

## FISCAL MATTERS

The Council's Budget Committee will meet on Monday, September 11, 2006 at 10:30 A.M. in the Yale Room to consider budget issues as outlined in Ancillary E, Budget Committee Agenda.

The Budget Committee's report will be provided to the Council for review and approval on Thursday, September 14.

### **Council Action:**

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

#### **Reference Materials:**

1. Agenda Item B.4.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  
Jerry Mallet

PFMC  
08/18/06

COUNCIL THREE-MEETING OUTLOOK, DRAFT NOVEMBER 2006 COUNCIL  
MEETING AGENDA, AND WORKLOAD PRIORITIES

This agenda item requests guidance on the following three matters:

1. The Council three-meeting outlook (November, March, and April).
2. The draft agenda for the November 2006 Council meeting in Del Mar, California.
3. Council staff workload priorities for September 18, 2006 through November 17, 2006.

The Council will preliminarily review items 1 and 2 above under Agenda Item B.1 on Tuesday, September 11, 2006. With the inclusion of any input gathered from that review or other Council actions during the week, the Executive Director will review supplemental proposed drafts of the three items listed above and discuss any other matters relevant to the Council meeting agendas and workload. After considering any reports and comments from advisory bodies and public, the Council is scheduled to provide appropriate guidance for final agenda development and also has the opportunity to identify priorities for advisory body consideration for the November Council meeting.

**Council Tasks:**

- 1. Provide guidance on potential agenda topics for the next three Council meetings.**
- 2. Provide guidance on the draft agenda for the November 2006 Council meeting.**
- 3. Provide guidance on priorities for Council workload management between the September and November Council meetings.**
- 4. Identify priorities for advisory body consideration at the next Council meeting.**

**Reference Materials:**

1. Agenda Item B.7.a, Supplemental Attachment 1: Proposed Preliminary Three-Meeting Outlook for the Pacific Council.
2. Agenda Item B.7.a, Supplemental Attachment 2: Preliminary Draft Council Meeting Agenda, November 12-17, 2006, Del Mar, California.
3. Agenda Item B.7.a, Supplemental Attachment 3: Council Workload Priorities September 18, 2006 through November 17, 2006.

**Agenda Order:**

- a. Agenda Item Overview
- b. Reports and Comments of Advisory Bodies
- c. Public Comment
- d. Council Guidance on Three Meeting Outlook, November Council Agenda, Council Staff Workload, and Priorities for Advisory Body Consideration

Don McIsaac

PFCMC  
08/17/06

## FUTURE COUNCIL MEETING AGENDA PLANNING

The primary purpose of this agenda item is to provide initial information to Council Members early in the Council meeting to facilitate planning for future meeting agendas.

The Executive Director will review initial drafts of the three-meeting outlook and the September Council meeting agenda, and respond to any questions the Council may have regarding these initial planning documents. While this agenda item is essentially informational in nature, after hearing any reports and comments from advisory bodies or the public, the Council may wish to provide guidance to the staff on any preparations for Agenda Item B.7 at which time final consideration of the draft November agenda is scheduled.

The proposed November agenda tries to maintain Monday free for advisory body deliberations.

### **Council Tasks:**

- 1. Receive information on potential agenda topics for the next three Council meetings.**
- 2. Receive information on an initial draft agenda for the November Council meeting.**
- 3. Provide guidance on the development of materials for Agenda Item B.7 (November agenda and three-meeting outlook).**

### **Reference Materials:**

1. Agenda Item B.1.a, Attachment 1: Preliminary Draft Three-Meeting Outlook for the Pacific Council.
2. Agenda Item B.1.a, Attachment 2: Preliminary Draft November Council Meeting Agenda, November 12-17, 2006 in Del Mar, California.
3. Agenda Item B.1.a, Attachment 3: NMFS abstract "Ecosystem Productivity Off the U.S. West Coast During 2006." A potential November Council Meeting Agenda Item.
4. Agenda Item B.1.b, HMSMT Report: Highly Migratory Species Management Team Report on Three-Meeting Outlook, Draft November 2006 Council Meeting Agenda, and Workload Priorities
5. Agenda Item B.1.c, Public Comment: Email from Rod Fujita, Ph.D., Environmental Defense.

### **Agenda Order:**

- a. Agenda Item Overview
- b. Reports and Comments of Advisory Bodies
- c. Public Comment
- d. Council Discussion of Future Council Meeting Agenda Topics

Don McIsaac

## Preliminary Three Meeting Outlook for the Pacific Council (Contingent Items are Shaded and Counted in Time Estimate)

<b>November</b> Del Mar, CA 11/12-11/17/06 Estimated Percent of Standard Floor Time = 133%	<b>March</b> Sacramento, CA 3/4-3/9/2007 Estimated Percent of Standard Floor Time = 105%	<b>April</b> Seattle, WA 4/1-4/6/2007 Estimated Percent of Standard Floor Time = 77%
<b><u>Administrative</u></b> Closed Session; Open Session Call to Order; Min. Legislative Committee Report Fiscal Matters Appointments to Adv. Bodies for 2007-2009 Term: Confirm Composition & Appoint Members 3 Mtg Outlook, Draft March Agenda, Workload Public Comment on Non-Agenda Items Res. & Data Needs: Adopt Final Document Ecosystem Based Fishery Mgmt Planning	<b><u>Administrative</u></b> Closed Session; Open Session Call to Order; Min. Legislative Committee Report Fiscal Matters Interim Appointments to Advisory Bodies  3 Mtg Outlook, Draft April Agenda, Workload Public Comment on Non-Agenda Items	<b><u>Administrative</u></b> Closed Session; Open Session Call to Order; Min. Legislative Committee Report  Interim Appointments to Advisory Bodies  3 Mtg Outlook, Final November Agenda, Workload Public Comment on Non-Agenda Items
<b><u>Coastal Pelagic Species</u></b> Pac. Sardine Stock Assessment & HG for 2007: Adopt Final	<b><u>Coastal Pelagic Species</u></b> NMFS Rpt Pacific Mackerel: Consider Need for Mop-up Fishery	<b><u>Coastal Pelagic Species</u></b>
<b><u>Enforcement Issues</u></b> State Activity Rpt--CDFG	<b><u>Enforcement Issues</u></b> USCG Annual Fishery Enforcement Report	<b><u>Enforcement Issues</u></b>
<b><u>Groundfish</u></b> NMFS Report 2006 Inseason Mgmt (2 Sessions)  Groundfish Bycatch Work plan: Approve Final Open Access Limitation: Next Steps  Whiting Monitoring (Amend. 10): Adopt Final Preferred Alt. Trawl IQ: Status Rpt Intersector Allocation EIS: Adopt Alts. for Prelim. Analysis EFPs for 2007: Final Recommendations for Approval to NMFS FMP A-15 (AFA): Next Steps?	<b><u>Groundfish</u></b> NMFS Report 2006 Inseason Management (1 Session) Pac. Whiting: Adopt Final 2007 Spx & Mgmt Measures  Trawl IQ: Progress Rpt Intersector Allocation EIS: Refinement of Preliminary Alts.	<b><u>Groundfish</u></b> NMFS Report 2007 Inseason Management (2 Sessions)  Trawl IQ: Progress Rpt Intersector Allocation EIS: Refinement of Preliminary Alts.
<b><u>Habitat Issues</u></b> Habitat Committee Report	<b><u>Habitat Issues</u></b> Habitat Committee Report	<b><u>Habitat Issues</u></b> Habitat Committee Report



## Preliminary Three Meeting Outlook for the Pacific Council (Contingent Items are Shaded and Counted in Time Estimate)

<b>November</b> Del Mar, CA 11/12-11/17/06 Estimated Percent of Standard Floor Time = 133%	<b>March</b> Sacramento, CA 3/4-3/9/2007 Estimated Percent of Standard Floor Time = 105%	<b>April</b> Seattle, WA 4/1-4/6/2007 Estimated Percent of Standard Floor Time = 77%
<b><u>Highly Migratory Species</u></b> NMFS Rpt Routine Mgmt Measures: Adopt Final Changes FMP Amendment 1 (Bigeye OF Response): Adopt Final Alt. EFPs for 2007: Consider Continuation of Drift Gillnet EFP in 2007 & Approve Longline EFP Alts. for Public Review Reference Points for OF Determinations: Preliminary Rev	<b><u>Highly Migratory Species</u></b> NMFS Rpt  EFPs for 2007: Approve DGN Alts. & EA for Pub Review & Adopt Final Preferred Alt. for Longline EFP Reference Points for OF Determinations: Refine	<b><u>Highly Migratory Species</u></b> NMFS Rpt  EFPs for 2007: Adopt Preferred Alt. for DGN EFP
<b><u>Marine Protected Areas</u></b>	<b><u>Marine Protected Areas</u></b>	<b><u>Marine Protected Areas</u></b>
<b><u>Pacific Halibut</u></b> Proposed Changes to CSP & 2007 Ann. Regs.: Adopt Final	<b><u>Pacific Halibut</u></b> Rpt on IPHC Annual Mtg Incidental Catch Regs for 2007: Adopt Options for Public Rev	<b><u>Pacific Halibut</u></b>  Incidental Catch Regs for 2007: Adopt Final
<b><u>Salmon</u></b> Preseason Mgmt Sch for 2007: Approve Sch & Hearing Sites 2006 Methodology Review: Approve Changes for 2007  FMP Amend. 15 ( <i>de minimus</i> Fisheries): Adopt Final Preferred Alternative Klamath Basin Disease Issues: Briefing	<b><u>Salmon</u></b> 2007 Mgmt Options: Adopt Range for Public Rev & Appt. Hearings Officers Inseason Mgmt: Review and Consider Recommending any Necessary Inseason Mgmt Changes Identify Stocks not Meeting Conserv. Objectives Mass Marking & CWT Information Briefing	<b><u>Salmon</u></b> 2007 Management Options: Final Adoption 2007 Methodology Review: Establish Process & Preliminary Priorities
<b><u>Information Reports</u></b> Salmon Fishery Update HMS Safe Rpt	<b><u>Information Reports</u></b>	<b><u>Information Reports</u></b>
<b><u>Special Sessions</u></b> Ecosystem Productivity off the U.S. West Coast in 2006 (Monday, Nov. 13)	<b><u>Special Sessions</u></b>	<b><u>Special Sessions</u></b>

**PRELIMINARY DRAFT COUNCIL MEETING AGENDA, NOVEMBER 12-17, 2006, DEL MAR, CA**

ANCILLARY MEETINGS AND COUNCIL AGENDA TOPICS		Est. Time In Hrs	ADVISORY BODY MAILINGS
<b>SUNDAY, NOVEMBER 12</b>			
<b>Ancillary Meetings</b>			
<b>A. TIQC</b>	10 am (tentative)		
<b>B. Budget</b>	3 pm through 5 pm		
<b>MONDAY, NOVEMBER 13</b>			
<b>Ancillary Meetings</b> --GMT continues			
<b>C. GAP</b>	8 am through Friday		
<b>D. GMT</b>	8 am through Friday		
<b>E. HMSAS</b>	8 am through Tuesday 10 am		
<b>F. HMSMT</b>	8 am through Tuesday 10 am (may need to share rooms with HMSAS on Monday)		
<b>G. SSC</b>	8 am through Tuesday		
<b>H. HC</b>	8 am through 5 pm		
<b>I. Legislative</b>	9 am		
Chairs Briefing	1:30 pm		
<b>J. EC</b>	5:30 pm through Friday		
<b>Special Session--7 pm:</b> Ecosystem Productivity off the U.S. West Coast in 2006			
<b>CLOSED EXECUTIVE SESSION (PERSONNEL &amp; LITIGATION) - 3 pm to 4:30 pm</b>		1.50	
Adv. Body Issues - Closed Agenda, Appointments to 3 year term & COP Changes			SSC
Litigation Status (E. Cooney)			None
<b>GENERAL SESSION - 4:30 pm to 5:30 pm</b>			
<b>A. Call to Order</b>		0.50	
A.1-3 Opening, Roll Call, ED Rpt--Swearing in of David Sones			
A.4 Approve Final Agenda			
<b>Open Public Comment Period for Non-Agenda Items</b>		0.50	
		<b>2.50</b>	
<b>TUESDAY, NOVEMBER 14 - 8:00 am to 5:30 pm</b>			
<b>Ancillary Meetings</b> -- GAP, GMT, HMSAS, SSC, EC cont.			
<b>B. Administrative Matters</b>			
B.1	Future Council Meeting Agenda Planning-- <i>Discussion of Future CM Agenda Topics</i>	0.25	All
<b>C. Enforcement Issues</b>			
C.1	State Enforcement Activity Report by CDFG-- <i>Discussion</i>	1.00	All Adv. except SSC & HC
<b>D. Habitat</b>			
D.1	Current Habitat Issues-- <b>Action:</b> <i>Consider HC Recommendations</i>	0.75	HC; SAS; GAP; CPSAS
<b>E. Highly Migratory Species Mgmt</b>			
E.1	NMFS Rpt (Region & Science Ctr)--Info & Discussion	0.5	HMSAS; HMSMT
E.2	Changes to Routine Mgmt Measures-- <b>Action:</b> <i>Adopt Final Changes to Routine Mgmt Measures for Implementation in 2007-2009 Fisheries</i>	1.50	HMSAS; HMSMT; EC
E.3	EFPs-- <b>Action:</b> <i>Update on 2006 Drift Gillnet EFP &amp; Approve Longline EFP Alternatives for Public Review</i>	2.00	HMSAS; HMSMT
E.4	FMP Amendment 1 (OF Response for Bigeye Tuna)-- <b>Action:</b> <i>Adopt Final Preferred</i>	1.50	HMSAS; HMSMT
<b>F. Groundfish Mgmt</b>			
F.1	NMFS Rpt (Region & Science Center)	0.50	GMT; GAP; EC
		<b>8.00</b>	

**PRELIMINARY DRAFT COUNCIL MEETING AGENDA, NOVEMBER 12-17, 2006, DEL MAR, CA**

<b>ANCILLARY MEETINGS AND COUNCIL AGENDA TOPICS</b>	<b>Est. Time In Hrs</b>	<b>ADVISORY BODY MAILINGS</b>
<b>WEDNESDAY, NOVEMBER 15 - 8 am to 5:30 pm</b>		
<i>Ancillary Meetings</i> -- GAP, GMT, EC continue		
<b>K. SAC</b> 8 am through 6 pm		
<b>G. Coastal Pelagic Species Mgmt</b>		
G.1 Pacific Sardine Stock Assessment & Harvest Guideline (HG) for 2007/2008 Season-- <b>Action:</b> <i>Adopt Final HG</i>	1.00	CPSAS, CPSMT, SSC
<b>F. Groundfish Mgmt (continued)</b>		
F.2 Groundfish Bycatch Work Plan-- <b>Action:</b> <i>Adopt Final Plan for Implementation</i>	2.00	GMT; GAP, EC; SAS
F.3 Exempted Fishing Permits for 2007 Fisheries-- <b>Action:</b> <i>Adopt Final Recommendations</i>	1.50	GMT; GAP, EC; SAS
F.4 Consideration of Inseason Adjustments-- <b>Action:</b> <i>Preliminary or Final Recommendations for Adjustments to 2006 Fisheries</i>	2.00	GMT; GAP; EC
<b>B. Administrative Matters (continued)</b>		
B.2 Updated Research & Data Needs-- <b>Action:</b> <i>Adopt Final Recommendations</i>	1.50	All
	<b>8.00</b>	
<b>Council Member Banquet: Reception 6 pm, Dinner 7 pm</b>		
<b>THURSDAY, NOVEMBER 16 - 8 am to 5:30 pm</b>		
<i>Ancillary Meetings</i> - GAP, GMT, EC, SAC continue		
<b>L. STT</b> 8 am through 6 pm [ <b>note:</b> SAS meets via conf call prior to CM]		
<b>F. Groundfish Mgmt (continued)</b>		
F.5 Shore-based Whiting Monitoring (Amendment 10)-- <b>Action:</b> <i>Adopt Final Preferred Alternative</i>	2.00	GMT; GAP, EC; SAS
F.7 Intersector Allocation-- <b>Action:</b> <i>Adopt Conceptual Alts. for Analysis and Further Development by GAC</i>	3.00	GMT; GAP, EC; SAS
F.8 Open Access Fishery Limitation-- <i>Next Steps</i>	2.00	GMT; GAP, EC; SAS
F.9 Final Consideration of Inseason Adjustments, if Necessary-- <b>Action:</b> <i>Adopt or Confirm Final Recommendations for Adjustments to 2006 Fisheries, if Necessary</i>	1.00	GMT; GAP; EC
	<b>8.00</b>	

**PRELIMINARY DRAFT COUNCIL MEETING AGENDA, NOVEMBER 12-17, 2006, DEL MAR, CA**

<b>ANCILLARY MEETINGS AND COUNCIL AGENDA TOPICS</b>	<b>Est. Time In Hrs</b>	<b>ADVISORY BODY MAILINGS</b>
<b>FRIDAY, NOVEMBER 17 - 8 am to 5:30 pm</b>		
<b>Ancillary Meetings</b> --EC & STT continue as necessary		
<b>H. Pacific Halibut Mgmt</b>		
H.1 Proposed Changes to Catch Sharing Plan & 2007 Annual Regs.-- <b>Action:</b> <i>Adopt Final Proposed Changes for 2007</i>	0.75	STT; SAS; SSC
<b>I. Salmon Mgmt</b>		
I.1 Preseason Salmon Mgmt Schedule for 2007-- <b>Action:</b> <i>Approve 2007 Preseason Management Schedule &amp; Hearing Sites</i>	0.50	STT; SAS; SSC
I.2 Salmon Methodology Review-- <b>Action:</b> <i>Adopt Final Salmon Methodology Changes for 2007 (Include experimental design for GSI sampling)</i>	1.50	STT; SAS; SSC
I.3 FMP Amendment 15 (de minimis fisheries)-- <b>Action:</b> <i>Adopt Final Preferred Alternative for Implementation in 2007</i>	3.00	STT; SAS; SSC
<b>B. Administrative Matters (continued)</b>		
B.3 Council Meeting Minutes-- <b>Action:</b> <i>Approve June 2006 Minutes</i>	0.20	
B.4 Legislative Matters-- <b>Action:</b> <i>Consider Recommendations of the Legislative Committee</i>	0.50	
B.5 Fiscal Matters-- <b>Action:</b> <i>Consider Recommendations of the Budget Committee</i>	0.50	
B.6 Appointments to Adv. Bodies, Standing Com., & Other Forums, Including Necessary Changes to COPs-- <b>Action:</b> <i>Consider Changes to COPs, Appoint New Members &amp; Solicit Nominations as Necessary (2007-2009 Term &amp; EFH Committee)</i>	1.00	All
B.7 Three Mtg Outlook, Draft March Agenda, & Workload Priorities-- <i>Guidance on Outlook, Agenda, and Workload, Including Adv. Body Priorities</i>	0.75	All
	<b>8.70</b>	
<b>Grand Total Hours</b>	<b>35.20</b>	110%

<b>Informational Reports (available in Briefing Book, but no time scheduled on Agenda):</b>		
1 Salmon Fishery Update		All
2 HMS SAFE Doc		HMSMT
3 Draft HC and State Agency Rpts on Causes of KRFC Stock Depression (for OF Requirement)		SAS, STT, SSC

<b>Contingent Agenda Items Not Scheduled</b>		
<b>E. Highly Migratory Species Mgmt</b>		
E.4 Progress Rpt on Development of Draft Alts. for HMS Biological Reference Points-- <i>Council Discussion &amp; Guidance</i>	0.50	HMSAS; HMSMT
<b>F. Groundfish Mgmt (continued)</b>		
F.6 Trawl IQ--Discussion & Guidance--Any Further Refinement of Stage I and <i>Status Rpt on Phase II</i>	2.00	GMT; GAP, EC; SAS
F.10 FMP Amendment 15 (AFA)-- <b>Action:</b> <i>Next Steps</i>	3.00	GMT; GAP, EC; SAS
<b>H. Salmon Mgmt</b>		
H.4 Disease Issues for Klamath Basin Salmon--Discussion & Guidance	1.00	SAS; STT; EC
<b>B. Administrative Matters</b>		
B.7 Ecosystem Based Fishery Mgmt--Initial SSC & Habitat Committee Discussion Paper	1.00	
<b>Total</b>	<b>7.50</b>	

<b>Due Dates (all dates COB):</b>	
Meeting Invitation Memo Distributed:	29-Sep
Public Meeting Notice Mailed:	13-Oct
FR Meeting Notice transmitted:	20-Oct
Final day to receive public comments for placement in BB:	25-Oct
<b>Final deadline to submit all BB materials:</b>	25-Oct
Final deadline to submit cover memos for Ancillary Meetings:	27-Oct
Briefing Book Mailing:	2-Nov
Final deadline for distribution of public comments on first day of mtg:	7-Nov

## ECOSYSTEM PRODUCTIVITY OFF THE U.S. WEST COAST DURING 2006

This report summarizes the most recent observations of oceanographic and biological conditions in coastal waters off the U. S. west coast during 2006. A more complete analysis, which will include additional results from ongoing and near-future surveys, is underway. However, scientists, managers, and the media are quite interested in the unusually poor productivity of the California Current ecosystem (CCE) this year, particularly in the context of similar anomalous conditions of 2005 and the associated reproductive failure of a number of fish and sea bird species.

### **Oceanographic Background**

Coastal upwelling is the most important process for providing nutrient-rich water to surface waters in the CCE. Typically, the onset of sustained upwelling in April-May initiates the spring bloom and stimulates biological productivity. Through July 2006, coastal upwelling has been unseasonably weak off California. Coastal sea surface temperatures have been 1-4°C above normal during spring and summer, an indication of weak upwelling and low nutrient availability in surface waters. This pattern is similar to 2005, when the onset of sustained upwelling off northern California, Oregon, and Washington was delayed by several weeks and upwelling was generally weak during most of the summer. This has been implicated in the overall poor biological production of the ecosystem in 2005. Upwelling has been generally strong off Oregon and Washington in 2006, although very weak in May and June. The warm conditions in the CCE have occurred during a weak La Niña period in the equatorial Pacific; thus El Niño is not the source of the present state of the ecosystem. (Frank Schwing, POC)

### **West Coast Fisheries**

The SWFSC and PWCC/NWFSC completed a coastwide midwater trawl survey of young-of-the-year (YOY) groundfish that lasted 45 days and surveyed the entire west coast from San Diego CA to Cape Alava WA. This is the sixth consecutive year that a large-scale pre-recruit survey has been completed. Sampling during the survey, which was conducted by the R/V David Starr Jordan and the F/V Excalibur, was designed to measure the reproductive success and year-class strength of winter-spawning species of rockfish (*Sebastes spp.*), including bocaccio, widow, chilipepper, shortbelly, and canary rockfish. The 2006 survey encountered very low catches of YOY rockfishes and other groundfish (e.g., Pacific whiting and sanddabs), similar to results obtained in 2005. Although the abundance of YOY rockfish in recent surveys has been very low, the relationship of those observations to future recruitments of groundfish stocks is uncertain and is a topic of active research. A Pre-Recruit Survey Workshop will be held September 13-15<sup>th</sup> at the SWFSC Santa Cruz facility to further explore this issue.

In addition, the survey monitors interannual variability in the distribution and abundance of the epipelagic micronekton community (e.g., krill, squid, sardines, anchovies, and lanternfishes). An assemblage analysis of those data indicates that off central California the community is shifted to a more southerly/offshore set of species. Likewise, ichthyoplankton data indicate reduced (or perhaps delayed) spawning of several species (e.g., Pacific sardine and northern anchovy). Catches of market squid (*Loligo opalescens*) were also much lower than normal. Lastly, reproduction of some sea bird species in the Gulf of the Farallones, off San Francisco, is very poor. Together these observations suggest a large-scale failure in production in the CCE during the upwelling season in 2006. (Stephen Ralston, POC)

# HIGHLY MIGRATORY SPECIES MANAGEMENT TEAM REPORT ON THREE-MEETING OUTLOOK, DRAFT NOVEMBER 2006 COUNCIL MEETING AGENDA, AND WORKLOAD PRIORITIES

At the Highly Migratory Species Management Team (HMSMT) meeting in August, the Team reviewed the Council's priority list of HMS management issues, which was developed in June, and discussed our workload and the timing of the issues to be addressed. Many of the tasks that have been assigned to the Team require analysis and, in some cases, the drafting of Environmental Assessments: routine management measures; exempted fishing permits for drift gillnet and potentially shallow set longline; addressing bigeye tuna overfishing; and developing a plan for the high seas longline fishery. In addition, the Council requested the Team work with the Highly Migratory Species Advisory Subpanel (HMSAS) to review albacore catch and effort data in response to the Inter-American Tropical Tuna Commission Resolution C-05-02. To accomplish these tasks, the Team proposes that two joint meetings with the HMSAS be scheduled: one at the November Council meeting, and one between the Council's November and March meetings.

With regard to the Council's current three-meeting outlook, the timing of the issues, and the processes associated with addressing them, the Team proposes this revised outlook:

Council Meeting	Routine Management Measures	Exempted Fishing Permits (EFPs)	Management Issues
November 2006	Provide final mgmt measures (and draft EA, as needed) for: (a) CPFV/charter vessel marking requirements (b) drift gillnet turtle closure boundary (c) recreational limits <b>(final action)</b>	Provide preliminary update on drift gillnet EFP <b>(guidance for 2007)</b>  Present alternatives for shallow set longline EFP—decide whether to proceed with EFP <b>(preliminary action)</b>	Present plan to develop/modify HMS biological reference points <b>(guidance)</b>  Present alternatives to address bigeye tuna overfishing <b>(preliminary action)</b>  Potentially address yellowfin tuna overfishing <b>(guidance)</b>
March 2007		Present final report on drift gillnet EFP; identify EFP modifications (if any) <b>(preliminary action)</b>  Present draft EA for shallow set longline EFP <b>(final action)</b>	Adopt measures to address bigeye tuna overfishing <b>(final action)</b>  Review plan amendment on high seas longline fishery <b>(preliminary action)</b>
April 2007		Present draft EA for drift gillnet EFP <b>(final action)</b>	
June 2007	Present draft 2006 SAFE document	Consider EFP applications for 2008 <b>(preliminary action)</b>	Present alternatives for HMS biological reference points <b>(preliminary action)</b>  Adopt plan amendment for high seas longline fishery <b>(final action)</b>

The workload associated with the plan described above is considerable for Team members, Council staff, and the Council, especially given the other items already scheduled on the Council's upcoming agendas. Therefore, HMSMT would appreciate constructive guidance from the Council on workload priorities, especially with regard to the management issues.

**HMSMT Recommendations:**

1. Approve two proposed joint HMSMT/HMSAS meetings: in November and between November and March.
2. Provide guidance to the Team on HMS workload priorities and the proposed schedule.

PFMC  
08/28/06

Email from Rod Fujita, Ph.D.

Hi all – as you may recall, Chris Kubiak from Morro Bay and I submitted a proposal to the Allocation Committee and to the Council as a whole to allow trawlers holding federal permits to convert their catch history to fixed gear and become eligible for fixed gear permits. This would facilitate a transition from a high volume trawl fishery with relatively high discard rates to a more selective and less damaging fishery which could increase the overall value of the groundfishery. The groundfish strategic plan calls for such a transition, because it is in the best interests of all stakeholders and of the resources that you manage.

As we have been traveling up and down the coast interviewing fishermen and holding meetings in ports, we have found that several trawl fishermen are interested in switching to fixed gear. In addition, The Nature Conservancy and Environmental Defense would like to find a way to lease the trawl permits that we have purchased back to fishermen who would fish them in sustainable ways (e.g., vertical hook and line or Scottish Seine or traps). Several fishermen have submitted EFP applications to allow them to test new ways of fishing that might reduce discards and habitat damage, and I am preparing a similar EFP that would test such methods as well as video monitoring methods. Finally, some fishermen have expressed interest in converting their trawl history into fixed gear history at a steep discount rate; in other words, X million pounds of trawl history would translate into half or even one-tenth of that in fixed gear history, allowing the Council to re-allocate those fish or conserve them.

I know that this issue is important to a lot of people, but seems to have fallen through the cracks over the years. Please consider putting it on the September agenda for a fuller discussion and to position it for action.

Many thanks  
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## REGULATORY STREAMLINING: INITIAL DEVELOPMENT OF A REGIONAL OPERATING AGREEMENT

At their November 2005 meeting, the Pacific Fishery Management Council (Council) was briefed on the draft Operational Guidelines for Development and Implementation of Fishery Management Actions. In a cover memo, William Hogarth, Assistant Administrator for Fisheries, requested Regional Fishery Management Councils (RFMCs) and National Marine Fisheries Service (NMFS) Regions to develop written Regional Operating Agreements (ROAs) that specify agency and Council responsibilities and steps that will be taken to prepare documentation for fisheries conservation and management decisions. He also requested RFMCs and NMFS Regions apply the model process described in the August 23, 2005, draft Operational Guidelines (Agenda Item B.2.a, Attachment 2) to fishery management actions on a test basis. In response, the Council tasked staff with developing a draft ROA with NMFS Southwest and Northwest Regions. They also discussed two future actions as potential “test case” candidates for applying the Operational Guidelines concepts, one designed for a minor regulatory action and one for a major fishery management action.

In January 2006, the Council Executive Director, Northwest Region and Southwest Region, Southwest Fisheries Division Assistant Regional Administrators, and associated staffs discussed initial development of a draft ROA and the two-test case fishery management actions that would provide information helpful in further development of an ROA tailored to the specifics of the decision-making and regulatory processes of the Pacific Council and NMFS NW and SW Regions. The minor regulatory action selected is the 2006–07 Pacific mackerel harvest guideline; the major action is establishing a limited access (license) program for the groundfish open access sector (see Agenda Item C.4.a).

Attachment 1 is a draft conceptual document that could be used to develop an ROA between the Council and relevant components of NMFS. Based on staff discussions, the intention is to develop a draft ROA (which would more fully specify the roles and responsibilities of all parties to the agreement) for review at a future Council meeting. For comparison, Agenda Item B.2.a, Attachment 3 is a completed ROA between the South Atlantic Fishery Management Council, the Southeast Regional Office, Southeast Fisheries Science Center, and Southeast Region General Counsel.

The concept paper (Attachment 1) distinguishes between minor fishery management actions and major fishery management actions and describes processes related to each. Council action on the Pacific mackerel harvest guideline would be considered a minor fishery management action based on the criteria in the concept paper; Agenda Item B.2.a, Attachment 4 documents the current and proposed process for adopting the harvest guideline in the context of regulatory streamlining, based on Council/NMFS action in 2006. Unless Council members see any problems with how this action complied with the intent of regulatory streamlining, the steps shown in the attachment will serve as the model for this type of minor regulatory action. Agenda Item B.2.a, Attachment 5 outlines the process steps necessary to implement the open access fishery limitation action. Under Agenda Item C.4 the Council will discuss proceeding with and planning for a fishery management plan (FMP) amendment and regulatory process to license, and possibly limit participation, in this sector of the groundfish fishery. Agenda Item C.4.a,

Attachment 1 provides a more detailed possible timeline for accomplishing the necessary regulatory steps to place entry limitations on the current groundfish open access fishery.

**Council Task:**

**1. Provide Guidance on Elements to be Included in a Regional Operating Agreement.**

**Reference Materials:**

1. Agenda Item B.2.a, Attachment 1: Concepts for an Operating Agreement between the Pacific Fishery Management Council and NOAA Fisheries.
2. Agenda Item B.2.a, Attachment 2: Draft Operational Guidelines for Development and Implementation of Fishery Management Actions.
3. Agenda Item B.2.a, Attachment 3: Operating Agreement Between the South Atlantic Fishery Management Council, NOAA National Marine Fisheries Service Southeast Regional Office, NOAA National Marine Fisheries Service Southeast Fisheries Science Center, and NOAA General Counsel, Southeast Region.
4. Agenda Item B.2.a, Attachment 4: Regulatory Process for Adopting the 2006–07 Pacific Mackerel Harvest Guideline: A Test Case for Application to a Pacific Council Regional Operating Agreement.
5. Agenda Item B.2.a, Attachment 5: Description of the Process for Open Access Limitation FMP Amendment.

**Agenda Order:**

- a. Agenda Item Overview
- b. Reports and Comments of Advisory Bodies
- c. Public Comment
- d. Council Discussion

Kit Dahl

PFMC

08/22/06

## **Concepts for an Operating Agreement between the Pacific Fishery Management Council and NOAA Fisheries**

### **Introduction**

The Operational Guidelines for Development and Implementation of Fishery Management Actions (Operational Guidelines) (Agenda Item B.2.a, Attachment 2) describe a formalized cooperative relationship between the Councils and NOAA Fisheries (NMFS), which would integrate the many statutory mandates that apply to the development of fishery management actions. The Operational Guidelines are intended to address problems related to unnecessary delays, unpredictable outcomes, and lack of accountability; they do so by outlining standardized practices that integrate the multiple mandates governing fisheries management, thereby improving the quality and efficiency of regulatory decisions. This should increase efficiency in designing and implementing fishery management measures, improve the decision-making process, and raise the likelihood of success in litigation.

The Operational Guidelines are based on the concept of “frontloading,” which requires active participation of key Council and NMFS staff at early stages of fishery management action development—a “no surprises” approach. The goal is to ensure that all significant legal and policy issues will be identified early in the process.

In order to support the objectives of the Regulatory Streamlining Project, the Operational Guidelines advise Fishery Management Councils and NMFS Regional Offices and Fisheries Science Centers to enter into written Regional Operating Agreements (ROAs) that specify responsibilities and steps that will be taken to prepare documentation for fisheries conservation and management decisions. The Pacific Fishery Management Council has had discussions with its partner NMFS Regional Offices (NWR, SWR) to develop an Operating Agreement and will also engage the appropriate Science Centers (NWFSC, SWFSC) in ongoing development; the present document contains concepts and language that could become part of such an agreement. It is envisioned that a single ROA would be developed for all of these parties.

### **Statement of Purpose**

This Operating Agreement describes the roles and responsibilities of the parties and provides general guidance on the procedures they will follow under the fishery management process established by the Magnuson-Stevens Act (MSA). In addition to the MSA, the National Environmental Policy Act (NEPA) provides the principal framework for decision-making. The purpose of specifying roles, responsibilities, and procedures is to improve cooperation between the parties; demonstrate shared responsibility for decisions; and facilitate timely, sound, and legally defensible decision-making.

## Key Concepts

Fishery Management Work Plan: A Fishery Management Work Plan (Work Plan) is a preliminary planning and vetting document prepared soon after the meeting (scoping meeting) at which the Council initially decides to undertake an applicable action. If feasible, a draft Work Plan may be prepared for the Council's initial scoping meeting to facilitate Council input on the document. It is prepared only for major fishery management actions; minor fishery management actions do not require the preparation of a Work Plan (see below). For recurring actions (e.g., harvest specifications) a draft Work Plan should be available one Council meeting in advance of the meeting at which the Council takes preliminary action; a completed Work Plan will be available at the meeting at which the Council takes preliminary action. For these recurring actions a standing Work Plan may be prepared. The Work Plan, if appropriate, may also serve as a scoping information document. As appropriate, the Work Plan:

- Describes the proposed action, and purpose and need;
- Describes any available information relevant to the formulation of a range of alternatives (e.g., extant scientific information, types of management measures that may be employed);
- Provides a preliminary assessment of the likely effects of the action on the human environment, indicating the level of NEPA analysis to be undertaken: categorical exclusion (CE), environmental assessment (EA), or environmental impact statement (EIS);
- Specifies Interagency Work Group (IWG - see below) composition;
- To the extent possible, specifies the data, models, and methodologies to be employed in the analysis;
- Assesses and identifies the staff resources (both internal and external to the IWG) that will be required for the analyses, including task assignment (at least at the organizational level); and
- Provides a realistic timeline for complying with all applicable laws and for completing and implementing the action, including the identification of Council meetings at which key decision will be made; deadlines for the receipt of data, analyses or other work products crucial to decision-making and timely completion of required documentation; and deadlines driven by regulatory requirements stemming from NEPA, Administrative Procedures Act (APA), and other applicable laws.

Interagency Work Group: An Interagency Work Group (IWG, equivalent to the Fishery Management Action Team identified in the Operational Guidelines) is formed for each major fishery management action (see below) in order to enable leadership, coordination, and an effective fishery management process. The IWG should include staff representatives of all offices and organizations involved in the development, review, and/or implementation of the action, including Council and NMFS staffs, and Advisory Body members. IWG composition will be determined in consultation between the Council Executive Director and the Regional Administrator (RA) or his designee. All IWGs shall have a team leader responsible for overall project management. Except for recurring actions, a separate IWG is formed for each major fishery management action, and these IWGs dissolve upon completion of each action. For

recurring actions a standing IWG may be constituted. The IWG is responsible for preparing, or coordinating the preparation of all documentation necessary to support Council decision-making. This documentation will constitute a part of the sufficient administrative record, based on applicable law. Generally, the role of the IWG is to prepare documents (CE checklist, EA or EIS) in support of a CE decision memo, finding of no significant impact (FONSI) or record of decision (ROD) and their work is concluded with the signing of the FONSI or ROD. The IWG is not directly involved in certain agency responsibilities, such as the rulemaking process pursuant to the APA or section 7 consultations pursuant to the Endangered Species Act (ESA).

Major Fishery Management Action and Minor Fishery Management Action: A *major fishery management action* is an action for which a new EA or EIS must be prepared. If an existing or supplemented CE decision memo, FONSI, or ROD is applicable to the action, it is normally not considered a major fishery management action. Examples of major fishery management actions include fishery management plans (FMPs) and FMP amendments; regulatory amendments; and periodic specification of quotas, harvest guidelines, and/or management measures resulting in environmental effects not adequately considered in a previous or supplemented CE memo, FONSI, or ROD applicable to the management framework under which those quotas, harvest guidelines, and/or management measures were implemented. *Minor fishery management actions* include the periodic establishment of a quota or harvest guideline or a change in existing management measures (e.g., “inseason” actions) with effects which have been adequately considered in an existing or supplemented CE memo, FONSI, or ROD for the management framework under which the new action is being taken. The review and granting of an exempted fishing permit (EFP) may be considered a major fishery management action if the environmental effects of the permit have not been adequately considered in a previous or supplemented CE memo, FONSI, or ROD.

Advice on Programmatic and Legal Sufficiency: Critical Feedback Points (CFPs) are steps in the decision-making process at which critical decisions are made that could ultimately affect approvability of the action. The number of CFPs applicable to an action varies depending on the MSA and NEPA requirements that apply to that action. At these CFPs, the RA or his designee may advise the Council, in writing or orally during a closed session of the Council, on the sufficiency of the administrative record supporting the action. Based on this advice the Council may provide guidance to the IWG, if applicable. Advice on programmatic and legal sufficiency is nonbinding and shall not prejudice Council decision-making.

The Decision Memorandum: At the conclusion of the Council’s decision-making process, after the Council has transmitted its recommendation to the RA, the RA issues a *Decision Memorandum* to initiate Secretarial Review and describe how the analyses as presented were reasonably considered by the Council to support their final decision in accordance with the procedures and requirements in the Operational Guidelines.

## **Major versus Minor Fishery Management Actions**

Council Operating Procedures (COP) describe both management and activity cycles (e.g., periodic harvest specifications) (COP 9, COP 10) and plan amendment cycles (which although not specified, could also apply to regulatory amendment cycles) (COP 11). These COPs

generally describe procedures, timelines, and roles and responsibilities identified in the Council's FMPs. A Regional Operating Agreement is not intended to supersede or conflict with the processes described in the COPs or FMPs.

### **Minor Fishery Management Actions**

Certain Council actions may be described as minor fishery management actions, using the criteria outlined above. Minor fishery management actions do not require preparation of a Work Plan or formation of an IWG. An inseason action is one example of a minor fishery management action. Inseason actions adjust previously established management measures to prevent a harvest guideline or quota from being exceeded or to meet other objectives specified in the management framework. The periodic specification of the Pacific mackerel harvest guideline is a second example of a minor fishery management action when the effects do not differ from those evaluated in a previous NEPA document (CE memo) and are not significant. These actions are consistent with the current harvest specification and management framework, and are not expected to result in impacts different in context or intensity from those disclosed in a previous finding (ROD or FONSI). By extension, minor fishery management actions do not affect species listed under the ESA such that consultation pursuant to section 7 of the act is initiated. (In any case, such effects would also signal the need to prepare an EA or EIS.) In both cases Council decision-making normally occurs at one meeting. A third example of a minor fishery management action is the granting of an EFP based on previous evaluation in an umbrella NEPA document such as the EIS that is prepared for the biennial specification of groundfish harvest levels and management measures.

### **Major Fishery Management Actions**

Major fishery management actions fall into two broad categories: the periodic establishment of harvest specifications, quotas, and/or management measures, which are *recurrent actions* that proceed according to a set schedule described in the relevant FMP, and development of FMPs, FMP amendments, or regulatory amendments, which are *occasional actions*. The Operational Guidelines outline a "model process" for the development and implementation of fishery management actions, which is intended to cover all possible contingencies. Consistent with the COPs and focusing principally on the Council decision-making process, the Operational Guidelines' model process may be collapsed into four phases: (1) *Planning and Scoping*; (2) *Identification of the Range of Alternatives and Document Development*; (3) *Council Final Action*; and (4) *Secretarial Review and Recommendations*. The specifics of the process will differ depending on the type of action (recurrent or occasional action, existing procedures identified in FMPs and COPs, etc.). Also, the timing of decision-making can be affected by various factors, such as the complexity of the issues to be addressed, so that more Council meetings than identified below are needed. The elements of these phases as they relate to Council decision-making are outlined below.

## **Procedural Guidelines for Major Fishery Management Actions**

### **Phase 1: Planning and Scoping**

- Staff undertakes preliminary scoping activities, if appropriate. This may include the preparation of a scoping information document (informing the public about the proposed action) and scoping report (summarizing the results of public and interagency scoping).
- For occasional actions a draft Work Plan (including identifying IWG composition) may be prepared.
- For recurring actions a Standing Work Plan may be prepared and standing IWG constituted, which would be modified as necessary at any time before a decision-making cycle begins. A final Standing Work Plan would be completed before the first Council meeting in the particular recurring action cycle. (see COP 9 and 10 for the specifics of these cycles.) A Standing Work Plan should additionally document and provide the rationale for a recurring process (e.g., salmon harvest specifications) to support its ongoing use.
- For occasional actions, at the first meeting (scoping meeting) the Council formally identifies the issues to be addressed, determines if additional scoping meetings will be scheduled, establishes a schedule for decision-making and documentation, and identifies staff and advisory bodies that will be prepare the necessary analyses (see COP 11). All of these decisions provide information for finalizing the Work Plan and constituting the IWG.
- At any time before preliminary action (Phase 2 below) the Work Plan and IWG are finalized based on consultations between the Executive Director and the appropriate Regional Administrator.
- Based on preliminary information in the Work Plan, agency NEPA guidance (NAO 216-6), and any other pertinent information, the type of NEPA document to be prepared is determined. Regional GC will have lead responsibility in making this determination.
- Finalization of the Work Plan is a CFP. The RA may provide advice to the Council on the sufficiency of the record of the finalized Work Plan (or Standing Work Plan) before preliminary action begins (Phase 2 below).
- If an EIS is to be prepared a Notice of Intent is published in the Federal Register.
- Scoping done before NOI publication cannot substitute for the normal scoping process after publication; therefore, additional scoping (which may constitute subsequent advisory body meetings, Council meetings, or other public forums) must occur. (See Council on Environmental Quality, “Forty Questions.”)

### **Phase 2: Identification of the Range of Alternatives and Document Development**

- The IWG prepares a preliminary draft analysis, which includes a preliminary range of alternatives and supporting analyses, if available. For occasional actions, at the (minimum) second meeting the Council identifies the range of alternatives to be fully analyzed and may make a preliminary decision on a preferred alternative. The Council’s decision on a range of alternatives may require several meetings, depending on the complexity of the issues. For some recurring actions (e.g., groundfish harvest

specifications) COP 9 specifies more than one meeting at which the range of alternatives is developed.

- Adoption of the range of alternatives/preliminary preferred alternative is a CFP and the RA may provide advice on sufficiency of the record at the Council meeting(s) (closed session) where adoption is scheduled.
- Frontloading for essential fish habitat (EFH) or ESA consultation should occur during development of the range of alternatives and before Council final action (see below), if necessary. Selection of a preliminary preferred alternative at this stage would facilitate this type of frontloading. The purpose of this frontloading is to identify any elements of the alternatives that could conflict with findings that will be made under those authorities.

To facilitate this process, the following steps occur:

- The appropriate Sustainable Fisheries Assistant Regional Administrator (SF ARA) provides a formal recommendation regarding the need for section 7 consultation under ESA by means of a memo to the appropriate RA through the Protected Resources (PR) ARA. If necessary, the SF ARA also requests EFH consultation by means of a memo to the Habitat Conservation (HC) ARA.
- If necessary, the appropriate PR ARA drafts a section 7 consultation assessment memorandum to the appropriate SF ARA summarizing preliminary conclusions expected to form the basis of any subsequent biological opinion (BiOp). This may be based on a draft biological assessment prepared by the IWG and/or Protected Resources Division (PRD).
- If necessary, the HC ARA provides an EFH consultation assessment memorandum.
- These consultation assessment memos are made available to the Council prior to final action (Phase 3 below) in order to facilitate meaningful discussion about the probable effects of a proposed action/alternatives on ESA-listed species and critical habitat, EFH, and to identify mitigation measures.
- The section 7 consultation assessment memo should provide information on the data and models that will be used a BiOp, if prepared. The Council will have the opportunity to provide comments on these scientific issues, with NMFS response.
- Public review of the range of alternatives occurs. Depending on the specifics of the process this may be in the form of an advisory body report, draft EA, preliminary DEIS, or DEIS. In some cases the DEIS may be filed with the Environmental Protection Agency (EPA) at this point (e.g., to meet an externally imposed deadline such as the start of a fishing season or a court-ordered schedule), triggering the required 45-day minimum public comment period. However, in order to better inform the public it is preferable to file the DEIS after the Council takes final action to identify their preferred alternative (Phase 3 below).

### **Phase 3: Council Final Action**

- For occasional actions the Council chooses a final preferred alternative at a (minimum) third meeting. For FMP amendments involving specific changes to the FMP text, draft amendatory language may be presented for review and adoption by the Council. Development of amendatory language may also trail adoption of a preferred alternative, to be reviewed at subsequent Council meetings. For regulatory amendments or



regulations pursuant to an FMP amendment NMFS may provide draft regulatory language for Council review and comment at the third or subsequent meeting.

- For recurring actions, the meeting at which the Council takes final action varies according to the cycle described in the relevant FMP and COP 9 and 10. Otherwise, the objective of establishing a sufficient administrative record to support final action applies.
- Adoption of a preferred alternative is a CFP and the RA may provide advice on sufficiency of the record at the Council meeting (closed session) where adoption is scheduled.
- Based on the section 7 consultation assessment memo (Phase 2 above), the SF ARA formally initiates ESA section 7 consultation on the preferred alternative, if necessary.
- The NEPA document is finalized. If an EA, the final document is made available to the public (e.g., through distribution and/or posting on Council/NMFS website(s)). If not done so already (see above) a DEIS is filed with EPA, triggering the minimum 45-day public comment period.
- Based on the section 7 consultation assessment memo, draft BiOp, or other information the Council, through its Executive Director and in consultation with the appropriate RA, will decide whether Council transmittal (Phase 4 below) may occur before finalization of the BiOp. This assessment is based on the likelihood that the preferred alternative will result in a jeopardy determination, requiring further Council action.

#### **Phase 4: Secretarial Review**

- The Council decision is transmitted to NMFS. The transmittal date is scheduled in order to ensure consistency between applicable statutory timelines under MSA, NEPA, APA, etc. The Council may request formal notification of a transmittal date consistent with timely promulgation of the Decision Memorandum to initiate Secretarial review. This facilitates implementation consistent with the statutory timelines described at MSA §204(a) and (b) for Secretarial review of FMPs, plan amendments, and proposed regulations. The appropriate RA will make the Decision Memorandum available to the Council.
- Council transmittal is a CFP and the appropriate RA may provide advice to the Council on the sufficiency of the record, including requests for any additional information that may be required for Secretarial review.
- Elements of steps 9–16 in draft OG model process are completed, which may include the following elements:
  - Preparation of Decision Memorandum package, Council transmittal
  - Preparation of proposed rule package; review by Regional General Counsel (GC)
  - Transmit Issues Advisory to HQ
  - Preparation of FEIS with response to comments; file with EPA
  - Preparation of final rule package; review by Regional GC
  - Preparation of FONSI/ROD
  - Finalization of BiOp
  - RA decision to (dis)approve FMP/ final rule; Assistant Administrator (AA) concurrence
  - Notification of the Council of RA decision on FMP/FMP amendment, revision of FMP accordingly, publication of (revised) FMP.

- RA decision on final rule; AA concurrence
- Publication of final rule

## **Roles and Responsibilities of the Parties**

### **The Council**

#### Role

The Council engages in a public process to develop specific, substantive fishery management recommendations, which, as appropriate, are approved by NMFS and may entail the implementation of Federal regulations by NMFS. Because the RA has a seat on the Council, he—or his designee—participates directly in Council decision-making. Generally, the Council takes lead responsibility in the development of FMPs and FMP amendments, and the identification of quotas, harvest guidelines, and management measures, which may be periodically re-specified. The Council is not directly involved in the Federal rulemaking process, although NMFS may provide the Council the opportunity to review draft regulations in advance of the publication of a proposed rule. The Council is not directly involved in section 7 consultations pursuant to ESA.

#### Responsibilities

In addition to its overall decision-making role, the Council members and staff have specific responsibilities:

- The Council may review a draft Work Plan and provide direction to the Executive Director and the appropriate RA, or his designee, so that they may finalize the Work Plan before the Council takes preliminary action (e.g., approval for public review of a preliminary range of alternatives).
- The Council may provide direction to the Executive Director on IWG composition.
- The Executive Director and the appropriate RA, or his designee, with direction from the Council, are responsible for completing a Work Plan for a major fishery management action.
- The Executive Director, with advice from the Council, will assign staff and provide staff support to IWGs.
- The Executive Director, with advice from the Council and consent from the supervisory agency, may assign advisory body members to an IWG.
- Council staff assigned to an IWG will coordinate logistics for IWG meetings, and, with NMFS staff on the IWG, prepare all documentation resulting from IWG meetings (e.g., meeting summaries, Work Plans, etc.).

- Council staff with lead responsibility will inform IWGs or others providing documentation in support of Council decision-making of deadlines for the receipt of material at the Council office in advance of the meeting at which the decision is to be taken. The Executive Director has the discretion to reschedule an action item to a later Council meeting if, in his judgment, the necessary documentation is not received in a timely fashion.
- In closed session the Council receives advice from the RA or his designee on the legal and procedural sufficiency of the administrative record. Based on this advice, the Council, through the Executive Director, may give appropriate direction to the IWG.

**NOAA Fisheries Regional Offices (NWR, SWR), Fisheries Science Centers (NWFSC, SWFSC), and NOAA Regional General Counsel (NWR, SWR)**

Regional Offices, Regional GC, and Science Centers will identify their roles and responsibilities in the process. Generally, Regional Offices, Regional GC, and NMFS Headquarters (HQ) are primarily responsible for activities after Council final action and transmittal of the decision, and in certain other statutory determinations (e.g., BiOp, ROD, Initial Regulatory Flexibility Analysis/Final Regulatory Flexibility Analysis [IRFA/FRFA]). The procedural guidelines described above indicate the following responsibilities:

- Provision of staff to IWGs, including legal advice/review (GC). Science Center staff may serve on IWGs in their capacity as Plan Team members.
- Provision of data, models, and scientific advice in support of NEPA analysis (Science Centers)
- GC advice/determination on type of NEPA analysis.
- Preparation of Consultation Assessment memorandums (PRD, HCD)
- Preparation of Biological Opinion (PRD)
- Provides draft regulations to the Council for review (optional).
- Provision of advice on the sufficiency of the record for decision-making (RAs).
- Promulgation of the Decision Memorandum (RAs)
- Other process-related activities associated with Secretarial review and rulemaking.

**Accession to an Operating Agreement**

Upon finalization of the ROA, it would be signed by the Council Chair or Executive Director, RAs, and Science Center Directors.

## List of Acronyms

AA	Assistant Administrator (NMFS)
BiOp	Biological Opinion
CE	Categorical Exclusion
CFP	Critical Feedback Point
COP	Council Operating Procedure
DEIS	Draft EIS
EA	Environmental Assessment
EFH	Essential Fish Habitat
EFP	Exempted Fishing Permit
EIS	Environmental Impact Statement
EPA	Environmental Protection Agency
ESA	Endangered Species Act
FMP	Fishery Management Plan
FONSI	Finding of No Significant Impact
GC	NOAA General Counsel
HC ARA	Habitat Conservation Assistant Regional Administrator (NMFS)
HCD	Habitat Conservation Division
HQ	NMFS Headquarters Office
IRFA/FRFA	Initial Regulatory Flexibility Analysis/Final Regulatory Flexibility Analysis
IWG	Interagency Work Group
MSA	Magnuson-Stevens Act
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service, NOAA Fisheries
NWFSC	Northwest Fisheries Science Center (NMFS)
NWR	Northwest Region (NMFS)
OGs	Operational Guidelines
PR ARA	Protected Resources Assistant Regional Administrator (NMFS)
PRD	Protected Resources Division (NMFS)
RA	Regional Administrator (NMFS)
ROA	Regional Operating Agreement
ROD	Record of Decision
SF ARA	Sustainable Fisheries Assistant Regional Administrator (NMFS)
SWFSC	Southwest Fisheries Science Center (NMFS)
SWR	Southwest Region (NMFS)

# **DRAFT OPERATIONAL GUIDELINES:**

**For  
Development  
and  
Implementation of  
Fishery Management Actions**



**August 23, 2005**

# **DRAFT OPERATIONAL GUIDELINES: For Development and Implementation of Fishery Management Actions**

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***I. Introduction***

**A. Statement from the Assistant Administrator**

[Reserved]

## **B. Structure of the Operational Guidelines**

Parts I and II of these OGs provide background on and an overview of the philosophy of the guidelines. Parts III and IV define the roles of the various parties involved in the development and implementation of fishery management actions, and identify applicable standards. Part V provides a model for the fishery management process that is quality-based and outcome-oriented, and that identifies checks for assuring adequacy of process and analyses at critical junctures. The model is intended to serve as a tool rather than a mandate. Adherence to the model is not mandatory for the Councils.

## **C. Purpose and Objectives**

These OGs provide an approach for establishing a formalized cooperative relationship with the Councils and set forth a model for integrating the many statutory mandates that apply to the development of fishery management actions. Consistent with our efforts under the Regulatory Streamlining Project (RSP), the approach taken in the OGs addresses problems with “unnecessary delays, unpredictable outcomes, and lack of accountability” and moves us towards the application of “standardized practices” to “improve the quality and efficiency of regulatory decisions and raise the likelihood of success in litigation” (S. RPT 107-42).

These guidelines are based on the concept of “frontloading,” which refers to active participation of Council and key agency staff (e.g., Sustainable Fisheries, Protected Resources, Habitat Conservation, Economists, Social Scientists, and General Counsel) at the early stages of fishery management action development – a “no surprises” approach. The goal is to ensure that, to the extent practicable, all significant legal and policy issues will be identified early in the process.

The objective of these OGs is to facilitate development and implementation of fishery management actions under the Magnuson-Stevens Fishery Conservation and Management Act (MSA).<sup>1</sup> A related goal is to facilitate development of more concise documentation. While these guidelines have been tailored to fit the MSA fishery management process for Council-developed actions, the underlying principles have broad applicability, and National Marine Fisheries Service (NMFS) will apply them to other agency actions as appropriate.

The preparation, review, approval and implementation of fishery management actions and the attendant rules and regulations under the MSA is, by its very nature, a complex process in which the Councils and the Secretary have distinct, yet overlapping roles. In many instances, the issues presented are controversial, politically charged, and difficult to analyze. In addition, a variety of other applicable laws impose even more analytical and procedural requirements on an already complex system. NMFS, with direction from Congress, initiated the RSP to improve the way the agency and the Councils integrate the multiple mandates governing fisheries management; increase efficiency in designing and implementing fishery management measures; and improve overall the decision-making process. The ultimate intent of streamlining is to ensure that the process is done correctly the first time. This implies:

- Legal and policy requirements will be identified and considered earlier in the process so that they may be dealt with more expeditiously (“frontloading”). The frontloading process may require more investment of time upfront, but should help ensure that potential problems are identified early and are not allowed to become real problems in later stages of review and implementation.

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<sup>1</sup> The term “fishery management actions” should be interpreted broadly to include a wide range of activities taken pursuant to the MSA, including proposed and final rulemakings, Fishery Management Plans with no implementing regulations, and other substantive actions by the agency that promulgate or are expected to lead to the promulgation of a final rule or regulation, including notices of inquiry, and advance notices of proposed rulemaking.



- The OGs will provide clear and consistent articulation of critical requirements while allowing Regional Staff flexibility to work with their Councils to achieve overall objectives for frontloading and the development of quality documentation of their decision making process.
- Quality control and assurance activities will ensure that requirements are being met, and that, if problems arise, they do not recur.
- Timely inputs and review by staff will occur as early as possible in the process.
- The ability of the Councils and NOAA to develop actions and policy will be enhanced when we work together to follow the standards and requirements set forth in the OGs.<sup>2</sup>
- NMFS Headquarters offices (HQ) will be involved early in substantive discussions that have implications for consistency with national policies and guidance, develop new guidance as needed and make it available via the web, facilitate the processing of decision documents, and conduct training and quality assurance.

These guidelines identify requirements and standards, while allowing maximum flexibility for the Councils and NMFS Regional Staffs to design implementation procedures that are most effective in their particular contexts. These guidelines focus on the fishery management plan (FMP)/regulation process and completely supercede the OGs prepared in 1997.

#### **D. Philosophy and Approach**

1. Fishery management decisions must be supported by documentation that adequately provides for the basis of a decision under the existing legal requirements.
2. The respective decisions of the Councils and NMFS are sufficiently interrelated that they ought to be supported by the same record. Thus, the guidelines focus on collaborative efforts by Council and NMFS staff to develop the documentation that supports their decisions.
3. Consistent with the objective of emphasizing the roles of Councils and NMFS Regional Staff, the approach is to raise, analyze and properly deal with all issues as soon as they can be anticipated. The model contained within these guidelines identifies points in the process where agency feedback is critical (Critical Feedback Points (CFPs)), and the basic documents that are required at each CFP to assure quality. The model then sets forth a system for obtaining agency feedback that the process and documents support and provide a rational basis for decision-making and are legally sufficient at that stage for the process to move forward. Details regarding how each Council and NMFS Regional Office address their particular implementation of procedures to achieve this sufficiency will be left to them to develop collaboratively through Regional Operating Agreements (ROAs). The use of feedback mechanisms at CFPs in the model is not intended to prevent the use of more frequent, or continuous, feedback loops.

*A CFP is a step in the decision-making process at which critical decisions are made that could ultimately affect approvability of the action. The number of CFPs applicable to an action varies depending on the NEPA and MSA requirements that apply to that action. The OGs identify a full list of steps and CFPs for each type of action in the model.*

<sup>2</sup> NMFS Regional Staffs include both the Science Center staff and the Regional Office staff. Although Regional GC is technically part of NOAA GC rather than NMFS staff, whenever possible, Regional GC will participate as part of the Regional Staff team.

4. All relevant NOAA and DOC reviewers will participate early in the process to ensure that their concerns are raised at a point in the process where they can be addressed in such a way that progress is not delayed or halted later. In short, the intent is to avoid sequential reviews and encourage concurrent input to decisions at the earliest stage possible.
5. Councils and NMFS Regional Staffs will each undertake a joint planning process that occurs at least once annually and provides for a 12- to 24-month planning horizon. This process should provide a forum for identifying and prioritizing upcoming needs and actions. Any issues with national policy implications will be raised to NMFS HQ for early guidance.
6. Councils and NMFS Regional Offices will enter into written ROAs that specify responsibilities and steps that will be taken to prepare documentation for fisheries conservation and management decisions.

*Each region will enter into written Regional Operating Agreements with its Council/s delineating specific roles, responsibilities, and timing issues necessary to conform with these OGs.*

## **II. General Principles for the Fishery Management Process**

- A. Use of the MSA and NEPA Processes as an Umbrella.** The open and public processes required by the MSA and the National Environmental Policy Act (NEPA) will provide the basis for implementing regulatory streamlining. Together, the MSA and NEPA require the incorporation of all relevant factors into fisheries conservation and management decisions, prescribe an open process for identifying issues and considering a range of alternatives, provide for review and participation by affected States and Indian tribes, and promote effective public review and input. The MSA requires fishery management actions to be consistent with other applicable laws. Similarly, Council on Environmental Quality (CEQ) Regulations for Implementation of NEPA require agencies to integrate the NEPA process with other planning and regulatory compliance requirements (such as the consultation requirement under Section 7 of the Endangered Species Act (ESA), and consistency determinations under the Coastal Zone Management Act (CZMA)). This integration must occur at the earliest possible time to ensure that planning and decisions take into account environmental values reflected in these other laws and regulations, avoid delays later in the process, and prevent potential conflicts with alternatives and mitigation methods required by other laws. Documents prepared under the MSA and NEPA do not replace other applicable requirements, such as the Regulatory Impact Review (RIR), which is prepared in compliance with EO 12866, or the Preliminary Regulatory Economic Evaluation (PREE) prepared in compliance with the Regulatory Flexibility Act (RFA). Rather, the public processes of the MSA and NEPA provide a venue for addressing all applicable requirements.
- B. Frontloading.** All relevant reviewing parties will participate early in the process to ensure that all significant legal and policy issues are identified to the extent practicable. Draft documents will be circulated to all Regional, Science Center, GC, and Council staff in key responsibilities, as well as Headquarters Staff (HQS) as appropriate, for review and comment. When the model is followed, drafts will be circulated prior to CFPs.

*The term HQS refers to Headquarters staff who will be expected to review and/ or clear an action. Specifically, HQS include the NOAA Office of Strategic Planning (OSP); the Office of the General Counsel (GC); the NMFS Assistant Administrator for Fisheries (AA); the Offices of Sustainable Fisheries (OSF), Habitat Conservation (OHC), and Protected Resources (OPR); the Office of Law Enforcement (OLE); and the Department of Commerce Office of General Counsel (DOC OGC), as applicable.*

- C. Collaboration in the Preparation of Documents.** Beginning at the earliest planning stage, it is essential that the staffs of the Councils and the NMFS Regional Offices collaborate in the preparation and drafting of documents. It should not be assumed that either the Councils or the Regional Offices have a particular responsibility for doing all of the staff work for any given required document. How this happens in each Council/Region pairing will be established by an operating agreement between the Council and the Regional Office.
- D. Regional Operating Agreements with Councils.** Individual needs and variations among regions should be accommodated while ensuring adequacy of process and documentation nationwide. There is a need for a clear understanding of roles, responsibilities, and obligations among all parties who have a role in ultimately clearing an action. Therefore, each Region will develop ROAs with its individual Councils, via the Council Executive Directors and in consultation with the appropriate Regional Attorney, that set forth the procedures and review/clearance processes it will use to ensure the preparation of adequate and complete documents.
- E. Coordination with NMFS Headquarters.** The Regions shall ensure that NMFS HQ offices have the opportunity to consider and provide input to decisions from the earliest stages. NMFS HQ will track decisions as they progress and will be expected early in the process to advise the Regional Offices of national policy concerns. In addition they will facilitate the consideration of decisions in process by other HQ reviewers (NOAA and DOC). A formal Communication Protocol will be established to facilitate such coordination.
- Communication Protocol: NMFS HQ will work with the regions to establish a protocol to ensure good communication between the regions and HQ on all actions. The protocol will specify how and when the AA should be advised of issues relating to actions, as well as prioritizations of actions made pursuant to the joint*
- F. Council Action/NMFS Advisory Statements.** When the model is followed, at CFPs the Regional Administrator will provide written feedback that the process and documentation are adequate and complete. These procedures are described in greater detail in section V, below.
- G. Determinations Must be Logically Supported by the Facts and Analyses in the Record.** Determinations regarding an action's legal and programmatic sufficiency must be supported by the underlying analyses. This applies to both substantive conclusions and determinations regarding procedural sufficiency.
- Advisory Statements are letters to a Council from the RA indicating that the relevant documentation and process are adequate and complete for that step and that all necessary reviewers have been consulted. The Advisory Statement requires a determination of legal sufficiency by the Regional GC before its transmission to the Council.*
- H. Clear and Concise Documentation.** Documents to support decisions must be clearly written and easily understandable by the public. Clear and concise writing will facilitate development of a clear and complete record and will ensure the development of enforceable regulations.
- I. Expedited Approval and Implementation Process, Benefits of Conformance.** Adherence to agency guidance on standards for analytical documents will expedite the approval and implementation process. Documentation that does not adhere to agency guidance (e.g., requires additional analysis or consideration of additional issues) may not be processed in an expedited manner. To the extent that Councils and NMFS staff follow the model set forth below, Council-recommended fishery management actions will benefit from more timely review, approval, and implementation; higher likelihood of approval; and decreased risk of litigation. In some circumstances, adherence to the model may enable

NMFS to approve an FMP or amendment earlier than day 95 of the Secretarial review process (i.e., between days 61 and days 95). In addition, adherence to the model will ensure greater accountability of NMFS and GC staff charged with reviewing Council documents and providing timely advice.

- J. Concurrent Reviews.** These reviews are encouraged throughout the process of developing documentation. Sequential reviews delay the decisions from moving forward in a timely manner.

### ***III. Roles***

This section describes the general roles of various parties involved in preparation and implementation of fishery management actions. Additional details regarding specific responsibilities for analysis, drafting, and review, including provisions for assuring appropriate coordination between HQ and regional offices and ensuring consistent interpretation and application of national policies, should be specified in the ROAs and Communication Protocol.

#### **A. Roles in General**

- **The Councils** are responsible under the MSA for the preparation of FMPs. The Councils initiate documentation to support fishery conservation and management decisions, and collaborate with the NMFS Regional Offices, and state agencies and other stakeholders as appropriate.
- **The NMFS Regional Staffs** are responsible for working as part of a team with Council staff to develop adequate and complete documentation, coordinating comments from HQ and Regional Staff such that the agency presents a unified message pursuant to procedures set forth in the ROA and Communication Protocol, advising NMFS HQ of decisions being made, and forwarding documentation to HQ. When the model is followed, the Regional Administrator (RA) will provide Advisory Statements confirming the adequacy and completeness of process and documentation as provided in these guidelines, or elevate to HQ and seek to resolve any issue preventing the issuance of an Advisory Statement, including any issue preventing a determination of legal sufficiency.
- **The NMFS Science Centers**, in addition to working as part of the NMFS Regional Staffs described above, and working as part of the team cooperating with the Councils, in some instances, the Science Centers make certifications regarding certain requirements, including overfishing definitions. The specific responsibilities of each Science Center are specified in the Region's ROAs.
- **At NMFS Headquarters**, the AA is responsible for (1) deciding whether to concur in the RA's decision regarding approval of Council-recommended FMPs/amendments; (2) deciding whether to approve final rules; (3) determining that the appropriate environmental impact review, EIS, or FONSI has been completed for the action; and (4) resolving with NOAA/GC HQ any issues elevated to HQ including issues preventing issuance of an Advisory Statement and issues related to a determination of legal sufficiency. Within HQ, the Office of Sustainable Fisheries (OSF) will track Regional Council and NMFS FMP activities; consult with and advise regions on the national policy implications of decisions; package and forward regional documents to the NMFS leadership; and facilitate communications to resolve problem issues raised during HQ or NOAA/DOC/OMB reviews, either as a participant on an FMAT or as otherwise appropriate.
- **NOAA GC** will advise the Councils and NMFS Regional Offices, through the NOAA GC Regional Offices, throughout the process of developing documentation and making and reviewing decisions. GC Regional Offices will provide legal advice to the RA confirming legal sufficiency of

documentation and process, and elevate to NOAA/GC HQ any issue preventing a determination of legal sufficiency. NOAA GC will also provide legal advice, through GCF, to NMFS leadership as appropriate, and will provide final approval for legal sufficiency of regulatory packages requiring clearance from NOAA HQ or DOC/GC. NOAA GC HQ will also work with NMFS HQ to resolve legal issues elevated from the Regions.

- **NOAA's NEPA Coordinator**, in the Office of Strategic Planning, Program Planning and Integration (PPI/OSP), reviews and provides final clearance for all EISs and FONSIIs. Additionally, the NOAA NEPA Coordinator is responsible for filing EISs with the Environmental Protection Agency and signing all transmittal letters that disseminate NEPA documents for public review.<sup>3</sup>

## **B. Specific Duties and Responsibilities**

1. **Regional Operating Agreements (ROAs).** Each Region will enter into written agreements with its Council/s, in consultation with the appropriate Regional Attorney, delineating specific roles and responsibilities necessary to conform with these OGs. The provisions of the ROAs must be sufficient to ensure compliance with the applicable requirements. The ROAs should also specify the roles of the Science Centers and may address interactions with Regional GC. If an existing Operations Plan explains the role of the Science Center, the ROA may simply reference the existing plan. The ROA should also address timing issues associated with the need to provide draft documents with sufficient lead time to allow for quality review and comment.
2. **Communication Protocol.** NMFS HQ will work with the regions to establish a protocol to ensure good communication on all actions. The protocol will specify how and when the AA should be advised of issues relating to actions, as well as prioritizations of actions made pursuant to the joint planning process. The protocol will also establish steps that HQ will take to facilitate movement of actions through HQ review. Each HQ office that has responsibility for ensuring national consistency on fishery management activities is encouraged to develop protocols with its regional counterparts to set forth procedures for ensuring early involvement, providing opportunities for review, and communicating about how issues have been resolved. In addition, NMFS may wish to develop a Communication Protocol for communicating on issues and decisions with States, interstate commissions, and Indian Tribes that share management responsibility for affected resources.

## **IV. Standards**

### **A. Standards for Assessing Adequacy of Content**

NMFS currently relies on the following guidance documents that provide standards of adequacy for relevant applicable laws:

- FRA, APA: Document Drafting Handbook, OFR; Preparation of FR Documents, 2004.
- CZMA: NOS regulations at 15 CFR part 930.
- DQA: May 5, 2003, NMFS Section 515 Pre-dissemination Review Guidelines; NOAA's Information Quality Guidelines, October 1, 2002.
- ESA: ESA Consultation Handbook; ESA CFR regulations (50 CFR 402.01 et seq.).

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<sup>3</sup> Note that the NOAA NEPA Coordinator is a separate position from the NMFS NEPA Coordinator whose job is to assist at the Fisheries level with NEPA compliance.

- MSA: National Standards Guidelines 50 CFR 600 et seq.; Essential Fish Habitat (EFH) Final Rule (67 FR 2343, Jan. 17, 2002); EFH Consultation Guidance; Social Science Guidelines.
- NEPA: CEQ Regulations; NAO 216-6; EPA Guidance, “Reviewing Environmental Impact Statements for Fishery Management Plans,” Nov. 2004.<sup>4</sup>
- RFA, EO 12866: Guidelines for Economic Analysis of Fishery Management Actions (65 FR 65841, Nov. 2, 2000); GCF Guidance on EO 12866 compliance (Macpherson memo, 2/06/98).
- PRA: 5 CFR 1320 et seq.

## B. Standardized Format, Templates, and Examples

OSF will develop and maintain a website that contains a comprehensive set of templates and examples of documents.

## V. *Model for Achieving RSP Goals*

This model combines outcome-oriented guidance on requirements at various stages in the decision-making process with quality control checkpoints to ensure timely feedback on whether standards are being met. As a first step, the model identifies the relevant steps in the process, then identifies those steps at which critical decisions must be made that could ultimately affect the approvability of a fishery management action, i.e., CFPs. The full range of steps is set forth in Table 1, below. The model requires feedback at certain CFPs to ensure that frontloading is occurring and that documentation and process are adequate and complete to support decision making at the following steps: Step 2, the initial determination of which NEPA document to prepare; Steps 4, and 4(c) if relevant, Council identification of preferred alternative and adoption of a Draft Environmental Impact Statement (DEIS); Step 7, Council vote to recommend agency action; and Step 9, the step at which the RA prepares a Decision Memorandum to begin Secretarial review.

The model uses new terminology to describe the quality-based approach. The terminology and procedures of the model are explained below and in Table 1.

### A. Terminology and Concepts.

1. **Critical Feedback Points (CFPs).** A CFP is a step in the decision-making process at which critical decisions are made that could ultimately affect approvability of the action. The number of CFPs applicable to an action varies depending on the MSA and NEPA requirements that apply to that action. For an FMP with an EIS, there are 16 steps, and potentially three additional substeps if ESA or EFH consultations are necessary, four to five of which are CFPs. In contrast, other actions, such as a regulatory amendment for which a Categorical Exclusion (CE) is asserted, may have only ten steps, of which three are CFPs. The full list of steps and CFPs for each type of action are delineated in Table 1.

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<sup>4</sup> In addition to the published regulations, CEQ has developed a variety of guidance documents to assist drafters in preparing environmental analyses. Guidance on issues such as conducting scoping, assessing cumulative impacts, and addressing environmental justice requirements, among other topics, are available via the CEQ website at <http://ceq.eh.doe.gov/nepa/nepanet.htm>. Information regarding EPA's review process is available at EPA's website, [http://www.epa.gov/compliance/resources/policies/nepa/nepa\\_policies\\_procedures.pdf](http://www.epa.gov/compliance/resources/policies/nepa/nepa_policies_procedures.pdf).

**2. Feedback Mechanisms.** In this model, feedback mechanisms are used at steps 2, 4, 4(c) (if applicable), 7, and 9, to ensure that the necessary procedural steps have been completed and the documentation and analyses are sufficient to allow the process to proceed. These checks take the form of written documentation from the RA and are described in greater detail below.

- a. Steps 2, 4, 4(c), and 7, Advisory Statements.** At steps 2, 4, 4(c), and 7, the RA provides written feedback known as an “Advisory Statement,” in the form of a letter to the Council indicating the relevant documentation and process are adequate and complete for that step and that all necessary reviewers have been consulted. The Advisory Statement is accompanied by a written determination of legal sufficiency. As described below in paragraphs 4 and 5, assessments of adequacy and legal sufficiency will be based on applicable standards and will vary according to the point in the process at which the action is being evaluated. It is likely that requisite degrees of review will also vary according to the CFP. The ROAs and the Communication Protocol will specify procedures for ensuring that all necessary parties participate and provide feedback. Timing is a factor here – in order for the RA to sign an Advisory Statement, he/she must have draft documents available for review to circulate to all relevant reviewers sufficiently in advance of planned Council action.

The Advisory Statement is a new type of feedback mechanism created in these guidelines. It serves several important functions in RSP: (1) it ensures that concerns are raised at the points in the process where they can be addressed and corrected; (2) it makes agency reviewers accountable for raising issues early in the process; (3) it helps prevent unexpected outcomes and/or delays at the end of the process; and (4) it ensures that decisions reflect regional and national policy, thereby achieving consistency.

- b. Step 9, RA’s Decision Memorandum.** The RA’s Decision Memorandum to initiate Secretarial review will serve to certify that the analyses as presented by the Council support the final decision and were reasonably considered by the Council in accordance with the procedures and requirements in the OGs. The Decision Memorandum is accompanied by a Certification of Attorney Review from the Regional GC. If the documentation does not fully reflect the action the Council took, that concern should be conveyed to the Council. The Decision Memorandum to initiate Secretarial review is not a new document. However, this model identifies it as an appropriate tool for ensuring feedback is provided at the relevant CFP.

**3. Action Plan.** Under this model, a preliminary planning and vetting document called an “Action Plan” is prepared prior to the commencement of drafting the initial NEPA document (EA, CE, or Notice of Intent (NOI) to prepare an EIS ) at step 2. The Action Plan describes the problem to be addressed and the objective to be met, indicates what type of NEPA analysis will initially be undertaken, includes an estimated timeline to implementation taking into account the possible need to reconcile differences and all relevant timing requirements (e.g., APA, ESA), describes a reasonable range of alternatives, provides an estimate of staff resource requirements (if practicable), identifies the core staff who will work on development of the action (the “fishery management action team, i.e., FMAT, defined below), and includes a checklist of other applicable laws indicating which are likely to raise issues that will need to be addressed, and, if possible, an initial plan for ensuring they are addressed. The other applicable laws that are most likely to be relevant include the following: MSA, ESA, MMPA, RFA, APA, EOs 12866 and 13272 (Economic Impacts), EO 13132 (Federalism), PRA, CZMA, and the DQA. Some fishery management actions may also be subject to additional laws, such as Indian Treaty Rights. The specific laws applicable to a particular fishery management action can only be identified on a case-by-case basis.

The Action Plan is a preliminary document intended to help guide the drafting of initial documentation for the planned action. It is not intended to constrain the development or revision of alternatives and/or analysis. It is likely that the range of alternatives may change as the process progresses and public participation occurs. The acceptability of such changes will be evaluated at subsequent CFPs. Councils may choose to participate and vote on the development of all or part of the Action Plan, or they may delegate the responsibility to their staff in the interest of time.

