Mr. Anderson moved and Mr. Alverson seconded a motion (Motion 12) to approve the inseason management measures in the GMT Report (Agendum C.9.b, Supplemental GMT Report) which would include the adoption of the inseason adjustments to address darkblotched rockfish impacts, canary rockfish impacts, provide exemptions for sea cucumber and ridgeback prawn as described on page 6, as well as the additional trip limit changes and corrections described in the document with the following additions:

- for the whiting fishery, establish a darkblotched rockfish cap of 9.5 metric tons
- for the whiting fishery, establish a canary rockfish cap of 6.2 metric tons
- effective Oct. 1, close the mothership sector of the whiting fishery.

Mr. Anderson spoke to his motion. The establishment of a darkblotched cap of 9.5 mt is consistent with what the fishery is expected to take by September 30 which is the earliest we could close the fishery. Relative to canary rockfish, we currently have a 7.3 metric ton cap in the whiting fishery, and this is a reduction to 6.2 metric tons. Mr. Anderson recognized that this package would result in canary rockfish impacts of 47.9 metric tons, 0.3 metric tons above the OY for 2004 given the suite of regulations that were adopted at the beginning of the season. There has been redistribution of impacts to canary rockfish from commercial to recreational fisheries which would result in a modest increase in the OY should the Council and NMFS consider revising the OY, something Mr. Anderson does not support and is not including in the motion. This proposal does not attempt to utilize any remainder between the two OY values reported by the GMT, and the 0.3 metric tons above the original OY will not jeopardize our rebuilding plan.

Mr. Brown is in favor of the motion. Mr. Anderson's motion minimizes the damage to other fisheries resulting from the overage in the trawl fishery. He is confident in the process we use to establish the rebuilding schedules. These values we are adopting are not going to jeopardize the rebuilding plans. He also agrees with Mr. Pettinger and is confident the trawl fishery experienced a lower discard this year.

Ms. Vojkovich asked if the whiting closures when caps are attained would be voluntary. Mr. Anderson stated that the caps would be adopted in regulation and implemented by NMFS.

Ms. Cooney said during this inseason action, these recommended caps would fall under the emergency rule adopted by NMFS earlier in the year. If one of those caps is close to being reached, then the catcher/processor fleets voluntarily stops and NMFS follows up with a legal closure. Dr. Freese added that NMFS would be monitoring this on a daily basis.

Dr. Burke asked Mr. Anderson why the motion did not include depth limits for the whiting fishers. Mr. Anderson said he did not include this in his motion primarily because of the testimony of the industry. They demonstrated the ability to identify areas where they have encountered canary rockfish and darkblotched rockfish and the motion provides the industry the flexibility to fish in areas where species of concern will not be encountered.

Dr. Burke asked for a friendly amendment to consider a 150 fathom depth limit for the whiting fishery effective October 1. She said they have learned that any fishery can do better if they have to, and only when then have to. She is not saying that the catcher/processor fleet is not able to monitor their catch, but she thinks it would be prudent for us to further protect canary rockfish through a depth restriction.

Mr. Anderson said his initial reaction is that he is not sure 150 fathoms is going to minimize the potential of a tow that has excessive canary rockfish in it, perhaps 200 fathoms would be more appropriate. Setting such a line at 200 fathoms may decrease the potential for canary rockfish bycatch but may also increase the potential for darkblotched rockfish catches.

Mr. Alverson was not in favor of the friendly amendment as the seconder. The bycatch caps alone are enough incentive

to avoid canary rockfish and if they have one bad tow they are done.

Dr. Burke said she would be comfortable with a 200 fathom line but suggested 150 fathoms to keep the fishery contacting more whiting. She thinks it is important for us to show responsibility and is concerned about having no depth restrictions on the whiting fishery when the trawl RCA is set at 250 fathoms. If it can't be done as a friendly amendment she would like to get an idea of how the Council feels about this issue under a separate action.

Dr. Hanson said Mr. Karl Haflinger reported that the fishery has not taken one canary rockfish in September. The fishery has proved they can fish without taking canary rockfish.

Mr. Anderson confirmed there is a 150 fathom line with weigh points that can be enforced.

Dr. McIsaac asked if the maker of the motion would accept the friendly amendment to adopt a depth restriction at 150 fathoms for the whiting fishery.

Mr. Anderson accepted the friendly amendment as the maker of the motion. Mr. Alverson asked Ms. Culver if there was any sense of the distribution of whiting during this time of year. Ms. Culver suggested testimony from the appropriate industry members who testified. Mr. Mike Atterberry and Mr. Karl Haflinger said their boats are in 180 to 200 fathoms of water. The industry would prefer to fish under these restrictive caps with the flexibility to fish where their observed bycatch suggests they can catch whiting while minimizing bycatch.

Mr. Warrens confirmed the industries methods for reducing bycatch and agreed with their methods and the importance of implementing caps without depth restrictions.

Mr. Alverson did not accept the friendly amendment from Dr. Burke.

Dr. Burke appreciated the information from industry. The issue she has is if the proposal goes forward, the catcher/processor fleet can fish wherever they want to until the end of this month and she is not convinced they can prevent a disaster tow. She asked Ms. Cooney how quickly a closure would occur once a cap has been attained.

Ms. Cooney said the closure could be implemented fairly fast. The processors said they would stop voluntarily and NMFS would know when the cap was attained. Documents would be pre-prepared and ready to file which would further speed up the process. Dr. Freese said there would be a broadcast from his office to the fleet as soon as the caps were attained.

Dr. Burke then said that as far as Oregon's position for managing this year, she is concerned about where we are going with these fisheries and our use of the scorecard. There is getting to be less and less incentive for managers to manage their fisheries in a proactive and conservative manner and in the direction of the intent of the MSA. Oregon had the bulk of the darkblotched rockfish landings but took a conservative approach to recreational fishery management. Oregon also worked with the shrimp fleet to develop excluder technology that saved another 0.4 metric tons of canary rockfish. Additionally, Oregon took the lead on selective trawl gear that further saves canary rockfish. If we go on with the way we are managing these fisheries, Oregon is going to be asked about the 2004 recreational harvest for canary rockfish and Oregon is going to lose and that just isn't acceptable. Oregon is working hard to put savings on the table and is making the tough decisions. She thinks we need to look at how we are managing these resources and work with the GMT to develop better ways of bycatch recording and ways of allocating the fish by what we save instead of what we are using, something needs to change.

Mr. Alverson stated that he did not see any values in the scorecard as permanent allocations and feels that all of the states have to work together.

Mr. Anderson said that we have just a very few permanent allocation decisions between states or between sectors and there was a much shorter recreational fishing season in Oregon this year for the groundfish fishery. We have got a very difficult management regime set up here that continues to break down in the middle of the season year after year and meeting after meeting and voiced support for some of the points Dr. Burke has made.

Mr. Brown concurred with Mr. Anderson and Dr. Burke's statements. He certainly hopes we would take a look at our tracking and notification processes.

Ms. Vojkovich is also extremely concerned. Having someone monitor catch on a regular basis is a recommendation we need to follow up on. She was not excited about the self-policing option for the catcher processors brought forward to us today, but she did not see a way out of the box.

Motion 12 passed.

Mr. Alverson said on Tuesday we asked the GMT about the monitoring and tracking issue and asked if they were able to have that discussion.

Ms. Culver said the GMT has not formally discussed the matter but will come back with a final scorecard to the Council and have some ideas for tracking.

C.9 revisited (09/17/04; 12:55 pm)

GMT statement

Ms. Michele Culver provided Agendum C.9.b, Supplemental GMT Report 2.

Public Comment

Mr. Rod Moore, West Coast Seafood Processors Association, Portland, Oregon

Council Discussion and Action

Ms. Vojkovich stated she is confused about what information had to be available when and what information had to be in the briefing materials. There doesn't seem to be consistency between recreational and commercial fishery information. We need to take this issue at a later time because she is not clear on the priorities.

Ms. Vojkovich voiced her concern with the concept of a recreational QSM program. She did not believe that managing recreational fisheries in the same manner we manage commercial fisheries is appropriate.

Ms. Vojkovich moved and Mr. Thomas seconded a motion (Motion 18) to reconsider Motion 12 relative to California.

Ms. Vojkovich said if the motion to reconsider passes, she would like to add language relative to trip limit corrections, page 7 of Agendum C.9.b, Supplemental GMT Report, in the area between 40°10' N latitude and 34°27' N latitude limited entry fixed gear and open access. In period 5, the deeper near shore trip limits should remain at 400 pounds per month and the recommendation to change this to 400 pounds per two month should not go forward.

Chairman asked for the vote on Motion 18. Dr. McIsaac called the roll. The following Council Members voted no: Messrs. Harp, Cedergreen, Alverson, Ortmann, Anderson, and Mallet. Chairman Hansen voted yes. Motion 18 passed; 8 yes, 6 no.

Ms. Vojkovich moved and Mr. Thomas seconded a motion (Motion 19) to amend Motion 12 to address the limited entry fixed gear and open access fishery trip limits for deeper nearshore rockfish between 40°10' N latitude and 34°27' N latitude to remain at 400 pounds per month in period 5.

Mr. Harp voted no on Motion 19. Motion 19 passed.

Dr. Burke, in participating in this process, feels that she is representing the state of Oregon and anyone who uses Oregon resources. She feels it is better to bring this issue to the table without having discussed the matter with any other Council members.

Dr. Burke asked to present the concerns she had. Dr. Burke moved (Motion 20) and Mr. Anderson seconded a motion to amend Motion 19 to request that the catcher/processors involved in the Pacific whiting fishery voluntarily refrain from fishing in areas shallower than 150 fathoms for the remainder of the 2004 fishery.

Dr. Burke said the Council and Oregon have worked hard to responsibly manage fisheries while keeping some opportunities open. There could be a disaster tow in the whiting fishery that could shut down many other fisheries. We spent all week with the GMT looking for small amounts of savings so we could legally proceed with these fisheries. She feels it is not responsible to have a sector open like this, regardless of their technology, and if we can invoke a precautionary measure we should do it. She spoke about the mention of a derby fishery with a depth restriction and has problems with an industry that is willing to comply with some by not all Council recommendations. Establishing a 150 fathom line is not unconventional and not terribly restrictive. We are only asking them to voluntarily refrain from fishing shallower than 150 fathoms. Based on testimony, she feels that this is a highly responsible fishery but did not feel our fisheries had the same technology not the same management requirements as the North Pacific Council. Dr. Burke thanked industry representatives for their help during the week.

Dr. Hanson said that ordinarily a motion made and rejected cannot be reconsidered, but this was previously a friendly amendment that the Council did not vote on. He expressed his concern about friendly amendments and stated that they are appropriate for typographical errors but when we start doing substantive changes we need to make amendments.

Mr. Anderson asked if the motion could be restated. Dr. McIsaac restated the motion. He was in favor of the motion. He did not think this was worthy of a strenuous debate. In looking at the objective of the fishery, it was to allow catcher/processors to maximize their whiting catches without exceeding bycatch allowances of darkblotched rockfish and canary rockfish. This sector has the ability to track bycatch on a daily basis and he was impressed the way they came forward to put their credibility on the line.

Dr. Freese said this is a major issue and spoke against waiting until Friday morning without the GAP, GMT, or public comments. That is not good business.

Mr. Harp had thoughts very similar to what Dr. Freese had said. He agreed with him about doing things at the last minute and last day of the meeting. In the future, the Council needs to deal with issues like this better. He is not going to oppose the motion but not happy about the way the motion came about.

Ms. Vojkovich said she is not happy with the way this has played out either. It makes it difficult for her to make a decision since there is no data to tell her of the risks.

Motion 20 passed (Main Motion 19 as amended).

Ms. Vojkovich asked if the Council would support CDFG working with NMFS to take inseason action before the next Council meeting if action is necessary based on CRFS numbers.

Ms. Cooney said that Ms. Vojkovich is suggesting a similar mechanism as the one adopted at the June meeting. If California feels they need to take action on their recreational fishery, NMFS can take federal actions to match the state of California action.

Mr. Anderson said he is not interested in this mechanism at this meeting.

Ms. Vojkovich did not make a motion.

C.10 Expansion of Vessel Monitoring System (VMS) (09/17/04; 8:29 am)

C.10.a Agendum Overview

Mr. Burner provided the agendum overview.

C.10.b NMFS Report

Mr. Dayna Matthews referred to Table 2.0.1 contained in Agendum C.10.b, Attachment 1; *Draft Environmental Assessment/Regulatory Impact Review/Regulatory Flexibility Analysis for Expanded Coverage of the Program to Monitor Time-Area Closures in the Pacific Coast Groundfish Fishery, NMFS, Northwest Region*. Mr. Matthews also read Agendum C.10.b, Supplemental Attachment 2: Overview of Draft EA/RIR/RFA.

Mr. Alverson asked if implementation of VMS in 2005 as mentioned under alternative 2 is a reality. Mr. Matthews stated that the earliest date could be April 2005 and the GAP is recommending June 2005.

Ms. Vojkovich asked whether the report includes any information on vessel sizes within the open access sector and how NMFS determined which fisheries to exempt from VMS. Mr. Matthews stated that it is difficult to define the open access fleet by size categories and that criteria such as RCA restrictions and how easily vessel activity can be detected from at-sea observations were used by the Ad Hoc Vessel Monitoring Committee to determine exemptions.

C.10.c Reports and Comments of Advisory Bodies

Captain Mike Cenci provided Agendum C.10.c, Supplemental EC Report.

Ms. Vojkovich asked about VMS requirements for vessels which only fish in state waters. Capt. Cenci stated that there are legal questions regarding jurisdiction and that the EC did not feel that this VMS proposal would be applicable to vessels that only participate in state water fisheries. Ms. Vojkovich stated there will be difficulties in defining eligible vessels by gear type as a portion of those vessels only fish in state water.

Ms. Cooney stated that if you participate in any of the proposed fisheries in the EEZ you will be required to have VMS.

Dr. Burke asked if the states would have to pass state VMS requirements at least for those vessels which fish in both state waters and the EEZ. Ms. Cooney said the issue needs to be looked into further, but in general, it is often helpful to have concurrent state and federal regulations.

Mr. Chuck Tracy read Agendum C.10.c, Supplemental SAS Report. Mr. Moore provided Agendum C.10.c, Supplemental GAP Report.

Mr. Moore clarified for Dr. Burke that the two provisions listed under the GAP Alternative 7 are not mutually exclusive.

Ms. Vojkovich asked if the GAP had any discussions about the need for public meetings along the coast to help inform people who are not directly involved with the Council process. Mr. Moore said the GAP did not have such a discussion but felt he could safely speak for the GAP when recommending public meetings.

Mr. Moore clarified for Dr. Freese that HMS and CPS vessels are not included in the GAP Alternative 7 as they are not subject to the RCA unless those vessels are also used during part of the year as an open access groundfish vessel.

Ms. Cooney and Mr. Moore discussed groundfish retention regulations for salmon troll vessels north of 40°10' N latitude relative to yellowtail rockfish and agreed that the specific regulations need to be reviewed before salmon troll VMS alternatives are finalized.

C.10.d Public Comment

Mr. Ray Monroe, Dory Fisherman, Pacific City, Oregon
Ms. Kathy Fosmark, Open Access Fisherman, Pebble Beach, California
Mr. Bob Osborn, United Anglers of Southern California, Huntington Beach, California
Mr. Gerry Richter, Point Conception Groundfisherman Association, Santa Barbara, California
Mr. Tommy Ghio, Ghio Fish Company, Moss Landing, California

C.10.e **Council Action:** Adopt Vessel Monitoring System Program Expansion Alternatives for Public Review

Dr. Burke moved and Mr. Brown seconded a motion (Motion 14) to proceed with the VMS program expansion

alternatives for public review as outlined in Agendum C.10.b, Attachment 1 (including Options 1 through 5); Alternative 6 as provided in Agendum C.10.c, Supplemental GAP Report with the addition of “CPS and HMS” to that alternative as identified by Mr. Moore during the presentation of the GAP report ; Alternative 7 from the GAP report with the addition of the word “or” between the two exceptions; the GAP recommendation to not implement the program until June 2005; and the EC option captured in Agendum C.10.c, Supplemental EC report (second and third paragraphs) recommending a modified Alternative 5 that includes salmon troll vessels.

The adopted alternatives in Motion 14 focus on groundfish directed open access vessels for the next phase of the VMS program, but include vessels in other target fisheries that incidentally take groundfish or are subject to groundfish RCA restrictions. Dr. Burke recommended that Alternative 5 remain as an alternative and that the version modified by the EC be added to provide a range of alternatives.

Motion 14 passed.

Ms. Vojkovich asked if NMFS could hold some meetings/hearings to explain the options to the public and when those meetings could take place. Chairman Hansen replied there is a VMS meeting in October. Ms. Vojkovich said she is concerned about not having public meetings before council action in November. Mr. Brown agreed with Ms. Vojkovich on the time issue and stated that if we were going to delay implementation until June, we could delay Council final action.

Dr. Freese asked for a break. Mr. Burner said we would need to take action in November if we were to look at a June implementation.

Dr. Freese said we could move implementation from June to October 2005, allowing us to do more analysis and do more organized public hearings and/or outreach meetings. The decision of when, where, and how to have meetings is yet to be determined.

Ms. Vojkovich said that knowing individuals who are supportive of expanding VMS use would like to have this implemented as soon as possible, she is more supportive of having public discussion and comments. If it is October in order to provide more public comment then that is fine.

Ms. Vojkovich asked if Oregon was planning to hold similar meetings.

Dr. Burke was not clear on who was sponsoring the meetings. Ms. Vojkovich said she is interested, as a state, in helping those meetings along, but California cannot sponsor them. Dr. Burke said Oregon has from now to January booked with meetings.

Dr. McIsaac thought the concept was for NMFS sponsored meetings. Dr. Freese thought the VMS meetings would be outreach type meetings more like those held for Amendment 10 issues; NMFS Region and Enforcement would staff the meetings with listening stations in appropriate areas. NMFS would welcome any state help in arranging locations and will work with states as to who will be the official sponsor.

Mr. Anderson confirmed the intent to hold the meeting between now and Council final action and pledged WDFW as partner with NMFS in holding public meetings.

Mr. Burner, for clarification, confirmed that the schedule would be to not revisit VMS at the November Council meeting, but to take Council final action at the March Council meeting, after public meetings, for implementation in October.

Dr. McIsaac and Dr. Burke revisited the original motion that spoke to a Council recommended June 2005 implementation and considered a new motion to alter the schedule.

Dr. Burke moved and Mr. Brown seconded a motion (Motion 15) to reconsider Motion 14 (the action taken on VMS). Motion 15 passed.

Mr. Anderson moved and Mr. Brown seconded a motion (Motion 16) to amend Motion 14 to change the VMS program implementation date from "June 2005" to "October 2005". Motion 16 passed (Main motion as amended). The change in implementation date for VMS expansion was made to allow more time for adequate public review of the alternatives.

Mr. Burner confirmed that the previously scheduled meeting of the Ad Hoc VMS Committee will not be delayed and the committee will meet October 7 to review and refine the alternatives.

C.11 Trawl Individual Quota (TIQ) EIS (09/17/04; 10:05 am)

C.11.a Agendum Overview

Mr. Jim Seger provided the agendum overview.

C.11.b Summary of Scoping

Mr. Seger reviewed Agendum C.11.b Summary of Public Comment.

C.11.c Reports and Comments of Advisory Bodies

Mr. Rod Moore provided Agendum C.11.c, Supplemental GAP Report.

C.11.d Public Comment

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

Mr. Tom Raftican, United Anglers of Southern California, Huntington Beach, California

Ms. Dorothy Lowman, Environmental Defense, Portland, Oregon

Mr. Bob Osborn, United Anglers of Southern California, Huntington Beach, California

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

C.11.e Council Guidance on TIQ EIS Process, As Necessary

Mr. Brown stated that he believed the scoping document was ready to move forward to the next step of analysis. While all intersector allocations will need to be addressed over the long-term, for the next step in the allocation process only certain allocations need to be taken. That step is to identify those species requiring allocation between the trawl and other sectors for the purpose of implementing a trawl IFQ program. That list should then be given to a committee such as that recommended by the GAP. This would be done in order to avoid having the process deteriorate over allocation battles between other sectors. (The unanimous recommendation of the GAP was as follows: Create a new ad-hoc inter-sector allocation committee with the following structure - 2 limited entry trawl representatives, 2 limited entry fixed gear representatives; 2 recreational representatives; 1 open access representative; 1 processor representative; 1 tribal representative; a neutral, non-voting moderator/chairman).