4. **“Adequate and Complete.”** The term “adequate and complete” refers to compliance with applicable standards as they relate to a particular point in the process. It includes both procedural and substantive requirements. Because different requirements will apply to different types of actions, and different requirements apply at different phases of the process, adequacy and completeness must be assessed on a case-by-case basis. A determination of “adequacy and completeness” includes a finding of “legally sufficiency” by Regional GC.
5. **“Legally Sufficient.”** An action is legally sufficient if: (1) there is a credible basis to conclude that the action is within the agency’s authority and consistent with any constraints imposed by statute or regulations; (2) there is a credible basis to conclude that the agency has complied with all applicable procedural requirements; and (3) the agency has articulated a rational explanation for the action in the administrative record.
6. **Other Applicable Law.** Various laws, administrative orders, and other directives must be addressed in context of fishery management action development, approval, and implementation. The relevant other applicable laws, some of which provide for specific consultative roles for States and Indian Tribes, may include the MSA, ESA, MMPA, RFA, APA, EOs 12866 and 13272 (Economic Impacts), EO 13132 (Federalism), PRA, CZMA, Indian Treaty Rights, and the DQA. At each CFP, all relevant applicable law should be considered, and issues relevant to the particular CFP identified, considered, and addressed.
7. **Fishery Management Action Team (FMAT).** The FMAT is an interdisciplinary group that consists of core agency and Council staff, and others as necessary, who work on a particular action from the beginning. To the extent practicable, members of the team should be specified in the Action Plan for each action. The team should include representatives of each part of the agency that has a significant issue to address and that will be involved in review and implementation of the ultimate action, and should include or coordinate with HQS, described in greater detail below, as appropriate. The Action Plan will set forth the list of participants on the FMAT. Additional HQS will participate as specified in the Communication Protocol described below.
8. **Headquarters Staff (HQS):** The term HQS refers to Headquarters staff who will be expected to review and/or clear an action. Specifically, HQS includes the NOAA Office of Strategic Planning (OSP) and Office of the General Counsel (GC); the NMFS Assistant Administrator for Fisheries (AA) and Offices of Sustainable Fisheries (OSF), Habitat Conservation (HC), and Protected Resources (OPR); the Office of Law Enforcement (OLE); and the Department of Commerce Office of General Counsel (DOC OGC), as applicable.
9. **Technical Assistance:** The term “technical assistance” refers to the various forms of activities and advice described on pages 3-6 of the ESA Consultation Handbook. It consists of interactions between the action agency and the consulting agency concerning listed species issues prior to a consultation. In some cases, technical assistance will result in all information necessary to initiate informal consultation. In other instances, the action agency may have to provide additional information to the consulting agency.



**10. Consultation Assessment:** A “Consultation Assessment” is a new document that can be used during ESA section 7 consultations to facilitate coordination of ESA, MSA, and NEPA timelines and processes. The “Consultation Assessment” is a formal, written memorandum from the appropriate decision-maker in PR (either the RA or the PR ARA) to the SF ARA. It contains a summary of analyses and information developed during formal consultation, as well as preliminary conclusions that would form the basis for the Biological Opinion. It is not a substitute for a formal Biological Opinion.

Specifically, the Consultation Assessment would describe the action being analyzed and summarize the data gathered during the consultation, the analysis of that information, and discussions about the analyses that occurred among PR, SF, and the Councils (as appropriate). It would provide sufficient information to facilitate meaningful discussion about (i) the probable effects of a proposed fishery management action, or its alternatives, on listed species and designated critical habitat, and (ii) additional measures that could be taken to avoid potential risks to listed species and critical habitat. The Consultation Assessment would not include PR’s determinations regarding “jeopardy” or “destruction or adverse modification of critical habitat.” Those determinations would be provided in the subsequent Biological Opinion.

Under the model in these OGs, the Consultation Assessment would be completed at step 4(a) to document the results of the consultation on the preferred alternative. The information set forth in the Consultation Assessment would permit SF and the Council to make informed decisions about a proposed action or alternative prior to completion of a formal Biological Opinion

## **B. The Phases of FMP/Rulemaking Under the Model**

This model identifies four basic phases to the development and implementation of any fishery management action. Whether an action is a rule or an FMP, and whether it will be supported by an EA, an EIS, or a CE, it is developed through the following four phases: (1) Phase I, Planning and Scoping; (2) Phase II, Preparation; (3) Phase III, Council Final Action; and (4) Phase IV, Secretarial Review and Implementation. For each of these phases the model identifies one or more sequentially numbered steps that are set forth in Table 1. This section provides a description of the procedures and steps in Table 1 and highlights actions required to conform to the model.

***Phase I*** – Phase I is the planning and scoping phase. It contains up to two steps: the initiation of scoping, and a decision about which level of NEPA analysis to undertake initially. It is important to note that the term “scoping” has a legal meaning under NEPA, and that NEPA applies certain requirements to NEPA scoping. Because NEPA scoping is similar to MSA requirements for early public notice, these guidelines use the term “scoping” to refer to the broad range of activities that may take place in the initial stages of identifying a need for management and developing alternative solutions. As part of the scoping process, regulatory analysis and information collection requirements may be examined and preliminary estimates may be made of the costs and benefits of regulations. Concerns of affected States, including potential CZMP impacts, and Indian tribes are identified and public participation is encouraged. Consideration of potential impacts relating to the ESA, MMPA, EFH, and social impacts of the FMP also begins.<sup>5</sup> Informal scoping activities can take place as part of informal early planning in Step 1. However, if a decision is made to publish an NOI to prepare an environmental impact statement, even if the purpose of publishing the notice is to solicit input on the appropriateness of an EIS, certain legal requirements will be triggered. Once a

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<sup>5</sup> We note that in some cases the ESA consulting agency will be the Fish and Wildlife Service (FWS) rather than NMFS OPR. In these cases, early cooperation with FWS is encouraged, but NMFS cannot commit to FWS’s adherence to the approach in the model.

decision is made to draft an NOI or another type of NEPA document, the action will be considered to fall within Step 2, “Initial Determinations,” and require an Action Plan.

During step 2, the Action Plan is completed prior to publication of an NOI, if applicable, or prior to drafting other NEPA documents. If an NOI has been used, the scoping summary report is prepared at the conclusion of the scoping period set forth in the NOI. The scoping summary report may modify some of the initial plans set forth in the Action Plan. Such modifications do not require formalized agency review at this point. Feedback at subsequent CFPs will address such changes.

**Phase II** – Phase II is the document development phase, and results in materials ready to support a final Council recommendation. It generally contains up to four steps, but might include up to seven steps if there is a need for EFH or ESA consultation. Step 3 consists of general frontloading activities and communications and results in the development of preliminary draft analytical documents to serve as a basis for selection of a preferred alternative and the Council’s adoption of the draft analyses for public review at Step 4. Depending on individual Council preferences and variations in management needs, the range of activities that take place during Step 3 can vary widely, in some cases encompassing years of iterative drafting, public hearings, public comment, and multiple options papers and white papers; in other cases consisting of a single staff-level draft. During Step 3, the Councils have broad discretion and few constraints on their ability to explore alternatives and develop recommendations. In many instances, the bulk of Council activity may take place at Step 3. Step 3 is also critically important for the frontloading of ESA and EFH information. If no EIS is being prepared and no protected resources or EFH issues are present, the Council may choose to proceed directly from Step 3 to Step 7, the vote on recommended action. However, this model encourages the circulation of all such draft analyses for public comment while at the Council level.

Because applicable laws, including the MSA, NEPA, the ESA, and the APA, encourage the identification of a preferred alternative, limit our ability to select an alternative that has not been fully analyzed, and impose strict timelines on the decision making process, in this model, the preferred alternative is identified at Step 4 (i.e., prior to the publication of the DEIS), except in limited circumstances where the RA and GC agree that there appear to be no significant environmental or economic issues. In other words, once a preferred alternative is identified, the required processes of the MSA and other applicable law should move expeditiously forward through the MSA approval and implementation system and few, if any, additional modifications should be made to the preferred alternative. The work accomplished during steps 1-3 should facilitate expeditious review and implementation later in the process. If at Step 4 the preferred alternative would trigger the need for formal consultation under the ESA or an EFH consultation, then under the model, such consultations must take place on the preferred alternative, underlying analyses must be revised as necessary, and the Council may need to take another vote to select a preferred alternative based on the revised analyses. The consultation would conclude with production of a Consultation Assessment 90 days after initiation. The 45-day period for preparing the BO would not begin until SF requests PR to begin drafting. In cases where an EIS is being prepared, the 45-day preparation of the BO could run concurrently with the 45-day public comment period on the DEIS.

Once the draft NEPA analyses have been completed, they should be circulated for public review. When an EIS is being prepared, publication of the DEIS for public comment is mandatory under NEPA. Circulating the draft EA or CE for public comment is encouraged.

**Phase III** – During Phase III, the Council takes its final actions to select and recommend management measures to NMFS. There are two steps in this phase: (1) the Council’s vote to adopt an FMP or regulatory amendment, followed by (2) staff work to prepare the recommendation for Secretarial review. Under this model, prior to the Council’s vote, draft documents are reviewed by the RA, GC, and other necessary staff to determine whether they are complete and legally sufficient to support decision-making. The analytical work must be complete prior to the Council’s vote; however, some additional tasks may remain to be completed after the vote. For instance, an ROA may provide for Council staff to prepare the CZMA letters, finalize regulatory text, or perform other tasks to finalize the Council’s recommendation. The degree of complexity of a recommended measure could affect the amount of time necessary to finalize a package. For instance, if regulatory text has not been completed, or must be revised, after the Council’s final vote, a significant amount of time could be necessary to complete this task. This type of timing issue should be factored, to the extent possible, into the Action Plan at Step 2. Note that parts of Phase III and Phase IV may occur simultaneously in that any remaining Council responsibilities necessary to prepare the recommendation package for formal submission may be completed at the same time that agency staff complete their own responsibilities necessary to prepare the Council’s recommendation for formal submission.

**Phase IV** – During Phase IV, the Secretary reviews and approves, or disapproves, the Councils’ recommendations. This phase encompasses the full range of agency activities necessary to package, review, and conduct proposed and final rulemaking on recommended fishery management measures. After the Council has completed its recommendation, agency staff complete their responsibilities necessary to prepare the Council’s recommendation for formal submission. These activities occur as part of Step 9 and may occur simultaneously with Step 8, during which Council staff make final preparations for formal submission. As in Step 8, it is important to note that the degree of complexity of a recommended measure could affect the amount of time necessary to finalize a package for review. NMFS initiates formal public review of the Council’s proposed measures by publishing in the *Federal Register* the Notice of Availability (NOA) of an FMP/FMP amendment and/or the proposed rule to implement the Council’s recommendation. At this step, NMFS also files the FEIS with the Environmental Protection Agency (EPA). The MSA requires that, for FMPs and FMP amendments, NMFS must publish the NOA of the FMP immediately (within 5 days) for a 60-day comment period. Within 30 days of the close of the comment period, the agency must approve, partially approve, or disapprove the Council’s recommendation. NMFS will send a letter to the appropriate Council notifying it of the official start date of the Secretarial review period. After reviewing public comment received on the NOA and/or proposed rule and on the Final Environmental Impact Statement (FEIS), the RA makes his/her decision regarding approval/disapproval of the action to the AA, and the AA determines whether to concur. The final step for implementing the approved final rule is to send it to the Office of the Federal Register for publication.

## C. Tables

**Table 1: Model Process for Achieving Goals of RSP**

Unless otherwise noted, the procedures set forth below are appropriate to apply to all Council-recommended MSA fishery management actions. Certain provisions may not apply to actions taken directly at the agency level. If a provision applies only to a certain type of action depending on its level of NEPA analysis or status as an FMP versus regulatory amendment, such distinction will be noted.

STEP/CFP	DESCRIPTION	WHO	STANDARDS	TIMING ISSUES	DOCUMENTATION	COMMENT
<i>Phase I: Planning and Scoping</i>						
1	Early Problem Identification and Planning (optional) <sup>6</sup>	<u>All:</u> <ul style="list-style-type: none"> <li>Council</li> <li>RA/RO Staff</li> <li>OSF Director signature on NOI</li> </ul>	<u>All:</u> <ul style="list-style-type: none"> <li>Document Drafting Handbook, OFR</li> <li>Preparation of <i>Federal Register</i> (FR) Documents</li> <li>MSA public meeting requirements</li> <li>CEQ Regulations</li> <li>NAO 216-6</li> <li>ESA Consultation Handbook</li> <li>EFH Consultation Guidance</li> </ul>		<u>All:</u> <ul style="list-style-type: none"> <li>Notice of public meetings if any</li> <li>ESA Technical Assistance, informal consultation or both<sup>7</sup></li> </ul>	<p>Early input from affected States and Indian tribes should be solicited/encouraged.</p> <p>If ESA-listed species subject to FWS jurisdiction are present, early efforts should be made to coordinate with FWS and request their cooperation with our model, to the extent practicable.</p> <p>*If the decision is made to publish an NOI, even as an early planning document, proceed to step 2 before publishing. (The NOI is the first step in development of an EIS. Therefore, the NOI should be reviewed for adequacy and completeness, and appropriate parties assembled on the FMAF before publishing).</p>

<sup>6</sup> The Early Planning step is an optional step that can precede the decision on what type of NEPA analysis to undertake. While the decision to engage in various types of pre-planning is optional, if these activities are undertaken, some of them involve legal requirements that must be met as set forth in this table.

<sup>7</sup> The term "technical assistance" refers to the various forms of activities and advice described on page 3-6 of the ESA Consultation Handbook.

STEP/CFP	DESCRIPTION	WHO	STANDARDS	TIMING ISSUES	DOCUMENTATION	COMMENT
2 CFP	Initial Determination	<u>All:</u> <ul style="list-style-type: none"> <li>• FMAT (includes Council, GC, and Regional Staff as appropriate)</li> <li>• Consultation with HQS<sup>8</sup></li> <li>• Council (may approve action plan)</li> <li>• RA (concurs in action plan)</li> <li>• OSF Director signature on NOI</li> </ul>	<u>All:</u> <ul style="list-style-type: none"> <li>• CEQ Regulations</li> <li>• NAO 216-6</li> <li>• Document Drafting Handbook, OFR</li> <li>• Preparation of <i>Federal Register</i> (FR) Documents</li> <li>• ESA Consultation Handbook</li> <li>• EFH Consultation Guidance</li> </ul>	<u>All:</u> <ul style="list-style-type: none"> <li>• RA provides Advisory Statement on Action Plan prior to drafting NOI, DEIS, EA, RIR/PREE, social impact assessment.</li> </ul> <u>EIS:</u> <ul style="list-style-type: none"> <li>• 30-day minimum comment period on NOI</li> </ul>	<u>All:</u> <ul style="list-style-type: none"> <li>• Advisory Statement</li> <li>• Action Plan<sup>9</sup></li> <li>• ESA Technical Assistance, informal consultation, or both</li> </ul> <u>EIS:</u> <ul style="list-style-type: none"> <li>• NOI</li> <li>• Scoping Meetings/ Notices (optional)</li> <li>• Scoping Summary Report (encouraged)</li> </ul>	
<i>Phase II: Preparation of the Action</i>						
3	Frontloading/ Communication activities	<ul style="list-style-type: none"> <li>• FMAT</li> <li>• HQS as appropriate</li> </ul>	<ul style="list-style-type: none"> <li>• CEQ Regulations</li> <li>• NAO 216-6</li> <li>• ESA Consultation Handbook</li> <li>• EFH Consultation Guidance</li> </ul> *Although no additional standards for documentation apply at this point, drafters should be cognizant of the standards that will apply at steps 4 and 7. See below.	*Note that for EA/CE actions, this may be the last step prior to the Council's vote at Step 7.	Preliminary analysis (DEIS, EA, CE)  ESA Technical Assistance, informal consultation or both.	Note that there are no specific requirements associated with this step. The range of activities during step 3 can vary widely depending on council practice and individual management needs, in some cases encompassing years of iterative drafting, public hearings, public comment, and multiple options papers and white papers; in other cases consisting of a single staff-level draft.

<sup>8</sup> The term HQS refers to Headquarters staff who will be expected to review and/or clear an action. Specifically, HQS include the NOAA Office of Strategic Planning, Program Planning and Integration (PPI/OSP); the NOAA Office of the General Counsel (GC); the NMFS Assistant Administrator for Fisheries (AA) and Offices of Sustainable Fisheries (OSF), Habitat Conservation (HC), and Protected Resources (PR); the Office of Law Enforcement (OLE); and the Department of Commerce Office of General Counsel (DOC OGC).

<sup>9</sup> The Action Plan needs to be in writing and include an Advisory Statement from the RA. The Action Plan must describe the problem to be addressed and the objective to be met, indicate what type of NEPA analysis will initially be undertaken, include an estimated timeline to implementation taking into account the possible need to reconcile differences and all relevant timing requirements (e.g., APA), describe an initial reasonable range of alternatives, provide an estimate of staff resource requirements (if practicable), identify the participants assigned to the FMAT, and include a checklist of other applicable laws indicating which are likely to raise issues that will need to be addressed, [and, if possible, an initial plan for ensuring they are addressed]. The other applicable laws that are most likely to be implicated include the following: MSA, ESA, MMPA, EFH, RFA, APA, Executive Orders 12866 and 13272 (Economic Impacts), Executive Order 13132 (Federalism), PRA, CZMA, and the DQA. Some fishery management actions may also implicate additional laws, such as Indian Treaty Rights. The laws applicable to a particular fishery management action must be identified on a case-by-case basis. The Advisory Statement from the RA indicates that GC has found the process set forth to be legally sufficient and that the RA agrees to the commitments of agency staff and resources that appear to be necessary for the development of the action.

STEP/CFP	DESCRIPTION	WHO	STANDARDS	TIMING ISSUES	DOCUMENTATION	COMMENT
<b>4 CFP</b>	Identification of preferred alternative/ Adoption of draft analysis	<u>All:</u> <ul style="list-style-type: none"> <li>FMAT (includes Council, GC, and Regional Staff as appropriate)</li> <li>Consultation with HQS</li> <li>Council (approves)</li> </ul> <u>EIS:</u> <ul style="list-style-type: none"> <li>RA (concurrence)</li> </ul>	<u>All:</u> <ul style="list-style-type: none"> <li>CEQ Regulations</li> <li>NAO 216-6</li> <li>National Standards Guidelines (63 FR 24212, May 1, 1998)</li> <li>Social science guidelines</li> <li>Guidelines for Economic Analysis of Fishery Management Actions (65 FR 65841, Nov. 2, 2000)</li> <li>EFH Final Rule (67 FR 2343, Jan. 17, 2002)</li> <li>EFH Consultation Guidance</li> <li>ESA Consultation Handbook</li> <li>ESA regulations, 50 CFR 402.01 et seq.</li> <li>NMFS Sec. 515 Pre-dissemination review guidelines, May 5, 2003</li> <li>NOAA Information Quality Guidelines, Oct. 1, 2002</li> </ul>	<u>All:</u> <ul style="list-style-type: none"> <li>Advisory Statement<sup>10</sup> must be available to Council prior to decision.</li> </ul> *This means that all other documents listed in the documents column must be available with sufficient lead time to allow review, and clearances if necessary.	<u>All:</u> <ul style="list-style-type: none"> <li>Advisory Statement</li> <li>Preliminary Draft NEPA document (preliminary DEIS, EA or CE)</li> <li>DFMP or Draft reg. amendment to the extent practicable</li> <li>PREE</li> <li>Draft RIR</li> <li>Draft regulatory text (to the extent practicable or necessary)</li> <li>Science Center certification as applicable</li> <li>ESA Technical Assistance, informal consultation if appropriate</li> <li>Draft Social Impact Assessment</li> <li>DQA Predissemination review form signed at regional level</li> </ul>	At the end of Step 4, the Council has identified a preferred alternative that is covered by the NEPA Analysis. If there are no ESA/EFH duties, proceed to step 5 and publish the DEIS, or to step 7 if appropriate.  <i>If the preferred alternative is subject to ESA formal consultation requirements or EFH consultation requirements, initiate such consultation and proceed to step 4(a).</i>  <u>*EA/CE:</u> For EAs/CEs, this step may occur simultaneously with Council recommendation of agency action (at step 7) if appropriate.
(a)	ESA/EFH consultations on preferred alternative	<u>All:</u> <ul style="list-style-type: none"> <li>Regional Staff</li> <li>Consultation with HQS</li> <li>FWS (if appropriate)<sup>11</sup></li> </ul>	<ul style="list-style-type: none"> <li>EFH Final Rule (67 FR 2343, Jan. 17, 2002)</li> <li>EFH Consultation Guidance</li> <li>ESA Consultation Handbook</li> <li>ESA regulations, 50 CFR 402.01 et seq.</li> </ul>	*Note that receipt of EFH Conservation Recommendations triggers a 30 day period within which a written response must be submitted. In some instances, an "interim response" will be necessary.  *Formal ESA Consultation must be completed within 90 days of initiation unless extended by mutual agreement.	<ul style="list-style-type: none"> <li>Completed Consultation phase of formal ESA § 7 consultation and documentation thereof with "Consultation Assessment"<sup>12</sup></li> <li>Completed EFH assessment, and Conservation Recommendations if appropriate</li> <li>Response to EFH Conservation Recommendations, or Interim Response, if appropriate</li> </ul>	

<sup>10</sup> "Advisory Statements" are in the form of a letter to the Council indicating that the relevant documentation and process are adequate and complete for that step and that all necessary reviewers have been consulted. Because an Advisory Statement requires a determination of legal sufficiency, issues preventing the determination of legal sufficiency also prevent issuance of the Advisory Statement.

<sup>11</sup> FWS may not agree to operate according to our OGs, but we can request – especially if we contacted early via FMAT.

<sup>12</sup> The "Consultation Assessment" is a formal, written memorandum from the appropriate decision-maker in PR (either the RA or the PR ARA) to the SF ARA. It contains a summary of the analysis, information, and conclusions of a formal consultation that would form the basis for the Biological Opinion. Those determinations would be provided in the subsequent Biological Opinion. Under the model in these OGs, the Consultation Assessment would be produced at step 4(a) to document the results of the consultation on the preferred alternative.

STEP/CFP	DESCRIPTION	WHO	STANDARDS	TIMING ISSUES	DOCUMENTATION	COMMENT
(b)	Revise analysis as necessary based on consultations	<u>All:</u> <ul style="list-style-type: none"> <li>FMAT (includes Council, GC, and Regional Staff as appropriate)</li> <li>Consultation with HQS</li> </ul>	<u>All:</u> <ul style="list-style-type: none"> <li>CEQ Regulations</li> <li>NAO 216-6</li> <li>National Standards Guidelines (63 FR 24212, May 1, 1998)</li> <li>Social science guidelines</li> <li>Guidelines for Economic Analysis of Fishery Management Actions (65 FR 65841, Nov. 2, 2000)</li> </ul>			If, based on the Consultation Assessment, it appears that modifications to the preferred alternative will be necessary (RPAs likely), the revised analysis must include alternatives that incorporate such modifications. It is critical that NMFS and the Council work collaboratively in developing alternatives that will avoid a jeopardy opinion and avoid the need for repeated cycles of the consultation process.
(c) CFP	Revote on preferred alternative as necessary	<u>All:</u> <ul style="list-style-type: none"> <li>FMAT (includes Council, GC, and Regional Staff as appropriate)</li> <li>Consultation with HQS</li> <li>Council (approves)</li> </ul> <u>EIS:</u> <ul style="list-style-type: none"> <li>RA (concurrence)</li> </ul>	<u>All:</u> <ul style="list-style-type: none"> <li>CEQ Regulations</li> <li>NAO 216-6</li> <li>National Standards Guidelines (63 FR 24212, May 1, 1998)</li> <li>Social science guidelines</li> <li>Guidelines for Economic Analysis of Fishery Management Actions (65 FR 65841, Nov. 2, 2000)</li> <li>EFH Final Rule (67 FR 2343, Jan. 17, 2002)</li> <li>EFH Consultation Guidance</li> <li>ESA Consultation Handbook</li> <li>ESA regulations, 50 CFR 402.01 et seq.</li> <li>NMFS Sec. 515 Pre-dissemination review guidelines, May 5, 2003</li> <li>NOAA Information Quality Guidelines, Oct. 1, 2002</li> </ul>	<u>All:</u> <ul style="list-style-type: none"> <li>Advisory Statement, must be available to Council prior to decision</li> </ul> *This means that draft documents must be available with sufficient lead time to allow review, and clearances if necessary.  *Note that receipt of EFH Conservation Recommendations triggers a 30 day period within which a written -response must be submitted. In some instances, an "interim response" will be necessary.	<u>All:</u> <ul style="list-style-type: none"> <li>Advisory Statement</li> <li>Draft NEPA document (DEIS, EA or CE)</li> <li>DFMP or Draft reg. amendment to the extent practicable</li> <li>PREE</li> <li>Draft RIR</li> <li>ESA Consultation Assessment (produced at step 4(a))</li> <li>Draft regulatory text (to the extent practicable or necessary)</li> <li>Science Center certification as applicable</li> <li>EFH assessment and Conservation Recommendations (produced at step 4(a))</li> <li>Response to EFH Conservation Recommendations, or Interim Response, if appropriate</li> <li>DQA Predissemination review form signed at regional level</li> </ul>	<u>All:</u>  For NEPA purposes, draft NEPA document should include for public review the information contained in the Consultation Assessment.  <u>EA:</u>  After final selection of preferred alternative, SF should request PR to initiate drafting of Draft B.O. (DBO) on preferred alternative. Drafting should be complete within 45 days
5	File DEIS w/EPA  <u>EA/CE:</u> n/a	<u>EIS:</u> <ul style="list-style-type: none"> <li>RA, RO Staff</li> <li>OSF (transport document to EPA)</li> <li>PPI</li> <li>F</li> </ul>	<u>EIS:</u> <ul style="list-style-type: none"> <li>EPA filing standards</li> <li>NAO 216-6</li> <li>Examples Package</li> <li>CEQ Regulations</li> </ul>	<u>EIS:</u> <ul style="list-style-type: none"> <li>45-day minimum comment period begins</li> <li>File with EPA by 3:30 Friday, the week prior to publishing</li> <li>At least 90 days must pass after publication of DEIS before agency can take final action</li> <li>PR drafts DBO within 45 days of filing DEIS with EPA</li> </ul>	<u>EIS:</u> <ul style="list-style-type: none"> <li>Memo from F to NOAA PPI/OSP</li> <li>Memo from NOAA PPI/OSP to EPA</li> <li>"To All Interested Parties" Memo</li> <li>EPA publishes NOA on DEIS in FR</li> </ul>	

STEP/CFP	DESCRIPTION	WHO	STANDARDS	TIMING ISSUES	DOCUMENTATION	COMMENT
6	Public Comment on DEIS	<u>EIS:</u> FMAT and/or Council Staff  EPA	<u>EIS:</u> • CEQ Regulations • NAO 216-6 • EPA Guidance	<u>EIS:</u> • Comment period on DEIS must be at least 45 days	<u>EIS:</u> • Public Hearings/Meetings/Written Comments • FR notices advising public of meetings	<u>EIS:</u> If EPA rates the DEIS at a "3" (inadequate), then a new DEIS must be prepared and circulated for public comment.
	<u>EA/CE:</u> Optional	<u>EA/CE, if opted:</u> FMAT and/or Council Staff	<u>EA/CE, if opted:</u> • CEQ Regulations • NAO 216-6	<u>EA/CE, if opted:</u> n/a	<u>EA/CE, if opted:</u> • Public Hearings/Meetings/Written Comments • FR notices advising public of meetings	
<i>Phase III: Council Final Action</i>						
<b>7 CFP</b>	Council Adoption of FMP or Reg. amendment	<u>All:</u> • Council/Staff • RA, RO Staff • HQS (consult as appropriate) • Public Comment at meeting	<u>All:</u> • CEQ Regulations • NAO 216-6 • National Standards Guidelines • Social science guidelines • Guidelines for Economic Analysis of Fishery Management Actions (65 FR 65841, Nov. 2, 2000) • EFH Final Rule (67 FR 2343, Jan. 17, 2002) • EFH Consultation Guidance • ESA Consultation Handbook • ESA regulations, 50 CFR 402.01 et seq. • NMFS Sec. 515 Pre-dissemination review guidelines, May 5, 2003 • NOAA Information Quality Guidelines, Oct. 1, 2002	<u>All:</u> • Advisory Statement, must be available to Council prior to adoption.  *This means that all other documents listed in the documents column must be available with sufficient lead time to allow review, and clearances if necessary.	<u>EIS or EA:</u> • Advisory Statement • Preliminary Final NEPA document (either preliminary final EIS or draft EA) with summary of comments and responses thereto • PREE • Draft RIR • Consultation Assessment if preferred alternative subject to ESA section 7 (or DBO if available) • Draft regulatory text (to the extent practicable or necessary) • Final Responses to EFH Conservation Recommendations if not already provided • Social Impact Assessment  <u>CE:</u> • All of the above except with a CE memo signed by RA with cc: to OSP rather than DEIS or EA	<u>All:</u> "Adequacy and completeness" must be judged based on a case-by-case basis. In some cases, "completeness" may require preparation of draft regulatory text. If inadequacies are identified, including issues that prevent the determination of legal sufficiency, action must stop until corrected, and issues must be elevated for resolution.  <u>EIS:</u> Note that for EIS- based actions subject to ESA section formal consultation, a DBO will probably be available since it is produced during the 45 day comment period on the DEIS.  <u>EA:</u> Confirm that Draft EA supports FONSI.
8	Council Completion of recommendation package	<u>All:</u> • Council/Staff • RA, RO Staff • GC		<u>All:</u> • Steps 8 and 9 may begin simultaneously  *Note that complex requirements may take more time to finalize for submission.	<u>All:</u> • Final FMP or Reg. amendment • Identification of APA issues and/or prepare Proposed Rule • CZMA letters  <u>For proposed rules only:</u> • Draft IRFA or Draft RFA certification • Draft RIR	



STEP/CFP	DESCRIPTION	WHO	STANDARDS	TIMING ISSUES	DOCUMENTATION	COMMENT
<i>Phase IV: Secretarial Approval</i>						
9 CFP	Completion of Decision Package	<u>All:</u> <ul style="list-style-type: none"> <li>Council Staff</li> <li>RO Staff</li> <li>GC</li> <li>HQS (as appropriate)</li> <li>Regs unit, if possible</li> </ul>	<u>All:</u> <ul style="list-style-type: none"> <li>CEQ Regulations</li> <li>NAO 216-6</li> <li>National Standards Guidelines (63 FR 24212, May 1, 1998)</li> <li>Social science guidelines</li> <li>Guidelines for Economic Analysis of Fishery Management Actions (65 FR 65841, Nov. 2, 2000)</li> <li>EFH Final Rule (67 FR 2343, Jan. 17, 2002)</li> <li>ESA Consultation Handbook</li> <li>ESA regulations, 50 CFR 402.01 et seq.</li> <li>Document Drafting Handbook, OFR</li> <li>Preparation of FR Documents</li> <li>GCF Guidance on EO 12866 compliance (Macpherson memo, 2/10/98)</li> <li>Examples Package</li> <li>NMFS Sec. 515 Pre-dissemination review guidelines, May 5, 2003</li> <li>NOAA Information Quality Guidelines, Oct. 1, 2002</li> <li>PRA Guidance</li> </ul>	<u>All:</u> EO 12866: <ul style="list-style-type: none"> <li>GCF submits listings to DOC/OMB the first Wednesday of the month</li> <li>OMB gets 10 days to object to significance determination</li> <li>90 days to complete review of significant rules</li> <li>If subject to ESA consultation, PR has 45 days from submission of request to confirm PBO</li> </ul> <u>PRA:</u> <ul style="list-style-type: none"> <li>OMB gets 90 days to complete review</li> <li>CZMA-states get 90 days to respond to consistency determination</li> <li>As early as possible, draft Proposed Rule should be sent to regs unit</li> </ul> <u>CE:</u> <ul style="list-style-type: none"> <li>OSP must receive copies of CEs within 3 months</li> </ul>	<u>All:</u> <ul style="list-style-type: none"> <li>Decision Memo and determinations, determined to be legally sufficient by Regional GC.</li> <li>Certification of Overfishing Definition, if applicable</li> <li>Science Center Certifications as applicable</li> <li>Draft Memo, "F to DOC OGC" [approval] for package</li> <li>Draft NOAA GC memo</li> <li>Draft OSF to SBA memo, if applicable</li> <li>E.O 12866 Submission Form, if applicable</li> <li>Congressional Review Act (major/not major)</li> <li>PRA document (SF 83-I)</li> <li>DQA Predissemination review form signed at regional level</li> </ul> <u>Proposed rules only:</u> <ul style="list-style-type: none"> <li>IRFA or RFA certification</li> <li>RIR</li> <li>SBA transmittal</li> </ul>	<u>All:</u> RA must determine that final decision as presented is supported by final analysis and is complete, adequate and consistent with Council decision.  If RA determination is negative, action stops until corrective measures are take, e.g., may have to do SDEIS and take more comment.  *For actions subject to formal ESA consultation, SF must request PR to review DBO for confirmation as Final BO.
10	Begin MSA Secretarial Review  <u>Reg. Am:</u> n/a	<u>FMP:</u> <ul style="list-style-type: none"> <li>RA/RO Staff</li> <li>Councils</li> </ul>	<u>FMP:</u> <ul style="list-style-type: none"> <li>Examples Package</li> </ul>	<u>FMP:</u> <ul style="list-style-type: none"> <li>Transmit Date</li> <li>Begins MSA timelines</li> </ul>	<u>FMP:</u> Establish Transmit Date: <ul style="list-style-type: none"> <li>Letter establishing transmit date</li> <li>RA to OSF memo transmitting NOA on FMP</li> </ul>	*Note: ROA should establish who sends letter. If council doesn't send, then agency must ensure Council is notified.

STEP/CFP	DESCRIPTION	WHO	STANDARDS	TIMING ISSUES	DOCUMENTATION	COMMENT
11	Publication of NOA (FMP), Proposed Rule  File FEIS	<u>EIS:</u> HQS, NOAA SP, EPA  <u>EA:</u> HQS, NOAA SP  <u>CE:</u> HQS  <u>Proposed Rule:</u> Regs unit	<u>EIS:</u> • EPA filing Standards • Examples Package  <u>EA/CE:</u> • Examples Package  <u>Proposed Rule:</u> • Document Drafting Handbook, OFR • Preparation of FR Documents	<u>FMP:</u> • NOA on FMP must publish within 5 Days of Transmittal • Publication of NOA starts 90 day clock (60 days of comment, decision on FMP within 30 days CPE)  <u>Proposed Rule:</u> • 15-60 day comment period on PR (30 days recommended) • Final Rule to issue within 30 days CPE on Proposed Rule  <u>EIS:</u> • The 30-day cooling off period of FEIS must be completed prior to the AA's decision on the FMP or final rule, whichever comes first.	<u>All:</u> • Fax copy of Federal Register to designated contact in State/Tribal offices  <u>EIS:</u> • F to NOAA PPI/OSP memo • NOAA PPI/OSP to EPA memo • "To All Interested Parties" Memo • NOA of FEIS published in FR by EPA • Final BO, if applicable	*Note: Whenever possible, it is encouraged for the comment periods on the FMP and the proposed rule to run concurrently.
12	<u>FMP:</u> RA Decision to approve/disapprove FMP  <u>Reg. Am:</u> RA Decision to approve/disapprove final rule.	<u>All:</u> • RA, RO Staff • Consult as necessary with HQS	<u>All:</u> Examples Package • NMFS Sec. 515 Pre-dissemination review guidelines, May 5, 2003 • NOAA Information Quality Guidelines, Oct. 1, 2002	<u>FMP:</u> • Final Decision Memo, determined to be legally sufficient by Regional GC, on FMP and NEPA document must be signed by Day 95/30 days after CPE on NOA of FMP  <u>Reg. Am:</u> • No final action until CZMA time has tolled  • Final Rule due out within 30 days CPE on Proposed Rule	<u>FMP/EIS:</u> • Decision Memo and Determinations, determined to be legally sufficient by Regional GC • NEPA document as approved by RA  <u>FMP/EA:</u> • All of the above, and • Final BO, if applicable, and • Draft FONSI Memos (F to PPI/OSP; "To All Interested Parties" memo)  <u>Reg. Am/EIS:</u> • Decision Memo and Determinations, determined to be legally sufficient by Regional GC • Final Rule - includes responses to public comments • NEPA document as approved by RA • FRFA or certification • DQA Predissemination review form signed at regional level • Issues Advisory if applicable  <u>Reg. Am/EA:</u> • All of the above, and • Final BO, if applicable, and • Draft FONSI Memos (F to PPI/OSP; "To All Interested Parties" memo)	*Note: The RA's approval of the EA/FONSI is not the final determination of FONSI - that authority has not been delegated.

STEP/CFP	DESCRIPTION	WHO	STANDARDS	TIMING ISSUES	DOCUMENTATION	COMMENT
13	<p><u>FMP:</u> AA concurrence on RA Decision to approve/disapprove FMP.</p> <p><u>Reg. Am:</u> AA concurrence on RA Decision to approve/disapprove final rule.</p> <p><u>EIS/EA:</u> AA sign final NEPA document (ROD or FONSI)</p>	<p><u>All:</u> HQS</p>	<p><u>All:</u> CEQ regs and NAO 216-06</p>	<p><u>All:</u></p> <ul style="list-style-type: none"> <li>Decision Memo, determined to be legally sufficient by Regional GC</li> </ul> <p><u>FMP:</u></p> <ul style="list-style-type: none"> <li>Day 95 or before; No final action until CZMA time has tolled or State concurrence received</li> </ul> <p><u>w/EIS:</u></p> <ul style="list-style-type: none"> <li>At least 90 days after NOA (DEIS)</li> <li>At least 30 days after NOA (FEIS)</li> </ul> <p><u>w/EA:</u></p> <ul style="list-style-type: none"> <li>FONSI Must be signed by Day-95/30 days after CPE on NOA of FMP</li> </ul> <p><u>w/CE:</u></p> <ul style="list-style-type: none"> <li>Day 95 or before</li> </ul> <p><u>Reg. Am:</u></p> <ul style="list-style-type: none"> <li>No final action until CZMA time has tolled or State concurrence received</li> <li>Final Rule due out within 30 days CPE on Proposed Rule</li> </ul> <p><u>w/EIS:</u></p> <ul style="list-style-type: none"> <li>At least 90 days after NOA (DEIS)</li> <li>At least 30 days after NOA (FEIS)</li> </ul>	<p><u>All:</u></p> <ul style="list-style-type: none"> <li>AA signed concurrence</li> </ul> <p><u>EIS:</u></p> <ul style="list-style-type: none"> <li>ROD</li> </ul> <p><u>EA:</u></p> <ul style="list-style-type: none"> <li>PPI/OSP concurrence on FONSI</li> </ul> <p><u>FMP only:</u></p> <ul style="list-style-type: none"> <li>Letter to Council</li> </ul>	
14	<p><u>FMP:</u> RA decision on final rule to implement FMP</p> <p><u>Reg. Am:</u> n/a</p>	<p><u>FMP:</u></p> <ul style="list-style-type: none"> <li>RA, RO Staff</li> <li>Consult as necessary with HQS</li> </ul>	<p><u>FMP:</u></p> <ul style="list-style-type: none"> <li>Examples Package</li> <li>Document Drafting Handbook, OFR</li> <li>Preparation of FR Documents</li> <li>NMFS Sec. 515 Pre-dissemination review guidelines, May 5, 2003</li> <li>NOAA Information Quality Guidelines, Oct. 1, 2002</li> </ul>	<p><u>FMP:</u></p> <ul style="list-style-type: none"> <li>Final Rule due out within 30 days close of comment period on Proposed Rule</li> <li>No final action until CZMA time has tolled</li> </ul>	<p><u>FMP:</u></p> <ul style="list-style-type: none"> <li>Decision Memo and Determinations on final rule, determined to be legally sufficient by Regional GC, to F recommending promulgation of the Final Rule</li> <li>F to DOC OGC [approval] memo</li> <li>F to NOAA GC [approval] memo</li> <li>Final Rule - includes responses to public comments</li> <li>FRFA/RFA certification</li> <li>DQA Predissemination review form signed at regional level</li> <li>Issues Advisory if applicable</li> </ul>	<p><u>FMP:</u> Steps 14 and 15 may be compressed with steps 12 and 13</p> <p>*If final NEPA document was signed at FMP approval, decision package on Final Rule must also address NEPA to ensure the previous determination is still applicable.</p>

STEP/CFP	DESCRIPTION	WHO	STANDARDS	TIMING ISSUES	DOCUMENTATION	COMMENT
15	AA concurrence on final rule to implement FMP  <u>Reg. Am:</u> n/a	<u>FMP:</u> HQS		<u>All:</u> <ul style="list-style-type: none"> <li>Decision Memo, determined to be legally sufficient by Regional GC</li> </ul> <u>FMP:</u> <ul style="list-style-type: none"> <li>No final action until CZMA time has tolled</li> </ul> <u>FMP/EIS:</u> <ul style="list-style-type: none"> <li>At least 90 days after NOA (DEIS)</li> <li>At least 30 days after NOA (FEIS)</li> </ul>	<u>All:</u> <ul style="list-style-type: none"> <li>AA signed concurrence</li> </ul>	<u>FMP:</u> Steps 14 and 15 may be compressed with steps 12 and 13  *If final NEPA document was signed at FMP approval, decision package on Final Rule must also address NEPA to ensure the previous determination is still applicable.
16	Publication of Final Rule, or notice of agency decision on FMP, in FR	<u>All:</u> <ul style="list-style-type: none"> <li>SF5</li> <li>RA/RO and Council Staff as appropriate</li> <li>OFR</li> </ul>	<u>All:</u> <ul style="list-style-type: none"> <li>Document Drafting Handbook, OFR</li> <li>Preparation of FR Document</li> </ul>	<u>All (Final rule only):</u> <ul style="list-style-type: none"> <li>30-day delay in effectiveness unless waived under APA</li> <li>Publish within 30 days CPE on Proposed Rule</li> </ul>	<u>All (Final Rule Only):</u> Submit Rule to Congress (Cong. Review Act) <ul style="list-style-type: none"> <li>Letters to Congress</li> <li>Published final rule</li> <li>Small entity compliance guide</li> </ul>	*Note: Coordination with the States is encouraged. Copies of documents may be faxed to designated state contacts. NMFS and Councils may jointly request States to implement complementary measures where appropriate.  *FR notice should refer to availability of ROD

**TABLE 2: Summary of Steps and Feedback Points in Model Process**

Step	Reg. Am w/EA or CE	FMP w/EA or CE	Reg. Am w/EIS	FMP w/EIS
1. Planning	X	X	X	X
<b>2. Initial Draft/Action Plan</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
3. Frontloading	X	X	X	X
<b>4. Preferred Alternative; DEIS (a) - (c)</b>			<b>X</b>	<b>X</b>
<b>(*If consultations, substeps (a) - (c) )</b>	<b>(X)</b>	<b>(X)</b>	<b>(X)</b>	<b>(X)</b>
5. File DEIS			X	X
6. Public Comment on DEIS			X	X
<b>7. Council Vote</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
8. Council Staff Clean-up	X	X	X	X
<b>9. Agency Preparations</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
10. Transmit		X		X
11. Publish Proposal	X	X	X	X
12. RA – Decision 1	X	X	X	X
13. AA – Decision 1	X	X	X	X
14. RA– Decision 2		X		X
15. AA – Decision 2		X		X
16. Publish final decision	X	X	X	X

# **OPERATING AGREEMENT**

**Between the**  
**South Atlantic Fishery Management Council,**  
**NOAA National Marine Fisheries Service Southeast Regional Office,**  
**NOAA National Marine Fisheries Service Southeast Fisheries Science**  
**Center, and**  
**NOAA General Counsel, Southeast Region**



**National Marine Fisheries Service**

May 22, 2014

*This Agreement outlines the roles and responsibilities of the South Atlantic Fishery Management Council (Council), NOAA National Marine Fisheries Service (NMFS) Southeast Regional Office (SERO), NMFS Southeast Fisheries Science Center (SEFSC), and NOAA General Counsel, Southeast Region (GCSE), related to preparing documentation for fishery conservation and management actions in the exclusive economic zone of the South Atlantic.*

## **OPERATING AGREEMENT**

### **STATEMENT OF PURPOSE**

The purpose of this Agreement is to confirm the mutual interests of the Council, SERO, SEFSC, and GCSE in the need for and principles associated with the wise conservation and management of the Nation's fisheries, and to establish the roles, responsibilities, and commitments of the parties to that end.

### **BACKGROUND**

NMFS distributed draft operational guidelines for developing and implementing fishery management actions (Operational Guidelines) to Office Directors, Regional Administrators, and Regional Fishery Management Councils (Councils) in August 2005. The purpose of the Operational Guidelines is to provide a model process for better integrating the agency's multiple statutory mandates to address the following specific needs:

- More clearly define missions, authorities, roles, and responsibilities;
- Assure adequacy of decision documents;
- Reconcile statutory timelines;
- Eliminate unnecessary delays and unpredictable outcomes;
- Increase accountability; and
- Utilize standardized practices.

The Operational Guidelines provide a general description of the model process, which relies heavily on the concepts of cooperation, shared responsibility, and frontloading of review among the Councils, NMFS Regional Offices, NMFS Science Centers, NMFS Headquarters, NOAA General Counsel, and the NOAA National Environmental Policy Act Coordinator. However, they require NMFS' Regional Offices and the Councils delineate in Regional Operating Agreements region-specific agency and Council roles, responsibilities, and obligations related to developing fishery management decision documents using a frontloading approach. The relationship between NMFS' Headquarters and Regional Offices is to be addressed separately through a Communication Protocol.

Generally, the purpose of Regional Operating Agreements is to specify how frontloading procedures will be used to ensure the processes and documentation associated with fishery management proposals are legally adequate, timely, and provide a rational basis for decisionmaking. For that reason, the Operational Guidelines encourage Regional Offices to address in their Operating Agreements the roles and obligations of all responsible/contributing parties, including the Science Centers and General Counsel, to the extent possible.

This Operating Agreement describes processes, products, roles, and responsibilities designed to maximize frontloading during each of the four main rulemaking phases described in the Operational Guidelines: I) Planning and scoping; II) Document



preparation; III) Council final action; and IV) Secretarial review and implementation. The intended effect of the described protocol is to promote early planning, cooperation, and open communication in developing fishery management documentation, with the objective of streamlining the review and approval process and, ultimately, improving fishery management decisionmaking. The Regional Operating Agreement is not intended to limit or prevent staff from agreeing upon alternative processes on a case-specific basis in response to specific management needs or concerns. Additionally, it is considered a “living document,” which will change over time in response to lessons learned, and to changing management needs and conditions.

## ACRONYMS & ABBREVIATIONS

ACCSP	Atlantic Coastal Cooperative Statistics Program
ALS	Accumulated Landings System
APA	Administrative Procedure Act
ARA	Assistant Regional Administrator
BiOp	Biological Opinion
CE	Categorical Exclusion
Council	South Atlantic Fishery Management Council
CZMA	Coastal Zone Management Act
DEIS	Draft Environmental Impact Statement
EA	Environmental Assessment
EFH	Essential Fish Habitat
EPA	Environmental Protection Agency
ESA	Endangered Species Act
FEIS	Final Environmental Impact Statement
F/HC	NMFS Office of Habitat Conservation
FLS	Fisheries Logbook System
FMP	Fishery Management Plan
F/PR	NMFS Office of Protected Resources
F/SF	NMFS Office of Sustainable Fisheries
FY	Fiscal Year
GCF	NOAA General Counsel for Fisheries
GCSE	NOAA General Counsel, Southeast Region
HC	SERO Habitat Conservation Division
HQ	NMFS Headquarters
IPT	Interdisciplinary Plan Team (defined in the Operational Guidelines as the Fishery Management Action Team, or FMAT)
IQA	Information Quality Act
MARMAP	Marine Resources Monitoring, Assessment, and Prediction
MRFS	Marine Recreational Fisheries Statistics Survey
MSA	Magnuson-Stevens Fishery Conservation and Management Act
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
OFR	Office of the Federal Register
OMB	Office of Management and Budget

PPI	NOAA Office of Program Planning and Integration
PR	SERO Protected Resources Division
RA	Regional Administrator
RFA	Regulatory Flexibility Act
RID	Regulatory Information Data
RIN	Regulation Identifier Number
ROD	Record of Decision
SEAMAP	Southeast Area Monitoring and Assessment Program
SEDAR	Southeast Data, Assessment, and Review
SEFSC	NMFS Southeast Fisheries Science Center
SERO	NMFS Southeast Regional Office
SF	SERO Sustainable Fisheries Division
TIP	Trip Interview Program

## STATEMENT OF RESPONSIBILITIES PHASE I: PLANNING & SCOPING

### 1. ANNUAL WORKLOAD

#### (a) Process

The Council, SERO, and SEFSC will identify and prioritize fishery management needs and actions for each fiscal year using a collaborative planning process. This process will take the form of an annual operating meeting to occur the summer preceding each fiscal year. Meeting logistics will be determined annually based on budgetary constraints. FY stock assessment schedule and priorities will be defined by the Southeast Data, Assessment, and Review (SEDAR) Steering Committee.

#### (b) Products/Deliverables

DOCUMENT	DESCRIPTION	LEAD DRAFTER	CONTRIBUTORS/ REVIEWERS
<b>FY Annual Operating Plan</b>	Summarize & prioritize the FY workload agreed upon at the annual operating meeting; provide sufficient flexibility to accommodate unanticipated needs/issues that are likely to arise throughout the year.	SERO	Council Members/ Staff SEFSC
<b>Council Follow Up Document</b>	Track key components of the Annual Operating Plan (e.g., status of current actions, schedule of pending actions) throughout the FY (see Attachment 1 for summary example).	Council Staff	SERO SEFSC

#### (c) Roles/Responsibilities

##### Council

##### Staff and Members

- Participate in annual operating meetings
- Review and comment on FY Annual Operating Plan
- Participate in defining stock assessment schedules/priorities through the SEDAR Steering Committee

**Staff**

- Assume lead in drafting, revising, and finalizing no later than ten working days after each Council meeting the Council Follow Up Document

**SERO**

- Organize, staff, and participate in annual operating meetings
- Assume lead in drafting and finalizing FY Annual Operating Plan
- Review and comment on Council Follow Up Document after each Council meeting
- Participate in defining stock assessment schedules/priorities through the SEDAR Steering Committee

**SEFSC**

- Participate in annual operating meetings
- Participate in defining stock assessment schedules/priorities through the SEDAR Steering Committee
- Review and comment on FY Annual Operating Plan
- Review and comment on Council Follow Up Document after each Council meeting

**2. INDIVIDUAL FISHERY MANAGEMENT PROPOSALS/ACTIONS****(a) Process**

The Council, SERO, SEFSC, and GCSE will collaborate through IPTs in planning and defining the scope of individual fishery management actions.

**(b) Products/Deliverables**

<b>DOCUMENT</b>	<b>DESCRIPTION</b>	<b>LEAD DRAFTER</b>	<b>CONTRIBUTORS/ REVIEWERS</b>
<b>IPT Memo</b>	Describe regulatory proposals/actions, request staff support, & communicate expectations related to role of IPT members (IPT Protocol; Attachment 2).	SERO	Council Staff SEFSC
<b>Action Plan</b>	Describe problem (need) & objective (purpose), proposed action/alternatives, data/analytical requirements (including preliminary NEPA documentation), tentative implementation schedule	IPT	Council Staff SERO SEFSC

DOCUMENT	DESCRIPTION	LEAD DRAFTER	CONTRIBUTORS/ REVIEWERS
	based on general Council schedule, proposed staff assignments, outstanding questions/issues, IPT membership.		
<b>Notice of Intent/Scoping Meetings (if applicable)</b>	<i>Federal Register</i> notices that meet applicable NEPA, MSA, & OFR requirements.	SERO	IPT GCSE Council Staff
<b>Other Scoping Meeting Notices (if applicable)</b>	<i>Federal Register</i> notices that meet applicable NEPA, MSA, & OFR requirements.	Council Staff	
<b>Scoping Paper (if applicable)</b>	Preliminary draft document describing problems/objectives, proposed action/initial alternatives, & key issues/concerns; intended to provide background information for scoping meetings.	IPT	Council Members/ Staff SERO SEFSC
<b>Scoping Summary Report (if applicable)</b>	Report summarizing comments & alternatives submitted during scoping.	Council Staff	IPT SERO SEFSC
<b>Options Paper (optional)</b>	Preliminary draft document describing problems/objectives, proposed action/initial alternatives, key issues/concerns, & preliminary analyses; intended to inform/solicit Council input on how to proceed in developing public hearing draft & associated analyses.	IPT	Council Staff SERO SEFSC

**(c) Roles/Responsibilities**

Council

Staff

- Identify staff from appropriate disciplines who will serve on IPT; designate co-team lead
- Draft and/or review *Federal Register* notices (if applicable)
- Conduct scoping meetings (if applicable)
- Present IPT advice/recommendations to Council
- Prepare Scoping Summary report and communicate scoping comments to Council (if applicable)
- Review IPT products/deliverables

Members

- Identify need for management proposals/actions, and develop preliminary range(s) of alternatives
- Review IPT products/deliverables

SERO

- Identify staff from appropriate disciplines who will serve on IPT; designate co-team lead
- Establish IPT through IPT memo
- Draft and/or review *Federal Register* notices (if applicable)
- Review Scoping Summary report (if applicable)
- Review IPT products/deliverables

SEFSC

- Identify staff from appropriate disciplines who will serve on IPT
- Review IPT products/deliverables

GCSE

- Identify staff member who will serve on IPT in advisory capacity
- Review *Federal Register* notices (if applicable)
- Review Scoping Summary report (if applicable)
- Review IPT products/deliverables

IPT

- Review IPT protocol outlined in Attachment 2
- Advise Council and SERO on: purpose and need statement (problems/objectives); type of NEPA analysis (e.g., CE, EA, EIS); initial range of alternatives; documentation/analyses required by other applicable laws

- Propose implementation schedule/timeline that takes into account all relevant timing requirements (e.g., NEPA, APA, ESA) and general Council schedule
- Propose data, analytical, and writing assignments
- Identify key reviewers of draft and final documentation within Council, SERO, SEFSC, and HQ
- Draft Action Plan
- Draft Scoping and Options Papers (if applicable)
- Review scoping comments (if applicable)

## PHASE II: DOCUMENT PREPARATION

### 1. DATA & ANALYSES

#### (a) Process

The Council, SERO, SEFSC, and GCSE will collaborate through IPTs in identifying, synthesizing, reviewing, and analyzing data needed to develop fishery management proposals/actions.

#### (b) Products/Deliverables

DOCUMENT	DESCRIPTION	LEAD DRAFTER/ANALYST	CONTRIBUTORS/ REVIEWERS
<b>Data Plan (optional)</b>	Plan outlining data/analytical needs, deliverables, & review schedule.	IPT	Council Staff SERO
<b>Data Memo(s)</b>	Memo describing data & analyses, or analytical support, needed from SEFSC, & schedule information.	SERO	IPT Council Staff
<b>Statistical Analyses (if applicable)</b>	Statistical analyses IPT needs to draft documentation informing preliminary Council action.	TBD by need according to capabilities of staff at the SERO, SEFSC, & Council	TBD by need according to capabilities of staff at the SERO, SEFSC, & Council

**(c) Roles/Responsibilities**

Council

Staff

- Review SERO data memos (if any)
- Provide IPT with statistical analyses (as needed)

SERO

- Collect and maintain permit data for use in tracking fishery participation and evaluating the effects of fishery management proposals/actions
- Assume responsibility for quality of permit and other (e.g., law enforcement) data provided by SERO to the IPT
- Draft memo(s) requesting additional data and statistical analyses from SEFSC (as needed)
- Ensure data used by IPT meet IQA requirements (Quality Control Standards; Attachment 3)
- Provide IPT with statistical analyses (as needed)

SEFSC

- Assume responsibility for quality of data (ALS, FLS, TIP, SEAMAP, ACCSP, MARMAP, MRFSS, etc.) provided by SEFSC to the IPT relative to IQA principles
- Update (as needed) data provided to the IPT during the document preparation process
- Provide analytical assistance (e.g., models/programs/staff support) to SERO and Council staff analyzing routine management proposals/actions (e.g., bag limit, size limit adjustments)
- Review analyses conducted by SERO and Council staff for routine management proposals/actions (e.g., bag limit, size limit adjustments)
- Provide IPT with statistical analyses for non-routine proposals/actions (as needed)

IPT

- Identify data and analytical needs (Data Plan, optional)
- Conduct statistical analyses (as needed, appropriate)

**2. DRAFT DOCUMENTATION SUPPORTING PRELIMINARY COUNCIL ACTION**

**(a) Process**

The Council, SERO, SEFSC, and GCSE will collaborate through IPTs in drafting and reviewing documentation needed to support fishery management proposals. All parties will ensure draft documentation is sufficient for



preliminary action prior to Council selection of preferred alternative(s), and approval of public hearing draft/DEIS (if applicable).

**(b) Products/Deliverables**

<b>DOCUMENT</b>	<b>DESCRIPTION</b>	<b>LEAD DRAFTER</b>	<b>CONTRIBUTORS/ REVIEWERS</b>
<b>Draft FMP/ Amendment &amp; Analyses</b>	Public hearing draft with required analyses (e.g., NEPA, MSA, RFA/E.O. 12866, etc.).	IPT	Council Staff SERO SEFSC GCSE
<b>Preliminary ESA Consultation Documentation (optional)</b>	Memo from SF ARA to RA through PR ARA stating recommendation regarding need to initiate/reinitiate Section 7 consultation.	SERO	SERO SEFSC
	Draft Biological Assessment, which describes preliminary conclusions about the probable effects of proposed action/alternatives on ESA-listed species, based on existing data/analyses.	IPT	SERO SEFSC
	Section 7 Consultation Assessment memo from the PR ARA to the SF ARA, which summarizes preliminary conclusions expected to form the basis of a subsequent BiOp based on existing data/analyses; intended to facilitate meaningful discussion about the probable effects of a proposed action/alternatives on ESA-listed species & critical habitat, as well as mitigation measures.	SERO	SERO SEFSC GCSE
<b>Preliminary EFH Consultation Documentation (optional)</b>	Memo from SF ARA to HC ARA requesting EFH consultation.	SERO	

DOCUMENT	DESCRIPTION	LEAD DRAFTER	CONTRIBUTORS/ REVIEWERS
	EFH Consultation Assessment memo from the HC ARA to the SF ARA, which summarizes preliminary conclusions about the effects of the proposed action/alternatives on EFH based on available data/analyses, & probable conservation recommendations (if appropriate).	SERO	SERO SEFSC GCSE

### (c) Roles/Responsibilities

#### Council

##### Staff

- Coordinate and review work of IPT
- Ensure draft documentation reflects Council discussion/administrative record
- Ensure review by Council staff in key responsibilities
- Advise Council of IPT issues prior to selection of preferred alternative

##### Members

- Review and discuss any outstanding issues raised by IPT
- Identify preferred alternative(s), if any, based on draft documentation/analyses

#### SERO

- Draft initial ESA and EFH consultation memos (optional)
- Coordinate and review work of IPT
- Ensure review by SERO and GCSE staff in key responsibilities, and by Headquarter staff (F/SF, F/PR, F/HC, PPI) as needed/appropriate
- Frontload ESA and EFH consultation information to the extent practicable
- Ensure draft documentation/analyses are consistent with legal mandates, using the Quality Control Standards provided in Attachment 3

#### SEFSC

- Ensure review by SEFSC staff of all appropriate disciplines and in key responsibilities
- Ensure draft documentation/analyses and any preliminary ESA/EFH consultation documentation is based on the best available scientific information

- Advise Council of any scientific/technical issues prior to selection of preferred alternative

### GCSE

- Ensure review by GCSE staff in key responsibilities, and by Headquarters staff (GCF), as appropriate
- Ensure draft documentation/analyses are legally sufficient and provide a rational basis for decisionmaking
- Advise Council of any legal issues prior to selecting preferred alternative

### IPT

- Draft, review, and revise needed documentation/analyses, following the IPT protocol outlined in Attachment 2

## 3. PROCESS REQUIREMENTS

### (a) Process

The Council and SERO will collaborate in ensuring compliance with the process requirements of the MSA, NEPA, APA, and other applicable laws (Quality Control Standards; Attachment 3).

### (b) Products/Deliverables

DOCUMENT	DESCRIPTION	LEAD DRAFTER	CONTRIBUTORS/ REVIEWERS
<b>Notice of Public Hearings (if applicable)</b>	<i>Federal Register</i> notice that meets applicable MSA & OFR requirements.	Council Staff	
<b>Council Bulletins/ Newsletters (optional)</b>	Bulletins or newsletters advising public of the availability of draft documentation & public hearing logistics (if applicable).	Council Staff	
<b>DEIS filing/ transmittal package (if applicable)</b>	Letters/memos requesting EPA notice the availability of the DEIS & solicit comments on the draft documentation.	SERO	GCSE
<b>RID Form (if applicable)</b>	Form required to obtain a RIN for a proposed rule.	SERO	GCSE

DOCUMENT	DESCRIPTION	LEAD DRAFTER	CONTRIBUTORS/ REVIEWERS
<b>E.O. 12866 Listing Document (if applicable)</b>	Document requesting OMB concurrence on significance determination; must be transmitted no more than six months before Council submits proposals/actions for Secretarial review.	SERO	GCSE
<b>Public Hearing Summary Report (if applicable)</b>	Report summarizing comments received during public hearings.	Council Staff	IPT SERO SEFSC GCSE

**(c) Roles/Responsibilities**Council

## Staff

- Advise public of the availability of draft documentation and public hearing logistics through *Federal Register* notices and Council bulletins/newsletters
- Conduct public hearings and summarize/distribute public comments to the IPT and Council (if applicable)

SERO

- Prepare and transmit DEIS filing/transmittal package (if applicable)
- Review Public Hearing Summary Report (if applicable)
- Collect and distribute to the IPT and Council comments received on the DEIS (if applicable)
- Prepare and transmit RID form and Listing Document (if applicable)

SEFSC

- Review Public Hearing Summary Report (if applicable)

GCSE

- Review listing document, RID form, and DEIS Transmittal Package (if applicable)
- Review Public Hearing Summary Report (if applicable)

#### 4. FINAL DOCUMENTATION SUPPORTING FINAL COUNCIL ACTION

##### (a) Process

The Council, SERO, SEFSC, and GCSE will collaborate through IPTs in revising and finalizing documentation associated with fishery management proposals. All parties will ensure final documentation is complete and sufficient prior to final Council action.

##### (b) Products/Deliverables

DOCUMENT	DESCRIPTION	LEAD DRAFTER	CONTRIBUTORS/ REVIEWERS
<b>Preliminary Final FMP/Amendment &amp; Analyses</b>	Preliminary Final FMP/Amendment with required analyses (e.g., NEPA, MSA, RFA/E.O. 12866, etc.).	IPT	Council Staff SERO SEFSC GCSE
<b>ESA Consultation Documentation (optional)</b>	Final Biological Assessment.	IPT	SERO SEFSC
<b>EFH Consultation Documentation (optional)</b>	Memo from the HC ARA to the SF ARA confirming preliminary assessment & response to Council action on EFH conservation recommendations (if appropriate).	SERO	SERO SEFSC GCSE

##### (c) Roles/Responsibilities

###### Council

###### Staff

- Coordinate and review work of IPT
- Ensure review by Council staff in key responsibilities
- Ensure “final” documentation reflects Council discussion/administrative record, and addresses/considers public comments

###### SERO

- Coordinate and review work of IPT
- Ensure review by SERO and GCSE staff in key responsibilities, and by Headquarter staff (F/SF, F/PR, F/HC, PPI) as needed/appropriate
- Ensure “final” documentation/analyses are consistent with legal mandates/administrative record, using the Quality Control Standards

provided in Attachment 3, and address/respond to review comments, including EPA and public comments on the DEIS (if applicable)

- Elevate unresolved policy issues as needed, assuring appropriate coordination between HQ and regional offices and ensuring consistent interpretation and application of national policies
- Confirm any preliminary ESA and EFH consultation findings to the extent practicable

#### SEFSC

- Ensure review by SEFSC staff of all appropriate disciplines and in key responsibilities
- Ensure “final” documentation/analyses are based on best available scientific information

#### GCSE

- Ensure review by GCSE staff in key responsibilities, and by Headquarters staff (GCF), as appropriate
- Ensure “final” documentation/analyses are legally sufficient, provide a rational basis for decisionmaking, and comply with all applicable laws

#### IPT

- Revise and finalize FMP/Amendment and supporting documentation/analyses, following the IPT protocol outlined in Attachment 2

### **PHASES III & IV: COUNCIL FINAL ACTION & SECRETARIAL REVIEW**

#### **(a) Process**

The Council will review all documentation and analyses associated with its fishery management proposals before voting to submit the proposals for Secretarial review and agency action. SERO will initiate Secretarial review of the Council’s proposals and will review supporting documentation and analyses for consistency with applicable law.

#### **(b) Products/Deliverables**

DOCUMENT	DESCRIPTION	LEAD DRAFTER	CONTRIBUTORS/ REVIEWERS
<b>Final FMP/ Amendment &amp; Analyses</b>	Final FMP/Amendment with required analyses (e.g., NEPA, MSA, RFA/E.O. 12866, etc.).	IPT	Council Members/ Staff SERO SEFSC GCSE

DOCUMENT	DESCRIPTION	LEAD DRAFTER	CONTRIBUTORS/ REVIEWERS
<b>Final ESA Consultation</b>	Biological Opinion (if applicable)	SERO	
<b>Issues Advisories</b>	Memos advising HQ of pending proposals/actions.	SERO	GCSE
<b>Proposed Rule (if applicable)</b>	Rule proposing Council action(s).	Council Staff	SERO GCSE
<b>Final Rule (if applicable)</b>	Rule implementing Council action(s).	SERO	GCSE
<b>Secretarial Review &amp; Decision Packages</b>	Regulatory packages required to complete the Secretarial review & approval processes (e.g., decision/info/transmittal memos, attorney work products, IQA memo, ESA & EFH consultation memos, SEFSC certification memo(s), CZMA letters, ROD, etc.).	SERO	GCSE

**(c) Roles/Responsibilities**

Council

Staff

- Advise Council of outstanding/unresolved IPT issues prior to final action
- Make any final edits to Council documentation/analyses requested by the Council
- Draft proposed rule
- Prepare and transmit Council recommendation to SERO for Secretarial review

Members

- Ensure text of FMP/Amendment reflects Council's intent and rationale
- Vote to submit (or not) the Council proposals/actions for Secretarial review based on final documentation/analyses and taking into account any outstanding IPT concerns

SERO

- Advise Council of any agency concerns prior to final action
- Draft Biological Opinion (if applicable)
- Draft issues advisories
- Review proposed rule (if applicable)

- Prepare Secretarial review and decision packages, using regional office checklists provided at <http://home.nmfs.noaa.gov/sf/regstream/Checklists/Checklists.htm>
- Declare transmit date
- Draft final rule (if applicable)

SEFSC

- Advise Council of any science issues prior to final action
- Draft certification memo(s) (as needed, appropriate)

GCSE

- Advise Council and SERO regarding the legal sufficiency of documentation and process prior to Council final action
- Review proposed and final rule (if applicable) for consistency with Council proposals/actions and applicable laws
- Draft attorney work product(s) (e.g., Certification of Attorney Review, Federalism and Takings Assessments, etc.)



## **LIFE OF AGREEMENT**

This Operating Agreement will become effective when signed by all parties, and will remain effective unless and until it is terminated by one or more parties or superseded by another agreement. Any party wishing to terminate the Agreement must notify the remaining parties in writing 90 days prior to the desired termination date. The Agreement may be amended at any time upon the written agreement of all parties.

## **STATEMENT OF COMMITMENT**

By signing below, I agree, on behalf of the organization I represent, to fulfill the roles and responsibilities outlined herein, and to support the efforts of the other parties involved in managing federal fisheries in the South Atlantic.

### **South Atlantic Fishery Management Council:**

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**Executive Director**

---

**Date**

### **Southeast Regional Office:**

---

**Regional Administrator**

---

**Date**

### **Southeast Fisheries Science Center:**

---

**Science and Research Director**

---

**Date**

### **NOAA General Counsel, Southeast Region:**

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**Southeast Regional Counsel**

---

**Date**

**ATTACHMENT 1**  
**COUNCIL/SERO OPERATIONS SCHEDULES/DELIVERABLES AS OF**  
**FEBRUARY 2006**  
**GENERAL UNDERSTANDING**

The Council Follow Up document will provide a more detailed account of Council priorities and general timelines for completing each FMP amendment. Priorities and timelines will be revised as appropriate based on Council action. The specific schedule and staff assignments associated with each Council action will be specified in an Action Plan developed by the IPT, and will be designed to correspond with the general Council schedule.

**I. 2006 PRIORITIES**

- 1. SNAPPER GROUPE FMP AMENDMENT 13C**
- 2. SNAPPER GROUPE FMP AMENDMENT 14**
- 3. SNAPPER GROUPE FMP AMENDMENT 15**
- 4. FISHERY ECOSYSTEM PLAN & COMPREHENSIVE AMENDMENT**

**II. FMP SPECIFIC ACTIVITIES**

**SNAPPER GROUPE FMP**

**1. Amendment 13A (*Oculina* Experimental Closed Area)**

Develop an Evaluation Plan for the Experimental Closed Area with needed research and monitoring studies and an enforcement/outreach program - to be completed within one year of implementing Snapper Grouper Amendment 13A. The Council approved the Evaluation Plan at the March 2005 meeting, and appointed the Evaluation Team at the September 2005 meeting.

- A. Research, monitoring and information and education projects continue, with some being completed for inclusion in the report – Fall 2005-Spring 2006
- B. Evaluation Team to meet and review any new information that is pertinent in answering questions previously outlined in a detailed written report to the Council – August/early September 2006
- C. Report completed and delivered by Evaluation Team to SAFMC – mid September 2006
- D. Appropriate APs and the SSC will be sent the report and asked to comment and make recommendations to the Council – October/November 2006
- E. Report and recommendation of the APs and SSC included in Briefing Book mail out – mid February 2007
- F. Council decision on whether or not to change the size and configuration of the *Oculina* Experimental Closed Area – March 2007
- G. Via e-mail, review material and develop status reports prior to each Council meeting – 2007-2014

**2. Amendment 13B**

At the December 2005 Council meeting, the Council moved MPAs back into Amendment 14, and rebuilding programs and SFA parameters for Amendment 13C species into Amendment 15. The remaining items in Amendment 13B will be addressed after Amendments 14 and 15 are completed.

**3. Amendment 13C**

Defines management measures that will end overfishing of snowy grouper, black sea bass, vermilion snapper, and golden tilefish, and increase the catch of red porgy.

- A. Council final action - December 2005
- B. Revise based on Council direction – January and February 2006
- C. Submit for Secretarial review – February 2006

**4. Amendment 14 (MPAs)**

At the December 2005 meeting, the Council moved MPAs targeting deepwater species back into Snapper Grouper Amendment 14. The amendment will also evaluate VMS as a method to address Law Enforcement concerns.

- A. Determine full range of alternatives – March 2006
- B. Approve for Public Hearings – June 2006
- C. Review Public Hearing Input & Approve – December 2006
- D. Submit for Secretarial review – February 2007

**5. Amendment 15**

At the December 2005 meeting, the Council moved the following actions from Amendment 13B into Amendment 15: rebuilding programs for black sea bass, red porgy and snowy grouper; SFA requirements for species in 13C; recreational sale; permit renewal and transferability; and actions to address queen snapper discard mortality and change the fishing year for golden tilefish. The amendment will also evaluate eliminating the 2 for 1 permit transfer requirement as a way to address the transferability issue.

- A. Determine full range of alternatives – March 2006
- B. Approve for Public Hearings – June 2006
- C. Review Public Hearing Input & Approve – December 2006
- D. Submit for Secretarial review – February 2007

**6. Fishery Ecosystem Plan**

The Fishery Ecosystem Plan will evolve from the Council's Habitat Plan and will serve as a source document, which summarizes available biological, physical, social, and economic data on the South Atlantic ecosystem. The FEP will include a Deep Water Coral Research Plan, and will identify research and data needs for other species as well.

- A. Review FEP by Habitat and Coral APs and Council – May through September 2006
- B. Approve FEP for Public Hearings – December 2006
- C. Finalize FEP – 2007

**7. Comprehensive Fisheries Ecosystem Amendment**

The goal of this comprehensive amendment is to begin managing marine resources in the South Atlantic ecosystem holistically; identifying the interactions/interplay of management measures. The document will consider: amending all Council FMPs to comply with the EFH final rule; establishing an “Allowable Trawling Area”; establishing six deepwater coral HAPCs; prohibiting harvest of soft corals; requiring a permit for all users; requiring VMS for all users; changing the logbook program; prohibiting all harvest of Sargassum; changing mackerel management, including establishing a separate Atlantic FMP; allowing the sale of dolphin/wahoo by tournament participants; modifying the golden crab plan; and addressing protected species interactions.

- A. Review FEP Comprehensive Amendment – June & September 2006
- B. Approve FEP Comprehensive Amendment for Public Hearings – December 2006
- C. Finalize FEP Comprehensive Amendment – 2007.

## **ATTACHMENT 2 INTERDISCIPLINARY PLAN TEAM OPERATING PROTOCOL**

### **IPT Leadership & Coordination**

The Council and SERO will each identify one staff member who will co-lead the IPT. Co-lead duties include:

- Coordinating the work of IPT members;
- Ensuring IPT operations comply with the IPT Operating Protocol;
- Organizing and leading IPT meetings and videoconferences;
- Drafting IPT work products, where applicable (e.g., Action Plan, Data Plan, etc.);
- Circulating to the IPT for review and comment all documentation that will be provided to the Council at key decision points, including scoping papers, options papers, public hearing drafts/analyses, and final draft documentation/analyses;
- Commenting on documents distributed for IPT review, indicating in writing they have no comment, when applicable;
- Consolidating, distributing, tracking, and addressing responses to comments generated during scoping, public hearings, and IPT review;
- Communicating to the IPT decisions made by SERO and Council leadership regarding schedule, process, and other substantive issues that may affect documentation;
- Elevating unresolved issues to SERO and Council leadership, using the conflict resolution protocol outlined below; and
- Ensuring adequacy and sufficiency of documentation developed by the IPT to support fishery management proposals/actions.

### **Member Participation**

Council, SERO, SEFSC, and GCSE staff appointed to an IPT will:

- Make a reasonable effort to participate in all IPT meetings and conference calls;
- Fulfill drafting and analytical commitments agreed to by their supervisors;
- Advise IPT co-leads of any potential problems that may affect decisions regarding schedule, process, and other substantive issues; and
- Comment on all documents distributed for IPT review, indicating in writing they have no comment, when applicable.

### **Team Communication**

IPTs will utilize the following procedures to ensure open communication and minimize miscommunication to the extent possible:

- IPT members will copy co-leads on all substantive exchanges with other IPT members;

- IPT co-leads will copy the IPT on all substantive exchanges, and distribute to the IPT all member comments on draft documentation/analyses;
- IPT co-leads will circulate to the IPT notes summarizing issues in agreement and issues to be resolved following each IPT meeting; and
- Council and SERO leadership will communicate issues/questions/new developments that arise at a Council meeting to affected IPTs following each meeting.

### **Timing of IPT Taskings**

IPT co-leads will ensure team members are provided adequate time to complete drafting and review assignments by:

- Consulting with the IPT regarding schedule decisions; and
- Making a reasonable effort to allow team members three weeks to review and comment on public hearing drafts/analyses and final draft documentation/analyses before Council action, and two weeks to review other documentation.

### **Conflict Resolution**

The following process will be used to elevate issues that cannot be resolved at the IPT level:

- IPT co-leads will clearly define in an email to the SF ARA and Deputy Director of the Council: 1) the issue(s) that cannot be resolved; 2) a request for their resolution; 3) any applicable scheduling constraints; and 4) the pros and cons of potential fixes. Science issues that cannot be resolved will also be submitted to the SEFSC Deputy Director.
- Issues that cannot be resolved in discussions between the SF ARA and Council Deputy Director will be elevated to the RA, SEFSC Director, as appropriate, and Council Executive Director, using the same email format described above.
- Issues that cannot be resolved by the RA, SEFSC Director, and Council Executive Director will be elevated to Council members and the Assistant Administrator for Fisheries prior to taking preliminary and/or final action on fishery management proposals/actions.
- Decisions regarding unresolved issues will be communicated to the IPT in writing.

### ATTACHMENT 3

### QUALITY CONTROL STANDARDS

(derived/adapted from the Operational Guidelines)

DOCUMENT/LEGAL REQUIREMENT	TITLE OF REFERENCE DESCRIBING STANDARDS	REFERENCE DATE/ CITATION
<b>Coastal Zone Management Act (CZMA)</b>	Implementing Regulations	15 CFR part 930
<b>Information Quality Act (IQA)</b>	NMFS's Section 515 Pre-dissemination Review Guidelines	05/05/2003
	NOAA's Information Quality Guidelines	10/1/02
<b>Endangered Species Act (ESA)</b>	ESA Consultation Handbook	
	Implementing Regulations	50 CFR 402.01 et seq.
<b>Executive Order (E.O.) 12866</b>	Guidelines for Economic Analysis of Fishery Management Actions	65 FR 65841; 11/02/2000
	GCF Guidance on EO 12866 compliance	Macpherson memo; 02/06/1998
<b>Federal Register Act (FRA)</b>	OFR Document Drafting Handbook	
	Preparation of FR Documents	2004
<b>Magnuson-Stevens Fishery Conservation &amp; Management Act (MSA)</b>	National Standard Guidelines	50 CFR 600 et seq.
	EFH Final Rule	67 FR 2343; 01/17/02
	EFH Consultation Guidance	U.S. Fish & Wildlife Service/National Marine Fisheries Service; 03/1998
	Guidelines for Assessment of the Social Impact of Fishery Management Actions	03/19/2001
	Guidelines & Principles for Social Impact Assessment	
<b>National Environmental Policy Act (NEPA)</b>	Implementing Regulations	40 CFR 1500 et seq.; <a href="http://ceq.eh.doe.gov/nepa/regs/ceq/toc_ceq.htm">http://ceq.eh.doe.gov/nepa/regs/ceq/toc_ceq.htm</a>
	Forty Most Asked Questions Concerning CEQ's NEPA Regulations	03/23/1981
	NAO 216-6	48 FR 14734; 04/05/1983



DOCUMENT/LEGAL REQUIREMENT	TITLE OF REFERENCE DESCRIBING STANDARDS	REFERENCE DATE/ CITATION
	EPA Guidance, "Reviewing Environmental Impact Statements for Fishery Management Plans"	11/2004
	Guidelines for Assessment of the Social Impact of Fishery Management Actions	03/19/2001
	Guidelines & Principles for Social Impact Assessment	
<b>Regulatory Flexibility Act (RFA)</b>	How to Comply with the Regulatory Flexibility Act	Small Business Administration, May 2003; <a href="http://www.sba.gov/advo/laws/rfaguide.pdf">http://www.sba.gov/advo/laws/rfaguide.pdf</a>
	Guidelines for Economic Analysis of Fishery Management Actions	65 FR 65841; 11/2/00
<b>Secretarial Review &amp; Decision Packages</b>	Examples	RSP website; <a href="http://home.nmfs.noaa.gov/sf/regstream/default.htm#news">http://home.nmfs.noaa.gov/sf/regstream/default.htm#news</a>
	Regional Office Checklists	
	Forms	

## **Regulatory Process for Adopting the 2006–07 Pacific Mackerel Harvest Guideline: A Test Case for Application to a Pacific Council Regional Operating Agreement**

### **Background Information:**

The Coastal Pelagic Species (CPS) Fishery Management Plan (FMP) divides managed species into two categories: actively managed and monitored species. Actively managed species (Pacific sardine and Pacific mackerel) have a harvest guideline based on formulas applied to current biomass estimates. The CPS FMP and its implementing regulations require NMFS to set an annual harvest guideline for Pacific mackerel based on the formula in the FMP. This action adopts allowable harvest levels for Pacific mackerel off the U.S. Pacific coast. The Pacific mackerel season begins on July 1 and ends on June 30 the following year. The size of the Pacific mackerel population is estimated using an integrated stock assessment model called Age-structured Assessment Program (ASAP).