Mr. Anderson, suggested that a permit stacking alternative be added to the document. With respect to composition of the Ad Hoc Allocation Committee, Mr. Anderson stated that there are many policy issues that are unique to the states that need to be considered. He did not feel that a panel comprised of the representation suggested by the GAP would have the needed expertise on those state issues. While the Council might look at the idea of adding advisors it should stay with the core group that now comprises the committee.

In response to a question by Mr. Anderson, Dr. McIsaac noted that we have limited funds to carry us through early 2005 but not enough funding to complete the process as it stands.

Mr. Ticehurst expressed concerned about the lack of recreational representation on the committee. There are serious and complex interactions that take place among the sectors and the program needs to take these into account. We should be focused on managing fish species rather than on gear management. The idea of transferability is built into the whole IQ process, and to not have transferability to other sectors of the fishery doesn't make sense. Given the expectation of forthcoming guidance from the MS-Act and the expenditures required to support this process, he questions the value

of moving forward. Mr. Brown commented that many of the species at issue were only caught by trawl gear and that other species would be addressed by the allocation committee as they would for an ITQ program or other types of management. Mr. Cedergreen concurred with Mr. Ticehurst.

Mr. Alverson concurred with Mr. Anderson's recommendation for consideration of a permit stacking option, expressed concern about complexity, and stated the need for a simpler option. Mr. Anderson added that alternatives being developed appeared to have some highly controversial elements and that the controversy would likely extend the time required to implement the program. Permit stacking would take some of the controversy and complexity out of the program while allowing some additional consolidation. Mr. Brown stated that if the option is to be included it needed to include the option of a single annual trip limit.

Chairman Hansen provided the following direction to the TIQC: review the votes on processor issues in light of the new committee membership, consider the letter in the briefing book from Mr. Leipzig and others and report back to the Council in November on their discussions. The Chairman also wanted it on the record that the analysis would include evaluation of impacts on the processing sector.

There was a discussion of whether or not the Allocation Committee needed to meet prior to the next Council meeting. The allocation committee also needs to meet to discuss lingcod allocation and management without or within the scorecard system. Mr. Brown asked for a retrospective history on who has caught the fish. This will be relevant to determining what species need to be allocated. Mr. Brown also noted that part of the strategic plan contained some broad priorities for allocation.

Mr. Anderson moved and Mr. Brown seconded a motion (Motion 17): for the purpose of making recommendations pertaining to intersector allocation, add six nonvoting advisors to the Ad Hoc Allocation Committee; the seats will represent groundfish trawl, groundfish fixed gear, open access, and recreational fisheries, as well as the processor sector, and conservation. Mr. Anderson clarified that the GAP would make the recommendations of who would serve. Motion 17 passed. Based on the time required to appoint the advisory group it would not be possible for the allocation committee to meet prior to the November Council meeting. Mr. Brown commented that there should be at least one meeting of the allocation committee before the Council considers a checkpoint on whether to continue moving through the process. The Council members agreed to postpone the scheduled November checkpoint on the TIQ process to the March 2005 meeting.

Mr. Ticehurst said the ability to transfer to other sectors should be included in the scoping document and suggested that the test for inclusion of any provision should not be "is this good for the trawl IQ" but rather "is [this] good for the fishery. Dr. Freese noted that the NEPA analysis will address the affects of the program on not only trawl groundfish but on all fisheries.

D. Salmon Management

Mr. Dave Ortmann chaired the Salmon Management agenda.

D.1 Salmon Fishery Update (09/14/04; 2:42 pm)

Mr. Tracy presented the Agendum Overview and summarized Agendum D.1.a, Attachment 1.

D.1.a Salmon Technical Team Report

Mr. Dell Simmons presented Agendum D.1.a, Supplemental STT Report.

D.1.b Reports and Comments of Advisory Bodies

None.

D.1.c Public Comment

None.

D.1.d Council Discussion on Salmon Fishery Update

None.

D.2 Salmon Methodology Review (09/14/04; 2:52 pm)

D.2.a Agendum Overview

Mr. Chuck Tracy presented the Agendum Overview and referenced Agendum D.2.a, Attachment 1.

D.2.b Agency and Tribal Reports and Comments

None.

D.2.c Model Evaluation Workgroup Report

Mr. Simmons presented Agendum D.2.c, Supplemental MEW Report.

D.2.d Reports and Comments of Advisory Bodies

Mr. Pete Lawson presented Agendum D.2.d, Supplemental SSC Report. Mr. Simmons presented Agendum D.2.d, Supplemental STT Report. Mr. Tracy read into the record Agendum D.2.d, Supplemental SAS Report.

D.2.e Public Comment

None.

D.2.f **Council Action:** Establish Final Prioritization and Schedule for Review of Salmon Methodology Changes for the 2005 Season

Mr. Gordy Williams noted the concern of Alaska and the Pacific Salmon Commission (PSC) with potential impacts of mark selective chinook fisheries on the Coded Wire tag (CWT) data base, and recommended careful consideration and review of such fisheries. Mr. Eric Larson agreed with Mr. Williams.

Mr. Anderson noted that the MEW has made substantial progress on FRAM documentation. The WDFW also designed, along with comanagers, a pilot program to help evaluate the Area 5-6 mark selective chinook fishery, and a report on the evaluation is forthcoming. Mark selective fisheries have and will continue to be vetted in the PSC process as well.

Dr. Peter Dygert, noted that lower Columbia River coho are now an ESA candidate species, and consultation for that ESU will occur for 2005 ocean salmon fisheries, and the ODFW management plan is under review as a result of that change in status.

Mr. Jerry Mallet moved (Motion 5) the SSC be directed to review the results of the limited mark-selective fishery for chinook conducted in Washington Marine Catch Areas 5 and 6 in 2003 and 2004 at their November 2004 meeting. Mr. Alverson seconded the motion. Motion 5 passed.

D.3 Fishery Management Plan (FMP) Amendment Update (09/14/04; 3:16 pm)

D.3.a Agendum Overview

Mr. Tracy presented the Agendum Overview.

D.3.b Reports and Comments of Advisory Bodies

Mr. Simmons provided Agendum D.3.b, STT Report 1 and Supplemental STT Report 2.

Mr. Anderson recognized the added complexity of following the FMP process in modeling mark selective coho fisheries north of Cape Falcon would require more front loading of the North of Falcon process in order to work out fisheries agreements on schedule.

Dr. Dygert asked how the Preseason Report I model run using last years' regulations with current years' abundance would have to change. Mr. Simmons replied that it would not have much impact on the model run since the previous years' process has already been set.

Dr. McIsaac asked if the STT had a definition for constraining stock(s). Mr. Simmons replied the collective impacts on all stocks are considered when determining fishery constraints.

D.3.c Public Comment

None.

D.3.d Council Guidance on Fishery Management Plan Amendment Update

Mr. Anderson recommended additional discussions with the WDFW modeling staff and comanagers to determine if the FMP process was practicable, then making a final recommendation at the November Council meeting.

Mr. Larson asked if Agendum D.3.b, STT Report 1 had been distributed to the Sacramento River Winter and Spring Chinook Workgroup, and if they had an opportunity to respond to the STT comments. Mr. Tracy indicated that Report had been seen by those on the SST and Dan Viele, but that the rest of the Workgroup had not received the Report pending approval of the Council. Mr. Larson indicated that distribution should proceed.

E. Marine Protected Areas

E.1 Guidelines for Review of Marine Reserves Issues (09/15/04; 8:05 am)

E.1.a Agendum Overview

Mr. Dan Waldeck provided the agendum overview.

E.1.b Scientific and Statistical Committee Report

Ms. Cindy Thomson reviewed the SSC White Paper – *Marine Reserves: Objectives, Rationales, Fishery Management Implications and Regulatory Requirements*. She provided a PowerPoint presentation to the Council.

Dr. Kevin Hill read the SSC report – Agendum E.1.b, Supplemental SSC Report.

E.1.c Reports and Comments of Advisory Bodies

Mr. Michael Osmund provided Agendum E.1.c, Supplemental HC Report. Mr. Waldeck read Agendum E.1.c, Supplemental SAS Report.

E.1.d Public Comment

Mr. Greg Helms, The Ocean Conservancy, Santa Barbara, California

Ms. Kate Wing, Natural Resources Defense Council, San Francisco, California

E.1.e **Council Action:** Adopt Guideline Recommendations for Review of Marine Reserves Issues

Mr. Anderson explored with the Council his thoughts on involvement in the MPA and marine reserve development arena. He agreed with the SSC's observation about a "fragmented focus" on marine reserves as a fishery management tool. He relayed his experience with the development of habitat data through the groundfish EFH EIS process, noting that it facilitated a more comprehensive focus on habitat and marine reserves. Going forward, he opined that the SSC White Paper provided a foundation for considering scientific and technical merits of marine reserves. He noted that the SSC also emphasized the critical need for the Council to develop policies and procedures for addressing MPAs and marine reserves in the context of fishery management. He agreed that the Council needed to do this.

Mr. Anderson suggested the Council adopt the SSC White Paper. In addition, he requested the Council discuss how to proceed with development of the policy and procedural components. He also suggested that further consideration of new marine reserves be tabled until after completion of the groundfish EFH EIS because some of the proposed HAPCs may be candidates for MPAs. He also asked if the necessary funds for working on MPA-related issues were available to the Council. He suggested the possibility of partnering with the National MPA Center.

Dr. McIsaac responded, specific to the funding issue, that the Council received \$150,000 for MPA activities during 2004.

Ms. Patty Wolf thanked Ms. Thomson and the SSC. She agreed with Mr. Anderson's remarks about the SSC White Paper and felt the document would be very useful to the Council and will also inform others well beyond the Council forum. Regarding the policy and procedure development, she agreed it was necessary and an appropriate next step. She also mentioned that the National MPA Center was planning a workshop about the science of MPAs in the context of fishery management, which she felt could provide a means for the Council to increase its involvement in the National MPA process.

Moreover, Ms. Wolf suggested the Ad Hoc Channel Islands Marine Reserves Committee (CIMRC) could provide leadership and guidance for the development of MPA policies and procedures after the Council concludes its work with the Channel Islands National Marine Sanctuary.

Mr. Anderson moved and Mr. Alverson seconded a motion (Motion 6) to adopt the SSC white paper (Agendum E.1.b, Attachment 1, September 2004, *Marine Reserves: Objectives, Rationales, Fishery Management Implications and Regulatory Requirements*). Motion 6 passed.

Mr. Waldeck requested the Council consider how to move forward on developing policies and procedures as recommended in the SSC White Paper and discussed by Mr. Anderson and Ms. Wolf. He reiterated Ms. Wolf's suggestion that the CIMRC would be an appropriate body for initial consideration of the policy/procedures issue.

Mr. Anderson spoke in support of Ms. Wolf's suggestion and requested the CIMRC be tasked with initial consideration of these issues. He also requested the CIMRC review their composition and recommend changes or additions to the committee structure and composition.

Mr. Waldeck stated that Council staff would add this item to the agenda for the October 5-6, 2004 CIMRC meeting.

Dr. McIsaac requested clarification if the Council agreed with Mr. Anderson's suggestion that the Council not consider new MPA proposals until after the groundfish EFH EIS is completed. He noted that, in terms of funding and workload, this would be helpful. The Council concurred. Mr. Anderson noted that the Council would still respond to requests from the National Marine Sanctuary Program per the National Marine Sanctuaries Act. The Council also concurred with this clarification.

E.2 Update on Miscellaneous Marine Protected Areas Activities (09/15/04; 8:56 am)

E.2.a Agendum Overview

Mr. Waldeck provided the agendum overview. He summarized the information about various MPA activities described in the E.2.a Situation Summary.

E.2.b Gulf of Farallones and Cordell Bank National Marine Sanctuaries Staff Reports

Ms. Anne Walton reviewed Management Plan Review progress and anticipated proposed actions for Cordell Bank National Marine Sanctuary (CBNMS) and Gulf of the Farallones National Marine Sanctuary (GFNMS). She also indicated that the Sanctuaries would prepare a briefing packet for the Council's November meeting and, at the November meeting, formally request Council action under the National Marine Sanctuaries Act.

For the GFNMS, Ms. Walton indicated that Management Plan Review actions would not necessitate regulation of fishing activities and, therefore, GFNMS would not be requesting Council action. She reviewed the types of activities under review at GFNMS and how the issues were being addressed.

For CBNMS, Ms. Walton described proposed measures to protect benthic invertebrates and submerged lands. These measures would require management of fishing activities. Hence, CBNMS will request the Council to take action as dictated by the NMSA. She indicated that the request for Council action relative to CBNMS would be combined with a request for Council action related to proposed measures at Monterey Bay National Marine Sanctuary (inclusion of Davidson Seamount within the Sanctuary boundaries and regulation of fishing activities below 3000 feet within the area above the Seamount).

Ms. Walton indicated the NMSA mandates a 120 day period for Council response to the request to develop fishing regulations. For the November 2004 Council meeting, she noted the Sanctuaries intended to provide materials in advance, to give a more detailed presentation, and formally request Council action to develop fishing regulations. Ms. Walton stated that the 120 day time line (if it started at the November 2004 meeting) does not match up with the Council meeting schedule. Therefore, the Sanctuaries would anticipate a response from the Council at the March 2005 Council meeting.

Mr. Brown asked about what would happen if the Council reviewed the Sanctuary's request and responded no, i.e., that the Council did not consider the proposed action to be necessary. Ms. Walton responded that, if the Council did not exercise the opportunity provided under the NMSA, then the Sanctuary would draft regulations.

Mr. Alverson asked how much of the project area is under federal waters? Ms. Walton responded that Cordell Bank NMS is totally within federal waters and there are no land masses above sea level

E.2.c Reports and Comments of Advisory Bodies

Mr. Waldeck read Agendum E.2.c, Supplemental GAP Report.

E.2.d Public Comment

None.

E.2.e Council Discussion on Miscellaneous Marine Protected Areas Activities

Mr. Brown clarified his earlier question about what would happen if the Council said no to the offer to draft fishing regulations. His comments did not represent an opinion of the Council or an expected future action. Rather he simply wanted clarification about the process.

E.3 Krill Harvest Ban Proposal (09/15/04; 9:33 am)

E.3.a Agendum Overview

Mr. Waldeck provided the agendum overview.

E.3.b Reports and Comments of Advisory Bodies

Mr. Fougner called on Ms. Susan Smith NMFS SWFSC for background information on Pacific Coast krill. Ms. Smith summarized the report entitled *A Review of U.S. Pacific Coast Krill*, which she prepared for the September 2004 Briefing Book (Agendum E.3.a, Attachment 3).

Mr. Fougner reviewed the NMFS Report of options for controlling fishing for krill (Agendum E.3.b, Supplemental NMFS Report). He described the various options developed by NMFS and stated that NMFS-Southwest Region supported the option that would incorporate krill into the Coastal Pelagic Species (CPS) Fishery Management Plan (FMP).

Mr. Brown asked about the option for including krill in the CPS FMP, would this require establishing OY and MSY values for krill as a management unit species (MUS). Mr. Fougner responded that it was likely that a proxy for MSY (as allowed under National Standard 1 Guidelines) would need to be developed if krill was included as a MUS.

Mr. Brown noted that, as described in another of the NMFS options, if krill were designated groundfish EFH, the Council would not have to establish an MSY proxy. Mr. Fougner agreed.

Ms. Wolf asked about the option to define krill as groundfish EFH, how long would it take to accomplish this action? Mr. Fougner replied that, if this course was taken, the krill fishing prohibition would be on the same time line as the groundfish EFH EIS.

Ms. Wolf asked if there had been interest expressed in utilizing, harvesting, or having cooperative research for krill? Mr. Fougner said he is not aware of any requests at this time.

Relative to the timing of the issue, Mr. Fougner suggested that the CPS Management Team could review the issue at their September meeting and report to the Council at the November meeting.

Dr. Burke noted that the CPSMT has indicated they are fully subscribed in working on the FMP amendment for sardine allocation. Mr. Fougner was uncertain of how much extra work it would be to include krill measures in the sardine allocation FMP amendment, but that he thought it could be plausible to include both actions.

Dr. Burke asked about the groundfish EFH EIS approach, that would still involve an amendment to the groundfish EFH EIS and would have to be completed under the schedule for that EFH EIS? Mr. Fougner responded, yes. Ms. Cooney added that the whole groundfish EFH EIS package (FMP amendment and regulations) needed to be completed per a Court ordered deadline.

Ms. Wolf expressed concern about designating krill as forage (NMFS-Option 3). She noted that the list for forage species in the NPFMC action includes many species, but it was not a complete list of species that provide forage.

Mr. Waldeck read Agendum E.3.b, Supplemental GAP Report. Mr. Waldeck read Agendum E.3.b, Supplemental SAS Report. Mr. Michael Osmund provided Agendum E.3.b, Supplemental HC Report.

E.3.c Public Comment

None.

E.3.d Council Discussion and Guidance on Krill Harvest Ban Proposal

Dr. McIsaac noted that the concern about adding workload to the CPSMT is valid. He asked Mr. Fougner to elaborate on his remarks about assistance from NMFS SWR and SWFSC?

Mr. Fougner explained that he could not guarantee there is someone that could work full time on this topic, but offered assurance the NMFS SWR and SWFSC would help develop the process, schedule, and necessary documentation to help streamline the action.

Mr. Harp said the tribes have comments on the potential harvest ban for forage species. He noted the tribes are opposed to a ban on fishing for forage species such as smelt and eulachon, which are important to the tribes. The tribes have a treaty right to harvest forage fish and that should not be abrogated.

Mr. Fougner noted that the option for including krill in the CPS FMP does not foreclose the option of adding krill to the groundfish EFH EIS. That is, if it becomes too difficult or burdensome to include krill in the CPS FMP the option for including krill as groundfish EFH could be a fall back contingency. Mr. Fougner also noted that having a species in an FMP can provide leverage for obtaining funds and resources for research and management.

Mr. Waldeck reminded the Council that the CPSMT has stressed to the Council that the Management Team expects to be fully occupied with the issue of sardine allocation, moreover, the CPSMT has not had an opportunity to review the options developed by NMFS. He cautioned the Council that, before they act on this issue, it would be prudent to consult with the CPS Management Team and Advisory Subpanel.

Ms. Wolf stated that the information supplied by NMFS was very helpful, but she was uncomfortable, at this point, of making a decision about which option to pursue. She expressed interest in exploring the option of defining a category of forage fish, particularly under the groundfish FMP.

Dr. Burke supported the comments of Ms. Wolf and suggested that the NMFS krill harvest control options be provided to the Council advisors and teams for review. The Council could review their recommendations in November and make a decision then. She supported Mr. Fougner's offer that NMFS-SWR could do some of the initial work, rather than waiting until after November to begin.

Dr. Burke also stressed her desire to have a process for determining which forage species would be included under the harvest control measures. She also questioned if it was possible to have a species (e.g., krill) specifically managed under one FMP (i.e., CPS FMP), but that management could apply to fisheries managed under separate FMPs (e.g., groundfish fisheries).

Mr. Anderson is supportive of going forward, but agrees with the comments of Ms. Wolf and Dr. Burke for the advisors to have an opportunity to review the options more thoroughly. The Council would hear from these entities at the November meeting.

Mr. Brown reiterated past comments about the need for the Council to consider developing an "umbrella" FMP that could be used for issues that cross-cut species-specific FMPs. For example, ecosystem management, MPAs, forage fish, EFH, and overall limited entry don't fit neatly into a single FMP.

F. Pacific Halibut Management

Vice-Chairman Dave Ortmann chaired the Pacific Halibut Management agenda.

F.1 Pacific Halibut Fishery Update (09/15/04; 4:48 pm)

F.1.a NMFS Report

Ms. Yvonne de Reynier presented Agendum F.1.a, NMFS report.

F.1.b Reports and Comments of Advisory Bodies

Mr. Harp reported the tribes new halibut management plan included a 40 day restricted fishery with a 50 pound per vessel per day landing restriction, and separately managed fisheries with quotas for individual tribes or groups of tribes.

After July 30, any unused quota became available for all tribes in mop-up fisheries. The season ended September 8 with a harvest near 521,000 pounds out of the 523,600 pound commercial tribal quota. The ceremonial and subsistence fishery will continue through the end of the year.

F.1.c Public Comment

None.

F.1.d Council Discussion on Pacific Halibut Fishery Update

None.