Previous Pacific mackerel harvest guidelines have been categorically excluded from the requirement to prepare an environmental assessment in accordance with National Oceanic and Atmospheric Administration Administrative Order (NAO) 216-6. If the harvest guideline, which is determined by formulas in the CPS FMP, continues to fall within the scope of the alternatives that were analyzed in the environmental impact statement that was prepared for the FMP, no further environmental documentation will need to be prepared.

### **Involved Parties:**

- National Marine Fisheries Service (NMFS) Southwest Regional Office (SWR) staff
- Council staff
- NMFS Southwest Fisheries Science Center (SWFSC) staff
- CPS Management Team (CPSMT)
- CPS Advisory Subpanel (CPSAS)
- Scientific and Statistical Committee (SSC)
- NMFS Headquarters Staff
- Public

Council adoption NMFS implementation of the 2006/2007 Pacific mackerel harvest guideline serves as a test case for a “Minor Fishery Management Action” as described in *Concepts for an Operating Agreement between the Pacific Fishery Management Council and NOAA Fisheries* (Agenda Item B.2.a, Attachment 1). The following table illustrates the applicable regulatory steps, corresponding actions taken, and timeline for this action.

**Regulatory Steps, Actions Taken, and Timeline for implementation of the Pacific Mackerel Harvest Guideline (Page 1 of 2)**  
(as aligned to the Regulatory Streamlining Steps in the 8/23/05 Draft Operational Guidelines):

Steps	Action	Timeline
<b>Phase I</b>		
1- Early Problem Identification and Planning	<ul style="list-style-type: none"> <li>Identify Council and NMFS Contacts for This Regulatory Action</li> <li>Develop Stock Assessment Team</li> <li>Plan and hold Council Advisory Body Meetings for Analysis and Recommendations</li> </ul>	<ul style="list-style-type: none"> <li>Jan. - Council and NMFS Contacts begin planning reg./mtg. process.</li> <li>Jan.- April - Stock Assessment Team formed, draft assessment completed</li> <li>May - CPS advisory bodies meet</li> </ul>
2 - Initial Determination - Type of NEPA Document	N/A (Harvest guideline action has been categorically excluded per NAO 216-6, see Background section.)	N/A
<b>Phase II</b>		
3 - Frontloading/Communication Activities	<ul style="list-style-type: none"> <li>Send public review regulatory package to Council members, SWR, and NMFS Headquarters</li> </ul>	<ul style="list-style-type: none"> <li>Late May - for inclusion in briefing materials for June Council meeting.</li> </ul>
4 - Identification of Preferred Alternative/Adoption of Draft Analysis ESA/EFH Consultation	N/A (No alternatives developed.)	N/A
5 - File DEIS with EPA	N/A (No NEPA Document)	N/A
6 - Public Comment on DEIS	N/A (No NEPA Document)	N/A
<b>Phase III</b>		
7 - Council Adoption of FMP or Regulatory Amendment	<ul style="list-style-type: none"> <li>Council obtains SSC statement on scientific sufficiency, statements from other Advisory Bodies, State and Federal Agencies, and the Public.</li> <li>Council adopts Pacific mackerel stock assessment and harvest guideline.</li> </ul>	<ul style="list-style-type: none"> <li>June Council Meeting</li> </ul>

**Regulatory Steps, Actions Taken, and Timeline for implementation of the Pacific Mackerel Harvest Guideline (Page 2 of 2)**  
(as aligned to the Regulatory Streamlining Steps in the 8/23/05 Draft Operational Guidelines):

<b>Phase IV</b>		
8 - Council Completion of Recommendation Package	<ul style="list-style-type: none"> <li>Council transmittal letter sent to NMFS SWR.</li> </ul>	<ul style="list-style-type: none"> <li>Late June</li> </ul>
9 - Completion of Decision Package	<ul style="list-style-type: none"> <li>NMFS SWR Completes</li> </ul>	<ul style="list-style-type: none"> <li>Late June or Early July</li> </ul>
10 - Begin MS Secretarial Review	N/A (No FMP Amendment)	N/A
11 - Publication of NOA(FMP) or Proposed Rule, File FEIS	<ul style="list-style-type: none"> <li>NMFS SWR Published proposed rule with 15 day public comment period.</li> </ul>	<ul style="list-style-type: none"> <li>July</li> </ul>
12 - RA Decision to Approve or Disapprove	<ul style="list-style-type: none"> <li>NMFS SWR Completes</li> </ul>	<ul style="list-style-type: none"> <li>July</li> </ul>
13 - AA Concurrence with RA Decision	<ul style="list-style-type: none"> <li>NMFS SWR Completes</li> </ul>	<ul style="list-style-type: none"> <li>July</li> </ul>
14 - RA Decision on Final Rule to Implement FMP	N/A (No FMP Amendment)	N/A
15 - AA Concurrence on Final Rule to Implement FMP	N/A (No FMP Amendment)	N/A
16 - Publication of Final Rule, or Notice of Agency Decision on FMP in FR	<ul style="list-style-type: none"> <li>NMFS SWR Completes</li> </ul>	<ul style="list-style-type: none"> <li>August with 30 day cooling off period.</li> </ul>

## Description of the Process for Open Access Limitation FMP Amendment

Step	Dates
<b>Phase 1: Planning and Scoping</b>	<b>August 2006 – March 2007</b>
Draft Work Plan	
Determine type of NEPA (GC)	
Publish NOI (if EIS)	
Council meeting: scoping (COP 11)	November 2006
Finalize Work Plan	
<b>Phase 2: Identification of Alternatives and Document Development</b>	<b>March – June 2007</b>
IWG develops preliminary range of alternatives for Council consideration, with input from GMT, GAP, etc.	
IWG prepares preliminary analysis of alternatives	
NMFS provides consultation assessment memo (optional)	
Council meeting: adopt preliminary range of alternatives and preliminary preferred alternative (optional) for public review	April 2007
IWG prepares preliminary draft EA/EIS	
<b>Phase 3: Council Final Action</b>	<b>June – August 2007</b>
Council meeting: final adoption of preferred alternative	June 2007
Initiate section 7 consultation (optional)	
Finalize EA/DEIS	
If EIS, DEIS is filed with EPA initiating public comment period	
<b>Phase 4: Secretarial Review</b>	<b>July 2007 – February 2008</b>
Council transmittal of FMP	
NMFS transmits NOA & Amendment package to HQ, initiate Secretarial Review	
Rulemaking process initiated	
If EIS, FEIS published	
FONSI /ROD signed	
Secretarial approval of FMP amendment	
Final rule published	
<b>Permitting Process/Implementation</b>	<b>January – December 2008</b>
<b>Permits Issued</b>	<b>January 2009</b>

The full record of the Pacific Fishery Management Council (Council) April 2-7, 2006 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 or CD-ROM 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 Document, a document distributed immediately after the meeting which contains very brief descriptions of Council decisions.
6. A copy of Council News Spring 2006 • Volume 30, No. 1.



**DRAFT MINUTES**  
Pacific Fishery Management Council  
Doubletree Hotel  
2001 Point West Way  
Sacramento, CA 95815  
916-929-8855  
April 2-7, 2006

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## **A. Call to Order**

### **A.1 Opening Remarks, Introductions (04/03/06; 4:00 pm)**

Mr. Don Hansen, Chair, called the 183<sup>rd</sup> plenary session of the Pacific Fishery Management Council to order at 4:00 pm, on Monday, April 3, 2006.

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

Dr. Donald McIsaac, Council Executive Director, called the roll. The following Council Members were present:

Mr. Bob Alverson (At-Large)  
Mr. Phil Anderson (Washington State Official)  
Mr. Mark Cedergreen (Washington Obligatory)  
LCDR Fran Colantonio (US Coast Guard, non-voting)  
Mr. Donald Hansen, Chairman (At-Large)  
Dr. Dave Hanson, Parliamentarian (Pacific States Marine Fisheries Commission, non voting)  
Mr. Jim Harp (Tribal Obligatory)  
Mr. Frank Lockhart (National Marine Fisheries Service, Northwest Region)  
Mr. Jerry Mallet (State of Idaho Official)  
Mr. Curt Melcher (State of Oregon Official)  
Mr. Rod Moore (At-Large)  
Mr. Dave Ortmann, Vice Chairman (Idaho Obligatory)  
Mr. Tim Roth (US Fish and Wildlife Service, non voting)  
Mr. Roger Thomas (At-Large)  
Mr. Darrell Ticehurst (California Obligatory)  
Ms. Marija Vojkovich (State of California Official)  
Mr. Frank Warrens (Oregon Obligatory)  
Mr. Gordon Williams (State of Alaska Official, non voting)

Mr. Stetson Tinkham (US State Department, non voting) was absent.

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

Dr. McIsaac called the Council's attention to several informational reports in the briefing book.

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

The Council approved the agenda (Motion 1) as shown in Agenda Item A.4, Council Meeting Agenda with the following changes: remove Agenda Item I.1 (postpone until June). Mr. Rod Moore moved and Mr. Bob Alverson seconded the motion. Motion 1 passed.

## **B. Administrative Matters**

### **B.1 Approval of Council Meeting Minutes**

#### **B.1.a Council Member Review and Comments**

None.

### **B.1.b Council Action: Approve November 2005 Minutes**

Mr. Alverson moved and Mr. Mallet seconded a motion (Motion 2) to approve the November 2005 minutes as shown in Supplemental Agenda Item B.1, Draft November 2005 Council Meeting Minutes, with a correction on page 1 of the voting log. The correction is that Motion 4 should be seconded by *Mr. Roger Thomas*, not *Mr. Dave Ortmann* as indicated. Motion 2 passed.

## **B.2 Future Council Meeting Agenda Planning (04/03/06; 4:11 pm)**

### **B.2.a Agenda Item Overview**

Dr. McIsaac provided the agenda item overview. He noted changes in the three meeting outlook and that it may be necessary to put in a full day on Friday of the June meeting.

### **B.2.b Reports and Comments of Advisory Bodies**

None.

### **B.2.c Public Comment**

None.

### **B.2.d Council Discussion of Future Council Meeting Agenda Topics**

Dr. Hanson requested moving F.5 to Wednesday (scheduling issue with NPFMC). Dr. McIsaac asked for other ideas from the Council.

Mr. Mark Cedergreen asked if the Council would entertain having an evening session lasting about one-and-one-half hours in June regarding mass-marking in selective fisheries? Messrs. Ticehurst, Thomas, and Roth supported the request of Mr. Cedergreen. Mr. Ortmann asked that the presenters provide information about the costs of the mass marking program. Mr. Williams also supported the idea of having the evening session. Dr. McIsaac said he would plug it into the planning.

At this time Mr. Anderson introduced Ms. Barbara J. Cairns, from Long Live the Kings (LLTK) organization. LLTK is a private, nonprofit organization committed to restoring wild salmon to the waters of the Pacific Northwest.

## **B.3 Status Report on Draft Regional Operating Agreements for Regulatory Streamlining**

This agenda item was cancelled due to lack of time.

## **B.4 Appointments to Advisory Bodies, Standing Committees, and Other Forums, Including any Necessary Changes to Council Operating Procedures (COP)**

### **B.4.a Agenda Item Overview (04/07/06; 10:14 am)**

Dr. John Coon presented the agenda item overview (Agenda Item B.4.a, Situation Summary). He noted a supplemental nomination for Mr. Reid McIntyre to fill the vacant HMSAS Northern Processor seat had been received.

### **B.4.b Reports and Comments of Advisory Bodies**

None.

#### **B.4.c Public Comment**

None.

#### **B.4.d Council Action: Appoint New Members or Adopt Changes to COP as Necessary**

Chairman Hansen recommended postponing appointment of the HMSAS Northern Processor seat until June 2006. The Council concurred.

Mr. Lockhart moved (Motion 39) to appoint Ms. Becky Renko to the NMFS NWR GMT seat replacing Ms. Carrie Nordeen; to alter the composition of the HMSMT in COP 3 by changing one NMFS SWFSC seat to a NMFS SWR seat; and to appoint Mr. Craig Heberer to the vacant HMSMT NMFS SWR seat. Ms. Vojkovich seconded the motion. Motion 39 passed; Mr. Harp voted no.

#### **B.5 Council Three-Meeting Outlook, Draft June 2006 Council Meeting Agenda, and Workload Priorities (04/07/06; 10:18 am)**

##### **B.5.a Agenda Item Overview**

Dr. McIsaac provided the agenda item overview. He referred Council members to Supplemental Attachment 4 (April Council meeting as Conducted) and Supplemental Attachment 5 (Proposed June Agenda). He noted that the April agenda was far too full and that he is proposing significant changes in the June agenda to prevent a repeat of this problem. He then detailed the proposed changes and reductions provided in Supplemental Attachment 5. He also noted that the role of the Klamath Council had been covered in this meeting and would not be on the June agenda as shown in the attachment.

##### **B.5.b Reports and Comments of Advisory Bodies**

Ms. Heather Mann provided some verbal GAP comments which concerned the need to limit the groundfish agenda items by postponing all nonessential items to allow time to deal with the development of 2007-2008 management measures. Ms. Susan Ashcraft said the GMT had the same concerns as the GAP.

##### **B.5.c Public Comment**

None.

##### **B.5.d Council Guidance on Three Meeting Outlook, June Council Agenda, Council Staff Workload, and Priorities for Advisory Body Consideration**

Mr. Anderson strongly recommended that the intersector allocation item be postponed as it would require too much GMT time and conflict with the effort to complete the 2007-2008 management measures. Mr. Anderson also agreed with the postponement of the spiny dogfish item. Council members provided further ideas on how to arrange the agenda which staff will include in making up the final agenda.

### **C. Habitat**

#### **C.1 Current Habitat Issues (04/04/06; 8:09 am)**

##### **C.1.a Report of the Habitat Committee (HC)**

Ms. Jennifer Gilden provided the agenda item overview. Mr. Stuart Ellis presented Agenda Item C.1.a, Supplemental HC Report (with map), and Agenda Item C.1.a, Supplemental Attachment 1.

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

Mr. Jim Tuggle provided Agenda Item C.1.b, Supplemental SAS Report.

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

Mr. Dave Hillemeier, Yurok Tribe, Klamath, California (spoke in support of HC letter)

Mr. Scott Boley, Oregon Salmon Commission, Gold Beach, Oregon (read comments regarding Klamath habitat situation)

### **C.1.d Council Action: Consider HC Recommendations**

In reference to the letter concerning dam removal in the Klamath Basin, Mr. Mallet commented that Idaho has some experience with removing dams. The problem of collected silt was solved after one or two runoffs. Silt behind the dams is probably a short-term problem, and we should look at the long term benefits. Mr. Mallet commended NMFS for taking the lead on this. He also complimented the HC on the letter and how well it was written. Mr. Mallet moved and Mr. Alverson seconded a motion (Motion 3) that the Council adopt the letter, as shown in Agenda Item C.1.a, Supplemental Attachment 1, to the Federal Energy Regulatory Commission (FERC) to order the decommissioning of the four lower Klamath River dam structures (Copco 1, Copco 2, Iron Gate, and J.C. Boyle), with the stipulation to direct the ED and staff to make edits as necessary and run a copy of the letter by Council members in the next two weeks.

Mr. Moore asked, considering the continuing negotiations, if substantial changes need to be made to the letter was it your idea to use the Council fast track process? Mr. Mallet said we need to keep the major direction of the letter. We cannot delay it due to ongoing negotiations; this is the Council's recommendation to FERC, and any edits and fine-tuning can be worked out with the ED and HC Chairman. But if this motion passes, the intent to decommission the dams should be retained.

Mr. Melcher said as representative of a state agency involved in the ongoing settlement negotiations, he is reluctant to support the letter at this time, although he is not opposed to it after internal discussions with his agency. He also noted that USFWS recommended fish passage rather than decommissioning.

Mr. Mallet noted that without decommissioning the dams and just using fish ladders, you have fish passage, but you also have power peaking, which causes problems for fish.

Mr. Anderson had similar concerns as Mr. Melcher, and said he could deal with those concerns before the week is out. He would like to discuss this with his state before making a decision.

Mr. Mallet said he would be willing to postpone the Motion 3 vote until Friday.

On Friday, April 7, 8:02 am, Council returned to Agenda Item C.1.d, Council Action.

Mr. Mallet reminded the Council about the motion to approve the Klamath letter, Agenda Item C.1.a, Supplemental Attachment 1. He said the Council had talked a lot about EFH, and that this was an opportunity to restore EFH. If this licensing process goes forward, there will be lots of advocates for hydropower, and if we are silent we will have missed an opportunity to restore EFH. He said he could not imagine the Council's comments would affect the ongoing negotiations too much; these are the Council's recommendations to FERC. NMFS has been reluctant to get into this type of thing in the past; they need our support. He encouraged Council members to move the letter forward.

Mr. Roth clarified the USFWS (or more broadly, the DOI's) role, and the prescriptions and recommendations made under the Power Act. First and relative to Section 18, the fish passage

prescriptions in the NOAA Fisheries 2006 document are joint prescriptions between NMFS and USFWS. The DOI did not take a firm position on the 10a recommendations. To explain the DOI's position, he quoted a paragraph from the report that was forwarded to FERC. Mr. Roth said the DOI did not make a specific recommendation for dam removal under Section 10A of the Power Act, but is asking for FERC to fully review all possibilities, including dam removal. Regarding the timeframe for sending in comments, our Yreka office checked into it and found that FERC will be receiving comments throughout the environmental review process, which will likely extend later into this year. In that regard, there may not be a need to act quickly in forwarding a position to FERC. On the other hand, a clear position from the Council might help inform the ongoing settlement process, so it would be advisable for us to formalize the position and send it as soon as possible.

Mr. Melcher added that the Oregon governor is still involved in the Klamath process. Our position has been to require fish passage, which is required in our statutes; but saying that, he thinks he would abstain from the vote.

Mr. Anderson asked about the timeline. Mr. Roth said we are at the very beginning of the process, and that it will be lengthy. Mr. Anderson said he assumed a number of different alternatives would be analyzed, and that they would be made available for public review and comment as the process proceeds. Mr. Roth said FERC would be developing an EIS that would look at the alternatives. Mr. Anderson said that Washington makes these types of decisions on a case by case basis. He too would abstain, in keeping with Washington policy. We would like to look at the analysis of the final alternatives before making a decision. Making a decision to remove the dams before the analysis and alternatives have been completed would be inconsistent with Washington's policies.

Ms. Vojkovich said she could vote yes on the letter because it is in the spirit of the state's position.

Mr. Moore said he would support the motion with reluctance because he has the same concerns he had in March that we are missing a step in the process. We have always had a transparent process; we've heard from all sides of an issue before making a decision. Twice he has asked the HC if they have heard from or talked with folks on the other side, and they haven't. He would like to hear from the other sides. He will support it, but is not prepared to do so on all matters that come from the HC unless both sides have been listened to, with more indication as to what the issues are on both sides. He said he knows the Klamath system needs to be fixed, and if this helps, that is good.

Mr. Lockhart said he would vote in favor of the motion. The SWR has looked at all the issues and have done an analysis. This is a good letter and is appropriate in light of all the discussions that have taken place this week.

Chairman Hansen said with all the folks telling us this week to fix the river, this is a good letter to send, but he still understands Mr. Moore's concerns.

Vice Chairman Ortmann said he understands Oregon and Washington's concerns. He spoke about the Snake River dams. Those dams were constructed in the 1960s and 1970s with huge mitigation and compensation packages that have not been fully implemented. We can take advantage of the momentum created this week. For those who feel they must abstain, perhaps the letter could mention that certain parties abstained to avoid causing problems.

Mr. Anderson said that would not be necessary as far as the state of Washington was concerned. Mr. Melcher agreed.



On Friday, the Council adopted the letter, as shown in Agenda Item C.1.a, Supplemental Attachment 1, to the Federal Energy Regulatory Commission to order the decommissioning of the four lower Klamath River dam structures (Copco 1, Copco 2, Iron Gate, and J.C. Boyle). Motion 3 passed. Messrs. Anderson and Melcher abstained.

#### **D. Pacific Halibut Management**

##### **D.1 Incidental Catch Regulations for the Salmon Troll and Fixed Gear Sablefish Fisheries (04/04/06; 8:49 am)**

###### **D.1.a Agenda Item Overview**

Mr. Chuck Tracy presented the agenda item overview (Agenda Item D.1, Situation Summary).

###### **D.1.b State, Tribal, and Federal Agency Recommendations**

Mr. Harp presented Agenda Item D.1.b, Supplemental Tribal Comments.

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

Mr. Tracy read Agenda Item D.1.c, Supplemental GMT Report.

Mr. John Crowley presented Agenda Item D.1.c, Supplemental GAP Report.

Mr. Don Stevens provided SAS comments, which were to support status quo for the salmon troll fishery, including the "C-shaped" yelloweye rockfish conservation area as an area to be avoided.

###### **D.1.d Public Comment**

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

###### **D.1.e Council Action: Adopt Final Annual Incidental Halibut Harvest Restrictions**

Mr. Alverson moved (Motion 4) to adopt for incidental catch regulations for the salmon troll fishery Options 1a and 2 (status quo), and for incidental regulations for the commercial sablefish fishery north of Point Chehalis Option 1 (status quo), as presented in Agenda Item D.1, Situation Summary. Mr. Cedergreen seconded the motion.

Motion 4 passed.

#### **E. Salmon Management**

##### **E.1 Identification of Stocks Not Meeting Conservation Objectives (04/04/06; 9:28 am)**

###### **E.1.a Agenda Item Overview**

Mr. Tracy presented the agenda item overview (Agenda Item E.1, Situation Summary).

###### **E.1.b Report of the Salmon Technical Team (STT)**

Mr. Dell Simmons presented Agenda Item E.1.b, STT Report.

Dr. McIsaac asked if the STT was recommending the Council request review of the status of Klamath River fall Chinook (KRFC). Mr. Simmons replied yes.

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

Mr. Ellis provided Agenda Item E.1.c, Supplemental HC Report.

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

None.

#### **E.1.e Council Action: Identify Any Actions Necessary under the Council Overfishing Concern Procedure**

Chairman Hansen moved (Motion 5) to have the Council send a letter requesting the State of California, the Yurok Tribe, and the Hoopa Tribe undertake a formal assessment of the primary factors leading to the returns of Klamath River fall Chinook (KRFC) stock falling below the conservation objective in 2004 and 2005, and the projected return in 2006 of less than the conservation objective, and to task the Executive Director with coordinating the Habitat Committee assistance in the effort. Mr. Thomas seconded the motion.

Ms. Vojkovich asked if the state of Oregon should help conduct the assessment. Mr. Melcher replied that Oregon does not have anadromous production in this portion of the basin, but offered a friendly amendment to include assistance from Oregon in the assessment. Chairman Hansen and Mr. Thomas accepted the friendly amendment.

Motion 5 passed.

Mr. Anderson noted Queets spring/summer Chinook are not significantly impacted by Council area fisheries and only tribal ceremonial fisheries are allowed in river. He asked Mr. Harp if the report developed primarily by Dr. Morishima on the factors leading to low productivity of coho in the Queets system could be used as starting point for a Quinault Indian Nation and Washington Department of Fish and Wildlife report on spring/summer Chinook production in the Queets River. Mr. Harp replied he would discuss the issue with Dr. Morishima and report back to the Council later in the week.

Mr. Harp recommended the Quinault Tribe would develop an informational report for the Council relative to the status of Queets River spring/summer Chinook. The Council concurred with the recommendation.

#### **E.2 Tentative Adoption of 2006 Ocean Salmon Management Measures for Analysis (04/04/06; 9:56 am)**

##### **E.2.a Agenda Item Overview**

Mr. Tracy presented the agenda item overview.

##### **E.2.b Update on Estimated Impacts of March 2006 Options**

Mr. Simmons presented Agenda Item E.2.b, Supplemental STT Report, and Agenda Item E.2.b, Supplemental STT Report 2.

Dr. McIsaac asked for the STT definition of long term as applied to KRFC, with regard to long term yield. Mr. Simmons replied two or three life-cycles.

Mr. Melcher asked how the STT defined significant risk with regard to failure to meet the KRFC conservation objective for the third consecutive year. Mr. Simmons replied in that particular instance it was not used in a statistical sense.

Mr. Melcher asked if the STT considered the high recruitment from the 1990-1994 brood year spawning escapements, which included the three lowest on record, in the assessment of long term yield for the KRFC population as a whole and for the independent subpopulations within the Klamath Basin. Mr. Simmons replied the 1990-1994 recruit per spawners was included in the analysis of the entire population, which the STT pointed out coincided with a period of high marine survival. The STT was concerned that a combination of factors was not likely to occur in this instance. The STT did not factor in the 1990-1994 stock recruitment information into the long term yield assessment for the independent subpopulations.

Mr. Melcher recalled poor marine survival in the early 1990's for stocks coastwide. Mr. Simmons replied the early life history survival term for KRFC the STT used in their analysis indicated two poor years, 1990 and 1992, and three good years, 1991, 1993, and 1994.

Mr. Ticehurst noted for the 22 year KRFC spawner/recruit database, the average was eight recruits per spawner for the 12 years spawning escapement was less than the 35,000 KRFC conservation objective, whereas for the 10 years the spawning escapement was greater than 35,000, the average was 1.3 recruits per spawner. The median recruit per spawner values were 6.6 and 0.7, respectively.

Ms. Vojkovich asked how an extirpated population would be replaced. Mr. Simmons replied they would not be replaced with the same genetic structure, but would be rebuilt from straying from nearby populations, and local adaptation would occur over time.

Mr. Melcher asked if the STT was prepared to calculate the total expected catch outside the KOHM, since the KOHM estimates appear to be too small, and could not be used to set or manage quota fisheries. Mr. Simmons replied the STT could, although it would be difficult during the course of this week, primarily because most of the prevalent stocks off Oregon and California, such as Central Valley Chinook, did not have actual abundance estimates, but only index values.

Mr. Melcher asked if the Council felt quota management was impractical and the STT recommended against using landing limits, would the STT recommend traditional time/area type management for the Cape Falcon to Point Sur area, where KRFC impacts need to be constrained. Mr. Simmons replied the STT had not made that recommendation in Agenda Item E.2.b, Supplemental STT Report 2, but would be likely to make that recommendation. The point of the report was that none of the methods evaluated for estimating the effects of trip limits were judged inadequate.

Mr. Melcher asked if the only changes to the modeling were associated with assumptions relative to Canadian and Alaskan fisheries. Mr. Simmons replied there were also changes to the scalars used to estimate Coweeman tule fall Chinook impacts south of Cape Falcon.

Mr. Anderson asked if the new scalars would improve the accuracy of Coweeman impact estimates in areas south of Cape Falcon. Mr. Simmons replied yes.

Mr. Lockhart asked if the statement relative to Snake River fall Chinook not being a constraint applied to all the options. Mr. Simmons replied yes, because it was likely that a conservation objective for some other stock would limit fisheries before the ESA consultation standard for Snake River fall Chinook.

Mr. Harp noted there was still some shaping required if consideration for Option I were to go forward.

### **E.2.c Summary of Public Hearings (10:49 am)**

Mr. Bob Alverson summarized Agenda Item E.2.c, Supplemental Public Hearing Report 1 (Westport).

Mr. Frank Warrens summarized Agenda Item E.2.c, Supplemental Public Hearing Report 2 (Coos Bay). Mr. Lockhart noted that at least five people indicated they were in favor of Option 3 by a show of hands at the hearing, although only one testified verbally in favor of Option 3.

Mr. Thomas summarized Agenda Item E.2.c, Supplemental Public Hearing Report 3 (Santa Rosa).

### **E.2.d U.S. Section of the Pacific Salmon Commission Recommendations**

Mr. Harp reported that in February the southern panel of the PSC agreed to have a manager to manager meeting at the end of March. That meeting did not occur; instead there was a conference call where technical information was exchanged between Canada's DFO and the technical staffs working in the North of Falcon arena.

Mr. Anderson reported the call was primarily for sharing of information. The Canadians noted the status of upper Fraser River coho and Thompson River coho continues to be at a depressed level, probably lower than 2005. The U.S. continues to struggle with the timing of the Canadian preseason management process, which lags behind the Council's, and does not have fully developed management measures in time for the Council process.

### **E.2.e North of Cape Falcon Forum Recommendations**

Mr. Anderson reported the North of Cape Falcon forum met several times between the March and April Council meetings. Of particular interest this year were discussions regarding the ESA listing and subsequent harvest restrictions for lower Columbia River (LCR) natural coho, including the ability to transfer unused impacts from ocean fisheries to Columbia River fisheries. Negotiations for ocean and inside fisheries, and north and south of Cape Falcon ocean fisheries would continue through the week.

### **E.2.f Klamath Fishery Management Council (KFMC) Recommendations (11:13 am)**

Mr. Curt Melcher presented Agenda Item E.2.f, Supplemental KFMC Recommendations.

Ms. Vojkovich asked if there were discussions relative to inriver fishing opportunities. Mr. Harp replied there was a consideration of a steelhead and jack inriver fishery without retention of adult Chinook, although there was no consensus to recommend such a fishery. About 300 incidental adult Chinook mortalities were estimated for that fishery, with about 205 being natural spawners.

Ms. Vojkovich asked if there were options discussed for impacts between the 15% inriver allocation and the 300 mortalities associated with the Chinook non-retention fishery. Mr. Harp replied yes but no consensus was reached.

Mr. Melcher noted there was general recognition that some impacts associated with non-Chinook fisheries would be appropriate at a minimum.

### **E.2.g National Marine Fisheries Service (NMFS) Recommendations**

Mr. Lockhart presented Agenda Item E.2.g, Supplemental NMFS Report 2. He noted NMFS believes the Council should demonstrate any fisheries shaped around Option III have little additional KRFC impacts. Mr. John Stein and Mr. Michael Mohr provided a summary of the enclosed NMFS Science Center report.

Mr. Ticehurst asked if the assessment included the likely improved ocean and river conditions. Mr. Stein replied the analysis was designed to put bounds on the possible outcome rather than to predict the specifics of any one year. Mr. Lockhart noted the NMFS recommendation was based on the overall conclusion of the report, rather than any isolated components of the report.

Mr. Ticehurst noted if the Council targets 35,000 as its management goal annually, it would be expected that the resultant escapement would be greater than 35,000 about half the time and less than 35,000 half the time, and that having three consecutive years below 35,000 would not be unexpected occasionally. Mr. Mohr agreed.

Mr. Melcher asked if the Science Center report considered stock structure and diversity from the perspective of the 1990-1994 brood years, which were all below 35,000 natural spawners, and the subsequent production from those broods. Mr. Stein replied no.

Mr. Melcher noted such a rudimentary analysis seemed to indicate the conclusion of the Science Center report was not foregone, given three years of low escapement. Was there stock diversity issues associated with those brood years? Mr. Stein replied the report did analyze the uncertainty associated with low spawner escapement, and the results indicate that uncertainty, and therefore risk, increases with decreasing spawning escapement.

Mr. Melcher asked for clarification on the last two sentences in the report regarding the effect on stock productivity of reduced capacity. Mr. Stein replied the intent was to communicate the increased risk of extirpation when a combination of factors, such as decreased freshwater conditions, poor marine survival, and sustained harvest impacts, was applied to a population.

Mr. Anderson asked if the Council were to approve Option III, would an emergency rule be required. Ms. Cooney replied Option III as modeled would not require an emergency rule, but if additional fishing were added, then an emergency rule may be necessary.

Mr. Anderson asked for clarification regarding the phrase "little or no Klamath impacts" in the second paragraph, last sentence of Agenda Item E.2.g, Supplemental NMFS Report 2. Mr. Lockhart replied the impacts in Option II were on the order of thousands of KRFC natural spawners, which was excessive. NMFS did not have a specific number at the time, but stated the range would be between the tens and thousands of impacts. The California recreational openings in state waters during April complicated the analysis, which was not yet available.

Mr. Moore noted the commercial fishing failure declared in the groundfish fishery was based on an economic value of 25% below a specified base year. In Agenda Item E.2.g, Supplemental NMFS Report 2, NMFS used an average of recent years, but did not specify the years. It would be helpful for the 2006 process to have the criteria defined so state governments could gauge their requests. Mr. Lockhart replied 2000-2004 were used for the 2005 comparison. The 2005 revenue levels were actually above that average. For 2006, the level of fishing likely to be allowed was much lower than 2005, and a similar comparison would likely result in a different conclusion. However, the final decision would be based on the Council recommendation and the regulations NMFS approved.

Ms. Vojkovich asked for clarification of the statement regarding Council demonstration of little or no KRFC impacts. Was the standard to be measures backed by hard data as opposed to qualitative information such as was available for landing limits. Mr. Lockhart noted the standard was the best available science, which would be closely examined in the case of an emergency rule. Hard data was not absolutely required, but a sound scientific justification was required to support Council conclusions.

Dr. McIsaac noted the science center report declined to answer the question posed in the second paragraph second sentence of Agenda Item E.2.g, Supplemental NMFS Report 2, regarding escapement levels below 35,000 that would not jeopardize the stocks ability to produce MSY in the long term. On page 21 of the report it stated it would be difficult if not impossible to answer that question, and instead the report focused on the near term probability of certain spawner escapements. Since the report did not answer the long term question, and the historical spawner recruit data indicates past spawner escapement levels (Agenda Item E.2.a, Supplemental Attachment 3) produced more than 35,000 recruits in every year, how did NMFS conclude the risk of Option II was too great? Mr. Lockhart replied there were a combination of factors - including the fact that the past recruitments mentioned were associated with high marine survival periods, which were not likely to benefit current broods, the failure of the stock to meet its conservation objective the last two years, the likelihood it would not meet the conservation objective this year, and the low abundance projections for age-2 and age-3 fish – which placed too much risk to the diversity of the independent subpopulations within the basin. NMFS believed Option III, with perhaps some small additional fisheries, was all that was available to the Council at that time. The Council should maximize the chance for KRFC to recover quickly and not risk the assumption of good marine survival replenishing the stock.

Mr. Ticehurst asked if the 2006 KRFC returns were based primarily on one brood and that 2007 and 2008 returns would be based on different broods. Mr. Lockhart replied the NMFS decisions for 2006 did not presuppose decisions with regard to future years, but did take into account all available data.

Mr. Warrens noted the predation to KRFC by sea lions could be as high as 35,000 adults, and felt the report should have addressed that source of mortality.

#### **E.2.h Tribal Recommendations (04/04/06; 1:10 pm)**

Mr. Jim Harp presented Agenda Item E.2.h, Supplemental Tribal Comment.

Mssrs. Raphael Bill and Stuart Ellis, representing the four Columbia River treaty tribes, presented Agenda Item E.2.h, Supplemental CRITFC Recommendations.

Mssrs. Russell Svec and Steve Joner, representing the Makah Tribe, presented Agenda Item E.2.h, Supplemental Makah Tribal Comment.

Mr. Mike Orcutt, representing the Hoopa Valley Tribe, stated habitat concerns are paramount for the Tribe. The Tribe favors the Federal Energy Regulatory Commission (FERC) decommissioning the four Klamath River dams. The tribal harvest share for 2006 will be a minimum of approximately 6,100 adult KRFC, matching the non-Indian take in the fall 2005 fisheries. Regarding the issue of independent subbasin populations, the Salmon River subpopulation has declined significantly in recent years.

#### **E.2.i State Recommendations**

Mr. Anderson noted some Puget Sound, Washington coastal, and Columbia River Chinook stocks were of particular concern in 2006, and both ocean and inside fishery management measures north of Cape Falcon would require shaping to address some of those concerns. Recently ESA listed LCR natural coho would also require additional fishery constraints in 2006.

Mr. Roy Elicker, ODFW Director stated Oregon needed a salmon season. The Governor last week convened an emergency summit to review the possible impacts to the Oregon coastal communities of a fishery failure. State agencies were directed to develop short term solutions to the possible economic crisis; develop longterm solutions to improve the resource status, prepare for a declaration of a 2006 commercial fishing season disaster, and request the secretaries of Commerce and Interior to tour Oregon's

Klamath River area. Oregon was considering additional salmon opportunities in bubble fisheries and was working to manage additional impacts to other fisheries such as groundfish fisheries.

Mr. Melcher stated Oregon would be working through the SAS and partners to try to meet the needs of the NMFS guidance letter and maintain a balance with community needs.

Ms. Vojkovich noted the focus of the 2006 process had been KRFC, but should also include harvest opportunity for healthy stocks such as Central Valley Chinook. The changes in fishery conservation requirements need to be balanced with needs of the communities, and California would be looking for times, areas, and fishing methods having minimal impact on KRFC, while providing some opportunity for harvest of other stocks.

#### **E.2.j Reports and Comments of Advisory Bodies (04/04/06; 1:42 pm)**

Dr. Peter Lawson presented Agenda Item E.2.g, Supplemental SSC Report.

Mr. Alverson asked what the SSC felt was incomplete in the Science Center report (Agenda Item E.2.g, Supplemental NMFS Report 2). Mr. Lawson replied primarily integration of the report, for example the disease issue was mentioned as a possible contributing factor but not addressed in the conclusions.

Mr. Ticehurst asked for clarification on the relative risk of the model assumptions. Dr. Lawson replied the SSC felt the very lowest survival value provided an uncharacteristic picture of the stock and an overestimate of risk, but that the lowest escapement value was also uncharacteristic and presented an underestimate of the risk.

Dr. McIsaac asked if the SSC considered the possibility of the 2005 brood producing a substantial number of recruits as was the case for the 1992 brood. Dr. Lawson replied the SSC did not.

Mr. Butch Smith, SAS Vice Chair, asked NMFS to provide a target KRFC escapement number to facilitate the SAS and STT task of developing season recommendations for the Council.

Messrs. Jim Olson, Steve Watrous, Craig Stone, Jim Welter, Mike Sorensen, Don Stevens, and Duncan MacLean presented Agenda Item E.2.j, Supplemental SAS Report, and recommended the following corrections:

Table 2, page 6, Supplemental Management Information 2: Recreational TAC of 32,500

Table 2, page 6, Neah Bay subarea: Beginning August 1, Chinook retention east of the Bonilla-Tatoosh line...

Table 2, page 6, La Push Subarea: Sep. 23 through Oct 8 or 50 marked coho...

Table 2, page 7, Neah Bay subarea: Beginning August 1, Chinook

Table 1, page 1, U.S./Canada Border to Cape Falcon May 1 through June 30: Beginning May 6, open Saturday through Tuesday...for a June 27 open period...

Table 1, page 2, San Francisco: July 17 through September 30.

Table 1, page 2, Pigeon Point to Point Sur: May 1-31; July 17 through September 30.

Table 1, page 2, Point Sur to U.S./Mexico Border: May 1 through September 30.

Mr. MacLean also recommended if a zero KRFC impact option were considered to include the following fisheries: May 1 through September 30 fishery inside 3 nm from Kibesillah Point to Point Sur; Point Sur to U.S./Mexico Border May 1-September 30 out to 200 nm; and Pt. Reyes to Point San Pedro October 3-14 open Monday-Friday.

Mr. Melcher asked if the KMZ recreational season was structured to reduce KRFC impacts. Mr. Welter replied yes, primarily by eliminating the month of August and most of July.

Ms. Vojkovich asked if the KMZ option was similar to Option I in the March options. Mr. Welter replied the option differed by adding time in April in exchange for the August closure.

Mr. Moore asked if landing restrictions based on catch area were being considered. Mr. MacLean replied that the SAS options did not include quota fisheries in California, and therefore such restrictions were not necessary, although some cross-port reporting had been observed, and the industry had engaged in education efforts to help correct the problem.

Mr. Alverson asked the purpose of the landing limits in the KMZ commercial fishery. Mr. Stevens replied the fishery was designed to provide local opportunity without attracting large numbers of participants from outside the area.

Mr. Melcher asked if the dates in the central Oregon commercial fishery were impact neutral with respect to KRFC compared to March Option II. Mr. Stevens replied the intent of moving the southern boundary up to Florence South Jetty was to move the fishery as far away from Klamath fish as possible, and reduce impacts by about 2,000 KRFC compared to Option 2.

Mr. Melcher asked if the SAS discussed the platoon concept forwarded by the KFMC. Mr. MacLean replied not officially with the SAS but informally with the STT.

#### **E.2.k Summary of Written Public Comment**

Mr. Tracy presented Agenda Item E.2.k, Summary of Written Public Comment, and summarized the supplemental written public comments, petitions, and emails received at the Council office.

#### **E.2.l Public Comment**

Mr. Chris Hall, Coastside Fishing Club, San Francisco, California  
Ms. Cheryl Diehm, Congressman Mike Thompson's Office, Napa, California  
Mr. Dan Wolford, Coastside Fishing Club, Los Gatos, California  
Mr. Dave French, charter boat owner/operator, Bodega Bay, California  
Mr. Ben Enticknap, Oceana, Portland, Oregon  
Mr. Santi Roberts, Oceana, Monterey, California  
Mr. Ralph Brown, Curry County Commissioner, Gold Beach, Oregon  
Mr. Ben Sleeter, Coastside Fishing Club, San Francisco, California  
Mr. Tom Mattusch, Coastside Fishing Club, El Granada, California  
Mr. Chris Knepp, Coastside Fishing Club, Sacramento, California  
Mr. Jonah Li, Hi's Tackle Box, San Francisco, California  
Mr. Ken Elie, Outdoor Pro Shop, Rohnert Park, California  
Mr. Harold Davis, Davis Boats, Paso Robles, California  
Mr. Joe Carter, Farallon Boats, West Sacramento, California  
Mr. Mike Giraudo, Coastside Fishing Club, Pacifica, California  
Mr. Mike Velasquez, Six Pack Charters, Campbell, California  
Mr. Steve Carson, Chico, California  
Mr. Bill Haus (no affiliation on file)  
Mr. Bruce Torquemada, Coastside Fishing Club, Pleasanton, California  
Mr. Bob Strickland, United Anglers, San Jose, California  
Mr. Donald Stevens, Coastside Fishing Club, Davis, California (not SAS Don Stevens)  
Mr. Duncan MacLean, F/V Barbara Faye, El Granada, California  
Mr. Doug Fricke, Washington Trollers Association, Hoquiam, Washington



Ms. Ann Maurice, Ad Hoc Committee for Fisheries, Occidental, California  
Mr. Joel Kawahara, Washington Trollers Association, Seattle, Washington  
Mr. James Leighton, All Aboard Adventures, Fort Bragg, California  
Mr. Randy Thornton, Telstar Charters, Fort Bragg, California  
Mr. Jim Welter, sport fisherman, Brookings, Oregon  
Mr. Larry Delorefice, Anchor Bay Campground, Pinole, California  
Mr. David Yarger, Fishermen's Marketing Association of Bodega Bay, Sebastepol, California  
Mr. Ben Platt, Salmon Trollers Marketing Association, Fort Bragg, California  
Mr. Michael Lucas, North Coast Fisheries, Santa Rosa, California  
Ms. Barbara Emley, PCFFA, San Francisco, California  
Mr. Tim Gillespie, All Aboard Adventures, Fort Bragg, California  
Captain Bonnie Bourn, Will's Bait and Tackle Shop, Bodega Bay, California  
Mr. Ben Doan, Klamath Management Zone Coalition, California  
Mr. Tim Machado, Klamath Management Zone sport fisherman, California  
Mr. Jim Robertson, Golden Gate Fishermen's Association, California  
Mr. Jim Martin, Recreational Fishing Alliance, Fort Bragg, California  
Mr. David Bitts, PCFFA, Eureka, California

**E.2.m Council Action: Tentatively Adopt Management Measures for 2006 Ocean Salmon Fisheries**

Mr. Melcher noted Oregon desired to constrain fall 2006 KRFC impacts to preserve flexibility for the 2007 season.

Ms. Vojkovich asked if Oregon was considering some platoon fishing, Mr. Melcher said Oregon has not proposed a platoon structure for consideration in 2006.

Ms. Vojkovich asked if platoon fishing has ever been implemented in salmon management. Mr. Melcher said no.

Ms. Vojkovich asked if the platoon concept should be pursued. Mr. Melcher suggested requesting the STT determine if platoon fishing could be modeled, and ask the Enforcement Consultants (EC) for their input.

Mr. Harp moved (Motion 6) to have the STT model for tribal fisheries a coho quota of 40,000, and a Chinook quota of 41,600 split 22,500 in the May/June Chinook directed fishery and 19,100 in the July/August/September all species fishery. Mr. Anderson seconded the motion.

Mr. Harp noted the 40,000 coho quota was likely to result in Queets natural coho not meeting their conservation objective, and fisheries may require additional shaping during the week, but the STT analysis will determine the extent of shaping necessary.

Motion 6 passed.

Mr. Anderson moved (Motion 7) to tentatively adopt for STT collation and analysis the management measures in Agenda Item E.2.j, Supplemental SAS Report for the non-Indian commercial and recreation fisheries north of Cape Falcon, with the edits provided by the SAS. Mr. Cedergreen seconded the motion.

Mr. Anderson noted the proposal included non-Indian quotas of 65,000 Chinook for north of Cape Falcon and 90,000 marked coho. Additional shaping will be required through the week to address issues

including Queets coho escapement and staying within a 10% exploitation rate on LCR natural coho in ocean fisheries, which would include shaping fisheries south of Cape Falcon.

Mr. Lockhart noted he would be voting in favor of the motion to bring the tentative measures forward for analysis; but will be voting no on the measures between Cape Falcon and Pt. Sur because they would likely require an emergency rule to implement, and to preserve flexibility for the Secretary of Commerce.

Motion 7 passed.

Mr. Melcher moved (Motion 8) to tentatively adopt for STT collation and analysis the management measures in Agenda Item E.2.j, Supplemental SAS Report for both commercial and recreational fisheries in the area south of Cape Falcon to Horse Mt., California. Mr. Moore seconded the motion.

Mr. Melcher noted the extreme measure of closing the Coos Bay commercial cell to reduce KRFC impacts may increase impacts on other stocks and therefore require additional shaping through the week.

Ms. Vojkovich offered a friendly amendment to specify the Klamath River recreational fishery be modeled as a catch and release fishery only. Mr. Melcher and Mr. Moore accepted the friendly amendment.

Motion 8 passed; Mr. Lockhart voted no.

Mr. Ticehurst moved (Motion 9), to tentatively adopt for STT collation and analysis the management measures in Agenda Item E.2.j, Supplemental SAS Report for recreational fisheries in the area south of Horse Mt., California. Mr. Thomas seconded the motion.

Mr. Thomas stated the \$761 million in lost economic value described in Agenda Item E.2.a, Supplemental Attachment 4, justified the motion.

Motion 9 passed; Mr. Lockhart voted no.

Ms. Vojkovich asked if the California commercial proposals in Agenda Item E.2.j, Supplemental SAS Report, were substantially different than Option I in Preseason Report II.

Mr. MacLean replied the SAS proposal removed the trip limits and reduced the days open in July from 27 to 14 and would reduce KRFC impacts in July by over 1,500 fish, as compared to Option I.

Ms. Vojkovich moved (Motion 10) to tentatively adopt for STT collation and analysis the management measures in Agenda Item E.2.j, Supplemental SAS Report for commercial fisheries in the area south of Horse Mt., California, with the following changes:

Page 2, Point Arena to Pigeon Point - May 15-30, August 1-29, and September 1-30.

Page 2, Pigeon Point to Point Sur - May 1-14, July 1-14, August 1-29, and September 1-30.

Page 2, Point Sur to U.S./Mexico Border - May 1 through September 30.

And to have the STT investigate the concept of a platoon type commercial fishery. Mr. Thomas seconded the motion.

Motion 10 passed; Mr. Lockhart voted no.

Mr. Ticehurst asked if the STT was modeling the April recreational fishery in California state waters as if the entire EEZ were open for the entire month. Mr. Grover replied yes.

Mr. Ticehurst moved (Motion 11) to open the recreational season in the area from Horse Mt. south to the U.S./Mexico border during the last two weeks of April. Mr. Thomas seconded the motion.

Ms. Cooney stated the motion called for inseason action, which was a consultation between the affected states and the Federal government.

Mr. Lockhart stated the motion was not in order at the time because it was an inseason action and not related to the 2006 management season.

Ms. Cooney asked if it was a request for the STT to consider the proposal for impact analysis. Mr. Ticehurst replied yes.

Motion 11 roll call vote. 9 no, 3 yes. Motion 11 failed. Messrs. Harp, Warrens, Moore, Anderson, Lockhart, Alverson, Mallet, Melcher, and Ms. Vojkovich voted no.

Ms. Vojkovich moved (Motion 12) for the STT to assess impacts in the following state water commercial fisheries:

Horse Mt. to Pt. Arena - May 1-31 inside of 3 miles with a 3,000 Chinook quota and 30 fish per day per vessel landing and possession limit;

Horse Mt. to Pt. Arena - August 1-31 inside of 3 miles with a 3,000 Chinook quota and 30 fish per day per vessel landing and possession limit;

Horse Mt. to Pt. Arena - September 1-30 inside of 3 miles with a 3,000 Chinook quota and 30 fish per day per vessel landing and possession limit;

Pt. Reyes to Pt. San Pedro August 1-October 14 inside 20 fathoms, open Monday to Friday.

Mr. Thomas seconded the motion.

Mr. Melcher asked if the intent was to target Sacramento Chinook. Ms. Vojkovich stated yes.

Motion 12 passed. Mr. Lockhart voted no.

Mr. Anderson asked if the STT analysis would depict the KRFC impacts after August 31. Mr. Grover said not normally, but the STT would try to characterize the impacts associated with 2007 returns.

Mr. Lockhart requested final action motions be displayed in writing on the screen.

Mr. Anderson noted it was difficult to make an informed decision not only for fisheries south of Cape Falcon, but north of Cape Falcon as well, based on the ambiguity in the NMFS guidance over the definition of "a little" relative to acceptable KRFC impacts. NMFS owed the Council a more definitive explanation of the acceptable spawning escapement and the likelihood of approval of a Council recommendation by emergency rule, without which the Council would not know how to best manage the fishery. There was a precedent for a motion that qualifies and anticipates different fishery management alternatives beyond what was known at the April Council meeting. In 1996 the West Coast Vancouver Island coho harvest was unknown, and the Council's final action included three possible coho quotas based on a range of possible Canadian fishery levels. Absent more specific guidance from NMFS, WDFW would consider a motion similar to that approach for 2006 fisheries. Mr. Lockhart replied NMFS could not provide further guidance at that time.

Ms. Vojkovich asked when NMFS would make a recommendation relative to approval or disapproval of the final Council recommendations. Mr. Lockhart replied NMFS would respond in time to have new regulations in place on May 1.

Mr. Tracy asked for clarification regarding the assumption for April recreational fisheries in San Francisco and Monterey areas. Dr. McIsaac replied the California Fish and Game Commission will take action on the April season on Thursday, and the STT should assume the entire month is open until that time.

### **E.3 Methodology Review Process and Preliminary Topic Selection for 2006 (04/06/06; 1:29 pm)**

#### **E.3.a Agenda Item Overview**

None.

#### **E.3.b Scientific and Statistical Committee Report**

Mr. Mike Burner read Agenda Item E.3.b, Supplemental SSC Report.

Mr. Melcher asked if there was some new methodology relative to the OCN forecast. Mr. Tracy replied yes.

#### **E.3.c State, Tribal, and Federal Agency Recommendations**

None.

#### **E.3.d Reports and Comments of Advisory Bodies**

Mr. Simmons presented Agenda Item E.3.c, Supplemental STT Report.

Mr. Melcher asked, for the KRFC contact rate and catch projection issue, if the STT was using the most recent single year rather than the most recent three years for contact rates in the KOHM. Mr. Mohr noted the contact rate per effort used for 2006 modeling used the most recent three year average for Fort Bragg, San Francisco, and Monterey cells, and the 1991-2005 average for the rest of the cells. The effort predictor for the northern and central Oregon cells used only the 2005 point, and the other cells used the 1991-2005 points.

Mr. Melcher asked what, for the Coweeman exploitation rate issue, was the last fishery year analyzed. Mr. Simmons replied 2003.

Mr. Melcher asked if additional years would be added to the analysis. Mr. Simmons replied the review should determine if the observed bias was corrected, and therefore additional years could be added to the analysis.

Mr. Melcher noted the proposed correction for the Coweeman exploitation rate issue was implemented for 2006 fishery analysis, and asked if the review would constitute a confirmation of the method. Mr. Simmons replied yes, although if the review determined the method was not appropriate the STT would reexamine the problem to develop another solution.

Dr. McIsaac asked if the STT discussed the SAS recommendation relative to the September 1 KRFC birthdate. Mr. Simmons replied the STT was not aware of the recommendation.

Mr. Stevens presented Agenda Item E.3.c, Supplemental SAS Report.

Mr. Melcher asked if the SAS recommendation to review KOHM catch projection referenced the ability to manage by quotas. Mr. Stevens replied yes, that the KOHM estimates of all stocks catch was inadequate at this time.

### **E.3.e Public Comment**

None.

### **E.3.f Council Guidance on Potential Methodologies to be Reviewed in 2006**

Ms. Vojkovich recommended including review of the September 1 birth date for Klamath River fall Chinook (Agenda Item E.3.d, Supplemental SAS Report topic 1 under additional topics), and sensitivity of the Klamath Ocean Harvest Model (KOHM) to changes in the birth date relative to the tag codes used to evaluate fishery impacts.

Mr. Melcher agreed with Ms. Vojkovich and felt it would be informative from a management perspective to determine if the birthdate was not an unbiased median and some portion of the run was staying in the ocean and not returning until later. In that case the Council could take management actions to delay fall fisheries. He also recommended review of the KOHM all stocks predictor because the total catch prediction was so far from observed values it was meaningless for quota management.

Mr. Warrens recommended the effects of sea lion predation at the mouth of the Klamath River on spawning escapement of Klamath River fall Chinook be reviewed

Mr. Lockhart recommended experimental design for test fisheries to estimate the relative impacts to Klamath River fall Chinook in fisheries restricted to nearshore areas be reviewed, and also requested an earlier examination of the issue for application to 2006 management.

Mr. Melcher noted salmon methodology reviews previously had extended into January and asked that review of the KOHM include the performance of the 2006 fisheries

Dr. McIsaac noted the WDFW representative had to leave the seat prior to providing guidance, and recommended in addition to the topics listed in the STT and SSC reports, a list of other topics for review could be presented to the Council at the June meeting, if necessary.

## **E.4 Role of the Klamath Fishery Management Council (KFMC) (04/06/06; 1:59 pm)**

### **E.4.a Agenda Item Overview**

Mr. Tracy presented the agenda item overview (Agenda Item E.4, Situation Summary).

### **E.4.b KFMC Recommendations**

Mr. Melcher noted the KFMC contributions to the Council process would cease if the Klamath Act was not reauthorized in 2006 and many of their functions would need to be absorbed into the Council process; however, the parties to the KFMC agreed to continue the technical work of the KRTAT on an ad hoc basis if necessary.

Mr. Phil Dietrich, USFWS, presented Agenda Item E.4.b, Supplemental KFMC Report.

Dr. McIsaac asked how the USFWS would prioritize the expenditure of funds if the Presidents budget were approved. Mr. Dietrich replied that if the funds were authorized for the continuation of the Klamath Act, the prioritization process would be set, but if they were appropriated without a continuation of the Act, a less formal prioritization process would occur with basin constituents.

Mr. Lockhart asked how the KFMC would interact on water issues. Mr. Dietrich replied that under the current authorization, the KFMC is proscribed from engaging in recommendations, except those related to harvest. The other agencies and tribes are already involved in the Klamath water issues.

Mr. Harp noted the KFMC went thru a GAO audit document and asked Mr. Dietrich to summarize the document. Mr. Dietrich replied the audit addressed expenditures, not the performance of the Act, and found the program was being successfully managed on a financial standpoint.

#### **E.4.c Reports and Comments of Advisory Bodies**

Mr. Simmons presented Agenda Item E.4.c, Supplemental STT Report.

Mr. Mike Orcutt presented Agenda Item E.4.c, Supplemental SAS Report.

Mr. Orcutt provided comments on behalf of the Hoopa Valley Tribe. As an original member of the Klamath River Task Force, the tribe was instrumental in developing the Klamath Act and supports reauthorization of the Act or any alternative that meets the needs for habitat restoration filled by the Klamath Restoration Program, and the process that the KFMC provides to the Council. The data recovery, data analysis, and information that feeds into the Council process is critical.

#### **E.4.d Public Comment**

Mr. Bob Crouch, Klamath Coalition, Brookings, Oregon

Mr. Scott Boley, Oregon Salmon Commission, Gold Beach, Oregon

Mr. Dave Bitts, PCFFA/HFMA, Eureka, California

#### **E.4.e Council Discussion and Guidance**

Mr. Moore asked if the Council had an open invitation from Senator Smith to comment and provide information on issues that affect the Council. Dr. McIsaac replied yes.

Mr. Moore moved (Motion 27) that the Executive Director write a letter to Senator Smith, and other members of congress who have asked for Council advice, explaining the likely results of the demise of the KFMC, and requesting support of the President's budget for DOI to continue Klamath activities. Mr. Warrens seconded the motion.

Motion 27 passed. Mr. Lockhart abstained.

### **E.5 Clarify Council Direction on 2006 Management Measures (04/05/06; 5:26 pm)**

#### **E.5.a Agenda Item Overview**

Mr. Tracy presented the agenda item overview (Agenda Item E.5, Situation Summary).

#### **E.5.b Report of the STT**

Mr. Simmons presented Agenda Item E.5.b, Supplemental STT Report.

Mr. Melcher asked if the STT had an opportunity to discuss the subjects of trip limits and platoon fisheries. Mr. Simmons replied no, there was inadequate time.

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

None.

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

None.

#### **E.5.e Council Guidance and Direction**

Mr. Melcher requested the Council consider the package overnight and be prepared to offer guidance in the morning. The KRFC spawner reduction rate of 40.5% would need to be lowered, and fisheries in the north need some work to reduce the LCR natural coho exploitation. The KFMC had a meeting scheduled that evening as well, which would provide them an opportunity to develop recommendations.

Mr. Alverson asked if NMFS had developed a benchmark for an acceptable level of KRFC impacts or spawning escapement. Mr. Lockhart replied no.

Mr. Anderson asked if NMFS concurred with Mr. Melcher's perspective that additional shaping was required. Mr. Lockhart replied yes, that the package was essentially the same as Option II in Preseason Report II.

Mr. Alverson asked if the Council would be able to conclude final action by Thursday. Dr. McIsaac replied the Council should continue with E.5 first thing Thursday morning and expect to conclude E.6 Thursday evening.

Mr. Anderson asked if the LCR natural coho impact of 11.5% on page 15 of Agenda Item E.5.b, Supplemental STT Report, did not include impacts from the Buoy 10 fishery. Mr. Milward confirmed that it did not include Buoy 10.

Mr. Anderson asked if the 2.3% LCR natural coho impact in the south of Falcon recreational fishery is one tenth different than Option II in Preseason Report II. Mr. Simmons replied yes.

Mr. Lockhart reiterated NMFS belief the impacts to KRFC associated with the regulation package in Agenda Item E.5.b, Supplemental STT Report, were too great. NMFS recognized the problems KRFC are facing were not the result of overfishing, but of actions largely outside of Council control. The abundance of KRFC the past two years and for the next two years were too low to allow a robust fishery in 2006, the numbers were not only lower than MSY, but below the spawning escapement floor. Based on discussions with the states, consideration of public comment, the reports of the STT and SAS, and a detailed review of the model results and the level of risk associated with different fishing levels, NMFS believes a 2006 KRFC natural spawning escapement level of at least 21,000, while incurring some additional risk, is acceptable for this fishery. Spawning levels lower than 21,00 increase the risk beyond acceptable limits.

Mr. Roth noted there were several items that converged to provide an opportunity to make progress on Klamath River issues: 1) increased rainfall in the 2006 water year; 2) the FERC relicensing process, which could include decommissioning of the dams as recommended by NOAA Fisheries, or at least prescriptions for anadromous fish; 3) the 9<sup>th</sup> Circuit Court of Appeals ruling to increase water flows; and 4) a settlement agreement process involving 24 interests groups to discuss basin-wide issues, including water management. The last process held the greatest promise for developing a comprehensive plan, and the USFWS was actively involved in the settlement agreement process.

Mr. Melcher, recommended the following changes to the commercial fisheries in Agenda Item E.5.b, Supplemental STT Report:

Page 2, Cape Falcon to Florence South Jetty – June 4-7, 11-14, 18-21, 25-28; July 9-11, 16-18, 23-25; August 1-3; September 17-30; October 17-31.

Page 2, Cape Falcon to Florence South Jetty – In 2007, the season will open March 15...This opening could be modified following Council review at its March 2007 meeting.

Page 2, Florence South Jetty to Humbug Mt. – In 2007, the season will open March 15...This opening could be modified following Council review at its March 2007 meeting.

Page 2, Humbug Mt. to OR/CA Border – Closed. In 2007, the season will open March 15...This opening could be modified following Council review at its March 2007 meeting.

The reduction in number of days would reduce KRFC impacts in the Oregon commercial fishery by about 40%. The dates aligned with the north of Cape Falcon commercial fishery dates to reduce the likelihood of effort transfer between the two fisheries, and would allow weekly (Sunday to Saturday) landing and possession limits, which Oregon intended to recommend during final action under E.6. Specific landing and possession limit recommendations would be developed through discussions with constituents. Landing limits were expected to result in a 30% to 50% reduction in total catch, depending on the level chosen. The Coos Bay cell was entirely closed for 2006, which was the first time in over 100 years of commercial salmon fishing. The SAS was directed to work with EC and STT to design landing limit language.

Mr. Melcher recommended the following changes to the recreational fisheries in Agenda Item E.5.b, Supplemental STT Report:

Page 7, Humbug Mt. to Horse Mt. (KMZ) – May 15 through July 4...

The intent was to reduce KRFC impacts. Fisheries in Northern Oregon were also still being shaped to address LRC natural coho concerns.

Ms. Vojkovich concurred with Mr. Melcher's change to the KMZ recreational fishery, and recommended the SAS work with the STT to reduce the Fort Bragg Recreational fishery impacts in June from 105 KRFC mortalities to the low 80's or high 70's and reduce July impacts to 77 KRFC, and in the San Francisco recreational fishery, reduce both June and July KRFC impacts to 70. The reductions in the recreational fisheries were intended to compliment necessary reductions in the commercial fishery.

Ms. Vojkovich recommended the SAS and STT work together to reduce KRFC impacts by 1,500 to 1,800 fish in order to achieve a KRFC natural spawning escapement of 21,000. To help ensure impacts did not exceed those modeled, during final action under Agenda Item E.6., landing limits, gear restrictions or other fishing behavior, which although not able to be modeled, but could be considered from a policy standpoint, would be considered as a means to buffer risk. The SAS and STT were also directed to develop recommendations for landing limits and/or a quota for the September Fort Bragg and San Francisco commercial fisheries.

Mr. Anderson recommended changing the north of Cape Falcon non-Indian coho quota from 90,000 to 80,000 marked coho to reduce the harvest rate on LCR natural coho, and increase the escapement of Queets coho. This would not achieve the objective of a 10.0% ocean exploitation rate on LCR natural coho, but should achieve the 5,800 spawner goal for Queets natural coho. The recreational and commercial interests north of Cape Falcon should discuss the merit of a Chinook/coho trade that could benefit both gear groups.

Mr. Melcher supported Mr. Anderson's request for a discussion of a Chinook/coho trade north of Cape Falcon, and encouraged similar discussions within the SAS for fisheries south of Cape Falcon.

Mr. Harp recommended the STT model a treaty Indian troll quota of 35,000 coho to increase Queets coho escapement, and to reduce exploitation rates on LCR natural coho and Interior Fraser coho.



Mr. Lockhart clarified the NMFS guidance was for a modeled impact of 21,000, regardless of additional measures that could not be modeled.

Dr. McIsaac encouraged the STT to examine the possibilities of an experimental design to test the hypothesis that KRFC impacts were lower near shore than off shore.

## **E.6 Final Action on 2006 Salmon Management Measures (04/06/06; 2:49 pm)**

### **E.6.a Agenda Item Overview**

Mr. Tracy presented the agenda item overview.

### **E.6.b STT Analysis of Impacts**

Mr. Simmons presented Agenda Item E.6.b, Supplemental STT Report, and noted the following corrections:

Page 1, Supplemental Management Information: #3. – Treaty Indian commercial troll quotas of...35,000 coho.

Page 2, Fort Bragg area: a Chinook quota of 4,000 and a landing and possession limit of 30 Chinook per vessel per day. All fish caught in the area must be landed in the area.

Page 2, San Francisco area: a Chinook quota of 20,000 and a landing and possession limit of X Chinook per vessel per calendar week during September. All fish caught in the area must be landed in the area.

Page 11, Supplemental Management Information 1: Overall Treaty Indian TAC : 41,600 Chinook and 35,000 coho.

Mr. Melcher asked if the KRFC natural spawning escapement of 13,300 listed in Table 5, page 14 was correct. Mr. Simmons replied no, it should be 11,400.

Mr. Anderson noted the correct non-Indian coho TAC listed in Table 2, page 7, was 80,000 marked coho. Mr. Simmons agreed and noted the model was run using a quota of 80,000.

### **E.6.c KFMC Comments**

Mr. Melcher reported the KFMC met last night, but no further recommendations were made.

### **E.6.d State, Tribal, and Federal Agency Recommendations**

Mr. Troy Fletcher, representing the Yurok Tribal Council, stated the tribe was concerned about the impacts to 2006 tribal harvest, but was equally concerned the failure to meet minimum KRFC spawning escapement goals could affect future fishing opportunity. The tribe would neither oppose nor support the Council recommendations, but noted their concerns for developing *de minimis* fishing strategies, and recommended they be based on the best available science. There were opportunities for long term solutions to the problems in the Klamath Basin, but short term solutions were also necessary to address needs of the Tribe. The Yurok Tribe requested the Council support a blue collar panel to develop such solutions. The Tribe requested 2006 tribal allocation reflect impacts associated with the Klamath River recreational catch and release fishery. The Tribe also supported removal of Klamath River dams.

Mr. Harp agreed with Mr. Fletcher that a proactive approach to dealing with the resources in the Klamath Basin should start immediately.

Mr. Mike Orcutt, representing the Hoopa Valley Tribe, presented Agenda Item E.6.d, Supplemental Tribal Report 2. The Tribe also supported habitat based solutions to Klamath Basin problems, and recommended support for Federal budgets to implement restoration programs and investigation of disease

issues. The Tribe recommended the Council support the Habitat Committee letter regarding removal of the four Klamath River dams. The Tribe recommended fall 2006 ocean fishery impacts be modeled if possible, and those fisheries be implemented with precaution.

Messrs. Raphael Bill and Stuart Ellis presented testimony on behalf of the Columbia River Treaty Tribes (Agenda Item E.6.d, Supplemental Tribal Report).

Messrs. Russ Svec and Hap Leon provided comments on behalf of the Makah tribe. The Washington coastal tribes had reached a tentative agreement with the WDFW regarding coho and Chinook impacts, but still had one more meeting scheduled to incorporate the results of the STT analyses before the agreement would be final. The Makah Tribe commended the Council for balancing conservation needs with the socio-economic needs of fishing communities for both salmon and groundfish. The Tribe recognized many problems associated with salmon conservation are the result of inland land practices and not necessarily fisheries.

Mr. Harp noted 19 other tribes in western Washington would agree with the Makah Tribal comments.

Mr. Anderson stated the annual North of Falcon process was nearly complete. The primary objectives were conservation of Chinook, coho, and chum stocks in Puget Sound and the Columbia River, and bycatch of those stocks in Puget Sound/Fraser River sockeye fisheries.

Mr. Melcher concurred with Mr. Anderson on North of Falcon issues, and noted good progress with the KFMC.

Ms. Vojkovich had no comments.

Mr. Lockhart, stated NMFS believed the model results concerning KRFC escapement and ESA species allowed the Council to move forward. He reiterated that he would vote no on all recommendations requiring an emergency rule to maintain decision making flexibility for the Secretary of Commerce.

#### **E.6.e Reports and Comments of Advisory Bodies**

None.

#### **E.6.f Public Comment (04/06/06; 3:50 pm)**

Mr. Duncan MacLean, PCFFA, El Granada, California  
Mr. Chuck Wise, PCFFA, San Francisco, California

The following people supported the testimony of Messrs. Wise and MacLean (NOTE: some did not complete a testimony card, but instead stated their name for the record):

Craig Beshar	Craig Ambeale
Mike Preston	Larry Nimora
Bob Strickland	Michael Blake
Wilson Quicke	Russ Neaman
Mike Ricketts	Tom Stickel
Marie	Marc Davis
Robert Anderson, San Juan Batista, CA	Yoni
Mike Stellar	Frank Leak
Gary Ogle	Chad Dahlberg, troller, Pacifica, CA
Gene Sullivan	Barbara Emley
Abe Yeager	Scott Burtleson

Kathy Fosmark  
Jeff Scholl  
Jim Griswold  
Andre Ragueneau  
Oblen Rich, Jr.  
Frank Nimura  
Kevin Snow  
Brett Shaw  
Kim Miles  
Bruce Adams  
Jason Savonaugh  
John Emerelle  
Tom Wallace  
Josh Larson  
John Leold  
Alex E.  
Rusty Barrow  
David Ruda  
Percy Rice  
Diane Moody  
Peggy Beckett

Dan Temko, San Mateo Harbor District, San Mateo, CA  
John Hollager  
John Koeppen, Cupertino, CA  
Kurt Hochberg, Benicia, CA  
Jim Dillard  
Nell Kelly  
Joe Lucas  
Mark Newell  
Paul Weiler  
Dan Bacher, Fish Sniffer Magazine,  
Diane Blodgett  
Rod Blodgett  
Merril Malean  
Dan Fortado  
Keith  
Stan Carpenter  
Representative from Mom & Dad Sportfishing  
William Smith  
Dave Bitts, PCFFA

The following people offered individual testimony:

Mr. Mike Hudson, Small Boat Salmon Fishermen's Association,  
Mr. Aaron Newman, Humboldt Fishermen's Marketing Association,  
Mr. Bob Osborn, United Anglers of Southern California, Huntington Beach, California  
Mr. Santi Roberts, Oceana, Portland, Oregon  
Mr. Craig Barbre, PCFFA, Los Osas, California  
Mr. Mike Rees, Salmon Trollers Marketing Association, Fort Bragg, California  
Mr. Tom McLaughlin, Seafood Producers Cooperative, Bellingham, Washington  
Mr. Gary Ogle, Salmon Trollers Marketing Association, Fort Bragg, California  
Mr. Steven Kingsley, Next Seafood, San Francisco, California  
Mr. David Goldenberg, California Salmon Council, Folsom, California  
Mr. Dan Wolford, Coastside Fishing Club, San Francisco, California  
Mr. Kurt Hochberg, Crab Boat Owners Association, San Francisco, California  
Ms. Barbara Stickel, Morro Bay Commercial Fishermen's Association, Morro Bay, California  
Mr. Tom Creadou, fisherman, San Francisco, California  
Mr. Don McCray, Moss Landing Association, Moss Landing, California  
Mr. Don Stevens, troller, Newberg, Oregon  
Mr. Gerald Reinholdt, Reinholdt Fisheries, St. Helens, Oregon  
Mr. Dean Estep, Salmon Trollers Marketing Association, Fort Bragg, California  
Mr. Ben Platt, Salmon Trollers Marketing Association, Fort Bragg, California  
Mr. Daniel Platt, Salmon Trollers Marketing Association, Fort Bragg, California  
Ms. Yvonne Fernandez, Salmon Trollers Marketing Association, Fort Bragg, California  
Ms. Ann Maurice, Ad Hoc Committee for Fisheries, Occidental, California  
Mr. Tom Roth, Congresswoman Lynn Woolsey's office, Santa Rosa, California  
Mr. Wayne Moody, Western Fish Boat Owners Association, Arroyo Grande, California  
Mr. Bill Murtha, Moss Landing, California  
Mr. Brian Foss, Santa Cruz Port District, Santa Cruz, California  
Mr. Michael Lucas, North Coast Fisheries, Santa Rosa, California

Mr. Larry Collins, San Francisco Crab Boats Association, San Francisco, California  
Mr. Bill Dawson, Seafood Suppliers, San Francisco, California  
Mr. Keith Olson, Salmon Trollers Marketing Association, Fort Bragg, California  
Mr. David Copp, Crab Boat Association,  
Mr. Joel Kawahara, Salmon Trollers Marketing Association, Seattle, Washington  
Mr. Bruce Adams  
Mr. Zeke Grader, PCFFA, San Francisco, California  
Mr. Scott Boley, Gold Beach, Oregon

**E.6.g Council Action: Adopt Final Measures for 2006 Salmon Management**

Motions 28 through 36 were made utilizing Agenda Item E.6.b, Supplemental STT Report, April 2006.

Dr. McIsaac noted the management measure package would require an emergency rule, and asked if there were any steps the Council had not yet taken for consideration of an emergency rule. Ms. Cooney replied she was not aware of anything specific at the time, but the NMFS would have to review the entire record.

Mr. Melcher remarked on the severe economic hardship facing fishing communities in 2006 and the rigorous process for developing season recommendations, including not having specific guidance from NMFS until very late in the process, but felt the interaction with the public helped formulate the guidance. Based on the historical KRFC stock recruitment information he felt the objective of at least 21,000 natural KRFC spawners represented an appropriate level of risk to the stock, and although the needs of coastal communities would not be fully met, it would provide some relief. He also stated interest in additional conservative measures to protect both 2006 and 2007 KRFC returns. The record low age-3 abundance in 2006 suggests the possibility of a similar situation for 2007.

Mr. Melcher moved (Motion 28) to adopt the commercial seasons as proposed in Agenda Item E.6.b, Supplemental STT Report, for the area from Cape Falcon to the OR/CA border, including the edits made by the STT under E.2.b and with the following additions:

Page 2, Cape Falcon to Florence South Jetty - Landing and possession limit of 75 Chinook per vessel per calendar week (Sunday through Saturday) during June, July, and August, and 50 Chinook during September and October.

Mr. Warrens seconded the motion.

Mr. Melcher stated his intent was, given the KRFC stock status, to provide a minimal fishery as a life line to the industry to preserve the infrastructure without jeopardizing the 2007 fishery.

Mr. Lockhart explained his earlier statement regarding the reasons why he was voting no on the proposed management measures: the Magnuson-Stevens Act contained four lines that causes a constitutional problem for the Secretary of Commerce if a NMFS representative on any Council votes for measures requiring implementation by emergency rule. All NMFS Council representatives have been instructed by the U.S. Department of Justice to vote no on such measures. If not for the requirement he would vote for the package. He would aggressively support approval of the package.

Motion 28 passed; Mr. Lockhart voted no.

Mr. Melcher moved (Motion 29) to adopt the recreational seasons as proposed in Agenda Item E.6.b, Supplemental STT Report, for the area from Cape Falcon to Horse Mt. Mr. Warrens seconded the motion.

Mr. Melcher noted the coho quota was about half the 2005 quota primarily as a result of the recent ESA listing of LCR natural coho and associated constraints, but that fishery reductions would have been greater had there not been the situation with KRFC.

Motion 29 passed; Mr. Lockhart voted no.

Ms. Vojkovich moved (Motion 30) to adopt the commercial seasons as proposed in Agenda Item E.6.b, Supplemental STT Report, for the area from the OR/CA border to the U.S./Mexico border, including the edits made by the STT under E.6.b, and with the following additions:

Page 2, San Francisco area – a landing and possession limit of 75 Chinook per vessel per calendar week during July and August.

Page 2, Pigeon Point to Point Sur – a landing and possession limit of 75 Chinook per vessel per calendar week during May, July, and August.

Mr. Ticehurst seconded the motion.

Ms. Vojkovich concurred with Mr. Melcher' comments relative to the concerns for 2007 fisheries, which was the reason for the landing limits and quotas.

Mr. Ticehurst supported the motion but expressed discomfort associated with science used and the NMFS policy of focusing on the worst case scenario. He noted closure of the April recreational fishery in California cost the industry about \$100 million, and saved a projected 83 KRFC.

Mr. Alverson supported the motion including the emergency rule to implement the seasons. He stated the problems with KRFC were not the result of fishery management but water management. He requested Mr. Lockhart to work within the NMFS arena to not appeal the court decision on Klamath flows that PCFFA fought so hard to win. Mr. Lockhart agreed to the request.

Motion 30 passed; Mr. Lockhart voted no.