F.2 Proposed Changes to the Catch Sharing Plan and Annual Regulations (09/15/04; 4:55 pm)

F.2.a Agendum Overview

Dr. Freese noted some of the proposed changes to the catch sharing plan (CSP) are essentially reversals of recent changes, and indicated NMFS preferred a philosophy of making changes that would result in long term stability of regulations.

Mr. Anderson agreed that the intent of the CSP was to provide a stable regulatory framework, but noted that the Federal CSP system is complex and makes it difficult to make changes, particularly inseason.

Mr. Tracy presented the agendum overview.

F.2.b State Proposals

Mr. Anderson presented Agendum F.2.b, Supplemental WDFW report.

Dr. Burke presented Agendum F.2.b, Supplemental ODFW report.

F.2.c Tribal Comments

Mr. Harp presented Agendum F.2.c, Supplemental Tribal Comments.

F.2.d Reports and Comments of Advisory Bodies

None.

F.2.e Public Comment

None.

F.2.f **Council Action:** Adopt Proposed Changes to the Catch Sharing Plan and Annual Regulations for Public Review

Mr. Anderson stated that ODFW proposal #6 was not discussed in the Washington state public hearings, and that it was unlikely to have support from the north coast and south coast subareas, because those areas normally have shorter seasons than the Columbia River subarea, and reallocating quota to an area with a longer season would probably be unpopular in those subareas. However, there may be some opportunity to transfer unused quota inseason, which the CSP does allow for. He indicated there would be no objection to ODFW proposal # 7 being sent out for public review.

Dr. Burke stated that the ODFW proposal # 7 included the concept of increasing the allocation to the Oregon portion of the Columbia River subarea, and would not object to dropping # 6 from the public review proposals.

Mr. Cedergreen noted that in CSP Section (5)(i)(c) and (d) under flexible inseason action, language would have to be changed to reflect the separate quotas for the Oregon and Washington portions of the Columbia River subarea. Dr. Burke replied that appropriate changes to the CSP would be made relating to any adopted changes.

Mr. Anderson moved (Motion 8) to adopt for public review the proposed changes to the Pacific halibut catch sharing plan as provided in Agendum F.2.b, Supplemental WDFW Report. Mr. Cedergreen seconded the motion.

Mr. Warrens proposed a friendly amendment to Motion 8 to include modified language in CSP Section (5)(i)(c) and (d) to allow inseason transfer of unused quota within the respective states' portion of the Columbia River subarea into another subarea within that state.

Mr. Anderson stated that Motion 8 dealt with the four items in the Washington report and did not have any changes to the Columbia River subarea, and did not accept the friendly amendment.

Motion 8 passed.

Dr. Burke moved (Motion 9) that the Council adopt for public review the changes to the Pacific halibut catch sharing plan as shown in Agendum F.2.b, Supplemental ODFW Report, except that proposal #6 would be deleted, and proposal #7 would include additional language in Section (5)(i)(c) and (d) to prohibit transfer of unused quota between the states of Oregon and Washington. Mr. Warrens seconded the motion. Motion 9 passed.

Mr. Tracy asked Dr. Burke if ODFW proposal #4 (a) and (b) were intended to both be included, or just one of the two. Dr. Burke replied that both are to be included for public review, but that if a two fish bag limit were adopted, # 4 (a) would not be included in the final CSP.

Mr. Tracy asked Dr. Burke if there was any consideration of reciprocity issues for ODFW proposal #7. Dr. Burke noted that the current situation requires anglers landing halibut into Oregon ports be in possession of an Oregon halibut catch record card, so that full reciprocity is not in effect for halibut fishing in the Columbia River subarea.

F.3 Review of Pacific Halibut Bycatch Estimates for Use by the International Pacific Halibut Commission

F.3.a Agendum Overview

Mr. Tracy presented the agendum overview.

F.3.b NMFS Report

Dr. Jim Hastie summarized Agendum F.3.b, Supplemental Attachment 1, and presented Agendum F.3.b.

Dr. McIsaac asked if the effects of the Rockfish Conservation Areas were included in the analysis. Dr. Hastie replied that they were, but that the expected reduction in halibut bycatch was not as great as expected, perhaps because of higher catches in the shelf area off Washington.

F.3.c Reports and Comments of Advisory Bodies

Dr. Hill presented Agendum F.3.c, Supplemental SSC Report.

F.3.d Public Comment

None.

F.3.e Council Guidance on Pacific Halibut Bycatch Estimates for Use by the International Pacific Halibut Commission

Mr. Anderson requested the report be provided to the IPHC and used for the 2005 season. Dr. Hastie acknowledged.

G. Habitat

G.1 Current Habitat Issues (09/16/04; 8:21 am)

Ms. Gilden provided the agenda overview.

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

Dr. Waldo Wakefield provided Agenda G.1.a, Supplemental HC Report. Dr. Wakefield also noted that Dr. Bob Lea, CDFG representative on the HC, is retiring and will not be at the next meeting. Dr. Lea also represented the HC on the Ad Hoc Marine Reserves Committee and the HC is recommending that Mr. Michael Osmond replace Dr. Lea on that committee.

G.1.b Reports and Comments of Advisory Bodies

None.

G.1.c Public Comment

None.

G.1.d Council Action: Consider HC Recommendations on Current Habitat Issues

Mr. Eric Larson asked about the Columbia River hydropower system - what direction does the HC suggest the Council take, and would it be effective? Also, does the HC have recommendations regarding Klamath flows?

Dr. Wakefield said there was a very short time frame for the Columbia River comments. The HC thought they could put together a fast track letter to include Council comments. They felt it would be constructive for the Council to comment on this.

Regarding the Klamath issue, Ms. Gilden said there were no recommendations for action by the HC at this time, but that they have sent letters in the past.

Mr. Larson said he thought the states could take the lead on Columbia River issues. He said CDFG would be naming a replacement for Dr. Lea. The HC can decide who will represent it on the Ad Hoc Marine Reserves Subcommittee.

Dr. Burke said that since ODFW is working on the Columbia River issue, she asked that ODFW not be a signatory to the letter as it may conflict with Oregon's position.

Mr. Mallet said this issue is critical, especially in regard to impacts on Snake River fish. Idaho would also be affected. He appreciates the fact that the individual states will be making comments and feels it is important to have the Council comment as well. This is an EFH issue. Mr. Mallet moved and Mr. Cedergreen seconded a motion (Motion 10) to have the HC work with Council staff to prepare a letter to NMFS on its draft biological opinion on Columbia River hydropower system operations using the fast track method. The comments will focus on principle and will request an extension to submit more extensive comments. Mr. Mallet said this issue is extremely important, and the Council would be remiss if it doesn't weigh in.

Mr. Anderson agreed with Mr. Mallet, but had concerns about the content of the letter. If a letter is sent, we need support from the agencies. The PSMFC annual meeting begins next week; all of these states are represented and these matters will be discussed there. This provides an opportunity for coordination. He supports sending a letter if it has support from the states and the Council members as a whole. He intends to take this matter to the PSMFC forum next week and discuss it there to ensure the states agree on what position to take.

Dr. Burke said that would accommodate Oregon's concerns; working through PSMFC would be a viable solution.

Dr. Hanson said the states will have their individual meetings Tuesday afternoon and should have talking points and ideas to pass out at that time.

Mr. Williams asked Dr. Freese about the 30-day comment period. Dr. Freese said he did not have an answer to that and would get back to the Council.

Dr. McIsaac reviewed the fast track procedures with Council members. The quick turnaround time may not allow for HC review. A shorter letter that focuses on principal and requests an extension could be done.

Motion 10 passed.

H. Highly Migratory Species Management

H.1. NMFS Report (09/16/04; 8:46 am)

H.1.a Regulatory Activities

Mr. Fougner summarized the NMFS report (Agendum H.1, Attachment 1).

Ms. Vojkovich requested information on how catch authorized under transshipment permits (see Agendum H.1, Attachment 2) was included in West Coast fishery management systems (e.g. PacFIN). Mr. Fougner noted that, while transshipment permits have been issued by NMFS, the permits have not been used. If fishing activity under transshipment permit authority was conducted that catch data would be incorporated into the annual HMS SAFE document.

H.1.b Science Center Activities

Mr. Gary Sakagawa provided an oral report which highlighted the following five SWFSC activities:

- Economic studies: several are currently underway. One revisits the costs of conservation issues in the California drift gillnet and longline fisheries; costs and benefits of measures for sea turtle mitigation; and sea turtle conservation.
- Intercessional Meeting (workshop): scientists from U.S., Japan and Taiwan will review longline fishery data and resolve issues with that data. The data will be incorporated into a data set for a full assessment of north Pacific albacore, SWFSC taking lead.
- Tagging of Albacore - Albacore Fishermen's Research Fund (AFRF): the SWFSC launched a tagging program in 2001 (deploying "smart tags"). A total of 218 tags have been deployed, 16 have been recaptured. The objective is to release approximately 50 additional tags.
- International Scientific Group Meeting, August 2004: this committee for billfish and tuna will look at information for assessing stocks for the central western Pacific ocean. Assessments will focus on big eye and yellow fin tuna.
- Series of Research Projects on Oceanic Sharks: several field projects have been conducted (e.g., a shark abundance survey to obtain an index of abundance).

H.1.c Reports and Comments of Advisory Bodies

Mr. Bob Fletcher provided Agendum H.1.c, Supplemental HMSAS Report.

Ms. Vojkovich asked about the HMSAS recommendation about recreational bag limits and whether the HMSAS wanted bag limits for all HMS managed under the FMP?

Mr. Fletcher indicated the HMSAS did not talk about specific details or species, but that the HMSAS believed it was time to begin consideration of the issue.

H.1.d Public Comment

Mr. Bob Fletcher, Sportfishing Association of California, San Diego, California
Mr. Bob Osborn, United Anglers of Southern California, Huntington Beach, California
Mr. Bart Mathews, American Albacore Fishing Association, Roche Harbor, Washington

H.1.e Council Discussion on NMFS Report

To facilitate Council discussion, Mr. Waldeck highlighted two items that were brought to the Council's attention by the HMSAS and in public comment. The two items are recreational bag limits and illegal high seas fishing. For the first, the request was for the Council to initiate consideration of developing recreational bag limits. For the latter, the recommendation was for the Council to formally request a report from NMFS and Department of State on these activities.

Mr. Alverson noted that Mr. James Story from Department of State was in attendance, and requested DOS to be aggressively attentive to the illegal highseas fishing issue.

Mr. Story stated he appreciated the concerns he heard and will take the information back to DOS. As more complete information becomes available, he anticipates DOS would consider policy recommendations. He noted that DOS was meeting with Japanese officials and other countries in the near future and this will be a topic of discussion.

Ms. Vojkovich spoke about the issue of the bycatch of salmon in drift gillnets which was an issue 10 - 15 years ago. She noted that fisheries are expanding around the world, and the U.S. tends to implement conservation and management measures in domestic fisheries, but is less strident in pursuing remedies for illegal activities of other countries. She supports Mr. Alverson's request that DOS aggressively pursue this issue.

Mr. Thomas noted that the fishing sector he represents concurs with the HMSAS request for recreational bag limits on albacore and bluefin tuna.

Mr. Anderson requested information on the status of funding for Council HMS activities. He did not want to be in the position of the Council considering additional workload that can't be accomplished because of a lack of funds.

Dr. McIsaac said the funding for HMS was not forthcoming this year. However, if it is demonstrated that there are numerous HMS FMP-related items that require Council attention, this could facilitate securing the funds necessary to take on FMP implementation, West Coast HMS management, and the additional workload items. He stressed that, barring additional funding, HMS matters will not appear on the Council agenda.

Mr. Brown requested clarification about the Council doing nothing related to HMS, does that mean that the high seas longline closure will stand and no work will progress on alternative management approaches? Dr. McIsaac noted that the Council has the discretion to redirect funds from other Council FMPs, but, given the general trend, there will not be funds for Council-related work on the HMS FMP.

Mr. Waldeck summarized the Council discussion. First, he suggested a report from NMFS and DOS on illegal high seas fishing could be provided at the March 2005 Council meeting. Second, contingent on funding, recreational bag limit consideration will be added to the list of HMS FMP issues for the Council to consider.

H.2 FMP Amendment for Limited Entry in the High Seas Pelagic Longline Fishery

H.2.a Agendum Overview (09/16/07; 9:57 am)

Mr. Waldeck provided the agendum overview. He noted that anticipated Council action was to consider and provide guidance on how to proceed with FMP-related work to develop measures for the high seas longline and drift gillnet fisheries.

H.2.b NMFS Report

None.

H.2.c Reports and Comments of Advisory Bodies

SSC

Dr. Hill provided Agendum H.2.c, Supplemental SSC Report.

HMSMT

Dr. Dale Squires and Mr. Steve Crooke provided Agendum H.2.c, Supplemental HMSMT Report.

As part of the HMSMT report, they noted that developing management measures for the longline fishery to reduce sea turtle takes could be done separate from developing a limited entry program for the longline fishery. Conceivably, management measures for fishing technique or area restrictions could be developed more quickly than an extensive limited entry program.

Ms. Vojkovich posed a series of questions about the work involved in developing measures for both the high seas longline fishery and DGN fishery. She asked if the HMSMT felt it was possible to simultaneously develop measures that would allow for high seas longline fishing and continuation of the DGN fishery. She was also curious if it would be possible to make changes to the DGN fishery (opening a closed area), without working on the high seas longline fishery, and if this course would be easier and faster to complete. Her concern was primarily about the work involved and how much time it would take to complete.

Mr. Fougner noted that the more complex the action being developed, the more analyses, time, and resources are required to complete the action. Specific to regulatory measures to provide for both a high seas longline fishery and DGN fishery, it was conceivable that those actions could be completed simultaneously in a single regulatory amendment, possibly by October 2005. Development of a longline limited entry program could take much longer.

Mr. Ticehurst asked about factors that could affect the DGN fishery, other than interactions with other fisheries (e.g., high seas longline sea turtle takes), on El Nino weather phenomenon (under an El Nino event different regulatory requirements for the DGN fishery are triggered).

In response, Dr. Squires noted that level of effort also influences how the DGN fishery can be conducted.

HMSAS

Mr. Bob Fletcher provided Agendum H.2.c, Supplemental HMSAS Report.

H.2.d Public Comment

Mr. Lillo Augello, Western Fish Company, Inc., San Pedro, California
Mr. Russell Nelson, The Billfish Foundation, Oakland Park, Florida
Mr. Peter Dupuy, Federation of Independent Seafood Harvesters, Tarzana, California
Mr. Bob Osborn, United Anglers of Southern California, Huntington Beach, California

H.2.e Council Recommendations for Proceeding with Implementation of Limited Entry in the High Seas Pelagic Longline Fishery (09/16/04; 10:44 am)

Mr. Waldeck described possible actions the Council might want to consider. These include – developing measures specifically for the DGN fishery, measures for the high seas longline fishery and DGN fishery combined, or measures for a limited entry program for the high seas longline fishery. He also noted that the Council might want to request advice on how to proceed from NMFS or NOAA General Counsel.

Dr. McIsaac described the types and amount of work associated with the HMS items, and noted that funds for Council

work on HMS FMP-related matters have not been received. Without dedicated funds for HMS (or Council re-direction of other FMP funding) it would be difficult to move forward.

Ms. Vojkovich stated that she is increasingly concerned about how the Council can go forward with management under the HMS FMP. She noted the public has been very involved up to this point and they expect to continue that level of involvement. She described the various tasks she would like the HMSMT to address, e.g., opening closed areas for the DGN fishery, measures for the high seas longline fishery, and the HMS SAFE document in 2005. She believed the Council developed the FMP with the strong desire to manage HMS fisheries, which was fully supported by NMFS. Ms. Vojkovich requested information from NMFS about how the Council can proceed with work on the HMS FMP.

Mr. Fougner stated that funding for the Council for HMS is uncertain. He noted that NMFS -SWR staff are assigned to work on HMS FMP implementation and NMFS staff is willing to work with Council advisors. However, funds are not available to pay for HMSMT or HMSAS meetings, which also affects public access to the process.

In response to a question about funding for MPA-related work, Dr. McIsaac clarified that the Council did receive funding for work on MPA-related matters during 2004. Whereas, HMS funding was not received.

Mr. Brown asked if there wasn't funding for HMS FMP implementation, could the Council pull the FMP. He stated his disappointment that funds were not being provided for the HMS FMP, which was developed at the behest of NMFS. His recommendation would be to withdraw the FMP.

Mr. Brown asked if funds were available to have an HMS meeting in November? Dr. McIsaac responded, no.

Mr. Brown, with regard to EFPs, urged the industry to work with NMFS to develop EFP applications.

Mr. Fougner asked Dr. McIsaac what the estimated cost is for an HMSMT meeting (e.g., a two day meeting) and two day HMSAS meeting in La Jolla, California? Dr. McIsaac responded it was approximately \$7,500. However, it is not just a matter of convening a meeting, but there is much more work involved in terms of logistics, coordination, etc.

Mr. Fougner requested the HMSMT continue to work on evaluating the impacts (on ESA sea turtles) of the various alternatives already developed and to report to the Council in November. He suggested the work could be accomplished via telephone and email.

Ms. Vojkovich asked Mr. Fougner about his request. How would the HMSAS and public be involved? Mr. Fougner responded that it might be possible to arrange a video/telephone conference.

Dr. McIsaac stated that, to help conclude this discussion, Council staff will correspond with the appropriate entities to convey the sentiments expressed by the Council and continue to pursue funds. In terms on what the Council should expect to see or do in November, he suggested the Council discuss those issues on Friday during the workload agenda item.

H.3 Stock Assessments for Albacore and Blue Fin Tuna

H.3.a Agendum Overview

Mr. Dan Waldeck provided a brief overview of this informational item.

H.3.b NMFS Report

Mr. Gary Sakagawa provided a Powerpoint presentation.

H.3.c Reports and Comments of Advisory Bodies

Dr. Hill provided Agendum H.3.c, Supplemental SSC Report. Mr. Waldeck read Agendum H.3.c, Supplemental HMSAS Report.

H.3.d Public Comment

Mr. Russell Nelson, The Billfish Foundation, Oakland Park, Florida
Mr. Bob Osborn, United Anglers of Southern California, Huntington Beach, California

H.3.e Council Discussion on Stock Assessments for Albacore and Blue Fin Tuna

Ms. Cooney announced that Ms. Beth Mitchell will be retiring October 1, 2004 and that Ms. Mariam McCall will be replacing her.

Ms. Vojkovich requested that the issues identified in the HMSAS report be added to the list of HMS FMP workload considerations.

I. Coastal Pelagic Species Management

I.1 NMFS Report (09/16/04; 1:10 pm)

I.1.a Regulatory Activities

Ms. Tonya Wick briefed the Council on Agendum I.1.a, NMFS Report. Mr. Fougner noted that the NMFS-SWR would provide a complete report on the CPS observer project upon completion of the pilot program and provide information for the 2005 CPS SAFE document.

I.1.b Science Center Activities

Dr. Paul Crone provided Agendum I.1.b, Supplemental NMFS SWFSC Report.

Ms. Vojkovich thanked the SWFSC for their report and participation. She asked about funding for the CPS research surveys. Does NMFS intend to provide long-term funding for continuing this research?

Dr. Crone responded that the SWFSC intends to continue the research, but that the work is contingent on funding.

Ms. Vojkovich also asked about genetic work investigating sardine stock structure? Dr. Crone indicated that, yes, NMFS-SWFSC is beginning to do this work in association with their current age-and-growth research. He indicated that the researchers were looking at sardine “hard structures” (otoliths and vertebrae) and doing some informal genetic work. The genetic research is not a formal project at this time. He noted that the samples were, generally, from the California fishery.

Dr. Burke asked if that genetic study would be done coastwide? Dr. Crone responded that, for the short term southern California; but over the long term the full range of the coastwide distribution (along with central Mexico) should be included in the research project. Dr. Burke emphasized the importance of making coastwide genetic research a priority and to direct resources to accomplish this task.

I.1.c Reports and Comments of Advisory Bodies

None.

I.1.d Public Comment

None.

I.1.e Council Discussion on NMFS Report

[Other than the question and answer session during Dr. Crone’s report, no Council discussion occurred.]

I.2 STAR Panel Report (09/16/04; 1:25 pm)

I.2.a Agendum Overview

Mr. Waldeck provided the agendum overview.

I.2.b STAR Panel Report

Mr. Tom Barnes presented the STAR Panel Report as a PowerPoint Presentation (on file at the Council office).

Specific to the STAR Panel recommendations, Dr. Burke asked about how those recommendations would be used. Mr. Barnes replied that the STAR Panel developed the recommendations to capture the range of research and data needed for more comprehensive management of CPS fisheries. He observed that progress on the recommendations would be contingent on funding. Mr. Fougner indicated that NMFS would closely review the STAR Panel recommendations and report back on planned research activities.

Mr. Anderson asked if data from the Pacific northwest fishery was being used in the sardine assessment. Mr. Barnes responded, yes.

I.2.c Reports and Comments of Advisory Bodies

Dr. Hill provided Agendum I.2.c, Supplemental SSC Report. Dr. Crone provided Agendum I.2.c, Supplemental CPSMT Report. Mr. John Royal provided Agendum I.2.c, Supplemental CPSAS Report.

I.2.d Public Comment

Ms. Diane Pleschner, California Wetfish Producers Association, Buellton, California

I.2.e Council Discussion and Guidance on the STAR Panel Report

[During the presentation of reports, Dr. Burke asked several questions of the STAR Panel chair and SSC about the sea surface temperature parameter used in the Pacific sardine harvest guideline control rule. In general, her interest focused on the potential need to formally review the sardine harvest guideline control rule, notably, to ensure that it was suitable to the coastwide fishery.]

Mr. Brown moved and Dr. Burke seconded a motion (Motion 11) to adopt the STAR Panel reports as shown in Agendum I.2.b, Pacific Sardine Report and Agendum I.2.b, Pacific mackerel STAR Report. Motion 11 passed.

Dr. Burke asked Mr. Fougner for NMFS to carefully review the STAR Panel recommendations and prioritize them if possible. She was especially interested to hear from NMFS which items could be addressed given current resources and those that would require additional resources.

Ms. Vojkovich encouraged NOAA Fisheries to pursue collaborative research arrangements with the Mexican and Canadian governments.

I.3 FMP Amendment – Sardine Allocation (09/16/04; 2:11 pm)

I.3.a Agendum Overview

Mr. Waldeck provided the agendum overview. He noted there are two separate issues under this item. The first being the allocation issue, which will be reported on by the CPSAS. The second is the CPSMT report on their review of CPS FMP issues identified by NMFS (Agendum I.3.a, Attachment 1).

I.3.b Reports and Comments of Advisory Bodies

CPSAS

Mr. Royal highlighted information on page 1 of Agendum I.3.b, CPSAS Report. Council staff answered questions about allocation scenarios developed by the CPSAS.

CPSMT

Dr. Crone provided a summary of Agendum I.3.b, CPSMT Report.

Mr. Fougner thanked the CPSMT for their report and stated that their information was the type of response NMFS was seeking when they requested the CPSMT review these issues.

Dr. Burke noted that review of the CPS harvest control rules was listed as a mid-level priority by the CPSMT. She stated that in her opinion, after sardine allocation, the harvest control rule should be the next highest priority.

Dr. McIsaac asked about the CPSMT review of CPS EFH, which concluded that there was not any new information indicating a need for changes to CPS EFH. Was the CPSMT a complete review? Dr. Crone responded that the CPSMT gave thoughtful consideration to the issue. If requested, a more detailed review could be undertaken, but it is likely the answer would be the same.

Relative to review of CPS EFH, NMFS considers the 2005 CPS SAFE as the appropriate vehicle for detailing the CPSMT's review of EFH information.

Ms. Vojkovich agreed that harvest control rule review should be the next priority for the CPSMT after completion of the allocation action.

I.3.c Public Comment

Ms. Diane Pleschner, California Wetfish Producers Association, Buellton, California

I.3.d Council Guidance on Development of an FMP Amendment

Mr. Waldeck reviewed the items due for Council discussion – guidance to the CPSAS on the development of sardine allocation alternatives, and guidance to the CPSMT relative to their review of the CPS FMP issues raised by NMFS. Guidance relative to sardine allocation could include direction to consider adding an objective related to using the most recent science. The Council could also include guidance to develop alternatives that could be used during high or low OY periods.

Mr. Anderson thanked the CPSAS for their work to date. He stated that if the members of the CPSAS wanted to add objectives or modify the alternatives, that would be at their discretion to propose those to the CPSAS. He also asked about the process and schedule. At the November meeting, the Council will adopt alternatives for analysis by the CPSMT. He opined that it might be overly ambitious to expect completed analysis for public review in December or January. At the April meeting, it is anticipated that the analysis will be complete and public input will have been garnered. What is meant by preliminary action at the April 2005 meeting?

Mr. Waldeck stated that at the April 2005 meeting, the Council would be scheduled to formally adopt a range of alternatives, possibly including a preferred alternative. This action would provide formal notice to the public about the Council intentions and identify the alternatives which the Council will select from when they take final action on this matter (currently scheduled for June 2005). He agreed with Mr. Anderson that it was most likely that public hearings on the draft alternatives and analysis would occur during the February - March 2005 period.

Dr. Burke also thanked the CPSAS for their work.

Mr. Brown asked if it would be possible to get more information about the market squid MSY-proxy issue, specifically, whether it would entail an FMP amendment.

Mr. Waldeck described various guidance items the Council may want to formally comment on in providing direction to staff and the CPSMT. The first would be direction about responding to the request for review of the CPS EFH definitions. The second would be Council consideration of the CPSMT request related to review of fish tickets and potential under reporting.

Relative to market squid MSY, in response to Mr. Brown's question, Mr. Waldeck characterized the CPSMT's report on this issue to be a review of current activities related to the squid MSY-proxy/egg escapement approach. Moreover, NMFS has indicated that a more thorough explanation of the approach and how it is being applied might address the concerns raised in the May 18, 2004 letter.

Dr. Burke had a different read on the priorities of this agenda item. She felt that the Council clearly indicated that review of CPS harvest control rules was the second highest priority (after sardine allocation). She did not recall the Council discussing the fish ticket issue.

Mr. Fougner requested clarification of whether the Council was going to request the CPSAS include as a sixth objective the use of most current scientific data as suggested by Ms. Pleschner and discussed by Mr. Anderson.

Mr. Anderson stated that Council guidance did not include direction to change any of the current language in the CPSAS report nor add objectives. His comments about additional objectives was just a suggestion to Ms. Pleschner about how she may want to proceed.

Relative to the under-reporting issue, Mr. Anderson stated his understanding that the issue is already being addressed by the EC. He agreed that review of the harvest control rule was the second priority. He also wanted to be responsive to the NMFS request for review of CPS EFH and to ensure that an adequate response was developed.

Mr. Waldeck summarized – the Council thanked the CPSMT for their work; stressed that allocation was the top priority, but upon completion the next highest priority for the CPSMT was review of the CPS harvest control rules; and directed staff to work with NMFS SWR to ensure that the request to formally review CPS EFH is fulfilled. Council Chairman and Council members concurred.

Ms. Vojkovich updated the Council and public on the market squid FMP for California. CDFG has developed an FMP to manage the market squid fishery; the CFGC adopted the market squid FMP in late August for implementation April 1, 2005. Among other things, the California state FMP established a restricted access program consistent with the federal limited entry program, also established a seasonal cap on the fishery, established permanent weekend closures, established restrictions on the use of lights around the Gulf of the Farallones NMS, and continued the logbook program. She also described other details of the FMP and management program. She also described state funding of the squid fishery management program, which operates under a limited budget.

4 P.M. PUBLIC COMMENT PERIOD

Public comments on fishery issues not on the agenda were accepted at this time (September 14, 2004, 4 pm).

Mr. Zeke Grader, Pacific Coast Federation of Fishermen's Association, San Francisco, California; spoke to a letter provided to the Council (Supplemental 4 pm Public Comment) regarding planning for any potential cutbacks/closures of 2005 ocean salmon fishery. Mr. Peter Huttula, Pacific Marine Conservation Council, Astoria, Oregon; joined Mr. Grader at the podium and voiced his support for Mr. Grader's comments.

ADJOURN

The Council meeting adjourned on Friday, September 17, 2004 at 2:56 pm.

DRAFT

Council Chairman

DRAFT

Date

DRAFT VOTING LOG
Pacific Fishery Management Council
September 12-17, 2004

Motion 1: Approve the agenda as shown in Agendum A.4, Council Meeting Agenda, September 2004.

Moved by: Ralph Brown
Motion 1 passed.

Seconded by: Bob Alverson

Motion 2: Approve the April 2004 minutes as shown in Agendum B.1, Draft April 2004 Council Minutes.

Moved by: Ralph Brown
Motion 2 passed.

Seconded by: Frank Warrens

Motion 3: Re-specify the limited entry fixed gear trip limits for thornyhead species, as well as to re-specify the 2006 sablefish tier limits as recommended by the GMT in Agendum C.3.b, Supplemental GMT report; adopt the GMT recommendations for the limited entry trawl slope rockfish trip limit and the trawl RCA boundary change to 200 fm for the area north of 38° N latitude. Include in the motion the period 5 trip limit change for deeper nearshore rockfish south of 40°10' N latitude of 400 lb/2 months, and the requested increase in the Oregon and Washington recreational lingcod harvest guideline as per Agendum C.3.b, Supplemental WDFW/ODFW Report.

Moved by: Bob Alverson
Motion 3 passed.

Seconded by: Patty Burke

Motion 4: Agree with the plan to have NMFS extend public comment on the proposed 2005-2006 groundfish specifications and management measures through December of 2004 and incorporate the OFWC allocation decisions for black rockfish in 2006 Oregon nearshore fisheries with the whiting rulemaking in March 2005.

Moved by: Patty Burke
Motion 4 passed.

Seconded by: Ralph Brown

Motion 5: Direct the SSC to review the results of the limited mark-selective fishery for chinook conducted in Washington Marine Catch Areas 5 and 6 in 2003 and 2004 at their November 2004 meeting.

Moved by: Jerry Mallet
Motion 5 passed.

Seconded by: Bob Alverson

Motion 6: Adopt the SSC white paper (Agendum E.1.b, Attachment 1, September 2004, *Marine Reserves: Objectives, Rationales, Fishery Management Implications and Regulatory Requirements*).

Moved by: Phil Anderson
Motion 6 passed.

Seconded by: Bob Alverson

Motion 7: Adopt the range of alternatives as presented in Agendum C.6.b, EFH EISOC Report 1, September 2004, including the proposed action and purpose and need statements with the following additions and modifications:

EFH alternatives as presented with no changes.

HAPC alternatives: add the suggestion from the HC relative to criteria for future HAPC designations; modify the description to note that NMFS consultation would be for both fishing and nonfishing activities.

Minimize adverse impacts: add to Alternative 2 a 60 fm shoreward line for fixed gear as suggested by GAP; Alternative 4, delete the second sentence (restrict the expansion of commercial fisheries); under Alternative 9, regarding the term mobile fishing gear, use consistent language as appropriate for that type of gear; Alternative 10, with suboptions, add the GAP-suggested language to the introduction, delete options 6 and 7, which require floats on longlines and limits the length of longlines to 1 mile; for option 12, which deals with setnets, keep the current 30 fm option but add 80 fm option; modify option 13 as suggested by the GAP, which would change the description from stick gear to weights with hooks; add an alternative as suggested by the GAP to allow legal gear to be used to catch trip limits without the gear endorsement; and include GMT recommendation #7.

Include in the analysis the Northwest Fisheries Science Center paper on deepwater corals.

In reference to the point made by Mr. Dorsett on the data limitations related to habitat suitability probabilities, make sure that all available data are used, particularly updating the Washington coast information.

Add the Oceana proposal when fleshed out.

Incorporate the formatting and analysis and suggestions from the GMT and HC reports, as appropriate

Moved by: Phil Anderson
Motion 7 passed.

Seconded by: Bob Alverson

Motion 8: Adopt for public review the proposed changes to the Pacific halibut catch sharing plan as provided in Agendum F.2.b, Supplemental WDFW Report.

Moved by: Phil Anderson
Motion 8 passed.

Seconded by: Mark Cedergreen

Motion 9: Adopt for public review the changes to the Pacific halibut catch sharing plan as shown in Agendum F.2.b, Supplemental ODFW Report, except that proposal #6 would be deleted, and proposal #7 would include additional language in Section (5)(i)©) and (d) to prohibit transfer of unused quota between the states of Oregon and Washington.

Moved by: Patty Burke
Motion 9 passed.

Seconded by: Frank Warrens

Motion 10: Have the Habitat Committee work with Council staff to prepare a letter to NMFS on its draft biological opinion on Columbia River hydropower system operations using the fast track method. The comments will focus more on principle as well as a request for an extension to submit more extensive comments.

Moved by: Jerry Mallet
Motion 10 passed.

Seconded by: Mark Cedergreen

Motion 11: Adopt the STAR panel reports as shown in Agendum I.2.b, Pacific Sardine Report and Agendum I.2.b,

Pacific mackerel STAR Report.

Moved by: Ralph Brown
Motion 11 passed.

Seconded by: Patty Burke

Motion 12: Approve the inseason management measures in the GMT Report (Agendum C.9.b, Supplemental GMT Report) which would include the adoption of the inseason adjustments to address darkblotched rockfish impacts, canary rockfish impacts, provide exemptions for sea cucumber and ridgeback prawn as described on page 6, as well as the additional trip limits changes and corrections described in the document with the following additions:

- for the whiting fishery, establish a darkblotched rockfish cap of 9.5 metric tons
- for the whiting fishery, establish a canary rockfish cap of 6.2 metric tons
- effective Oct. 1, close the mothership sector of the whiting fishery.

Moved by: Phil Anderson
Motion 12 passed.

Seconded by: Bob Alverson

Motion 13: Approve the SOPPs as shown in Agendum B.3.a, Attachment 2, and delay adoption of the COPS until the November Council meeting.

Moved by: Frank Warrens
Motion 13 passed.

Seconded by: Phil Anderson

Motion 14: Proceed with the VMS program expansion alternatives for public review as outlined in Agendum C.10.b, Attachment 1 (including Options 1 through 5); Alternative 6 as provided in Agendum C.10.c, Supplemental GAP Report with the addition of “ CPS and HMS” to that alternative as identified by Mr. Moore during the presentation of the GAP report ; Alternative 7 from the GAP report with the addition of the word “or” between the two exceptions; the GAP recommendation to not implement the program until June 2005; and the EC option captured in Agendum C.10.c, Supplemental EC report (second and third paragraphs) recommending a modified Alternative 5 that includes salmon troll vessels.

Moved by: Patty Burke
Motion 14 passed.

Seconded by: Ralph Brown

Motion 15: Reconsider Motion 14 (the action taken on VMS).

Moved by: Patty Burke
Motion 15 passed.

Seconded by: Ralph Brown

Motion 16: Amend Motion 14 to change the change the VMS program implementation date from “June 2005” to “October 2005”.

Moved by: Phil Anderson
Motion 16 passed (Main Motion 14 as amended).

Seconded by: Ralph Brown

Motion 17: For the purpose of making recommendations pertaining to intersector allocation, add six nonvoting advisors to the Ad Hoc Allocation Committee; the seats will represent groundfish trawl, groundfish fixed gear, open access, and recreational fisheries, as well as the processor sector, and conservation.

Mr. Anderson clarified that the GAP would make the recommendations of who would serve.

Moved by: Phil Anderson
Motion 17 passed.

Seconded by: Ralph Brown

Motion 18: Reconsider Motion 12 (inseason) relative to California (trip limit corrections).

Moved by: Marija Vojkovich
Motion 18 passed; 8 yes, 6 no.

Seconded by: Roger Thomas

The following Council Members voted no: Messrs. Harp, Cedergreen, Alverson, Ortmann, Anderson, and Mallet.

Motion 19: Amend amend Motion 12 to address the limited entry fixed gear and open access fishery trip limits for deeper nearshore rockfish between 40°10' N latitude and 34°27' N latitude to remain at 400 pounds per month in period 5.

Moved by: Marija Vojkovich

Seconded by: Roger Thomas

Motion 19 passed (Main Motion 12 as amended) . Mr. Harp voted no.

Motion 20: Request that the catcher/processors involved in the Pacific whiting fishery voluntarily refrain from fishing in areas shallower than 150 fathoms for the remainder of the 2004 fishery.

Moved by: Patty Burke

Seconded by: Phil Anderson

Motion 20 passed (Main Motion 12 as amended).

Motion 21: Adopt the communication plan as shown in Agendum B.4.a, Attachment 2 and direct the Communications Enhancement Team (CET) to continue with Phases II and III of the plan.

Moved by: Frank Warrens

Seconded by: Patty Burke

Motion 21 passed.

Motion 22: Approve the report of the Budget Committee as shown in Agendum B.6.b, Supplemental Budget Committee Report.

Moved by: Roger Thomas

Seconded by: Dave Ortmann

Motion 22 passed.

Motion 23: Appoint Dr. Stephen Barrager to the GAP to replace Mr. Phil Kline who resigned.

Moved by: Phil Anderson

Seconded by: Marija Vojkovich

Motion 23 passed. Dr. Burke, Mr. Brown and Mr. Warrens voted no.

Motion 24: Appoint Mr. Jim Martin to serve as an alternate on the GAP for the November to fill the seat left by the late Mr. Randy Fry.

Moved by: Daryl Ticehurst

Seconded by: Phil Anderson

Motion 24 passed.

PRELIMINARY DRAFT APRIL COUNCIL MEETING AGENDA
(APRIL 4-8, 2005, TACOMA, WA)

(APRIL 4-8, 2005, TACOMA, WA)				COUNCIL		ADVISORY BODY		ANCILLARY MEETING SCHEDULE		
AG#	TIME	AGENDA TOPICS/COMMENTS	TASK	PRIORITY 1/	Day/Group	Start Time	Continuing Through			
		MONDAY, APRIL 4 - 8:00 am			MONDAY:					
		<i>Ancillary Meetings - see Ancillary Schedule</i>			A. GAP	8:00 AM	Thur.			
					B. GMT	8:00 AM	Thur.			
					C. SAS	8:00 AM	Fri.			
		Joint Session Candidates:			D. STT	8:00 AM	Fri.			
					E. SSC	8:00 AM	Tue.			
		10:00 A.M. --Rebuilding Plan Revision Rules Briefing			F. HC	10:00 AM	Mon.			
		1:00 P.M.--Salmon Ocean Ecology [confirmed with presenters]			G. Legislative	10:30 AM	Mon.			
		2:30 P.M.--Whiting Monitoring Report--Dr. Clarke			Chair's Briefing	3:30 PM	Mon.			
		4:30 P.M.--"Common Ground: Oregon's Ocean"--28 min documentary--Oregon's marine environment?			H. EC	4:30 PM	Fri.			
		TUESDAY, APRIL 5 - 8:00 am			TUESDAY:					
					I. CPSMT	1:00 PM	Wed.			
CLS	1.00	Closed Session Agenda: Personnel & Litigation			GAP, GMT, SSC, EC; SAS; STT continue					
		Advisory Body Issues - Interim Appointments	Info	SSC						
		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.		Salmon Mgmt								
1	0.50	Identify Stocks not meeting their Conservation Objective	Decision	STT; SAS; SSC						
2	2.50	Tentative Adoption of 2005 Ocean Salmon Mgmt Measures for Analysis	Action	SAS; STT; EC						
C.		Pacific Halibut Mgmt								
1	0.75	Incidental Catch Regs in Salmon Troll & Sablefish Fisheries: Adopt Final Regulation Recommendations	Action	GAP; SAS						
D.		Habitat								
1	0.50	Habitat Committee Rpt	Decision	HC						
E.		Groundfish Mgmt								
1	2.00	Inseason Mgmt Response Policy: Adopt Final Policy	Decision	GMT; GAP; EC						
	0.50		Info							
	8.00	4 pm Public Comment Period								

PRELIMINARY DRAFT APRIL COUNCIL MEETING AGENDA
(APRIL 4-8, 2005, TACOMA, WA)