Ms. Vojkovich moved (Motion 31) to adopt the recreational seasons as proposed in Agenda Item E.6.b, Supplemental STT Report, for the area from the Horse Mt. to the U.S./Mexico border, Mr. Thomas seconded the motion.

Motion 31 passed; Mr. Lockhart voted no

Ms. Vojkovich moved (Motion 32) to add to the package for commercial management options, on page 5, under section C. "Requirements, Definitions, Restrictions, Or Exceptions", the following: C.11 Consistent with Council management objectives, the State of California may establish additional limited fisheries in selected state waters. Check State regulations for details. Mr. Ticehurst seconded the motion.

Motion 32 passed; Mr. Lockhart voted no.

Mr. Anderson noted the fisheries North of Falcon were also facing sever reductions in 2006. The Chinook quota was a 60% reduction from 2002 and the coho quota was a 70% reduction from 2003.

Mr. Anderson moved (Motion 33) to adopt the non-Indian commercial and recreational seasons as proposed in Agenda Item E.6.b, Supplemental STT Report, for the area from Cape Falcon to the U.S./Canada border, including the edits made by the STT and Mr. Anderson under E.6.b. Mr. Cedergreen seconded the motion.

Mr. Anderson noted the combined treaty Indian and non-Indian fisheries in the package resulted in an estimated ocean exploitation rate of 10.4% on LCR natural coho, with a target of 10.0%. NMFS guidance was for a total of no more than 15.0% for combined Columbia River mainstem and Council area fisheries impacts. The Columbia River mainstem impacts are modeled at 5.0%. He noted the STT analysis included impacts from British Columbia and Puget Sound fisheries, and asked that the final package not include those fisheries, which would result in Council area impacts of no more than 10.0%.

Motion 33 passed. Mr. Lockhart voted no.

Mr. Harp moved (Motion 34) to adopt the treaty Indian ocean troll seasons as proposed in Agenda Item E.6.b, Supplemental STT Report, for the area from Cape Falcon to the U.S./Canada border, including the edits made by the STT and Mr. Harp under E.6.b, with the following changes:

Page 11, Supplemental Management Information 1. – Overall Treaty-Indian TAC: of 42,200 Chinook and 37,500 coho.

Page 11, U.S./Canada Border to Cape Falcon – May 1 through the earlier of June 30 or 22,700 Chinook quota...

Page 11, U.S./Canada Border to Cape Falcon – July 1 through the earlier of September 15 or 19,500 Chinook quota or 37,500 coho quota...

Mr. Warrens seconded the motion.

Mr. Harp stated the combined treaty Indian and non-Indian impacts in the package would meet the management objectives for LCR, Queets River, and Interior Fraser natural coho

Motion 34 passed; Mr. Lockhart voted no.

LT Cleary presented Agenda Item E.2.b, Supplemental EC Report.

Ms. Vojkovich moved (Motion 35) to adopt the landing language for the 2006 salmon regulations as shown in Agenda Item E.6.b, Supplemental EC Report. Mr. Ticehurst seconded the motion.

Mr. Lockhart asked if this landing language was to be part of the emergency rule package. Ms. Vojkovich replied yes.

Mr. Melcher offered a friendly amendment to the motion allowing Council staff to draft and revise the necessary documents to implement the recommendations and emergency rule in accordance with Council intent. Ms. Vojkovich and Mr. Ticehurst accepted the friendly amendment.

Motion 35 passed; Mr. Lockhart voted no.

Mr. Melcher moved (Motion 36) to direct NMFS to implement an emergency rule to implement the regulation package as adopted in Motions 28 through 35. Mr. Harp seconded the motion.

Motion 36 passed; Mr. Lockhart voted no.

Mr. Melcher asked if implementing an experimental fishery to examine the relative impacts of nearshore fisheries on KRFC could be done quickly. Mr. Lockhart replied it would not require years to implement. Given the NMFS guidance for 2006 was met with some impacts to spare and additional measures were recommended to further reduce impacts, he believed there was adequate flexibility to pursue experimental fisheries in 2006, provided impacts to KRFC and ESA listed stocks were analyzed. Ms. Cooney remarked the specifics would have to be worked out, but the possibility exists.

## **E.7 Clarify Final Action on 2006 Management Measures (if Necessary) (04/07/06; 2:30 pm)**

### **E.7.a Agenda Item Overview**

Mr. Tracy notified the Council that additional landing requirement language was incorporated into the non-Indian commercial salmon management measure package under C.1. Compliance with Minimum Size or Other Special Restrictions, requiring: salmon may be landed in an area that has been closed more than 96 hours only if they meet the minimum size, landing/possession limit, or other special requirements for the area in which they were caught. Salmon may be landed in an area that has been closed less than 96 hours only if they meet the minimum size, landing/possession limit, or other special requirements for the areas in which they were caught and landed. States may require fish landing/receiving tickets be kept on board the vessel for 90 days after landing to account for all previous salmon landings.

Ms. Cooney noted the language was a clarification of Council intent adopted by Motion 36 under E.6.g.

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

None.

### **E.7.c Public Comment**

Mr. Tom Ghio, Ghio Fish Company, Santa Cruz, CA

Dr. McIsaac asked if the proposed EC language addressed concerns relative to landing fish in areas other than the catch area. Mr. Ghio replied the EC language was a substantial improvement.

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

### **E.7.d Council Action: Clarify Final Measures (if Necessary)**

Ms. Cooney stated the EC language was a refinement of that adopted under E.6. Council members concurred with the language clarification.

Mr. Cedergreen recommended changing the recreational fishery closing date from September 18 to September 17 for the Neah Bay, La Push, and Westport subareas. The 18<sup>th</sup> was a typo left over from the 2005 fishery and would be a Monday rather than a Sunday as intended. Council members concurred to allowed staff and STT to make the correction.

## **F. Groundfish Management**

### **F.1 Management Specifications for 2007-2008 Fisheries (04/05/06; 8:11 am)**

#### **F.1.a Agenda Item Overview**

Mr. John DeVore provided the agenda item overview (Agenda Item F.1, Situation Summary). Of importance, Mr. DeVore noted that the Council is considering new rebuilding plans for each of the seven depleted species. In selecting the OYs for 2007-2008 for each depleted species, the rebuilding trajectory is also selected because of the Council policy to maintain a constant harvest rate (with the proposed 'ramp down' strategy for yelloweye as an exception).

#### **F.1.b State, Tribal, and Federal Agency Recommendations**

It was noted in the overview that the Council members received Agenda Item F.1.b, Supplemental CDFG Report.

Mr. Harp asked Messrs. Joner and Svec (Makah Tribe) to speak to their letter, Agenda Item F.1.b, Supplemental Attachment 1. The letter, addressed to NMFS Regional Administrator Robert Lohn, asked that NMFS discuss with the Makah Tribe potential actions to address how lower canary or yelloweye OYs could affect the Makah tribe. They noted the possibility of specific allocations to the Tribe for those species through the conservation necessity principle. Mr. Moore asked them if widow, darkblotched, and POP are found in the tribe's U and A (Usual and Accustomed fishing area) and Mr. Joner said those species are not encountered much. Mr. Harp then asked if the tribal salmon trollers voluntarily avoid the "C-shaped" yelloweye conservation area. Mr. Joner said they do not impose a formal restriction, as studies have indicated that bycatch is very minimal.

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

#### SSC Report

Dr. Robert Conrad provided Agenda Item F.1.c, Supplemental SSC Report.

The SSC report pertained to the 2007-2008 ABC/OY alternatives as well as GMT socioeconomic analyses. With respect to the proposed "ramp-down" strategy, the SSC stressed the importance of specifying harvest rates that are below  $F_{MSY}$ . The proposed strategy for yelloweye does specify harvest rates below  $F_{MSY}$ .

Mr. Warrens asked for an explanation of the SSC's last paragraph regarding advice to use the ratios in rebuilding models in socioeconomic analyses. Dr. Conrad replied the problem is the predicted response of the fleet under alternative harvest limits. The ratio of predicted catch by sector is built into the management options under rebuilding. These catch ratios need to be analyzed in the rebuilding analysis model.

#### GMT Report

Ms. Susan Ashcraft provided Agenda Item F.1.c, Supplemental GMT Report.

Mr. Moore raised the issue that in the past, the Council has discussed invoking provisions in the MSA that allow for the establishment of a separate amount of take for research within the ABC that would not count against the OY. He noted that the GMT has proposed a similar scheme in their report. Ms. Ashcraft agreed.

Mr. Moore noted the GMT was asking for latitude to do additional analysis on OY alternatives, but today's action is to set final OYs. Ms. Ashcraft said there was additional socioeconomic analysis expected between now and June when final management measures are decided. She said the Council may want to revisit their OY decision then. Mr. Moore asked if the GMT's approach to recommending new overfished species' OYs was to take the overfished species' catch and add OY buffers and research set-asides? If so, isn't this setting up a constant harvest strategy? How is this managed into the future? Ms. Ashcraft said the GMT was recommending a constant harvest rate strategy with the exception of the yelloweye harvest rate "ramp down" strategy.

Mr. Alverson asked about the recommendation to buffer the OY for some overfished species to react to uncertainty. Ms. Ashcraft said the uncertainty is gauged by the difference between actual vs. projected catch. She added the projections for darkblotched and POP have been improving in accuracy.



Mr. Alverson asked if a 20 mt buffer for darkblotched or POP would add to the time to rebuild and Ms. Ashcraft said yes, by a few months.

Mr. Anderson asked for clarification on what discussion within the GMT led to writing in the report that "recent harvest levels do not meet the needs of fishing communities." Ms. Ashcraft replied that the groundfish disaster declaration in 2000 was followed by continued restrictions and that the industry is therefore at disaster levels and is therefore not starting at a place of profit.

Mr. Anderson also asked for clarification with respect to the "ramp-down" alternative for yelloweye rockfish, given that the SSC report cautioned that OYs must be maintained below  $F_{MSY}$ . Mr. DeVore replied that the OY is set below the ABC for each year of the "ramp-down". Given that  $F_{MSY}$  is the harvest rate used to estimate the ABC for a species, the OYs will in fact be maintained below  $F_{MSY}$ . There was concern that the strategy suggested by the GMT would bring about higher OYs for 2007-2008 than are in place for 2005-2006. Ms. Ashcraft explained that the GMT strategy uses 2006 projected catch levels as a base for each species and adds to that an amount to cover a variety of sources of uncertainty; it is noted that the value for darkblotched rockfish is greater than that in place for 2005-2006. Yelloweye and cowcod OYs were proposed at greater values than the status quo, but for different reasons (as explained in the GMT report). Ms. Ashcraft later clarified that the GMT is not recommending the actual numbers in the depleted species' OY column in their report; these are sample calculations and that the uncertainty value embedded within each is a policy decision that must be made by the Council.

Ms. Cooney encouraged the Council to provide the GMT with latitude to model alternative OY possibilities. She explained that although the Council is meant to decide on a single preferred OY alternative for each species at this meeting, much more information will be in front of the Council at the June meeting which may necessitate considering a value other than the preferred alternative; given this possibility, such additional analyses by the GMT would prove very important.

#### GAP Report

Ms. Heather Mann provided Agenda Item F.1.c, Supplemental GAP Report.

Mr. Moore again raised the issue of take for research needs, mentioning his recollection that the GAP had suggested in the past that the Council follow the MSA provision and take research off of the ABC rather than the OY. Ms. Mann replied that the GAP has suggested this to the Council repeatedly, but since the group did not discuss the issue very much at this meeting, it was not included in the statement. Ms. Cooney stated that she reads the statute differently than Mr. Moore does: the section allows for some research take to be set aside in the ABC, but it does not necessarily say that this amount is not counted within the OY. She did not think that those research take amounts could be ignored within the rebuilding plans.

Mr. Alverson noted that the economic impacts summarized in the GAP statement reflect impacts from this point forward, and not what has occurred previously. Ms. Mann agreed and explained that the industry is barely 'maintaining,' and she would like the discussion to turn to making a profit. The GAP statement is intended to demonstrate that on top of significant cuts already taken by industry, reductions decided at this meeting would be on top of that.

Given how the approach to determine the OYs of depleted species has changed since the last biennial specifications process, Mr. Anderson asked by what reasoning the GAP had selected OY values greater than status quo (e.g. the OY for POP). Ms. Mann replied that the GAP began with a zero harvest level and then moved up using a variety of rationales; she highlighted the need for flexibility, for example given the unpredictability of fishermen's ability to avoid a stock that is nearing a rebuilt level. She emphasized, however, that the GAP worked from within the OY alternatives identified by the Council at

its November 2005 meeting. They had had many discussions about balancing the court decision with the need to sustain fishing communities. Mr. Anderson replied that for about four of the depleted species, the GAP recommended OYs considerably higher than current catch levels, and that he believed this would bring about vulnerability to a legal challenge.

Mr. Lockhart asked for clarification as to why the GAP stated that a 12 mt OY of yelloweye is "tantamount" to no fishery. Ms. Mann replied that the GAP decided that if this amount is divided between states and research, even at 15mt, many fisheries would be eliminated. So the GAP set a threshold (equal to 15mt) and said that under this amount coastwide, a fishery cannot be prosecuted.

#### **F.1.d Public Comments**

Ms. Karen Garrison, NRDC, San Francisco, California

Mr. Anderson asked Ms. Garrison for her comments with respect to the linear ramp-down alternative for yelloweye, given that the alternative would add about one year to the rebuilding schedule but would provide for additional research take and would allow for time to implement new management measures to reduce mortality associated with the fisheries. From his perspective these benefits made the additional rebuilding time worth it, but the NRDC/Ocean Conservancy/ Oceana letter to Chairman Hansen (Agenda Item F.1.d Supplemental Public Comments) appeared to question that rationale. Ms. Garrison replied that she understood the hardships related to a 12.6 mt OY level and she respected his desire to improve information. Furthermore, she thought that Washington has been moving in the right direction with measures to address reduction of harvest as quickly as possible.

Mr. Peter Huhtula, Pacific Marine Conservation Council, Astoria, Oregon  
Mr. Mike Okoniewski, Pacific Seafood Group, Woodland, Washington  
Mr. Brad Pettinger, Oregon Trawl Commission, Astoria, Oregon  
Mr. Kenyon Hensel, Hensel's, Crescent City, California  
Mr. Gerry Richter, B & G Seafoods, Inc., Santa Barbara, California  
Mr. Daniel Strunk, Pierpoint Sportfishing, Long Beach, California  
Mr. Joel Greenberg, Recreational Fishing Alliance, Los Angeles, California  
Mr. Bill James, nearshore commercial fisherman, Salem, Oregon  
Mr. Rhett Weber, Westport Charter Boat Association, Westport, Washington  
Mr. Gordon Bentler, Neah Bay, Washington  
Mr. Bob Ingles, Golden Gate Fishermen's Association, Hayward, California  
Mr. William Smith, CPFV Riptide, Half Moon Bay, California  
Ms. Kathy Fosmark, Pebble Beach, California  
Mr. Jim Basler, commercial fishermen, California  
Mr. John Holloway, Oregon Anglers/Oregon RFA, Portland, Oregon  
Mr. Bob Fletcher, Sportfishing Association of California, San Diego, California  
Mr. Tom Ghio, Ghio Fish Company, Santa Cruz, California

#### **F.1.e Council Action: Adopt Final Preferred Acceptable Biological Catches (ABCs) and Optimum Yields (OYs), and Preliminary Revised Rebuilding Plans for Overfished Species**

Mr. DeVore explained that despite what had previously been stated at the November 2005 meeting, the FMP allows the Council to average the ABCs for 2007 and 2008 into a single value for species with quantitative assessments (Category 1 species).

Mr. Moore proposed that the Council begin by discussing the selection of OYs for depleted species. Mr. Moore moved and Mr. Warrens seconded a motion (Motion 13) to adopt the following:

1. Council adopt 2007 - 2008 ABCs for overfished species as shown on Table 2.1 of Agenda Item F.1.a, Attachment 3, as follows:

Species	2007 ABC	2008 ABC
Pacific Ocean Perch	900 mt	911 mt
Widow Rockfish	5,334 mt	5,144 mt
Canary Rockfish	172 mt	179 mt
Bocaccio	602 mt	618 mt
Cowcod – S. Of 36°N	17 mt	17 mt
Cowcod – Monterey	19 mt	19 mt
Darkblotched Rockfish	456 mt	487 mt

2. Council adopt 2007 - 2008 OYs for overfished species as follows:

Species	2007-2008 OY
Pacific Ocean Perch	405 mt
Widow Rockfish	456 mt
Canary Rockfish	44 mt
Bocaccio	218 mt
Cowcod (combined)	8 mt
Darkblotched Rockfish	229 mt

Mr. Moore first explained that he did not include yelloweye in the proposal due to the ramp-down strategy alternative. He then explained that the ABCs in his proposal had been identified by the Council as preferred options at the November 2005 Council meeting, and that these had been originally derived from the most recent stock assessments. To formulate the OYs, he had looked at the level corresponding to the shortest time to rebuild (following the 9<sup>th</sup> Circuit Court guidance); this is an OY of zero, which the Court said does not need to be followed if it does not meet the needs of communities. Therefore he began scaling upward, based on the material presented to the Council in the various attachments under Agenda Item F.1, including the revenue projections of rebuilding alternatives and the list of vulnerable communities. In all cases, Rebuilding Alternative 3 in Table 2-2b (page 7 of F.1.a Attachment 3) showed the most positive results for all fisheries (commercial and recreational) and all vulnerable communities. He noted that the OY values he proposed are higher in some cases than might be justified by the biology of the species and the need to rebuild in as short a time as possible. To fully explain his selection of values, he provided the following rationale for each proposed depleted species OY:

Pacific Ocean Perch: The OY proposed (405 mt) represents an 80% probability of rebuilding, which is precautionary given prior court guidance that a rebuilding probability must be greater than or equal to 50%. He rejected the lower value of 87 mt because it is based solely on landings, which are influenced by a wide variety of factors not associated with the biology of the species or the needs of the community.

Widow rockfish: The OY proposed (456 mt) was chosen to be precautionary. The lower value of 329 mt was rejected because it was based on landings. He had considered the higher value of 917 mt, which is based on an 80% probability of rebuilding, but rejected it because of the uncertainties in the widow stock assessment, lack of reliable survey indices, and the additional time that would be added to rebuilding.

Canary rockfish: The OY proposed (44 mt) is essentially the status quo. He rejected the higher OY alternative because it would result in only a 50% probability of rebuilding. He rejected the lower OY alternative of 24 mt because it would seriously restrict almost every fishery coastwide,

causing a significant adverse economic impact and would not allow the Council to meet community needs. Recent data from hook and line surveys conducted by a private non-profit research group which was reported to the Council in November showed significant numbers of older females in areas unreachable by trawl surveys, indicating that canary may be able to rebuild faster than anticipated.

Bocaccio: The OY proposed (218 mt) represents an 80% probability of rebuilding. He rejected the lower OY alternative of 149 mt because it is based on landings. The higher OY alternatives extended rebuilding times to an unacceptable length.

Cowcod: The OY proposed (8 mt) represents an 80% probability of rebuilding. Given the continued low level of this stock, a precautionary rebuilding rate is necessary.

Darkblotched rockfish: The OY proposed (229 mt) represents a continuation of the Council's precautionary policy for this species. This OY would continue to provide minimum fishing opportunities, thus meeting community needs, while achieving rebuilding approximately 8 months later than a zero harvest level.

He noted that his written motion was formed Monday night and so was not influenced by the GAP or GMT reports. He suggested that the values be used by the Council as a starting point. He concluded that he did not agree with the GMT's proposal to use 2005 landings as a base for calculating the constant rate to use throughout the rebuilding period, given that landings are influenced by a number of factors other than biology (such as market and weather).

Motion 13 was not voted on. Instead, Mr. Anderson offered the following substitute motion (Motion 14), which Mr. Cedergreen seconded:

1. Council adopt 2007 - 2008 ABCs for depleted species as follows:

Species	2007 ABC	2008 ABC
Pacific Ocean Perch	900 mt	911 mt
Widow Rockfish	5,334 mt	5,144 mt
Canary Rockfish	172 mt	179 mt
Bocaccio	602 mt	618 mt
Cowcod – S. Of 36°N	17 mt	17 mt
Cowcod – Monterey	19 mt	19 mt
Darkblotched Rockfish	456 mt	487 mt
Yelloweye Rockfish	26 mt	26 mt

2. The Council adopt 2 OY alternatives for each depleted species, as follows:

Species	OY Alternative 1	OY Alternative 2
Pacific Ocean Perch	44 mt	100 mt
Widow Rockfish	120 mt	281 mt
Canary Rockfish	24 mt	44 mt
Bocaccio	40 mt	218 mt
Cowcod (combined)	4 mt	8 mt
Darkblotched Rockfish	130 mt	229 mt
Yelloweye Rockfish	12.6 mt	23 mt (2007), 20 mt (2008). Following ramp-down approach, with median time to rebuild of 2083.

Speaking to his motion, Mr. Anderson explained that he thinks the Council must do something very different than what has been done before: heed the interpretation of the MSA provided by the 9<sup>th</sup> Circuit Court ruling; demonstrate through its actions that the Council is rebuilding the species as fast as possible; and at the same time, consider the needs of fishing communities. He stated that he did not believe that the Council had the necessary information at that time to make such decisions. He continued that he believed the Council must show contrast in its alternatives; that is, it must demonstrate that it considered a value other than zero but that is far more restrictive than the values proposed in the second column of OY alternatives in his motion. The information provided during the special session Sunday evening was very informative and there has been substantial progress in providing what the Council needs to make this decision; however there is still additional information that he needs to make an informed decision on OYs for depleted species. He noted that during the Sunday evening session, a graph depicted "spending" the impacts of depleted species in a manner to optimize the economic yield to the trawl sector. The graph assumed full attainment of target species OYs and he believed it contained significant allocation implications. He therefore did not find that it represented a very meaningful interpretation of impacts of OY alternatives across the fishery or even to the trawl sector.

With respect to the larger alternatives (Alternative 2 for each species) in the motion, Mr. Anderson explained that these are, for the most part, consistent with the values and approach recommended by the GMT. They each include some flexibility because the value is greater than the catches that have occurred over the past two years. He supported the use of 2006 projected catches as a baseline rather than 2005 catches. He acknowledged that there are values that are higher than 2006 projected catches within his Alternative 2 OYs, explaining such choices as a manner to protect against the situation in which all seven species are equally constraining to the fisheries. Such a situation would cause the need for inseason action to reduce catch of all or most of those species. In addition to providing such management flexibility, those values reflect a consideration for research take of the depleted species. However, he stated that he did not think that adopting OYs that are two, three, or four times higher than projected 2006 catches would be a responsible response to the direction given by the Court, and likewise he believed such choices did not meet the responsibility of the Council to rebuild these species as quickly as possible.

Mr. Moore noted that he agreed with most of the values in Mr. Anderson's substitute motion. He spoke of his concern that the Council must follow the guidance provided to them and that they must be responsible, however, he believed that the Council must be responsible to all communities and sectors, as well as to the fish. Specifically, he disagreed with the motion's OY values for POP and widow rockfish. For widow rockfish, he noted that the lower OY value proposed by Mr. Anderson, 281 mt, would result in a median time to rebuild that is only one year earlier than that of the OY value he proposed, 456 mt. He stated his belief that one additional year would not make a major difference in rebuilding in as short a time as possible, given the potential impacts to the commercial fishing industry and associated communities of the lower OY value.

Mr. Moore offered a friendly amendment to Mr. Anderson's motion: replace Alternative 2 for widow rockfish (281 mt) with a new value, 368 mt. Mr. Anderson accepted the friendly amendment. The new value is the average of 281 mt and Mr. Moore's proposed OY, 456 mt.

Ms. Vojkovich expressed concern about potential ramifications of changing the proportions between the OYs of depleted species. Given that widow catch is tightly linked to the whiting fishery and that there have been issues in the past with regard to the whiting industry's impact on canary, she asked about the potential problems of higher incidental canary catch with the proposed widow OYs.

Mr. DeVore clarified, and Mr. Anderson confirmed, that the motion assumes constant harvest rate strategies (with the yelloweye ramp-down as an exception) and that the rebuilding parameters follow the rebuilding analyses. Also clarified was that the proposed OYs for cowcod are for the Conception and Monterey areas combined.

Mr. Lockhart again raised the issue of demonstrating contrast between the alternatives considered. With respect to canary, he noted that 44 mt is nearly status quo while 24 mt is well below status quo; he therefore requested the analysis of an additional intermediate OY value. Explaining his proposal, he noted that the 24 mt to 44 mt span may be too large to inform a decision on potential impacts, particularly with respect to the economic analyses. The friendly amendment was seconded by Mr. Ticehurst. Rather than add a third alternative, which would increase the analysis workload, Mr. Anderson proposed replacing 24 mt with another value. He reminded the Council that the purpose of the multiple alternatives is to explore the community impacts that result from adoption of OYs that rebuild in a shorter time. In addition, he noted that in order to reduce the rebuilding time for canary, significant OY reductions are required. Mr. Lockhart proposed 32 mt as the new value for the canary OY Alternative 1. Mr. Anderson agreed.

Mr. Anderson reiterated his reasoning for selecting two OY alternatives for each depleted species. In June, the Council will have before them full suites of management measures crafted in accordance with the low and high OYs. This will allow the Council to contrast the two scenarios and so derive the effects on the fishing communities that would result from each of the management measure alternatives. He proposed that the GMT reduce bycatch scorecard values proportionally for all sectors, rather than making distributional changes, during their analysis of the low and high OY scenarios and in forming their resulting management measures.

Mr. Melcher asked if, at its June meeting, the Council must adopt one of the two discrete OY alternatives for each depleted species, rather than select from a continuum between the two values. Mr. Anderson replied that if the analysis revealed that an in-between value would be most appropriate, he would not want to rule out the possibility of selecting such a value. Mr. DeVore asked if the GMT would have the discretion to form an additional rebuilding alternative to fully bracket the motion's OY alternatives. The analysis of this additional rebuilding alternative would be needed for the preliminary draft EIS to be included in the briefing book for the June Council meeting. Mr. Anderson agreed.

Motion 14 passed.

Although Mr. Moore introduced Motion 15 to adopt the preliminary revised rebuilding plans under proposed FMP Amendment 16-4, the motion was tabled until following the adoption of harvest specifications for the remaining groundfish species.

With respect to species not classified as overfished, Mr. Anderson moved and Mr. Alverson seconded a motion (Motion 16) in two parts. First, to adopt the Alternative 1 ABC values found on Table 2-1 (Agenda Item F.1.a, Attachment 3), with the exception of adopting ABCs that have been averaged for 2007 and 2008 for yellowtail rockfish, black rockfish (OR-CA), and English sole. Second, to adopt the Alternative 1 OY values in Table 2-1 with the following exceptions: (1) no adoption of a Pacific whiting OY but adopt the range indicated in Table 2-1; (2) adopt the Alternative 2 OY for sablefish (5,934 mt); (3) adopt the Alternative 2 OYs for Minor Rockfish North (nearshore species: 142 mt; shelf species: 968 mt; and slope species: 1,160 mt); (3) adopt the Alternative 2 OYs for Minor Rockfish South (nearshore species: 515 mt; shelf species: 714 mt; and slope species: 626 mt); (4) adopt Alternative 2 for petrale sole (2,499 mt); and (5) exclude from the motion the OY values for California scorpionfish, cabezon (off CA only), lingcod S. of 42°N, and starry flounder.

Mr. Moore proposed the following friendly amendment to the Pacific whiting 2006 coastwide ABC and OY ranges to be adopted for analysis: an ABC range of 244,425 mt - 733,275 mt and an OY range of 134,534 mt - 403,604 mt. Mr. Anderson and Mr. Alverson accepted. Speaking to his motion, Mr. Moore explained that these values represent fifty percent above and below the 2005 ABC and OY values, respectively.

Ms. Vojkovich cited the GAP's request that the OYs for shortspine thornyheads be adopted by area (North and South) rather than coastwide. Mr. Anderson stated that he had intended to propose separate area OYs and accepted a friendly amendment to clarify the adoption of the two values. The same area division for the longspine thornyhead OY was added to the friendly amendment.

Ms. Vojkovich proposed a friendly amendment to change the OY for lingcod S. of 42° N to 612 mt. She explained that this represents status quo and is midway between the OY resulting from the application of the 40-10 policy and the OY determined absent that policy, given that the Council is not required to make such an application to a substock. Mr. Anderson accepted the friendly amendment.

Motion 16 passed with the friendly amendments.

Ms. Vojkovich moved and Mr. Ticehurst seconded a motion (Motion 17) to reconsider Motion 16. This was necessary in order to reconsider the OY value for nearshore species within Minor Rockfish South and the resulting OY value for Minor Rockfish South. Motion 17 passed.

Ms. Vojkovich moved and Mr. Ticehurst seconded a motion (Motion 18) to amend Motion 16 by adopting an OY for Minor Rockfish South of 1,904 mt and an OY for nearshore species within that complex of 564 mt. Speaking to her motion, Ms. Vojkovich explained that gopher rockfish is one stock that is contained within the nearshore species portion. By changing the contribution of gopher rockfish to the nearshore species OY from 151 to 200 mt, the nearshore species OY is increased to 564 mt and the overall minor rockfish south complex OY is accordingly increased to 1,904 mt.

Motion 18 passed.

Chairman Hansen asked for a vote on main Motion 16 as amended by Motion 18 (Motion 19). Motion 19 passed.

Ms. Vojkovich moved and Mr. Ticehurst seconded a motion (Motion 20) to adopt the following ABCs and OYs: California scorpionfish ABC of 219 mt and OY of 175 mt; cabezon (CA) ABC of 94 mt and OY of 69 mt; starry flounder OY of 1,186 mt. Ms. Vojkovich explained the basis for the proposed California scorpionfish OY as follows: it reflects a value in between the two alternatives identified by the Council at its November 2005 meeting; the maximum historical catches are approximated to be 175 mt; the stock has been managed to 50% of recent landings, and doubling this would result in a value of approximately 160 mt; the stock is extremely healthy and therefore establishing an upper limit of 175 mt is appropriate.

Mr. Melcher proposed a friendly amendment to adopt the Alternative 1 ABC in Table 2-1 (1,221 mt) and Alternative 1 OY in Table 2-1 (890 mt) for starry flounder. Ms. Vojkovich and Mr. Ticehurst agreed to the friendly amendment. Mr. Melcher confirmed that this amendment is to correct a mistake in the GMT statement, on which the values in Motion 20 are based.

Motion 20 passed.

The Council returned to Motion 15, moved by Mr. Moore and seconded by Mr. Warrens, to adopt the preliminary revised rebuilding plans under proposed FMP amendment 16-4 as shown in Agenda Item F.1.a, Attachment 5 with the following change: on page 27, add to the end of the last full paragraph in Section 4.0 - *"As provided by Section 303(b)(11) of the Magnuson-Stevens Fishery Conservation and Management Act, the Council may establish a research reserve for any stock, including an overfished stock, that is within the ABC but above and separate from the OY for that stock."* And on page 38, at the end of Section 4.5.3.2, add the following paragraph - *"Fishing communities need a sustainable fishery that is safe, well-managed, and profitable; that provides jobs and incomes; that contributes to the local*

*social fabric, culture, and image of the community; and that helps market the community and its services and products."*

Speaking to his motion, Mr. Moore explained that the FMP lacks a definition of fishing communities and that the second proposed paragraph would fill this gap. He then acknowledged that the first proposed change is more controversial. He reminded the Council members that they have in the past discussed whether to account for research catch within the ABC (and so in addition to the OY) and that the GAP has recommended to the Council that such a policy be adopted. Although this is a provision in the MSA, adoption of the policy would require amending the language of the FMP. Mr. Moore noted that such a change in the FMP is discretionary and does not require the Council to not include research catch within the OY.

Mr. Lockhart expressed concern about the message that such a provision would send, particularly with respect to a depleted stock. When rebuilding a stock, all sources of mortality must be accounted for within the OY. He would vote against the motion.

Mr. Anderson proposed a friendly amendment to strike the phrase "including an overfished stock" from the proposed language. Such a change would allow for any stock to be included within the provision. The maker of and second for the motion accepted the friendly amendment.

Motion 15 passed; Mr. Lockhart voted in opposition to the motion.

## **F.2 NMFS Report (04/05/06; 3:50 pm)**

### **F.2.a Science Center Activities**

Dr. Elizabeth Clarke provided a brief update. She informed the Council about the status of the bottom trawl survey contracting process as well as the training and deployment of observers and cameras on the shoreside whiting exempted fishing permit (EFP) fleet.

Ms. Vojkovich asked if the regional science centers are involved in the ocean research priorities that are being developed through the Joint Subcommittee on Ocean Science and Technology (JSOST). Dr. Clarke replied that the NWFSC is sending input and people to the upcoming meeting.

The Groundfish Research Plan, rather than the list of research needs developed in the past by the Council, is likely to be what the NWFSC would submit to the JSOST, given that most of those groundfish research needs identified by the Council have already been addressed. Ms. Vojkovich asked how the research needs for salmon, HMS, and CPS were going to be included in the NWFSC's submission. Mr. Lockhart said he felt it would be appropriate for the Council to send a list of research needs and the management problems to which they need science answers independently from the federal government's list.

Dr. McIsaac explained that the Council has a COP on the development of research and data needs; it has been fallow the last couple years but could be discussed in June. The JSOST meeting, however, was to occur in April 2006. Dr. Clarke noted that there would be a lot of participation from NOAA Fisheries personnel and constituents.

Mr. Alverson asked if the observers would take otolith samples on the fixed gear sablefish boats, even if there are no otolith readers. The amount of otolith samples available from discards is minimal and the assessment author did not think that information would be useful in the next assessment. On the other hand, otolith samples from the retained sablefish would provide useful data, but sampling would require negotiation with the states and fishermen. There are issues with data flow given that the port samplers



also sample otoliths from the retained catch. Mr. Alverson noted that it is the retained catch portion of the data that was identified as a need for improving the assessment model.

Dr. Bill Fox, SWFSC Director, commented with respect to the previous discussion on the JSOST, that the research priorities meeting would likely be focused on very broad priorities. He suggested that the Council send their suggestions to Dr. Steve Murawski, NMFS Chief Science Advisor.

Dr. Fox then provided a brief report on genetic stock identification (GSI), a technology that could be of use in salmon management. It is currently being used in laboratories along the coast, including the SWFSC and the NWFSC. Dr. Fox explained that they would like to employ the technology within the fishery. A demonstration project was undertaken on April 1, the first day of the fishery.

Dr. Carlos Garza, SWFSC chief geneticist, provided greater detail on the technology. He reviewed the results from the demonstration project, which he had also reviewed at a presentation at the Council meeting earlier that day (April 5).

Responding to questions, Dr. Garza explained that it would take about 48 hours to analyze the GSI samples once collected. He also noted that under this process, GSI cannot distinguish between hatchery and wild stocks. The costs for the genetic analysis at the SWFSC are about \$20 per fish for a medium yearly sample size (approximately 10,000 to 20,000 fish).

Mr. Williams asked Dr. Garza to explain some of the reasons why GSI would not serve as a replacement to coded wire tags. GSI is a complement to coded wire tags because GSI only provides stock of origin, and not cohort of origin, information. However, there is new technology, not yet operational, that could provide important cohort information on hatchery fish using GSI.

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

None.

#### **F.2.c Public Comment**

None.

#### **F.2.d Council Discussion**

See above.

### **F.3. Stock Assessment Planning for the 2009-2010 Fishing Season**

#### **F.3.a Agenda Item Overview (04/06/06; 11:38 am)**

Mr. DeVore provided the agenda item overview (Agenda Item F.3, Situation Summary).

#### **F.3.b Stock Assessment Option Update**

Dr. Elizabeth Clarke and Dr. Jim Hastie provided a presentation. Dr. Clarke listed the species tentatively scheduled for a full assessment in 2007, based on suggestions made by the Council at the March meeting; these were bocaccio, canary rockfish, chilipepper rockfish, arrowtooth flounder, darkblotched rockfish, sablefish, black rockfish, longnosed skate, dogfish, and blue rockfish. Additionally, the petrale sole assessment was changed since the March meeting to be an update rather than a full assessment. Dr. Clarke noted that based on discussion with the SSC during this meeting, another change was suggested: swapping English sole and petrale sole, which would make English sole an update and petrale sole a full assessment. She believed that the list including the new changes was reasonable. Dr. Clarke

highlighted there was only one comment by the NWFSC that differed from the SSC's with respect to the changes to the Stock Assessment Terms of Reference. The SSC recommended that the number of reviewers be the number of species reviewed by the panel plus two; the NWFSC recommended that the number of reviewers be fixed at three. Dr. Clarke cited cost issues as the primary deterrent to including additional reviewers in the panel.

Mr. Moore asked about the composition of a three person review panel. Dr. Clarke responded that two would be independent reviewers outside of the West Coast process and the third would be the SSC chair; this is how the panels are currently organized. The GAP and GMT representatives would also be present.

Dr. Clarke clarified that CDFG would be the lead agency responsible for the blue rockfish assessment, however, it would be the assessment author's decision what geographical range would be covered based on what the data would support.

Mr. Alverson asked if there was a minimum threshold of the amount of data needed to undertake an assessment; Dr. Clarke replied that there is no such threshold and so it is up to the STAR Panel to determine if the data is sufficient. In response to this, Mr. Anderson noted that since there is nothing outlined in the Stock Assessment Terms of Reference with respect to such data adequacy, different conclusions are made at each STAR Panel based on the composition of the panel. Dr. Clarke agreed and explained that there has been discussion with the SSC on creating an explicit method, which prioritizes stock assessments following a set of criteria, for selecting the set of species to be assessed under each stock assessment cycle. She further explained that she thought it very appropriate to include the adequacy of data as one of the criteria; this would require a pre-review of the species before being considered for the priority list.

#### **F.3.c Final Stock Assessment Terms of Reference**

None.

#### **F.3.d Reports and Comments of Advisory Bodies**

Mr. Mike Burner read Agenda Item F.3.d, Supplemental SSC Report. Dr. John Field provided Agenda Item F.3.d, Supplemental GMT Report. Mr. Ghio provided Agenda Item F.3.d, Supplemental GAP Report.

#### **F.3.e Public Comment**

None.

#### **F.3.f Council Action: Adopt Final Terms of Reference, List of Stocks to be Assessed, and Stock Assessment Review Schedule**

Mr. Moore moved that the Council adopt the list of assessments for 2007 as shown in revised Attachment 1 (as had been shown on the projection screen), which identifies the lead authors, makes petrale sole a full assessment and English sole an update in 2007, and keeps the geographic range for blue rockfish to the state of California only. Mr. Warrens seconded the motion.

Ms. Vojkovich made a friendly amendment to remove blue rockfish from the list of stocks to be assessed. She explained that California is not prepared to undertake the assessment and would rather spend the time looking at a multi-species assessment. Both maker and the seconder agreed.

There was confusion related to whether petrale sole had been recommended for a full assessment in 2007 or 2009. Dr. Clarke explained that petrale sole had been scheduled originally as update in 2007 and English sole as full assessment in 2009. Taking the SSC's recommendation, she made revisions to the table in Agenda Item F.3.b Attachment 1 to propose that petrale sole be scheduled for a full assessment in

2009 and English sole be scheduled for an update in 2007. A Council member noted that with this proposed change, the 2005 petrale assessment would continue to be used in management for the next 4 years. Dr. Clarke agreed and explained that there were other reasons to support this change. She said that the data issue for assessing petrale sole is related to ageing. Given that there are not funds available for the additional ageing, it would be difficult to make the needed progress before 2007. Dr. Hastie continued that the ageing problems arose because of differences between the ageing analyses conducted at the labs that had contributed to the database. As a result of the problems, all of the age data except for the most recent survey had been removed from the 2005 assessment. In order to attempt to resolve those issues, there is a substantial amount of reading that has to occur. Given that there are other aging issues that need to be addressed with respect to darkblotched rockfish, Dr. Hastie said that they cannot guarantee addressing the petrale sole ageing issues by 2007.

Motion 23 was withdrawn (with Council concurrence).

Mr. Moore moved and Mr. Warrens seconded a motion (Motion 24) that the Council adopt the revised stock assessment schedule (for 2007 only) shown as Agenda Item F.3.b, Supplemental Revised Attachment 1, and that the Council adopt the revised STAR Panel Terms of Reference (Agenda Item F.3.c Supplemental Attachment 2) with the following changes:

1. Adopt the recommendations on NMFS responsibilities, STAT Team identification of data sources, and GMT and GAP responsibilities as referenced in the Supplemental GMT Report (Agenda Item F.3.d);
2. On page 8, modify the Terms of Reference so that the number of reviewers on a STAR Panel will be set at 3, unless extenuating circumstances such as inclusion of a large number of assessments in a single STAR Panel session require more than 3 reviewers.

Mr. Moore stated that he is very uncomfortable waiting until 2009 for a new petrale assessment but understands the data problems.

Mr. Anderson asked for a friendly amendment, consistent with the SSC recommendation (third paragraph of Agenda Item F.3.d, Supplemental SSC Report), to initiate development of criteria for stock assessments that would involve the groundfish subcommittee engaging in preliminary discussions with the NMFS stock assessment coordinator, Council staff, the GMT and the GAP to begin scoping the issue.

Both the maker of and second for the motion agreed.

Motion 24 passed.

Mr. DeVore said that the list inadvertently included blackgill rockfish as an update. However, it is not intended nor is it recommended by anyone to be assessed during the upcoming stock assessment cycle. He recommended withdrawing blackgill rockfish from the list.

Mr. Moore moved and Mr. Melcher seconded a motion (Motion 25) to reconsider the action taken under Motion 24 for Agenda Item F.3. Motion 25 passed.

Mr. Moore moved and Mr. Melcher seconded a motion (Motion 26) to adopt the revised stock assessment schedule shown as Agenda Item F.3.b, Supplemental Revised Attachment 1 with the removal of blackgill rockfish from the list as an assessment to be done in 2007. Motion 26 passed.

#### **F.4 Consideration of Inseason Adjustments (04/07/06; 9:10 am)**

##### **F.4.a Agenda Item Overview**

Mr. DeVore provided the agenda item overview.

##### **F.4.b Report of the Groundfish Management Team (GMT)**

Ms. Ashcraft read the report. It was noted that within the section on *Chilipepper Rockfish Limits for Trawl Gear South of 40°10'*, all references to "yelloweye rockfish" should be corrected to instead read "yellowtail rockfish."

With respect to establishing a small footrope limit for chilipepper rockfish that would be linked to a defined proportion of flatfish catch, Ms. Vojkovich asked what range of potential limits had been discussed within the GMT. Mr. Burden replied that the GMT used available observer data to look at the chilipepper to flatfish proportions. They found that 10% was too high and that 3% seemed more reasonable, though there were few observations from which to conduct the analysis. Tying 3% to a flatfish limit would translate to a 3,000 lb chilipepper limit. Ms. Vojkovich pointed out that the GMT recommended that the Council not set a limit greater than 1,000 lbs per two months as this could induce targeting of chilipepper rockfish.

Ms. Vojkovich then asked, if the Council were to look again at changing the sablefish DTL at the June meeting as recommended by the GMT, whether there would be new data available in time. Mr. Burden replied that the GMT anticipates that more data would become available from this year and that the additional data would show what the usual participants in the fishery were doing and then also show the additional salmon participants. Inseason action taken in June would be implemented in the next period.

Mr. Lockhart asked for a further explanation of the balancing act that the GMT did when considering the proposal of a darkblotched rockfish bycatch limit for the whiting fishery. Ms. Ashcraft explained that following the March meeting, the GMT conducted a more thorough evaluation of the issue. At that time, the GMT thought that if the Chinook salmon limit were reached, all non-tribal sectors would be moved seaward of 100 fm, 125 fm, or 150 fm through inseason action. However, the fishery with the greatest likelihood to encounter Chinook salmon, the shoreside whiting fishery, has already implemented a provision in this year's EFP that if their Chinook salmon limit is reached, the fishery will be moved seaward of 100 fm. The at-sea sector moves around voluntarily in order to manage their bycatch levels. The GMT does not know whether this issue should be revisited in the future. She clarified that the intention of the cap would be as an insurance against the possibility that high catch of darkblotched rockfish by the whiting sector could jeopardize other fisheries; the cap is not meant to be constraining to the whiting fishery, as that level of darkblotched rockfish has not been seen previously.

Mr. Moore asked if the GMT considered a chilipepper rockfish limit between 300 lbs and 1000 lbs. No, the GMT hadn't discussed a potential limit lower than 1000 lbs.

##### **F.4.c Agency and Tribal Comments**

None brought on the floor.

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

Ms. Mann provided Agenda Item F.4.c, Supplemental GAP Report.

Mr. Moore asked Ms. Mann to expand on the GAP recommendation that the Council consider a trip limit based on a ratio of flatfish to yellowtail rockfish. Ms. Mann explained that in the past, there were bycatch

rates established based on arrowtooth flounder. Now, when targeting flatfish, fishermen have reported that they have to discard yellowtail rockfish because of the previously prescribed ratio. Some fishermen would like the bycatch rates to be looked at again and, if possible, more appropriately adjusted to avoid discarding yellowtail rockfish.

Mr. Moore then asked about the GAP recommendation that the small footrope chilipepper rockfish limit be increased from 300 lbs to 5,000 lbs per period; did the GAP discuss the potential impacts to canary rockfish and bocaccio that could be the result of this increase? Ms. Mann said that the GAP heard a presentation from one of the fisherman that initiated the proposal. There is limited data available to the GMT. This fisherman felt confident that 5,000 lbs would not have huge impacts to the overfished species and would not induce targeting. The proposal had initially called for a 10,000 lbs limit, but given the GMT's initial considerations of 2,000 to 3,000 lbs, the GAP reduced their proposal to 5,000 lbs.

#### **F.4.e Public Comment**

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

#### **F.4.f Council Action: Adopt Preliminary or Final Recommendations for Adjustments to 2006 Fisheries**

Mr. Moore moved and Mr. Warrens seconded a motion (Motion 38) to revise the limited entry fixed gear and open access limits south of 42° N latitude to allow vessels fishing for "other flatfish" with hook-and-line gear with number 2 hooks to use two one-pound weights rather than limiting them to one one-pound weight. (Recommendation #5 in the Supplemental GMT Report.)

Mr. Moore said that in listening to the GMT and GAP reports as well as the public comment, he has concerns about the rockfish issue south of 40°. If the Council were to raise the rockfish allowance in the complex, it could potentially run into a problem with canary, yelloweye, and bocaccio. Without a way to separate out chilipepper rockfish and without the data for analysis, he rejected the idea from the GAP of raising the chilipepper rockfish limit. On sablefish, Mr. Moore said that he is sympathetic and concerned about what may happen with the entry of salmon fishermen into the open access DTL fishery. Countering that is the point made in the public comment that below a certain trip limit, the trip is not economically viable, and people need to find someplace to make a living. He does not believe that the Council will have much more data available by the June meeting to find out the impacts if the Council were to act now. So he is more amenable to deferring action until the June meeting.

Ms. Vojkovich proposed a friendly amendment to add a chilipepper rockfish trip limit for the small footrope trawl fishery of 500 lbs per month (or 1,000 lbs per two months). The other rockfish trip limit would remain at 300 lbs per month. She said that this should not encourage any increase in the other shelf species but should provide for some recovery of chilipepper rockfish discards. Messrs. Moore and Warrens agreed to the friendly amendment.

Mr. Alverson made a motion to amend Motion 38 to reduce the cumulative limits for sablefish to 3,000 lb/ 2 months and task the GMT with evaluating effort shifts into the open access DTL fishery for potential inseason adjustments at the June meeting when data become available (Recommendation #4 in Supplemental GMT Report). Mr. Cedergreen seconded the amendment to the motion.

Mr. Alverson said that the price for sablefish has jumped quite a bit due to increased international and domestic demand. As a result, there is a greater interest in the fishery and he expects an increase in effort. The Council would be better off to have the opportunity at the June meeting to increase one of the bimonthly periods in the summer or fall to 5,000 lbs if there is additional fish available for the year to provide for that.

Mr. Anderson spoke in favor of the amendment. He said that WDFW has been inundated by phone calls from people indicating an interest in entering the open access DTL sablefish fishery; this is far more than anything WDFW has seen before. He said that he is worried, if no reduction in the trip limit is made at this meeting, about having to then implement a trip limit later in the year that is not profitable. The trip limit proposed in this amendment still allows for a profitable fishery.

Mr. Moore said that he is opposed to the amendment, though likely would have accepted a smaller reduction (around 4,000 lbs) as a friendly amendment. He said that he preferred to wait until the June meeting to assess what action should be taken.

Mr. Lockhart agreed with Mr. Alverson that it would be best to take action at this meeting and then reassess and increase the limit later in the year, if possible.

Mr. Melcher said that he expects to see significant interest from Oregon salmon troll fishermen in the DTL fishery. He is supportive of Mr. Alverson's amendment, fully recognizing that there is flexibility to address this issue again in June and provide relief if warranted.

Mr. Moore said he accepted Mr. Alverson's amendment as friendly. Mr. Warrens agreed.

Returning to Ms. Vojkovich's friendly amendment to establish a chilipepper rockfish limit, Mr. Cedergreen asked if this would increase impacts to yelloweye rockfish. Ms. Ashcraft explained that the proposed change to the trip limit would not induce targeting but would only allow for increased retention of chilipepper rockfish. Since the bycatch rate would stay the same, the projected impact to yelloweye rockfish by the trawl fleet, as noted in the scorecard, would also stay the same.

Motion 38 passed.

## **F.5 Part I of Management Measures for 2007-2008 Fisheries (04/07/06; 11:36 am)**

### **F.5.a Agenda Item Overview**

Mr. DeVore provided the agenda item overview and noted that this agenda item has been merged with Agenda Item F.6. (Agenda Item F.5 and F.6, Situation Summaries).

### **F.5.b State, Tribal, and Federal Agency Recommendations**

Mr. Harp spoke to Agenda Item F.6.e, Supplemental Tribal Motion.

Mr. Anderson referred to Agenda Item F.5.b, WDFW Report, noting his assumption that much of the report had been incorporated into the GMT report for this agenda item. He then referenced Agenda Item F.5.b, Supplemental WDFW Report 3, which outlines the joint WDFW and Fishing Vessel Owners' Association proposal to close a yelloweye rockfish "hotspot" to limited entry fixed gear and open access fisheries and to the salmon troll fishery. He noted that the proposed area overlaps with the "C-shaped" area closed to recreational fisheries, but that it should more closely align with areas inside which yelloweye have been known to be taken by commercial fisheries. In Agenda Item F.5.b, Supplemental WDFW Report 4, Mr. Anderson highlighted another proposed alternative for an area closure to protect primarily yelloweye (and potentially canary) rockfish off the north central coast of Washington. Finally, Mr. Anderson overviewed Agenda Item F.5.b, Supplemental Joint WDFW/ODFW Report. Given that the two states share the recreational harvest targets for canary and yelloweye rockfish, he explained that the intent of the statement is to demonstrate the commitment by each agency to work in a cooperative way through inseason management processes to stay within those shared limits.

Mr. Melcher overviewed Agenda Item F.5.b, ODFW Report. In addition, he pointed the Council to Agenda Item F.5.b Supplemental ODFW Report 2, which provides additional management measures, specifically an increase in the size of the Stonewall Bank closure, a proposal to designate that area as an official yelloweye Rockfish Conservation Area, and a provision to allow the state to consider other specific areas to be designated as yelloweye "hotspots."

Ms. Vojkovich overviewed Agenda Item F.5.b, CDFG Report 2. She noted that for recreational fisheries, the management measure alternatives had to be expanded from that of status quo so as to include restrictions necessary under the low depleted species OY alternatives. Next, she introduced Agenda Item F.5.b, CDFG Report 3, which proposes alternatives for the Cowcod Conservation Area (CCA) boundary that are aimed at providing slope fishing opportunities at the outside boundary. Since submittal of that report, CDFG had developed an additional alternative (Agenda Item F.5.b, CDFG Report 4); Ms. Vojkovich explained that this alternative maintains status quo CCA boundaries but establishes fishing areas within the CCA. She noted that CDFG is looking into additional area-specific management openings/closures in order to rebuild depleted species while providing for fishing opportunity on healthy stocks. Finally, Ms. Vojkovich reminded the Council that the director of CDFG has the authority to take inseason action to prevent exceeding the state's harvest guidelines (e.g., for canary or yelloweye rockfish). If very low OYs are established for other depleted species, CDFG will evaluate whether other harvest guidelines need to be established.

With respect to the CCA, Mr. Lockhart asked if CDFG had discussed the proposed changes with state or federal enforcement officials. Ms. Vojkovich said enforcement has been working with the biological staff and industry that have developed the proposal, and agreed with Mr. Lockhart that the proposals do contain enforcement concerns.

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

Ms. Ashcraft read and summarized from Agenda Item F.5.c, Supplemental GMT Report. At the close of her statement, Ms. Ashcraft highlighted important aspects of the projected bycatch scorecards for 2007 and 2008 under the high and low OY alternatives (Attachment 3 in the supplemental GMT report). She first explained that under the high OY alternative, a residual amount (a portion of the OY not attributed to a fishery) is maintained for each species, with the exception of canary rockfish. In addition to this residual, the higher amounts of research take are also accommodated. For the low OY alternative, however, Ms. Ashcraft explained that the GMT believed that it would be very difficult to reserve an additional 1 mt of yelloweye to research; furthermore, the GMT proportionately reduced the take of each sector without leaving a residual. She concluded by asking the Council for guidance with respect to the scenario of a high OY alternative for canary: should management measures be crafted so as to provide for a residual, and if so, at what amount?

Mr. Tom Ghio overviewed Agenda Item F.5.c, Supplemental GAP Report. He explained that the GAP, in their report, identified the most restrictive species for an area and used that to analyze the economic effects to sectors under the low OY alternative.

Mr. Moore asked Mr. Ghio if the suite of management options found in the GMT report covered all of the options the GAP is considering. Mr. Ghio replied in the affirmative.

#### F.5.d Public Comments

Mr. Michael Deach, Lopez, Washington. Mr. Deach voiced his request for additional research on the status of yelloweye rockfish.

#### **F.5.e Council Action: Adopt a Preliminary Range of Refined Management Measures**

Mr. DeVore informed the Council of a remaining issue in order to complete Agenda Item F.1: the Council had not yet adopted a preferred ABC for lingcod. Mr. Anderson moved and Mr. Moore seconded Motion 40 that the 2007 and 2008 ABCs for lingcod be averaged, resulting in an ABC for both years of 6,280 mt.

Motion 40 passed.

Mr. DeVore also noted that additional guidance to the GMT and Council staff with respect to allocation options beyond the suite provided in the reports would be helpful, as would guidance on the issues that Ms. Ashcraft highlighted at the end of the GMT report.

Mr. DeVore then suggested that the Council adopt for analysis the proposed range of management measures. He noted that the GMT and the GAP had reached consensus on the range.

Ms. Vojkovich moved and Mr. Thomas seconded a motion (Motion 41) to adopt for analysis the management measures for commercial and recreational fisheries in states of Washington, Oregon, and California, as contained in Agenda Item F.5.c, Supplemental GMT Report.

Mr. Anderson asked if the six recommendations on page 17 of the supplemental GMT report were part of the motion. Ms. Vojkovich responded that her motion would include recommendations one through five, given that the sixth is not a recommendation. It was then clarified that in the third GMT recommendation, "Approve the GMT-proposed limited entry trawl, limited entry fixed gear, tribal, and groundfish-directed open access management measure alternatives for public review," the word "tribal" should be removed; the Council concurred. It was also clarified that by adopting the fourth recommendation, "Approve the proposed state recreational management measure alternatives for public review," the specific state proposals were included in the adoption.

Mr. Anderson asked if, when the GMT is analyzing the different alternatives, there are significant differences between the current values in the scorecard and the actual catches that occurred, would that come out in the analysis? Mr. DeVore said yes, explaining that the GMT would investigate the final catch estimates by sector and by species for 2004 and the nearly final catch estimates for 2005. Mr. Anderson then asked if the Council would have the ability at its June meeting to consider different values of OY take by sector than those represented in the projected scorecards (Attachment 3, Agenda Item F.5.c, Supplemental GMT Report). He expressed his interest in being certain that the Council would have flexibility to deviate from the specific values in the scorecards, based on the analysis provided at the June meeting as well as based on the prior performance of the sectors. Mr. DeVore replied it would be helpful for the Council to provide the GMT with additional conceptual guidance from which they could base their analysis of allocation options that differ from those represented in the scorecard. He suggested that the Council may want to endorse the guidance previously given by the Groundfish Allocation Committee at its February 2006 meeting; he also noted that the guidance could include consideration of the analyses by Mr. Burden (in Agenda Item F.1.a, Attachment 4), which addressed distributional impacts under different allocation scenarios, such as the elimination of the least valuable sectors under low OYs. Mr. Anderson then explained that his question was actually with respect to the process in June; Mr. DeVore confirmed that there would be the flexibility to consider other allocation options than what might be described in the preliminary DEIS.

Ms. Vojkovich stated that her intention with her motion was not to address the above discussions regarding guidance on allocation and distributional impacts; such guidance, she thought, was what the GMT had requested in their sixth recommendation. The Council decided to adopt the motion as stated by Ms. Vojkovich and then to provide guidance under a separate action.



Referencing the table "Status Quo State Recreational Catch Sharing for Canary and Yelloweye Alternatives" (Attachment 4 in Agenda Item F.5.c Supplemental GMT Report), Mr. Cedergreen asked whether the Council would have flexibility at the June meeting to adjust the sharing formula values in the table, depending on the final OYs adopted in June. Mr. DeVore replied that allocation decisions could be made in June using values outside of the analyzed range; however, it would be more helpful if the range were expanded at this meeting so that the GMT could provide analysis in the briefing book to support those decisions.

Motion 41 passed.

Mr. Harp moved and Mr. Warrens seconded a motion (Motion 42) to adopt items contained in Agenda Item F.6.e, Supplemental Tribal Motion.

Mr. Anderson requested a meeting of the coastal tribes, NOAA Fisheries and the states (Washington and Oregon) to discuss allocation of depleted species before the June Council meeting. Mr. Harp agreed to the meeting and volunteered to coordinate the dates and location.

Motion 42 passed.

Mr. DeVore identified the following issues for which the GMT had requested guidance from the Council: (1) whether or not to build a "buffer" into the canary OY for the high scenario of 44 mt, and if so, how much; (2) whether or not to build a buffer into the OYs for all species under the low scenario, and if so, how much. GMT would use this guidance in producing analyses for the Council to consider at its June meeting.

Mr. Melcher asked for clarification as to whether the intent of a buffer was to provide management flexibility, as opposed to providing an additional conservation measure. Mr. DeVore confirmed that a buffer is for management flexibility; in addition, a buffer would be necessary under the low OY alternative in order to accommodate for EFPs (other than shoreside whiting), if those are carried out in 2007 or 2008.

Mr. Moore moved and Mr. Warrens seconded a motion (Motion 43) that the Council adopt a 0.5 mt buffer within the canary OY under the high scenarios and 0.5 mt buffer within the OYs for all species under the low OY scenario. These buffers would not include EFPs.

Mr. Anderson agreed with the 0.5 mt buffer within the high OY scenario for canary. However, he explained that a point of analyzing the low OY scenario is to demonstrate that the Council would not be able to build fisheries while still providing for any flexibility (i.e., a buffer). He proposed a friendly amendment to remove the 0.5 mt buffer from the low OY scenario for all species and leave only the 0.5 mt for the high OY scenario for canary. Messrs. Moore and Warrens agreed to the friendly amendment.

Motion 43 passed.

Ms. Cooney noted that she had heard discussion that under some of the low OY levels, when the harvest levels are reduced proportionally across sectors, the result may be that the fisheries are not viable. Under such situations, it would be helpful to make the point explicit in the record, such as stating which fisheries would be expected to be no longer viable.

It was clarified that the scorecard used to estimate each sector's incidental harvest levels under the low and high OYs was based on the 2006 scorecard before any catches had been subtracted. Ms. Vojkovich discussed how the past scorecards might be used to provide guidance on allocation decisions. She said

she wanted to know the range of catch sharing found within the scorecards since they were first created in 2003. She suggested that past projections may inform the Council on how management has responded over time to the needs in the fisheries (including the need to stay within the harvest guidelines and OYs).

Mr. Anderson proposed the following allocation strategies as guidance to the GMT. For the low OY scenario, three different allocation strategies should be analyzed: (1) reduce each value in the 2005 updated scorecard proportionately to the proposed OY; (2) allocate all of each OY to commercial sectors; (3) allocate all of each OY to recreational sectors (except if a depleted species is not caught by the recreational sector, such as those associated with slope fisheries; in these cases the OY should be used to construct the applicable commercial fisheries). Mr. Anderson explained that he expected that the first strategy, proportional reduction, would indicate that it is not possible to maintain meaningful commercial and recreational fisheries under the low OY scenario. Given that, the second and third strategies would indicate the allocation decisions to either give all of the shared depleted species OYs to recreational sectors or all to commercial sectors. For the high OY, two different allocation strategies should be analyzed: (1) apply the projected 2006 scorecard; (2) apply final 2005 scorecard.

Mr. DeVore asked for clarification with respect to the low OY scenario strategies: in addition to holding the slope fisheries constant, should the GMT also hold constant the impacts associated with non-directed groundfish fisheries, for example the open access incidental groundfish fisheries and the state-managed fisheries? Mr. Anderson said yes to the state-managed fisheries.

The Council agreed to the guidance proposed by Mr. Anderson.

#### **F.6 Part II of Management Measures for 2007-2008 Fisheries**

This agenda item was combined with F.5.

#### **F.7 Final Consideration of Inseason Adjustments (if Necessary)**

This agenda item was combined with Agenda Item F.4.

### **G. Highly Migratory Species Management**

#### **G.1 Bigeye Tuna Overfishing Response (04/05/06; 4:19 pm)**

##### **G.1.a Agenda Item Overview**

Dr. Kit Dahl provided the agenda item overview (Agenda Item G.1.a, Situation Summary).

##### **G.1.b NMFS Report**

Mr. Mark Helvey referred the Council to Agenda Item G.1.a, Attachment 1: Analysis of Management Options for Development of a Plan to End Overfishing of Pacific Bigeye Tuna in the Eastern Pacific Ocean. He noted that this document is a revision based on comments and questions on the original document presented at the March Council meeting. He did not go over the individual management options since he covered this at the March meeting, but did comment on the particular sections containing further analysis and updates. He also noted the addition of Management Option 6 which takes into consideration the Western Pacific Fishery Management Council's (WPFMC) Amendment 14 and suggested that this option be considered as one way to address bigeye overfishing.

Mr. Helvey said the goal is to have the Council adopt a final recommendation based on the Management Options paper, which will then be forwarded to the General Advisory Committee (GAC) to the Inter-DRAFT Minutes  
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American Tropical Tuna Commission (IATTC) as a West Coast position for ending overfishing of bigeye tuna. Mr. Helvey noted that the position adopted by the Council would apply to the Eastern Pacific Ocean (EPO) only and not the Western and Central Pacific Ocean (WCPO). Additionally, Mr. Helvey asked the Council to consider supporting Amendment 14 as a Pacific-wide plan to address overfishing of bigeye, which could provide consistency between the Councils. He said, in looking at Amendment 14, there are areas that do not go far enough to end overfishing of bigeye, but that the Pacific Council has an opportunity to submit their comments for improvement.

Mr. Moore asked if NMFS supports the Council adopting Option 6, which can be viewed as a coordinated response. Mr. Helvey said a coordinated response between the two Councils is most likely preferred, but that the Options paper presented is specific for IATTC and that as a package they can do different things.

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

Ms. Michele Culver provided Agenda Item G.1.c, Supplemental Highly Migratory Species Management Team (HMSMT) Report. Ms. Culver highlighted questions and concerns contained in the Team report, commenting that these issues should go forth to NMFS and the GAC for discussion and clarification at the IATTC at their June 2006 meeting.

Mr. Helvey provided clarifications to the discussion, which included a comment that the IATTC does not define sub-national fleets; they leave it up to individual nations to define their fleets and to implement the action items contained in the resolution.

Mr. Helvey noted that options 2 and 3 contain the recommendations from IATTC staff scientists, who have gone on record to say that the particular measures that are included in those options would end overfishing of bigeye tuna in the EPO.

Mr. Anderson said that he understands the HMSMT supports multilateral action, and that the Council's recommendation will be submitted to U.S. representatives for discussion in the international forums. Ms. Culver confirmed the goal and after some discussion Mr. Helvey noted that any recommendations from the Council will first go to the GAC and then to the U.S. delegation for consideration during international negotiations.

Dr. McIsaac noted that point number 7 of the Team's recommendations is consistent with a letter submitted by Sean Martin, which suggests a consistent approach between both Councils and asked if this would generate more support. Ms. Culver said that his letter appears to be consistent with the HMSMT recommendations.

Dr. McIsaac asked Mr. Helvey for clarification on the relationship between the WPFMC with the GAC compared to this Council's role. Mr. Helvey was not sure of the history and deferred to Mr. Peter Flournoy, the Chairman of the GAC.

During public comment Mr. Flournoy responded to Dr. McIsaac's question about the role of the WPFMC in the GAC, commenting that they are not a formal member of the GAC. Mr. Flournoy said that new members are appointed once every three years and that at the time of the last appointment the WPFMC showed no interest; however, they have recently expressed an interest. New appointments will occur this year.

#### **G.1.d Public Comment**

Mr. Peter Flournoy, representing himself, San Diego, California  
Mr. Bob Osborn, United Anglers of Southern California, Huntington Beach, California

**G.1.e Council Action: Adopt Final Recommendations to the Inter-American Tropical Tuna Commission**

Mr. Anderson noted that he is not comfortable with selecting or endorsing a particular option. The recommendations from the HMSMT and public testimony should serve as guidance on the international matters and that is as far as he would go.

Mr. Anderson moved (Motion 21) to adopt Agenda Item G.1.c, Supplemental HMSMT Report as recommendations and guidance to U.S. representatives in the international community on the issue of bigeye tuna. In addition, incorporate the suggestions by Mr. Flournoy. Mr. Alverson seconded the motion.

Ms. Vojkovich asked if recommendation number 6 (establishing a control date and develop a limited entry plan to address conservation of bigeye tuna over the longer-term) is guidance to the international community or is this a separate issue. Mr. Anderson said it would not be guidance to the international forum. Mr. Moore clarified that recommendation number 6 is not going forward to the international community and Mr. Alverson agreed.

Motion 21 passed.

**G.2 Albacore Management (04/06/06; 9 am)**

**G.2.a Agenda Item Overview**

Dr. Dahl provided the agenda item overview (Agenda Item G.2, Situation Summary).

**G.2.b Reports and Comments of Advisory Bodies**

Mr. Heikkila provided Agenda Item G.2.c, Supplemental Highly Migratory Species Advisory Subpanel (HMSAS) Report (Mr. Heikkila provided the HMSAS report on 04/05/06 at 5:23pm because he was not available to read the report into record on 04/06/06 when the remainder of HMS issues were taken up).

Ms. Culver provided Agenda Item G.2.c, Supplemental HMSMT Report.

**G.2.c Public Comment**

Mr. Doug Fricke, Washington Trollers Association, Hoquiam, Washington  
Mr. Wayne Moody, Western Fish Boat Owners Association, Arroyo Grande, California  
Mr. Steve Rittenberg, American Albacore Fishing Boat Association, San Diego California  
Mr. Bob Osborn, United Anglers of Southern California, Huntington Beach, California

**G.2.d Council Action: Adopt Council Positions for U.S.-Canada Albacore Treaty Negotiations and Other International Management Issues**

Mr. Moore moved (Motion 22) that the Council continue to monitor the progress of renegotiations for the Pacific albacore treaty, and in addition to follow the recommendations given by the HMSMT in their supplemental report. Mr. Warrens seconded the motion.

Mr. Moore commented that he will report back to the Council on any the outcome from the meeting between the U.S. and Canada in April. Mr. Alverson asked if the motion is to drop the treaty, and Mr. Moore said no, that it simply suggests that the Council monitor what will go on during the renegotiation process.

Mr. Anderson said that the HMSMT included a recommendation for a letter on the fast track process and wanted to know if the motion incorporates this as well. Mr. Moore said he included this in the motion,

but that it can be dropped for now and taken up during regular Council action in June. Mr. Anderson said he understands that if the Council were to take a position on the treaty it would need to be done prior to the June Council meeting. Mr. Anderson also said he is not sure that the fast track letter is necessary or that there is a need to take this up again in June.

Mr. Moore accepted this as a friendly amendment and Mr. Warrens agreed.

Ms. Vojkovich made reference to item number 2 in the Team report asking if the HMSMT's task is to review albacore landings and data or to discuss renegotiation of the U.S./Canada albacore treaty. Mr. Moore said he assumed the HMSMT is going to discuss a potential position for a recommendation to the Council on renegotiation of the treaty.

Ms. Vojkovich said she supported the HMSMT taking up recreational bag limits for albacore. There was discussion of having the HMSMT or the States do this. Ms. Vojkovich said, in light of the Council implementation of the HMS FMP for the entire coast, it is from California's position that this should be handled through the Council process by the HMSMT, not the states.

Mr. Helvey said in regards to the comment on the review of albacore landings (item number 2 in the Team report), that information will be exchanged at the April meeting with the Canadians. He also added that as he understands it, the meeting in April is just the beginning of the renegotiation process and that there several more meetings to come.

Mr. Anderson inquired about the HMSMT's request to include this issue in the fast track process and Mr. Helvey commented that it is no longer necessary because the SWR has obtained more information on the U.S./Canada negotiation process since the March Council meeting. Mr. Anderson then clarified that the Council will adopt the HMSMT's recommendations as part of the motion and will hear again from the HMSMT at the June meeting, after which the Council will take action on this issue.

Ms. Vojkovich asked if the purpose is to report on effort limitations and a definition of effort at the IATTC meeting in June. Mr. Helvey said he did not believe that there is any report due for that meeting. Chairman Hansen asked Mr. McInnis if this was correct and he concurred.

Mr. Anderson asked if there is a concern with salmon fishers targeting albacore, considering the salmon fishery outlook, and that in the past that the IATTC has suggested that effort not increase. Mr. Helvey said it is a concern that should be monitored.

Motion 22 passed.

### **G.3 NMFS Report (04/06/06; 10:02 am)**

#### **G.3.a Activity Reports**

Mr. Helvey said that there is no NMFS Southwest Region Report at this point.

Dr. Gary Sakagawa provided the Southwest Region Fishery Science Center (SWRFSC) report. He announced that the sardine survey is underway and that the survey is a requirement of the Coastal Pelagic Species (CPS) FMP. There are two NOAA vessels conducting the survey: one vessel is heading southward from Alaska and the other vessel is moving northward from California. The results of the survey will be available at a subsequent meeting.

Dr. Sakagawa reminded the Council that the West Coast HMS FMP includes species that are on the agenda of the International Scientific Committee (ISC) for tuna and tuna-like species in the North Pacific.

This organization fosters cooperation between nations on management of species of interest to this Council, which include North Pacific albacore, Pacific bluefin tuna, striped marlin, and swordfish. All have recently been reviewed with respect to the status of stocks and Dr. Sakagawa provided updates on the status of each to the Council.

Dr. Sakagawa also announced that in May 2006 SWRFSC staff will begin reviewing the IATTC's 2006 stock assessments for yellowfin, bigeye, and skipjack in the EPO. Science Center staff participating in the review will report to the Council with respect to the results as soon as it is completed.

Chairmen Hansen asked Dr. Sakagawa if bluefin tuna caught in Mexico waters for the purposes of farming spawn while in the pens and if over time this practice could deplete the stock. Dr. Sakagawa replied no, bluefin tuna contained in the pens are held for fattening-up and that they are too young and not the right size to spawn. Dr. Sakagawa said that if this practice continues it could very well deplete the stock.

Dr. McIsaac asked for clarification on the albacore stock assessment schedule and Dr. Sakagawa replied that the assessment will be done in the 2006 November/December time frame, but that they are not on a schedule so to speak. Dr. McIsaac asked if he sees this feeding into the IATTC management cycle in early 2007. Dr. Sakagawa said that the IATTC has their own staff so they are not obligated to take on the ISC results, which were completed in March. The IATTC will meet in June of this year and after this the albacore working group will come out with an assessment in December. Next year the ISC is planning to meet in July, but before then the IATTC will again meet in June and that information from the upcoming December assessment will enter into consideration.

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

None.

#### **G.3.c Public Comment**

None.

#### **G.3.d Council Discussion**

Mr. Anderson said there is a letter dated March 29, 2006 in the briefing book regarding an exempted fishing permit (EFP). He expressed his disappointment that the Southwest Region has chosen to remove the caps that were recommended by the Council for fin, gray, and minke whales. He said the justification that the amounts recommended were far less than the potential biological removal (PBR) is difficult to accept. Mr. Anderson explained that the numbers recommended in the EFP were based on the best estimates of what would occur in those fisheries, and to totally remove those caps, suggests that NMFS would be comfortable having those animals taken all the way up to PBR levels, which ignores NMFS responsibility to minimize bycatch of these animals. This was a highly controversial EFP application and he would not have supported the motion for the drift gillnet EFP had he known that there would not be caps on the take of these animals. He respectfully requested that this decision be retracted.

Mr. Helvey said the PBRs are set by a thorough process conducted by experts from the SWFSC. He said that the point in the letter from NMFS to the Council was that in developing the EFP we should be using the best scientific information and based on the information available that the caps are not necessary. He went on to say that even though Mr. Anderson had not mentioned sea turtles, NMFS will keep those caps in place.

Mr. Anderson commented that Mr. Helvey's argument suggests that 442 gray whales and 15 fin whales can be taken. He understands that this is not likely to happen, but that those PBR levels suggest, based on the best scientific information, that this is acceptable. He is upset with NOAA Fisheries decision and the fact they have chosen to completely ignore the Council's advice, not by a little bit, but by a lot.

Mr. Moore commented as the maker of the motion in March that Mr. Anderson seconded, that since these species have not been observed being taken in the closed area there probably is not a problem with having a cap on their take. Mr. Ticehurst supported Mr. Anderson's comments. Chairman Hansen said that he also supported Mr. Anderson's comments.

## **H. Enforcement Issues**

### **H.1 U.S. Coast Guard Report on Implementation of the Automatic Identification and Vessel Monitoring Systems (AIS and VMS)**

#### **H.1.a Agenda Item Overview**

Mr. Jim Seger provided the agenda item overview (Agenda Item H.1.a, Situation Summary).

#### **H.1.b U.S. Coast Guard Report**

A PowerPoint presentation was provided by LCDR Bob Hendrickson, Coast Guard Liaison Officer, NOAA Fisheries Office for Law Enforcement.

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

Mr. Seger read Agenda Item H.1.c, Supplemental GAP Report.

#### **H.1.d Public Comment**

None.

#### **H.1.e Council Discussion on US Coast Guard Report On AIS and VMS**

During discussion, Council members asked whether the Council could be provided with the USCG report provided to Congress on public comments received on AIS carrying requirements. Concern was expressed that the AIS system might reveal fishing spots and a question was raised as to whether the radius of the signal might be limited to avoid revelation of confidential business information. Application of AIS requirements to less than 65 foot vessels has been discussed internally but will not be required until such time as the needed legislative direction is provided.

## **I. Marine Protected Areas**

### **I.1 Fishery Regulations within the Channel Islands National Marine Sanctuary**

This agenda item was cancelled (see Motion 1).

### **I.2 Consultation Procedures for Fishery Regulation in National Marine Sanctuaries**

#### **I.2.a Agenda Item Overview (04/06/06; 8:32 am)**

Mr. Burner provided the agenda item overview and reviewed Agenda Item I.2.a, Attachment 3, regarding summary comments on the flowchart from the January 30, 2006 conference call on the matter.

#### **I.2.b Reports and Comments of Advisory Bodies**

Mr. Burner read the supplemental Habitat Committee report into the record. Mr. Burner read the supplemental GAP report into the record.

Mr. Moore asked Ms. Cooney if the 120-day response period is set in the statutes of the National Marine Sanctuary Act or if it is a regulatory time limit. Ms. Cooney responded that the 120-day limit is specified in the regulations rather than in statute.

Mr. Anderson briefly review highlights from a report developed at a March 14, 2006 workgroup meeting organized by the Sanctuary Advisory Council of the Olympic Coast National Marine Sanctuary. The workgroup included representatives from Washington State agencies, National Marine Fisheries Service, Olympic National Park, Northwest Fisheries Indian Commission, Olympic Coast National Marine Sanctuary Advisory Council, and others. The charge of the workgroup was to develop a set of recommendations to be provided to the Sanctuary Advisory Council as potential comments on the flowchart to the U.S. Department of Commerce. Incorporated in the report are comments similar to those raised in the GAP statement suggesting improved coordination between national marine sanctuaries and the Council and NMFS during management plan review processes. The workgroup indicates the draft flowchart represents a good start but the current draft is inadequate and requires additional work. Specific recommended changes included; 1) adding a box at the top of both the NSA and the NMSP flowcharts illustrating two-way communication between the two processes, 2) identify locations in the flowchart for discussion of data needs and management alternatives and data exchanges, 3) provide parity between the two flowcharts as the effort seemed to be centered on the sanctuary process, 4) develop standards for scientific analyses, peer review and transparency in the decision making processes, 5) adding appropriate decision points in each flowchart where decision might lead to a non-regulatory approach, and 6) increase the 120-day required response period to 180 days or more to adequately accommodate RFMC schedules. Mr. Anderson stated he would provide a copy of the report to the Executive Director for his use in developing the final Council response if that was the desire of the Council.

#### **I.2.c Public Comment**

None.

#### **I.2.d Council Action: Adopt Council Recommendations to NOAA**

Ms. Vojkovich stated that during recent processes the Council had engaged in regarding management decisions and National Marine Sanctuaries, there have been major issues regarding a lack of NMSP requirements for presenting the Council with complete decision documents and a full analyses before the Council has to make its final recommendations. She is was not certain if it meant an amendment of the statute and found the lack of documentation makes it difficult to provide as a Council a recommendation on proposed management.

Mr. Helvey stated the issue raised by Ms. Vojkovich might require a regulatory change and suggested that a process of early coordination between the Council, NMFS, and the National Marine Sanctuary Program discussed by Mr. Anderson may provide a non-regulatory solution. Mr. Helvey spoke in favor of early scoping and communication during the process of developing management alternatives, particularly when fishing regulations are involved. This concept was central in the NMFS Southwest Region response letter regarding the flowcharts.

Mr. Moore said he would like to add what Mr. Helvey said about fishing regulations. He noted that there appears to be considerable differences between the way Council and the National Ocean Service (NOS) define fishing regulations. He felt it was important that when discussing fishing regulations it was clear that this encompasses a broad range of decisions and activities that effect Council resource management actions within sanctuaries.

Mr. Helvey agreed with Mr. Moore and said much of the miscommunication between states, NOS, NMFS, and the Council is due to differences in how fisheries management is defined. He felt that the



National Marine Sanctuary Program is often focused on ecosystem protection and the actual management of fisheries and the impacts to fishermen to achieve these objectives are sometimes lost.

Chairman Hansen agreed with the Council comments and Mr. Anderson's points and was hopeful that improvements to the flowchart will result in improved fishery management.

Mr. Burner was appreciative of the Council comments and verified that Council staff will capture Council comments in a formal response letter to NOAA.

#### **OPEN PUBLIC COMMENT PERIOD FOR NON-AGENDA ITEMS**

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

Mr. Chris Kubiak, trawl fisherman, Morro Bay, California. Spoke about a proposal from Environmental Defense to create stewardship areas. (Written testimony on file and on the web).

Mr. Joel Kawahara, Washington Trollers Association, Seattle, Washington. Regarding the injunction granted to PCFFA to establish phase III flows in the Klamath River immediately (recent court case). Spoke about NOAA Fisheries biological opinion dated May 2002. Felt NOAA fisheries biological opinions contradicted their actions.

ADJOURN at 2:42 pm, Friday, April 7, 2006.

PFMC  
08/25/06

DRAFT VOTING LOG  
Pacific Fishery Management Council  
April 2-7, 2006

Motion 1: Approve the agenda as shown in Agenda Item A.4, Council Meeting Agenda with the following changes: remove Agenda Item I.1 (postpone until June).

Moved by: Rod Moore  
Motion 1 passed

Seconded by: Bob Alverson

Motion 2: Approve the November 2005 minutes as shown in Supplemental Agenda Item B.1, Draft November 2005 Council Meeting Minutes, with the correction on page 1 of the voting log. That correction was Motion 4 should be seconded by *Mr. Roger Thomas*, not *Mr. Dave Ortmann* as indicated.

Moved by: Bob Alverson  
Motion 2 passed.

Seconded by: Jerry Mallet

Motion 3: Adopt the letter, as shown in Agenda Item C.1.a, Supplemental Attachment 1, to the Federal Energy Regulatory Commission (FERC) to order the decommissioning of the four lower Klamath River dam structures (Copco 1, Copco 2, Iron Gate, and J.C. Boyle), with the stipulation to direct the ED and staff to make edits as necessary and run a copy of the letter by Council members in the next two weeks.

Moved by: Jerry Mallet  
Motion 3 passed. Messrs. Anderson and Melcher abstained.

Seconded by: Bob Alverson

Motion 4: Adopt for incidental catch regulations for the salmon troll fishery Options 1a and 2 (status quo), and for incidental regulations for the commercial sablefish fishery north of Point Chehalis Option 1 (status quo), as presented in Agenda Item D.1, Situation Summary.

Moved by: Bob Alverson  
Motion 4 passed.

Seconded by: Mark Cedergreen

Motion 5: Have the Council send a letter requesting the State of California, the Yurok Tribe, and the Hoopa Tribe undertake a formal assessment of the primary factors leading to the returns of Klamath River fall Chinook (KRFC) stock falling below the conservation objective in 2004 and 2005, and the projected return in 2006 of less than the conservation objective, and to task the Executive Director with coordinating the Habitat Committee assistance in the effort. The motion also includes a friendly amendment to accept assistance from Oregon in the assessment.

Moved by: Donald Hansen  
Motion 5 passed.

Seconded by: Roger Thomas

Motion 6: Have the STT model for tribal fisheries a coho quota of 40,000, and a Chinook quota of 41,600 split 22,500 in the May/June Chinook directed fishery and 19,100 in the July/August/September all species fishery.

Moved by: Jim Harp  
Motion 6 passed.

Seconded by: Phil Anderson

Motion 7: Tentatively adopt for STT collation and analysis the management measures in Agenda Item E.2.j, Supplemental SAS Report for the non-Indian commercial and recreation fisheries north of Cape Falcon, with the edits provided by the SAS.

Moved by: Phil Anderson  
Motion 7 passed.

Seconded by: Mark Cedergreen

Motion 8: Tentatively adopt for STT collation and analysis the management measures in Agenda Item E.2.j, Supplemental SAS Report for both commercial and recreational fisheries in the area south of Cape Falcon to Horse Mt., California. Also, specify the Klamath River recreational fishery be modeled as a catch and release fishery only.

Moved by: Curt Melcher  
Motion 8 passed.

Seconded by: Rod Moore

Motion 9: Tentatively adopt for STT collation and analysis the management measures in Agenda Item E.2.j, Supplemental SAS Report for recreational fisheries in the area south of Horse Mt., California.

Moved by: Darrell Ticehurst  
Motion 9 passed. Mr. Lockhart voted no.

Seconded by: Roger Thomas

Motion 10: Tentatively adopt for STT collation and analysis the management measures in Agenda Item E.2.j, Supplemental SAS Report for commercial fisheries in the area south of Horse Mt., California, with the following changes:

Page 2, Point Arena to Pigeon Point - May 15-30, August 1-29, and September 1-30.

Page 2, Pigeon Point to Point Sur – May 1-14, July 1-14, August 1-29, and Sept 1-30.

Page 2, Point Sur to U.S./Mexico Border – May 1 through September 30.

And to have the STT investigate the concept of a platoon type commercial fishery.

Moved by: Marija Vojkovich  
Motion 10 passed. Mr. Lockhart voted no.

Seconded by: Roger Thomas

Motion 11: Open the recreational season in the area from Horse Mt. south to the U.S./Mexico border during the last two weeks of April.

Moved by: Darrell Ticehurst  
Roll call vote. 9 no, 3 yes. Motion 11 failed.

Seconded by: Roger Thomas

Messrs. Harp, Warrens, Moore, Anderson, Lockhart, Alverson, Mallet, Melcher, and Ms. Vojkovich voted no.

- Motion 12: Have the STT assess impacts in the following state water commercial fisheries:  
Horse Mt. to Pt. Arena - May 1-31 inside of 3 miles with a 3,000 Chinook quota and 30 fish per day per vessel landing and possession limit;  
Horse Mt. to Pt. Arena - August 1-31 inside of 3 miles with a 3,000 Chinook quota and 30 fish per day per vessel landing and possession limit;  
Horse Mt. to Pt. Arena - September 1-30 inside of 3 miles with a 3,000 Chinook quota and 30 fish per day per vessel landing and possession limit;  
Pt. Reyes to Pt. San Pedro August 1-October 14 inside 20 fathoms, open Monday to Friday.

Moved by: Marija Vojkovich

Seconded by: Roger Thomas

Motion 12 passed. Mr. Lockhart voted no.

Motions 13 thru Motion 20 were under F.1.

- Motion 13: 1. Council adopt 2007 - 2008 ABCs for overfished species as shown on Table 2.1 of Agenda Item F.1.a, Attachment 3, as follows:

Species	2007 ABC	2008 ABC
Pacific Ocean Perch	900 mt	911 mt
Widow Rockfish	5,334 mt	5,144 mt
Canary Rockfish	172 mt	179 mt
Bocaccio	602 mt	618 mt
Cowcod – S. Of 36°N	17 mt	17 mt
Cowcod – Monterey	19 mt	19 mt
Darkblotched Rockfish	456 mt	487 mt

2. Council adopt 2007 - 2008 OYs for overfished species as follows:

Species	2007-2008 OY
Pacific Ocean Perch	405 mt
Widow Rockfish	456 mt
Canary Rockfish	44 mt
Bocaccio	218 mt
Cowcod (combined)	8 mt
Darkblotched Rockfish	229 mt

Moved by: Rod Moore

Seconded by: Frank Warrens

Motion 13 was not voted on.

Instead, Mr. Anderson offered the following substitute motion (Motion 14). Mr. Cedergreen seconded the motion:

- Motion 14: 1. Council adopt 2007 - 2008 ABCs for depleted species as follows:

Species	2007 ABC	2008 ABC
Pacific Ocean Perch	900 mt	911 mt

Widow Rockfish	5,334 mt	5,144 mt
Canary Rockfish	172 mt	179 mt
Bocaccio	602 mt	618 mt
Cowcod – S. Of 36°N	17 mt	17 mt
Cowcod – Monterey	19 mt	19 mt
Darkblotched Rockfish	456 mt	487 mt
Yelloweye Rockfish	26 mt	26 mt

2. The Council adopt 2 OY alternatives for each depleted species, as follows:

Species	OY Alternative 1	OY Alternative 2
Pacific Ocean Perch	44 mt	100 mt
Widow Rockfish	120 mt	281 mt <sup>1/</sup>
Canary Rockfish	24 mt <sup>1/</sup>	44 mt
Bocaccio	40 mt	218 mt
Cowcod (combined)	4 mt	8 mt
Darkblotched Rockfish	130 mt	229 mt
Yelloweye Rockfish	12.6 mt	23 mt (2007), 20 mt (2008). Following ramp-down approach, with median time to rebuild of 2083.

1/ Friendly amendments were added to change the widow rockfish OY to 368 mt in Alternative 2 and the canary rockfish OY in Alternative 1 to 32 mt.

Moved by: Phil Anderson  
Motion 14 passed.

Seconded by: Mark Cedergreen

Motion 15: Adopt the preliminary revised rebuilding plans under proposed FMP amendment 16-4 as show in Agenda Item F.1.a, Attachment 5 with the following change: on page 27, add to the end of the last full paragraph in Section 4.0 - *“As provided by Section 303(b)(11) of the Magnuson-Stevens Fishery Conservation and Management Act, the Council may establish a research reserve for any stock, that is within the ABC but above and separate from the OY for that stock.”* And on page 38, at the end of Section 4.5.3.2, add the following paragraph - *“Fishing communities need a sustainable fishery that is safe, well-managed, and profitable; that provides jobs and incomes; that contributes to the local social fabric, culture, and image of the community; and that helps market the community and its services and products.”*

Moved by: Rod Moore

Seconded by: Frank Warrens

Motion 15 was tabled, then later voted on – Motion 15 passed.

Motion 16: First, adopt the Alternative 1 ABC values found on Table 2-1 (Agenda Item F.1.a, Attachment 3), with the exception of adopting ABCs that have been averaged for 2007 and 2008 for yellowtail rockfish, black rockfish (OR-CA), and English sole. Second, adopt the Alternative 1 OY values in Table 2-1 with the following exceptions: (1) no adoption of a Pacific whiting OY but adopt the range indicated in Table 2-1; (2) adopt the Alternative 2 OY sablefish (5,934 mt); (3) adopt the Alternative 2 OYs for Minor Rockfish North (nearshore species: 142 mt; shelf species: 968 mt; and slope species: 1,160 mt); (3) adopt the Alternative 2 OYs for Minor Rockfish South (nearshore species: 515 mt; shelf species: 714 mt; and slope

species: 626 mt); (4) adopt Alternative 2 for petrale sole (2,499 mt); and (5) exclude from the motion the OY values for California scorpionfish, cabezon (off CA only), lingcod S. of 42° N, and starry flounder. As an amendment to the Pacific whiting 2006 U.S. coastwide ABC and OY ranges (friendly amendment by Mr. Moore), adopt for analysis: an ABC range of 244,425 mt to 733,275 mt and an OY range of 134,534 mt to 403,604 mt. Further, that the OYs for shortspine and longspine thornyheads be divided into northern and southern areas; and that the OY for lingcod south of 42° N be changed to 612 mt.

Moved by: Phil Anderson  
Motion 16 passed.

Seconded by: Bob Alverson

Motion 17: Reconsider Motion 16 to modify the OY value for nearshore species within the minor rockfish south and the resulting OY value for Minor Rockfish South.

Moved by: Marija Vojkovich  
Motion 17 passed.

Seconded by: Darrell Ticehurst

Motion 18: Ms. Vojkovich moved and Mr. Ticehurst seconded a motion to amend Motion 16 by adopting an OY for minor rockfish south of 1,904 mt and an OY for nearshore species within that complex of 564 mt.

Moved by: Marija Vojkovich  
Motion 18 passed.

Seconded by: Darrell Ticehurst

Motion 19: Vote on Main Motion 16 as amended by Motion 18.

Moved by: Donald Hansen  
Motion 19 passed.

Seconded by: Darrell Ticehurst

Motion 20: Adopt the following ABCs and OYs: California scorpionfish ABC of 219 mt and OY of 175 mt; cabezon (CA) ABC of 94 mt and OY of 69 mt; starry flounder OY of 1,186 mt. Add a friendly amendment to adopt the Alternative 1 ABC in Table 2-1 (1,221 mt) and Alternative 1 OY in Table 2-1 (890 mt) for starry flounder.

Moved by: Marija Vojkovich  
Motion 20 passed.

Seconded by: Darrell Ticehurst

Motion 21: Adopt Agenda Item G.1.c, Supplemental HMSMT Report as recommendations and guidance to U.S. representatives in the international community on the issue of bigeye tuna. In addition, incorporate the suggestions by Mr. Flournoy. Recommendation number 6 is not going forward to the international community.

Moved by: Phil Anderson  
Motion 21 passed.

Seconded by: Bob Alverson

Motion 22: Continue to monitor the progress of renegotiations for the Pacific albacore treaty, and in addition to follow the recommendations given by the HMSMT in their supplemental report.

Moved by: Rod Moore  
Motion 22 passed.

Seconded by: Frank Warrens

Motion 23: Adopt the list of assessments for 2007 as shown in revised Attachment 1 (as had been shown on the projection screen), which identifies the lead authors, makes petrale sole a full assessment and English sole an update in 2007, and remove blue rockfish from the list.

Moved by: Rod Moore  
Motion 23 withdrawn, not voted on.

Seconded by: Frank Warrens

Motion 24: Adopt the revised stock assessment schedule (for 2007 only) shown as Agenda Item F.3.b, Supplemental Revised Attachment 1, and that the Council adopt the revised STAR Panel Terms of Reference (Agenda Item F.3.c Supplemental Attachment 2) with the following changes:

1. Adopt the recommendations on NMFS responsibilities, STAT Team identification of data sources, and GMT and GAP responsibilities as referenced in the Supplemental GMT Report (Agenda Item F.3.d);

2. On page 8, modify the Terms of Reference so that the number of reviewers on a STAR Panel will be set at 3, unless extenuating circumstances such as inclusion of a large number of assessments in a single STAR Panel session require more than 3 reviewers.

Include in the motion that consistent with the SSC recommendation (third paragraph of Agenda Item F.3.d, Supplemental SSC Report), to initiate development of criteria for stock assessments that would involve the groundfish subcommittee engaging in preliminary discussions with the NMFS stock assessment coordinator, Council staff, GMT and the GAP to begin scoping the issue.

Moved by: Rod Moore  
Motion 24 passed.

Seconded by: Frank Warrens

Motion 25: Reconsider the action taken under motion 24 for Agenda Item F.3.

Moved by: Rod Moore  
Motion 25 passed.

Seconded by: Curt Melcher

Motion 26: Adopt the revised stock assessment schedule shown as Agenda Item F.3.b, Supplemental Revised Attachment 1 with the removal of blackgill rockfish from the list as an assessment to be done in 2007.

Moved by: Rod Moore  
Motion 26 passed.

Seconded by: Curt Melcher

Motion 27: Instruct the Council Executive Director to write a letter to Senator Smith, and other members of congress who have asked for Council advice, explaining the likely results of the demise of

the KFMC, and requesting support of the President's budget for DOI to continue Klamath activities.

Moved by: Rod Moore

Seconded by: Frank Warrens

Motion 27 passed. Mr. Lockhart abstained.

Motion 28: Adopt the commercial seasons as proposed in Agenda Item E.6.b, Supplemental STT Report, for the area from Cape Falcon to the OR/CA border, including the edits made by the STT under E.2.b and with the following additions:

Page 2, Cape Falcon to Florence South Jetty - Landing and possession limit of 75 Chinook per vessel per calendar week (Sunday through Saturday) during June, July, and August, and 50 Chinook during September and October.

Moved by: Curt Melcher

Seconded by: Frank Warrens

Motion 28 passed. Mr. Lockhart voted no.

Motion 29: Adopt the recreational seasons as proposed in Agenda Item E.6.b, Supplemental STT Report, for the area from Cape Falcon to Horse Mt.

Moved by: Curt Melcher

Seconded by: Frank Warrens

Motion 29 passed. Mr. Lockhart voted no.

Motion 30: Adopt the commercial seasons as proposed in Agenda Item E.6.b, Supplemental STT Report, for the area from the OR/CA border to the U.S./Mexico border, including the edits made by the STT under E.6.b, and with the following additions:

Page 2, San Francisco area –a landing and possession limit of 75 Chinook per vessel per calendar week during July and August.

Page 2, Pigeon Point to Point Sur – a landing and possession limit of 75 Chinook per vessel per calendar week during May, July, and August.

Moved by: Marija Vojkovich

Seconded by: Darrell Ticehurst

Motion 30 passed. Mr. Lockhart voted no.

Motion 31: Adopt the recreational seasons as proposed in Agenda Item E.6.b, Supplemental STT Report, for the area from the Horse Mt. to the U.S./Mexico border,.

Moved by: Marija Vojkovich

Seconded by: Roger Thomas

Motion 31 passed. Mr. Lockhart voted no

Motion 32: Add to the package for commercial management options, on page 5, under section C. "Requirements, Definitions, Restrictions, Or Exceptions", the following: C.11 Consistent with Council management objectives, the State of California may establish additional limited fisheries in selected state waters. Check State regulations for details.



Moved by: Marija Vojkovich  
Motion 32 passed. Mr. Lockhart voted no.

Seconded by: Darrell Ticehurst

Motion 33: Adopt the non-Indian commercial and recreational seasons as proposed in Agenda Item E.6.b, Supplemental STT Report, for the area from Cape Falcon to the U.S./Canada border, including the edits made by the STT and Mr. Anderson under E.6.b.

Moved by: Phil Anderson  
Motion 33 passed. Mr. Lockhart voted no.

Seconded by: Mark Cedergreen

Motion 34: Adopt the treaty Indian ocean troll seasons as proposed in Agenda Item E.6.b, Supplemental STT Report, for the area from Cape Falcon to the U.S./Canada border, including the edits made by the STT and Mr. Harp under E.6.b, with the following changes:

Page 11, Supplemental Management Information 1. – Overall Treaty-Indian TAC: of 42,200 Chinook and 37,500 coho.

Page 11, U.S./Canada Border to Cape Falcon – May 1 through the earlier of June 30 or 22,700 Chinook quota...

Page 11, U.S./Canada Border to Cape Falcon – July 1 through the earlier of September 15 or 19,500 Chinook quota or 37,500 coho quota...

Moved by: Jim Harp  
Motion 34 passed. Mr. Lockhart voted no.

Seconded by: Frank Warrens

Motion 35: Adopt the landing language for the 2006 salmon regulations as shown in Agenda Item E.6.b, Supplemental EC Report. The motion also includes a friendly amendment allowing Council staff to draft and revise the necessary documents to implement the recommendations and emergency rule in accordance with Council intent.

Moved by: Marija Vojkovich  
Motion 35 passed. Mr. Lockhart voted no.

Seconded by: Darrell Ticehurst

Motion 36: Direct NMFS to implement an emergency rule to implement the regulation package as adopted in Motions 28 through 35.

Moved by: Curt Melcher  
Motion 36 passed. Mr. Lockhart voted no.

Seconded by: Jim Harp

Motion 37: Untable Motion 3.

Moved by: Bob Alverson  
Motion 37 passed.

Seconded by: Mark Cedergreen

Motion 38: Revise the limited entry fixed gear and open access limits south of 42° N latitude to allow vessels fishing for "other flatfish" with hook-and-line gear with number 2 hooks to use two

one-pound weights rather than limiting them to one one-pound weight. (Recommendation #5 in Agenda Item F.4.b, Supplemental GMT Report.). In addition: (1) add a chilipepper rockfish trip limit for the small footrope trawl fishery of 500 lbs per month (or 1,000 lbs per two months), the other rockfish trip limit would remain at 300 lbs per month; and (2) reduce the cumulative limits for sablefish to 3,000 lb/2 months and task the GMT with evaluating effort shifts into the open access DTL fishery for potential inseason adjustments at the June meeting when data become available (Recommendation #4 in Supplemental GMT Report).

Moved by: Rod Moore  
Motion 38 passed.

Seconded by: Frank Warrens

Motion 39: Appoint Ms. Becky Renko to the NMFS NWFSC GMT seat replacing Dr. Jim Hastie, to alter the composition of the HMSMT in COP 3 by changing one NMFS SWFSC seat to a NMFS SWR seat, and to appoint Mr. Craig Heberer to the vacant HMSMT NMFS SWR seat.

Moved by: Frank Lockhart  
Motion 39 passed. Mr. Harp voted no.

Seconded by: Marija Vojkovich

Motion 40: Average the 2007 and 2008 ABCs for lingcod, resulting in an ABC for both years of 6,280 mt.

Moved by: Phil Anderson  
Motion 40 passed.

Seconded by: Rod Moore

Motion 41: Adopt for analysis the management measures for commercial and recreational fisheries in states of Washington, Oregon, and California, as contained in Agenda Item F.5.c, Supplemental GMT Report.

Moved by: Marija Vojkovich  
Motion 41 passed.

Seconded by: Roger Thomas

Motion 42: Adopt items contained in Agenda Item F.6.e, Supplemental Tribal Motion.

Moved by: Jim Harp  
Motion 42 passed.

Seconded by: Frank Warrens

Motion 43: Adopt a 0.5 mt buffer within the canary OY under the high scenarios and 0.5 mt buffer within the OYs for all species under the low OY scenario. These buffers would not include EFPs. In addition, remove the 0.5 mt buffer from the low OY scenario for all species and leave only the 0.5 mt for the high OY scenario for canary.

Moved by: Rod Moore  
Motion 43 passed.

Seconded by: Frank Warrens



APPOINTMENTS TO ADVISORY BODIES, STANDING COMMITTEES,  
AND OTHER FORUMS FOR THE 2007-2009 TERM, INCLUDING ANY NECESSARY  
CHANGES TO COUNCIL OPERATING PROCEDURES (COP)

2007-2009 Advisory Body Terms - The three-year terms of the Scientific and Statistical Committee, Habitat Committee, and advisory subpanels, expire on December 31, 2006. The Council needs to review the composition of each group, recommend revisions to the COP(s) if appropriate, and solicit nominations for the next term (Agenda Item B.5.a, Attachment 1). Appointments will be made at the November 2006 meeting. The respective groups may have comments on their composition and, if so, will report these to the Council at the September and/or November meetings.

The current advisory body compositions are provided below:

**Habitat Committee - 15 members (COP 6)**

- One from National Marine Fisheries Service (NMFS) Northwest or Southwest Fisheries Science Center
- One from NMFS Northwest or Southwest Region
- One from U.S. Fish and Wildlife Service (USFWS)
- One from Pacific States Marine Fisheries Commission (PSMFC)
- One each from the four state fishery agencies (Washington, Idaho, Oregon, and California)
- Two tribal representatives (one Klamath, one Northwest or Columbia River)
- Two representing the fishing industry - one commercial and one sport
- One conservation group
- One from National Marine Sanctuaries (NMS)
- One at-large

The HC members representing NMFS, USFWS, PSMFC, NMS, and the state agencies are appointed for indefinite terms. The other HC members (tribal, industry, conservation, and public at-large) serve three-year terms, and these seats need to be advertised.

**Coastal Pelagic Species Advisory Subpanel - 10 members (COP 2)**

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

### **Groundfish Advisory Subpanel - 20 members (COP 2)**

- Three Fixed Gear (At-Large)
- One Conservation Representative
- Two Processors
- One At-Sea Processor
- Three Sport Fishers
- Three Trawlers (Washington, Oregon, California)
- Four Charter Boat Operators (Washington, Oregon, California North of Point Conception, California South of Point Conception)
- Two Open Access Fishers (North of Cape Mendocino, South of Cape Mendocino)
- One Tribal Fisher

### **Salmon Advisory Subpanel - 15 members (COP 2)**

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

### **Highly Migratory Species Advisory Subpanel - 13 members (COP 2)**

- One Commercial Troll Fisheries
- One Commercial Purse Seine Fisheries
- One Commercial Gillnet Fisheries
- Three Commercial At-Large
- One Processor north of Cape Mendocino
- One Processor south of Cape Mendocino
- One Charter Boat Operator
- One Private Sport Fisheries
- One Sport Fisheries At-Large
- One Conservation Group
- One Public At-Large

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

### **Scientific and Statistical Committee - 16 members (COP 6)**

(Including three social scientists of which two should have economic expertise)

- Four state fishery management agencies (Washington, Oregon, Idaho, California)
- Five NMFS (one from the Alaska Center, and two each from the Northwest and Southwest Centers)

- One tribal fishery management entity
- Six at-large

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

**Essential Fish Habitat (EFH) Oversight Committee (OC)**—to be formed

Section 6.2.4 of Groundfish Amendment 19 (Closed Session A.1.a, Attachment 1) requires the Council to establish an EFH OC to review proposed changes to bottom-trawl area closures, and any associated changes to Habitat Areas of Particular Concern (HAPC). The Council should consider the type of committee (ad hoc, advisory body, technical, or management team, etc.), composition, length of appointments, initiation date, and other appropriate terms for the COP governing the EFHOC, if the decision is to move forward at this time.

Other Appointments or Advisory Body Issues or Information - At the time of Briefing Book preparation, the following issues were identified to be addressed by the Council:

The State of Oregon has requested Mr. Brett Wiedoff replace Ms. Jean McCrae on the Coastal Pelagic Species Management Team (CPSMT) (Closed Session A.1.a, Attachment 2).

The State of Oregon has requested Ms. Cyreis Schmitt replace Ms. Jean McCrae on the Highly Migratory Species Management Team (HMSMT) (Closed Session A.1.a, Attachment 3).

The State of Oregon has requested Ms. Kelly Ames replace Ms. Gway Kirschner on the Groundfish Management Team (Closed Session A.1.a, Attachment 6).

Replacements should be solicited for non-voting advisory members on the Groundfish Allocation Committee (GAC) representing the open access and whiting fishery sectors. The standard recruitment and appointment schedule would result in not filling the seats before the GAC is scheduled to meet in October, so the Council may consider appointing alternates in the interim.

Replacements for Mr. Jim Harp on the Budget Committee and Mr. Bob Alverson on the Legislative Committee should be appointed.

Ad hoc committee members that have had a change in status include:

Mr. Bob Alverson on the Groundfish Strategic Plan Implementation Oversight Committee;  
Mr. Jim Harp on the Coastal Pelagic Species Tribal Allocation Committee; and  
Ms. Kathy Fosmark on the Groundfish Strategic Plan Implementation Oversight Committee Open Access Conversion Subcommittee.

The NMFS SWFSC has notified us of Dr. Dale Squire's resignation from the HMSMT, and has not proposed filling the seat at this time (Closed Session A.1.a, Attachment 4). The Council has previously considered providing a seat for the Inter-American Tropical Tuna Commission, but postponed that action as the preferred candidate was on sabbatical. The Council may want to

reconsider this option, which would require a change in the COP 2 governing composition of the HMSMT.

The composition of the CPSMT as listed in COP 3 does not reflect the current membership, which includes three NMFS members (Dr.'s. Chrone, Herrick, and Hill), while COP 3 only identifies two NMFS seats. The Council should consider updating COP 3 to reflect the active participation.

The U.S. Coast Guard has appointed CDR Pete Martin as a Council designee for RADM Houck, replacing CDR Fred Meyer (Closed Session A.1.a, Attachment 5).

Chairman Hansen appointed Ms. Donna Parker to replace Mr. Dale Myer on the Ad Hoc Groundfish Trawl Individual Quota Committee.

### **Council Action:**

- 1. Review composition of advisory entities and propose revisions to COP, if appropriate.**
- 2. Direct staff to solicit nominations for members to the HC, SSC, CPSAS, GAP, SAS, and HMSAS for the new three-year term beginning in 2007.**
- 3. Consider formation of an EFH OC.**
- 4. Consider appointments for ODFW seats on the CPSMT, GMT, and HMSMT.**
- 5. Solicit Nominations for non-voting advisors on the GAC representing the Open Access and Whiting Fishery sectors, and consider alternates in the interim.**
- 6. Announce appointments to the Legislative, Budget, and various ad hoc committees.**
- 7. Consider a correction for the HMSMT composition (COP 3).**

### **Reference Materials:**

1. Agenda Item B.5.a, Attachment 1: Council Operation Procedures 2-Advisory Subpanels; 3-Plan, Technical, and Management Teams; 4-Scientific and Statistical Committee; and 6-Habitat Committee.
2. Agenda Item B.5.a, Attachment 2: Excerpt from Groundfish Amendment 19 Section 6.2.4.
3. Closed Session A.1.a, Attachment 2: CPSMT Nomination.
4. Closed Session A.1.a, Attachment 3: HMSMT Nomination.
5. Closed Session A.1.a, Attachment 6: GMT Nomination.

### **Agenda Order:**

- a. Agenda Item Overview
  - b. Report of Advisory Bodies
  - c. Public Comment
  - d. Council Action: Consider Changes to COP, Appoint New Members as Necessary, and Solicit Nominations for the 2007-2009 Advisory Body Term
- Chuck Tracy

## **COUNCIL OPERATING PROCEDURE**

### **Advisory Subpanels**

Approved by Council: 07/20/83

Revised: 11/17/89, 11/13/90, 04/06/95, 04/17/96, 10/25/96, 09/12/97, 09/18/98, 09/15/00,  
11/01/02, **03/11/05**

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### **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 U.S. commercial and recreational fisheries will harvest the resources managed under their respective 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 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.
2. The Council may establish or abolish subpanels as it deems necessary to perform the Council's 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 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.

### 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, responsibilities, and approximate time commitment involved.

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 twice 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 two alternates per year 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.

### Subcommittees

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

### 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 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 subpanel 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.

### 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 (e-mail 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.

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*.

### MINUTES

As workload permits, Council staff shall attend and draft summary minutes of each subpanel meeting.

### STAFF RESPONSIBILITIES

Council staff will assist the subpanels as 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.

## 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.
1. 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

Subpanel and Total Number of Members	Affiliation or Representation
Coastal Pelagic (10)	<ul style="list-style-type: none"> <li>3 California Commercial Fisheries</li> <li>1 Oregon Commercial Fisheries</li> <li>1 Washington Commercial Fisheries</li> <li>3 Processors (California, Washington, or Oregon)</li> <li>1 California Charter/Sport Fisheries</li> <li>1 Conservation Group</li> </ul>
Groundfish (20)	<ul style="list-style-type: none"> <li>3 Fixed Gear Fisheries (at-large)</li> <li>1 Washington Trawl Fisheries</li> <li>1 Oregon Trawl Fisheries</li> <li>1 California Trawl Fisheries</li> <li>1 Open Access Fisheries north of Cape Mendocino</li> <li>1 Open Access Fisheries south of Cape Mendocino</li> <li>2 Processors (at-large)</li> <li>1 At-Sea Processor</li> <li>1 Washington Charter Boat Operator</li> <li>1 Oregon Charter Boat Operator</li> <li>1 California north of Pt. Conception Charter Boat</li> </ul>

## REPRESENTATION ON SUBPANELS

Subpanel and Total Number of Members	Affiliation or Representation
Highly Migratory Species (13)	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
	1 Commercial Troll Fisheries
	1 Commercial Purse Seine Fisheries
	1 Commercial Gillnet Fisheries
	3 Commercial At-Large
	1 Processor north of Cape Mendocino
	1 Processor south of Cape Mendocino
	1 Charter Boat Operator
	1 Private Sport Fisheries
	1 Sport Fisheries At-Large
	1 Conservation Group
Salmon (15)	1 Public At-Large
	1 Washington Troll Fisheries
	1 Oregon Troll Fisheries
	1 California Troll Fisheries
	1 Gillnet Fisheries
	1 Processor
	1 Washington Charter Boat Operator
	1 Oregon Charter Boat Operator
	1 California Charter Boat Operator
	1 Washington Sport Fisheries
	1 Oregon Sport Fisheries
	1 Idaho Sport Fisheries
	1 California Sport Fisheries
	1 Tribal Fisheries (Washington Coast, individual must be active in tribal fishery)
	1 Tribal Representative (California)
	1 Conservation Group

## **COUNCIL OPERATING PROCEDURE**

### **Plan, Technical, and Management Teams**

Approved by Council: 07/20/83

Revised: 09/16/87, 11/13/90, 04/06/95, 6/17/03, 03/11/05, 04/07/06

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#### **PURPOSE**

To establish procedures for plan, technical, and management teams (Teams).

#### **OBJECTIVES AND DUTIES**

When requested by the Council Chair or the Executive Director, the Teams shall:

1. Furnish objective, scientific appraisals of particular fisheries and associated biological resources as assigned by 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.
2. Contribute to the development of fishery management plans (FMP) and FMP amendments, and develop proposed changes to regulations when it is determined by the Council that such FMPs or amendments are required.
3. In preparing a draft FMP, present alternative management goals and objectives to the Council for adoption. Management goals and objectives 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.
4. Present analyses that 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 bodies may 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 shall be included prior to adoption of each FMP or amendment.

7. Contribute to documents and reports required by an FMP or the Council, such as Stock Assessment and Fishery Evaluation (SAFE) documents. In particular:
  - The Salmon Technical Team will compile annual abundance forecasts.
  - Council staff will prepare groundfish rebuilding plans, as required.
8. Evaluate, validate, document, and recommend changes to models used to estimate impacts of Council management proposals.
9. Assist the Council and National Marine Fisheries Service (NMFS) staff in the preparation of the 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, 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. 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.
10. Attend Council meetings at the request of the Council Chair or the Executive Director to advise the Council on specific fisheries, with particular reference to the biological and socioeconomic implications of managing those fisheries.
11. Be represented at 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.
12. 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.
13. Present models, stock assessments, 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.
14. 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.
15. 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 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.

16. 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.
17. 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.)

### 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.
2. The Council may establish or abolish such Teams as it deems necessary to perform Council duties as specified under the Magnuson-Stevens Act and other applicable laws.
2. 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 are appointed by the Council.

### 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.

#### Termination of Membership

A Team member may be replaced at the Council's discretion if the member; 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 Chair or Council Executive Director, 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 Executive Director shall contact the agency or organization 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 alternate is expected to fulfill the primary duties of the absent member. The alternate may be reimbursed for travel expenses per the Council travel rules.

### Officers

The Chair and 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 Executive Director, as often as necessary to fulfill their responsibilities.

### Public Participation

Scheduled meetings of Teams and Team subcommittees shall be announced in advance in the *Federal Register* and by other means to ensure wide distribution (described below). 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 Team 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, 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 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 (e-mail 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

If practicable, Council staff or a Team member shall draft summary minutes of each Team meeting

#### STAFF RESPONSIBILITIES

Council staff members will assist the Teams as required.

#### AGENCY OR ORGANIZATION POLICY POSITION ADVOCATES

Team members will not act as official policy advocates of agency or organization positions while 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 Executive Director will consider reimbursing such experts for travel expenses on a case-by-case basis.

## CURRENT REPRESENTATION ON TEAMS

Team and Total Number of Members	Affiliation
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
Groundfish ( 11)	6 State fish management agency (two each from Washington, Oregon, California) 1 NMFS Southwest Fisheries Science Center 1 NMFS Northwest Fisheries Science Center 2 NMFS Northwest Region 1 Tribal Agency One of the members should be an economist
Highly Migratory Species (8)	3 NMFS Southwest Fisheries Science Center 2 NMFS Southwest Region 3 State Fish Management Agency (one each from Washington, Oregon, California)
Salmon (8)	3 State Fish Management Agency (one each from Washington, Oregon, California) 3 NMFS 1 USFWS 1 Tribal Governments
Model Evaluation Workgroup (7-9)	3 State Fish Management Agency (one each from Washington, Oregon, California) 1 NMFS 1 Northwest Indian Fisheries Commission 1 Columbia River Inter-Tribal Fish Commission 1 USFWS 1 SSC (may be filled by one of the state or tribal agency representatives) 1 STT (may be filled by one of the state or tribal agency representatives)

## **COUNCIL OPERATING PROCEDURE**

### **Scientific and Statistical Committee**

Approved by Council: 07/20/83

Revised: 07/10/85, 09/16/87, 04/06/95, 09/18/98, 09/15/00, 06/18/02, 03/11/05

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#### **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 Number 12 entitled Update and Communication of Research and Data Needs and West Coast Economic Data Plan.)
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 Plan, Technical, or Management Teams, assessment review bodies (e.g., groundfish Stock Assessment Review, salmon Methodology Evaluation Workgroup), or organization perspectives before the issues come before the Council.
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.

#### 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, unless otherwise approved by the Executive Director. 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.

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 (16 members). The Council shall strive to include on the committee three social scientists, of which at least two shall have economic sciences expertise.

1. State fishery management agencies (4)
  - X Washington Department of Fish and Wildlife
  - X Oregon Department of Fish and Wildlife
  - X California Department of Fish and Game
  - X Idaho Department of Fish and Game

2. National Marine Fisheries Service (5)
  - X Alaska Fisheries Science Center (1)
  - X Northwest Fisheries Science Center (2—one with expertise in groundfish stock assessment)
  - X 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 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. However, non-federal employees will be reimbursed for expenses while traveling to and participating at meetings of official Council business, as per the *Council Travel Rules* document.

### Termination of Membership

An SSC member may be replaced at the Council's discretion if a member; 1) transfers employment or moves to a different location, 2) is absent from two or more consecutive meetings without giving adequate notification to the SSC Chair or Council Executive Director, or 3) appears 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

When an appointed member representing a federal, state, or tribal agency (categories 1, 2, and 3) will not be able to attend a meeting, a designee may be appointed if the Executive Director is notified in advance and in writing. 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 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.

### Subcommittees

The committee may establish such subcommittees as it deems necessary to facilitate its duties. In addition, a socioeconomic subcommittee will be formed to work closely with team/staff economists and sociologists. Subcommittee reports will not be considered final until approved by the full SSC.

### 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 Monday and Tuesday during 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 in 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 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.

Copies of this operating procedure shall be available upon request from the Council office.

### 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 (e-mail 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*.

### 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 a 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, and to provide other expertise needed by the committee on a case-by-case basis.

# **COUNCIL OPERATING PROCEDURE**

**6**

## **Habitat Committee**

Approved by Council: 04/06/95

Revised: 04/12/96, 03/05/97, 04/08/97, 09/18/98, 09/15/00, 11/01/02, 10/17/03, 03/11/05

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### **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 15 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 NMFS Northwest or Southwest Fisheries Science Center.
- 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.
- One member representing a conservation group.
- One member from National Marine Sanctuaries (NMS).
- One member at-large.

## MEMBERSHIP

### Terms

The HC members representing NMFS, USFWS, PSMFC, NMS, and the state agencies 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 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 a member; 1) transfers 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.

### 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 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. 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 (e-mail 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*.

### 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 evaluation of the need for Council action and/or support.

## EXCERPT FROM GROUND FISH AMENDMENT 19 SECTION 6.2.4

### 6.2.4 The Habitat Conservation Framework

In order to protect EFH from the adverse effects of fishing, the Council has identified areas that are closed to bottom trawling (see sections 6.8 and 7.4). These areas are described in Federal regulations and may be modified through the full rulemaking process as described under Section 6.2 D. The Council shall establish an EFH Oversight Committee (OC). At the request of the Council, the EFH OC would review the areas currently closed to bottom trawling and recommend to the Council the elimination of existing areas or the addition of new areas, or modification of the extent and location of existing areas. In making its recommendation to the Council, the committee should consider, but is not limited to considering, the best available scientific information about:

1. The importance of habitat types to any groundfish FMU species for their spawning, breeding, feeding, or growth to maturity.
2. The presence and location of important habitat (as defined immediately above).
3. The presence and location of habitat that is vulnerable to the effects of bottom trawl fishing.
4. The presence and location of unique, rare, or threatened habitat.
5. The socioeconomic and management-related effects of closures, including changes in the location and intensity of bottom trawl fishing effort, the displacement or loss of revenue from fishing, and social and economic effects to fishing communities attributable to the location and extent of closed areas.

When making its recommendation to the Council, the committee may also include in its recommendations proposed changes in the designation of habitat areas of particular concern (HAPCs) consistent with the proposed modification of the location and extent of areas closed to bottom trawling. For example, if a current closed area, which is also identified as a HAPC, is recommended for elimination, the committee may recommend whether or not to retain the HAPC designation. Any such recommendation with respect to a HAPC would trigger the process for the modification of HAPCs (by FMP amendment) described in Section 7.3.2. Upon receipt of a recommendation from the committee, the Council will decide whether to begin the rulemaking process described in Section 6.2 D for establishing, adjusting, or removing discretionary management measures intended to have a permanent effect.

PFMC  
08/22/06

## UPDATED RESEARCH AND DATA NEEDS

The Pacific Fishery Management Council (Council) continually identifies research and data needs across its fishery management plans (FMPs) through a variety of processes, including stock assessment and fishery management cycles. Council Operating Procedure (COP) 12 outlines the Council's process for documenting research and data needs, updating the West Coast Fisheries Economic Data Plan, and the schedule for completing and communicating these needs to organizations which may be able to support additional research. COP 12 recommends the Council complete this process on a biennial cycle "to the extent possible within its workload priorities." The schedule for this process is designed to begin in an odd numbered year with a draft document for review by the Scientific and Statistical Committee (SSC) in April of the following even year and culminates with Council final approval in September and transmittal in December.

The Council last updated its Research and Data Needs document and the West Coast Fisheries Economic Data Plan in 2000 for the years 2000-2002. Due to heavy workload, this process was tabled in 2004. In 2006, although the Council's workload remains high, the Council directed the SSC to draft an abbreviated documentation of the Council's research and data needs that remain from the 2000 process and identify priority items that have emerged since then.

The SSC discussed a revised schedule for the 2006 process at its April and June 2006 meetings. Upon initiation, the 2006 process was well behind the normal schedule. Therefore, Council staff and the SSC developed a truncated process to facilitate a summary document in 2006. This truncated schedule began in April 2006 with discussions of timing, document format and content, and a compilation of recently identified research and data needs. In June 2006, the SSC assigned each SSC Subcommittee Chair the task of reviewing and compiling recent research and data needs and drafting a corresponding section of the 2006 document. Each SSC subcommittee chair drafted a section that (1) describes the current status of the highest priority needs for an FMP as identified in the Executive Summary of the Research and Data Needs 2000-2002 document, (2) addresses continuing issues, and (3) identifies important emerging issues not covered in the 2000 document. In addition to the existing sections on groundfish, salmon, coastal pelagic species, and marine reserves, a new section was created for the relatively new FMP for Highly Migratory Species and the marine reserves section was expanded to include emerging issues associated with ecosystem based fishery management.

The resulting draft summary documentation of Research and Data Needs for 2006-2008 (Agenda Item B.6.a, Attachment 1) is included for review by the Council, its advisory bodies, and the public. The Council is scheduled to adopt a draft document for public review between the September and November Council meetings. A final draft will be included in the November 2006 briefing book. If the Council approves a final document at its November 2006 meeting, it will be submitted to various organizations in December 2006.

Reference materials include the Research and Data Needs and West Coast Fisheries Economic Data Plan documents from the 2000 process (Agenda Item B.6.1, Attachment 2 and Attachment 3). Additionally, September 2006 Informational Report 3, *Social Science in the PPMC Process* would also serve as a useful reference in the development of the final 2006 Research and Data Needs document.

**Council Action:**

**Approve Draft Research and Data Needs, 2006-2008 Document for Public Review.**

**Reference Materials:**

1. Agenda Item B.6.a, Attachment 1: Draft Research and Data Needs, 2006-2008.
2. Agenda Item B.6.a, Attachment 2: Research and Data Needs, 2000-2002.
3. Agenda Item B.6.a, Attachment 3: West Coast Fisheries Economic Data Plan, 2000-2002.

**Agenda Order:**

- a. Agenda Item Overview
- b. Reports and Comments of Advisory Bodies
- c. Public Comment
- d. **Council Action:** Approve for Public Review

Mike Burner

PFMC  
08/25/06

**DRAFT**  
**RESEARCH AND DATA NEEDS**  
**2006-2008**

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**SEPTEMBER 2006**





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## 1.0 INTRODUCTION

The Pacific Fishery Management Council (Council) continually identifies research and data needs across its fishery management plans (FMPs) through a variety of processes, including stock assessment and fishery management cycles. Council Operating Procedure (COP) 12 outlines the Council's process for documenting research and data needs, updating the West Coast Fisheries Economic Data Plan, and the schedule for completing and communicating these needs to organizations which may be able to support additional research. COP 12 recommends the Council complete this process on a biennial cycle "to the extent possible within its workload priorities." The schedule for this process is designed to begin in an odd numbered year with a draft document for review by the Scientific and Statistical Committee (SSC) in April of the following even year and culminates with Council final approval in September and transmittal in December.

The Council last updated its Research and Data Needs document and the West Coast Fisheries Economic Data Plan in 2000 for the years 2000-2002. Due to heavy workload this process was tabled in 2004. In 2006, although the Council's workload remains high, the Council directed the SSC to draft an abbreviated documentation of the Council's research and data needs that remain from the 2000 process and identify priority items that have emerged since then.

The SSC discussed a revised schedule for the 2006 process at its April and June 2006 meetings. The 2006 process was well behind the 2000 schedule upon initiation so the following represents a truncated process to facilitate a summary document in 2006:

**April 2006** - Revised schedule for 2006 discussed and Council staff was directed to compile recently identified research and data needs by FMP from various Council documents for SSC review in June.

**June 2006** - The SSC assigned each subcommittee Chair the task of reviewing the Research and Data Needs and West Coast Fisheries Economic Data Plan documents from 2000 and the Council staff compilation of recent research and data needs and drafting a corresponding section of the 2006 document. In an effort to streamline the process the SSC incorporated economic and social science issues into the Research and Data needs document and recommends not revising the West Coast Fisheries Economic Data Plan for this cycle. Each SSC subcommittee chair drafted a section that (1) describes the current status of the highest priority needs for an FMP as identified in the Executive Summary of the Research and Data Needs 2000-2002 document, (2) addresses continuing issues, and (3) identifies important emerging issues not covered in the 2000 document. In addition to the existing sections on groundfish, salmon, coastal pelagic species, and marine reserves, a new section was created for the relatively new FMP for Highly Migratory Species and the marine reserves section was expanded to include emerging issues associated with ecosystem based fishery management.

**September 2006** - Council staff compiles the draft into a single summary document for review by the Council, its advisory bodies, and the public at the September 2006 Council meeting. The Council adopts a document for public review between the September and November Council meetings.

**November 2006** - A final draft is included in the November 2006 briefing book. At its November meeting the Council approves a final document to be submitted to various organizations.

**December 2006** - Council staff completes and transmits the final Research and Data Needs document to National Marine Fisheries Service West Coast Regional Offices and Science Centers, West Coast States, Pacific States Marine Fisheries Commission, and National and West Coast Sea Grant Institutions.

The following sections represent the SSC's first draft of the 2006 Research and Data Needs summary document. It is a draft document that is currently being reviewed by the Council, its advisory bodies, and the public. Therefore do not cite this document.

## **2.0 GROUNDFISH FISHERY MANAGEMENT PLAN**

### **2.1. PROGRESS ON 2000 GROUNDFISH PRIORITIES**

#### ***Establish a West Coast stock assessment coordinator.***

A position was established at NWFSC to coordinate groundfish stock assessments. The 2005 assessment cycle, during which 23 stock assessments were prepared and reviewed, would not have been possible without extensive coordination.

#### ***Develop and implement a coastwide multi-state system for electronic recording of fishticket information and fishery logbooks in consistent form.***

An integrated electronic recording system for fishticket and logbook information for the Pacific coast is not yet in place. There has been some progress towards this goal. A pilot project was developed by NWFSC and tested by CDFG and one processor in 2004, but this project received no additional funding. Funds for development of an electronic fishticket system for the Pacific coast have been allocated to the Northwest Regional Office for distribution to PSMFC as part of a nationwide NMFS initiative to promote electronic data recording. It is reasonable to anticipate that this effort will bear fruit within several years.

This item remains a priority. The present need for real-time estimates of landings and discards is acute. The Groundfish Management Team and NMFS track groundfish catches inseason and attempt to produce close to real-time estimates of landings and discards. An electronic fishticket system would provide real-time landings data that are more precise with all the requisite information captured.

Logbooks are used with fishtickets and West Coast Groundfish Observer Program (WCGOP) data to reconcile the total catch by area and determine bycatch rates in association with target species. Logbook data availability can lag by as much as a year, which delays input data to bycatch models and the total catch reconciliation process. Electronic logbooks, like electronic fishtickets, increase accuracy of critical data needed for good management decision-making. Logbook programs should be developed for other commercial sectors beyond the limited entry trawl fishery.

#### ***Develop methods, programs, or analytical tools to quantify amount of groundfish discarded by the various fishing sectors.***

West Coast Groundfish Observer Program (WCGOP) was established in 2001 to improve estimates of total catch and discard in West Coast fisheries. The program deploys over 40 observers, and collects at-sea data from limited-entry trawl and fixed gear fleets as well as from open access, nearshore, prawn, and shrimp fleets. Currently, the coverage objective is to maintain, at minimum, 20% coverage of the limited-entry trawl fleet and fixed gear fleets. Although WCGOP has made progress in quantifying discard in trawl fisheries, observer coverage of other commercial sectors may not be adequate to estimate discard rates.

***Continue to work on a plan to conduct annual resource surveys.***

An annual slope survey conducted by commercial trawlers was initiated by NWFSC in 1998. In 2004, the slope survey was extended onto the shelf and is now intended to be a comprehensive annual survey of both shelf and slope groundfish resources along the entire west coast. This expanded survey supplants the Alaska Fisheries Science Center's triennial shelf survey, which was conducted for the final time in 2004.

***Investigate impact of fishing gear on specific habitats and habitat productivity on the West Coast fishing grounds.***

A major effort was made to prepare a comprehensive EIS analysis for the essential fish habitat amendment to the FMP. The EIS analysis was an integrated GIS (Geographic Information System) analysis that included the first complete substrate map of the Pacific coast, habitat suitability maps for groundfish species, and maps of fishing impact and habitat sensitivity. This analysis was a significant achievement, but a notable shortcoming was the lack of information on fishing impacts specific to Pacific coast habitats. In an extensive literature review, the EIS identified only two Pacific coast studies. One study was anecdotal; the other was an observational study funded by the Monterey Bay National Marine Sanctuary and published in 1998. Estimates of habitat sensitivity to fishing gear impact and habitat recovery were obtained from studies in other areas. There is no active research program to study fishing gear impacts on Pacific coast marine habitat.

## **2.2 CONTINUING ISSUES**

### ***General***

- Further planning and coordination is needed with longer time horizons to address strategic objectives. A plan is needed for the development of research and data collection projects. The plan should include an evaluation of the availability of assessment data for each species in the FMP and the adequacy of existing surveys to monitor stock abundance trends. The plan should include specific projects as well as mechanisms for coordination and development of an ongoing interagency program for addressing West Coast groundfish research and data needs.

### ***Fishery Monitoring and Data Collection***

- For reasons already noted, a fully integrated fishery statistics program, including fishtickets, logbooks, observer program data is a priority for groundfish management.
- Bycatch model used to estimate total discards is an empirical model whose performance should be evaluated on an ongoing basis as data become available. Refinements to the bycatch model may be needed if model predictions of discard are inaccurate.
- Information on the size composition of discards was identified as data need in assessments of Dover sole, petrale sole, and English sole. Discards of these species can be significant and are unlikely to correspond to the default assumption that discards have

the same size composition as retained catch. In some cases, the size composition of discard provides information about the magnitude of recruiting year classes.

### ***Resource Assessment Surveys***

- Evaluate feasibility of and develop as appropriate alternative survey methodologies for measuring abundance and distribution of groundfish, including egg and larval survey, visual, acoustic and laser systems. In recent years, feasibility studies or small-scale surveys have been conducted using submersibles, acoustics, LIDAR, hook and line gear, and egg and larval sampling. The information now exists to evaluate the comparative costs and utility of these alternative survey methods for groundfish assessment. Once a preferred method (or methods) has been identified, a long-term plan should be developed to conduct surveys to provide trend data for assessment models.
- Additional attention should be given to evaluating hook and line or longline gear for surveying rockfish populations. The gear is inexpensive, can be standardized across survey platforms, is deployable on a variety of bottom types, and is suitable for cooperative research projects with the fishing fleet. Since most rockfish species are not common and have low productivity, sustainable yields are likely to be low even after overfished species are rebuilt. Only low cost or self-funding survey methods may be viable over the long term given the vagaries of state and federal funding for fisheries research.

### ***Biological Information Including Fishery and Productivity Parameters***

- Expand research on basic life history of nearshore groundfish stocks that are targeted by hook and line fisheries and recreational fisheries. Studies should be specifically designed to estimate basic assessment information, including growth curves, length-weight relationships, age and length-maturity schedules, and longevity. Identify which species in the groundfish FMP are lacking this basic information, and develop a timetable for generating this information.

### ***Stock Assessment Modeling***

- Evaluate the statistical properties (i.e., bias, estimability, variance, etc.) of current stock assessment models used for groundfish. Assessment models for groundfish are complex with many estimated parameters, yet often the data used to fit these models are sparse and uncertain. The reliability of model estimates should be tested using simulation procedures.
- Conduct field projects and modeling studies to determine which selectivity assumptions (dome shape vs. asymptotic) are most appropriate for the various groundfish stocks including lingcod and numerous species of rockfish with age structured assessments.
- Continue the evaluation of OY control rules, biological reference points, spawner-recruit relationships and harvest policies used to make decisions about acceptable biological catch and harvest guideline/optimum yield for groundfish. Simulation methods should be used to evaluate the performance of harvest control rules used to determine OY, and to



test alternative methods for determining  $B_{MSY}$  and  $F_{MSY}$ . Harvest policies should be tested to determine whether they are robust to decadal- scale environmental variation.

- Evaluate how best to account for uncertainty in stock assessments. Explore alternative approaches to present uncertainty in a way that facilitates informed decision-making.

***Habitat*** (From *Pacific Coast Groundfish EFH FEIS, Research Needs and Data Gaps Analysis for Groundfish Essential Fish Habitat*)

- Specifically identify habitat areas of particular concern: those rare, sensitive, and vulnerable habitats (to adverse fishing and nonfishing effects). Identify associated life stages and their distributions, especially for species and life stages with level 1 (or no) information. Develop appropriate protection, restoration, and enhancement measures.
- Identify any existing areas that may function as “natural” reserves and protection measures for these areas.
- Map benthic habitats on spatial scales of the fisheries and with sufficient resolution to identify and quantify fish/habitat associations, fishery effects on habitat, and the spatial structure of populations. Mapping of the rocky areas of the continental shelf is critical for the identification of the rocky shelf and nonrocky shelf composite EFHs.
- Explore merits of harvest refugia as a potential management tool. Determine candidates, sites, and criteria for refugia; develop quantitative and qualitative methods to assess the effectiveness of the refugia; and develop methods to protect refugia from anthropogenic impacts.
- Conduct experiments to assess the effects of various fishing gears on specific habitats on the West Coast and to develop methods to minimize those impacts, as appropriate. From existing and new sources, gather sufficient information on fishing activities for each gear type to prioritize gear research by gear, species, and habitat type.
- Explore and better define the relationships between habitat, especially EFH, and productivity of groundfish species. Improved understanding of the mechanisms that influence larval dispersal and recruitment is especially important.
- Evaluate the potential for incentives as a management tool to minimize adverse effects of fishing and nonfishing activities on EFH.
- Standardize methods, classification systems, and calibrate equipment and vessels to provide comparable results in research studies and enhance collaborative efforts.
- Develop methods, as necessary, and monitor effectiveness of recommended conservation measures for nonfishing effects. Develop and demonstrate methods to restore habitat function for degraded habitats.

## 2.3 EMERGING ISSUES

### *Fishery Monitoring and Data Collection*

- Several of the 2005 assessments have conducted historical catch reconstructions. An effort needs to be made to develop a consistent approach to reconstructing catch histories. The ideal outcome would be a single document outlining the best reconstructed catch histories for each species (c.f. Rogers (2003) that lists foreign catches).
- The California landing receipts on microfilm back to 1950 should be incorporated into the landings database.

### *Resource Assessment Surveys*

- Develop methods to integrate the NWFSC shelf-slope survey into groundfish assessments.
- Accurate bottom substrate maps, including trawlable and untrawlable habitat, are critical to interpretation of survey abundance indices. Efforts should continue to refine habitat maps of Pacific coast continental shelf and slope. Many commercial vessels are now using automated mapping software to augment digital navigation charts with improved bathymetry and bottom substrate information from echosounders. Cooperative research projects to access this information should be considered.
- Examine how best to use young-of-the-year groundfish surveys in stock assessment. Topics that need to be considered include 1) review and finalization of protocols for an integrated, coastwide pre-recruit survey, 2) evaluation of methods for including existing pre-recruit survey data in groundfish stock assessments and 3) evaluation of the usefulness of pre-recruit abundance indices in assessing the status of groundfish stocks.

### *Biological Information Including Fishery and Productivity Parameters*

- Current harvest policies for rockfish use female spawning biomass or egg production as a metric of reproductive output. Recent laboratory research suggests that the larval survival of black rockfish increases with the age of the spawner, a result which calls into question the current working assumption. At present it is unclear if this is a general characteristic of rockfish reproductive biology. Both fieldwork and laboratory studies are needed to evaluate the importance of maternal age in rockfish reproductive biology. Analysis is needed to assess the effects on current harvest policies.

### *Stock Assessment Modeling*

- Current assessment models treat populations as a single unit. Often there are geographic differences in biological and fishery characteristics without compelling evidence that separate stocks exist. Population densities and temporal pattern of fishing mortality also show geographic differences. Meta-population assessment models should be developed for linked populations. Such models will be necessary to assess impacts of spatially-

explicit management measures now being used by Council, and likely to be used to a greater degree in the future.

- The use of recreational fishery CPUE in stock assessments has increased, particularly for assessing nearshore species for which there are no other reliable indices of abundance. Although there have been some recent advances in the analytical methods used to derive abundance indices from CPUE data, further work is needed understand the properties of recreational CPUE data. In particular, the effect of management changes and alternative fishing opportunities should be evaluated.
- Develop guidance on use of Bayesian priors in stock assessment models.
- Develop methods to assess and manage stocks for which data are not adequate to fit age-structured assessment models. Develop procedures to calculate ABCs and OYs for these data-poor stocks.

#### *Habitat*

- Continue development of dynamic spatially-explicit models of habitat sensitivity, fishing impact, and habitat recovery. A draft habitat model was developed for the EFH comprehensive risk analysis but was considered too preliminary to be used. Given the Council's intention to review EFH descriptions, HAPC designations and fishing impacts on EFH every five years, a tool will be needed to evaluate ongoing fishing impacts on EFH.

### 3.0 SALMON FISHERY MANAGEMENT PLAN

Salmon fishery management in the Pacific Northwest is undergoing a shift from mixed stock fisheries to selective fisheries for hatchery stocks. Successful implementation of selective fisheries will require accurate estimates of non-retention mortalities and new, more detailed information on fishery stock contributions and migration patterns. Techniques for Genetic Stock Identification (GSI) are now developed to the point that they are a potential management tool. With the establishment of the coastwide genetic baseline for chinook, [105 – check this #] stocks of chinook can be identified to river of origin. There is currently intense interest in using these techniques for inseason management of weak stock impacts. Recent expansion of listings under the Endangered Species Act, and the new definition of EFH, expand the Council's concerns with both freshwater and marine habitat in relation to harvest strategies and conservation. The revised Magnuson-Stevens Act requires better definitions of MSY and better understanding of population dynamics.

In 2000, three highest priority research and data needs for salmon were identified, along with numerous additional high priority needs. The 2000 review briefly discussed the status of the three highest priority needs, and identify (in bold) the additional high priority needs that form an essential basis for the highest priority needs. The 2000 review then provides a brief discussion of the high priority items associated with the highest priority needs. Finally, a few other high priority needs are cited.

The following ranked criteria were used to guide the selection and prioritization of research and data projects:

1. Projects address long-term fundamental problems of West Coast fisheries.
2. Projects improve the quality of information, models, and analytical tools used for biological assessment and management.
3. Projects increase the long-run market competitiveness and economic profitability of the industry.
4. Projects contribute to the understanding by decision makers of social and economic implications in meeting biological and conservation objectives.
5. Projects provide data and/or information to meet the requirements of the Magnuson-Stevens Act, the Regulatory Flexibility Act, and other applicable laws.

All research and data projects listed in this document are considered either “high priority” needs or “highest priority needs” according to their ability to meet the criteria listed above.

### 3.1 Status of the Three Highest Priorities Identified in 2000

**1. A more accurate assessment of total fishing related mortality of natural stocks of coho and chinook.** Fishery management regimes designed to reduce impacts through nonretention or selective fishing depend for success on unbiased estimates of noncatch mortality.

Harvest models have been modified to incorporate non-catch mortality. The selective coho FRAM has been approved for Council use, but the selective chinook FRAM is still under review. There is interest in, and some progress in, the creation of **Coastwide models**. The modified models should work well when exploitation rates on marked stocks are relatively low, but as **Selective fisheries** become more intense these models will tend to underestimate total mortality. This problem could be addressed by using **Continuous catch equations**, which, in turn, would probably require a model of **Migration** patterns. The harvest models become more sensitive to estimates of **Noncatch fishing mortality** as modeled fisheries become more intense. Related to this issue is the need to incorporate **Explicit consideration of uncertainty and risk** in these models as they are developed.

**2. Advances in genetic stock identification, otolith marking, and other techniques may make it feasible to use a variety of stock identification technologies to assess fishery impacts and migration patterns.** The increasing necessity for weak-stock management puts a premium on the ability to identify naturally reproducing stocks and stocks that contribute to fisheries at low rates. The CWT marking system is not suitable for these needs. The Council should encourage efforts to apply these techniques to management.

Substantial progress has been made on this item in the past 6 years. A coastwide microsatellite database for Chinook has been developed. A similar database for coho salmon is under development, but needs resources to coordinate efforts for the entire coast. Genetic techniques have improved so that samples can potentially be analyzed within 24-48 hours of arrival at the laboratory. GSI is actively being used in Canada to manage coho salmon fisheries off the west coast of Vancouver Island. Studies are under way to evaluate the potential usefulness of real time GSI samples in Chinook management, particularly in relationship to Klamath fall Chinook. There are proposals to develop operational **Alternatives to time-area management** using these techniques, in combination with existing CWT marking, **Mass marking**, otolith microchemistry, and other emerging **Stock identification** techniques. These studies are now the highest priority for salmon management.

**3. Encourage development of probabilistic habitat-based models that incorporate environmental variation to establish harvest policies and enable risk assessment for fishing strategies.**

Overfishing definitions are required to relate to a measure of MSY. MSY for salmon is related to productivity, which varies annually in freshwater and the marine environment. Techniques for evaluating productivity, or survival, in freshwater and marine habitats are needed to set appropriate harvest targets and associated conservation guidelines such as escapement floors and overfishing definitions.

Various habitat-based models have been developed, but in general they are not being applied to harvest management. One reason for this is that most of these models are developed to identify **Limiting factors** and evaluate potential habitat restoration measures. Application to harvest management would require refined population dynamic components to these models. There is the potential for using this technique to evaluate Recovery Exploitation Rates. Other possible contributions could be improved understanding of climate variability and **Environmental influences on survival and stock productivity**. Once satisfactory habitat-based models of population dynamics have been developed they can be used in management strategy evaluations to simulate alternate management scenarios. This could be a valuable contribution to harvest management, but to become useful substantial development efforts are needed.

### 3.2 Continuing Issues

**The following items, identified as high priority in 2002, are directly related to the highest priority items above.**

**Noncatch Fishing Mortality.** In recent years, an increasing proportion of impacts of Council fisheries on naturally-spawning stocks have been caused by noncatch mortality as regulations such as landing ratio restrictions and mark-selective retention have been employed. Research, using standardized methodologies (e.g., handling, holding, reporting, post-mortem autopsies, etc.), is needed to estimate release mortality, encounter, and drop-off rates associated with gears and techniques that are typically employed in different areas and fisheries. Special attention needs to be paid to mid-term and long-term mortality. Fleet profile data (i.e., fishing technique and gear compositions) are needed to estimate release mortality rates for individual fisheries.

**Continuous Catch Equations.** Because current planning models employed by the Council are constructed using simple linear, independent equations, interactions between stocks and fisheries within a given time step are ignored. This can result in biased estimates of impacts. Research is needed to investigate the feasibility of recasting the models from discrete to continuous forms. e.g., competing exponential risk catch equations.

**Migration.** The Council currently employs "single pool" type models (i.e., ocean fisheries operate simultaneously on the entire cohort) for evaluating alternative regulatory proposals. Under certain conditions, such models can produce results that are inconsistent with expectations of biological behavior. For example, if a fishery off Central California is closed to coho fishing for a given time period, the fish that were saved become available to fisheries off the Northwest Coast of Washington in the next time period. Research is needed to determine the feasibility of incorporating explicit migration mechanisms into planning models.

**Coastwide Models.** Currently, at least five models are employed to evaluate impacts of proposed regulatory alternatives considered by the Council. A single coastwide chinook model would provide analytical consistency and eliminate the need to reconcile and integrate disparate results. Additionally, research is needed to determine the feasibility of combining chinook and coho into a single model to simplify tasks of estimating mortalities in fisheries operated under retention restrictions (e.g., landing ratios or nonretention).

**Alternatives to Time-Area Management.** The annual planning process centers on the crafting of intricate time-area management measures by various groups. The feasibility of using alternative approaches (e.g., pre-defined decision rules to establish upper limits on fishery impacts, individual quotas, effort limitation) to reduce risk of error, decrease reliance on preseason abundance forecasts, improve fishery stability, simplify regulations, and reduce management costs needs to be investigated. For instance, the integration of Council planning processes with the abundance-based coho management frameworks under consideration by the Pacific Salmon Commission and by the State of Washington and Western Washington treaty tribes to streamline the preseason planning process needs to be developed and evaluated.

**Selective Fisheries.** The Council began to employ mark-selective retention restrictions for coho fisheries in 1998. Research is needed to investigate the utility of other types of selective fisheries. For example, time-area closures might reduce exploitation rates on concentrations of stocks of conservation concern.

**Mass Marking.** Estimates of mark rates are essential for planning mark-selective fisheries. The accuracy of mark and release rates needs to be evaluated as well as the variability of mark-induced mortalities under operational conditions.

**Stock Identification.** In most cases it is not feasible to rely upon coded-wire-tagging of natural stocks, particularly those in depressed status, to obtain direct information on patterns of distribution and exploitation. Alternative stock identification technologies should be explored as a means to collect data necessary for stock assessment purposes. Research is needed to improve ability to estimate contributions of natural stocks in ocean fisheries and escapement. Potential research areas include 1) association studies to determine the degree to which hatchery stocks can be used to represent distribution and migration patterns of natural stocks; 2) genetic stock identification, DNA, otolith marking, and scale studies; 3) improved statistical methods and models; and 4) basic research on stock distribution and migration patterns.

**Limiting Factors.** Research is needed to identify and quantify those factors in the freshwater habitat which limit the productivity of salmon stocks. Research should focus on 1) quantifying relationships between habitat factors and salmon production; 2) measuring the quantity and quality of these habitat factors on a periodic basis; and 3) evaluating habitat restoration projects for both short-term and long-term effects. Activities such as water diversions, logging, road building, agriculture, and development have reduced production potential by adversely affecting freshwater conditions. Habitat quality and quantity are crucial for the continued survival of wild stocks.

**Environmental Influences on Survival.** Determine natural survival and stock distribution in the estuary and ocean, year-to-year, age-to-age, and life-history variability, and relationships to measurable parameters of the environment (i.e., temperature, upwelling, etc.). Substantial predictive errors in forecasts based on previous year returns and apparent large-scale multistock fluctuations in abundance suggest important large-scale environmental effects. Some work has been done for coho, but little is known for chinook. Included in the information need are long-term and short-term relationships between environmental conditions and fluctuations in chinook and coho salmon survival, abundance, and maturation rates.

**Explicit Consideration of Uncertainty and Risk.** Current planning models employed by the Council are deterministic. Most aspects of salmon management, such as abundance forecasts and effort response to regulations, are not known with certainty. Given the increased emphasis on stock-specific concerns and principles of precautionary management, the Council should receive information necessary to evaluate the degree of risk associated with the regulations under consideration. Research is needed to evaluate the accuracy of existing planning models, characterize the risk to stocks and fisheries of proposed harvest regimes, and to effectively communicate information on uncertainty for use in the Council's deliberations.

**In addition to the above high-priority items a number of issues related to hatchery/wild interactions of ongoing interest were identified in 2002:**

**Genetics.** Determine the extent to which there may be gene flow between hatchery and wild stocks, and what the likely effect of that gene flow may be on the fitness of wild stocks. A new genetic technique that is being applied to this problem is Full Parental Genotyping. If all mating adults can be captured and genotyped then offspring can be linked to their specific parents. This has great power for identifying the relative success of various hatchery/wild matings, but is limited in practice to relatively small systems and systems where all returning adults can be captured.

**Freshwater Ecology.** Investigate the ecological (competition, predation, displacement) effects of hatchery fish on natural production in freshwater. All life stages from spawner to egg to smolt may be affected.

**Estuary Ecology.** Migration timing, habitat utilization patterns, competition for food or space, and predator interactions are areas of interest. Differences between hatchery and natural smolts in these areas could help address the questions of the importance of density-dependent growth and survival and potential negative effects of hatchery releases on natural stock production.

**Early Ocean Life-history.** Points of comparison between hatchery and wild stocks could include: ocean distribution, migration paths and timing, size and growth, food habits, and survival rates.

**Identification of Hatchery Fish.** The presence of hatchery fish may interfere with the accurate assessment of the status of natural stocks. This problem may be alleviated by the use of mass-marking using otolith marking, CWTs, genetic marking, fin removal, or other technologies to estimate the contribution of hatchery fish to fisheries and natural spawning populations.

**Supplementation.** Research is needed to investigate the utility of using artificial propagation to supplement and rebuild natural stocks. Guidelines for the conduct of supplementation to preserve genetic diversity and legacy of populations are needed. Special care is needed to ensure that supplementation programs do not unintentionally jeopardize natural runs.





## 4.0 COASTAL PELAGIC SPECIES FISHERY MANAGEMENT PLAN

### 4.1 Pacific Sardine

#### High Priority

1. Growth data for Mexico, southern California, northern California, the Pacific northwest and the offshore areas should be collected and analyzed to quantitatively evaluate differences in growth among areas. This evaluation would need to account for differences between Mexico and the U.S. on how birthdates are assigned, and the impact of spawning on growth.
2. The timing and magnitude of spawning off California and the Pacific northwest should be examined.
3. The likelihood of various stock structure hypotheses should be examined using existing tagging data and additional tagging experiments or (preferably) techniques such as analyses of trace element composition.
4. Biological data for use in the DEPM must be collected and analyzed more routinely in the future than has been the case in the past.
5. Information which could be used in an assessment of the Pacific northwest component of a single coastwide population or of a separate Pacific northwest stock should be obtained. Synoptic surveys of Pacific sardine on the entire west coast have the potential to provide such information as well as the basic data.

#### Continuing Issues

1. The Tri-national Sardine Forum should be utilized to share fishery, survey and biological information among researchers in Mexico, Canada, and the U.S. The long-term benefits of this forum will be greatly enhanced if it can be formalized through international arrangements.
2. The algorithm used to determine the catch proportion-at-age data from the raw data collected from the fishery should be documented and included in the assessment report.
3. There should be overall greater collaboration with industry in the collection and analysis process for coastal pelagic species, including Pacific mackerel.
4. Alternative methods for indexing the population (e.g. acoustics) should continue to be evaluated. Acoustic methods are a qualitatively different approach to indexing relative abundance and are the primary fishery-independent method for obtaining abundance indices for many of the world's major pelagic fish stocks. Acoustic methods have been applied to northern anchovy off California. Acoustic data have the potential to provide information on the relative abundance of the populations off southern California and the Pacific northwest.

#### Emergent Issues

1. The DEPM method should be extended so that constraints are placed on the extent to which the estimates of  $P_0$  vary over time.
2. The data on maturity-at-age should be reviewed to assess whether there have been changes over time in maturity-at-age, specifically whether maturity may be density-dependent.
3. The aerial surveys should be augmented to estimate schooling areas and distinguish schools. Data (e.g. bearing and distance to schools) should be collected which could be

used in line transect-type estimation methods. ‘Sea-truthing’ of the species identification of the aerial surveys will enhance the value of any resulting index of abundance.

4. An aerial survey program should be started in the Pacific northwest. Such a survey program would provide data for a component of the population currently not surveyed. However, it would take several years before any index based on such a survey could be included in the assessments.
5. The impact of environmental variability on the CalCOFI percent positive data should be examined.
6. The extent of ageing error should be quantified and included in future assessments.

## **4.2 Pacific Mackerel**

### High Priority

1. Efforts should be made to obtain fishery and survey (IMECOCAL) data from Mexico and to incorporate such data into future assessments. There is a lack of biological sampling data available from Mexico for inclusion in the assessment, which is more critical in recent years when the Mexican catch has been as large as or larger than that of California.
2. A concerted approach to develop a coastwide synoptic survey, ideally on an annual basis, to estimate an index of mackerel biomass should be initiated because there is a lack of fishery independent survey data, in particular outside of the Southern California Bight.
3. The maturity schedule was developed many years ago, and it should be re-examined, preferably with new data.

### Continuing Issues

1. There should be overall greater collaboration with industry in the collection and analysis process for coastal pelagic species, including Pacific mackerel.

### Emergent Issues

1. The survey design of the new aerial spotter index should incorporate rigorous protocols. Attempts should be made to estimate school surface area. Also, an aerial spotter survey should be initiated in the Pacific Northwest in conjunction with industry.
2. There seems to be a mis-match between the observed recruitment dynamics (boom-bust) and the underlying spawner-recruit model (uncorrelated recruitment deviations).

## **4.3 Market Squid**

### High Priority

1. Additional work is required on reproductive biology, including the potential fecundity of newly mature virgin females, the duration of spawning, egg output per spawning bout, the temporal pattern of spawning bouts, the growth of relatively large immature squid, and the growth of mature market squid. Important questions about growth might be addressed through SEM studies of statoliths.

### Continuing Issues

1. There should be overall greater collaboration with industry in the collection and analysis process for coastal pelagic species, including Pacific mackerel.

### Emergent Issues

1. The potential use of target egg escapement levels is partly predicated on the assumption that the spawning which takes place prior to capture is not affected by the fishery and contributes to future recruitment. However, since the fishery takes place directly over shallow spawning beds, it is possible that incubating eggs are disturbed by the fishing gear, resulting in unaccounted egg mortality. It is also possible that the process of capturing ripe squid by purse seine might induce eggs to be aborted, which could also affect escapement assumptions.
2. The CalCOFI ichthyoplankton collections contain approximately 20 years of unsorted market squid specimens that span at least two major El Niños. This untapped resource might be useful in addressing questions about population response to El Niño conditions.



## 5.0 HIGHLY MIGRATORY SPECIES FISHERY MANAGEMENT PLAN

### 5.1 Background

The Council's fishery management plan (FMP) for highly migratory species (HMS) covers a broad range of species including tunas, billfishes, and sharks. The spatial extent of the Pacific Ocean used as habitat for these species is much larger than the USA's Exclusive Economic Zone (EEZ). The HMS FMP recognizes that stock assessment and management of these species cannot be done unilaterally – rather it must be done in conjunction with other nations that exploit these species throughout their range.

In the Pacific Ocean, HMS are managed by two regional fishery management organizations (RFMO) – Inter-American Tropical Tuna Commission (IATTC) and Western and Central Pacific Fisheries Commission (WCPFC) – that together cover the breadth of the Pacific Ocean habitat for the species included in the Council's HMS FMP (Figures 1 and 2). Stock assessments and related research are conducted under the auspices of these RFMO. USA scientists (whose affiliations include NMFS, academia, NGOs, and the fishing industry) participate in both RFMO processes.

A third scientific organization – International Scientific Committee on Tuna and Tuna-like Species in the North Pacific Ocean (ISC) – conducts stock assessments for the North Pacific HMS stocks that straddle the 150° W longitude boundary between the RFMOs. Examples of these stocks include North Pacific albacore, Pacific bluefin tuna, swordfish, and striped marlin. The ISC is not an RFMO in that it does not manage HMS international fisheries. Rather, it provides the stock assessments that the RFMOs use to base management decisions for the straddling stocks.

Both of the RFMOs (IATTC and WCPFC) have scientific staff (either in-house or contracted) with responsibility and funding for data collection, biological studies, and stock assessment. The Council's role in specifying research and data (R&D) needs for the tropical tunas (yellowfin, bigeye, and skipjack) that are the primary focus of the RFMOs is somewhat limited and may duplicate other ongoing efforts. Instead the focus for this first cut of HMS R&D needs focuses on the HMS that (i) are not the primary focus of the RFMOs and (ii) have ongoing international stock assessment efforts.