(APRIL 4-8, 2005, TACOMA, WA)					ANCILLARY MEETING SCHEDULE		
AG#	TIME	AGENDA TOPICS/COMMENTS	COUNCIL TASK	ADVISORY BODY PRIORITY 1/	Day/Group	Start Time	Continuing Through
WEDNESDAY, APRIL 6 - 8 am							
					WEDNESDAY:		
B.		Salmon Mgmt (continued)			J. CPSAS	9:00 AM	Wed.
3	0.75	Methodology Review Process: Adopt Potential Methodologies to be Reviewed In 2005	Decision	MEW; SSC; STT; SAS	CPSMT, GMT, GAP, EC, SAS, STT continue		
4	0.75	Update on EFH Review Process	Decision	HC; STT; SAS			
E.		Groundfish Mgmt (continued)					
2	1.00	NMFS Rpt (Region and Science Center)	Info	GMT; GAP; EC			
3	0.75	Rebuilding Plan Analytical Review Terms of Reference: Final Adoption	Decision	SSC; GMT; GAP			
4	2.00	VMS Implementation: Adopt Preferred Expansion Alternative	Action	GMT; GAP; EC			
5	2.00	Inseason Adjustments: Adopt Appropriate Changes	Action	GMT; GAP; EC			
B.		Salmon Mgmt (continued)					
5	1.00	Clarify Council direction on 2005 Mgmt Measures (If Nec.)	Guidance	STT; SAS			
	8.25						
THURSDAY, APRIL 7 - 8 am							
					THURSDAY:		
F.		Coastal Pelagic Species Mgmt			GAP, GMT, EC, SAS, STT continue		
1	0.75	NMFS Rpt, including Science Center Rpt & fishery update)	Info	CPSAS; CPSMT			
2	2.00	FMP Amendment 11--Adopt a Range of Sardine Allocation Alternatives for Public Review	Decision	CPSAS; CPSMT			
G.		Marine Protected Areas					
1	1.00	CINMS: Make Final Recommendations on Designation Doc and Consultation Letter	Decision	All			
2	0.75	Cordell Bank & Gulf of Farallones NMS's: Adopt Draft Designation Document Comments & Proposed NMS Fishery Regs for Public Rev.	Decision	SSC; GAP; GMT; HC			
3	0.75	Monterey Bay NMS: Adopt Draft Designation Document Comments & Proposed NMS Fishery Regs for Public Rev.	Decision	SSC; GMT; GAP; HC			
4	0.50	MPA Update: Olympic NMS Mgmt. Plan Review Update	Info	GAP; GMT; SAS			
B.		Salmon Mgmt (continued)					
6	2.50	Management Measures for 2005: Final Adoption	Action	STT; SAS; EC			
7	0.50	Disaster Relief Declaration	Guidance	SAS			
	8.75						

PRELIMINARY DRAFT APRIL COUNCIL MEETING AGENDA
(APRIL 4-8, 2005, TACOMA, WA)

(APRIL 4-8, 2005, TACOMA, WA)			COUNCIL		ANCILLARY MEETING SCHEDULE	
AG#	TIME	AGENDA TOPICS/COMMENTS	TASK	ADVISORY BODY PRIORITY 1/	Day/Group	Start Time Through
FRIDAY, APRIL 8 - 8 am						
					FRIDAY:	
					EC, SAS, STT as necessary	
H.		Enforcement Issues				
1	1.00	US Coast Guard Fishery Enforcement Rpt	Info	EC		
I.		Highly Migratory Species Management				
1	0.50	NMFS Rpt--Region & Science Center--Including Observer Protocol	Info	HMSAS; HMSMT		
2	0.75	Bigeye Tuna Overfishing Response: Prelim. Development of Strategy	Decision	HMSAS; HMSMT		
J.		Administrative Matters (Continued)				
1	0.75	Report on "Managing Our Fisheries II" Conference	Info			
2	0.75	Legislative Matters	Guidance			
3	0.25	Interim Appointments to Adv. Bodies, Standing Com., & Other Forums	Decision			
4	1.00	3 Mtg Outlook, Draft June Agenda, & Workload Priorities	Guidance	GMT; GAP; & as nec		
B.		Salmon Mgmt (continued)				
7	0.50	Clarify Final Action on Salmon Mgmt Measures (If Nec.)	Action	STT; SAS; EC		
	5.50					

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

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

1	1	Info
2	2	Info
3	3	Info
4	4	Info

- **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:	2/25
Public Meeting Notice Mailed:	3/14
FR Meeting Notice transmitted:	3/11
Final day to receive public comments for placement in BB:	COB 3/16
Final deadline to submit all BB materials:	COB 3/16
Final deadline to submit cover memos for Ancillary Meetings:	COB 3/17
Briefing Book Mailing:	COB 3/24
Final deadline to receive public comments for distribution to Council on first day of mtg:	COB 3/29

SCIENTIFIC AND STATISTICAL COMMITTEE REPORT ON
INITIAL CONSIDERATION OF APRIL COUNCIL MEETING AGENDA

The Scientific and Statistical Committee (SSC) reviewed information provided by Dr. Alec MacCall summarizing previously unavailable 1970's California commercial passenger fishing vessel size composition data for vermilion rockfish. Dr MacCall reported that these new data now make a conventional length-based assessment of vermilion rockfish feasible and recommended that a full stock assessment be pursued. The SSC recommends the Council consider this as an April agenda item.

PFMC
03/09/05

INITIAL CONSIDERATION OF APRIL COUNCIL MEETING AGENDA

Because of the short period of time between the March and April Council meetings, the April Council Meeting agenda must be finalized by Friday of the March meeting. This agenda item provides Council members and advisors an opportunity to review the preliminary draft agenda and provide their recommendations for the final agenda to be adopted on Friday.

Council Task:

- 1. Provide guidance for drafting the final April Council meeting agenda.**

Reference Materials:

1. Agenda Item B.2.a, Supplemental Attachment 1: Preliminary Draft April Council Meeting Agenda.

Agenda Order:

- a. Agenda Item Overview
- b. Reports and Comments of Advisory Bodies
- c. Public Comment
- d. Council Guidance

Don McIsaac

PFMC
012/20/12

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, **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.]

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, 1996. **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 policies and procedures in the Council SOPP document.** [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.]
7. **Groundfish Allocation Committee**
- ~~8. Council Performance Select Group~~
8. **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

Approved by Council: 04/06/95

Revised: 03/07/97, 06/25/99, 04/03/00, 12/15/03, **09/17/04**

1

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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~~ will 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~~ oral comments 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 opportunities 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 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 the 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~~ 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~~ 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~~ 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 (NOAA General Counsel) 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 official SSC activities and meetings.** [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 including summary 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 minutes. 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 consecutive 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, **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 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~~ the member (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 their obligations as a subpanel member or (4) engage in disreputable or criminal behavior. *Phil said remove item #4*

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 Chair and 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~~opies 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.

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.

assigned

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 Subpanel 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 or Representation

Coastal Pelagic

(10)

- 3 California Commercial Fisheries
- 1 Oregon Commercial Fisheries
- 1 Washington Commercial Fisheries
- 3 Processors (California, Washington, or Oregon)
- 1 California Charter/Sport Fisheries
- 1 Conservation Group

Groundfish

(20)

- 3 Fixed Gear Fisheries (at-large)
- 1 Washington Trawl Fisheries
- 1 Oregon Trawl Fisheries
- 1 California Trawl Fisheries
- 1 Open Access Fisheries north of Cape Mendocino
- 1 Open Access Fisheries south of Cape Mendocino
- 2 Processors (at-large)
- 1 At-Sea Processor
- 1 Washington Charter Boat Operator
- 1 Oregon Charter Boat Operator
- 1 California north of Pt. Conception Charter Boat Operator
- 1 California south of Pt. Conception Charter Boat Operator
- 3 Sport Fisheries (at-large)
- 1 Tribal Fisheries (individual must be active in tribal fishery)
- 1 Conservation Group

~~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.~~

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should come from each
state at least 1
WA / 1 OK*

REPRESENTATION ON SUBPANELS ~~AND SPECIAL DUTIES~~

Subpanel and Total Number of Members	Affiliation or Representation
Highly Migratory Species (13)	<ul style="list-style-type: none"> 1 <u>Commercial Troll Fisheries</u> 1 <u>Commercial Purse Seine Fisheries</u> 1 <u>Commercial Gillnet Fisheries</u> 3 <u>Commercial At-Large</u> 1 <u>Processor north of Cape Mendocino</u> 1 <u>Processor south of Cape Mendocino</u> 1 <u>Charter Boat Operator</u> 1 <u>Private Sport Fisheries</u> 1 <u>Sport Fisheries At-Large</u> 1 <u>Conservation Group</u> 1 <u>Public At-Large</u>
Salmon (15)	<ul style="list-style-type: none"> 1 <u>Washington Troll Fisheries</u> 1 <u>Oregon Troll Fisheries</u> 1 <u>California Troll Fisheries</u> 1 <u>Gillnet Fisheries</u> 1 <u>Processor</u> 1 <u>Washington Charter Boat Operator</u> 1 <u>Oregon Charter Boat Operator</u> 1 <u>California Charter Boat Operator</u> 1 <u>Washington Sport Fisheries</u> 1 <u>Oregon Sport Fisheries</u> 1 <u>Idaho Sport Fisheries</u> 1 <u>California Sport Fisheries</u> 1 <u>Tribal Fisheries (Washington Coast, individual must be active in tribal fishery)</u> 1 <u>Tribal Representative (California)</u> 1 <u>Conservation Group</u>

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, **reverse shaded** 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 t~~Teams shall:

1. Furnish ~~an~~ objective, scientific appraisals of ~~the particular~~ fisheries and associated biological ~~the 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 Team's responsibility to recommend preferred management options to the Council. **However, Teams have the discretion to note Team Preferred Alternatives and the rationale for the preferred alternative to facilitate Council decision making.** [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. **In preparing a draft FMP,** ~~P~~present 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.]
9. **In preparing a regulatory amendment, develop proposed regulatory language as appropriate.** [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 language, attendant to an FMP. 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 consideration.**
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 at the discretion of the Team Chair.~~ **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 Team 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 (6)	2 California Department of Fish and Game
	2 National Marine Fisheries Service
	1 Washington Department of Fish and Wildlife
	1 Oregon Department of Fish and Wildlife

CURRENT REPRESENTATION ON PLANNING TEAMS

Team and Total Number of Members	Affiliation
Groundfish (7 <u>12</u>)	<p>3 <u>6</u> State Fish Management Agency (Two each from Washington, Oregon, California)</p> <p>1 NMFS Southwest Fisheries Science Center</p> <p>± 2 NMFS Northwest Fisheries Science Center</p> <p>± 2 NMFS Northwest Region</p> <p>1 Tribal Governments</p> <p>One <u>of the Members Should be an</u> Economist</p>
Highly Migratory Species (8)	<p>5 NMFS Southwest Fisheries Science Center</p> <p>3 State Fish and Game (Washington, Oregon, California)</p>
Salmon (8)	<p>3 State Fish and Game (Washington, Oregon, California)</p> <p>3 NMFS</p> <p>1 USFWS</p> <p>1 Tribal Governments</p>
<u>Model Evaluation</u> <u>Workgroup</u> (7-9)	<p><u>3 State Fish and Game (Washington, Oregon, California)</u></p> <p><u>1 NMFS</u></p> <p><u>1 Northwest Indian Fisheries Commission</u></p> <p><u>1 Columbia River Inter-Tribal Fish Commission</u></p> <p><u>1 USFWS</u></p> <p><u>1 SSC (may be filled by one of the state or tribal agency representatives)</u></p> <p><u>1 STT (may be filled by one of the state or tribal agency representatives)</u></p>

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, **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 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 meetings. [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 (35)

- 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, h~~ However, non-federal employees will be reimbursed for their actual expenses while traveling to and participating at meetings on of 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, **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 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~~ 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, **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 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: 03/10/93

Revised: 04/06/95, 04/17/96, 09/17/04

[The responsibilities of the Groundfish Permit Review Board were transferred to the Groundfish Advisory Subpanel, see COP-2.]

PURPOSE

To establish a groundfish permit review board as a body of the Council in accordance with Amendment 6 to the groundfish fishery management plan (FMP) and specify the Council's role in the permit review process.

BOARD 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.

Note: Responsibility for making reports to the Council on the progress of the groundfish license limitation program and need for adjustments, previously assigned to the board, was reassigned to the Groundfish Advisory Subpanel (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.

BOARD MEMBERSHIP

Term of Members, Composition and Qualifications for Review Board Membership

Members shall be appointed by the Council for three-year terms expiring at the end of the calendar year and may be reappointed at the pleasure of the Council. Members must be holders of limited entry permits endorsed for the gear for which the seat is designated and must fish in the area for which the seat is designated. The following are the designated seats and initial term expiration dates for each seat on the review board:

California Trawler	December 31, 1994
Oregon Trawler	December 31, 1995
Washington Trawler	December 31, 1996

~~| | |
|--------------------------------------|-------------------|
| West Coast Pot Fisher | December 31, 1994 |
| Washington Longliner | December 31, 1994 |
| Oregon/Northern California Longliner | December 31, 1995 |
| Southern California Longliner | December 31, 1996 |~~

~~In addition to the identified geographic/gear representation, review board members will be chosen to represent large, medium and small fishing businesses. Vacancy appointments shall be made for the remainder of the unexpired term of the vacancy.~~

Termination of Membership

~~A review board member may be replaced at the Council's discretion if he/she (1) moves to a different location or no longer meets qualifications for review board membership, (2) is absent from two consecutive meetings without giving adequate notification to the Council executive director, or (3) appears unable to fulfill his/her obligations as a review board member.~~

Replacement of Members

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

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

Officers

~~Review board officers shall be appointed by the Council chairperson and shall serve one-year terms.~~

Subcommittees

~~The review board may establish such subcommittees as they deem necessary to facilitate their duties.~~

MEETINGS

- ~~1. The review board shall meet at the request of the Council chairperson or executive director as often as necessary to fulfill their responsibilities.~~
- ~~2. Notice of review board meetings shall be published in the Federal Register and distributed to the news media.~~

Public Participation

~~*Testimony on Appeals* - The 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 the National Marine Fisheries Service (NMFS) in written form at least four~~

~~weeks prior to the review board meeting.~~

~~Appellant written testimony will be made available to all interested persons in a timely manner prior to the review board meeting. At the review board meeting, the appellant may provide an oral summary of written testimony and additional oral testimony in response to questions by members of the 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 committee 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 chairperson.~~

~~*Testimony on Other Issues Considered by the Review Board* - The 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 chairperson.~~

Minutes and Reports

~~The NMFS Northwest Region limited entry office will arrange for minutes to be kept for each review board meeting. Reports to the Council will be distributed by NMFS to the Council in advance of the Council meeting.~~

STAFF RESPONSIBILITIES

~~In addition to drafting meeting minutes, staff members from the NMFS Northwest Region limited entry office will be assigned to staff support as required.~~

REPORTS TO THE COUNCIL

~~The review board shall report to the Council as directed by the Council chairperson 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 review board reports on appeals and forward recommendations to the NMFS Northwest Region director. This function is delegated to the Council chairperson when prompt action is required for timely rulings by the regional director. All testimony to the Council on permit appeals will be in written form.~~

NEW MEMBER ORIENTATION

~~If necessary, NMFS staff will hold orientation sessions for new members.~~

~~NOTE: To the degree allowed under its rules, NMFS will cover the expenses of operating the review board.~~

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 over the course of at least two meetings 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 short or 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, and Pacific States Marine Fisheries Commission. and NOAA General Counsel will provide legal advice.

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.

Approved by Council: 09/16/87
Revised: 11/17/89, 04/06/95, **09/17/04**

[There is no record of this committee having ever met. Components of the Performance Select Group's purpose and objectives are included in the new COP for Ad-Hoc Committees.]

PURPOSE

To establish procedures for the Council Performance Select Group.

~~OBJECTIVES AND DUTIES~~

~~This group is an ad hoc committee that meets, as needed, to review the Council's performance and make recommendations for changes to procedures, if appropriate.~~

~~MEMBERSHIP~~

~~The Council chairperson appoints appropriate members. The appointed members will serve until the tasks assigned are completed.~~

~~MEETINGS~~

~~The committee shall meet at the request of the Council chairperson as often as necessary to fulfill their responsibilities.~~

Public Participation

~~The public is invited to attend and may participate in the discussions as determined by the chairperson.~~

Public Notification of Meetings

~~Notice of Council Performance Select Group meetings shall be published in the Federal Register and news media.~~

~~REPORTS TO COUNCIL~~

~~Recommendations for changes to procedures will be provided orally and/or in writing to the Council.~~

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, **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 ~~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>Year 2</u> <u>(cont)</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>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>Year 3</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>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 1	<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 ~~*U.S. Department of Commerce*~~ implements the Council's recommendations for ensuing year's fishery:

~~*GMT*~~ 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 1	<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)	SSC, GAP, and Public 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.
	Council 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.
	U.S. Department of Commerce implements Council recommendations, as appropriate.
September through October	GMT 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	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	U.S. Department of Commerce implements Council recommendations for ensuing year's fishery.
	GMT 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>	<p><i>Council</i> meets to adopt no more than three annual salmon fishery management options and conducts public hearings (hearings may extend into April).</p> <p><i>Salmon Advisory Subpanel (SAS)</i> meets with the Council to develop initial annual management option recommendations.</p> <p><i>STT</i> meets to develop impact analyses of the Council's proposed annual management options, identifies management concerns, and participates in public hearings.</p> <p><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).</p>
<u>April</u>	<p><i>Council</i> meets to adopt final annual salmon fishery management measures.</p> <p><i>STT and SAS, and SSC</i> meet with Council to assist in selection and analysis of final annual management measures.</p> <p><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).</p> <p><u><i>U.S. Department of Commerce</i> reviews and implements the Council's recommendations in time for May 1 season opening.</u></p>
<u>May through October</u>	<u><i>Council, STT, and National Marine Fisheries Service (NMFS)</i> monitor fisheries to implement inseason management provisions, as necessary.</u>
<u>October or November</u>	<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.</u>

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>
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PACIFIC MACKEREL AND MONITORED SPECIES

April ~~Assessment authors (NMFS and California Department of Fish and Game (CDFG))~~ prepare draft assessment documents.

May ~~SSC, Coastal Pelagic Species Management Team (CPSMT), Coastal Pelagic Species Advisory Subpanel (CPSAS), and public~~ review draft assessments, executive summaries, and recommended harvest guidelines.

~~Assessment authors (NMFS and CDFG) revise assessments and recommendations based on comments from the SSC, CPSMT, CPSAS, and public.~~

June ~~Assessment authors~~ submit final assessments, executive summaries, and recommended harvest guidelines to Council staff for inclusion in June Council meeting briefing book. ~~CPSMT~~ meets to review revised assessments, executive summaries, and recommended harvest guidelines.

~~CPSAS~~ meets to review revised assessments, executive summaries, and recommended harvest guidelines.

~~SSC~~ reviews assessments, executive summaries, and recommended harvest guidelines. ~~CPSMT~~ forwards final assessments, executive summaries, and recommended harvest guidelines to Council staff for inclusion in June Council meeting briefing book.

~~Council~~ adopts annual harvest level specifications and management measures.

~~U.S. Department of Commerce~~ implements annual harvest level specifications and management measures. Pacific mackerel season opens July 1.

PACIFIC SARDINE

September ~~Assessment authors (NMFS and CDFG)~~ prepare draft assessment documents.

October ~~SSC, CPSMT, CPSAS, and public~~ review draft assessment, executive summary, and recommended harvest guideline.

~~Assessment authors (NMFS and CDFG)~~ 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.~~

~~CPSMT~~ meets to review revised assessment, executive summary, and recommended harvest guideline.

~~CPSAS~~ meets to review revised assessment, executive summary, and recommended harvest guideline.

~~CPSMT~~ forwards final assessment, executive summary, and recommended harvest guideline to Council staff for inclusion in November Council meeting briefing book.

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><i>Council</i> receives a report on the status of the current Pacific halibut fishery. With regard to next year's season (Year 2), the <i>Council</i> 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><i>SSC</i> 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><i>States</i> 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><i>Council</i> 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 <i>Council</i> 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><i>IPHC</i> staff distribute draft documents that impact Area 2A to the Council office and NMFS.</u>
<u>Year 2</u>	<u>January</u>	<u><i>IPHC</i> meets to establish quotas for each management area.</u>
	<u>November</u>	<u><i>NMFS</i> publishes proposed rule to implement catch sharing plan and prepares appropriate NEPA documents.</u>
	<u>March</u>	<u><i>Council</i> 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><i>Council</i> 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>

b/ Budget limitations preclude travel cost reimbursement for these meetings.

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>	Review any needed changes in the Council's policies and procedures for revisions to the Statement of Organizations, Practices, and Procedures. <u>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 aApprove 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>
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Salmon Technical Team (STT) meets to draft the review of ocean salmon fisheries for the previous year.