Based on the above criteria, R&D needs for North Pacific albacore, Pacific bluefin tuna, and striped marlin are delineated below. Much of the material was extracted from recent ISC assessment working group (WG) reports on these species. As such, the R&D needs reflect consensus of the respective WG members, i.e. international scientists (including USA representatives) who are closest to the data and analyses. Perhaps more importantly, the respective lists are constructed at the end of the WG process of conducting a comprehensive stock assessment. It is only at this point that a list of the truly critical R&D needs can be brought forward.

Each numbered item in the "R&D Needs" lists below, is classified as 'high priority,' 'continuing issue,' or 'emerging issue.' It should be noted that the ISC WGs do not formally prioritize their R&D lists, and that these classifications were inferred from sections of the WG reports that discuss the strengths and weaknesses of the assessments. Furthermore, since the focus is on species for which assessments are ongoing, all of the items are classified either as 'high priority'

or ‘continuing issue.’ This is not to imply that there are no emerging issues for the Council with respect to HMS. Rather, it acknowledges that the prediction of the key issues that will emerge is more speculative. A final section entitled “Emerging Issues” is provided to highlight some of the issues most likely to emerge in the near term – especially for HMS that are not currently being assessed.

## **5.2 Research and Data Needs**

### **5.2.1 North Pacific Albacore**

#### Fisheries Statistics

Timely annual submission of national fishery data to the ISC Albacore WG data manager (Al Coan, NMFS) is critical for producing timely and up-to-date stock assessments. Additional resources are needed to oversee the submission of these data, provide database management, and improve documentation of the entire database system including metadata catalogs.

#### Biological Studies

Biological information is a critical building block for stock assessments. It should be reviewed and updated regularly in order to capture changes in population parameters if they occur. Unfortunately, this process has not been followed for North Pacific albacore because of limited resources for routine biological studies. Consequently, the stock assessment models used by the ISC Albacore WG rely on a patchwork of biological information that was developed largely in the 1950s and 1960s.

There is a critical need to reassess the biological information and to conduct contemporary studies to update this information. More specifically, there is a critical need to conduct studies on:

1. age and growth with the goal of updating growth rates and comparing with older studies (*high priority*);
2. reproductive biology with the goal of updating the maturity ogive (*high priority*); and
3. development of new indices of abundance particularly from fisheries that regularly catch recruitment age albacore (age 1), e.g. the USA recreational fishery (*high priority*).

Less critical but still important for improving the stock assessments are studies on:

4. migration and habitat utilization, with the goal of better informing fishery effort standardization and fishery selectivity/catchability assumptions (*continuing issue*); and
5. environmental factors, as they relate to recruitment, growth, maturity, and catchability of albacore (*continuing issue*).

#### Stock Assessment and Management Studies

Recent stock assessment results as well as fishery developments suggest that the North Pacific stock of albacore is at or fast approaching full exploitation. Demand for more frequent and more precise information on status of the stock and the sustainability of the fisheries is therefore likely to increase. With this in mind, the albacore stock assessment needs improvement in several of its facets:

6. investigation of CPUE standardization (*continuing issue*);
7. refinement of the VPA-2Box model (the WG’s current assessment model) (*continuing issue*);

8. investigation of the applicability of Stock Synthesis 2 as an alternative assessment model for albacore (*continuing issue*);
9. evaluation of the utility of formally adding tagging data into the assessment (*continuing issue*);
10. investigation of competing assessment models using simulation to ascertain each model's strength and weakness when faced with input data generated from a known albacore-like population (*high priority*); and
11. simulation studies to assist fishery managers in selecting appropriate biological reference points for albacore (*high priority*).

### **5.2.2 Pacific Bluefin Tuna**

#### Fisheries Statistics

The timeliness of data reporting, as outlined for albacore above, is equally important for bluefin tuna. Additionally,

1. the official bluefin catch statistics need further scrutiny, e.g. there are apparent discrepancies between some of the reported catches and the corresponding Japanese import records (*high priority*); and
2. increased port sampling of commercial bluefin length frequencies is needed in the Eastern Pacific Ocean, particularly of the fish destined for the pens in farming operations (*high priority*).

#### Biological Studies

All of biological studies listed above for albacore are also needed for bluefin tuna. In addition,

3. there is a need to develop seasonal and perhaps area-based weight-length relationships as the bluefin condition factor appears to vary both seasonally and regionally (*high priority*).

#### Stock Assessment and Management Studies

4. All of stock assessment and management studies listed above for albacore are also needed for bluefin tuna. In particular, there is a need for additional work on effort standardization if credible indices of abundance are to become available for bluefin tuna (*high priority*).

### **5.2.3 Striped Marlin**

#### Fisheries Statistics

The timeliness of data reporting, as outlined above for albacore, is equally important for striped marlin. Additionally:

1. the official striped marlin catch statistics are considerably less well developed than those for albacore, and significant effort is needed to ensure that the total catch from all nations is well estimated (*high priority*).

#### Biological Studies

All of biological studies listed above for albacore are also needed for striped marlin as well. In addition,

2. stock structure for striped marlin in the Pacific Ocean is more uncertain than for other HMS species and several stock structure hypotheses are credible. Further genetic work is unlikely to resolve the issue. A synoptic, critical review of all available information



(fisheries data, ichthyoplankton data, and genetic studies) is needed to either resolve the issue or at least to reduce the number of credible hypotheses (*continuing issue*).

#### Stock Assessment and Management Studies

All of stock assessment and management studies listed above for albacore are also needed for striped marlin. In particular,

3. there is a need for additional work on effort standardization if the problems and issues raised in preliminary stock assessment work are to be resolved satisfactorily (*high priority*).

### **5.3 Emerging Issues**

#### **5.3.1 Sharks**

Most of the tunas covered in the HMS FMP are being assessed – with varying degrees of completeness and sophistication – on a regular basis (Table 1). Some of the billfishes – particularly striped marlin and swordfish – are either being assessed or have assessments planned in the near future. On the other hand, stock assessments for sharks have been preliminary at best, and few and far between. Furthermore, comprehensive shark assessments do not appear to be on the near-term planning horizon for the RFMOs or for the ISC. This situation should not be taken to imply that sharks are unimportant. Nor should it be inferred that sharks are less vulnerable to the effects of fishing than are the tunas and billfishes. In fact, because of the key vital rates of most sharks (especially reproductive rates that are lower than those for tunas and billfishes), many shark species are likely to be more vulnerable to fishing than other HMS.

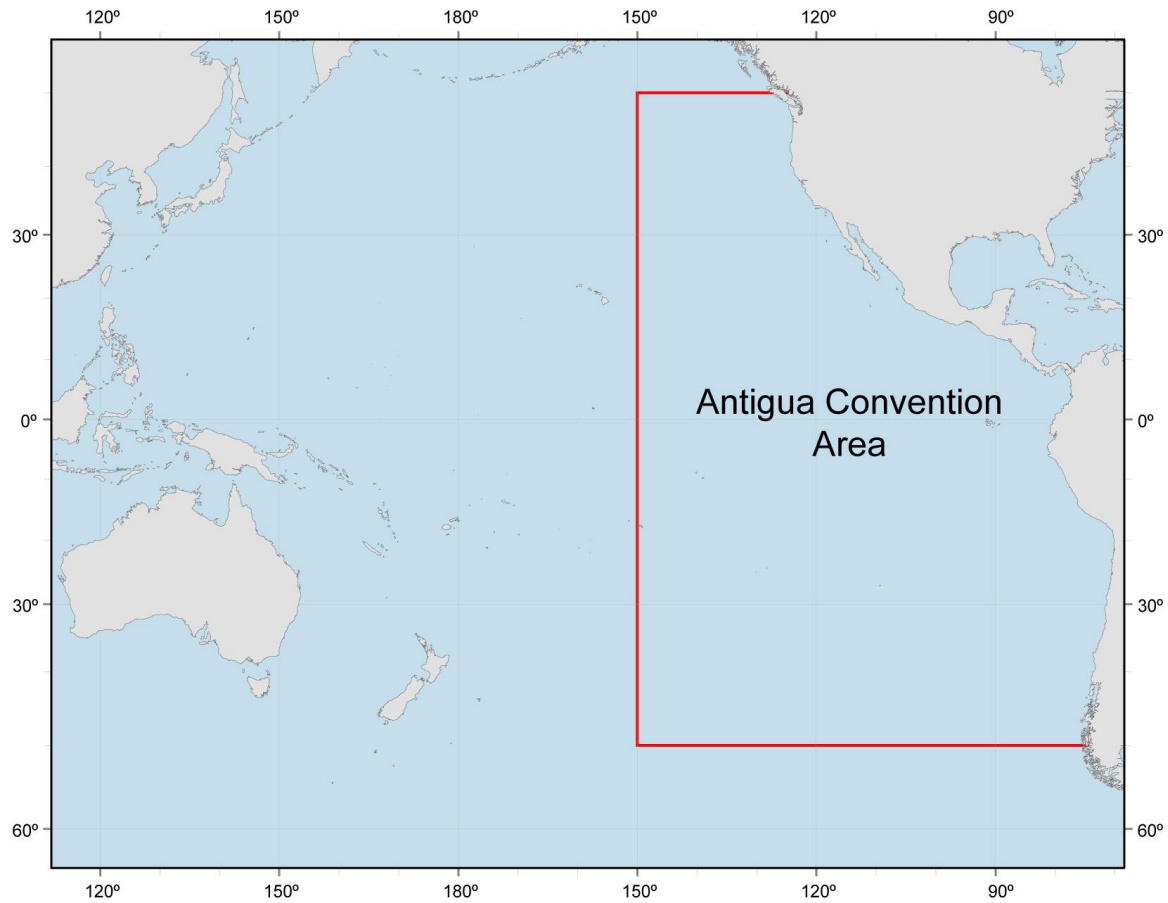
To understand this *prima facie* inconsistency (i.e. perhaps more vulnerable but not assessed), it is necessary to understand the nature of the fisheries responsible for most of the catch of sharks over the past several decades. Internationally, these fisheries tend to be either (i) tuna-targeting fisheries that caught sharks as bycatch in their tuna fishing operations and discarded them (without recording numbers or mass) over most of their fishing history; or (ii) smaller scale directed shark fisheries that tend not to report shark catches in a manner suitable for stock assessment, e.g. catch reports that aggregate the catch of multiple shark species into a single ‘shark’ category or do not report the catches at all.

As with the other species covered by the HMS FMP, most shark species cannot be assessed or managed unilaterally by the Council. Some species are highly oceanic with ranges similar to that of tunas (e.g. blue shark). Others are more coastal – with perhaps most of their habitat shoreward of the USA EEZ – but exhibit north-south migrations with significant catches in Mexican waters (e.g. thresher sharks). The net effect is that accounting for the total catch of sharks over their entire period of exploitation (several decades) is not possible. Furthermore, there is a paucity of the biological samples needed to characterize the size of animals taken from the fisheries that account for most of the catch. Active biological studies (age, growth, maturity, food habits, etc.) are ongoing (NMFS, State, and academic researchers) and understanding of the biological characteristics for at least some shark species is probably sufficient for stock assessment purposes. However, without an accurate history of total catch and the corresponding size samples, stock assessment efforts and concomitant management by the Council will be problematic.

### **5.3.2 *Stock Assessment Review***

Pacific HMS stock assessments are carried out by the RFMOs and by the ISC. The processes used to conduct the assessments and to have them critically reviewed varies considerably across the organizations and the species being assessed. In none of these cases, however, does the level of critical peer review approach that of the Council's Stock Assessment Review (STAR) process. This may become an issue for the Council if international management regulations begin to affect USA coastal fisheries to a greater extent than they do at present. The Council may want to consider having some member(s) of its SSC to participate in these international processes. This will provide the Council with a better perspective on the stock assessments and the ensuing international management advice.

## Inter-American Tropical Tuna Commission (IATTC)



**Figure 1. Area covered by the Inter-American Tropical Tuna Commission (IATTC). The Antigua Convention refers to the recent international treaty that revised the IATTC boundaries.**

## Western and Central Pacific Fisheries Commission (WCPFC)

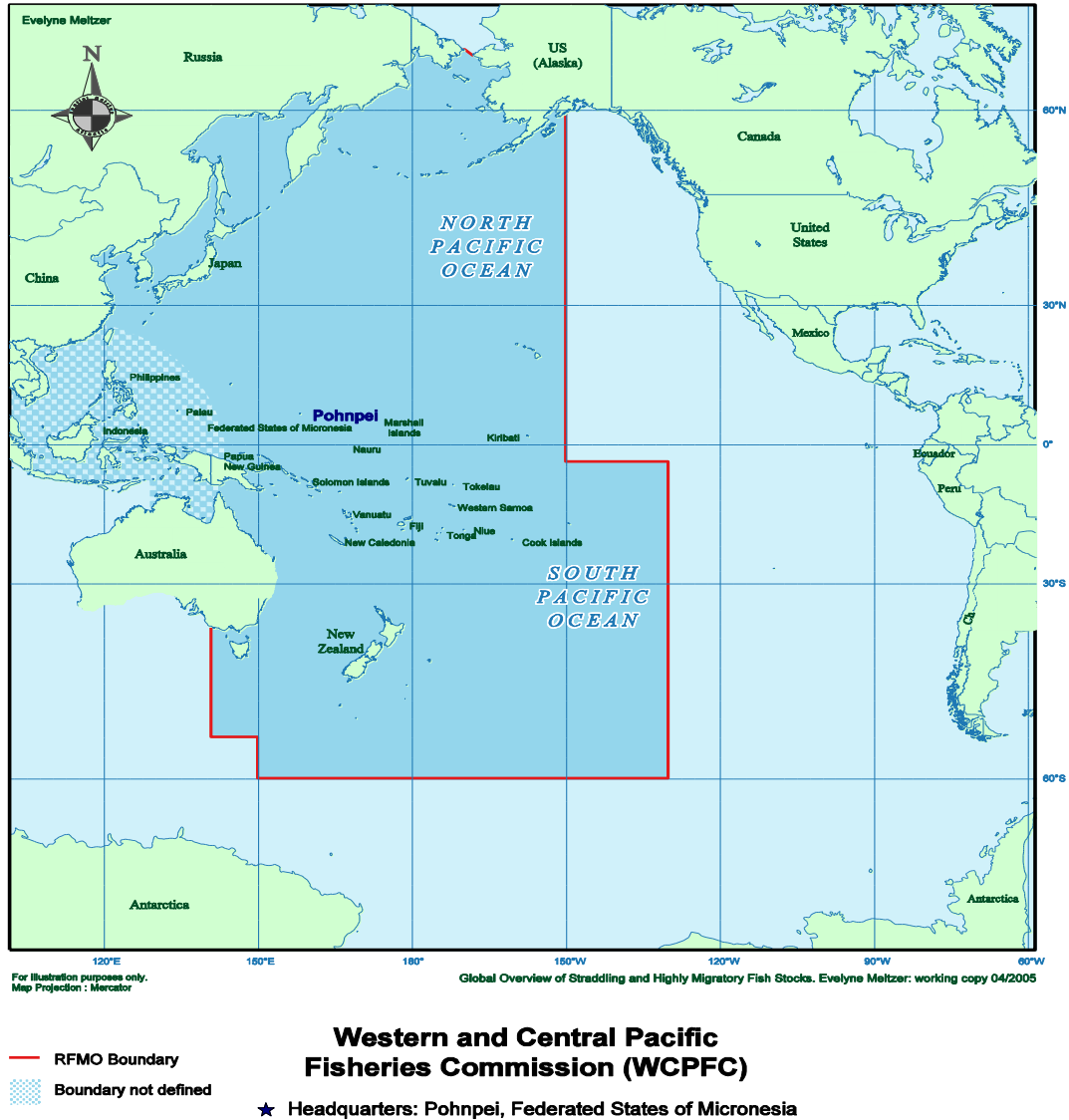


Figure 2. Area covered by the Western and Central Pacific Fisheries Commission (WCPFC).

**Table 1. Recent and projected HMS stock assessment schedule (adapted from the draft 2005 PPMC HMS SAFE document).**

Species (Stock)	Date (Anticipated)	Organization Responsible for the Assessment
<u>TUNAS</u>		
Albacore (NPO)	2004 (2006)	ISC (ISC)
Bluefin (NPO)	2004 (2006)	ISC (ISC)
Bigeye (EPO)	2005 (2006)	IATTC (IATTC)
Bigeye (WCPO)	2005 (2006)	WCPFC (WCPFC)
Skipjack (EPO)	2004 (2006)	IATTC (IATTC)
Skipjack (WCPO)	2005 (2006)	WCPFC (WCPFC)
Yellowfin (EPO)	2005 (2006)	IATTC (IATTC)
Yellowfin (WCPO)	2005 (2006)	WCPFC (WCPFC)
<u>BILLFISHES</u>		
Striped Marlin (EPO)	2003	IATTC
Striped Marlin (NPO)	(2007)	(ISC)
Swordfish (EPO)	2004	IATTC
Swordfish (NPO)	(2008)	(ISC)
<u>SHARKS</u>		
Common Thresher (WA/OR/CA EEZ)	2001	NMFS
Pelagic Thresher		
Bigeye Thresher		
Shortfin Mako		
Blue (NPO)		
<u>OTHER</u>		
Dorado (EPO)		

Note: Text in parentheses indicates the year the next assessment is anticipated and the organization expected to conduct the assessment. The acronyms listed in this table are defined in the text.

## 6.0 ECONOMICS AND SOCIAL SCIENCE COMPONENTS

### 6.1 Progress on Highest Priority Items from 2000-2002

1. *Comparative analysis of limited access and rights-based management programs*

An analysis of these programs is lacking, except for limited information from the Trawl Individual Quota (TIQ) program.

2. *Baseline descriptions of fishing industry and communities and periodic assessment of fishery status*

Periodic assessment of fishery status is contained in Stock Assessment and Fishery Evaluation (SAFE) documents. Quantitative descriptions of baseline economic conditions for specific elements of the fishing industry (e.g. commercial harvesting sector, processors, etc.), or fishing communities, are lacking except for information that can be derived directly from fish tickets on landings and ex-vessel revenues.

3. *Economic and social analysis of groundfish and salmon harvest and management strategies*

Analyses of harvest or management strategies are lacking in groundfish, salmon, and other fisheries. Bycatch models for selected components of groundfish fishery have been developed, and in some cases (i.e. limited entry trawl), reviewed. An economic analysis of strategies in the commercial salmon fishery was done in California (Tomberlin and Bosetti, [Participation in a Limited-Entry Fishery: An Options Approach](http://www.st.nmfs.gov/st5/workshop/2004), <http://www.st.nmfs.gov/st5/workshop/2004>). A cost-earnings survey is underway for the commercial groundfish fleet (contact: Carl Lian, NWFSC).

4. *Recreational fishery net economic value and angler participation models*

Net economic value and angler participation models are under development for recreational fisheries in the Pacific Northwest, and development of a similar set of models is planned for California (contacts: Todd Lee, NWFSC and Cindy Thomson, SWFSC).

5. *Social Data and Socioeconomic baseline profiles of fishing industry and communities*

Brief qualitative overviews are available for 125 West Coast and North Pacific ports and other coastal communities (<http://www.nwfsc.noaa.gov/research/divisions/sd/communityprofiles/index.cfm>).

### 6.3 Continuing Needs from 2000-2002

Progress on most items listed above is limited, and each is still important. Continuing needs are divided into three types of activities: Data Collection, Model Development, and Analysis. Data collection is a fundamental activity that is required for analysis, whether or not a particular model is used

#### Data Collection

Core economic data needs are described in the West Coast Fisheries Economic Data Plan 2000-2002, and are summarized again here in the following table:

**Core economic data needs.** The following table lays out some of the major categories of core economic data for which substantial improvement is needed. These data needs are covered in greater detail in the tables referenced under each category.

Harvesters (Table 2)	Processors (Table 3)	Charter Vessels (Table 4)	Recreational Fishers (Table 5)	Communities (Table 6)
	Revenue Data	Revenue Data	Effort and Catch by Target Species	Tax Revenues
Cost Data	Cost Data	Cost Data	Cumulative per Angler Catch and Effort	Fishery Related Economic Infrastructure
Employment and Income	Employment and Income	Employment and Income	Trip Costs and Angler Demographics	Fishery Related Employment and Income
Capacity Information			Values and Preferences Held by Anglers with Respect to Species, Sites, and Regulations	Geographic and Physical Characteristics

In addition to elements in the table, socioeconomic characteristics of fishery participants, and in particular, recreational anglers, are needed.

Data needed for the design and analysis of marine reserves are described in R&D 2000-2002. The perspective here is more general, and relates to all forms of spatial management. In particular, data is needed to enumerate and quantify the spatial distribution of commercial and recreational fishing trips, processors and buying stations, gear/bait/ice/fuel providers, CPFV operations and other fishery-dependent businesses. Spatial data on fishing trips should include both landing sites and areas fished.

#### Model Development

Data from recreational fisheries has become more prominent, for example the use of catch-per-unit-effort series in groundfish stock assessments. Consequently, there is an increased need for net economic value and angler participation models, including models of spatial movement, in recreational fisheries. Similarly, participation and response models are also needed for

commercial harvesters, including models of spatial movement. Additional model development is recommended below, under new and emerging needs.

### Analysis

Several types of analyses are needed to make progress on the highest priorities from 2000-2002:

- Periodic assessment of status of West Coast commercial and recreational fisheries - including participation, profitability, employment, income, and major management issues,
- Evaluation of alternative programs to document and reduce bycatch, bycatch mortality, and effects of gear on habitat – with cost-effectiveness and incentive compatibility included among evaluation criteria,
- Evaluation of alternative management approaches to increase harvest stability, reduce harvest variability, and enhance flexibility of fishery participants,
- Evaluation of alternative capacity management programs - including limited entry and dedicated access privileges - on fishery participants and fishing communities. Important non-trawl fisheries to consider are Open Access groundfish and salmon.

In addition, more specific and quantitative information is needed to augment existing socioeconomic profiles of fishing communities, including:

- Trends in major commercial and recreational fisheries, and factors affecting these trends,
- Infrastructure availability and needs (for commercial fisheries, recreational fisheries, other marine resource-related uses),
- Financial aspects of infrastructure development and maintenance,
- Development of indicators of community well-being and resilience that can be linked to changes in regulations, market conditions and other relevant factors.

## **6.4 New and Emerging Needs**

Substantial changes have occurred in West Coast fisheries in the past five years, and recent events (i.e. since 2002) in Council managed fisheries should be evaluated. Two prime examples are the implementation of Rockfish Conservation Areas after the 2002 fishery and the groundfish trawl vessel buyback program in 2003. As above, these needs are divided into three types of activities: Data Collection or Augmentation, Model Development, and Analysis.

### Data Collection or Augmentation

Surveys or interviews are needed of individuals and entities that participated in the trawl vessel buyback program to determine whether individuals truly departed, or remained, in the groundfish fishery, or are now participating in other fisheries.



A better understanding of fish buyers and processors would aid evaluation of economic impacts from changes in regulations and other factors. Therefore, information is needed in the Pacific Coast Fisheries Information Network (PacFIN) to link processor identification codes across states. Processor and vessel identification codes in PacFIN are linked to a single processor list and a file with vessel characteristics. However, these files are probably in need of updating, or at least, a thorough check for consistency and accuracy. The processor list, in particular, has many typos that create problems in queries that link to fish tickets. The current system of processor identification codes is cumbersome, and a common problem is that many codes are associated with a single entity.

Bycatch has become a central issue in West Coast fisheries management, and the groundfish trawl logbooks have been an important tool for analyzing bycatch. Logbook programs have been started in other fisheries (e.g. market squid, and non-trawl/nearshore groundfish in California). Logbooks are a primary source of information on the spatial distribution of catch and fishing effort.

### Model Development

In addition to the valuation models for recreational fisheries that are described above, comprehensive models of CPFV fleet dynamics are needed that reflect multi-species nature of the fishery, economic incentives of CPFV operators to provide not just fish but a “fishing experience”, and adaptations of CPFVs to regulatory, market and environmental conditions. Such models could be used to determine whether CPFV fleet dynamics yield single-species CPUEs that can reasonably be used as an index of relative abundance for that species.

Computable bioeconomic models of fishing effort that are spatial and include effects of ex-vessel prices and climate (e.g. sea surface temperatures, sea level pressure) are also needed to predict effects of changes in regulatory, habitat, environmental and market constraints on participation and harvest in the ocean commercial, ocean sport, tribal and in river sport salmon fisheries. These models could also be used to aid bycatch estimation in non-trawl fisheries, for different species of concern including marine mammals, birds, sea turtles, and others.

### Analysis

At least two retrospective analyses of recent events are needed to determine socioeconomic effects of

- Rockfish Conservation Areas on commercial and recreational fisheries and fishing communities,
- The trawl vessel buyback program on related fisheries, and on fishing communities (including fishery infrastructure).

A holistic perspective has been emphasized recently in marine resource management (e.g. ecosystem-based management). In light of this perspective, a characterization is needed of all commercial and recreational fisheries within the California Current Ecosystem, including spatial

distribution and identification of behavioral linkages among complementary and substitute fishing activities. In addition, an analytical framework that accounts for dynamic and inter-regional interactions among industries and households would improve estimates of economic impacts, and the analysis of costs and benefits among management alternatives. A workshop is needed to examine alternative economic models and analytical frameworks.



## 7.0 ECOSYSTEM BASED FISHERIES MANAGEMENT AND MARINE PROTECTED AREAS

### 7.1 Marine Protected Areas

The top priority research and data needs related to marine reserves :

- X **Identify type and scale of information needed to conduct stock assessments** after establishment of marine reserves and evaluate the feasibility and cost of collecting such information.
- X **Information on the location and structure of current harvest** relative to a proposed marine reserve area is needed in order to begin to evaluate the degree of impact and effectiveness of the creation of marine reserves. Most harvest information currently collected is not on a fine enough geographic scale to use for evaluation of marine reserves.
- X **Research is needed to understand the biological effects of marine reserves** and determine the extent to which acceptable biological catches would need to be modified when marine reserves are implemented, over the short-term and long-term
- X **Information on advection of eggs and larva and pre-settlement juveniles.** Particularly emphasis on differences between areas upstream and downstream of major geographical features. This will primarily be a physical oceanographic exercise.
- X **Information on the movement of juveniles and adults.** This will primarily be a literature search followed by a biological field program. Little is known about the movement of post settlement juveniles.
- X **Knowledge of when in the life cycle density dependent effects occur** is important in the assessment of the effects of marine reserves (as it is in assessing conventional catch management).
- X **Increased biological monitoring of existing marine reserves** and other areas of restricted fishing in order to gain information on current reserves that might be extrapolated to evaluate the creation of additional reserves on the West Coast.

### 7.2 Ecosystem Based Fisheries Management

These suggestions are based on the presumption that Ecosystem Based Fisheries Management (EBFM) would be an evolutionary process rather than a revolutionary process. We also suggest that almost any movement towards EBFM will involve more spatially explicit management, whether through use of marine protected areas (MPAs) or in recognition of fine scale stock structure and spatial process affecting recruitment. Field and Francis (in press) suggest three key elements of an ecosystem based approach:

1. Increasing use of short and long term climate and ocean status, trends, and scenarios for the California Current ecosystem.
2. Consideration of trophic interactions among all species, both fished and unfished, and the associated impacts on ecosystem structure and function.
3. The increasing application of new management approaches, including spatial management measures to protect life history characteristics, biodiversity, and complex stock structure.

To begin moving towards these objectives, the following data and research priorities are suggested:

### **7.2.1 *Climate and ocean status and trends***

- Provide indices of upwelling, El Nino, Pacific Decadal Oscillation, Sea Surface Temperature, etc. on spatial scales relevant to management.
- Provide indices of zooplankton (euphausiid?) abundance on the same spatial scales
- Provide larval and juvenile fish abundance indices on the same spatial scales
- Support research to evaluate fisheries and ecosystem responses to different climate conditions and both oceanographic and zooplankton indices (this would include groundfish, coastal pelagics, and salmon)
- Assimilate the above into a status of the ecosystem report useful for management decisions

### **7.2.2 *Demographics, Trophic Interactions, Life History and Biocomplexity***

- Provide total catch, abundance and status of both target and non target species and their prey and predators on finer spatial scales. Appropriate demarcation points might be Point Conception, Point Ano Nuevo, Cape Mendocino, Cape Blanco, Columbia River, Cape Flattery.
- Estimate total annual production for the CCS.
- Provide total annual surplus production index for CCS.
- Estimate total population size of higher level carnivores, including sea birds and marine mammals and estimate forage needs and foraging efficiencies (to provide an estimate of not only their food requirements, but the prey density needed for them to acquire these food resources).
- Provide population demographic and life history report on all exploited species (relative to estimated condition at  $B_0$ ). Include overall trophic status of the ecosystem.
- Provide status of the habitat report.

- Provide indicators of species diversity and other measures of ecological health and integrity.
- Provide report on trophic interactions among exploited species and model consequences of fishing at various levels on either predators or prey.
- Use of otolith elemental analysis or genetic fingerprinting to determine origin of benthic juveniles and formulate hypotheses on larval dispersal and stock structure.

### **7.2.3 *Highest priority research and data needs:***

- Provide a status of the ecosystem report to the council annually
- Estimate total annual production and surplus production index for CCS
- Provide total catch, abundance and status of both target and non target species and their prey and predators on finer spatial scales. Appropriate demarcation points might be Point Conception, Point Ano Nuevo, Cape Mendocino, Cape Blanco, Columbia River, Cape Flattery.
- Estimate total population size of higher level carnivores, including sea birds and marine mammals and estimate forage needs and foraging efficiencies (to provide an estimate of not only their food requirements, but the prey density needed for them to acquire these food resources).

# **RESEARCH AND DATA NEEDS**

## **2000-2002**

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## LIST OF ACRONYMS AND ABBREVIATIONS

ADMB	Auto-Differentiation Model Builder
CalCOFI	California Cooperative Oceanic Fisheries Investigations
CDFG	California Department of Fish and Game
Council	Pacific Fishery Management Council
CPS	coastal pelagic species
CPUE	catch per unit of effort
CWT	coded-wire tag
EFH	essential fish habitat
FMP	fishery management plan
GLM	Generalized Linear Models
Magnuson-Stevens Act	Magnuson-Stevens Fishery Conservation and Management Act
MSY	maximum sustainable yield
NEV	net economic value
NMFS	National Oceanic and Atmospheric Administration
PacFIN	Pacific Coast Fisheries Information Network
POP	Pacific Ocean perch
PSMFC	Pacific States Marine Fisheries Commission
RecFIN	Recreational Fishery Information Network
SSC	Scientific and Statistical Committee
STAR Panel	Stock Assessment Review Panel
STAT	Stock Assessment Review Team
WDFW	Washington Department of Fish and Wildlife

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## EXECUTIVE SUMMARY

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Council research and data needs are updated on a biennial cycle. This document presents a compilation of high priority data needs for the Pacific Fishery Management Council (Council) for the 2000 through 2002 cycle. As these data needs are identified for 2000 through 2002, the Council is completing work on a long-run strategic planning effort. Upon completion of the long-run strategic plan, it may be appropriate that this document be reviewed midcycle to ensure that it is consistent with and acts in concert with the strategic plan. Data needs are categorized by fishery management plan plus economic needs and needs related to marine reserves. The three to five highest priority items for each category are identified with the aid of a set of ranked criteria developed by the Scientific and Statistical Committee (SSC). Items in the section on "General Data Collection" are not included in the summarized priorities. In this summary the criteria are presented, followed by the highest priority needs in each category.

### CRITERIA

1. **Projects address long-term fundamental problems of West Coast fisheries.**
2. **Projects improve the quality of information, models, and analytical tools used for biological assessment and management.**
3. **Projects increase the long-run market competitiveness and economic profitability of the industry.**
4. **Projects contribute to the understanding by decision makers of social and economic implications in meeting biological and conservation objectives.**
5. **Projects provide data and/or information to meet the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the Regulatory Flexibility Act, and other applicable laws.**

### HIGHEST PRIORITY NEEDS

#### Economic, Socioeconomic, and Social

- **Comparative analysis of limited access and rights-based management programs in the context of West Coast fisheries.**
- **Baseline description of the fishing industry and communities (combined with) periodic assessment of "status of the fisheries."**
- **Economic and social analysis of groundfish and salmon harvest and management strategies.**
- **Recreational fishery net economic value and angler participation models.**

#### Groundfish Fishery Management Plan

- **Establish a West Coast coordinator** to identify and prioritize stock assessment information needs, to track programs that fulfill those needs and to facilitate establishment of new programs to address unmet needs. This coordinator would report status of biological data collection activities to the Council, with emphasis on anticipated deficiencies identified with respect to stock assessment and management needs.

- **Develop and implement a coastwide multi-state system for electronic recording of fishticket information and fishery logbooks in consistent form.**
- **Develop methods, programs, or analytical tools to quantify amount of groundfish discarded by the various fishing sectors** to estimate total harvest removals for control of total harvest and stock assessments. Evaluate alternative methods of estimating and reducing discard rates.
- **Continue to work on a plan to conduct annual resource surveys** to meet shortcomings identified by the 1995 review of West Coast stock assessments. This includes establishing infrastructure, a role for cooperative opportunities with industry, survey staff, and analytical teams required to produce timely results from the surveys, so that they are incorporated into stock assessments as early as possible. Surveys should cover the full range of the fish distributions to the extent practical and should be coordinated with Canada.
- **Investigate impact of fishing gear on specific habitats and habitat productivity on the West Coast fishing grounds.** From existing and new sources, assemble information on fishing activities for each gear type to prioritize gear research by gear, species, and habitat type. Information on the extent of fishing impacts on the productivity of fishing ground bottom habitat is important to goals of ecosystem management.

#### **Salmon Fishery Management Plan**

- **A more accurate assessment of total fishing related mortality of natural stocks of coho and chinook.** Fishery management regimes designed to reduce impacts through nonretention or selective fishing depend for success on unbiased estimates of noncatch mortality.
- **Advances in genetic stock identification, otolith marking, and other techniques may make it feasible to use a variety of stock identification technologies to assess fishery impacts and migration patterns.** The increasing necessity for weak-stock management puts a premium on the ability to identify naturally reproducing stocks and stocks that contribute to fisheries at low rates. The coded-wire tag (CWT) marking system is not suitable for these needs. The Council should encourage efforts to apply these techniques to management.
- **Encourage development of probabilistic habitat-based models that incorporate environmental variation to establish harvest policies and enable risk assessment for fishing strategies.** Overfishing definitions are required to relate to a measure of maximum sustainable yield (MSY). MSY for salmon is related to productivity, which varies annually in freshwater and the marine environment. Techniques for evaluating productivity, or survival, in freshwater and marine habitats are needed to set appropriate harvest targets and associated conservation guidelines such as escapement floors and overfishing definitions.

At final adoption, the Council identified four additional salmon research and data needs that have high priority status (1) "Run Size Predictors" under "Planning Tools" on page 15; (2) "Selective Fisheries" under "Alternative Management Strategies" on page 16; "Limiting Factors" under "Life History Studies" on page 17; and (4) "Genetics" under "Hatchery/Wild Interactions" on page 17.

#### **Coastal Pelagic Species Fishery Management Plan**

- Gain more information about the status of the coastal pelagic species (CPS) resource in the north using egg pumps used during National Marine Fisheries Service (NMFS) surveys, sonar surveys, spotter planes.



- Develop a coastwide (Mexico to British Columbia, Canada) synoptic survey of sardine biomass, i.e., coordinate a coastwide sampling effort (during a specified time period) to reduce “double-counting” caused by migration.
- Evaluate the role of CPS resources in the ecosystem, the influence of climatic/oceanographic conditions on CPS; predatory/prey relationships. Increase the use of fishery information to estimate seasonal reproductive output of stock (e.g., fat/oil content).

## Marine Reserves

- **Information on the location of current harvest** relative to a proposed marine reserve area is needed in order to begin to evaluate the degree of impact and effectiveness of the creation of marine reserves. Most harvest information currently collected is not on a fine enough geographic scale to use for evaluation of marine reserves.
- **Information on advection of eggs and larva and pre-settlement juveniles.** Particularly emphasis on differences between areas upstream and downstream of major geographical features. This will primarily be a physical oceanographic exercise.
- **Information on the movement of juveniles and adults.** This will primarily be a literature search followed by a biological field program. Little is known about the movement of post settlement juveniles.
- **Knowledge of when in the life cycle density dependent effects occur** is important in the assessment of the effects of marine reserves (as it is in assessing conventional catch management).
- **Increased biological monitoring of existing marine reserves** and other areas of restricted fishing in order to gain information on current reserves that might be extrapolated to evaluate the creation of additional reserves on the West Coast.



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## INTRODUCTION

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Council research and data needs are updated on a biennial cycle. This document presents a compilation of high priority data needs for the Pacific Fishery Management Council (Council) for the 2000 through 2002 cycle. As these data needs are identified for 2000 through 2002, the Council is completing work on a long-run strategic planning effort. Upon completion of the long-run strategic plan, it may be appropriate that this document be reviewed midcycle to ensure that it is consistent with and acts in concert with the strategic plan.

The recent re-authorization of the Magnuson-Stevens Act (Magnuson-Stevens Act) added directives to 1) prevent overfishing, 2) rebuild depressed fish stocks to levels of abundance that produce MSY, 3) develop standardized reporting methodologies to assess the amount and type of bycatch, 4) adopt measures that minimize bycatch and bycatch mortality, to the extent practicable, 5) describe and identify essential fish habitat (EFH), and 6) assess the impact of human activities, including fishing impacts, on habitat. The Magnuson-Stevens Act encourages the participation of the fishing industry in fishery research. Additionally, Standard 8 mandates consideration of effects of fishery management measures on communities. These directives require substantial expansion of the data collection and research efforts required to support Council management of West Coast fisheries.

This document is a compilation of research and data needed by the Council to implement its responsibilities as defined by the Magnuson-Stevens Act, the Regulatory Flexibility Act, and other pertinent legislation. In addition to an annotated list of "high priority needs", the SSC has chosen three to five "highest priority needs" in five categories 1) economic, socioeconomic, and social; 2) groundfish fishery management plan (FMP); 3) salmon FMP; 4) CPS FMP; and 5) marine reserves. These highest priority needs are highlighted in the introduction to each section. Following is the set of criteria used to identify the highest priority needs.

**The following ranked criteria were used to guide the selection and prioritization of research and data projects:**

- 1. Projects address long-term fundamental problems of West Coast fisheries.**
- 2. Projects improve the quality of information, models, and analytical tools used for biological assessment and management.**
- 3. Projects increase the long-run market competitiveness and economic profitability of the industry.**
- 4. Projects contribute to the understanding by decision makers of social and economic implications in meeting biological and conservation objectives.**
- 5. Projects provide data and/or information to meet the requirements of the Magnuson-Stevens Act, the Regulatory Flexibility Act, and other applicable laws.**

All research and data projects listed in this document are considered either "high priority" needs or "highest priority needs" according to their ability to meet the criteria listed above.

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## **ALL FISHERY MANAGEMENT PLANS**

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### **GENERAL DATA COLLECTION**

#### **Fishery Information Networks**

Funding of the Pacific Coast Fisheries Information Network (PacFIN) and Recreational Fishery Information Network (RecFIN) databases will continue to be high priority for the Council. While the PacFIN database was designed to support the groundfish FMP through the provision of data on the commercial fishery, the Council also relies on the database in fulfilling other management responsibilities.

As assessments are developed and management concerns arise regarding stocks targeted by sport fisheries, information provided by RecFIN will become more important in supporting the Council's conservation and allocation decisions. There is a need to increase sampling levels in the RecFIN project in order to develop estimates that are more reliable at a finer geographic and species scale. A finer scale, however, is necessary, but not sufficient; some modifications of current RecFIN sampling procedures may also be needed. PacFIN and RecFIN projects are also important sources of data for economic and social analyses. Failure to maintain these databases could significantly disrupt Council management.

#### **Economic Data Plan**

The Council has adopted a plan that specifies how the collection and dissemination of economic data related to West Coast fisheries might be coordinated. Continued development of a coordinated effort for the collection of economic data for West Coast fisheries is a high priority. The data needs covered by this plan include commercial enterprise operations and capital costs (harvesters, processors, and charter vessels), value and expenditure information on recreational fishers, and economic/socioeconomic information on fishing communities. Additional efforts need to be undertaken to implement the coordination aspects of the plan. Funding needs to be maintained for the Pacific States Marine Fisheries Commission (PSMFC) project to collect and manage economic data for the commercial fisheries and for the RecFIN socioeconomic add-on survey.

#### **Other Fishery Sampling Programs**

The Sport Fish Restoration Act, Anadromous Fish Act, and Interjurisdictional Fisheries Act all provide funds which support the vast majority of groundfish, salmon, and pelagic fish sampling programs conducted by the member states. Decreases in the funds provided through these legislative initiatives and the Pacific Salmon Treaty threaten the collection of vital information used in Council management. Some of the data collected in these sampling programs are central to the FIN databases discussed above (e.g., catch composition break downs for data that are aggregated on fishtickets).

#### **Access to Alaska Fishticket Data**

Alaska fishticket data are available to analysts for work on North Pacific Fishery Management Council issues, but may not be used by those same analysts to work on Pacific Fishery Management Council issues. Access to these data for work in support of the Pacific Fishery Management Council is necessary to fully understand the activities of vessels which participate in West Coast and Alaska fisheries and to assess the response to and impacts of West Coast regulations.

#### **Coordination of Economic and Biological Data Collection**

Any plans for new efforts to collect biological or economic fishery-dependent data or plans for modification of existing programs should be coordinated with the economic data collection program being coordinated through PSMFC with the cooperation of NMFS. Efforts to collect fishery-dependent data can benefit from

the economic perspective provided by the program and, where warranted and appropriate, serve as vehicles to assist in the collection of additional economic data.

### **Fishticket Data**

Economic data on fishtickets are inadequate. Needed improvements include better recording of codes for condition, species, price, disposition, and gear type. A "days fished" field is provided and used by some states for salmon fishtickets. Such a field should be added to fishtickets for use in other fisheries or possibly a field for start date for the trip.

### **Improved Data Capture**

Evaluate feasibility of alternative technologies for rapid and accurate capture of logbook and other real-time fishery data. Approaches might include optical scanning (such as is currently being used in California) and data entry at the processor and vessel level.

## **GENERAL ANALYTICAL NEEDS**

### **General Ocean Productivity**

Resources under Council jurisdiction respond to large shifts in ocean productivity. For instance, growth and recruitment of rockfish, ocean survival of salmon and the relative abundance of coastal pelagic species responded to the major North Pacific climate shift in the late 1970s. In addition, year to year patterns in fishery production tend to show similarities across species FMP groups. These holistic resource responses need to be assessed and incorporated into the management process.

### **Assessment of Enforcement Effectiveness**

Assess the effectiveness of enforcement to evaluate which management measures are working. Identify areas where the management system may be resulting in the under reporting of landings.

## **ECONOMIC, SOCIOECONOMIC, AND SOCIAL DATA COLLECTION AND RESEARCH**

Marine and anadromous fisheries are managed under a complex set of goals and objectives related to preserving the resource and meeting the needs of the fishing industry, consumers, and fishing communities. The common property nature of the resource combined with public goals and objectives results in regulations that are greater in number and more intrusive than for many other industries. A consequence of the intense regulatory environment is a greater need for economic analysis and information, compared to less regulated industries. The Magnuson-Stevens Act, Regulatory Flexibility Act, National Environmental Policy Act, and executive orders (EO), such as EO 12886 on Federal Regulations, all require consideration of economic impacts of government regulations. The demand for economic analysis and information becomes even more acute when allocation issues are involved. The widening gap between fishing capacity and allowable harvest has increasing fishing capacity and declines in various fish stocks have resulted in an increasing number of management actions with direct and indirect allocation implications. Failure to adequately consider economic effects of regulations can result in lawsuits challenging the regulations.

Based on the criteria listed in the introduction of this document, **the following economic projects were selected as highest priority needs:**

- **Comparative analysis of limited access and rights-based management programs in the context of West Coast fisheries.**

- **Baseline description of the fishing industry and communities (combined with) periodic assessment of “status of the fisheries.”**
- **Economic and social analysis of groundfish and salmon harvest and management strategies.**
- **Recreational fishery net economic value and angler participation models.**

These highest priority needs and other high priority needs are described below in more detail.

#### **Data Collection**

**Social Data.** An effort is needed to identify types of social analysis that may assist in fishery management decisions and to identify any data collection programs that should be initiated to support such analyses over the long-term, particularly regarding impacts on coastal communities. Based on the provisions of the Magnuson-Stevens Act and NMFS guidelines, determine what information is needed for decision making, then determine data and research needed to produce that information.

**Baseline Description of the Fishing Industry and Communities.** Develop a baseline description of the fishing industry and communities which are affected by Council-managed fisheries, including vessel characteristics, fishing strategies, catch mixes, and vessel mobility for both commercial vessels and recreational charter vessels. Based on the provisions of the Magnuson-Stevens Act and NMFS guidelines, determine what information is needed for decision making, then determine data and research needed to produce that information. This information would be useful in developing assessments of possible responses to closures or other regulatory constraints and for maintaining the Fishery Economic Assessment Model used for development of income impact assessments. For the commercial fishery significant progress is being made in this area through work ongoing under the PSMFC cost-earnings project. A project has been initiated for charter vessels and needs to be completed. Information is needed on the full range of commercial activities that might be undertaken by recreational charter vessels along different areas of the coast.

**Socioeconomic Baseline Profiles of the Fishing Industry and Fishing Communities.** Socioeconomic baseline studies need to be developed for the fishing industry including various gear groups (e.g., trawl, pot, hook and line), allocative sectors, (commercial and recreational) and fishing communities. Based on the provisions of the Magnuson-Stevens Act, Regulatory Flexibility Act, and NMFS guidelines, determine what socioeconomic information is needed for decision making by the Council, then determine data and research needed to produce that information.

#### **Analysis**

**Comparative Analysis of Limited Access And Rights-Based Management Programs in the Context of West Coast Fisheries.** Comparative analyses of existing limited access programs (including but not limited to license limitation, community development quotas, and individual quota programs) are needed to 1) understand their effects on management objectives including conservation, income distribution, efficiency, safety, enforcement costs, and management costs; 2) address long-run allocation problems including allocation between gear types and the recreational and commercial sectors; and, 3) increasing direct involvement of industry in research and management.

**Periodic Assessment of “Status of the Fisheries.”** An annual or semi-annual analysis of “status” of Council-managed fisheries is needed to determine whether fisheries are meeting stated management objectives. Analysis would include economic, social, and conservation objectives. Economic analysis would include quantitative measures including profitability, jobs, and income.

**Economic and Social Analysis of Groundfish and Salmon Management Strategies.** Conduct economic and social analysis of alternative roundfish and salmon management strategies. For salmon this analysis should include 1) the potential economic and social implications of watershed-based management approaches; 2) the costs and benefits of alternative hatchery practices; 3) the costs and benefits of alternative harvest strategies; and 4) cost-effective analysis to meet objectives stemming from achieving biological objectives (e.g., Endangered Species Act) and treaty rights obligations. For groundfish, this analysis should include the costs and benefits of alternative harvest and management strategies, including capacity reduction.

**Economic Analysis of Marine Reserves.** Marine Reserves are being proposed as tools for fisheries management and science. There are many alternative designs which could be appropriate depending on management/science objectives and biological/ecological characteristics of the resource. Economic-policy analysis is needed for developing efficient and/or cost effective designs which reveal tradeoffs associated with 1) design elements, 2) ecological characteristics, and 3) management objectives.

**Economic Analysis of Alternative Programs to Document, Analyze, and Reduce (Regulatory) Discards.** There are many programs being proposed to document harvests and/or reduce discards. The potential costs of some programs may exceed benefits. Economic analysis is needed to evaluate alternative programs and potential for realizing program objectives.

**Economic Analysis of Management Approaches Which Increase Fishery Stability and Reduce Harvest Variability.** Stability in management and harvests can provide economic benefits to industry and communities. However, it may also generate costs associated with decreases in average harvests. Economic analysis is needed to evaluate the potential benefits and costs of alternative management strategies to reduce harvest variability.

**Economic Analysis to Improve the Effectiveness of Fishery Science.** The mandates of Sustainable Fisheries Act and the existing paucity of data relevant to fisheries increase the need for additional research. Scientific budgets, however, remain limited. Economic analysis is needed to assist in prioritizing research needs and evaluating alternative science approaches including collaboration with industry, nongovernment organizations, state agencies, and universities. Such analysis would be critical for designing and implementing a comprehensive and coordinated research and data plan.

**Analysis to evaluate extent of overcapacity in the charter vessel fleet.** A survey will be conducted in 2001 that may facilitate this analysis.

## **Modeling**

**Documentation of the Fishery Economic Assessment Model.** The Fishery Economic Assessment Model generates income impact estimates used by the Council. There is a continuing need to collect and document expenditure information for the commercial and recreational fisheries. New commercial data should be forthcoming from the PSMFC economic data collection project.

**Development of Industry Response Models.** Participation models need to be developed to project industry responses to alternative management regulations. Some elements necessary for development of these models are identified above as separate needs. These elements are fishing cost and revenue information and baseline descriptions of the fishing industry. The participation models need to be considered when cost and revenue information collection plans and baseline descriptions are developed in order to ensure the data collected and baselines are useful for the participation model. Participation models are also needed to predict the effect of management measures on angler effort and harvest in the groundfish fishery and ocean and inriver components of the salmon fishery.

**Recreational Fishery Net Economic Value and Angler Participation Models.** A review of currently available estimates of net economic value (NEV) is needed for the salmon, groundfish, and halibut recreational fisheries. The need for information on groundfish fisheries may become particularly acute if the Council pursues development of allocations for the recreational fisheries in conjunction with the development of a groundfish trawl buyback program. Information is needed on the relationship of angler trip NEV to mode of fishing (private vessel, charter vessel, and bank fishing), success rates, retention opportunities and limits, and species caught. Studies of both ocean and inriver components of the salmon fishery, the rockfish, and the lingcod fisheries are of most immediate importance. Information on substitution rates between recreational activities is also needed as well as information on the net economic value generated by recreational fishing on charter vessels for each target species.



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## GROUNDFISH FISHERY MANAGEMENT PLAN

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Recent increases in federal funding and scientific personnel, specifically for groundfish, have improved the outlook for enhancing monitoring, resource surveys, and research activities directed at stock assessments. Improvements and expansion of groundfish surveys are underway and will include increased participation of the fishing industry. Magnuson-Stevens Act directives require expansion of the West Coast stock assessment research effort to improve scientific information for groundfish management, specifically, additional effort is necessary to better quantify species abundance, to evaluate overfishing levels and rebuilding plans, to address bycatch, and to reduce the magnitude of bycatch in groundfish fisheries. The challenge will be to expand survey effort using new designs and the existing fleet of West Coast fishing vessels to meet the high priority needs and generate information that can quickly be incorporated into the stock assessment process.

Groundfish research and data needs are broad, and efforts to address these needs may compete or overlap. In order to assure that the resources available for meeting these needs are utilized in an efficient and effective manner, **a plan is needed for the development of research and data collection projects.** This plan should include specific projects as well as mechanisms for coordination and development of an ongoing interagency program for addressing West Coast groundfish research and data needs.

**The top five highest priority groundfish management plan research and data needs are:**

- **Establish a West Coast coordinator** to identify and prioritize stock assessment information needs, to track programs that fulfill those needs and to facilitate establishment of new programs to address unmet needs. This coordinator would report status of biological data collection activities to the Council, with emphasis on anticipated deficiencies identified with respect to stock assessment and management needs.
- **Develop and implement a coastwide multistate system for electronic recording of fishticket information and fishery logbooks in consistent form.**
- **Develop methods, programs, or analytical tools to quantify amount of groundfish discarded by the various fishing sectors** to estimate total harvest removals for control of total harvest and stock assessments. Evaluate alternative methods of estimating and reducing discard rates.
- **Continue to work on a plan to conduct annual resource surveys** to meet shortcomings identified by the 1995 review of West Coast stock assessments. This includes establishing infrastructure, a role for cooperative opportunities with industry, survey staff, and analytical teams required to produce timely results from the surveys, so that they are incorporated into stock assessments as early as possible. Surveys should cover the full range of the fish distributions to the extent practical and should be coordinated with Canada.
- **Investigate impact of fishing gear on specific habitats and habitat productivity on the West Coast fishing grounds.** From existing and new sources, assemble information on fishing activities for each gear type to prioritize gear research by gear, species, and habitat type. Information on the extent of fishing impacts on the productivity of fishing ground bottom habitat is important to goals of ecosystem management.

Species specific groundfish research and data are provided in Appendix A. The Council's high priority and immediate groundfish research and data needs have been divided into five categories:

**Fishery Monitoring and Data Collection.** One of the most important Council needs is accurate assessment of total removals to estimate fishing mortality and accurate tally of fishery landings in-season.

The benefits of fishing regulations cannot be evaluated unless there is good information on the effects of the regulation on

harvest. In-season monitoring of catch rates is necessary to ensure that harvests do not substantially deviate from target levels. Currently, the greatest concerns are accurate estimates of amounts of fish discarded in multispecies fisheries and unreported or under reported landings.

**Resource Assessment Surveys.** For the Council to set appropriate target harvest levels, accurate estimates of current biomass and size of incoming year classes for the groundfish resources are needed. Groundfish survey strategy is primarily based on a triennial schedule that includes a bottom trawl survey of the shelf resources and an acoustic/midwater trawl survey for Pacific whiting and an annual bottom trawl survey of slope resources. The bottom trawl survey design is inadequate for estimating many of the nearshore flatfish, does not extend beyond the shelf, and has too few stations to estimate shelf rockfish with the desired level of precision. Annual California Cooperative Oceanic Fisheries Investigations (CalCOFI) surveys off California, which have been used for coastal pelagic stocks, may have application to some groundfish stocks. An annual trawl survey of the slope groundfish resources using chartered commercial vessels is being conducted that is synoptic of the entire coast. Data from this survey will become more useful as the time series becomes longer. With the expanding emphasis to improve the stock assessments for the groundfish, new opportunities and sampling technologies are becoming available to expand the survey frequency and areas and species not normally sampled by trawling.

**Biological Information Including Fishery and Productivity Parameters.** Assessment models of the productivity of the various groundfish stocks depends not only on good estimates of fishery catch by age and current estimates of biomass and recruitment, but also reliable parameter estimates of growth in length and weight, fecundity and sexual maturity, natural mortality, and differential location/movement by size, age, and sex. The data from which these parameters can be derived come from sampling of fish in commercial and recreational catches and survey catches. With possible expansion in survey activities and increased fishery sampling, there will be new opportunities to collect basic biological data to improve fishery and biological parameters needed for improving stock assessment modeling.

**Stock Assessment Modeling.** Development of reliable stock assessment models of the dynamics of the important fish stocks is critical to evaluating optimum yield and MSY control rules for species or species groups for managing annual fisheries. These model results are usually presented as updated stock assessment reports.

**Habitat.** The reauthorized Magnuson-Stevens Act established new priorities for the consideration of impacts on habitat. Additionally, the Council is moving forward on the development of marine reserves. More information is needed to understand the impacts of different fishing gears on habitat and the importance of different habitats and/or refugia for maintaining the fishery.

## **FISHERY MONITORING AND DATA COLLECTION**

It is critical that the agencies maintain and expand a coastwide comprehensive fishery monitoring program. Ongoing monitoring of the fishery and collection of information is essential for effective management of the groundfish fishery, including sampling to determine species, size, and age composition of landings stratified by area and depth; effort levels by fishery, area, and/or gear type; landed value; etc. This information would improve both stock assessments and control of total harvest, and economic evaluation.

### **Review Data Collection Projects**

Conduct a review of the main modeling methodologies, major data sources used for stock assessments (i.e., port samples, gear, and vessel information, age structures, etc.) and plans for future data collection. Set priorities for the most effective use of available personnel, equipment, and funds.

Establish a West Coast coordinator to identify and prioritize stock assessment information needs, to track programs that fulfill those needs and to facilitate establishment of new programs to address unmet needs.

This coordinator would report status of biological data collection activities to the Council, with emphasis on anticipated deficiencies identified with respect to stock assessment and management needs.

### **Port Sampling**

Monitor the effectiveness of port sampling efforts coastwide to ensure there are no major gaps in data, such that no major components of the landings and/or species go unsampled including the rapidly growing live-fish fishery, particularly in California. Maturity, average weight and age data need to be collected using a more systematic approach.

Evaluate the results of data collected to determine whether plant workers can, in a cost effective manner, collect representative samples to augment the port sampling program. Such in plant sample collection may particularly benefit species like Dover sole.

Expand monitoring for species, age and length composition by specific depth and area strata for important nearshore recreational fisheries and the growing hook-and-line fisheries (e.g., blackgill rockfish). In California, categorization of species for species composition sampling is inadequate for management purposes, and levels of sampling are sparse in some ports. Oregon has attempted to extend rockfish species composition sampling to miscellaneous gears, yet coverage remains low, and few biological samples are obtained. In Washington, longline, shrimp trawl, and miscellaneous gears are not sampled.

Reinstate sampling of flatfish age structures by the port sampling program. English sole and Petrale sole stock assessments could not be extended into California, because biological sampling of nearshore flatfish in California had not occurred.

### **Fishticket Data**

Develop and implement a coastwide multistate system for electronic recording of fishticket information as part of a fully integrated fishery statistics program, including logbooks, observer program, and biological sampling.

Pursue coastwide standardized species and market categories on fishtickets and ensure states apply standard product recovery rates for dressed fish landings.

Improve the quality and coverage of all types of fisheries landing data particularly for southern rockfish and the two species of thornyhead rockfish.

Evaluate accuracy of current landings data and systematically eliminate significant sources of under-reporting. Receipt of premium fish by wholesale buyers in California is very different from the traditional landing of fresh fish. Most is purchased by dealers operating from trucks or vans equipped with live wells. Off-loading sites can be quite variable. This leads to a strong suspicion of under-reporting of landings.

### **Logbook Data**

Continue development and implementation of a coastwide multistate system for electronic recording of fishery logbooks.

Develop a logbook system for nontrawl sectors of the fleet including recreational charter vessels for target species such as sablefish, lingcod, rockfish, and specifically for blackgill rockfish to generate an information base on spatial distribution of fishing effort and levels of catch per unit of effort (CPUE).

Continue evaluation of the use of trawl logbook data to measure relative abundance of groundfish. At the same time, conduct an evaluation of the current logbook data collection system including types of information related to fishing power (e.g., mesh size, head rope, and foot rope parameters, etc.). Continue to pursue programs such as the port interview program to gain additional insight on interpretation of the logbook data.

Refine and increase the number of species categories in logbooks to make reporting equivalent to species categories used in port samples and to facilitate integration of fish ticket, logbook, biological sample, and economic data.

### **Discard Data**

Develop methods, programs, or analytical tools to quantify amount of groundfish discarded by the various fishing sectors, particularly the trawl fleet, to estimate total harvest removals for control of total harvest and stock assessments. Include an evaluation of a mandatory observer program and full retention program for all sectors of the fishing industry. Evaluate alternative methods of estimating discard rates against accurate observations made by observers.

Collect size frequency information for at-sea discards would be useful for some species (e.g., Petrale sole).

Continue examination of observer data from Oregon Trawl Commission/agency program for potential insight on the appropriateness of the assumed discard rates.

Continue laboratory and field research for sablefish, lingcod, halibut, and other critical species to document acute and chronic mortality of discarded and bycatch species by the various gear types, and develop improved field criteria for predicting the mortality of at-sea discards.

### **Management Approaches**

Evaluate the extent to which proposed management measures minimize bycatch to the extent practicable, as per the national standards guidelines Section 600.350 (d)(3)). Regulations which induce discards should be evaluated to determine their effects on yield. Oregon Trawl Commission/Oregon Department of Fish and Wildlife observer data and PacFIN price and size data may be available for such an analysis.

Evaluate the effectiveness of revised recreational bag limits (black rockfish) and minimum size limits (lingcod) to accomplish their original intended purpose (should be undertaken prior to the next stock assessment).

Evaluate the current use of cumulative limits to achieve a year-round fishery and possibilities for developing alternative management approaches given the limitations on management resources, data, modeling, and enforcement. Provide scientific information to guide the development of alternative approaches such as individual quotas.

### **RESOURCE ASSESSMENT SURVEYS**

Develop and implement a cooperative agency/fishing industry plan to conduct annual resource surveys to meet shortcomings identified by the 1995 review of West Coast stock assessments. This includes establishing infrastructure, survey staff, and analytical teams required to produce timely results from the surveys, so that they are incorporated into stock assessments as early as possible. Surveys should

cover the full range of the fish distributions to the extent practical and should be coordinated with Canada. Surveys should be conducted in a manner that allows better definition of temporal patterns in spatial distribution.

### **Slope Surveys**

For slope groundfish:

- Continue expanded *Miller Freeman* slope trawl survey to provide synoptic coverage and to calibrate and complement the survey being conducted using chartered commercial vessels.
- Continue the expanded annual synoptic slope trawl survey started in 1998 using commercial trawl vessels and standard gear. This survey should continue to collect biological information by depth as well as harvest rate information. (Slope trawl surveys should be coordinated with annual shelf trawl surveys).
- Establish regular pot or longline surveys for sablefish, conducted at appropriate depths and coordinated and standardized coastwide. Such a survey could also target thornyheads and grenadiers. Conduct this survey using industry vessels in conjunction with the research vessel *Miller Freeman* slope survey and the new cooperative trawl survey to calibrate the three surveys.

### **Shelf Surveys**

For shelf groundfish and nearshore recreational species:

- Conduct an annual shelf bottom trawl survey (coordinated with slope trawl surveys). Include the entire California coast, along with Oregon and Washington. If the area south of Point Conception cannot be surveyed with trawl gear, institute a hook-and-line survey in the area. During development of the survey evaluate the adequacy of the methods for assessment of shelf flatfish stocks.
- Conduct annual whiting acoustic surveys. Measure in-situ target strength as a function of fish length for converting NMFS acoustic survey data to improve the estimates of whiting biomass and reduce uncertainty of the annual stock assessment results. There will be opportunities for collaborative work involving agencies in the U.S., the fishing industry, and Canadian scientists.
- Implement a periodic survey effort (depth and area specific) for important nearshore recreational species and flatfish stocks (coordinated with shelf surveys).
- Continue and expand annual recruitment surveys for juvenile sablefish, Pacific whiting, and rockfishes.

### **Alternative Survey Methodologies**

- Evaluate feasibility of and develop as appropriate alternative survey methodologies for measuring abundance and distribution of groundfish, including egg and larval survey, visual, acoustic and laser systems.
- Develop improved survey methodologies for rockfish in untrawlable habitat. This is important for the northern Washington coast and southern California. Estimates of abundance for reef-oriented rockfish depend on information on available habitat and fish densities for specific habitat types. Existing survey methodologies, such as transect surveys using submersible vehicles or longlines could be applied on an expanded basis to estimate local fish densities. Side-scan sonar can map bottom habitat. Many of these species are now targeted by a growing hook-and-line fishery and are

vulnerable to over harvest due to their extreme longevity. This is important for yellowtail, widow, yelloweye, canary, blackgill, grass, gopher, china, and copper rockfishes.

### **Environmental Data Collection**

Collect analyze and synthesize data to determine whether there have been long-term changes in productivity or recruitment relationships due to environmental changes. Collect oceanographic data to determine the relationship between oceanographic conditions and productivity and recruitment. Conduct field studies to validate relationships. Equip cooperating trawlers with electronic oceanographic and environmental monitoring instruments to increase the amount of environmental data that can be correlated to the biological and fishery information.

### **Other Collection Tasks**

Calibrate trawl surveys by estimating survey catchability coefficients (Q) to increase the accuracy of stock assessments, particularly those based on short time series.

Continue the Enhanced Data Collection Program and the Depth-Specific Sampling Project to meet the need for depth-specific biological samples for sablefish, thornyheads, and Dover sole.

Re-establish the northern Washington lingcod tagging project to improve annual estimates of lingcod recruitment, adult abundance, and mortality.

Develop an intensive sablefish tagging study to acquire information about migratory patterns, growth, mortality, and abundance. Re-establish cooperative U.S.-Canada tagging program for sablefish.

Consider a northward expansion of the CalCOFI ichthyoplankton surveys to estimate spawning biomass of slope species, nearshore flatfish, and, potentially, rockfish off central/northern California, Oregon, and Washington.

Continue the evaluation of Russian survey data related to Pacific Ocean perch (POP) and other slope rockfish.

## BIOLOGICAL INFORMATION INCLUDING FISHERY AND PRODUCTIVITY PARAMETERS

### Age Data

**Validation.** Age validation studies are important to assure the basic data used in stock assessments are accurate, particularly for species like shortspine thornyhead and bocaccio. Aging techniques routinely employed have not been researched and/or validated for many rockfish species. Radiometric studies of shortspine thornyheads should be continued, and tagging data should be collected for both shortspine thornyheads and bocaccio. Radiochemical dating is also needed for cowcod and blackgill rockfish otoliths. Conduct an interagency comparison of the reading of lingcod age structures to establish consistent aging criteria and validate annuli. Improper aging results in unreliable stock assessment data. Collaboration with Canadian efforts may be appropriate for some transboundary stocks.

**Collection.** Age composition data are critical to generate precise stock assessments with stock synthesis and other assessment models. Collection and analysis of coastwide age structure data from research surveys and commercial fishing needs to be expanded and continued for whiting, POP, chilipepper rockfish, lingcod, Petrale sole and other flatfish. There are species and areas in which the collection of age data is very incomplete, (e.g., sablefish dressed at sea and rockfish taken by nontrawl gear). Also, data on particular size ranges are sparse for some species (e.g., small Petrale sole). For POP, resume the collection and reading of otoliths from the commercial fishery and re-read, if possible, pre-1983 otoliths using the break and burn technique. The frequency of the collection of flatfish otoliths from port samples has diminished and should be increased. There is a need to increase the amount of otoliths read per year to provide sufficient catch-at-age data and estimates of growth for groundfish stock assessments.

### Stock Structure

Conduct research on the population genetic structure of groundfish stocks to monitor the long-term implications of management measures. In particular, the genetic structure of sablefish and many rockfish populations are largely unknown.

Evaluate implications of assessment and management boundaries at US-Canada border for species with transboundary distributions.

### Species Group/Complex Specific Needs

Expand research on basic life history of the other nearshore groundfish stocks that are targeted by hook and line fisheries and recreational fisheries.

Biological information, including size and age sampling, is needed for the large majority of rockfish species. Standardized sampling methods and tools need to be developed for dockside handling of live fish, to quickly obtain measurement data without injury to the specimens.

For canary rockfish, thornyheads and POP laboratory-based histological examination of reproductive tissue would be useful for evaluating the visual determinations of maturity made by port biologists and determining the age of sexual maturity.

## **STOCK ASSESSMENT MODELING**

Place a high priority on conducting assessments for species that have not been previously assessed. Develop new models for species for which fishery-independent data are not available (e.g., nearshore rockfishes).

### **Localized Depletion**

Localized depletion of groundfish stocks, especially Dover sole, shortspine and longspine thornyheads, black rockfish, may occur in areas where fisheries are concentrated. The use of area-specific harvest guidelines for these species should be evaluated.

### **Multispecies Management**

Groundfish management must ultimately evolve to multispecies management. The need for management of this type is epitomized by the deepwater trawl fishery where sablefish, Dover sole, and thornyheads are the dominant species. To manage such an assemblage effectively, biological, oceanographic, and economic factors (including foreign markets) must be considered and melded into multispecies management plans and management models. A theoretical framework for assemblage management is needed. NMFS's program in Newport, Oregon, is focusing on the deepwater assemblage.

### **Harvest Policies and Biological Reference Points**

Continue the evaluation of MSY control rules, biological reference points, spawner-recruit relationships and harvest policies used to make decisions about acceptable biological catch and harvest guideline/optimum yield for groundfish. This work is particularly important for groundfish with diverse or extreme life histories (e.g., Bocaccio rockfish and POP). The evaluation of the appropriate harvest policy may involve consideration of whether the fishery is being managed for commercial or recreational purposes and whether there have been long-term changes in productivity or recruitment relationships due to environmental changes.

### **Performance of Stock Assessment Models**

Evaluate the statistical properties (i.e., bias, estimability, variance, etc.) of current stock assessment models used for groundfish. This should include an evaluation of the quality, quantity, and frequency of basic input data from fishery dependent (e.g., fishery age compositions) and independent sources (e.g., surveys).

Conduct field projects and modeling studies to determine which selectivity assumptions (dome shape vs. asymptotic) are most appropriate for the various groundfish stocks including lingcod and numerous species of rockfish with age structured assessment.

Conduct an evaluation of characteristic patterns of discrepancies in stock assessment retrospective analyses to develop a knowledge base for interpreting information in these patterns.

### **Decision Theory and Uncertainty Analysis**

Evaluate how best to account for and present uncertainty in the results in all stock assessments.

### **Socioeconomic and Management Factors Affecting Assessment Data**



Develop indices for monitoring and documenting market, fishery management, and other factors that may affect fishery dependent data which can be used in the annual stock assessments to improve interpretation of the results.

#### **HABITAT**

- Investigate impact of fishing gear on specific habitats on the West Coast fishing grounds. From existing and new sources, assemble information on fishing activities for each gear type to prioritize research by gear, species, and habitat type. Information on the extent of fishing impacts on the productivity of fishing ground bottom habitat is important to goals of ecosystem management.
- Test methods for reducing the impacts of gear on habitat.
- Map benthic habitats on spatial scales of the fisheries and with sufficient resolution to identify and quantify fish/habitat associations, fishery effects on habitat, and spatial structure of populations. Mapping of the rocky areas of the continental shelf is critical for the identification of the rocky shelf and nonrocky shelf composite EFHs.
- Identify habitat areas of particular concern: habitats that are rare, sensitive, and vulnerable to fishing and nonfishing effects. Identify associated life stages and their distributions, especially for species and life stages with level one (or no) information.
- Standardize methods, classification systems, and calibrate equipment and vessels to provide comparable results in habitat research studies and enhance collaborative efforts.
- Develop technologies to determine the fish associations related to particular sea floor features.

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## SALMON FISHERY MANAGEMENT PLAN

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Salmon fishery management in the Pacific Northwest is undergoing a shift from mixed stock fisheries to selective fisheries for hatchery stocks. Successful implementation of selective fisheries will require accurate estimates of nonretention mortalities and new, more detailed information on fishery stock contributions and migration patterns. Recent expansion of listings under the Endangered Species Act, and the new definition of EFH, expand the Council's concerns with both freshwater and marine habitat in relation to harvest strategies and conservation. The revised Magnuson-Stevens Act requires better definitions of MSY and better understanding of population dynamics.

**The three highest priority research and data needs for the Salmon FMP are:**

- **A more accurate assessment of total fishing related mortality of natural stocks of coho and chinook.** Fishery management regimes designed to reduce impacts through nonretention or selective fishing depend for success on unbiased estimates of noncatch mortality.
- **Advances in genetic stock identification, otolith marking, and other techniques may make it feasible to use a variety of stock identification technologies to assess fishery impacts and migration patterns.** The increasing necessity for weak-stock management puts a premium on the ability to identify naturally reproducing stocks and stocks that contribute to fisheries at low rates. The CWT marking system is not suitable for these needs. The Council should encourage efforts to apply these techniques to management.
- **Encourage development of probabilistic habitat-based models that incorporate environmental variation to establish harvest policies and enable risk assessment for fishing strategies.** Overfishing definitions are required to relate to a measure of MSY. MSY for salmon is related to productivity, which varies annually in freshwater and the marine environment. Techniques for evaluating productivity, or survival, in freshwater and marine habitats are needed to set appropriate harvest targets and associated conservation guidelines such as escapement floors and overfishing definitions.

**The comprehensive list of research and data needs is grouped in three main categories:**

- **Stock Assessment.** Programs needed to provide information on stock-specific impacts of fishery management regimes.
- **Planning Tools.** Stock-specific management puts a premium on the ability of run-size predictors and harvest models to accurately evaluate impacts of regulatory proposals.
- **Life History.** Research needed to obtain an improved understanding of relationships between habitat and productivity and between hatchery and wild stocks.

### **Stock Assessment**

- **Indicator Stocks.** Indicator stock programs are needed for Central Valley spring, fall, and winter Chinook; California and Oregon coastal spring and fall Chinook; Northern California coho; and four components of Oregon Coastal Natural coho to provide information on distribution and migration patterns and stock exploitation rates. Escapement goals are needed for Washington and Oregon coastal fall chinook.
- **Metapopulations.** Research is needed to quantify the rate of genetic flow between naturally-spawning populations and to better delineate populations for fisheries management.

Understanding of metapopulation structure may also contribute to better evaluation of stock status and improved estimates of allowable exploitation rates.

- **Design of Data Collection Programs.** Research is needed to determine optimal release group sizes, number of replications, and recovery sampling programs for fisheries and escapement. Improved interagency reporting of CWT returns is needed for adult salmon escaping to hatcheries.
- **Data Reporting.** Improvements in reporting of CWT data are required to permit the completion of cohort analyses to estimate exploitation rates and fishery impacts. Improvements in the timeliness of data are needed to evaluate fishery performance and design corrective measures to constrain impacts on stocks of concern. For some areas, particularly escapements and inland fisheries, recovery data are sporadically reported, often without rigorous estimates of expansion factors.

### Planning Tools

- **Run Size Predictors.** Many abundance projections are currently expressed in terms of terminal run sizes and consequently reflect uncertain assumptions regarding impacts of prior ocean fisheries. These types of forecasts become less useful under conditions of substantial variability in ocean fishery impacts. Research is needed to develop accurate predictors of ocean abundance, including incorporation of the influence of environmental factors on intra-brood year survival rates and maturation schedules.
- **Noncatch Fishing Mortality.** In recent years, an increasing proportion of impacts of Council fisheries on naturally-spawning stocks have been caused by noncatch mortality as regulations such as landing ratio restrictions and mark-selective retention have been employed. Research, using standardized methodologies (e.g., handling, holding, reporting, post-mortem autopsies, etc.), is needed to estimate release mortality, encounter, and drop-off rates associated with gears and techniques that are typically employed in different areas and fisheries. Special attention needs to be paid to mid-term and long-term mortality. Fleet profile data (i.e., fishing technique and gear compositions) are needed to estimate release mortality rates for individual fisheries.

### Improvements in Management Planning Models

- **Explicit Consideration of Uncertainty and Risk.** Current planning models employed by the Council are deterministic. Most aspects of salmon management, such as abundance forecasts and effort response to regulations, are not known with certainty. Given the increased emphasis on stock-specific concerns and principles of precautionary management, the Council should receive information necessary to evaluate the degree of risk associated with the regulations under consideration. Research is needed to evaluate the accuracy of existing planning models, characterize the risk to stocks and fisheries of proposed harvest regimes, and to effectively communicate information on uncertainty for use in the Council's deliberations.
- **Continuous Catch Equations.** Because current planning models employed by the Council are constructed using simple linear, independent equations, interactions between stocks and fisheries within a given time step are ignored. This can result in biased estimates of impacts. Research is needed to investigate the feasibility of recasting the models from discrete to continuous forms. e.g., competing exponential risk catch equations.
- **Migration.** The Council currently employs "single pool" type models (i.e., ocean fisheries operate simultaneously on the entire cohort) for evaluating alternative regulatory proposals. Under certain conditions, such models can produce results that are inconsistent with expectations of biological behavior. For example, if a fishery off Central California is closed to coho fishing for a given time period, the fish that were saved become available to fisheries off the Northwest Coast of Washington

in the next time period. Research is needed to determine the feasibility of incorporating explicit migration mechanisms into planning models.

- **Resolution.** Some of the models currently employed by the Council attempt to represent time-area-fishery strata at a level of resolution which is difficult to support with available data. This creates a public impression of management precision that does not reflect reality and obscures problems of uncertainty in parameter estimation. Consideration should be given to reducing the number of time-area-fishery strata to levels that can be reliably supported by available information.

**Catch Composition.** Research is needed to compare stock and age compositions from fishery samples against model-generated estimates. This is a model validation exercise.

- **Coastwide Models.** Currently, at least five models are employed to evaluate impacts of proposed regulatory alternatives considered by the Council. A single coastwide chinook model would provide analytical consistency and eliminate the need to reconcile and integrate disparate results. Additionally, research is needed to determine the feasibility of combining chinook and coho into a single model to simplify tasks of estimating mortalities in fisheries operated under retention restrictions (e.g., landing ratios or nonretention).

### **Alternative Management Strategies**

- **Alternatives to Time-Area Management.** The annual planning process centers on the crafting of intricate time-area management measures by various groups. The feasibility of using alternative approaches (e.g., pre-defined decision rules to establish upper limits on fishery impacts, individual quotas, effort limitation) to reduce risk of error, decrease reliance on preseason abundance forecasts, improve fishery stability, simplify regulations, and reduce management costs needs to be investigated. For instance, the integration of Council planning processes with the abundance-based coho management frameworks under consideration by the Pacific Salmon Commission and by the State of Washington and western Washington treaty tribes to streamline the preseason planning process needs to be developed and evaluated.
- **Selective Fisheries.** The Council began to employ mark-selective retention restrictions for coho fisheries in 1998. Research is needed to investigate the utility of other types of selective fisheries. For example, time-area closures might reduce exploitation rates on concentrations of stocks of conservation concern.

### **Stock Identification**

- **Mass Marking.** Estimates of mark rates are essential for planning mark-selective fisheries. The accuracy of mark and release rates needs to be evaluated as well as the variability of mark-induced mortalities under operational conditions.
- **Stock Identification.** In most cases it is not feasible to rely upon coded-wire-tagging of natural stocks, particularly those in depressed status, to obtain direct information on patterns of distribution and exploitation. Alternative stock identification technologies should be explored as a means to collect data necessary for stock assessment purposes. Research is needed to improve ability to estimate contributions of natural stocks in ocean fisheries and escapement. Potential research areas include 1) association studies to determine the degree to which hatchery stocks can be used to represent distribution and migration patterns of natural stocks; 2) genetic stock identification, DNA, otolith marking, and scale studies; 3) improved statistical methods and models; and 4) basic research on stock distribution and migration patterns.