<p>Late February through or Early March</p>	<p><u>STT 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

[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 serve as a guide to amendment sponsors and establish a general ~~biennial~~ schedule for fishery management plan amendment ~~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 fFinal 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 the hearing is held during a final comment period during the agenda of the third meeting.</u></p>
Third Meeting	<p><u>Public hearings on the draft amendment. The Council considers final advisory entity and public comments, and adopts the final amendment for implementation by the Secretary of Commerce.^{a/}</u></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).^w 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:^w</p> <p>a. Assessment of need for action</p> <p>b. Alternative ways to address the problem without plan amendment</p> <p>c. Potential impacts from the proposed action</p> <p>d. Possible amendment alternatives</p> <p>e. Complexity or controversial nature of the proposed action</p> <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.^w</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.^w</p>

~~a/ Action required.~~

~~SCHEDULE 2. Salmon fishery management plan amendment process. (Page 1 of 2)~~

Meeting or Interim	Activity
—	<p>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.</p>
First Meeting	<p>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:</p> <ul style="list-style-type: none">a. the need and purpose of the proposed action, including reference to specific objectives of the fishery management plan, andb. a concise description of the specific action proposed. <p>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.</p> <p>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):</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 alternatives
First Interim	<p>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.</p>

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).

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**

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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**

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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

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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.)

Approved by Council: 07/15/82 and 09/19/85
Revised: 11/19/87, 04/05/89, 04/06/95, **09/17/04**

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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

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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**

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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.

SUMMARY OF COUNCIL OPERATING PROCEDURE PROPOSED CHANGES

Following are very brief descriptions of the primary proposed changes in Council Operating Procedures (COPs) which are shown in more detail in Agenda Item B.3.a, Attachment 1. **The COPs in bold represent those in which proposed changes are relatively limited.**

Introduction. Edits to clarify the relationship to the Council *Statement of Organization, Practices, and Procedures* document. Provides procedure for creating or changing a 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. Editorial changes regarding 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; last met in 1987.

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
02/17/05

COASTAL PELAGIC SPECIES ADVISORY SUBPANEL REPORT ON
COUNCIL OPERATING PROCEDURES DOCUMENT
[As submitted at the November 2004 Council meeting]

The Coastal Pelagic Species Advisory Subpanel (CPSAS) reviewed current recommendations for changes to the Council Operating Procedure-2.

The CPSAS unanimously agrees the additional language listed under “termination of members” under number (4) should be eliminated. The CPSAS believes that with the Pacific Fishery Management Council (Council) Chairman’s discretion number (3) is adequate to address any issues or situations that may arise.

The majority of the CPSAS (5 of 7 present) believe the Council should add at least one more seat to the CPSAS representing fishermen from the Pacific Northwest. In addition, the CPSAS agrees that as the fishery changes over time, the Council should have the discretion to add and subtract subpanel members as appropriate. During the next nomination cycle, the Council should encourage active members (fishermen) of the industry to participate on the CPSAS.

A minority of the CPSAS (2 of 7 present) believes representation on the CPSAS should conform with the allocation ratio – as such, the current subpanel make-up is sufficient to provide equitable participation for all sectors.

PFMC
02/18/05

COASTAL PELAGIC SPECIES MANAGEMENT TEAM REPORT ON
COUNCIL OPERATING PROCEDURES DOCUMENT
[As submitted at the November 2004 Council meeting]

The Coastal Pelagic Species Management Team (CPSMT) reviewed Council Operating Procedure-3 (COP-3). In terms of responsibilities and CPSMT function, the CPSMT agrees with the current draft of COP-3. Relative to CPSMT composition, the CPSMT recommends National Marine Fisheries Service-Southwest Region (NMFS) have a formal position on the CPSMT, especially given the increasing CPS workload and need for formal coordination with NMFS, other agencies, and international management bodies. Also, similar to the Groundfish Management Team composition requirements, the CPSMT recommends that one member of the CPSMT be required to be an economist.

PFMC
02/18/05

ENFORCEMENT CONSULTANTS REPORT ON
UPDATE OF COUNCIL OPERATING PROCEDURES DOCUMENT
[As submitted at the November 2004 Council meeting]

The Enforcement Consultants have reviewed the Draft Council Operating Procedures and make the following recommendations.

Procedure 5

Organization: 1: Suggest current language be left in document.

Public Participation: Comments or testimony from the public on issues under consideration at the time may be received by the Chair ~~prior to~~ at 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.

We support the additional language suggestions as they appear in Procedure 5.

PFMC
02/18/05

GROUND FISH ADVISORY SUBPANEL STATEMENT ON
COUNCIL OPERATING PROCEDURES DOCUMENT
[As submitted at the November 2004 Council meeting]

The Groundfish Advisory Subpanel (GAP) has several modifications to propose to the draft Council Operating Procedures (COP) identified as Agendum B.3.a - Attachment 1.

The copy of the COP available to the GAP contained several grammatical errors which appear to result from cutting and pasting the draft. The GAP assumes the final document will be thoroughly edited.

In COP 1, Page 1 under "Public Participation," delete "As a matter of practice." Under Section 302(I) of the Magnuson Stevens Fishery Conservation and Management Act (MSFCMA), Councils and their advisory bodies are specifically exempted from the provisions of the Federal Advisory Committee Act with the proviso that the Councils follow certain guidelines, including providing public participation. This is a matter of law, not a matter of practice, and the COP should reflect the law.

In COP 1, Page 7 under "Structure of Agenda", the GAP proposes that an additional bullet point be added which reads "Provide time for advisory subpanels to complete their work." The GAP has frequently noted that the Council agenda structure often provides limited opportunity for the GAP and the Groundfish Management Team (GMT) to conduct their meetings in large enough blocks of time free from interruptions caused by Council action being scheduled or mass informational meetings being held during the time available for the subpanels to conclude their work.

In COP 2, Page 2, under "Termination of Members," the GAP urges that the fourth condition - "engage in disreputable or criminal behavior" - be deleted. First, this condition is completely arbitrary and provides no standards on how to judge conduct. Second, it is discriminatory as it applies only to subpanels and not to other advisory or technical bodies. If the Council desires, members of the GAP would be pleased to provide eyewitness accounts of behavior by members of other bodies to whom this language does not apply which would be considered disreputable by the average citizen. Third, depending on how criminal behavior is defined, a subpanel member who committed a fisheries violation and paid his or her fine would be subject to termination, while a member of a technical body who committed a crime would not suffer the same sanction. In fact, if the standard of criminal behavior is the commission of any sort of fisheries violation, a large percentage of the GAP would be subject to immediate termination.

Advisory body members are chosen based on their knowledge, experience, ability to represent a constituency, and willingness to serve. These are the standards by which they should be judged.

In COP 2, Page 2, under “Replacement of Members,” the GAP suggests adding language to the first paragraph which specifies that announcements for nominees include an estimate of the amount of time that will be required of candidates. The GAP is now meeting five times each year, and GAP members are assigned to other Council committees and to Stock Assessment Review (STAR) Panels. Potential nominees should be aware of the time commitment they are making.

In COP 2, Page 2, under “Alternates,” the GAP suggests that the ability to send an alternate be changed to twice per year. As noted above, the GAP now meets five times each year, and our understanding is that the number of meetings of other advisory subpanels may also be increasing.

Many advisory body members are independent businessmen, and the vagaries of weather and fishing seasons sometimes preclude their full participation. While the GAP expects its members to be active and involved, we should also be conscious of the needs of members to conduct their operations.

In COP 2, Page 3, under “Meetings,” the GAP suggests language be added which would give the Council discretion to provide a small honorarium to advisory body members who are asked to participate in Council committee meetings where similar honorariums are provided to outside consultants or other attendees. This would not include normal advisory subpanel meetings or STAR Panel meetings. Again as previously noted, GAP members are asked to participate in various committees beyond the expected advisory subpanels. For example, the meetings held by NMFS to determine bottom habitat characteristics in order to produce the Essential Fish Habitat Environmental Impact Statement relied on participation by fishermen who were knowledgeable about particular areas. While these meetings did not involve paying outside consultants or their services, others in which GAP members have participated did so. It would seem reasonable for fishermen to be compensated for their expertise just as consultants are.

In COP 2, Page 5, under “Reports to Council,” the GAP suggests adding “or designee” after “The Subpanel Chair” in the second paragraph. This not only reflects normal procedure, but also makes the reporting requirements of subpanels consistent with other advisory and technical bodies.

In COP 5, Page 3, under “Public Participation at Meetings,” the GAP suggests the wording be clarified to ensure public comment is allowed. As currently written, it appears the public only has an opportunity to comment prior to the start of the meeting. This does not reflect the actual practice of the Enforcement Consultants meetings in which GAP members have participated and would seem to be contrary to the requirements for public participation found in the MSFCMA.

Finally, the GAP wishes to thank the Council for making coffee available to the GAP at its meetings.

PFCMC
02/18/05

GROUND FISH MANAGEMENT TEAM COMMENTS ON
COUNCIL OPERATING PROCEDURES DOCUMENT
[As submitted at the November 2004 Council meeting]

The Groundfish Management Team (GMT) appreciates the Council's extension of the comment period on the proposed changes to the Council Operating Procedures (COPs). Since these COPs were last reviewed and amended (1999), there have been a considerable number of changes in Council staff personnel as well as the membership of the GMT. The duties of Council staff and Team members have also evolved over time. In reviewing the current COPs pertaining to the GMT, as well as the proposed revisions by Council staff, the GMT notes that current practices are not reflected in either document. As such, the GMT is proposing revisions to the current COPs in order to capture current practices, or status quo. As the duties in COP 3 and the management cycle in COP 9, in particular, have an effect on the GMT's work load, we felt it was important for the Council to have an understanding of which items were currently on the GMT's plate and to clarify that shifting and/or adding responsibilities to the GMT would result in an increased work load. The GMT is at or above its maximum capacity relative to work load (both time and energy), but recognizes the need to fulfill core functions to help the Council achieve its objectives and duties relative to groundfish management. With that, we have reviewed the proposed changes and have the following comments and recommendations:

COP 3 - Plan, Technical, and Management Teams

Objectives and Duties

1. Page 1, #2 - Adding the responsibility of drafting "regulatory amendments" to regulations to the GMT would be an additional work load burden that would need to be addressed. Currently, for groundfish, NMFS staff drafts regulations and regulatory amendments, and they have indicated they plan to continue to carry out those tasks. In addition, the drafting of fishery management plans (FMPs) and FMP amendments are responsibilities shared by Council staff, NMFS, and Plan or Management Teams.

Recommendation

Change language to: "Contribute to the development of ~~Draft~~ fishery management plans and FMP amendments, and develop proposed changes to regulations...."

2. Page 2, 7 - The preparation of "abundance forecasts" should not pertain to groundfish as there is a formal stock assessment process in place. Adding the responsibility of preparing "rebuilding plans" to the GMT would be an additional work load burden that would need to be addressed. Currently, for groundfish, Council staff contact the various assessment authors for stock information and prepare the rebuilding plans. In addition, Council staff prepare Stock Assessment and Fishery Evaluation (SAFE) documents with the assistance of GMT members and NMFS staff.

Recommendations

Change language to: “~~Contribute to~~ Prepare documents and reports required by an FMP or the Council, such as SAFE documents.”

Add subsequent bullets:

- “Salmon Technical Team will prepare annual abundance forecasts.”
 - “Council staff will prepare groundfish rebuilding plans, as required.”
3. Page 2, #9 - As mentioned on page 1, #2, currently, for groundfish, NMFS staff drafts regulations and regulatory amendments and develops the proposed regulatory language. State representatives have assisted with the identification of coordinates to depict rockfish conservation areas and state-proposed area closures; however, #9 as written goes beyond this task and the additional “potential future need for regulatory language under National Marine Sanctuaries Act provisions” is not an appropriate responsibility for the GMT.

Recommendation

Delete the language in this bullet.

4. Page 2 - Management Teams often carry out similar, complimentary duties to the Advisory Subpanels such as offering advice to the Council on the status of fisheries, possible affects of alternative management measures, FMP or regulatory amendments, or possible enforcement concerns. Thus, objectives 1, 2, and 6 from COP 2 (Advisory Subpanels) also applies to Management Teams.

Recommendation

Add the following language,

16. Offer advice to the Council on the assessments, specifications, and management measures pertaining to each FMP with particular regard to (a) the capacity and the extent to which the U.S. commercial and recreational fisheries will harvest the resources managed under their respective FMPs, (b) the economic and social effects of such management measures, (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.
17. 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 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.
18. 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.)

5. Page 4, Public Participation - Scheduled Team meetings should be announced to the public regardless of whether the purpose of the meeting is to draft documents.

Recommendation

In the first sentence, delete the phrase, "...for purposes of completing draft documents for submission to the Council...."

Current Representation on Teams

6. Page 6 - Housekeeping change

Recommendation

The current composition of the GMT includes one representative (not two) from the NMFS Northwest Fisheries Science Center and one representative from a tribal agency (not a tribal government), for a total of 11 members, and the list of GMT members should reflect this.

COP # 9 - Management and Activity Cycles

7. Pages 2 and 3 - Housekeeping change

Recommendation

Change header for Schedule 1 from "Annual" to "Biennial."

Recommendations 8-12 suggest clarifying language that describes current practice in order to alleviate confusion:

8. Page 2, Year 1, November

Recommendation

Change language to: "Council provides ~~adopts~~ initial fishery management guidance...."

9. Page 2, Year 2, February

Recommendation

Change language to: "GMT meets ... and Council preferred harvest specifications provided ~~adopted~~ by the Council in November."

10. Page 2, Year 2, April

Recommendation

Change language to: "Council recommends inseason management adjustments as necessary. ~~and adopts~~ Council provides initial management measures for public review and may adopt final acceptable biological catches and optimum yields ~~and management measure alternatives for public review.~~"

11. Page 3, Year 2, June

Recommendation

Change language to: “Council recommends inseason management adjustments as necessary and approves draft EFP applications for Year 3. ~~and~~ Council adopts final management measures and any remaining final ABCs and OYs for implementation by NMFS.”

12. Page 3, Year 2, November

Recommendation

Change language to: “Council recommends inseason management adjustments as necessary and approves ~~adopts~~ final exempted fishing permits for Year 3.”

13. Page 3, Year 3 - Prior to entering the biennial management cycle, the GMT had meetings in addition to those in conjunction with Council meetings—specifically, the GMT met in February, May, July, and October each year. To review and discuss the multitude of the stock assessments and STAR Panel results in Year 3 in a timely manner and to address other Council groundfish initiatives (e.g., essential fish habitat environmental impact statement (EIS), Bycatch EIS, Trawl individual quotas [IQs]). The GMT proposes these meetings be included in Year 3 of the management cycle.

GMT Recommendations

Adopt proposed changes to COPs with GMT-recommended changes specified above for COPs 3 and 9.

PFMC

02/18/05

MODEL EVALUATION WORKGROUP COMMENTS ON
COUNCIL OPERATION PROCEDURES DOCUMENT
[As submitted at the November 2004 Council meeting]

The Model Evaluation Workgroup (MEW) recommends that the following changes be made to COP 10:

PURPOSE

To establish a schedule and procedures governing the annual salmon management process beginning in January and ending in April. The process is limited by available time, as stock abundance forecasts are not available until early ~~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 reports 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.

The forecasts are available in early February, in time for Preseason Report I to be completed, and although the Salmon Technical Team (STT) reports forecasts and is responsible for producing some, many of the forecasts are made by state and tribal personnel outside the STT, particularly north of Cape Falcon.

PFMC
02/18/05

SALMON ADVISORY SUBPANEL REPORT ON
UPDATE OF COUNCIL OPERATING PROCEDURES AND
STATEMENT OF ORGANIZATION, PRACTICES, AND PROCEDURES DOCUMENTS
[As submitted at the September 2004 Council meeting]

The Salmon Advisory Subpanel supports the proposed changes to the Council Operating Procedures.

PFMC
02/18/05

SCIENTIFIC AND STATISTICAL COMMITTEE REPORT ON
UPDATE OF COUNCIL OPERATING PROCEDURES
AND STATEMENT OF ORGANIZATION, PRACTICES, AND
PROCEDURES DOCUMENTS

[As submitted at the September 2004 Council meeting]

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
02/18/05

ENFORCEMENT CONSULTANTS REPORT ON
COUNCIL OPERATING PROCEDURES DOCUMENT

The Enforcement Consultants (EC) have reviewed the Draft Council Operating Procedures (COP) and make the following recommendations.

Procedure 5

Organization: Suggest the following current language be left in document.

1. Each member will have one vote.
2. Additional representation of an agency may attend meetings, but may not vote.

Public Participation: Replace the current language with the following, adopted from COP 2:
The public will be permitted to comment on items relative to the agenda, but may be limited if deemed necessary by the 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 of the Chair. 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 Chair and such permission must be obtained in advance.

Upon request, copies of this operating procedure will be distributed to the public attending subpanel meetings.

Minutes: Adopt the current language as proposed with the strike outs, but strike the word "for" prior to "public review."

We support the additional language suggestions as they appear in Procedure 5.

PFMC
03/10/05

GROUND FISH ADVISORY SUBPANEL STATEMENT ON
COUNCIL OPERATING PROCEDURES DOCUMENT

The material made available to the Groundfish Advisory Subpanel (GAP) was the September 2004 version of the proposed revisions to the Council Operating Procedures (COP) and various advisory subpanel comments. Since the GAP comments from November 2004 on the COP document are being presented to the Council (Agenda Item B.3.b, November 2004 GAP Report), the GAP sees no reason to repeat them here.

The GAP notes one change in their earlier comments: on page 2, the second full paragraph commenting on “COP 2, Page 3, Meetings” should be deleted. The GAP is not asking that they be paid, especially in light of the serious financial situation faced by the Council. This comment was an outburst of frustration after reading other COP proposed changes which cast aspersions on the GAP and other Council advisory bodies. The GAP asks the Council to remember that its members serve as volunteers performing a public service, both during and outside of regular Council meetings. The GAP does take its work seriously and is simply asking the Council to treat us seriously.

And, the GAP still thanks the Council Chair and Executive Director for the coffee.

PFGC
03/08/05

Ryan D. Kapp
955 Colony Ct. Bellingham, WA 98229
PO Box 1180 Astoria, OR 98103
(360)714-0882 cell (360)961-6722

February 23, 2005

To: Dr. Don McIssac
Executive Director
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 200
Portland, OR 97220-1384

RECEIVED
FEB 23 2005
PFMC

Re: Agenda Item B.3.c Council Operating Procedures

Dr. McIssac and Council Members,

I wish to express my support for the Coastal Pelagic Species Advisory Sub panel's majority recommendation to add an additional CPSAS representative from the Pacific Northwest (November 2004 Agenda Item B.2.b. CPSAS Report). I feel that the current make up of the CPSAS needs to be adjusted to reflect the increased fishery in the Northwest. The panel currently has 3 commercial fishing members from California and only 2 from the Northwest. Because the Northwest fishery has grown considerably over the last few years I feel that increased Northwest representation on the CPSAS is warranted. Over time, if the Northwest fishery is declining in landings and value, the representation on the panel could then be adjusted appropriately.

I further agree with the Panel's majority recommendation that the Council should encourage active members (participating fishermen) to participate on the CPSAS during the next nomination cycle. Currently the panel make up is a majority of individuals representing fishing or processor organizations or individuals who have no "hands on" experience in today's CPS fisheries. It would be better to see CPSAS members with direct ties to what is happening in the fishery instead of members who are offering opinions based on second hand information from their association members, friends, dock talk, etc...

In closing, I hope the Council will support the CPSAS majority and add a representative from the Pacific Northwest fishery to the panel. I feel that this change would provide a more equitable input of interests and would give the Council more balanced recommendations to base its decisions on.

Thank you for the opportunity to comment on this issue.
Regards,

Ryan Kapp

UPDATE OF 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 original 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.

Agenda Item 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 policy change previously adopted or indicated by the Council or suggested policy-neutral clarification, **reverse shaded** text is a suggested addition or change with potential policy implications, and [straight brackets] designate explanatory rationale phrases for suggested revisions.

At the September 2004 Council meeting, the Council deferred any action on the COP document to the November 2004 Council meeting. At the November 2004 Council meeting, this agenda item was not brought up for Council decision making due to time constraints. Advisory Body statements were distributed during the week in anticipation that the agenda item would be addressed, however, the statements were not presented for the opportunity for questioning by the Council. No public testimony was taken at that time.

At this meeting, 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. The COP review document (Agenda item B.3.a, Attachment 1) is unchanged from the November 2004 Council meeting. Attachment 2 is a general summary of the changes in the full COP document that includes a bold highlight for COP that involve changes that are relatively minor. The six Advisory Body statements prepared for the November Council meeting and the two prepared for the September Council meeting, are included as reference materials.

Council Action:

- 1. Consider Agenda Item B.3.a, Attachment 1, and provide guidance on adoption, further revision, or further process on the COP language contained in the agenda item.**

Reference Materials:

1. Agenda Item B.3.a, Attachment 1: draft *Council Operating Procedures As Amended Through September, 2004*.
2. Agenda Item B.3.a, Attachment 2: Summary of COP, Attachment 1.
3. Agenda Item B.3.b, November 2004 CPSAS Report.
4. Agenda Item B.3.b, November 2004 CPSMT Report.
5. Agenda Item B.3.b, November 2004 EC Report.
6. Agenda Item B.3.b, November 2004 GAP Report.
7. Agenda Item B.3.b, November 2004 GMT Report.
8. Agenda Item B.3.b, November 2004 MEW Report.
9. Agenda Item B.3.b, September 2004 SAS Report.
10. Agenda Item B.3.b, September 2004 SSC Report.

Agenda Order:

- a. Agenda Item Overview
- b. Reports and Comments of Advisory Bodies
- c. Public Comment
- d. **Council Action:** Review and Approve Proposed Updates to COP Document

PPMC

02/18/05

United States Senate
WASHINGTON, DC 20510-3704

COMMITTEES:
FINANCE
COMMERCE, SCIENCE, AND TRANSPORTATION
ENERGY AND NATURAL RESOURCES
INDIAN AFFAIRS
CHAIRMAN, SPECIAL COMMITTEE ON AGING

February 16, 2005

Honorable Richard G. Lugar
Chairman
Senate Foreign Relations Committee
Washington, D.C. 20510

Dear Mr. Chairman:

I am writing to request the Committee give expedited attention to the Agreement Between the Government of the United States of America and the Government of Canada on Pacific Hake / Whiting (Treaty Doc. 108-24).

The Pacific whiting fishery is extremely important to coastal communities in Oregon, Washington, and northern California. Because whiting are migratory and are harvested off the coast of both the United States and Canada, there is a need for cooperative scientific research and fisheries management to ensure that over-harvesting does not take place. Under the Pacific Hake / Whiting Agreement, a mechanism is established for joint research and assessment of fish stocks and allocation of science-based total allowable catch between the United States and Canada. Absent the Senate giving its consent to the Agreement, there is no formal means of ensuring that sound scientific management will be agreed to.

If Senate consent on the Agreement can be provided early this year, there will then be enough time for the Congress to consider the necessary implementing legislation and have it enacted prior to the start of the 2006 whiting fishery. I have agreed to work with the administration and my constituents on having that legislation considered.

The Pacific Hake / Whiting Agreement is widely supported and is a model for continuing cooperative fisheries management with our neighbors in Canada. I greatly appreciate any efforts you can make to expedite its consideration.

Sincerely,



Gordon H. Smith
United States Senate

109TH CONGRESS
1ST SESSION

S. 343

To provide for qualified withdrawals from the Capital Construction Fund for fishermen leaving the industry and for the rollover of Capital Construction Funds to individual retirement plans, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 10, 2005

Mr. WYDEN (for himself and Mr. SMITH) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To provide for qualified withdrawals from the Capital Construction Fund for fishermen leaving the industry and for the rollover of Capital Construction Funds to individual retirement plans, 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 “Capital Construction
5 Fund Qualified Withdrawal Act of 2005”.

1 **SEC. 2. AMENDMENT OF THE MERCHANT MARINE ACT OF**
 2 **1936 TO ENCOURAGE RETIREMENT OF CER-**
 3 **TAIN FISHING VESSELS AND PERMITS.**

4 (a) IN GENERAL.—Section 607(a) of the Merchant
 5 Marine Act, 1936 (46 U.S.C. App. 1177(a)) is amended
 6 by adding at the end the following: “Any agreement en-
 7 tered into under this section may be modified for the pur-
 8 pose of encouraging the sustainability of the fisheries of
 9 the United States by making the termination and with-
 10 drawal of a capital construction fund a qualified with-
 11 drawal if done in exchange for the retirement of the re-
 12 lated commercial fishing vessels and related commercial
 13 fishing permits.”.

14 (b) NEW QUALIFIED WITHDRAWALS.—

15 (1) IN GENERAL.—Section 607(f)(1) of the
 16 Merchant Marine Act, 1936 (46 U.S.C. App.
 17 1177(f)(1)) is amended—

18 (A) by striking “for:” and inserting
 19 “for—”;

20 (B) by striking “vessel” in subparagraph
 21 (A) and inserting “vessel;”;

22 (C) by striking “vessel, or” in subpara-
 23 graph (B) and inserting “vessel;”;

24 (D) by striking “vessel.” in subparagraph
 25 (C) and inserting “vessel;” and

1 (E) by inserting after subparagraph (C)
2 the following:

3 “(D) the payment of an industry fee au-
4 thorized by the fishing capacity reduction pro-
5 gram under section 312(b) of the Magnuson-
6 Stevens Fishery Conservation and Management
7 Act (16 U.S.C. 1861a(b));

8 “(E) in the case of any such person or
9 shareholder for whose benefit such fund was es-
10 tablished with respect to any vessel operated in
11 the fisheries of the United States, or any share-
12 holder of such person, a rollover contribution
13 (within the meaning of section 408(d)(3) of the
14 Internal Revenue Code of 1986) to such per-
15 son’s or shareholder’s individual retirement plan
16 (as defined in section 7701(a)(37) of such
17 Code);

18 “(F) the payment of the net proceeds de-
19 posited into the fund from a sale described in
20 subsection (b)(1)(C)(ii) to a person retiring re-
21 lated commercial fishing vessels and permits;

22 “(G) the acquisition of a vessel monitoring
23 system as a safety improvement for a fishing
24 vessel; or

1 “(H) the acquisition or construction of
 2 fishing gear designed to minimize or avoid by-
 3 catch as required under section 301(a)(9) of the
 4 Magnuson-Stevens Fishery Conservation and
 5 Management Act (16 U.S.C. 1851(a)(9)).”.

6 (2) REDUCTION PROGRAM SALE PROCEEDS AL-
 7 LOWED IN DETERMINING DEPOSIT CEILING.—Sec-
 8 tion 607(b)(1)(C) of such Act (46 U.S.C. App.
 9 1177(b)(1)(C)) is amended by striking “or (ii)” and
 10 inserting “(ii) the sale of any agreement vessel or
 11 fishing permit retired through the fishing capacity
 12 reduction program under section 312(b) of the Mag-
 13 nuson-Stevens Fishery Conservation and Manage-
 14 ment Act (16 U.S.C. 1861a(b)), or (iii)”.

15 (3) CERTAIN QUALIFIED WITHDRAWALS TREAT-
 16 ED AS WITHDRAWN FROM THE CAPITAL ACCOUNT.—
 17 Section 607(e)(2)(B) of such Act (46 U.S.C. App.
 18 1177(e)(2)(B)) is amended by adding at the end
 19 “unless such portion represents gain from a sale de-
 20 scribed in subsection (b)(1)(C)(ii) and is withdrawn
 21 for any purpose provided under subparagraph (D),
 22 (E), or (F) of subsection (f)(1),”.

23 (4) SECRETARY TO ENSURE RETIREMENT OF
 24 VESSELS AND PERMITS.—The Secretary of Com-
 25 merce by regulation shall establish procedures to en-

1 sure that any person making a qualified withdrawal
 2 authorized by section 607(f)(1)(F) of the Merchant
 3 Marine Act, 1936 (46 U.S.C. App. 1177(f)(1)(F))
 4 retires the related commercial use of fishing vessels
 5 and commercial fishery permits.

6 (c) CONFORMING AMENDMENTS.—

7 (1) IN GENERAL.—Section 7518(e)(1) of the
 8 Internal Revenue Code of 1986 (relating to purposes
 9 of qualified withdrawals) is amended—

10 (A) by striking “for:” and inserting
 11 “for—”;

12 (B) by striking “vessel, or” in subpara-
 13 graph (B) and inserting “vessel;”;

14 (C) by striking “vessel.” in subparagraph
 15 (C) and inserting “vessel;”;

16 (D) by inserting after subparagraph (C)
 17 the following:

18 “(D) the payment of an industry fee au-
 19 thorized by the fishing capacity reduction pro-
 20 gram under section 312 of the Magnuson-Ste-
 21 vens Fishery Conservation and Management
 22 Act (16 U.S.C. 1861a);

23 “(E) in the case of any person or share-
 24 holder for whose benefit such fund was estab-
 25 lished with respect to any vessel operated in the

fisheries of the United States, or any shareholder of such person, a rollover contribution (within the meaning of section 408(d)(3)) to such person's or shareholder's individual retirement plan (as defined in section 7701(a)(37));

“(F) the payment of the net proceeds deposited into the fund from a sale described in subsection (a)(1)(C)(ii) to a person retiring related commercial fishing vessels and permits;

“(G) the acquisition of a vessel monitoring system as a safety improvement for a fishing vessel; or

“(H) the acquisition or construction of fishing gear designed to minimize or avoid bycatch as required under section 301(a)(9) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851(a)(9)).”.

(2) REDUCTION PROGRAM SALE PROCEEDS ALLOWED IN DETERMINING DEPOSIT CEILING.—Section 7518(a)(1)(C) of such Code is amended by striking “or” at the end of clause (i), by redesignating clause (ii) as clause (iii), and by inserting after clause (i) the following new clause:

“(ii) the sale of any agreement vessel or fishing permit retired through the fish-

1 ing capacity reduction program under sec-
 2 tion 312(b) of the Magnuson-Stevens Fish-
 3 ery Conservation and Management Act (16
 4 U.S.C. 1861a(b)), or”.

5 (3) CERTAIN QUALIFIED WITHDRAWALS TREAT-
 6 ED AS WITHDRAWN FROM THE CAPITAL ACCOUNT.—
 7 Section 7718(d)(2)(B) of such Code is amended by
 8 adding at the end “unless such portion represents
 9 gain from a sale described in subsection (a)(1)(C)(ii)
 10 and is withdrawn for any purpose provided under
 11 subparagraph (D), (E), or (F) of subsection
 12 (e)(1),”.

13 (4) SECRETARY TO ENSURE RETIREMENT OF
 14 VESSELS AND PERMITS.—The Secretary of the
 15 Treasury by regulation shall establish procedures to
 16 ensure that any person making a qualified with-
 17 drawal authorized by section 7518(e)(1)(F) of the
 18 Internal Revenue Code of 1986 retires the related
 19 commercial use of fishing vessels and commercial
 20 fishery permits referred to therein.

21 (d) EFFECTIVE DATE.—The amendments made by
 22 this section shall apply to withdrawals made after the date
 23 of enactment of this Act.

○

LEGISLATIVE COMMITTEE REPORT

The Legislative Committee (Committee) met March 7, 2005. The Committee discussed congressional and legislative-related matters including reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), and Senate Bill 343 the Capitol Construction Fund Qualified Withdrawal Act of 2005, and reviewed a letter from U.S. Senator Gordon Smith (R, OR) to U.S. Senator Richard Lugar (R, ID) relative to the agreement between the United States and Canada on Pacific whiting.

Acting on a request from the office of U.S. Senator Ron Wyden (D, OR), the Committee reviewed S. 343 (Exhibit B.4.a, Supplemental Attachment 3). Senator Wyden recently introduced the bill with the stated purpose of revising the qualified withdrawals from the Capitol Construction Fund (CCF) for fisherman leaving the fishery and for the rollover of such funds into individual retirement plans, and other purposes. S. 343 also includes provisions for qualified withdrawals for the purchase of vessel monitoring systems as safety improvements, the payment of fees associated with a capacity reduction program, and for purchase or construction of fishing gear designed to minimize or avoid bycatch. Additionally, S. 343 includes language relative to proceeds from the sale of vessels or permits under a capacity reduction program to the determination of the CCF deposit ceiling.

The Committee reiterated their support for work on the CCF and had the following suggestions relative to S. 343:

- Further define the prohibited uses of a vessel retired pursuant to this program similar to the recent capacity reduction program in the West Coast groundfish trawl fishery.
- Clarify the tax ramifications for withdrawal of CCF funds by individuals who retire vessels under a capacity reduction program.
- Add management and enforcement improvements as qualified withdrawals, as well as the purchase of vessel monitoring systems with CCF withdrawals.
- Add gear modifications for habitat protection, as well as bycatch avoidance as a qualified withdrawals.
- Clarify the mechanism for determining the deposit ceiling relative to proceeds from capacity reduction programs.

The Committee discussed the potential for new legislation in 2005 to reauthorize the MSA. Dr. Donald McIsaac reported that there is considerable interest in Congress to address this matter in 2005, and Pacific Fishery Management Council (Council) input has been requested by U.S. Senators Ted Stevens (R, AK), Daniel Inoye (D, HI), Gordon Smith (R, OR), Olympia Snowe (R, ME), and U.S. Representative Wayne Gilchrest (R, MD). Reauthorization of MSA is likely to be a key topic at two upcoming forums, *Managing Our Nations Fisheries II, Focus on the Future* in Washington D.C., March 24-25, 2005 and the *2005 Council Chairs' and Executive Directors' Meeting* in Dana Point, California, April 25-29, 2005. The Committee identified a variety of reauthorization issues and directed staff to draft a list issues for Council consideration. To promote the development of a Council position, Dr. McIsaac recommended the Council review and augment the draft list in Attachment 1 now, and plan to adopt complete Council recommendations and priorities at the April meeting. The Council may also wish to review its previous comments to Representative Gilchrest.

Dr. McIsaac informed the committee that a request from Senator Wyden's staff has been made to the Council relative to funding estimates associated with the requirements of a vessel monitoring system (VMS). Dr. Steve Freese provided a preliminary cost estimate of 3.5 to 4 million dollars. This preliminary estimate covers costs associated with VMS equipment purchase and installation for the existing monitoring program for the groundfish limited entry sectors as well as potential expansion of the program to the open access sector. Other costs such as maintenance and air time for transmissions are not included at this time. The Committee was informed that no federal funding of VMS requirements has been identified. The Committee recommends the Council and NMFS continue to pursue and refine funding estimates.

Finally, the Committee recommends that the Council direct staff to send invitations to regional Congressional representatives to the April 4-8, 2005 Council meeting in Tacoma, Washington.

Committee Recommendations:

- 1. Provide Council recommendations on Senate Bill 343, Capitol Construction Fund Qualified Withdrawal Act of 2005, to Senator Wyden's office, as requested.**
- 2. Review and revise a draft list of Council issues relative to reauthorization of the MSA and prepare for final Council recommendations on this matter at the April meeting.**
- 3. Continue to pursue and refine funding estimates for VMS programs as requested by Senator Wyden's office.**
- 4. Extend invitations to the regional congressional representatives for the April meeting.**

Magnuson-Stevens Act Reauthorization Issues
Pacific Council Prioritization and positions

Issue	Priority Cluster (A, B, or C)	Position
Allowance for Individual Quota Program		
Science Utilization/Separation Process		
NEPA inclusion		
Ecosystem Management		
Ecosystem Governance Councils		
Funding Security for RFMCs		
Preparation of overcapitalization reports		
Council concurrence on buyout programs		
Buyout vessels surrender all U.S. fishing permits		
Improved recreational fishery data collection		
Collecting processor economic data		
Definitions of 'overfished' and 'overfishing'		
Observer programs		
Review of rebuilding requirements		
Bycatch reduction gear development		
Charitable donation of bycatch		
EFH research and HAPC definitions		
Issues from Pew and U.S. Oceans Commissions		
Changes in representation of appointed seats		
Addition of Environmental NGO seat		
Requirement for Governors to submit balanced list		
Definitions of bycatch and retained incidental catch		
EFH 5-year review requirement		
Landed catch observer requirements		

LEGISLATIVE MATTERS

The Legislative Committee will meet Monday, March 7 to review federal legislative issues.

The 109th Congress is currently in session. It is anticipated that reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) will be addressed in this Congress in 2005. Reauthorization of the MSA will likely be discussed at two important fisheries management forums; *Managing Our Nations Fisheries II, Focus on the Future* in Washington D.C., March 24-25, 2005 and the *2005 Council Chairs' and Executive Directors' Meeting* in Dana Point, California, April 25-29, 2005. The Council and its Legislative Committee will review the current status of MSA reauthorization and discuss Council participation this important process. Key issues of interest to the Council that were addressed in previous versions of draft reauthorization legislation include individual quota programs, ecosystem based management approaches, species rebuilding schedules, and overfishing. Several bills in recent years have addressed MSA reauthorization in full or by specific issue. Agenda Item B.4.a, Attachment 1, is a discussion draft of a bill in the House of Representatives by United States Representative Wayne T. Gilchrest (R-Maryland-1st) and provides comprehensive legislative language from which 2005 congressional activity relative to MSA reauthorization may develop.

The agreement between the United States and Canada on Pacific whiting is awaiting congressional approval. Agenda Item B.4.a, Attachment 2 is a letter from U.S. Senator Gordon Smith to U.S. Senator Richard Lugar, Chairman of the Senate Foreign Relations Committee, requesting expedited attention to this matter to allow Congress time to consider legislation necessary to enact the agreement prior to the start of the 2006 fishery.

The Legislative Committee will provide a summary report to the Council.

Council Action:

Consider Recommendations of the Legislative Committee.

Reference Materials:

1. Agenda Item B.4.a, Attachment 1: Discussion draft of an MSA reauthorization bill in the House of Representatives by United States Representative Wayne T. Gilchrest.
2. Agenda Item B.4.a, Attachment 2: February 16, 2005 letter from United States Senator Gordon H. Smith to United States Senator Richard G. Lugar regarding the Pacific whiting agreement between the United States and Canada.

Agenda Order:

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

Mike Burner
Dave Hanson

PFMC
02/22/05

REPORT OF THE BUDGET COMMITTEE

The Budget Committee met on March 7, 2005 and received the Executive Director's Budget Report from Dr. Donald McIsaac. The report included the status of current grants and contracts and budget recommendations for 2005. The following Budget Committee members were present:

Mr. James Harp, Chairman
Mr. Donald K. Hansen
Dr. David Hanson

Mr. Jerry Mallet
Dr. Steve Freese and Mr. Mark Helvey

Status of 2004 Expenditures

Dr. McIsaac reported 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 expected to fully exhaust the calendar year (CY) 2004 budget (\$3,213,386), pending final receipt and accounting of all remaining bills. This expectation includes the transfer of \$109,000 in funds dedicated to the groundfish trawl individual quota (TIQ) environmental impact statement (EIS) from the 2004 budget to the 2005 budget. Projections last November indicated the possibility of a small positive balance at year's end after the transfer. Any savings from 2004 will be made available for 2005.

Funding for 2005

Dr. McIsaac reported a significant reduction in Pacific Council funding for 2005 as follows:

2004 Budget

Base Funding	\$2,178,048
Supplemental Funding	\$1,035,338
Total	\$3,213,386

2005 Budget (funds available as of March 2005)

Base Funding	\$ 2,170,066
Supplemental Funding	\$821,405 ^{a/}
Total	\$ 2,991,471

Budget Difference \$-221,915

a/ Includes transfer of \$109,000 from 2004 groundfish TIQ funding to 2005 budget.

Dr. McIsaac also presented an email outlining the receipt of recent supplemental funding in the amount of \$68,571 as the Pacific Council's share of a distribution from NMFS Headquarters to

the regional councils and \$200,000 from the two West Coast NMFS Regions. The email outlined the priorities identified for the funding. These include continuation of expanded efforts for National Environmental Policy Act (NEPA) compliance, resumption of highly migratory species management activities, support of current administrative activity, continuation of activity at the current level on the EFH EIS and Amendment 18 (bycatch), and limited support for the groundfish TIQ EIS effort and Council information and outreach capabilities. Dr. McIsaac provided the committee with proposed 2005 budget scenarios based on those priorities and the available funding.

Fiscal Year 2006 Outlook

Dr. McIsaac stated the current line item funding (status quo) for all regional councils is \$15 million. The President's 2006 budget recommendation is for an increase to \$17.5 million for the regional councils of which \$1 million is earmarked for a competitive grant process between all the councils to work on individual quota measures. Status quo base funding would provide a little less than \$2.2 million for the Pacific Council in 2006. The Council's share of \$16.5 million would be a little less than \$2.4 million. Determination of the final Congressional budget, any potential supplemental funding associated with reauthorization of the Magnuson-Stevens Act, or NMFS discretionary allocations will not be known until late in the year.