### **Life History Studies**

Under the National Standards for the Sustainable Fisheries Act, MSY is identified as an upper limit to fishery impacts. Further, MSY is a consideration under principles of precautionary management embraced by the United States in the U.N. Convention for Highly Migratory and Straddling Fish Stocks and the determination of overfishing. MSY for salmon is related to productivity, which varies annually in freshwater and the marine environment. Techniques for evaluating productivity, or survival, in freshwater and marine habitats are needed to set appropriate harvest targets and associated conservation guidelines.

### **Freshwater Habitat**

Research is needed to identify and quantify those factors in the freshwater habitat which limit the productivity of salmon stocks. Research should focus on 1) quantifying relationships between habitat factors and salmon production; 2) measuring the quantity and quality of these habitat factors on a periodic basis; and 3) evaluating habitat restoration projects for both short-term and long-term effects. Activities such as water diversions, logging, road building, agriculture, and development have reduced production potential by adversely affecting freshwater conditions. Habitat quality and quantity are crucial for the continued survival of wild stocks. The following specific research areas have been identified as being of particular importance.

**Predictive Models for Land-Use Impacts.** Determine if reliable, quantified relationships between land use patterns and anadromous fish production can be developed. Efforts are underway to link maps of freshwater habitats with models of salmon production for use in risk assessment, in designing habitat restoration programs, and in guiding land use policy development. As part of the Oregon Plan for Salmon and Watersheds, indicator watersheds are being established and monitored for land use impacts and fish production.

- **Limiting Factors.** Identify limiting factors. Develop strategies to prioritize actions to reduce or overcome limiting factors to restore wild fish production and essential ecological processes.

### **Estuarine and Ocean Survival**

- **Environmental Influences on Survival.** Determine natural survival and stock distribution in the estuary and ocean, year-to-year, age-to-age, and life-history variability, and relationships to measurable parameters of the environment (i.e., temperature, upwelling, etc.). Some work has been done for coho, but little is known for chinook. Included in the information need are long-term and short-term relationships between environmental conditions and fluctuations in chinook and coho salmon survival, abundance, and maturation rates. (Substantial predictive errors in forecasts based on previous year returns and apparent large-scale multistock fluctuations in abundance suggest important large-scale environmental effects.)
- **Immunocompetence.** Studies of juvenile and adult salmon are needed to evaluate relationships among physiological state, environmental conditions, and survival.
- **Predation.** Research is needed to quantify the mortality rate on salmon by pinnipeds, seabirds, and predatory fish. Predation is potentially a problem in certain estuaries and in the ocean. Potential for restoration of some runs may be limited by predatory pinniped or bird populations.

### **Hatchery/Wild Interactions**

- **Genetics.** Determine the extent to which there may be gene flow between hatchery and wild stocks. One approach would be to estimate the stray rate of hatchery fish into natural spawning areas the rate at which and wild fish interbreed, and survival rates of progeny.

- **Freshwater Ecology.** Investigate the ecological (competition, predation, displacement) effects of hatchery fish on natural production in freshwater. All life stages from spawner to egg to smolt may be affected.
- **Estuary Ecology.** Migration timing, habitat utilization patterns, competition for food or space, and predator interactions are areas of interest. Differences between hatchery and natural smolts in these areas could help address the questions of the importance of density-dependent growth and survival and potential negative effects of hatchery releases on natural stock production.
- **Early Ocean Life-history.** Points of comparison between hatchery and wild stocks could include: ocean distribution, migration paths and timing, size and growth, food habits, and survival rates.
- **Identification of Hatchery Fish.** The presence of hatchery fish may interfere with the accurate assessment of the status of natural stocks. This problem may be alleviated by the use of mass-marking using otolith marking, CWT, genetic marking, fin removal, or other technologies to estimate the contribution of hatchery fish to fisheries and natural spawning populations.
- **Supplementation.** Research is needed to investigate the utility of using artificial propagation to supplement and rebuild natural stocks. Guidelines for the conduct of supplementation to preserve genetic diversity and legacy of populations are needed. Special care is needed to ensure that supplementation programs do not unintentionally jeopardize natural runs.

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## COASTAL PELAGIC SPECIES FISHERY MANAGEMENT PLAN

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The CPS FMP includes northern anchovy, Pacific sardine, Pacific (chub) mackerel, jack mackerel, and market squid. Annual stock assessments are currently conducted for Pacific sardine and Pacific mackerel, the two actively-managed species in the plan. Whereas, in years past, the geographic coverage of CPS stock assessments has been largely limited to California, several recent developments highlight the need to enhance current assessment procedures in order to meet the requirements of the FMP. These include 1) the development of new fisheries for Pacific sardine, Pacific (chub) mackerel, and squid in Oregon and Washington; 2) increasing recognition of the importance of CPS as principal forage for many salmon and groundfish stocks that are currently at low abundance levels; and 3) the importance of CPS biomass estimates to the Council's annual determination of allowable coastal pelagic harvests. A pressing need exists for stock assessments that accurately reflect the reproductive characteristics of CPS stocks throughout their geographic range and for additional stock assessment personnel in NMFS and the three Pacific Coast states to carry out these assessments.

### **The highest priority research and data needs for the CPS FMP are:**

- Gain more information about the status of the CPS resource in the north using egg pumps used during NMFS surveys, sonar surveys, and spotter planes.
- Develop a coastwide (Mexico to British Columbia, Canada) synoptic survey of sardine and Pacific mackerel biomass, i.e., coordinate a coastwide sampling effort (during a specified time period) to reduce "double-counting" caused by migration.
- Increase fishery sampling for age structure (Pacific sardine and Pacific mackerel) in the northern and southern end of the range. Establish a program of port sample data exchange with Mexican scientists (Instituto Nacional de la Pesca [INP], Ensenada).
- Evaluate the role of CPS resources in the ecosystem, the influence of climatic/oceanographic conditions on CPS; predatory/prey relationships. Increase the use of fishery information to estimate seasonal reproductive output of stock (e.g., fat/oil content).
- Improve information on salmon and other bycatch in the CPS fishery.

### **SARDINE**

Sardine have been increasing in abundance along the entire coast from Baja California to British Columbia, Canada. New fisheries for sardine in Oregon, Washington, and British Columbia, Canada are developing.

The following research and data needs for sardine were drawn largely from the Sardine Symposium 2000 (May 23-25, 2000), organized by PSMFC, NMFS, California Department of Fish and Game (CDFG), and the Scripps Institute of Oceanography. Practicality of items were not determined and no priorities were set; items are listed in no particular order.

- Increase sampling for age structure throughout its range.
- Convert Oregon-Washington egg surveys carried out by National Marine Fisheries Service, Northwest Fisheries Science Center to biomass by estimating adult parameters (batch fecundity and spawning frequency).

- Improve existing southern California spawning biomass estimates based on egg surveys by measuring adult spawning parameters (batch fecundity and spawning frequency).
- Conduct aerial surveys of sardine schools using spotter pilots to provide coastwide indices of sardine abundance and estimate the extent of offshore distribution.
- Add airborne lidar to the above aerial surveys.
- Conduct coast-wide inventory of sardine biomass using Continuous Underway Fish Egg Sampler.
- Conduct acoustic-trawl survey coastwide to provide coastwide estimate of biomass.
- Conduct coast-wide intensive sampling for certain periods using industry and multiple agency contributions resembling the URICA biomass surveys of Peru, except the focus would be on age structure and reproductive rates. One suggestion was to focus on April since the April CalCOFI survey provides the longest fishery independent time series; a summer focus would also be useful since the northern fishery occurs in the summer.
- Conduct short fishing vessel cruises to establish offshore limit to sardine distribution and to obtain age structure information.
- Examine micro-constituents of sardine otoliths to determine the origins of fish (a low cost alternative to tagging).
- Implement electronic logbooks with Global Positioning System and time stamp to improve locality and time data on catches.
- Establish network to archive industry derived estimates of size specific oil yield to be used in estimating seasonal reproductive output of stock.
- Investigate feeding selectivity and the role of diet to determine the causal factors of bursting abdomens (the hot tummy phenomena).

#### **PACIFIC MACKEREL**

California's Pacific mackerel fishery has been sampled by CDFG for age composition and size-at-age since the late-1920s. The current stock assessment model incorporates a complete time series of landings and age composition data from 1929 onward. Ensenada (Baja California) landings have rivaled California's over the past decade, however, no biological information is currently available from Mexico's fishery. Landings are accounted for in the assessment, but size and age composition are assumed to be similar to the San Pedro, California fishery. Like sardine, there is a need to establish a program of port sample data exchange with Mexican scientists (INP, Ensenada) to fill this major gap in the stock assessment.

Fishery-independent survey data for measuring relative changes in Pacific mackerel recruitment and spawning biomass are generally lacking. The current CalCOFI sampling pattern provides information on mackerel egg distributions in the Southern California Bight, the extreme northern end of the spawning area. Mexican scientists have conducted a number of egg and larval surveys off of Baja California in recent years (e.g., IMECOCAL program). Access to this data would enable us to continue the historical CalCOFI time series which begins in 1951. This information could be directly incorporated into the assessment model.

Pacific mackerel biomass has been declining since the early 1980s, but recent El Niño events have concurrently extended their northern range to British Columbia, Canada. Pacific mackerel are caught



incidentally in the Pacific whiting and salmon troll fisheries. A simple reporting system is needed to document incidental take of mackerel in fisheries to the north. Presence-absence information may allow us to detect southward movement or further decreases in biomass.

### **MARKET SQUID**

Market squid are poorly understood, relative to CPS finfish, as extensive biological data needed for assessment purposes is lacking. Recent age and growth information suggests that maximum age is less than one year, and the average age of squid taken in the fishery is approximately six to seven months. Landings data indicates a sharp decline in squid availability associated with El Niño events.

Although some information exists on coastwide market squid distribution and abundance from fishery-independent midwater and bottom trawl surveys aimed at assessing other species, there is no good measure of annual recruitment success beyond information attained from the fishery. As fishing activity occurs only on shallow-water spawning aggregations, it is not clear if reduced landings reflect only a decline in availability to the fishery, or if overall stock size is diminished, since squid have been commonly documented at greater depths using other gear methods.

Better information on the extent and distribution of spawning grounds along the Pacific Coast is required, particularly in deep water and areas north of central California. Additionally, fecundity, egg survival and paralarvae production per unit area estimates in different types of spawning habitats and water conditions are needed. Furthermore, information describing mechanisms and patterns of dispersal of adults and paralarvae along the coast (i.e., stock structure) is required for determining how local impacts might be mitigated by recruitment from other areas in this short-lived species.

Although some fishery effort information is now being collected with a newly-implement logbook program in the state of California, the continuation of this program is essential to provide estimates of catch per unit effort in the future. Continuation and/or establishment of annual surveys using midwater trawls, bottom trawls, Remotely Operated Vehicles, satellite, and aerial surveys may also provide useful to provide annual indices of abundance and effort.

Potential impacts to EFH would most likely occur during fishing activity with purse-seine gear on spawning aggregations in shallow water, when gear may possibly make contact with the bottom. There are two areas of potential concern that have not been quantified; damage to substrate where eggs may be deposited, and damage or mortality to egg masses from contact with the gear itself.

### **LIVE BAIT FISHERY**

Although tonnage of CPS and squid taken in the live bait fishery is minimal compared with volume taken in the commercial fishery, better estimates of live-bait landings and sales of sardine, anchovy and squid is essential as it pertains to estimates of the overall economic value of these fisheries. Outdated estimates have previously shown that the value of the live-bait fishery for sardine has equaled that of the commercial catch. In the case of squid, there is no documentation of the dramatic expansion of live-bait sales in southern California made by commercial light vessels in recent years.

The live bait fishery supplies a product for several recreational fisheries along the Pacific Coast, primarily in southern California. Live bait catch is generally comprised of both Pacific sardine and northern anchovy, the predominant species depends on biomass levels and local availability. Recent landings estimates range between 5,000 mt and 8,000 mt annually statewide, with effort increasing in summer months. However, these estimates are based only on voluntary logbooks provided by some bait haulers, and estimates provided by the coastal pelagic fishery vessel industry. Since the sale of live bait in California is not documented in a manner similar to that used for the commercial sale of CPS, estimates of tonnage and value are imprecise. No estimates of volume or value for the sale of market squid for live bait are available at this time whatsoever.

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## **PACIFIC HALIBUT ALLOCATION**

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### **BYCATCH**

Data are needed to estimate halibut bycatch rates and mortality of discarded halibut bycatch by gear type for West Coast fisheries. Also, see discussion of Discard Data under Groundfish Data Needs.

### **DISTRIBUTION AND ABUNDANCE**

Continue with setline surveys to estimate halibut abundance and distribution in Area 2A and Area 2B.

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## MARINE RESERVES

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The Council has specified a two-stage process to evaluate whether or not marine reserves may have a role in more effectively managing the West Coast groundfish fisheries. The first phase is a conceptual evaluation of the potential role marine reserves may play. If marine reserves appear to be a potentially valuable tool, specific sites would be proposed as part of a second phase. During the initial evaluation process, certain data shortcomings were identified pertaining to both the general analysis and the specific siting of marine reserves.

While marine reserves are being considered primarily with respect to the groundfish fishery, a variety of fisheries may be affected depending on the types of fishing that need to be controlled in order to create an adequate marine reserve system. The Council has the authority to regulate only those fisheries that take species managed under a Council FMP.

The top priority research and data needs related to marine reserves are:

- **Identify type and scale of information needed to conduct stock assessments** after establishment of marine reserves and evaluate the feasibility and cost of collecting such information.
- **Information on the location and structure of current harvest** relative to a proposed marine reserve area is needed in order to begin to evaluate the degree of impact and effectiveness of the creation of marine reserves. Most harvest information currently collected is not on a fine enough geographic scale to use for evaluation of marine reserves.
- **Research is needed to understand the biological effects of marine reserves** and determine the extent to which acceptable biological catches would need to be modified when marine reserves are implemented, over the short-term and long-term
- **Information on advection of eggs and larva and pre-settlement juveniles.** Particularly emphasis on differences between areas upstream and downstream of major geographical features. This will primarily be a physical oceanographic exercise.
- **Information on the movement of juveniles and adults.** This will primarily be a literature search followed by a biological field program. Little is known about the movement of post settlement juveniles.
- **Knowledge of when in the life cycle density dependent effects occur** is important in the assessment of the effects of marine reserves (as it is in assessing conventional catch management).
- **Increased biological monitoring of existing marine reserves** and other areas of restricted fishing in order to gain information on current reserves that might be extrapolated to evaluate the creation of additional reserves on the West Coast.

### **Increase Monitoring of Existing Areas with Restricted Fishing**

There is a need for increased biological monitoring of existing marine reserves and other areas of restricted fishing in order to gain information on current reserves that might be extrapolated to evaluate the creation of additional reserves on the West Coast. There are 17 very small reserves in California that prohibit either recreational, commercial, or all harvest. There is one very small no fishing reserve off Oregon (Whale Cove). There are three or four small reserves that prohibit recreational and commercial bottom fishing in Puget Sound. There are no marine reserves deeper than 100 meters anywhere off the

West Coast. There are some other types of marine reserves in California that may also benefit from study. These include spawning/nursery grounds with restricted fishing, the prohibition of trawling within three miles of shore and the exclusion of gillnetting for nearshore rockfishes.

### **Modeling of Marine Reserve Impacts**

Current information limits reserve models are fairly simplistic. More sophisticated models require additional information. Development of realistic species specific models is limited by the lack of basic information on fish mobility, larval transport, recruitment mechanisms, and habitat-dependent life history parameters. Modeling recruitment for populations with a significant proportion of their biomass in reserves will be more problematic than for current stock assessments, because the reserve stocks will have different age structures, population densities, and possibly different recruitment success than areas open to fishery. Lacking this information, current models do not demonstrate substantial benefits as compared to fisheries properly regulated to achieve optimum yield, however, it has not been demonstrated that the regulatory intent of achieving optimum yield is being met by current fishery management regulations. Information limits for successful application of marine reserves are not necessarily greater than the information limits for successful traditional management, however, it will require significant data analysis and probably additional monitoring to acquire the information needed to assess reserve effects.

Assessment of the effects of reserves on ecosystems is severely limited by the lack of knowledge concerning the long-term effects of the selective removal of specific components of the fauna, alternation of the benthos by fishing gear and inter-species interactions.

### **Design of Marine Reserve**

#### **Species Movement**

General information is needed on species movement by life history stage (larval, juvenile, and adult), particularly where improvement of stock health is one of the primary purposes of the reserve. Little is known about the movement of post settlement juveniles.

Area specific information is needed on reproductive success and subsequent patterns of settlement and recruitment. The design and siting of a marine reserve system would be enhanced by understanding of the hydrographic links between source and settlement populations. The connection between adult source populations and sites of successful settlement and recruitment may be critical in designing effective reserves. Part of this involves understanding mechanisms of larval dispersal (including patterns of dispersal, retention, and redistribution).

#### **Life Phase of Density Dependent Effects**

Knowledge of when in the life cycle density dependent effects occur is important in the assessment of the effects of marine reserves (as it is in assessing conventional catch management). It is likely that density dependent effects occur either during adult or post settlement life phases. Negative density dependent effects during the adult phase could result in less production per unit of biomass when adults are concentrated in an area such as marine reserves as compared to when they are dispersed. On the other hand, negative density dependent effects in the post-settlement juvenile stage would imply a higher probability that marine reserves will have a positive effect on stock populations outside the reserve area.

#### **Catch and Bycatch Location**

Better precision is needed on the location of catch and bycatch in order to enhance the potential usefulness of reserves for controlling fishing mortality in a multispecies fisheries. For example, areas may be closed where a particular species is taken as bycatch at a higher rate than in other areas.

### Stock Assessment Models (With Reserves in Place)

Significant data collection and substantial monitoring will likely be needed to acquire the necessary information. Reserve stocks will have different age structures, population densities, and possibly different recruitment success than areas open to fishing. Information may be needed to develop area-specific stock parameters. As part of the evaluation of marine reserves relative to the status quo, the types and scale of information needed to conduct stock assessments after establishment of reserves should be identified and the feasibility and cost of collecting such information should be analyzed.

#### Social and Economic Data Needs

Much of the data needed for analysis of marine reserves is not available from traditional fishery data systems. Details on area of catch are needed on a fine enough scale to model the effects of marine reserves. Information is also needed on the extent of displacement of fishing activity from the reserve and the extent to which effort is diverted to other fisheries.

#### Location of Current Harvest

Information on the location of current harvest relative to a proposed marine reserve area is needed in order to begin to evaluate the degree of impact and effectiveness of the creation of marine reserves. Location of harvest information would allow statements to be made about:

1. The number of harvesters and amount of harvest that will be dislocated by the creation of a marine reserve area.
2. The number of harvesters and amount of harvest by harvesters in the area that may be secondarily impacted by the shift of harvest effort out of the marine reserve area.

Information about the location of alternative fishing grounds would allow analysts to begin to analyze some differences in travel costs to the different fishing grounds.

Knowledge about amounts of displaced effort and catch as a proportion of the effort and catch in alternative fishing areas would begin to indicate the magnitude of cost increases related to the additional competition on the alternative fishing grounds.

Some information of this nature is available from trawl logbooks and some from charter vessel logs in California. In 1999 and 2000 there has been an effort to collect specific fishing location information from recreational fishers.

	Groups				
	Nonconsumptive on site (e.g., ecotourism)	Recreational Fishers	Charter Vessels	Seafood Harvesters	Processors
Source of Ocean Area Data	None identified	California Charter Vessel Logs  1999-2000 RecFIN Data (sample data—not expanded)	California Charter Vessel Logs	Trawl Logbooks	If information is available on seafood harvesters it can be tied to a processor ID.

#### Current Catch Per Unit of Efforts For Different Harvest Areas

A second piece of information needed for an economic analysis is the size of alternative fishing areas and CPUEs in those alternative fishing areas. With this information a short-term initial assessment might be made of the differences in costs of fishing between the marine reserve area and the alternative areas. This information may be available for groundfish trawl vessels coastwide and recreational charter vessels in California (Thomson, 1998).

Stock movement and total abundance information for the ranges of the stocks in the alternative fishing area; stock recruitment and growth parameters; and relationships of these and other factors to CPUE would be needed to assess the ability of alternative fishing areas to absorb displaced effort over the long-term.

### **Harvester Costs and Differentials Between Harvest Areas**

Harvester cost and expenditure information is necessary to quantify impacts to local and national economies. The impacts that need to be modeled with respect to short-term costs relate to how costs vary between fishing sites. Over the long-term, changes in costs depend on the effectiveness of marine reserves in preserving and rebuilding stocks and the relationship of stock abundance to CPUE. Prediction of such changes are problematic given the constrained data available for models.

### **Recreational Harvester and Site Specific Demand**

A completely quantitative economic analysis would require information on site specific angler preferences and expected changes in recreational harvester demand associated with site-specific closures. These values could be used to generate estimates of total trips expected with changing fishing opportunities and changes in consumer surplus. A recent RecFIN socioeconomic survey of West Coast anglers collected information on hypothetical responses to hypothetical changes in rockfish and lingcod bag limits. This data might be useful in gaining some insight into changes in demand with changes in harvest opportunity.

### **Processors**

If the impacts of a marine reserve on commercial landings to a specific port can be estimated, the next question is whether product is processed locally or shipped to another location for processing or direct sale. Information required for a full quantitative assessment of impacts on processors would include amounts of product processors acquire from local and outside sources, processor variable costs, fixed and variable costs, exprocessor prices, and overall effect of marine reserve policies on total fish available from West Coast fisheries.

### **Offsite Nonconsumptive Values**

Estimates of existence, bequest, and option values are difficult to derive. The methods most generally used to estimate such values are surveys. Another indicators of such values might be the portion of environmental organization budgets dedicated to the creation of marine reserves on the West Coast.

**Other Marine Related Industries.** Inventory and assess dependence of businesses supporting commercial and recreational fisheries as well as other ocean based activities (e.g., ecotourism).

### **Family Dependence**

Information will be needed on the dependence of families in the community on income from fishing, alternative sources of income, and resources available in the community to assist families in adapting to change.

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## **APPENDIX A**

### **Species Specific Groundfish Research and Data Needs**

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The following species specific groundfish research and data needs were derived largely from the Stock Assessment Review (STAR) Panel reports on stock assessments conducted in 1999 and 2000.

#### **Bank Rockfish 2000**

1. Set up a separate species market category for Bank rockfish in Monterey and northern Conception ports to improve tracking of landings and improve length and age composition sampling for this species.
2. Obtain better catch information from southern Conception fishery.
3. Develop a new survey sampling project to provide a fishery independent measure of population abundance and recruitment.
4. Investigate more robust decision rules for data limited species assessments.

#### **Black Rockfish 1999**

1. There were benefits to the multiple model descriptions which were presented and continuation of the practice is recommended. These models should include simpler models and analyses, (e.g., catch curve, production models, size frequency information).
2. The black rockfish is recruited to the fishery before the 50% maturity age. Yield and spawning stock biomass isopleths should be examined to assess the effect of changing size of capture.
3. The tagging study should be expanded to better define the stock and to produce better abundance estimates.
4. The STAR Panel was concerned about the high M estimates, especially on females, and recommends that both model configurations and independent data be investigated.
5. Stock status data, either abundance or effort, which were not used in tuning, should be compared to model outputs in order to integrate this information.
6. The implications of using tagging data only from the central area (near Westport) to assess the population throughout the stock unit needs to be investigated.

#### **Bocaccio Off California 1999**

1. Examine the long time series of nuclear power plant larval fish impingement data to see if a pre-recruitment index could be developed.
2. Environmental data and recruitment patterns should be examined for trends. Research should include exploring the possibility of community interactions along with environmental coupling in an effort to develop alternative models that more accurately affect the population dynamics of this species. Changes to the synthesis model or model inputs should be made to explore alternative hypotheses about fish that may be 'hidden' from the fisheries.
3. Fishery independent methods of monitoring the bocaccio resource should be continued, and additional fishery independent methods of sampling should be developed. Anticipated low future

harvest levels under a rebuilding plan may reduce or eliminate sampling opportunities needed to track recovery of the stocks.

4. Examine the CalCOFI data set when it becomes available. By extending the model back into the 1950s and 1960s, it may be possible to calibrate stock productivity to the colder conditions during those years as opposed to the warm conditions that have prevailed since the mid-1970s.

### **Canary Rockfish (Northern and Southern) 1999**

1. Future canary rockfish stock assessments could be significantly improved by increased sampling of commercial landings and increased frequency of fishery-independent resource surveys. Currently, port sampling protocols are neither consistent from year to year nor strictly standardized between the three states. The current status of the resource is quite depressed. The size and age composition derived from collection of data from all segments of the canary rockfish fishery will be extremely important in tracking its recovery and assessing the productivity of the stock(s). These data must be collected annually over the geographic range of the fisheries to eliminate the current data gaps in size and age data from the fishery.
2. The current frequency of the NMFS bottom trawl survey should be increased from the triennial schedule to an annual basis. Canary rockfish captured in the survey must be sampled to determine length, sex, and age composition. The annual age-composition information from the survey will be very valuable for tracking the magnitude of incoming recruitment, as well as following cohorts through the fishery.
3. The canary rockfish age structures (otoliths) collected from the fisheries and surveys must also be routinely processed. Routine data collection over time will also provide insight into stock structure and natural mortality schedules of the older females.
4. Given that the resource appears to be very depressed, efforts to reduce fishing mortality under the Council's available management measures will likely result in higher discard mortalities. Therefore, improved effort to monitor total fishing mortality, including discard catches, will be important to track stock rebuilding progress.
5. A major research effort should be undertaken along the U.S. West Coast to resolve whether a model with constant female mortality and dome-shaped age-specific selectivity or an age-dependent mortality model with asymptotic selectivity is closest to reality. A number of U.S. West Coast groundfish stocks appear to have an unusually low number of older female fish given the life span of the male population. The alternative modeling assumptions of age-dependent mortality versus dome-shaped selectivity patterns can both replicate the age structure of the female population as observed in the fishery or summer bottom trawl surveys. This lack of resolution contributes considerable uncertainty in estimates of current stock condition and yield projections. A major research effort to locate larger females or to examine age-dependent mortality for mature female fish would benefit a number of assessments and stock rebuilding plans.
6. The STAR Panel discussed potential effects of environmental changes (regime shifts) on stock productivity, and the possible influence on expected recruitments and estimates of future unfished stock size. The increasing trend in sea surface temperatures for the California Current region since the late 1970s has been well documented and is associated with increased productivity of sardines (and decreased zooplankton volumes in CalCOFI time series). Sufficient recruitment information may now be available from recent stock assessments to test for regime effects in groundfish stock productivity, and a rigorous analysis would benefit management. No clear evidence has been presented for a productivity response to environmental conditions in groundfish stocks, possibly due to life history traits, such as longevity, delayed age at maturity, and the presence of numerous year classes in the spawning biomass. However, it may be a relevant management issue for groundfish,



particularly for those stocks in need of formal rebuilding. Possible environmental effects on productivity are a germane management issue, as demonstrated by its inclusion in the sardine harvest control rule.

#### **Cowcod 1999**

1. The analysis of the recreational logbook data made excellent use of available information. An improvement in the precision of this analysis may be possible by using spatially contiguous statistical blocks for determination of habitat areas and aggregation of the data.
2. The extreme decline in recruitment and abundance of cowcod is probably due to a combination of a climate shift (increasing water temperature and decreased ocean productivity beginning in 1977) affecting stock productivity and the high levels of catch. In order to better distinguish the relative contribution from these two causes and to predict time frames for rebuilding, further research is needed on the effect of the ocean climate on the distribution and recruitment of cowcod.
3. An assessment for cowcod in the areas north of Point Conception should be conducted, especially to improve understanding of the possible climate effects on cowcod in the southern area.
4. Cowcod occur in a mixed species fishery, and are relatively rare components of this fishery. In order to better determine the current level of fishery impacts on this stock, there should be improved species differentiation in the catch, either through increased sampling for species proportions, or by requiring more complete sorting of the catch.

#### **Darkblotched Rockfish 2000**

Landings values used in the assessment from the foreign fishery in the late 1960s and 1970s are based for the most part on observations from samples obtained from the domestic fishery. Data from Russian scientific cruises are now available and should be examined to determine if the species composition of the foreign fisheries can be more accurately estimated. In any case a consistent methodology should be developed and documented so that all assessments are working with the same landing data.

#### **Grenadiers**

Research is needed to develop information on the biology and population abundance of grenadiers. Since 1995, the fishery has been expanding. An assessment should be conducted in the near term. This effort would be facilitated by separating the catches of Pacific and giant grenadiers in the official landing statistics.

#### **Lingcod (Eureka, Monterey, and Conception International North Pacific Fishery Commission Areas) 1999**

1. With the current low level of spawning biomass, sampling opportunities are likely to be reduced along with reduced catches. If nearshore initiatives allow increased sampling in California – some funds should be used to review and improve sample design for lingcod. The Council, state, and federal managers may need to consider alternative management approaches if data are inadequate to provide a clear picture of stock status.
2. Estimates of growth parameters should be improved by additional sampling of younger, and perhaps older fish. Methods should be developed to estimate growth parameters and associated transition array within the model.
3. If nearshore management decreases traditionally used fishery-dependent sampling opportunities, new research initiatives should be pursued to increase development of fishery-independent methods of sampling or surveying lingcod populations.

4. Data should be more formally evaluated including a spatial analysis of fishery and fishery independent data. Such analysis should focus on at least two products. First, the statistical structure of the data should be examined with the goal of improving sampling design. Second, models should be reviewed and modified to more accurately reflect distribution of the resource, and the distribution of the fishery in time and space. For lingcod, areas of particular concern is sexual dimorphism, separation of sexes and sizes by area and impacts these population features may have on sampling and interpretation of sampling products in the modeling process.
5. Additional approaches to modeling that might improve assessments should be considered. In particular, exploration of alternative model variance structures (multinomial vs. multivariate) was identified as one possible area of fruitful research.

### **Lingcod (Coastwide) 2000**

1. The Auto-Differentiation Model Builder (ADMB) models for lingcod-north and lingcod-south were unable to handle length frequency data. The time series of length data for lingcod is much longer than the series of age data. Also, in some cases, length composition data might provide more information for resolving selectivity curves, stock separation, and geographic movements. Future ADMB assessment models for lingcod should be extended to accommodate length composition data. Alternatively, the length-based version of Stock Synthesis could be used.
2. The apparent discrepancy in age-reading methods between Washington Department of Fish and Wildlife (WDFW) and Tiburon should be resolved by a controlled experiment of multiple readings by staff from both laboratories. The experiment should use fin ray collections that cover the entire West Coast and thus test for potential north-south differences in growth-ring formation.
3. The sex-specific natural mortality coefficients (M) should be reevaluated given the available data on sex ratio and age composition based on the new age-reading criteria. The current assessment uses values for M (0.18/yr for females; 0.32/yr for males) that were based on age composition data derived using the old WDFW age reading criteria.
4. A fishery-independent survey is needed to evaluate changes in stock abundance, especially given recent management measures that undoubtedly have influenced the relationship between fishery catch-per-unit-effort and abundance. The current NMFS trawl survey is not effective at catching lingcod and the survey biomass index is highly variable. Other gear types (e.g., gill-net or longline) might provide a more reliable and useful biomass index.
5. A study should be conducted to evaluate the mortality rates for lingcod that are discarded by the recreational and commercial fisheries.
6. The California recreational CPUE data should be further evaluated and analyzed by development of Generalized Linear Models (GLM) to standardize the data for area, season, and gear-type effects and their possible interactions.
7. Expanded tagging experiments should be conducted to evaluate exploitation rates and geographic movements. Results from the tagging program by WDFW may not be representative of the entire West Coast.
8. Canadian assessment scientists and fishery biologists should be invited to participate in future stock assessment workshops and STAR Panel reviews.

9. The trawl logbook CPUE data should be evaluated using more comprehensive GLM analyses that include provisions for zero-catch hauls and main effects for trawl-type (e.g., roller gear versus flatfish trawl) and season and potential interaction terms.
10. In future assessment reviews that use newly coded models the Stock Assessment Review (STAT) Teams should be required to demonstrate that their software is working correctly, either from simulated test data sets with known characteristics or by reproducing previous assessment results.
11. Lingcod length and age data are needed for the nontrawl fishery and private recreational vessels.

#### **Pacific Ocean Perch 2000**

1. The accuracy and precision of stock status evaluations would be increased if more resources were devoted to data collection. For example, the assessment would improve if the 1995 survey ages were processed, discard rate was monitored, age composition of catch was sampled, and frequency of surveys were increased.
2. Investigate methods to estimate the proportion of POP in historical foreign red rockfish catch, including analysis of Soviet exploratory fishing data and domestic trawl fishery species composition data from the same era. Consider the technical merits of developing estimates that are consistent with other rockfish estimates. Information from the Soviet cruises should also be examined for consideration as an index of relative stock size.
3. Re-examine standardization of POP CPUE data from the domestic fishery logbook data to confirm abundance index time series for 1956 through 1973.
4. The technical merits and feasibility of assessing the resource as a trans-boundary stock should be considered.
5. Evaluate the advantages and sensitivities of general model features. One is exploration of methods for constraining recruitment estimates and including spawner-recruitment relationships. Another is use of constant fishery selectivity, versus changes in selectivity indexed to known events such as mesh size changes, versus constrained time-varying fishery selectivity. Investigation and guidance on these two issues would be useful for all assessments that use similar models.
6. Collaborate with Canadian scientists to conduct a coastwide stock assessment for POP.

#### **Petrale 1999**

1. For juvenile petrale sole it is clear that it is not possible to obtain size at age or abundance indices except through surveys. Need increased survey data, both coverage in terms of increased age sampling and annual surveys. In particular in all surveys should collect age, length and sex samples. Maturity and length relationships are needed for Petrale sole in the late summer and autumn.
2. There is an urgent need for a consistent long-term strategy for sampling for ageing and length measurements from commercial catches. In particular age and length samples are needed from all regions and all years and techniques for age reading should be standardized.

#### **Sablefish 1998**

The 1998 sablefish assessment suffered from the need for fishery sample data that were more representative, temporally, spatially, and across gear types. Previous sablefish age sampling programs have not been extensive enough to allow examination of age composition by area, season, and gear type. Failure to account for these components of sablefish catch can lead to biased results and erroneous

conclusions. There is a particular need to collect otoliths of sablefish caught in the nontrawl fishery, much of which is headed and gutted prior to unloading. The high percentage of dressed fish in some gear/area strata severely compromises age composition estimates. At-sea collections by observers may be needed to gather the necessary data.

### **Whiting 1999**

Evaluate the effect of using a more straightforward catch-at-age matrix in the stock assessment without the accumulation of “marginal” age groups. The accumulation rules employed in the stock assessment are somewhat arbitrary and further examination may show that such accumulation is unnecessary.

### **Widow Rockfish 2000**

1. The age composition data used in current assessment includes a mix of surface ages and break-and-burn ages and treats them as being equivalent. Future assessments of widow rockfish should evaluate whether there are important discrepancies between the age-reading methods.
2. The current model was unable to handle length frequency data. In some cases, these length data might provide more information for resolving selectivity curves and geographic movements. For future assessments a model should be developed that can use these types of additional data. Alternatively, the length-based version of Stock Synthesis could be used.
3. The STAR Panel discussed the STAT Team's approach to power transformation of the mid-water recruitment index and agreed that it was adequate in the current assessment. However, alternative approaches to variance stabilization, such as iterative weighting schemes, might be more appropriate and should be considered.
4. The lack of good fishery independent abundance indices, and conflicts among the indices used, indicate that a hydroacoustic survey for widow rockfish, possibly using industry vessels, could provide invaluable information that would improve the assessment. Recent management measures undoubtedly have influenced the relationship between fishery catch-per-unit-effort and abundance, thus disrupting the consistency of both the trawl logbook CPUE index and the whiting fishery widow bycatch/minute index.
5. The California bottom trawl logbook data should be separated from the midwater trawl data. Catch rates from these distinctly different fishing methods do not necessarily share the same relationship with stock size. For example, midwater CPUE is unlikely to be proportional to stock abundance given unrecorded search effort to locate suitable fish schools.
6. More comprehensive analyses of the Oregon and California bottom trawl logbook CPUE data are required. GLM analyses that include provisions for zero-catch hauls and main effects such as trawl-type (e.g., roller gear versus flatfish trawl) and season, as well as potential interaction terms, would help elucidate issues concerning interpretation of the indices.
7. All widow rockfish collected during surveys should be measured for length and sex and otoliths should be taken. These extra data would clearly help provide information on the size, age, and sex structure of the population, as well as lead to improved interpretation of the survey indices themselves.
8. A fecundity study, especially to determine the fecundity of small fish, would update current estimates and improve confidence in their values. The current assessment used an assumed relationship for fish in the south. However, a member of the STAR Panel checked fecundity estimates available from Southern California Bight and found little discrepancy with relationship used in current assessment.

9. The NMFS triennial bottom trawl survey data should be examined more closely to reconcile the discrepancies between the survey trends and the apparent population trends based on the population dynamics model.
10. In future reviews of assessments that use newly coded models, the STAT Teams should be required to demonstrate that their software is working correctly, e.g., from simulated data or by reproducing previous assessment results.
11. Future coastwide assessments of widow rockfish should re-examine the sensitivity of the North-South biomass division, and determine whether and how this biological separation might affect the population dynamics and the fishery.

### **Yellowtail Rockfish 2000**

#### **Prioritized recommendations:**

1. Increase the frequency of the trawl survey.
2. The presently used maturity/fecundity ogive should be updated to include the observed changes in growth.
3. An updated estimate of discards should be made, especially in the light of increased regulations.
4. Evaluate factors that could cause year-to-year changes in trawl survey catchability.
5. Include the trawl survey information within the Canadian portion of the Vancouver area.
6. Examine trawl survey data to better estimate growth of young fish.
7. Re-evaluate North Columbia/South Columbia border based on locations of aggregations in the trawl survey and in fishery logbook data.
8. Tissue samples should be collected for DNA analysis of stock structure.
9. The status of yellowtail rockfish south of Cape Mendocino is unknown. This could be investigated either as a southward extension of this assessment, or as a component of a multispecies investigation of rockfish species in the south.
10. Hook and line and recreational data should be included in the assessment, especially when the assessment is extended south of Cape Mendocino.
11. If the whiting bycatch CPUE is going to be used in the future, then a GLM approach should be used to incorporate a month/area effect.

# **WEST COAST FISHERIES ECONOMIC DATA PLAN 2000-2002**

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**NOVEMBER 2000**

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## LIST OF ACRONYMS

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Council	Pacific Fishery Management Council
CZMA	Coastal Zone Management Act
EFIN	Economic Fishery Information Network
ESA	Endangered Species Act
FMA	fishery management area
FMP	fishery management plan
HMS	highly migratory species
Magnuson-Stevens Act	Magnuson-Stevens Fishery Conservation and Management Act
MMPA	Marine Mammal Protection Act
MRFSS	Marine Recreational Fisheries Statistics Survey
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
OMB	Office of Management and Budget
PacFIN	Pacific Coast Fisheries Information Network
PSMFC	Pacific States Marine Fisheries Service
RecFIN	Recreational Fishery Information Network
RFA	Regulatory Flexibility Act
USCG	United States Coast Guard

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## EXECUTIVE SUMMARY

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This document is a data collection plan developed by Pacific Fishery Management Council (Council) in consultation with National Marine Fisheries Service (NMFS) economists and the Pacific States Marine Fisheries Commission (PSMFC). Implementation of the plan benefits both state and federally managed fisheries. While the plan has been adopted by the Council, the Council has neither the resources nor personnel to implement the plan. Implementation and success depends on continued funding and commitment of the agencies and agency personnel to the concepts embodied in this plan.

**Economic data are needed for fishery management.** Marine and anadromous fisheries are managed under a complex set of goals and objectives related to preserving the resource and meeting the needs of the fishing industry, consumers, and fishing communities. The common property nature of the resource combined with these publicly mandated goals and objectives result in regulations that are greater in number and more intrusive than for many other industries. A consequence of the intense regulatory environment is a greater need for economic information than for other less regulated industries. The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the Regulatory Flexibility Act, the National Environmental Policy Act, and executive orders such as E.O. 12866 on Federal Regulations all require consideration of economic impacts of government regulations. The demand for economic information becomes even more acute when allocational issues are involved. Increasing fishing capacity and declines in some fish stocks have The widening gap between fishing capacity and allowable harvest has resulted in an increasing number of management actions with direct and indirect allocational implications. Better economic data would result in more complete and higher quality analyses. Failure to adequately consider economic effects of regulations may result in development of unacceptable or ineffective regulations and can result in lawsuits challenging the regulations.

**Current economic data fall short of the need.** Much of the needed economic data are unavailable or of poor quality. When the need for an economic analysis to support a particular fishery management decision becomes apparent, it is generally too late to initiate a data collection effort that can be completed in a timely fashion. Additionally, when the industry is asked to provide information in a data collection effort related to a specific controversial management issue, questions arise regarding data reliability.

**This plan (Figure ES-1) specifies a program for the collection and dissemination of needed economic data (Figure ES-2).** The *West Coast Economic Data Plan* is intended to assist in development and implementation of a coordinated, systematic approach to acquiring the needed economic data in a consistent and timely manner. It suggests direction for the development of efforts to collect economic data, ensuring various data collection activities are integrated with each other, helping avoid duplication of data collection efforts, and providing for the efficient dissemination of data while preserving confidentiality. This plan was first adopted by the Council in 1998. Since that time, a number of activities that address some of the elements have been initiated including cost-earnings surveys for various fishery management plan (FMP) fisheries, community impact analyses, and other studies. Many of these efforts are embodied in the PSMFC's Fisheries Economics Data Program. The Fisheries Economics Data Program is a cooperative data collection program of the PSMFC and NMFS with the help of the Pacific and North Pacific Councils.

**The plan covers all West Coast fisheries and includes interfaces with other data systems.** The scope of the plan is the economic data needed for management of fisheries covered by the Council FMPs and other marine and anadromous fisheries in the Washington, Oregon, California, and Idaho area. The primary focus of activity for the plan is gathering and disseminating information related to West Coast fisheries, and, as appropriate, coordination of those activities with similar programs for Alaska and the West Pacific. The plan also specifies database development, coordination, and information dissemination functions for information on industry sectors related to fisheries through impacts on fish habitat. The database systems created should readily interface and provide agreed upon core information needed for the National Fishery Information System and Vessel Registration System.

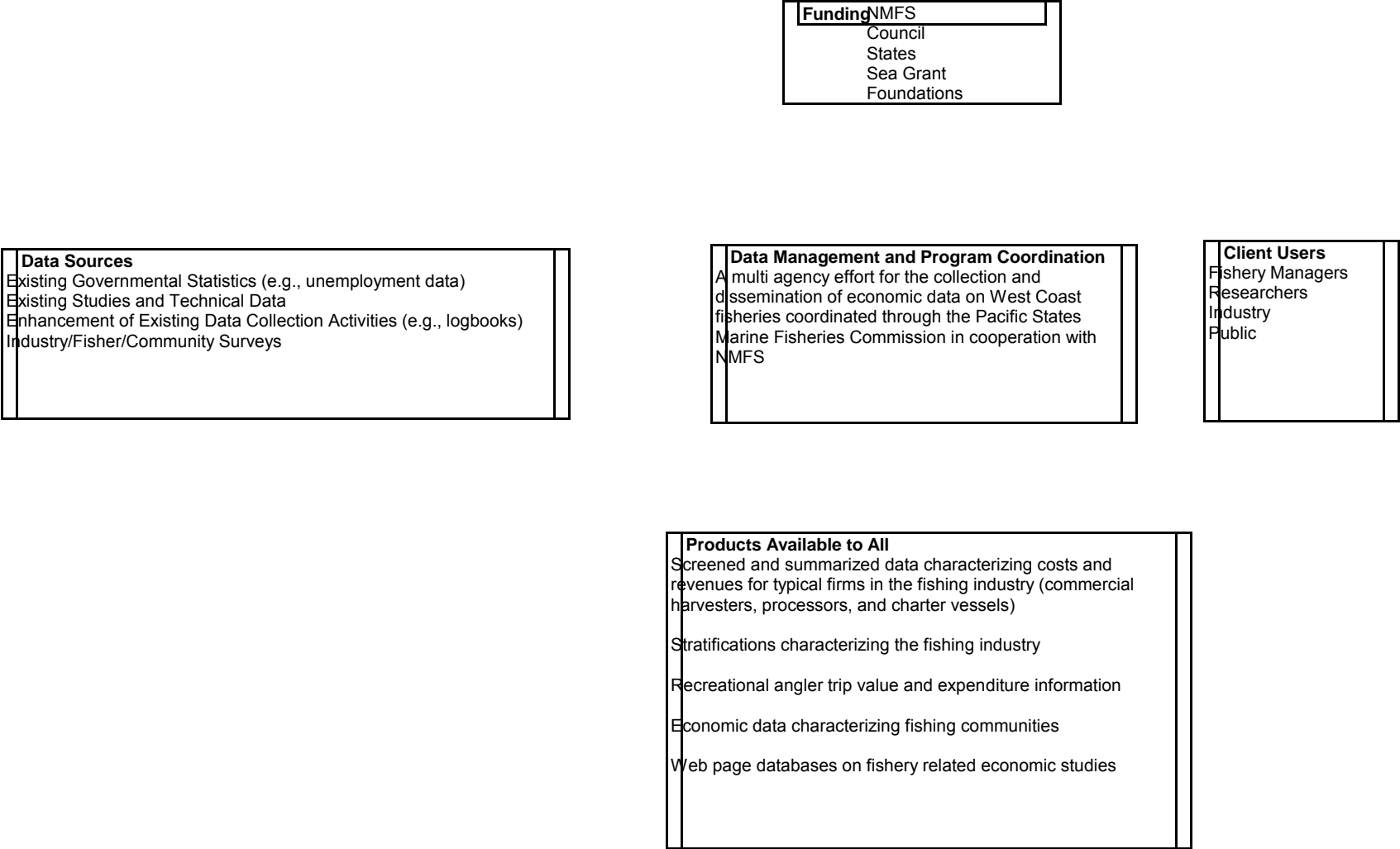
**The plan identifies the major high priority projects needed and recommends guidelines for their implementation.** The plan recommends priorities for the collection of specific data elements be

determined by steering committees for each project. The steering committees would include representation from NMFS, PSMFC, and the Council. Individual projects would be designed to minimize the burden on industry and preserve confidentiality. Developing industry confidence and a cooperative long-term relationship is an important guiding principle for the projects (Section 3.3). An important element of many of the projects will be developing cooperative efforts with existing projects that focus on the collection of noneconomic data.

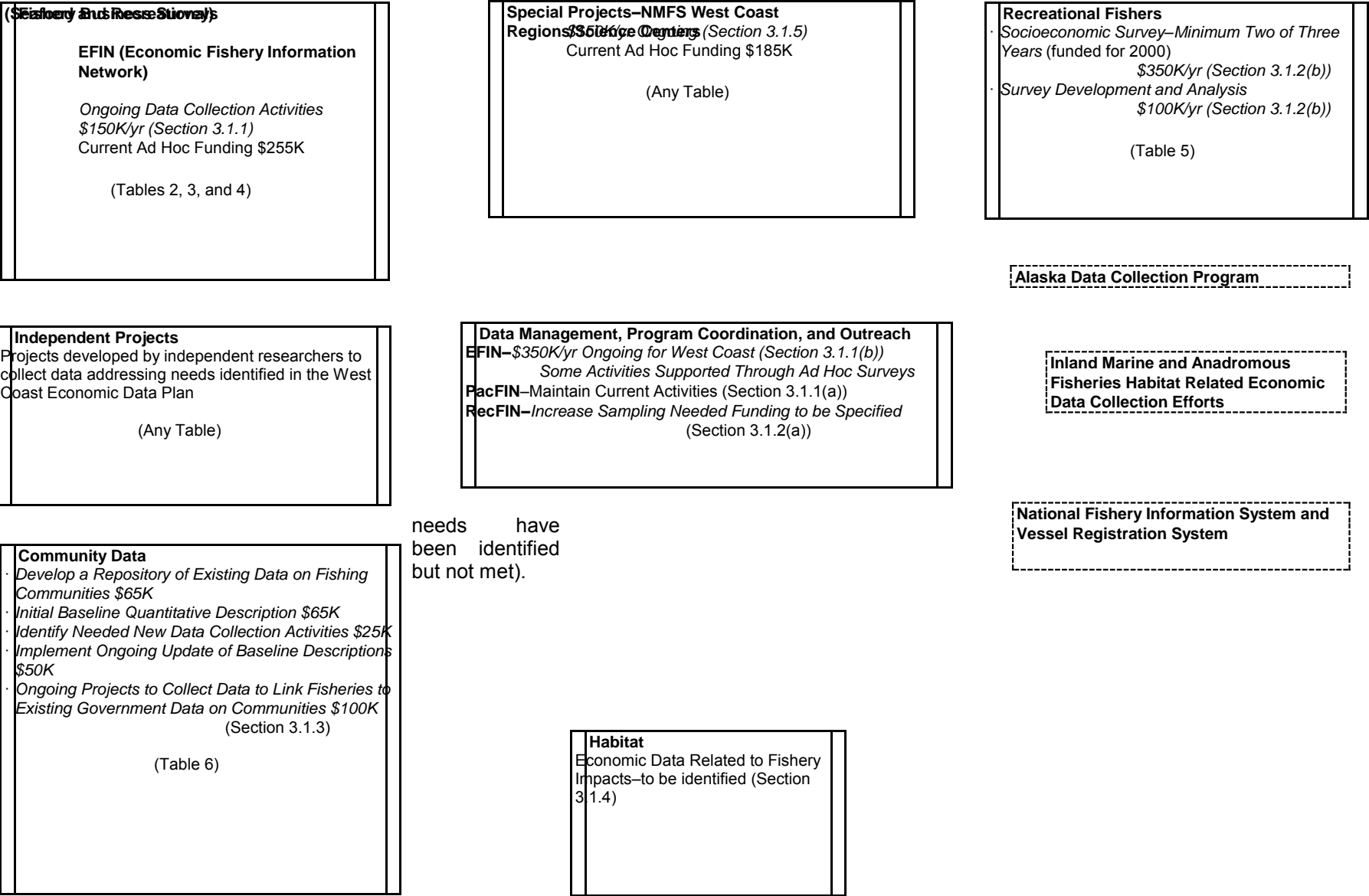
**Core economic data needs.** The following table lays out some of the major categories of core economic data for which substantial improvement is needed. These data needs are covered in greater detail in the tables referenced under each category.

Harvesters (Table 2)	Processors (Table 3)	Charter Vessels (Table 4)	Recreational Fishers (Table 5)	Communities (Table 6)
	Revenue Data	Revenue Data	Effort and Catch by Target Species	Tax Revenues
Cost Data	Cost Data	Cost Data	Cumulative per Angler Catch and Effort	Fishery Related Economic Infrastructure
Wages Paid and Jobs Employment and Income	Wages Paid and Jobs Provided Employment and Income	Wages Paid and Jobs Provided Employment and Income	Trip Costs and Angler Demographics	Fishery Related income and Employment and Income
Capacity Information			Angler vValues and Preferences Held by Anglers with Respect to Species, Sites, and Regulations	Geographic and Physical Characteristics

**Funds.** This plan seeks funds (\$150,000 annually) to maintain efforts to collect and disseminate economic data for commercial fishing businesses (seafood and recreational, Section 3.1.1), \$450,000 for recreational fishers (Section 3.1.2), and \$150,000 for community-related projects (Section 3.1.3). In addition, it is recommended a special projects fund be created (\$150,000 annually) for the purpose of augmenting ongoing baseline data collection efforts with coordinated special data collection activities to respond to specific questions that arise from year to year (Section 3.1.5). These projects are identified in Figure ES-2. There are some additional unfunded start-up projects that have been identified. Funding needs for the collection of economic data related to habitat have yet to be identified (Section 3.1.4). Excluding PacFIN, RecFIN, and the unidentified amount needed for data on habitat, but including an annual effort to collect socioeconomic information from recreational anglers, the total identified ongoing funding needs come to \$1,250,000 with an additional \$155,000 needed for initial start-up projects related to communities. These funds are needed to support management decisions affecting West Coast state and federally managed fisheries that, in 1999, generated \$340 million in exvessel revenue (all commercial fishtickets for marine and anadromous species landed on the West Coast) and supported approximately 11.6 million recreational angler trips (total marine trips as reported by RecFIN).



WEST COAST ECONOMIC DATA PLAN ES-3 2000-2002Figure ES-2. West Coast Fisheries Economic Data Program (italics indicate projects for which funding



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## 1.0 INTRODUCTION

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An economic data plan for the West Coast is needed to provide a coordinating instrument for developing and implementing a systematic approach to acquiring the needed economic data in a consistent and timely manner. This plan suggests direction for the development of efforts to collect economic data, ensuring various data collection activities are integrated with each other, helping avoid duplication of data collection efforts, and providing for the efficient dissemination of data while preserving confidentiality. The needs for economic data are those of fishery managers, the industry, and general public. The scope is the economic data needed for management of fisheries covered by Council FMPs and other marine and anadromous fisheries under the jurisdiction of the states in the Council area.<sup>1/</sup> The scope includes economic data needed for all Council-managed species (currently groundfish, salmon, coastal pelagics, and halibut)<sup>1/</sup> as well as other West Coast fisheries. Both the commercial and recreational fisheries are included within the scope, as are the communities of which these sectors are a part. The commercial sector is divided into harvesters and processors, and the recreational sector is divided into the recreational fishers and the charter vessels catering to those fishers. Fulfilling all these data needs will require coordinated efforts by the Council, NMFS field and headquarters offices, PSMFC, and the states.

### 1.1 Problem Statement

Marine and anadromous fisheries are managed under a complex set of goals and objectives related to preserving the resource and meeting the needs of the fishing industry, consumers, fishing communities, and the trust interest of the general public. The common property nature of the resource combined with these publicly mandated goals and objectives result in regulations that are greater in number and more intrusive than for many other industries. A consequence of the intense regulatory environment is a greater need for economic information than for other less regulated industries. The Magnuson-Stevens Act, the Regulatory Flexibility Act, the National Environmental Policy Act, and executive orders such as E.O. 12866 on Federal Regulations all require consideration of economic impacts of government regulations (Table 1). The demand for economic information becomes even more acute when allocational issues are involved. Increasing fishing capacity and declines in some fish stocks have The widening gap between fishing capacity and allowable harvest has resulted in an increasing number of management actions with direct and indirect allocational implications. Better economic data would result in better more complete analyses. Failure to adequately consider economic effects of regulations may result in development of unacceptable or ineffective regulations and can result in lawsuits challenging the regulations. Ongoing data collection is needed to monitor and evaluate the health of the industry and provide managers with information on the consequences of their actions so that appropriate adjustments can be made and repetition of poor policy choices avoided.

The need for economic data to address management issues should be anticipated before those issues become critical. Once the need for an economic analysis of a particular management issue becomes apparent, it is generally too late to initiate a data collection effort that can be completed on time to support the required analysis. When industry is asked to provide information in a data collection effort related to a specific controversial management issue, questions arise regarding data reliability.

Lack of coordination between data collection efforts and between efforts to collect economic and noneconomic data can result in duplication of effort, higher-than-necessary costs, and greater-than-necessary industry burden. Similar situations can occur with respect to the management of repositories for such data. The need to bring existing data into documented and accessible repositories with appropriate protections for confidential information has become increasingly apparent.

Since the Council first adopted this economic data plan in 1998, a number of activities have been initiated

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1/ The specified scope includes state managed fisheries. This is consistent with the scope of the national fishery information system mandated under the Sustainable Fisheries Act and is in line with the broader interests of PSMFC and the states.

2/ A plan for highly migratory species is under development.



to address the need for socioeconomic data and personnel in a coordinated manner.

- In 1998, NMFS conducted a planning exercise to estimate the number of social scientists and socioeconomic data collection budgets needed to address NMFS and Council needs nationwide. This information is serving as the basis for a current \$50 million budget request.
- In recent years, NMFS has provided funding for a variety of economic data collections pertaining to commercial and recreational fisheries. Funding of recreational surveys is rotated on a regular basis among the various regions of the country. Funding of commercial cost-earnings surveys (which, until recently, has been provided on a fairly ad hoc basis) is now evolving into a process whereby NMFS expects to provide each of its regions with \$100,000 per year for surveys of this type.
- As opportunities for economic data collections have increased, West Coast economists have initiated efforts to coordinate data collections and to ensure that projects are funded in a strategic manner. For instance, most of the economic data collections pertaining to West Coast commercial fisheries are implemented as part of the Economic Fisheries Information Network (EFIN), a cooperative data program of the PSMFC and NMFS, with input from the Pacific and North Pacific Councils. Similarly, economic data collections on recreational fisheries are implemented as part of the Recreational Fisheries Information Network (RecFIN), another cooperative program of PSMFC and NMFS. NMFS Southwest Region/Center has recently established procedures for allocation of future monies it receives for commercial and recreational data collection, and NMFS Northwest Region/Center anticipates establishing procedures of its own in the near future.

## **1.2 Objectives for the Collection of Economic Data**

**Objective: Provide economic information and analyses needed for management of fisheries to achieve a broad variety of objectives including protection of the fishery resource, habitat, and ecosystem, as well as social and economic objectives. (Mandates which require the use of economic information include the Magnuson-Stevens Act, Executive Order 12866, the Regulatory Flexibility Act, and the National Environmental Protection Act [Table 1].)**

The types of economic information and analyses needed include the following:

1. Baseline descriptions of the fishing industry (commercial and recreational, including charter) and communities including measures of economic performance over time, assessments of user and community dependence on the fishery, and specific harvest areas.
2. Predictions and estimates of economic impacts of management measures and fishery developments on groups (e.g., crew members, coastal communities, fishing communities, vessel owners, enforcement agencies, processor workers), including impacts on personal income, employment, financial viability, and agency/government budgets.
3. Predictions/Projections of responses to management regulation and market changes.
4. Predictions and estimates of regulation-induced changes in net economic value of fishery resources by the fish resource from national and regional perspectives.
5. Evaluations of cost effectiveness of government fishery management activities (i.e., where performance standards exist, determine whether or not those performance standards are being met in the least cost manner).

## **1.3 Objectives for the Data Plan**

**Objective 1: Generate systematic, efficient, and coordinated economic data collection efforts.**

### **Actions Specified to Meet the Objective**

1. Identify data needs.
2. Identify and pursue high priority data collection projects and the financial and personnel support required.
3. Modify existing organizational structure and processes as necessary to facilitate coordination of economic data collection activities.

4. Specify and implement guidelines for development and management of a system for the collection of economic data.
5. When practical and appropriate, integrate West Coast data planning, collection, and management efforts with Alaska and Western Pacific efforts.
6. Assist independent researchers (i.e., university and Sea Grant researchers) in identifying, developing, and seeking support for projects which will provide needed data to West Coast fishery management economists.

**Objective 2: Develop integrated and efficiently accessible data and information repositories.**

**Actions Specified to Meet the Objective**

1. Identify high priority data management and dissemination projects and the financial and personnel support required.
2. Modify existing organizational structure and processes as necessary to develop a data repository and data dissemination system.
3. Specify and implement guidelines for development and management of a system for the evaluation, holding, maintenance, and dissemination of economic data.
4. To the extent practicable, ensure that collected data are specified, formatted, and coded so they are compatible with the Fishing Vessel Registration and Fisheries Information Management System.

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## 2.0 THE ECONOMIC DATA NEEDED

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This section presents core economic data needs at a very general level. Core data needs are described as those essential for economic analysis that need to be collected on a periodic basis. During a December 1996 meeting of West Coast fishery economists a more detailed list of core data needs was developed. These are provided in Appendix B. Prioritization of data needs is difficult, because incompleteness in the data in any of the below categories can often create enough uncertainty regarding the direction of a result to render the analysis equivocal in its conclusions.<sup>1/</sup> Priorities for specific data needs within these broad categories should be determined as part of the scope of projects initiated to collect the needed data. Additional detail on the types of data needed and an assessment of current availability is provided in corresponding tables.

### 2.1 Commercial Harvesting

#### Exvessel Value (Price and Quantity)

Exvessel value may be the highest priority data need, because it provides a starting point that sets a likely upper bound on the net value that may be generated from harvesting (Table 2). It also provides the total amount of revenue which must be divided into different expenditure categories for input-output analyses. For financial analyses it provides half the equation for evaluating the financial viability of the firm.

Exvessel values are currently collected through Pacific Coast Fisheries Information Network (PacFIN). Uncertainties regarding the values in PacFIN have to do with the form in which the product is delivered (level of processing prior to first delivery), the meaning of size categories (it is believed there is some variability in size categories by year and area), and whether buyers have provided or received compensation in addition to the sale price of the fish (e.g., provided ice or additional compensation not recorded on fishtickets). Information on area of catch is needed on a finer geographic scale in order to understand fisheries/habitat interactions the effects area closures, such as marine reserves, may have on the industry and communities.

#### Harvester Costs and Effort Information

Cost and expenditure information is needed for financial analysis of the effects of regulations on fishing businesses, estimates of personal income generated in local communities, and cost-benefit analyses. In order to understand the long-term effects of regulations, a better understanding is needed of how harvesters may respond. This requires revenue and cost information for not only the vessels activity in the fishery to which the regulations being considered will apply, but also the other fisheries in which the harvester participates or may turn to in the face of increasing regulation.

Closely related to the cost and revenue information are measures of effort. Measures of effort may be in terms of factors such as soak or tow time and numbers of hooks or size of mesh and nets used. Effort information is the critical link between marginal costs and marginal revenue. Most fishery regulations are directed at modifying the duration or effectiveness of effort. Thus cost and revenue information needs to be characterized in terms of units and quality of effort. In order to assess need for marine reserves, evaluate baseline and project economic impacts, effort information is needed on a finer geographic scale than is currently collected through means such as log books.

A complete harvester behavioral response analysis or cost-benefit analysis of harvesting activities would require estimates of all production costs including information on debt burden and available capital. The largest single cost of any harvesting operation is generally labor. Crew labor often constitutes between 30% and 50% of total variable costs. For cost-benefit analyses and behavioral analysis, opportunity cost of labor is needed. Knowing the opportunity costs of labor may narrow the range of possible net benefits more than any other single input. Financial analyses and input-output analyses of income impacts

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3/ This is a particularly sensitive problem when allocational issues are involved.

require information on actual payments to labor. For income impact analyses, the single most important element of the expenditures are the direct income payments (payments to labor and owner profits). The effect on the income impact results from misspecifying the amounts spent on any other item in the firm budget is relatively minor compared to a misspecification of the amount going to direct income.

There is currently no systematic and consistent collection of harvester cost data. Various ad hoc studies have been conducted; however, the information is often difficult to access, outdated, and not specified and disaggregated to the level needed for economic analysis of regulatory effects.

### **Ownership**

It is usually assumed vessels and business firms are equivalent units; however, many businesses take part in the ownership of more than one vessel (horizontal integration), and some vessels are owned by firms that also own processing facilities (vertical integration). In order to understand the impacts of regulations such as owner-on-board provisions or the elimination of foreign ownership rights in the industry (provisions that might be considered or congressionally mandated under future individual quota programs), more information is needed on the forms in which vessels are owned and degrees of horizontal and vertical integration, including exclusive marketing contracts.

## **2.2 Commercial Fish Buying and Processing**

### **Exprocessor Values (Price and Quantity) and Product Recovery Rates**

Cost and revenue information is also needed for processors. As with the harvesting sector, exprocessor values provide a likely upper bound on the total net value generated by the time the product leaves the processor level. Product recovery rates help relate volume of raw product to total output. When exvessel and exprocessor values are known, likely upper bound for the total net value generated at the processor level can be generated. The role of exprocessor values in financial and income impact analyses is similar to that described for exvessel values.

Some exprocessor values are collected through annual processed product surveys conducted by the NMFS regional offices. These surveys were initiated for the purpose of allocating Saltonstall-Kennedy Act funds between regions of the country. In the past, there have been substantial questions about the reliability of the exprocessor value information collected through these surveys. Concerns center around accuracy and completeness of the information provided and whether or not the information is representative of the processing industry.

### **Processor Costs**

Fishtickets provide information on raw product costs. Labor may comprise a smaller component of processing costs than it does of vessel costs; however, it remains an important component for the purposes of income impact analysis and understanding the place of the processor in the local economy (see Section 2.5). As discussed above with respect to harvesters, for income impact analysis proper identification of expenditures going directly to personal income is one of the most important steps in developing an accurate assessment of income impacts.

Information on processing costs is sparse. The best information available is probably on whiting processing, because of surimi production feasibility studies conducted in the 1980s, and because of data collection efforts in response to whiting allocation battles in the 1990s.

### **Ownership**

The paragraph on ownership in Section 2.2 also applies to processors.

## 2.3 Charter Vessels

The information needed for charter vessels is similar to that needed for the commercial harvesters discussed in Section 2.1 (Table 4). There is probably less cost and revenue information on the charter vessel sector than any other sector of the fishing industry. In comparison to the commercial harvest sector for which there is substantial harvest and revenue information from fishtickets, there is only limited collection of vessel-specific harvest information for charter vessels. Revenue information may be the highest priority need, for reasons similar to those stated for harvesting vessels. There have been few ad hoc studies focused on the acquisition of economic information on charter vessels. Recently, NMFS has provided some onetime funds for a survey of charter vessels. Some of the initial pieces of information which would be useful are types of charter activities engaged in, by vessel, typical fees charged for each type of activity, and total revenues. To understand the relationships between management actions and charter vessel activities, this revenue information needs to be available in the context of units of production (numbers of vessel trips and angler trips), amounts of resource consumed (catch information), and time of year and specific location of catch (important for considering local area closures). This information is analogous to catch weight, price, and trip information conveyed by commercial fishery fishtickets. Labor and other cost information would be needed to conduct full financial and cost benefit analysis. Also needed is vessel information such as vessel size and passenger carrying capacity.

## 2.4 Recreational Fishers

The central repository for recreational fishery data (Recreational Fishery Information Network [RecFIN]) primarily contains information generated from the Marine Recreational Fisheries Statistics Survey (MRFSS) and some data from the state sampling programs. The MRFSS is designed to provide state level annual estimates of effort, catch, and discards. To avoid duplication of sampling effort, MRFSS sampling does not customarily occur in fishing modes, areas, and times of year when the states conduct their own recreational sampling programs. Some variables that are critical for conducting economic analysis (e.g., number of trips by target species, area of residence of the angler) are not consistently collected across all sampling programs. However, in the last few years NMFS funded economic surveys have been conducted in connection with MRFSS, and the needed data has been collected for all modes and times. The need for data to support the economic surveys has sometimes resulted in more overlap with state sampling program.<sup>4/</sup> It is important that effort, catch, target species, and other variables that are critical for economic analysis be available in a comparable manner for all segments of the recreational fishery in all years.

More complete and refined estimates of catch, discards, and effort by mode of fishing, target species and geographic area are needed (Table 5). These estimates provide starting points for baseline assessments of the importance of the recreational fishery to the local areas; empirical information for projection of responses to changes in management regulations; and information needed to improve estimates of the values anglers place on the fishery. At present, there are gaps in the MRFSS field sampling effort that make it difficult to identify the number of trips targeting on a particular species and the residence of the angler. For Washington this information is completely missing for coastal trips, for Oregon it is missing for trips taken in July and August,<sup>5/</sup> for California target species information is missing for party boat trips north of San Luis Obispo for July-December in recent years. Additionally, tPrograms are being developed to apply post-stratification techniques to MRFSS data in order to generate estimates at lower levels (for example, local level as opposed to state level and two-month periods rather than annual). The level of sampling for MRFSS is not high enough to provide precise estimates at these lower levels or for two variables at the same time (for example, the number of trips targeting on a species using a particular mode). This makes it very difficult to adequately answer questions such as "How dependent is Lincoln County and its recreational fishing industry on new money attracted to the area by lingcod fishing

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4/ On other occasions where MRFSS and state sampling have occurred concurrently, differences in the resulting estimates of effort and catch have generated confusion regarding which sets of estimates should be used to evaluate the effects of management actions. Attempts to resolve these discrepancies are expected to result in improvements to both the MRFSS and state sampling programs.

5/ Target species information is available for Oregon for July and August but at a much more general level than from the MRFSS survey trips are only classified as groundfish or salmon.

opportunities?" The Council has recently undertaken consideration of marine reserves. Accurate projection of the impacts of creating marine reserves would require knowing not only what port recreational fishers departed from, but also the area in which they fished. The MRFSS field survey is asking fishers to more precisely identify the area in which they fish. More refined estimates of catch, discards and effort by mode of fishing, target species, and geographic areas are needed (Table 5). These estimates would provide starting points for baseline assessment of the importance of the recreational fishery to the local areas; empirical information for projection of responses to changes in management regulations; and information needed to improve estimates of the values anglers place on the fishery.

Two of the major types of economic information needed on recreational fishers are consumer surplus and expenditure information. Consumer surplus provides information on the value anglers place on a particular fishing experience, and information is needed in detail that is sufficient to predict angler response to changing management regulations. Expenditure information can be used for the generation of estimates of consumer surplus and has immediate use for developing estimates of personal income associated with recreational fishing and the dependence of communities on recreational fishing.

Travel cost and contingent value models<sup>1/</sup> are often used to generate estimates of consumer surplus. Information for these models is collected through carefully structured surveys. There have been a number of travel cost and contingent value studies conducted for West Coast recreational fisheries. More have been conducted for salmon than for other species. Generally, not all of the needed information is captured in a single survey. Information is needed not only on the dollar values anglers place on a particular experience, but also on how that value changes by fishing area and management regulations and the value of the experience relative to other activities in which the fisher might engage. This information on fisher values can be used to predict behavioral response to regulations, and so to estimate the effect of regulations on economic activities in local communities as well as to model conservation effects. For example, in response to a reduced bag limit, do fishers continue to spend the same amount of time going after their target species, target on alternative species, or cease marine water fishing in favor of other recreational activities? For purposes of predicting fisher behavior, ranking of relative values of alternative recreational activities may be more important than generating dollar estimates of the value of different experiences. In 1998, the annual MRFSS survey was being augmented with socioeconomic questions designed to generate travel cost estimates and ask contingent behavior response questions. These contingent behavior questions will provide some information of relative value and behavior response for different management regulations. These data are currently being analyzed. In 2000, the MRFSS is being augmented with socioeconomic questions designed to generate estimates of the economic impact of the recreational fishery on local economies.

The current NMFS plan to conduct a recreational fishery socioeconomic survey on the West Coast once every three years is not considered to be adequate for West Coast needs. While there is an overlap in the information needed for estimates of the economic impacts of recreational fishing activities and for consumer surplus, the information needed is different enough between the two that it must be gathered in separate surveys. If the survey alternates between emphasis on development of estimates of economic impacts and estimates of consumer surplus then a survey emphasizing consumer surplus would occur only once every six years. There are a number of factors that make it difficult to make a comprehensive estimate of the value of various types of recreational fishing experiences in a single year. These factors include: low contact rates for fishers who participate in the particular kind of recreational fishing activity for which a value estimate is sought, and between year differences in the quality of recreational fishing opportunities due to variation in the fishery management regulations and recreational fishing opportunities available (particularly when large scale events are occurring such as major restrictions in the salmon fishery and El Niño related shifts in the available ocean species). Additionally, there is enough uncertainty about the appropriate survey questions to use for generating various estimates of recreational values and enough different aspects of the recreational values that need to be measured that subsequent surveys will be required to validate initial results and further explore the characteristics of fishing trips which change the value of such a trip to the angler. In particular, there will likely be an ongoing need to evaluate angler response to different types of fishing regulations. All of these factors lead to the

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6/ Contingent value models generally rely on fishers response to questions posed regarding their willingness to pay for fishing or accept compensation in return for not fishing.

conclusion that a survey focused on estimating consumer surplus needs to be conducted more frequently than once every six years. An increase in funds to carry out surveys would need to be accompanied by increased funds for survey design and analysis of results.

## **2.5 Fishing Communities**

Fishing and fish processing operations interact with communities through the jobs provided, tax revenues paid, and public services and infrastructure required. The development of a fishing community in a particular location may depend on services and infrastructure available at a port, protection from ocean conditions, ocean access, and proximity to exploitable fish populations and major population centers. The latter of these factors are classified here as geographic and physical characteristics of the port. The following are the data collection needs related to fishing communities (Table 6).

### **Jobs Employment and Income Provided**

Information is generally readily available on total employment and income levels and income classes in a particular community. To relate these general statistics to the fishery, information is needed on employment generated by the fishing industry and income levels of the participants. The high priority types of information needed by job class are number and duration of jobs, wages paid, and employee total household income. Information on wages is covered under the costs sections for harvesters, processors, and charter vessels.

### **Tax Revenues**

Information is needed on the amount of tax revenue generated by the fishing industry. Information on local tax payments is needed in the context of local area governmental budgets. Some information on tax revenues generated for state and local communities may be forthcoming as part of the effort to meet the needs for cost data for each sector discussed above.

### **Public Services and Infrastructure Required and Available**

The public services and infrastructure required by the fishing industry may either burden or benefit the local community. Needs for electrical services or the treatment of sewage outfall may place a burden on the local community. On the other hand, the commercial activities generated may provide the justification for public works projects such as channel dredging, the major part of which may be financed with external funds and the benefits of which flow to more than just the fishing industry. To fully understand the role of the fishing industry in the economic health of the local community, information should be collected on the local infrastructure which supports the fishing industry and special public projects or expansions of public services related to the fishing industry.

### **Geographic and Physical Port Characteristics**

Geographic and physical port characteristics include information on geographic proximity to exploitable fishing resources, ease and safety of ocean access, degree of shelter provided by the port, distances to major markets and distribution points for commercial fishing products, and distances to major population centers from which recreational fishers come.

Much of this information is likely to be readily available through a few contacts at each port. Information on distances to exploitable fishery resources may be the most difficult to develop. Good quality information collection in response to essential fish habitat concerns may also be useful in describing the potential fishery resource base of a community.





## 3.0 PLAN FOR ACTION

### 3.1 Priority Projects

One of the principles for developing this section is that projects be included only if there is a reasonable opportunity for progress in the next two or three years. The intent is to keep the plan workable and within reach, so it can be pursued with the hope of success. At the same time, to improve the current situation, the plan must look beyond the resources that are available today.

The following are projects which need to be continued or undertaken as the next steps in developing West Coast fishery economic data. For most projects, an estimate is provided for the funds necessary to support the project. Costs of time and travel are included. Funding estimates are not provided where the next identified step is to develop a project proposal to meet a particular need. No estimates are provided for activities which can be conducted with current personnel as a part of normal work and meeting activities.

The top priority for this plan is to maintain and expand as needed the funding to support current PacFIN and RecFIN projects. The RecFIN project in particular is likely to need additional funds to expand sampling effort to meet needs for management and economic data. This plan seeks \$500,000 annually to maintain efforts to collect and disseminate economic data for commercial fishing businesses (seafood and recreational, Section 3.1.1), \$450,000 for recreational fishers (Section 3.1.2), and \$150,000 for community related projects (Section 3.1.3). In addition, it is recommended a special projects fund be created (\$150,000 annually) for the purpose of augmenting ongoing baseline data collection efforts with coordinated special data collection activities to respond to specific questions that arise from year to year (Section 3.1.5). Funding needs for the collection of economic data related to habitat have yet to be identified (Section 3.1.4). Excluding PacFIN, RecFIN, and the unidentified amount needed for data on habitat, but including an annual effort to collect socioeconomic information from recreational anglers, the total identified ongoing funding needs come to \$1,250,000 with an additional \$155,000 needed for initial start-up projects related to communities. The following table summarizes the identified costs and references the section with the corresponding project description.

Project		Current Ad Hoc Funding	Funds Needed for Economic Projects	
			Initial	Ongoing
Commercial Fishing Businesses (Seafood and Recreational)				
3.1.1	Ongoing Data Collection	\$255,000		\$150,000
	Ongoing Management, Data Dissemination, and Outreach	0		\$350,000
Recreational Fishers				
3.1.2	Maintain and Enhance RecFIN			not included
	Increase Frequency of Socioeconomic Survey	\$350,000		\$350,000
	Increase Personal to Design Survey and Analyze Results			\$100,000
Communities				
3.1.3	Develop Data Repository Linked to PacFIN and RecFIN		\$65,000	
	Develop Baseline Descriptions		\$65,000	
	Identify Unmet Data Needs and Develop Proposal		\$25,000	
	Update Community Descriptions			\$50,000
	Ongoing Data Collection, Management, and Dissemination			\$100,000
Habitat				
3.1.4	Need and Priority Uncertain (Place Holder)			not available
Special Projects				
3.1.5	Special Projects Fund	\$185,000		\$150,000
Total for Identified Funding Needs		\$790,000	\$155,000	\$1,250,000

### **3.1.1 Commercial Fisheries (Seafood and Recreational)**

#### **(a) Maintain and Enhance PacFIN and Data Access**

Maintain and continue to enhance the PacFIN data system. This system provides West Coast fisheries economists with vessel revenue information for all shoreside landings of marine and anadromous species.

This important information is available to economists and others in a number of useful reports and standardized summary files. However, economists often require specialized subsets of this information in order to analyze specific management problems. PacFIN personnel and personnel associated with the PSMFC commercial fishery economic data project provide economists with an important link to this data.

Augment Current Funding As Necessary to Maintain and Enhance Current Functions

#### **(b) Maintain the Fishery Economic Data Collection Program for Commercial Fisheries**

The beginnings of an economic data collection program have been established by the PSMFC. In 2000, a cost-earnings pilot project for trawl vessels and processors was carried out that is expected to assist in determining the best way to implement an annual program for the collection of cost and earnings data from harvesters, processors, and first buyers. This project was conducted under a cooperative agreement between NMFS and PSMFC. Other cooperative projects being undertaken include a survey of the albacore and swordfish fleets (soon to be undertaken, see Section 3.1.5) and surveys of the charterboat and fixed gear/open access fleets (these surveys are being developed). Baseline funds should be committed to establish an economic data collection program as a permanent part of the West Coast fishery information system. This program should include both data collection and the full development of a data management and dissemination system. Economic information is needed not only to estimate the direct effects of regulations on the commercial fishery, but also to project impacts on communities.