Budget Committee Deliberations and Recommendations

The Budget Committee discussed the priorities outlined for the additional \$268,571 in Dr. McIsaac's email and two proposed budget scenario's for incorporating those priorities in the 2005 operational budget. Mr. Donald Hansen moved, and Dr. Dave Hanson seconded, a motion to recommend the Council adopt Budget Scenario #2 for 2005.

Budget Scenario #2 results in the following budget reductions for CY 2005:

- Leaving unfilled the Groundfish Staff Officer position recently vacated by resignation (a reduction of 12 months).
- Termination as of May 31, 2005 of the second Economist Staff Officer position (a reduction of 7 months).
- A reduction of 7.5 months in 2005 for the Associate Staff Officer position.
- A reduction of approximately 5% in the contract funding supplied to Washington, Oregon, and California.
- A reduction in travel, services, and supplies appropriate to the personnel cuts and changes in scheduled meetings.

Under Scenario #2, the Council will retain the NEPA Specialist position and the Administrative Assistant position.

Listed below is information in response to a request for a categorical description of reductions associated with the differences between the 2004 and 2005 total funding levels.

• Council staff wages and benefits	\$	-171,769
• Travel, supplies, and services	\$	-33,033
○ Travel reductions include: Council staff; International Pacific Halibut annual meeting; and various ad hoc committee and TIQ meetings.		
○ Supplies and services reductions include: printing, postage, office supplies, and training.		
• Contract funding for Washington, Oregon, and California at 5% over pre-supplemental funding levels.	\$	-17,113
• Total Reductions	\$	-221,915

PFMC
03/11/04

FISCAL MATTERS

The Council's Budget Committee will meet on Monday, March 7, 2005 at 9:30 A.M. to consider budget issues as outlined in Ancillary F, Budget Committee Agenda.

The Budget Committee's report will be provided to the Council for review and approval on Friday, March 11.

Council Action: Consider recommendations of the Budget Committee.

Reference Materials:

1. Agenda Item B.5.b, Supplemental Budget Committee Report.

Agenda Order:

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

John Coon
Jim Harp

PFMC
02/11/05

APPOINTMENTS TO ADVISORY BODIES, STANDING COMMITTEES,
AND OTHER FORUMS

This agenda item includes the following appointments:

- Oregon Department of Fish and Wildlife has requested Ms. Gway Rogers-Kirchner replace Ms. Cyreis Schmitt on the Groundfish Management Team.
- National Marine Fisheries Service (NMFS) Northwest Region has requested Ms. Carrie Nordeen replace Ms. Jamie Goen on the Groundfish Management Team.
- NMFS Southwest Fisheries Science Center has requested Dr. John Field replace Dr. Xi He on the Groundfish Management Team.
- NMFS Southwest Fisheries Science Center has requested Ms. Elizabeth Petras replace Ms. Susan Smith on the Highly Migratory Species Management Team (HMSMT).

As of the briefing book deadline, Council staff has received no nominations for the following advertised vacancies:

- One vacancy for the Washington Coast Tribal representative on the Salmon Advisory Subpanel (SAS).
- One vacancy for the Conservation Group representative on the Coastal Pelagic Species Advisory Subpanel (CPSAS).

Council staff readvertised for the following Advisory Body vacancy with a nomination deadline of March 15, 2005:

- One vacancy on the Ad Hoc Allocation Committee for a non-voting advisor to represent the conservation community.

Appointments to the Ad Hoc Allocation Committee advisor positions are expected to serve as needed while the Council develops inter-sector allocation alternatives associated with a possible groundfish trawl individual quota program.

Council Action:

- 1. Appoint new members as appropriate**
- 2. Provide direction for remaining vacancies.**

Reference Materials:

None.

Agenda Order:

- a. Agenda Item Overview
- b. **Council Action:** Appoint New Members As Necessary

Chuck Tracy

PFMC
02/23/05

Proposed Preliminary Three Meeting Outlook for the Pacific Council
(All Candidate Agenda Items Listed; Shaded Items are Contingent)

April Tacoma, WA 4/4/05	June Foster City, CA 6/13/05	September Portland, OR 9/12-16/05
<u>Coastal Pelagic Species</u> NMFS Report FMP Amend. 11: Preliminary Consideration of Sardine Allocation Alts. for Public Review	<u>Coastal Pelagic Species</u> NMFS Report--CPS Fishery Update FMP Amend.11: Sardine Alloc.-- Adopt Final Recommendations for Implementation Pac. Mackerel Har. Guideline -- Adopt 2005/2006 HG Krill Amendment: Consider Prelim Alt. For Analysis EFH Review	<u>Coastal Pelagic Species</u> Krill Amendment: Adopt Prelim Alt. For Analysis and Public Review (final action in November)
<u>Enforcement Issues</u> U.S. Coast Guard Fishery Enforcement Report	<u>Enforcement Issues</u>	<u>Enforcement Issues</u>
<u>Groundfish</u> NMFS Report 2005 Inseason Management Inseason Mgmt Response Policy: Adopt Final	<u>Groundfish</u> NMFS Report 2005 Inseason Management (2 Sessions) Open Access Observer Model: Review & Approve IQ EIS - Approve Range of Alts. For Prelim DEIS Bycatch Amendment 18: Adopt Alts. For Public Rev EFH EIS: Adopt Final Preferred Alternatives Monitoring of Shoreside Whiting Fishery EA -- Adopt Preferred Alternative for Public Review Stock Assessment (SA) Review: Adopt SA's for cowcod, English Sole, petrale sole, starry flounder, CA scorpionfish, & Kelp Greenling [other stocks with STAR in May may be ready for approval, or delayed to Sept--cabezon, gopher rockfish, POP, darkblotched, & blackgill rockfish]	<u>Groundfish</u> NMFS Report 2005 Inseason Mgmt Bycatch Amendment 18: Adopt Final Monitoring of Shoreside Whiting Fishery EA -- Adopt Final SA Review: Adopt SA's for sablefish, dover sole, shortspine & longspine thornyhead, canary, bocaccio, vermillion, lingcod, widow, yelloweye, & yellowtail
VMS: Adopt Preferred Expansion Alternative	Rebuilding Plan Analytical Review Terms of Ref.: Rebuilding Plan Revision Rules: Guidance on Policy Final Adoption Development	Rebuilding Plan Revision Rules: Adopt Policy Alternatives (final adoption in Nov.) Annual Spx Mgmt Sched: Adopt for 2007-08
WDFW Proposed 2006 Spiny Dogfish Fishery: Adopt for Public Review	WDFW 2006 Spiny Dogfish Fishery: Adopt Final Alternative Mgmt Approaches: Planning	
<u>Habitat Issues</u> Habitat Committee Report (including Klamath & flow issues)	<u>Habitat Issues</u> Habitat Committee Report	<u>Habitat Issues</u> Habitat Committee Report
<u>Highly Migratory Species</u>	<u>Highly Migratory Species</u>	<u>Highly Migratory Species</u>

Proposed Preliminary Three Meeting Outlook for the Pacific Council

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

April Tacoma, WA 4/4/05	June Foster City, CA 6/13/05	September Portland, OR 9/12-16/05
NMFS Rpt--Including Observer Protocol Bigeye Tuna Overfishing Response: Preliminary Strategy (need for Amendment?)	EFP Applications: Rev. & Make Recommendations Bigeye Tuna Overfishing Response: Next Steps Update on Status of Fisheries & Prelim SAFE Rpt High Seas Longline Amendment (Turtle Protection, Limited Entry; et al.): Next Steps	Bigeye Tuna Overfishing Response: Next Steps Review Final SAFE Rpt (propose harvest levels & mgmt measures, if nec.--final action in Nov)
<u>Marine Protected Areas</u> CINMS: Adopt Final Comments on Designation Doc & Consultation Letter Cordell Bank, Gulf of Farallones, & Monterey Bay NMS's: Consider Draft Designation Doc Comments & Proposed NMS Fish Regs Olympic Marine Sanctuary Mgmt. Plan Review Status Rpt	<u>Marine Protected Areas</u> Update on other MPA Issues Cordell Bank, Gulf of Farallones, & Monterey Bay NMS's: Adopt Final Designation Doc Comments & Proposed NMS Fish Regs	<u>Marine Protected Areas</u>
<u>Pacific Halibut</u> Adopt Final Incidental Catch Regs for 2005	<u>Pacific Halibut</u>	<u>Pacific Halibut</u> Fishery Update--Info Rpt Proposed Changes to CSP in 2006 for Pub Rev Review Halibut Bycatch Estimate
<u>Salmon</u> 2005 Management Options: Final Adoption 2005 Methodology Review: Establish Process & Preliminary Priorities Identify Stocks not Meeting Conserv. Objectives Update on EFH Review Process Disaster Relief Declaration	<u>Salmon</u> MEW Update EFH Review Process: Next Steps	<u>Salmon</u> Fishery Update--Info Rpt 2005 Methodology Review: Establish Final Prioritization and Schedule EFH Review Process: Next Steps
<u>Administrative</u> Report on Managing Our Fisheries II Conf Legislative Committee Report Interim Appointments 3 Mtg Outlook, Draft June Agenda, Workload	<u>Administrative</u> Legislative Committee Report Budget Committee Report Interim Appointments 3 Mtg Outlook, Draft September Agenda, Workload Communication Plan next steps Regulatory Steamlining Program Update	<u>Administrative</u> Legislative Committee Report Budget Committee Report Interim Appointments 3 Mtg Outlook, Draft November Agenda, Workload
<u>Special Monday Joint Sessions</u> Salmon Ocean Ecology Oregon Ocean Film?; Whiting monitoring? Rebuilding Plan Revision Rule Policy?	<u>Special Monday Joint Sessions</u> Ocean Regime Shift	<u>Special Monday Joint Sessions</u>

DRAFT APRIL COUNCIL MEETING AGENDA, APRIL 4-8, 2005, TACOMA, WA

					ANCILLARY MEETING SCHEDULE		
AG#	TIME	AGENDA TOPICS/COMMENTS	COUNCIL TASK	ADVISORY BODY PRIORITY 1/	Day/Group	Start Time	Continuing Through
		SPECIAL SESSIONS					
		Monday: 1:00 P.M.--Salmon Ocean Ecology [confirmed with presenters]					
		7:00 P.M.--EFH EIS Review and Public Comment--NMFS & States					
		Tuesday: 7:00 P.M.--Whiting EFPs and Video Monitoring Briefing--NMFS					
		MONDAY, APRIL 4 - 8:00 am			MONDAY:		
		<i>Ancillary Meetings - see Ancillary Schedule</i>			A. GAP	8:00 AM	Thur.
					B. GMT	8:00 AM	Thur.
					C. SAS	8:00 AM	Fri.
					D. STT	8:00 AM	Fri.
					E. SSC	8:00 AM	Tue.
					F. HC	10:00 AM	Mon.
				HC, SAS, STT, SSC	G. Legislative	10:30 AM	Mon.
					Chair's Briefing	1:30 PM	Mon.
					H. EC	4:30 PM	Fri.
CLS	1.00	Closed Session Agenda: Personnel & Litigation--3:30 pm					
		Advisory Body Issues - Interim Appointments	Info	SSC			
		Litigation Status (E. Cooney)	Info				
A.	0.25	General Session Call to Order - 4:30 pm					
1-3		Opening, Roll Call, ED Rpt	Info				
4		Approve Agenda	Decision				
B		Groundfish Mgmt					
1	0.50	Vermillion Rockfish: Consider need for Assessment	Decision	SSC, GMT, GAP			
	1.75						
		TUESDAY, APRIL 5 - 8:00 am			TUESDAY:		
					I. CPSMT	1:00 PM	Wed.
					CPSAS	1:00 P.M.	
C.		Salmon Mgmt					
1	0.50	Identify Stocks not meeting their Conservation Objective	Decision	STT; SAS; SSC	GAP, GMT, SSC, EC; SAS; STT continue		
2	2.50	Tentative Adoption of 2005 Ocean Salmon Mgmt Measures for Analysis	Action	SAS; STT; EC			
D.		Pacific Halibut Mgmt					
1	0.75	Incidental Catch Regs in Salmon Troll & Sablefish Fisheries: Adopt Final Regulation Recommendations	Action	GAP; SAS			
E.		Habitat					
1	0.50	Habitat Committee Rpt	Decision	HC			
B.		Groundfish Mgmt					
2	2.00	Inseason Mgmt Response Policy: Adopt Final Policy	Decision	GMT; GAP; EC			
	0.50	4 pm Public Comment Period	Info				
	6.75						

DRAFT APRIL COUNCIL MEETING AGENDA, APRIL 4-8, 2005, TACOMA, WA

				ANCILLARY MEETING SCHEDULE		
AG#	TIME	AGENDA TOPICS/COMMENTS	COUNCIL TASK	ADVISORY BODY PRIORITY 1/	Day/Group	Continuing Start Time Through
WEDNESDAY, APRIL 6 - 8 am					WEDNESDAY:	
					J. CPSAS	9:00 AM Wed.
C.		Salmon Mgmt (continued)			CPSMT, GMT, GAP, EC, SAS, STT continue	
3	0.75	Methodology Review Process: Adopt Potential Methodologies to be Reviewed In 2005	Decision	MEW; SSC; STT; SAS		
4	0.75	Update on EFH Review Process	Decision	HC; STT; SAS		
B.		Groundfish Mgmt (continued)				
3	1.00	NMFS Rpt (Region and Science Center)-including Logbook Rpt	Info	GMT; GAP; EC		
4	0.75	Rebuilding Plan Analytical Review Terms of Reference: Final Adoption	Decision	SSC; GMT; GAP		
5	2.00	VMS Implementation: Adopt Preferred Expansion Alternative	Action	GMT; GAP; EC		
6	2.00	Inseason Adjustments: First Cut at Adopting Appropriate Changes	Action	GMT; GAP; EC		
C.		Salmon Mgmt (continued)				
5	1.00	Clarify Council direction on 2005 Mgmt Measures (If Nec.)	Guidance	STT; SAS		
	8.25					
THURSDAY, APRIL 7 - 8 am					THURSDAY:	
					GAP, GMT, EC, SAS, STT continue	
F.		Coastal Pelagic Species Mgmt				
1	0.75	NMFS Rpt, including Science Center Rpt & fishery update)	Info	CPSAS; CPSMT		
2	2.00	FMP Amendment 11--Adopt a Range of Sardine Allocation Alternatives for Public Review	Decision	CPSAS; CPSMT		
G.		Marine Protected Areas				
1	2.00	National Marine Sanctuary (NMS) Issues for Channel Islands, Cordell Bank, Gulf of Farallones, and Monterey Bay NMSs Concerning Adoption of Designation Document Comments and Proposed NMS Regulations	Decision	All		
B		Groundfish Mgmt (continued)				
7	1.50	Inseason Adjustments: Adopt Final Appropriate Changes (if Nec.)	Action	GMT; GAP; EC		
C.		Salmon Mgmt (continued)				
6	2.50	Management Measures for 2005: Final Adoption	Action	STT; SAS; EC		
	8.75					

DRAFT APRIL COUNCIL MEETING AGENDA, APRIL 4-8, 2005, TACOMA, WA

			COUNCIL TASK	ADVISORY BODY PRIORITY 1/	ANCILLARY MEETING SCHEDULE		
AG#	TIME	AGENDA TOPICS/COMMENTS			Day/Group	Start Time	Continuing Through
FRIDAY, APRIL 8 - 8 am					FRIDAY:		
					EC, SAS, STT as necessary		
H.		Enforcement Issues					
1	1.00	US Coast Guard Fishery Enforcement Rpt	Info	EC			
I.		Highly Migratory Species Management					
1	0.50	NMFS Rpt--Region & Science Center--Including Observer Protocol	Info	HMSAS; HMSMT			
2	0.75	Bigeye Tuna Overfishing Response: Prelim. Development of Strategy	Decision	HMSAS; HMSMT			
3	0.50	Planning for FMP Implementation	Guidance	HMSAS; HMSMT			
B.		Groundfish Mgmt (continued)					
8	1.00	Consider Setting Control Date for Longline Dogfish Fishery	Decision	GMT; GAP; EC			
J.		Administrative Matters (Continued)					
1	0.75	Report on "Managing Our Fisheries II" Conference	Info				
2	0.75	Legislative Matters	Guidance				
3	0.25	Interim Appointments to Adv. Bodies, Standing Com., & Other Forums	Decision				
4	1.00	3 Mtg Outlook, Draft June Agenda, & Workload Priorities	Guidance	GMT; GAP; & as nec			
C.		Salmon Mgmt (continued)					
7	0.50	Clarify Final Action on Salmon Mgmt Measures (If Nec.)	Action	STT; SAS; EC			
	7.00						

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

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

1	1	Info		
2	2	Info		
3	3	Info		
4	4	Info		

- **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:	2/25
Public Meeting Notice Mailed:	3/14
FR Meeting Notice transmitted:	3/11
Final day to receive public comments for placement in BB:	COB 3/16
Final deadline to submit all BB materials:	COB 3/16
Final deadline to submit cover memos for Ancillary Meetings:	COB 3/17
Briefing Book Mailing:	COB 3/24
Final deadline to receive public comments for distribution to Council on first day of mtg:	COB 3/29

WASHINGTON DEPARTMENT OF FISH AND WILDLIFE
REPORT ON THREE-MEETING OUTLOOK AND APRIL AGENDA

As discussed at the Pacific Council=s June and November 2004 meetings, the Washington Department of Fish and Wildlife (WDFW) is proposing that the 100-fm nontrawl rockfish conservation area (RCA) boundary (north of 40E10' N latitude) be modified to provide for targeted fishing on spiny dogfish by limited entry longline vessels. WDFW is proposing that two discrete areas off the northern Washington coast, which are contiguous with the 100-fm isobath, be provided through an RCA modification from February through May each year, beginning in 2006. (This approach is analogous to providing the Apetrale spots@ in periods 1 and 6 for the limited-entry trawl fishery.) It is our understanding that consideration of this proposal requires a two-meeting process and, in order to meet this timeline, the Council=s final action would need to occur in June 2005.

WDFW staff have drafted an Environmental Assessment (EA) to be tiered off of the 2005-2006 Groundfish Specifications Environmental Impact Statement; the draft EA is currently undergoing review by National Marine Fisheries Service and Council staff. It is anticipated that a draft will be ready for the Council=s consideration in April as the first meeting of the two-meeting process. Therefore, we request the Council include a placeholder for this consideration on its April agenda, and schedule final action for June, as part of the three-meeting outlook.

PFMC
02/22/05

APRIL 2005 COUNCIL MEETING AGENDA
AND THREE-MEETING PLAN

This agenda item requests Council guidance on the following two matters:

1. The Council three-meeting outlook.
2. The draft agenda for the next Council meeting.

Because of the short period of time between the March and April Council meetings, there is no discussion of Council staff work load priorities in this meeting. Work load priorities for the period November 8, 2004 through April 8, 2005 were set at the November 2004 Council meeting.

At this Council meeting, the Executive Director will review a draft of proposed agenda topics for the next three Council meetings and a draft agenda for the April 2005 Council meeting in Tacoma, Washington.

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. As the *Federal Register* notice for the April Council meeting must be filed on March 11, the Council will also need to adopt a final agenda for the April Council meeting. During the process of adopting a final agenda, the Council should also identify priorities for advisory body consideration at the April Council meeting.

Council Action:

- 1. Provide guidance on potential agenda topics for the next three Council meetings.**
- 2. Adopt a final agenda for the April 2005 Council meeting.**
- 3. Identify priorities for advisory body consideration at the April Council meeting.**

Reference Materials:

1. Agenda Item B.7.b, WDFW Report: Washington Department of Fish and Wildlife Report on Three-Meeting Outlook and April Agenda.
2. Agenda Item B.7.a, Supplemental Attachment 1: Proposed Preliminary Three-Meeting Outlook for the Pacific Council.
3. Agenda Item B.7.a, Supplemental Attachment 2: Draft Council Meeting Agenda, April 4-8, Tacoma, Washington.

Agenda Order:

- a. Agenda Item Overview
- b. Reports and Comments of Advisory Bodies
- c. Public Comment
- d. **Council Action:** Adopt Final Agenda for the April 2005 Meeting

Don McIsaac

PFCM
02/22/05