Elements of the program:

1. Determine which of the data/information needs listed in Appendix B are of highest priority.
2. Identify those high priority data needs best collected in projects focused solely on the collection of economic data and those high priority needs which might be collected as part of other fishery monitoring and data collection activities.
3. Develop cost estimation routines that can be used with survey results and other data collected. (Development of such estimation routines can ensure cost data is collected in the needed format.)
4. Continue economic data collection projects and modifying as appropriate based on initial experiences.
5. Continue development of the data system that will act as a repository and dissemination point for economic data.
6. Begin development of alternative data sources by pursuing the "add-on" of economic data collection tasks to other fishery monitoring and data collection efforts.
7. Conduct interagency and industry coordination and outreach to gain cooperation.

#### **Ongoing Funding Need**

The ongoing funding need estimated for this program is:

Data collection (Element 4 of the program)	\$150,000
System design, implementation, management, interagency advocacy and industry outreach.	<u>\$350,000</u>
<b>Total Ongoing Funding Need</b>	<b>\$500,000</b>

## Current Funding

As of October 2000, NMFS has funded three projects that are actively being carried out and may lead to the collection of cost data that may be integrated with PacFIN and other vessel specific data:

Salmon and Processor Data Sets for Economic Analysis	\$20,000
Preparation for Salmon Cost/Earnings Survey	\$10,000
Cost, Earnings, and Employment Survey of West Coast Limited Entry and Open Access Harvesters	<u>\$95,000</u>
<b>Total Current Funding for the Seafood Industry</b>	<b>\$135,000</b>
Recreational Charter Vessel Survey	<u>\$125,000</u>
<b>Total Current Funding for the Commercial Fishery</b>	<b>\$255,000</b>

Additionally, \$185,000 has been provided for a special project on highly migratory species (HMS) (Section 3.1.5). The contract for the special HMS project has been given to the PSMFC economic data program and will help maintain the PSMFC staff devoted to the West Coast program while stable funding is sought.

The HMS project is counted as a special project rather than as part of the base program, because the cost data to be collected will be summarized and not be available to the system or economists on a vessel specific basis. This is the type of targeted need project that Section 3.1.5 is intended to cover. Including the HMS project, a total of \$440,000 of West Coast economic data collection activities are being managed by the PSMFC project, as of October 2000.

### 3.1.2 Recreational Fishers

- (a) Provide full funding for the RecFIN program, expand or redirect sampling to increase the reliability of estimates of effort and catch for less than annual periods and at the community level. Expand use of the MRFSS angler intercept forms or questions to provide complete estimates for such factors as target species, catch composition, and county of angler residence.

Fully fund program and augment as necessary to maintain full functions (year 2000 funding was about \$1.1 million, approximately \$400,000 short of what is needed to fully fund the program).

- (b) Fully fund and increase the frequency of socioeconomic add-on survey, and work with the RecFIN program to make optimal use of the opportunity to economically collect data on the recreational fishery through existing survey programs. At a minimum the socioeconomic survey should be run in alternating years or in two out of every three years with the focus of the survey rotating between generating estimates of angler experience values and expenditures.

Supplement with \$350,000 per year for an annual socioeconomic survey and \$100,000 per year to fund a position to assist with survey design and data analysis

### 3.1.3 Communities

1. Develop a repository of economic and social data on geographically defined communities. Many of these data are currently available from federal and state agencies. The data should be summarized and located in tables readily available to West Coast fishery economists and linked to PacFIN and RecFIN landings and effort data. \$65,000
2. Develop baseline quantitative descriptions of the importance of commercial and recreational fisheries in the economies of coastal communities. Include estimates of income and employment generated from fishing activities. Inventory commercial and marine recreational opportunities supporting infrastructure and the geophysical amenities of the ports. \$65,000
3. Identify community data not currently available that may be useful in understanding the effects of fishery management actions on communities and develop proposals for the collection of such data. \$25,000
4. Implement an ongoing program to maintain and augment community data and update community

descriptions.

\$50,000

5. Initiate an ongoing data collection project to collect demographic and social data on the fishery that will allow analysts to link fishery information with generally available government statistics on geographic communities and provide better assessments of community impacts. \$100,000

#### **3.1.4 Habitat**

Determine the priority for acquiring economic information which may be needed to fulfill Council and NMFS responsibilities regarding the identification and protection of essential and critical fish habitat. Regulatory Flexibility Analyses may be required on best management practices for restoring habitat. When habitat is defined as critical, analysis of the implications may be required. If appropriate, develop project proposals for the collection of needed data.

#### **3.1.5 Special Projects**

No data system can or should try to collect every type of data that may be needed for economic analyses. An efficient system that attempts to acquire the needed data while keeping the burden on industry low may best be achieved through the use of special projects to focus on the collection of certain data elements as needs arise. A fund should be established for special projects to address high priority data collection needs that arise but are not covered by the projects listed above. Such a fund would be reminiscent of the socioeconomic fund administered for many years by the economists at the NMFS Southwest Region/Center. Specific plans for the use of this money should be developed in consultation with the steering committees for the projects specified in this plan and appropriate within NMFS monitoring and coordination. Data resulting from these studies should be integrated with the economic data systems developed under other projects of this plan.

\$150,000

### **3.2 Implementation**

The following implementation details were agreed to by the affected parties when this plan was first adopted in 1998. With the assistance of the PSMFC staff, the economic data plan steering committee for commercial fisheries (Section 3.2.1) and the RecFIN economic subcommittee will review and update the data plan once every two years, ensure the plan is distributed to all interested persons, identify potential funding sources, and actively seek support for the implementation of the plan. PSMFC will maintain descriptive information on all projects conducted in support of this plan and provide this information to any researcher interested in using the data or developing new data collection efforts.

#### **3.2.1 Commercial Fisheries (Seafood and Recreational)**

Implementation of the collection of data related to the commercial fishery will be coordinated through the Pacific Coast Data Committee. The Commercial Fisheries Economic Database Coordinator assigned to the PSMFC PacFIN office will work with a steering committee comprised of economists from the NMFS Northwest and Southwest Regions and Centers and the Council.

#### **3.2.2 Recreational Fishers**

Implementation of data collection efforts related to recreational fishers will be coordinated through the RecFIN committee and, in particular, its economic subcommittee. The PSMFC RecFIN Coordinator will work with the subcommittee in coordinating these efforts.

#### **3.2.3 Communities**

PSMFC will work with NMFS and the Council in developing projects to address the need for community level data for analysis of fishery impacts (Section 3.1.3).

#### **3.2.4 Habitat**

The Council economist will work with the NMFS Northwest Region Economist to determine whether to maintain habitat-related economic data as a part of this plan and, if so, to further specifying data needs.

### **3.2.5 Special Projects**

The West Coast economists should seek to encourage NMFS to reinstate annual funds for special economic studies related to West Coast management issues.

### **3.3 Guidelines for Development of Data Collection, Management, and Dissemination Projects**

For each project intended to contribute to the economic data system:

1. Data models should be developed which show how the project fits in with other efforts to collect economic and noneconomic information.
2. A design review committee should ensure the system developed meets the users' needs. This committee should be comprised of representatives from the NMFS Northwest and Southwest Regions/Centers, the Council, PSMFC, and, as appropriate and requested, the states. The design review committee would play a role similar to that played by the Pacific Coast Data Committee with respect to PacFIN and the RecFIN committee with respect to the MRFSS survey and related data repository.
3. It should be a primary concern of each design review committee that activities be coordinated with related projects in order to minimize duplication and industry burden and ensure that related data sets can be harmonized and integrated. In particular, data collection efforts should be coordinated with efforts in Alaska.<sup>1/</sup> Additionally, to the extent appropriate, the design review committees should ensure that data collected is consistent with the standards and formats necessary to allow summary for transmittal to the national fishery information system.
4. Common coding should be maintained between West Coast data sets. Common coding includes standardized naming of variables, standardized coding of the variables (e.g., standard species codes), and standardized units of measure. National coding standards and coding used for Alaska data collection programs should be taken into account in developing coding for West Coast data.
5. Where the data to be collected may have applications broader than those of direct interest to economists, to the extent practicable, effort should be made to ensure data elements are specified in a manner useful in those applications. This may be particularly important with respect to effort data.
6. It should be a primary concern to develop and maintain a cooperative long-term relationship with industry.

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7/ Coordination with the North Pacific Fishery Management Council is important to the success of projects for the collection of data on commercial fisheries. Such coordination will enhance the efficiency of the data collection efforts and help develop and maintain a cooperative relationship with industry. Overlaps include data collected from commercial vessels which participate in both Council areas and the development of data collection methodologies.

7. In determining the data collection approach to be used for a particular project, consideration should be given to the quality of information likely to be collected, degree of burden placed on industry, and data collection costs.<sup>1/</sup> Required degrees of accuracy and needed sample sizes should also be addressed in each individual project.
8. Convenient, accessible, and secure systems should be developed for the delivery of collected data to fishery analysts. To maintain the cooperation and confidence of industry, it is essential to the success of all projects that there be strict adherence to confidentiality standards.

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8/ Potential data collection methodologies identified by West Coast economists during a December 1996 meeting included: key informant approach, Delphi approach, group interviews, individual in-person interviews or phone interviews (including recreational intercept surveys), mailed surveys, logbooks, engineering approach, and direct observation.

TABLE 1. Outline of requirements for each section of a fishery management plan (FMP) amendment package with an economic aspect and identification of potential contributions by economists.  
(Page 1 of 5)

Major Element of the Amendment Package	Primary Legislation and Executive Orders (E.O.) Affecting Contents of FMP Amendment Packages <sup>a/</sup>				Economist Contributions
	Magnuson-Stevens Act	E.O. on Regulatory Planning and Review (E.O. 12886)	Regulatory Flexibility Act (RFA)	National Environmental Policy Act (NEPA) & Other Resource Protection Acts <sup>b/</sup>	
Purpose and Need for Action (Problem Statement)		Identify the problem and assess its significance.	Identify why the action is being considered.		How significant is the problem? Quantify if possible. Identify market failures.
Management Objectives	Management objectives should be consistent with the National Standards (priorities should be set among competing objectives).		State objective and legal basis for the proposed action.		Are the management objectives likely to address the problem given the economic dynamics of the situation?
Describe Alternatives	National Standard 7. Conservation and management measures shall, where practicable, minimize costs . . . .	<ul style="list-style-type: none"> <li>• Include no action alternative.</li> <li>• Include alternatives to direct regulation (e.g., marketable permits) and seek alternatives which minimize effect on non-federal governments.</li> <li>• Design the alternatives to be cost effective and least burdensome while achieving their objective (flexibility and equity are included as costs/benefits).</li> <li>• Draft the alternatives to be simple and easy to understand.</li> <li>• To the extent feasible, specify performance objectives rather than behaviors or manner of compliance.</li> </ul>	Identify alternatives which minimize impacts on small businesses.		Are there alternatives which meet management objectives, but are more cost effective or have less of a burden on small businesses and small governmental jurisdictions? Have all relevant alternatives with differing economic effects been considered?
Description	Description of the fishery including: <ul style="list-style-type: none"> <li>• Sectors (commercial, recreational and charter)</li> <li>• Landings trends</li> <li>• Number of vessels</li> <li>• Gear used</li> <li>• Species</li> <li>• Location of activities</li> </ul>			Description of the Affected Environment <ul style="list-style-type: none"> <li>• Physical</li> <li>• Fishing Industry</li> <li>• Consumers</li> <li>• Communities</li> <li>• Governmental Jurisdictions (ports,</li> </ul>	Include descriptive information which will provide a baseline for evaluation of impacts under the criteria of the RFA, (e.g., What groups are affected? What is the composition of the groups in terms of small and large entities? What is

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(Page 1 of 5)

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	Magnuson-Stevens Act	E.O. on Regulatory Planning and Review (E.O. 12886)	Regulatory Flexibility Act (RFA)	National Environmental Policy Act (NEPA) & Other Resource Protection Acts <sup>b/</sup>	
	<ul style="list-style-type: none"> <li>• Likely management costs</li> <li>• Fishery revenues</li> <li>• Fishing communities</li> <li>• Foreign fishing</li> <li>• Indian treaty fishing rights</li> </ul>			<ul style="list-style-type: none"> <li>• towns, counties etc.)</li> <li>• Agencies</li> </ul>	the size of the groups relative to the sector of which they are a part?).
Environmental Consequences	National Standard 1. Prevent overfishing.	Under E.O. 12886 environmental consequences would be included in the cost benefit analysis.		Environmental Consequences <ul style="list-style-type: none"> <li>• Bio Impacts (e.g., redirection of effort, bycatch, benthic organisms)</li> <li>• Physical Impacts (e.g., habitat destruction)</li> <li>• Protected Resources (ESA, MMPA)</li> <li>• Cumulative Impacts (e.g., ecosystem, other agency activities)<sup>c/</sup></li> </ul>	Project behavioral changes that have environmental consequences (e.g., the highgrading incentive created under cumulative harvest limits).
Cost Benefit Analysis	National Standard 5. Where practicable, consider efficiency in the utilization of fishery resources . . . .	Include both quantitative and qualitative factors as well as an accounting of distributional, safety, and other effects of social concern.	Identify all costs associated with each of the alternatives and estimate the classes of small entities that will be subjected to the costs.		Economists take lead in developing the cost benefit analysis.
Effects on Groups Identified in Description	Fishery Impact Statement: assess effects on participants in the fisheries, fishing communities, and in fisheries conducted in adjacent areas under the authority of other Councils. National Standard 4. Conservation and management shall not discriminate between residents of different states . . . allocations shall be: (1) fair and equitable, . . . (3) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges. National Standard 8. Conservation and	Assess effects on employment, profits, competitive position, efficiency, and regulatory burden. Include management and implementation costs for governmental agencies.	Provide information for evaluation of whether or not there will be a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act standards. <sup>d/</sup> Compare the costs of compliance for small businesses to those for large businesses. Assess effects on production and		Provide economic information on distributional effects and consequences. Evaluate significance for RFA.



TABLE 1. Outline of requirements for each section of a fishery management plan (FMP) amendment package with an economic aspect and identification of potential contributions by economists.  
(Page 1 of 5)

Major Element of the Amendment Package	Primary Legislation and Executive Orders (E.O.) Affecting Contents of FMP Amendment Packages <sup>a/</sup>				Economist Contributions
	Magnuson-Stevens Act	E.O. on Regulatory Planning and Review (E.O. 12886)	Regulatory Flexibility Act (RFA)	National Environmental Policy Act (NEPA) & Other Resource Protection Acts <sup>b/</sup>	
	management measures shall . . . take into account the importance of the fishery to fishing communities in order to . . . [sustain participation and minimize economic impacts on communities].		employment.		
Evaluation of Alternatives Based on Policy Criteria	<ul style="list-style-type: none"> <li>• Magnuson-Stevens Act National Standards.<sup>e/</sup> National standards not listed elsewhere in this column: Standard 2, use the best scientific information available; Standard 3, manage the stock throughout its range; Standard 6 take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches; National Standard 9, minimize bycatch; National Standard 10, promote safety.</li> <li>• Magnuson-Stevens Act 302(c) Criteria for Actions Limiting Entry to the Fishery.</li> <li>• Magnuson-Stevens Act 304(e) Requirements to specify rebuilding schedules while taking into account the needs of the community.</li> <li>• Management plan objectives</li> <li>• Socioeconomic framework criteria (for groundfish FMP<sup>f/</sup>)</li> <li>• Management objectives identified for the Proposed Action</li> <li>• Does the act resolve the problem</li> </ul>	The alternative chosen should maximize net benefits (net benefits include such factors as equity considerations).	Evaluate significance under the RFA. The RFA requires consideration of alternatives which minimize impacts on small entities. It does not require that the alternative with minimum impacts be selected, but does require the specification of a rationale for not selecting the minimum impact alternative.	Section 7. Consultation may be required under the ESA.	Provide summary on the performance of alternatives with respect to economic criteria--most of this will likely be derived directly from sections above.
Other Applicable Law	National Standard 7. . . . avoid unnecessary duplication.	Avoid inconsistency, incompatibility, or duplication of other regulations.	Identify any federal rules which duplicate, overlap, or conflict with the proposed rule.		Help identify conflicting policies, (e.g., policies to reduce capacity and the Capital Construction Fund).

a/ Not included in the body of this table are the following executive orders and legislation which may need to be addressed in the analytical documents:

- E.O. 12612. Federalism. Requires that federal preemption of state law be the minimum level necessary. Proposed policies with federalism implications must be accompanied by a "Federalism Assessment".

- E.O. 12630. Requires preparation of a "Takings Implication Assessment" for actions that effect or may effect the use of any real or personal property. Includes prohibition of a gear.
  - Coastal Zone Management Act (CZMA). Requires federal consistency with state coastal management programs to maximum extent practicable.
  - Paperwork Reduction Act (PRA). Requires federal agencies to minimize paperwork and reporting burdens. Requires Office of Management and Budget (OMB) clearance of any new information collection requirements.
- b/ The Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA).
- c/ NEPA considerations which may but often do not relate to fisheries management actions by the Council include impacts on aquaculture and hatcheries.

TABLE 1. Outline of requirements for each section of a fishery management plan (FMP) amendment package with an economic aspect and identification of potential contributions by economists.  
(Page 5 of 5).

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- d/ The following are guidelines to be used in evaluating criteria of the RFA. Substantial number: over 20% of small entities in the sector. Small business: less than \$2.0 million. Significant impact: (a) five percent reduction in gross revenues, (b) five percent increase in total costs, (c) compliance costs as a percent of sales for small entities are ten percent higher than for larger entities, (d) capital costs of compliance requires a significant portion of the capital available to small entities, (e) over two percent of small business entities will be forced to cease operation.
- e/ Magnuson-Stevens Act decision criteria would take precedence over RFA decision criteria. Magnuson-Stevens Act decision criteria took precedence over E.O. 12291. However, this executive order has been replaced by E.O. 12886. No interpretation of the status of E.O. 128896 with respect to the Magnuson-Stevens Act has been provided.
- f/ Section 6.2.3 of the groundfish FMP.



TABLE 2. Economic data needed on commercial seafood harvesters. (Page 6 of 3)

Data Need	Application <sup>a/</sup>	Available	Current Source	High Priority Core Need	Comment on Priority and Adequacy (if some data is available)	Additional Description
1. West Coast exvessel value of catch, including price, quality, quantity, and catch location	A, B, C, D, E, F, G, H, I	Most	PacFIN	Y	Generally adequate. Does not include other goods and services that may be provided by processors in addition to direct payments for the fish. Does record payments not included on the fishticket. Gear information should be more specific and be available for each line on the fishticket. More specific area of catch is needed to facilitate development and analysis of marine reserves.	Data should include all relevant market information such as species, condition (dressed, headed, and gutted, etc.), gear used, and, where relevant, size. Data for salmon should include number of fish caught.
2. Total firm revenues	A, F, G, H, I	Minimal	Ad hoc surveys and Southwest Center West Coast Fishing Vessel Cost Earnings Database	Y	Fishing revenue for vessels in nonWest Coast activities are the top priority within this category. Available information is often outdated and applies only to certain sectors of the fleet. Little work has been done above the vessel level.	What are the firm's total revenues from all sources, including other vessels owned by the firm and nonWest Coast fisheries in which the vessels participate, as well as nonfishing activities? Ideally, net revenues are desired.
3. Other revenue information	E, F, H	Minimal	Fishery Management Area(FMA)	Y	Historic market order prices negotiated by FMA for association trawlers. Not currently available for other gears and species.	Processor market orders and market limits.
4. Employment and labor costs (crew and skipper)--nominal and opportunity costs	A, B, C, D, E, F, G, H, I	Some	Ad hoc study results	Y	Available information is often outdated, incomplete, and applies only to certain sectors of the fleet during certain types of operations.	Method of determining payments should be included (e.g., share, wage, piece). Whether or not a hired skipper is used. All operational costs are needed at the trip level with information on how costs vary with duration of trip and amounts of harvest. Labor cost data is needed by crew/operator position. Information is needed on number, types, and durations of jobs; numbers of days worked by vessel, and type of fishing activity.
5. Nonlabor operation costs	A, B, C, D, E, F, G, H, I	Some	Ad hoc study results	Y	Same as above.	All operational costs are needed at the trip level with information on how costs vary with duration of trip and amounts of harvest.
6. Owner profits and opportunity costs	E, F, G, H	None	N/A	Y	-	Information is needed at the trip level or lowest level of activity aggregation across which opportunity costs vary. Information is needed on differences between owner-operator and owner nonoperators.
7. Capital costs	A, B, C, D, E, F,	Some	Ad hoc surveys	Y	Information generally incomplete and difficult	Includes cost of vessels and permits.

TABLE 2. Economic data needed on commercial seafood harvesters. (Page 6 of 3)

Data Need	Application <sup>a/</sup>	Available	Current Source	High Priority Core Need	Comment on Priority and Adequacy (if some data is available)	Additional Description
	G, H, I				to acquire. Some information has been available from the Capital Construction Fund.	
8. Employee and owner income	B, C, D, F, I	Minimal	Ad hoc study results	Y	Information is often outdated and applies only to certain sectors of the fleet during certain types of operations.	Income levels of employee/owner households; household dependence on fishing income; and dependence on government assistance; and community of residence.
9. Employee and owner characteristics	F, I	Minimal	Ad hoc study results	-	Information is often outdated and applies only to certain sectors of the fleet during certain types of operations. There is no centralized system for identifying and tracking vessel owners and operators. Owner and operator identity may be more important in predicting vessel activity and impacts than most other data elements described.	Length of participation in the fishery and amount of experience.
10. Effort information	F, G, H	Some	Oregon pilot observer program, coastwide logbooks	Y	Most information available is for trawl gear. Improvements need to be made in accessibility to this data.	Type, size/number/quantity of gear, soak/tow times, number or tows/sets, times of tows/sets, search time, trip length by target species information is needed, tied to specific landings.
11. Other catch information	F, G, H	Some	Data on trawl discards from Oregon pilot observer program	-	Discard information is most important.	Information is needed on discards by target species.
12. Vessel information	A, F, G, H, I	Some	USCG, PacFIN, NMFS limited entry office, state license programs	-	Updated, better quality and better access is needed to information on vessel size and permits held. Fish hold capacity information is generally not available.	Vessel size, fish hold capacity, and permits held. Identity of vessel operator and owner.
13. Other vessel and information	A, B, C, D, E, F, G, I (depending on the approach to analysis)	Some	USCG and state license programs, fishtickets	e.	Priority depends on approach to developing estimates of operating costs. If an engineering approach is taken, this item may have a higher priority.	Vessel engine(s) including auxiliary (and model) equipment, and ability to use different types of gear.

TABLE 2. Economic data needed on commercial seafood harvesters. (Page 3 of 3)

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- a/ Types of analyses:
- A. Financial analysis
  - B. Input/output income impact
  - C. Input/output job impact
  - D. Input/output impact by income level (income or job)
  - E. Effects on supply and demand
  - F. Prediction of fishers' strategic response to regulations
  - G. Bio-economic models
  - H. Cost benefit analysis
  - I. Baseline fleet and community descriptions

TABLE 3. Economic data needed on commercial processors. (Page 9 of 2)

Data Need	Application <sup>a</sup> /	Available	Current Source	High Priority Core Need	Comment on Priority and Adequacy (if some data is available)	Additional Description
1. Exprocessor value of products, including price, quality, quantity, and product form	A, B, C, D, E, G, H, I	Some	Processed Product Survey and PacFIN information	Y	Generally incomplete. This type of information is a high priority for species for which the product is brought to shore in different product forms (e.g., whiting and sablefish). There are questions regarding bias in the processed product survey estimates. The information is also needed to fully assess the community dependence on the fishing industry.	Data should include all relevant market information such as species, condition (dressed, headed, and gutted, etc.), and, where relevant, gear used and size.
2. Product recovery rates and raw product costs by product form	A, B, C, D, E, G, H, I	Some	PacFIN data, ad hoc studies, and agreed standards for enforcement	Y	PacFIN data provides information on product landed at the site of the processing plant, but not information on product transported to the plant from other locations.	Raw product costs are also covered under harvester exvessel prices. Information is needed on fish landed directly to the processing plant and fish transported to the processing plant from other landings sites. Product recovery rates are necessary to determine the amount and cost of raw product cost for a given amount of exprocessor sales.
3. Total firm revenues	A, I	Minimal	Ad hoc survey	Y	Some information as been collected on horizontal integration of West Coast processing plants.	What are the firm's total revenues from all sources including other processing plants owned by the firm and nonWest Coast products which are handled, as well as nonfishing activities. Ideally, net revenues for nonfish related activities would be obtained or estimated.
4. Other revenue information	E	Minimal	FMA	-	Historic market order prices negotiated by FMA. This information may be available from	Processor market orders and market limits.

TABLE 3. Economic data needed on commercial processors. (Page 9 of 2)

Data Need	Application <sup>a</sup> /	Available	Current Source	High Priority Core Need	Comment on Priority and Adequacy (if some data is available)	Additional Description
					either the vessels or the processors.	
5. Employment and labor costs--nominal and opportunity	A, B, C, D, E, G, H, I	Some	Ad hoc study results	Y	Available information is often outdated and applies only to certain species or processes.	Method of determining payments should be included (e.g., share, wage, piece). Labor cost information is needed by type of position. Information is needed on number, types, and durations of jobs; and numbers of days worked by type of processing activity.
6. Nonlabor operation costs	A, B, C, D, E, G, H, I	Minimal	Ad hoc study results	Y	-	-
7. Owner profits and opportunity costs	A, B, C, D, E, G, H, I	Minimal	Ad hoc estimates based on cost information	Y	-	If both owner profits and payments to labor were known along with their related opportunity costs, the need to know other costs would diminish.
8. Capital costs	A, B, C, D, E, G, H, I	Minimal	Ad hoc surveys	Y	Information generally incomplete and difficult to acquire. Priority is substantially higher for operations processing Pacific whiting.	-
9. Employee and owner income	C, D, I	Minimal	Some ad hoc study results	Y	Information is often outdated and applies only to certain processing sectors. In addition to helping to better describe impacts on individuals the information would assist in describing effects on communities.	Income levels of employee/owner households; household dependence on fishing income; dependence on government assistance; and community of residence.
10. Location of fish buying and processing plants and transshipments	B, C, D, I	Minimal	Some ad hoc study results	Y	In order to properly model the effects of fisheries on communities it is important to know whether fish landed in a particular port is also processed there. The license	Is the first point of sale a buying station or processing facility. What is the location of the first significant processing of the product?



TABLE 3. Economic data needed on commercial processors. (Page 9 of 2)

Data Need	Application <sup>a</sup> /	Available	Current Source	High Priority Core Need	Comment on Priority and Adequacy (if some data is available)	Additional Description
					number in the processor code field of the fishtickets may be for a buying station or processing facility. Even if offloaded at a processing facility, in some cases raw product may be transhipped to another plant for processing.	
11. Employee and owner characteristics	B, C, D, I	Minimal	Some d hoc study results	-	-	Length of participation in the fishery and amount of experience.
12. Other plant information	A, B, C, D, E, F, G, I (depending on the approach to analysis)	Minimal	Some ad hoc study results	-	Priority depends on approach to developing estimates of operating costs. If an engineering approach is taken, this item may have a higher priority. It may also be of more importance for certain product forms such as surimi.	Needed information may include brand and model numbers for equipment in the plant.

a/ Types of analyses:

- A. Financial analysis
- B. Input/output income impact
- C. Input/output job impact
- D. Input/output impact by income level (income or job)
- E. Effects on supply and demand
- F. Prediction of fishers' strategic response to regulations
- G. Bio-economic models
- H. Cost benefit analysis
- I. Baseline fleet and community descriptions

TABLE 4. Economic data needed on recreational charter vessels. (Page 12 of 2)

Data Need	Application <sup>a/</sup>	Available	Current Source	High Priority Core Need	Comment on Priority and Adequacy (if some data is available)	Additional Description
1. Charter operation revenue	A, B, C, D, E, F, G, H, I	Minimal	Ad hoc studies	Y	Any information available is generally outdated, difficult to acquire, and applies only to certain sectors of the fleet during certain types of operations. Information needs to be tied to area of catch in order to facilitate analysis of marine reserves.	Total revenue Information should include, by trip type, total trips, price of all goods and services (including gratuities), and typical per angler expenditures.
2. Total firm revenues	A, F, G, H, I	Minimal	Ad hoc studies	Y	Same as above.	Total vessel earnings in all activities and total firm earnings.
3. Employment and labor costs (crew and skipper)--nominal and opportunity	A, B, C, D, E, F, G, H, I	Minimal	Ad hoc studies	Y	Same as above.	Method of determining payments should be included (e.g., share, wage, piece) and whether or not a hired skipper is used. All labor costs (including gratuities) are needed at the trip level. Cost information is needed by crew/operator position. Information is needed on number, types, and durations of jobs; numbers of days worked by vessel and type of activity.
4. Nonlabor operation costs	A, B, C, D, E, F, G, H, I	Minimal	Ad hoc studies	Y	Same as above.	All operational costs are needed at the trip level with information on how costs vary with duration of trip and number of customers on board. These costs include payment to charter offices.
5. Owner profits and opportunity costs	A, B, C, D, E, F, G, H, I	Minimal	Ad hoc studies	Y	Same as above.	Information is needed at the trip level or lowest level of activity aggregation across which opportunity costs vary.
6. Capital costs	A, B, C, D, E, F, G, H, I	Minimal	Ad hoc studies	Y	Same as above.	Includes cost of vessels and permits.
7. Income (including self employment)	B, C, D, F, I	Minimal	Ad hoc studies	Y	Same as above.	Income levels of employee/owner households; household dependence on fishing income; dependence on government assistance; and community of residence.
8. Employee and owner characteristics	F, I	Minimal	Ad hoc studies	Y	There is no centralized system for identifying and tracking vessel owners and operators. Owner and operator identity may be more important in predicting vessel activity and impacts than most other data elements described.	Length of participation in the fishery and amount of experience.
9. Effort information	F, G, H	Minimal	Harvest data, California charter	Y	Average angler success rates are available, other information needed is generally	Average number of passengers, number of poles, trip length, target species, angler

TABLE 4. Economic data needed on recreational charter vessels. (Page 12 of 2)

Data Need	Application <sup>a/</sup>	Available	Current Source	High Priority Core Need	Comment on Priority and Adequacy (if some data is available)	Additional Description
			vessel log books and ad hoc studies		unavailable.	success rates, travel time from home port to fishing grounds, travel time between different fishing grounds, harvest/customer satisfaction strategies. Harvest methods (trolling, mooching, types of hooks and weights, depths of fishing).
10. Catch information	F, G, H	Some	Data from harvest monitoring programs and ad hoc studies	Y	The RecFIN MRFSS study provides estimates, however, the information is not vessel specific.	Discards and catch composition by vessel target species.
11. Vessel information	A, F, G H, I	Some	Information may be available through licensing programs	Y	Data is not readily available.	Vessel identification, size, passenger carrying capacity, ports of operation, home port.
12. Other vessel and information	A, B, C, D, E, F, G, I (depending on the approach to analysis)	Minimal	Ad hoc studies, some data may be available through licensing programs	-	Data is not readily available. Priority depends on approach to analysis.	Vessel engine(s) including auxiliary (HP and model) and equipment.

a/ Types of analyses:

- A. Financial analysis
- B. Input/output income impact
- C. Input/output job impact
- D. Input/output impact by income level (income or job)
- E. Effects on supply and demand
- F. Prediction of fishers' strategic response to regulations
- G. Bio-economic models
- H. Cost benefit analysis
- I. Baseline fleet and community descriptions

TABLE 5. Economic data needed on recreational fishers. (Page 1 of 1)

Data Need	Application <sup>a/</sup>	Available	Current Source	High Priority Core Need	Comment on Priority and Adequacy (if some data is available)	Additional Description
1. Total effort and catch by target species including inland anadromous stock fisheries	A, B, C, D, E, F, G, H, I	Some	RecFIN MRFSS, state and tribal creel surveys, California charter vessel logbooks	Y	The RecFIN program collects much the needed marine data; however, the estimates produced are generally valid only at the state coastwide and annual level. The data is needed for biological modeling, baseline community descriptions, and modeling of angler effort for most economic analyses of regulatory effects. Data for inriver fisheries are available only for areas and time periods covered by state and tribal sampling programs.	Total catch, discard, and catch-per-unit effort information is needed by target species, fish size, harvest mode, area and season for marine and inriver fisheries.
2. Angler experience values	E, F, G, H	Some	RecFIN socioeconomic survey and ad hoc study results	Y	The RecFIN program is attempting to collect some of this information through the socioeconomic add-on to the MRFSS. Frequency of this effort has increased, but commitment to two out of three year or every year studies has not been made. Available information is often outdated, incomplete, and applies only to certain sectors of the fleet during certain types of operations.	How does consumer related-economic value vary with types of species available, fishing site, and fishing regulations? What fishing and nonfishing activities will individuals substitute for the most desired target species?
3. Angler by angler data on fishing activity (number, type of trips) trip expenditures and angler demographics	A, B, C, D, E, F, G, H, I	Some	RecFIN socioeconomic survey and ad hoc studies	Y	The RecFIN program is attempting to collect some of this information. Other available studies are outdated or incomplete.	Fishing activity, trip cost and demographic data are needed to estimate economic value of fishing trips by target species, mode, area and season, and to predict changes in angler behavior and value associated with changes in regulations. Trip expenditure data is also needed to estimate economic impacts of recreational fishing on local communities.
4. Factors important to anglers' recreational choices	F, H	Minimal	RecFIN socioeconomic survey and possibly some ad hoc study results	?	Some information may be forthcoming from the 1998 RecFIN socioeconomic survey. Additional studies are needed.	What characteristics of catch (e.g., number or size of fish, total weight of catch, catch versus keep) are most important to anglers? What fishing and nonfishing activities do anglers view as best substitutes for most desired target species?

a/ Types of analyses:

- A. Financial analysis
- B. Input/output income impact
- C. Input/output job impact
- D. Input/output impact by income level (income or job)
- E. Effects on supply and demand
- F. Prediction of fishers' strategic response to regulations
- G. Bio-economic models
- H. Cost benefit analysis
- I. Baseline fleet and community descriptions

Table 6. Economic data needed on fishing communities. (Page 1 of 1)

Data Need	Application <sup>a/</sup>	Available	Current Source	High Priority Core Need	Comment on Priority and Adequacy (if some data is available)	Additional Description
6. Fishery related employment, wages, income and other demographic descriptors	I	Minima I	Ad hoc studies	Y	Existing data is often outdated and applies only to certain sectors of the fleet during certain types of operations.	In order to relate a fishery to other general socioeconomic statistics on communities collected by various governmental bodies, similar statistics are needed on the fishing industry. For example, to relate impacts of groundfish open access hook-and-line regulations to income classes and ethnicity in a geographic community, one needs to know both the income classes and ethnicity of the fishery and the geographic community in which participants reside.
7. Baseline economic data	I	Yes	Census and state agency data	Y	Data needs to be compiled and regularly updated.	Total population, personal income, employment, per capita income, income distribution, employment cycles, tax base
8. Tax revenues	I	Minima I	Ad hoc studies	Y	Information on tax revenues generated for state and local communities should be collected as part of an effort to meet the needs for cost data needs related to each sector discussed above.	Information is needed to further describe dependence of communities on fisheries.
9. Fishery related economic infrastructure	I	Minima I	Ad hoc studies and reports	Y	The public services and infrastructure required by the fishing industry may either burden or benefit the local community.	Inventory of required and available public services and infrastructure.
10. Geographic and physical characteristics of the fishing harbors including distances to fishing grounds	I	Some	Ad hoc studies and reports	Y	Much of this information likely to be readily available through a few contacts at each port.	Geographic and physical port characteristics include information on geographic proximity to exploitable fishing resources, ease and safety of ocean access, degree of shelter provided by the port, and distances to major markets, and distribution points for commercial fishing products and major population centers which utilize recreational fishing opportunities.

- a/ Types of analyses:
- A. Financial analysis
  - B. Input/output income impact
  - C. Input/output job impact
  - D. Input/output impact by income level (income or job)
  - E. Effects on supply and demand
  - F. Prediction of fishers' strategic response to regulations
  - G. Bio-economic models
  - H. Cost benefit analysis
  - I. Baseline fleet and community descriptions

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## **APPENDIX A**

### **APPLICATIONS FOR ECONOMIC DATA**

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#### **Types of Management Actions Which May Need to Be Analyzed**

In Section 2 the legislative mandates for conducting economic analyses are reviewed. This section lists some of the types of management actions taken by the Council which are often the subject of economic analysis.

#### **Commercial Harvester Regulations**

- Reporting requirements
- Change in level of harvest
- Capacity reduction measures (e.g., permit buyback and permit stacking)
- Change of a trip size/frequency limit
- Change of a cumulative limit
- Opening/closing (shortening/increasing) a season
- Changing catch per unit of effort by restricting gear (e.g., mesh size, cod-end size, amount of gear, type of hook)
- Gear prohibition (e.g., gillnet)
- Requirements to carrying an observer
- Change in a size limit (e.g., salmon)
- Local area closures (some of which just increase travel times while others may effectively eliminate a fishery)
- Bycatch retention or control measures
- Stock rebuilding programs
- Actions to regulate adverse impacts of fishing gear on habitat

#### **Commercial Processors and First Fish Buyer Regulations**

- Reporting requirements
- Requirements for onshore observers
- Utilization requirements
- Waste disposal requirements

#### **Recreational Fishery Regulations (Including Private and Charter Recreational Harvesters)**

- Reporting requirements
- Change in level of harvest (including changes which result from revisions of allocations, rebuilding schedules, or optimal harvest strategies)
- Capacity reduction measures for charter vessels (including new limited entry programs and buyback programs)
- Opening/closing (shortening/increasing) a season
- Change in bag limits
- Change in size limits
- Gear restrictions (e.g., barbless hooks and circle hook requirements)
- Prohibitions on retaining wild fish
- Local area closures
- Bycatch retention or control measures
- Stock rebuilding programs
- Actions to regulate adverse impacts of fishing gear on habitat

## **Types of Economic Analyses and Data Required**

### **Financial Analyses**

Financial analyses provide information on the effect of management actions on the financial viability of fishing industry businesses. Financial viability is generally measured in terms of profit levels after taking into account all firm expenses including taxes and debt burden. To conduct financial analyses, information is needed on firm costs and revenues. In financial analysis it is generally assumed that prices remain unchanged or an estimated change in prices is provided as a result of econometric<sup>1/</sup> estimation of supply and demand (see System Behavior Analysis).

For harvesting and processing costs and exprocessor prices, analysts are often faced with the need to initiate new data collection efforts or attempt to adapt existing data. Existing data are often outdated and/or only partially appropriate for the needs of the analysis at hand. In order to be useful, cost data must be broken down to the level of the business operation on which the management regulation has effect. For example, in order to analyze the effect of a change in trip limits on the financial viability of an operation, information is needed on how costs vary with the amount of fish taken on and duration of a particular trip. Annual or monthly information is of little use unless it can be used to derive the needed trip level information.

### **Input/Output Impact Analysis**

Input/output analysis is a method by which the flows of production are traced among the various sectors of the economy (local, state, or national) through to either the final consumers or an export. Econometric methods are used to develop input/output models. Regional input/output models are used to estimate regional changes in economic activities (impacts) resulting from management actions. Regional effects of a management action may vary from effects measured from a national perspective, even to the extent of being the opposite of a national effect.

One type of input/output analysis models effects on personal income. Income impact estimates can be generated for direct, indirect, and induced personal income.<sup>2/</sup> Information on fishing firms similar to that needed for financial analysis is used for generating income impact estimates. To develop input/output income models for the fishery, fishery expenditure information is combined with input/output data and results such as those derived from the U.S. Forest Service IMPLAN model.

Regional input/output models can also be used to develop estimates for a variety of other economic impacts including changes in total sales or employment. Modifications can be applied to the models to allow the generation of estimates of the effect on income or employment by income level. To develop job generation estimates or stratify income impact information by the income level of those affected, additional information would be required on number of workers in the industry, wages, and family income levels.

### **System Behavior Analysis**

For fisheries, system behavior analysis refers to a variety of approaches to economic analysis that involve assessing the dynamic effects of changes in fishery management. Examples include price responses to changes in supply and demand, fisher behavioral response modeling, and bioeconomic modeling. Aspects of these analyses may incorporate or contribute to other types of analyses discussed here.

Estimation of market demand and supply help predict the effects of changes in product supply on prices.

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1/ Econometrics is the use of economic theory and data to develop statistical models to estimate economic relationships.

2/ Direct income is income paid directly to crew members and owners of harvesting and processing firms (including charter vessels for the recreational charter industry). Indirect income is income earned by workers and owners who supply the harvesting and processing firms (e.g., a bait supply operation or engine repair business). Induced income is income earned by those from whom the workers and owners purchase goods (e.g., income of clerk at grocery store where crew members and the owner of a bait operation purchase groceries for personal use).



Estimates of supply and demand may also be used in the estimation of total consumer and producer surplus for the purpose of developing cost-benefit (net economic value) analyses. Estimation of these relationships generally require the application of econometric techniques to historic information on prices and volume for the product which is the subject of the analysis. Other information used in models estimating supply and demand includes historic prices and volumes for close substitutes for the product being considered and information on other factors which influence prices, such as consumer income, foreign currency exchange rates, population, and variables which may reflect changes in consumer preferences over time. Most of the needed time series information is routinely collected by various governmental bodies.

Modeling of fisher behavioral response is important if we are to understand the effects of management actions on communities and other fisheries. Projecting response is also important in evaluating whether a particular management action is likely to be successful over the long term. The information typically needed for response modeling includes both the information used for cost-benefit analysis of the activities in the fishery in question as well as costs and revenues associated with participation in alternative fisheries, costs associated with moving between fisheries, and degree to which fishing skills are transferable between fisheries.

Bioeconomic modeling attempts to account for a number of processes which respond dynamically to changes in management. For example, changing the time of year of a fishery may change the age classes exploited by the fishery which in turn affects long term sustainable yields and the future age structure available to the fishery. Age structure of the harvest and season-dependent flesh quality affect the quality of product delivered. The time of year and amount and quality of product delivered in turn affect market prices. A broader variety of information is needed for this type of modeling as compared to other analyses mentioned so far. In addition to the biological information required for such modeling, economic information is needed on price response to the amount and quality of product supplied. The complete bioeconomic model requires some unit of economic measure in which to quantify results. These units may be gross value (sale price unadjusted for costs) or in units resulting from financial impact or cost-benefit components of the bioeconomic model.

### **Cost-Benefit Analyses**

Cost-benefit analyses are attempts to estimate the producer and consumer surpluses that would be expected to result from alternative management actions.<sup>3/</sup> One approach to cost benefit analysis involves the identification, quantification, and valuation of the true costs and benefits of a proposed action as measured from a national, as opposed to private perspective. It varies from financial analysis in that effects on all members of the economy, including consumers and the public at large, aspects of the economy are considered rather than just the effects on individual firms. From an economy-wide perspective, the market prices used in financial analysis may not reflect the true cost or benefit of a particular item, (i.e., may not reflect the opportunity cost). For example, assume an individual is hired to work in a fishery at a rate equivalent to \$2,000 per month and that absent the opportunity to fish the next best job this person could obtain would pay \$1,800 per month. For the purpose of the firm financial analysis the cost of this person's labor would be \$2,000 per month, but for the cost-benefit analysis the cost would be \$1,800 per month. In other words, the cost-benefit analysis would show a \$200 benefit associated with the higher wage earned by the individual when employed in the fishery while the financial analysis would show the entire amount of wages paid as a cost. Additionally, in some cases, cost-benefit analyses impute values for factors for which there is no significant market transaction and hence no market price that can be used to measure value. An example of such nonmarket transactions would be a recreational fishing trip on a private vessel. Because market prices may not reflect values from a social point of view or may not exist, the cost and revenue information needed for the cost-benefit analysis may differ from that needed for the financial analysis.

Cost-benefit analyses usually assume fixed prices, wages, and discount rates; however, if the scope of

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3/ Producer surplus is the amount producers are paid to produce a certain quantity of goods minus the minimum amount they would have been willing to accept to produce the same quantity. Consumer surplus is the amount consumers would have been willing to pay for a given quantity of goods less the amount they actually had to pay.

the action is sufficiently large, these must be determined within the analysis. The estimation of demand and supply needed to project changes in prices can also be used to estimate producer and consumer surplus. Data needed for the estimation of demand and supply curves is discussed above in the section on system behavior analysis.

### **Risk and Trade-off Analysis**

Risk and trade-off analyses can be used to portray results from any of the above analyses in a format which helps those making decisions better understand the consequences of their actions.

Risk analysis involves the development of information on possible outcomes and probabilities of outcomes given different courses of action. Outcomes can be measured using the results from cost-benefit analyses, income impact analyses, or financial analyses. A typical risk analysis would display alternative courses of action, alternative assessments of the current situation and/or future events (e.g., current stock status or future possible recruitment levels), and the outcomes which might result from every possible combination of action and current situation. Using this approach an array of possible outcomes for each action will be displayed. Ideally, for each assessment of a current situation a probability that the assessment is correct would be provided. However, providing these probabilities is often difficult.

Trade-off analyses identify effects of concern and show how those effects vary depending on the chosen course of action. Effects of concern are generally related to policy objectives. Risk assessments are a type of trade-off analyses. For example, a risk assessment assists in evaluating the trade-off between higher harvest rates and the size of the downside risk that harvest will have to be reduced in the future. Another type of trade-off analyses might display a trade-off between national economic efficiency and the number of jobs or amount of income generated for a local economy depending on a particular policy option chosen.

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## **APPENDIX B CORE DATA NEEDS**

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The following is a list of core fishery economic data needs identified during a December 1996 meeting of West Coast fishery economists.

### **Commercial Harvesters and Processors and First Fish Buyers**

#### **Employment**

- Employment by harvesters and processors
- Crew size and positions
- Use of hired skippers
- Crew and skipper residence
- Length of employment opportunity (include work time at-sea and on-shore)
- Unemployment benefits (extent of coverage)
- Nonfishing employment of crew and skippers
- Labor opportunity costs
- Experience of employees (by fishery and gear type)
- Percent of total household income from fishing
- Method of payment (share, wage, piece)
- (Information is needed by fishery/gear type)

#### **Catch and Landings--Commercial**

- Discards
- More specific areas of catch
- Catch quality
- Targeting and ability to control catch composition
- Processor market orders and market limits

#### **Prices**

- Exvessel prices
- Exprocessor price by species, product form, and quality
- Permit and license prices
- Unit prices for inputs

#### **Vessels**

- Identification of owners (especially for undocumented vessels)
- Updated and better quality information needed on vessels including:
  - Vessel size
  - Engine horse power
- Information needed on vessel:
  - Hold capacity
  - Engine models
  - Presence of auxiliary engines
  - Market value
- Vessel ability to use different gears
- List of all permits held by vessel (may be provided through the core statistics program)

## **Effort**

For nontrawl vessels:

- Trip length (total)

- Set times

- Number of sets

For all vessels:

- Search time

- Gear used

  - Type deployed

  - Quantity deployed

## **Cost and Earnings**

Total vessel and firm earnings in all fisheries including Alaska

Earnings by share for vessel skipper crew etc.

Total costs/expenditures broken down as necessary for cost benefit analysis and income impact modeling (see "Economic Data Needs" developed at the Northeast Data Needs Workshop, March 31-April 1, 1993)

Debt burden

## **Gear**

Concern was expressed about the quality of the gear codes on fish tickets. Specific gaps identified were as follows:

- Gear by line on fish tickets to allow recording of gear used on multigear trips

- Specific type of gear--e.g., trawl (bottom trawl, pelagic trawl, shrimp trawl), longline (including type of longline, e.g., snap) etc.

- Size/number/quantity of gear used

## **Processor and First Fish Buyer**

Ownership information related to horizontal integration

Buyer codes

Employment (number of workers by type)

Wage basis (hourly, piece, etc.)

Plant capacity

Products

Equipment

Markets

Recovery rates

Weigh backs

## **Recreational Charter Businesses**

### **Employment**

Crew size and positions

Use of hired skippers

Crew and skipper residence

Length of employment opportunity (include work time at-sea and on-shore)

Unemployment benefits (extent of coverage)

Nonfishing employment of crew and skippers

Labor opportunity costs

Experience of employees (by fishery)

Percent of total household income from fishing

Method of payment (share, wage, piece)

(Information needed by fishery)

### **Catch and Landings**

Discards  
Target catch composition

### **Prices**

Pricing of goods and services provided and typical gratuities (because pricing schemes vary widely, breakdowns will be needed to detail what is and is not included in the prices)  
Unit prices for inputs

### **Vessels**

Vessel identification  
Ports of operation  
Identification of owners (especially for undocumented vessels):  
Information needed on vessel:  
    Vessel size  
    Engine horse power  
    Passenger capacity  
    Home port  
    Market Value  
Vessel ability to target on different species from the specified home port  
List of all permits held by vessel (may be provided through the core statistics program)

### **Effort and Gear**

Average number of passengers  
Trip length  
Travel time from home port to fishing grounds for each species  
Travel time between fishing grounds for each species

### **Cost and Earnings**

Total vessel earnings in all sea-going activities  
Total firm earnings in all activities  
Earnings by share for owner, vessel skipper, crew, charter office, etc.  
Total costs/expenditures broken down as necessary for cost benefit analysis and income impact modeling (see "Economic Data Needs" developed at the Northeast Data Needs Workshop, March 31-April 1, 1993)  
Debt burden

### **Gear**

Average number of fishing poles  
Harvest methods and gears used (e.g., trolling, mooching, types of hooks and weights, depths of fishing)

### **Marketing**

Marketing strategies  
What attracts the clients

## **Recreational Fishers**

An economic database on recreational fisheries should include by fishing mode and geographic location:

- Total number of anglers targeting on particular species
- Catch, discards, and success rates
- Average angler expenditures per trip

Related economic tables might contain information on:

- Net economic value by target species
- Fishing gear and method used

Information is needed on the relationship of angler trip net economic values to mode of fishing (private vessel, charter vessel, and bank fishing), producer surplus, success rates, retention opportunities and limits, and species caught. Studies of both ocean and inriver components of the salmon fishery are of most immediate importance with studies of the halibut, rockfish, and lingcod fisheries of greater long-range importance.

Data is needed on substitution rates between recreational activities and angler response to changes in recreational management measures such as size limits, bag limits, gear restrictions, and season closures. Such data would include measures of angler preferences and studies of the process by which decisions are made to target on particular species during a particular trip.

## **Fishing Communities**

- Socioeconomic statistics by community
  - Total population
  - Total personal income
  - Total employment
  - Per-capita income
  - Frequency distribution of income levels
  - Employment cycles
  - Tax base
  - Fishery-related employment
  - Fishery-related income
  - Fishery-related municipal revenues
- Marine recreational opportunities by community
- Inventories of recreational market fishing businesses by community
- Cycle or recreational activities in the community
- Commercial harvest opportunities by distance from community port
- Inventories of commercial harvester and processor business by community
- Cycle of commercial fisheries for the community port(s)



## PACIFIC FISHERY MANAGEMENT COUNCIL

August 1, 2006

Mr. John Ugoretz, Nearshore Ecosystem Coordinator  
Marine Region  
20 Lower Ragsdale Drive, Suite 100  
Monterey, California 93940

Re: MLPA CEQA Scoping Comments

Dear Mr. Ugoretz:

The Pacific Fishery Management Council (Council) appreciates the opportunity to provide comments during the scoping period for the California Environmental Quality Act (CEQA) analysis of proposed State water marine protected areas (MPAs) in California. The Council remains supportive of the Marine Life Protection Act (MLPA) and has recommended the implementation of area closures and MPAs in Federal waters as effective tools for managing fisheries, protecting healthy stocks, and rebuilding depleted species.

As you assemble your CEQA equivalent draft environmental document regarding the central California coast MPA network, the Council requests you include analyses of the effects of the proposed State action on Federally managed fisheries and fish stocks under the Council's jurisdiction. Specifically, the Council requests the document include sections covering potentially adverse and beneficial biological effects on Federally managed fish stocks and socioeconomic effects on communities and fishery participants with interests in Federally managed fisheries.

Again, thank you for the opportunity to comment. The Council requests the opportunity to review the resulting environmental document and looks forward to working with the State of California on the continued implementation of the MLPA. Should you have any questions, please contact me or Mr. Mike Burner at the Council office.

Sincerely,

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

c: Council Members

Mr. Mike Chrisman, Secretary for Resources, State of California  
Mr. L. Ryan Broddrick, Director, California Department of Fish and Game  
Mr. Robert Treanor, Executive Director, California Fish and Game Commission  
Mr. Gary Stacey, Regional Manager, California Department of Fish and Game

## HABITAT COMMITTEE REPORT ON FUTURE COUNCIL MEETING AGENDA PLANNING

The Habitat Committee (HC) has two comments regarding the November meeting.

### **1. Suggestion to schedule evening meeting**

The HC has become aware of work the Pacific States Marine Fisheries Commission (PSMFC) has done to make the extensive information developed during the Groundfish Essential Fish Habitat (EFH) Environmental Impact Statement process available to the public. Among other things, PSMFC has developed an interactive website that allows managers, fishermen and others to perform customized queries of EFH data, to map areas of interest, and to conduct analyses without need for Geographic Information System expertise or software. The project is funded by National Marine Fisheries Service. The HC suggests that the Council schedule an evening presentation to allow Council members, advisory groups, and interested public to learn about the information available on this site and the use of this tool. The site, whose functionality is still being enhanced, should be completed by November. It can be previewed at: [http://marinehabitat.psmfc.org/interactive\\_maps.html](http://marinehabitat.psmfc.org/interactive_maps.html). A presentation at the March or April meeting could be arranged.

### **2. Support for ecosystem presentation**

The HC supports scheduling the proposed special session regarding oceanographic factors and groundfish recruitment trends. A short summary of that topic appears in Agenda Item B.1.a, Attachment 3. The HC believes this presentation will have relevance for future discussions regarding ecosystem based management.

PFMC  
09/11/06



SCIENTIFIC AND STATISTICAL COMMITTEE REPORT ON FUTURE COUNCIL  
MEETING AGENDA PLANNING

In June, the Council requested that the Scientific and Statistic Committee (SSC) and Habitat Committee (HC) compile information on possible ecosystem-based approaches to management. The SSC welcomes future interaction with the HC and recommends that during the November meeting the Council and its advisory bodies receive a briefing on the paper "Ecosystem based fisheries management: some practical suggestions", by Marasco, Goodman, Grimes, Lawson, Punt, and Quinn. Two of the authors, who are members of the SSC (Drs Pete Lawson and Andre Punt), could provide the Council with a presentation on the paper.

During its September meeting, the SSC received two presentations regarding environmental conditions off the West Coast. Dr. Steve Ralston of the Southwest Fisheries Science Center (SWFSC) presented "Recent results of NMFS midwater trawl surveys off the US West Coast", which showed changing patterns of abundance and latitudinal distribution of ten young-of-year rockfish species. Dr. Frank Schwing (SWFSC) presented "Recent oceanographic and ecosystem considerations off the US West Coast", which showed changing biological signals (e.g., abundance of forage fish and krill) and physical processes in the ocean (e.g., timing of the spring transition, cumulative upwelling, El Nino-like conditions without any El Nino event). Together, these two presentations provide evidence of important recent changes in ocean conditions. The SSC recommends that the Council and its advisory bodies hear these presentations during the November meeting.

The SSC further recommends that the Council schedule a two-meeting process during November and March to review and approve the Coastal Pelagic Species (CPS) Stock Assessment Review STAR (STAR) process Terms of Reference. This schedule would precede two CPS STAR Panels scheduled for 2007.

PFCM  
09/12/06

Hilborn,Parrish,Walters peer review of MLPA science advice

**Subject:** Hilborn,Parrish,Walters peer review of MLPA science advice  
**From:** Diane Pleschner-Steele <dplesch@earthlink.net>  
**Date:** Tue, 13 Jun 2006 10:51:00 -0700  
**To:** Mike Burner <mike.burner@noaa.gov>  
**CC:** "Dr. Donald McIsaac" <donald.mcisaac@noaa.gov>, Marija Vojkovich  
<mvojkovich@dfg.ca.gov>, Sonke Mastrup <smastrup@dfg.ca.gov>, Don Hansen  
<don@danawharfssportfishing.com>

Hi Mike et al,

The Hilborn, Parrish, Walters peer review of the MLPA science advice is now completed. I'm attaching an e- copy FYI. Kevin Hill, to whom I also sent a copy, suggested that I send this to you and request that it be distributed to the SSC Ecosystem-Based Management Subcommittee either 1) included in the briefing book attached to a specific MPA-related agenda item (say, next Sept?), or 2) be included in the next briefing book as a general informational report (which now may be the Sep. bb?).

I'd appreciate your help to distribute to the appropriate folks whenever you deem most appropriate. It's a powerful document, and I hope it will advance thinking on the issue of fishery management vis a vis "ecosystem" protection. Hilborn and Walters built models to evaluate and quantify the SAT assumptions re: larval and adult fish movement, and they also considered existing fishery management assumptions in their critique.

I want to send this document along with a note to both Hogarth and Lautenbacher, supporting the view that existing fishery management through the Magnuson Act satisfies the "biodiversity" goal of the NMSA. Before I do that, however, I'd appreciate your further thoughts and suggestions -- any new news re: Dr. McIsaac's efforts to insert clarifying language in MSA and NMSA? Where do things stand vis a vis the Channel Islands fed. water reserve issue?

Thanks Mike. I'll look forward to your comments.

Best,  
d.

Diane Pleschner-Steele  
California Wetfish Producers Association  
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Final_HPW_Review.pdf	Content-Type: application/pdf
	Content-Encoding: base64

From: [SwordsTuna@aol.com](mailto:SwordsTuna@aol.com) (Kathy Fosmark)

Date: Wed, 30 Aug 2006 22:35:21

To: [Donald.McIsaac@noaa.gov](mailto:Donald.McIsaac@noaa.gov)

Cc: [Don@danawharfssportfishing.com](mailto:Don@danawharfssportfishing.com)

Subject: Ugoretz MPAs

Don:

Thank you for writing this letter to John Ugoretz. Is it too late to specifically request the need to employ models (specifically, the models created by Carl Walters and Ray Hilborn presented in a peer review) to weigh impacts of displaced fishing effort, as well as to evaluate the alleged "benefits" -- if that were done, it would become clear that the MPA network will NOT benefit most of the species managed by the Council, but could very well precipitate into a lower OY on resident stocks, i.e. nearshore species, to avoid environmental impacts. Models visually show change, and in this case, economic impacts. Your advise please? Thank you.

Kathy

## BUDGET COMMITTEE REPORT ON FISCAL MATTERS

Budget Committee (BC) Chairman, Mr. Jerry Mallet, called the meeting to order at 10:30 A.M. on September 11, 2006. The following Budget Committee members were present:

Mr. Jerry Mallet, Chairman  
Mr. Donald K. Hansen

Mr. Frank Lockhart

[Mr. Dave Hanson and Mr. Mark Helvey were absent.]

No new issues were added to the agenda and Dr. Donald McIsaac proceeded with the Executive Director's Budget Report. The report included a review of the calendar year (CY) 2005 audit report, current status of funding and expenditures for CY 2006, and preliminary expectations for future funding.

### **CY 2005 Audit Report**

Dr. John Coon provided a brief overview of the audit report for CY 2005. He noted that the audit provides a required check to see that we are following proper procedures under our grant authorization and standard accounting practices, and ensuring that our financial documents and reckoning are correct and accurate. The auditor's findings for the Council's financial affairs were an unqualified approval with no reportable conditions or material weaknesses.

### **Current Status of Funding and Expenditures for Calendar Year 2006**

Dr. McIsaac reviewed the 2006 budget (\$3,491,361) and expenditures by major category as of July 31, 2006. He reported that expenditures are proceeding within normal expectations for the first seven months of the year. The November meeting will allow an opportunity to assess the expected year-end balance.

### **Preliminary Expectations for Future Funding**

Dr. McIsaac reported that Dr. Bill Hogarth, (National Marine Fisheries Service (NMFS)) Assistant Administrator, has confirmed \$300,000 will be transferred to the Council by September 30 to allow moving forward on Stage II of the ongoing trawl individual quota (TIQ) program, including progress on the intersector allocation issue. At the June meeting, Dr. McIsaac advised the committee that the cost for the remaining TIQ effort was estimated at \$1.7 million and that he had requested \$600,000 as the level necessary to continue the effort without interruption. While the additional \$300,000 is greatly appreciated, the lag in funding will likely result in some delay past the original plan to complete the process at the November 2007 Council meeting. Dr. McIsaac noted that negotiations have been initiated with Northern Economics, Incorporated, for the next piece of work for Stage II of the TIQ.

With regard to the CY 2007 budget for regional councils, Dr. McIsaac reported that the federal marks include the President's budget at \$18 million, the House at \$15 million, and the Senate at \$30 million. The Senate mark recognizes the regional councils' fact sheet and request for funding that addresses their current needs and eliminates the need for the additional soft money support they have had to seek in recent years. Timing of final action on the budget is uncertain and likely to occur near year-end or even later. A continuing resolution at fiscal year 2006 levels will probably be used to fund activities in the interim. For the November Budget Committee meeting, given the probable lack of budget clarity, staff proposes to provide the committee with a range of budget scenarios and potential priorities, as was done in 2005, for their review and recommendations to the Council. Dr. McIsaac recommended that the Budget Committee meet on Sunday of the November Council meeting beginning at 3 P.M.

### **Budget Committee Action and Recommendations**

The Budget Committee agreed with Dr. McIsaac's proposal for the timing and content of the November Budget Committee meeting on Sunday.

PPMC

09/13/06

## CLARIFICATION TO THE PROCEDURE FOR REPLACING NONVOTING MEMBERS ON THE COUNCIL GROUND FISH ALLOCATION COMMITTEE

Council Operating Procedure (COP) 7 governs the Council's Groundfish Allocation Committee (GAC). This committee consists of voting members, made up of the Council Chair and agency representatives; and nonvoting members, made up of public representatives of six fishery sectors and the conservation community. All members serve indefinite terms and may designate alternates when necessary. This guidance ensures representation for each seat for voting members. However, when it is necessary to replace nonvoting members there is no specific guidance in the COP. The customary procedure for public advisory member replacement is a two meeting process involving recruitment and appointment. This process can lead to cases where a fishery sector or conservation seat may not have a representative at an important meeting. To avoid this situation, staff proposes adding the underlined text below to the end of the section on "Member Terms" in COP 7:

### Member Terms

Groundfish Allocation Committee members (voting and nonvoting members) serve indefinite terms. However, a Committee member may be replaced at the Council's direction if the member 1) transfers employment or moves to a different location, 2) is absent from two or more consecutive meetings without adequate notification to the Committee Chair or Council Executive Director, or 3) appears unable to fulfill their obligations as a Committee member. The Council Chair is authorized to appoint nonvoting members and replacements to avoid a lack of representation for any of the nonvoting advisory sectors at a GAC meeting. In so far as possible, the Council Chair will consult with the Council prior to such appointments.

PPMC  
9/14/06

SCIENTIFIC AND STATISTICAL COMMITTEE REPORT ON APPOINTMENTS TO  
ADVISORY BODIES, STANDING COMMITTEES, AND OTHER FORUMS FOR THE 2007-  
2009 TERM, INCLUDING ANY NECESSARY CHANGES TO COUNCIL OPERATING  
PROCEDURES

There are two areas of expertise that the Scientific and Statistical Committee (SSC) currently lacks that may be important to the SSC in the future:

1. fisheries sociology/anthropology, and
2. fisheries oceanography.

Informational Report 3, “Social Science in the Pacific Fishery Management Council Process”, submitted to the Council at this meeting provides reasons for considering the appointment of a fisheries sociologist/anthropologist to the SSC. The fisheries sociologist should have the expertise needed to evaluate the effects of management changes on fishing communities. A fisheries oceanographer would be a valuable addition to the SSC as ecosystem-based management concepts are increasingly considered by the Council in its management process.

The current staffing level (number of seats) and composition of the SSC meets its present needs with regards to expertise and work load. Replacing existing seats with the requested new positions would impact the SSC’s ability to deal with its annual work load of groundfish and salmon issues. Therefore, we request that two new at-large seats on the SSC be created. This addition of seats would require a change to the Council Operating Procedures for the SSC.

Finally, with the departure of Dr. Kevin Hill and Mr. Alan Byrne from the SSC, the SSC notes that its salmon expertise will be reduced. Replacing this expertise should be considered when deciding upon appointments to the SSC.

## SCIENTIFIC AND STATISTICAL COMMITTEE REPORT ON UPDATED RESEARCH AND DATA NEEDS

The Scientific and Statistical Committee (SSC) had its first opportunity at this meeting to discuss the draft 2006-2008 Research and Data Needs document (Agenda Item B.6.a, Attachment 1) in its entirety. In addition to minor editorial changes, the SSC has made one substantive change to the document: the addition of Section 3.3 pertaining to emerging issues for salmon.

Given the abbreviated time frame for preparation of this document, the SSC requests that it be allowed to make additional changes to the document after the September Council meeting for inclusion in the public review draft. Specifically, the SSC would like to re-organize Section 5.0 (Highly Migratory Species) to better highlight the distinction between continuing and high priority issues, expand Section 5.3.1 to identify high priority needs for sharks, and add a new section for swordfish (including sea turtle bycatch). The SSC would also like to expand Section 4.0 (Coastal Pelagic Species) to include a discussion of progress to date on high priority issues relevant to Pacific sardine, Pacific mackerel and market squid.

The SSC requests that suggestions from other advisory bodies regarding Research and Data Needs be submitted to the Council in the form of specific wording changes to the document. This will facilitate timely completion of the document and ensure that advisory body comments are accurately captured. Also, the SSC has added a placeholder at the beginning of Section 6.3 for inclusion of additional social science information needs as discussed in the Council's July 2005 report *Social Science in the Pacific Fishery Management Council Process*. The SSC requests assistance from Council staff to ensure that Section 6.3 adequately captures the content of the July 2005 report.

Once these changes have been incorporated, the SSC approves the 2006-2008 Research and Data Needs for public review.

PFMC  
09/13/06



## Update Research and Data Needs

Mr. Chairman:

The members of the Fishing Vessel Owners' Association fish approximately 42 tiered permits off the coast of Washington, Oregon and California for sablefish. During the 2005 harvest setting cycle, it became apparent that the Pacific Council is data poor relative to some of the population modeling for sablefish.

Specifically, it is apparent that there is a deficiency in aging sablefish in order to determine the present year's age makeup, but also to verify past year class strength. Members of FVOA met with members of NMFS and Washington Department of Fisheries earlier this spring and would like to thank both agencies for their time and assistance. NMFS observers have developed some new protocols to assist in aging fish on the North Coast and WDFG has offered to assist in starting a log book program.

We discussed a voluntary log book program for this summer and fall and though we will likely receive some compliance with this, it will be very much lacking in numbers. Therefore, FVOA request the Pacific Council to begin a regulatory action that would make it mandatory to have a log book for annual harvest in excess of 10,000 lbs. for the fixed-gear fleet. This should provide information for all the sablefish tiered activity as well as the directed fixed-gear dog fish fishery and other fixed groundfish deliveries. This information should help generate information for a number of species where the Council is data poor.

Currently, our members use the IPHC log book for their activities off the lower coast. We would support this as a good place to begin for a required log book design for fixed-gear activity.

As you know, this year the tiered sablefish program will begin to pay their IFQ fee to NMFS. This fee should generate about \$300,000. We would like some of these funds directed to aging sablefish and a fixed-gear log book program.

## Preliminary Three Meeting Outlook for the Pacific Council

(Contingent Items are Shaded and Counted in Time Estimate; Changes from B.1.a, Att. 1 are in Dashed Boxes)

November Del Mar, CA 11/12-11/17/06 Estimated Percent of Standard Floor Time = 163%	March Sacramento, CA 3/4-3/9/2007 Estimated Percent of Standard Floor Time = 132%	April Location TBD 4/1-4/6/2007 Estimated Percent of Standard Floor Time = 91%
<b><u>Administrative</u></b> Closed Session; Open Session Call to Order; Min. Legislative Committee Report Fiscal Matters Appointments to Adv. Bodies for 2007-2009 Term: Confirm Composition & Appoint Members 3 Mtg Outlook, Draft March Agenda, Workload Public Comment on Non-Agenda Items Res. & Data Needs: Adopt Final Document Ecosystem Based Fishery Mgmt Planning RecFin Workshop Results: Impacts on Council Needs	<b><u>Administrative</u></b> Closed Session; Open Session Call to Order; Min. Legislative Committee Report Fiscal Matters Interim Appointments to Advisory Bodies 3 Mtg Outlook, Draft April Agenda, Workload Public Comment on Non-Agenda Items	<b><u>Administrative</u></b> Closed Session; Open Session Call to Order; Min. Legislative Committee Report Interim Appointments to Advisory Bodies Regulatory Streamlining ROA: Review Draft Agreement 3 Mtg Outlook, Final November Agenda, Workload Public Comment on Non-Agenda Items Res. & Data Needs: Set Process for Next Cycle
<b><u>Coastal Pelagic Species</u></b> Pac. Sardine Stock Assessment & HG for 2007: Adopt Final STAR Panel Terms of Ref.: Adopt for Review	<b><u>Coastal Pelagic Species</u></b> NMFS Rpt Pacific Mackerel: Consider Need for Mop-up Fishery STAR Panel Terms of Ref.: Adopt final	<b><u>Coastal Pelagic Species</u></b>
<b><u>Enforcement Issues</u></b> State Activity Rpt--CDFG	<b><u>Enforcement Issues</u></b> USCG Annual Fishery Enforcement Report	<b><u>Enforcement Issues</u></b> State Activity Rpt--CDFG
<b><u>Groundfish</u></b> NMFS Report 2006 Inseason Mgmt (2 Sessions) Groundfish Bycatch Work plan: Approve Final Open Access Limitation: Next Steps Whiting Monitoring: Draft Regulations Trawl IQ: Refine Alternatives Intersector Allocation EIS: Adopt Alts. for Prelim. Analysis EFPs for 2007: Final Recommendations for Approval to NMFS FMP A-15 (AFA): Next Steps? Stock Assessments: Reconsider Black Rockfish Nature Conservancy Prop. to Add EFH & Gear Switching	<b><u>Groundfish</u></b> NMFS Report 2006 Inseason Management (1 Session) Pac. Whiting: Adopt Final 2007 Spx & Mgmt Measures B <sub>0</sub> Workshop Report Trawl IQ: Refinement of Alternatives Intersector Allocation EIS: Refinement of Preliminary Alts. FMP A-15 (AFA): Preliminary Alternatives	<b><u>Groundfish</u></b> NMFS Report 2007 Inseason Management (2 Sessions) Open Access Limitation: Next Steps Trawl IQ: Progress Rpt Intersector Allocation EIS: Refinement of Preliminary Alts.
<b><u>Habitat Issues</u></b> Habitat Committee Report (Including KRFC Outline)	<b><u>Habitat Issues</u></b> Habitat Committee Report	<b><u>Habitat Issues</u></b> Habitat Committee Report

## Preliminary Three Meeting Outlook for the Pacific Council

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<b><u>Highly Migratory Species</u></b> NMFS Rpt Routine Mgmt Measures: Adopt Final Changes FMP Amendment 1 (Bigeye OF Response): Adopt Final Alt. EFPs for 2007: Consider Continuation of Drift Gillnet EFP in 2007 & Approve Longline EFP Alts. for Public Review Reference Points for OF Determinations: Preliminary Rev FMP Amend. (Yellowfin OF): Adopt Prelim Alt. for Pub Rev	<b><u>Highly Migratory Species</u></b> NMFS Rpt EFPs for 2007: Approve DGN Alts. & EA for Pub Review & Adopt Final Preferred Alt. for Longline EFP Reference Points for OF Determinations: Refine	<b><u>Highly Migratory Species</u></b> NMFS Rpt EFPs for 2007: Adopt Preferred Alt. for DGN EFP
<b><u>Marine Protected Areas</u></b> Fishery Regs within CINMS: Review Alts. Using MSA Marine Life Protection Act: Council Comments Coral Protection in Olympic NMS: Consider Emergency Action	<b><u>Marine Protected Areas</u></b>	<b><u>Marine Protected Areas</u></b>
<b><u>Pacific Halibut</u></b> Proposed Changes to CSP & 2007 Ann. Regs.: Adopt Final	<b><u>Pacific Halibut</u></b> Rpt on IPHC Annual Mtg Incidental Catch Regs for 2007: Adopt Options for Public Rev	<b><u>Pacific Halibut</u></b> Incidental Catch Regs for 2007: Adopt Final
<b><u>Salmon</u></b> Preseason Mgmt Sch for 2007: Approve Sch & Hearing Sites 2006 Methodology Review: Approve Changes for 2007  FMP Amend. 15 ( <i>de minimus</i> Fisheries): Adopt Final Preferred Alternative Klamath Basin Disease Issues: Briefing CWT Work Group: Progress Rpt	<b><u>Salmon</u></b> 2007 Mgmt Options: Adopt Range for Public Rev & Appt. Hearings Officers Inseason Mgmt: Review and Consider Recommending any Necessary Inseason Mgmt Changes Identify Stocks not Meeting Conserv. Objectives Mass Marking & CWT Information Briefing	<b><u>Salmon</u></b> 2007 Management Options: Final Adoption 2007 Methodology Review: Establish Process & Preliminary Priorities
<b><u>Information Reports</u></b> Salmon Fishery Update	<b><u>Information Reports</u></b>	<b><u>Information Reports</u></b>
<b><u>Special Sessions</u></b> Ecosystem Productivity (GF) off the U.S. West Coast in 2006 Council/NMS Roundtable Discussion PSMFC Website Demo for Habitat Info N. CA Current Ecosystem & Salmon--STT & SAS Joint Session Groundfish Observer Rpt Formats--Monday Wrkshop? Decision Process Presentation	<b><u>Special Sessions</u></b>	<b><u>Special Sessions</u></b>

**PRELIMINARY DRAFT COUNCIL MEETING AGENDA, NOVEMBER 12-17, 2006, DEL MAR, CA**

ANCILLARY MEETINGS AND COUNCIL AGENDA TOPICS		Est. Time In Hrs	ADVISORY BODY MAILINGS
<b>SUNDAY, NOVEMBER 12</b>			
<b>Ancillary Meetings</b>			
<del>A. HQC</del>	<del>10 am (tentative) Proposed for Week Prior to Nov Council Mtg</del>		
A. Budget	3 pm through 5 pm		
<b>MONDAY, NOVEMBER 13</b>			
<b>Ancillary Meetings</b> --GMT continues			
B. GAP	8 am through Thursday		
C. GMT	8 am through Thursday		
<del>E. HMSAS</del>	<del>8 am through Tuesday 10 am Changed to Prior to Council Meeting on Nov 7-8</del>		
<del>F. HMSMT</del>	<del>8 am through Tuesday 10 am Changed to Prior to Council Meeting on Nov 7-8</del>		
D. SSC	8 am through Tuesday		
E. HC	8 am through 5 pm		
F. Legislative	9 am		
Chairs Briefing	1:30 pm		
G. EC	5:30 pm through Friday		
<b>Special Session--7 pm:</b> Ecosystem Productivity off the U.S. West Coast in 2006 (re. Groundfish)			
<b>CLOSED EXECUTIVE SESSION (PERSONNEL &amp; LITIGATION) - 3 pm to 4:30 pm</b>		1.50	
Adv. Body Issues - Closed Agenda, Appointments to 3 year term & COP Changes			SSC
Litigation Status (E. Cooney)			None
<b>GENERAL SESSION - 4:30 pm to 5:30 pm</b>			
<b>A. Call to Order</b>		0.50	
A.1-3 Opening, Roll Call, ED Rpt--Swearing in of David Sones			
A.4 Approve Final Agenda			
<b>Open Public Comment Period for Non-Agenda Items</b>		0.50	
		<b>2.50</b>	
<b>Special Presentation 7 pm:</b> Ecosystem Productivity off U.S. West Coast in 2006 (re. Groundfish)			
<b>TUESDAY, NOVEMBER 14 - 8:00 am to 5:30 pm</b>			
<b>Ancillary Meetings</b> -- GAP, GMT, SSC, EC cont.			
<b>B. Administrative Matters</b>			
B.1	Future Council Meeting Agenda Planning-- <i>Discussion of Future CM Agenda Topics</i>	0.25	All
<b>C. Highly Migratory Species Mgmt</b>			
C.1	NMFS Rpt (Region & Science Ctr)--Info & Discussion	0.5	HMSAS; HMSMT
C.2	Changes to Routine Mgmt Measures-- <b>Action:</b> <i>Adopt Final Changes to Routine Mgmt Measures for Implementation in 2007-2009 Fisheries</i>	1.50	HMSAS; HMSMT; EC
C.3	EFPs-- <b>Action:</b> <i>Update on 2006 Drift Gillnet EFP &amp; Approve Longline EFP Alternatives for Public Review</i>	2.00	HMSAS; HMSMT
C.4	FMP Amendment 1 (OF Response for Bigeye Tuna)-- <b>Action:</b> <i>Adopt Final Preferred Alternative</i>	1.50	HMSAS; HMSMT
<del>C.5</del>	<del>FMP Amendment (OF Response for Yelloweye Tuna)--<b>Action:</b> <i>Adopt Alternatives for Public Review</i></del>	<del>1.50</del>	<del>HMSAS; HMSMT</del>
<b>D. Enforcement Issues</b>			
<del>D.1</del>	<del>State Enforcement Activity Report by CDFG--<i>Discussion</i></del>	<del>0.00</del>	<del>All Adv. except SSC &amp; HC</del>
<b>D. Groundfish Mgmt</b>			
D.1	NMFS Rpt (Region & Science Center)	0.50	GMT; GAP; EC
		<b>7.75</b>	

**PRELIMINARY DRAFT COUNCIL MEETING AGENDA, NOVEMBER 12-17, 2006, DEL MAR, CA**

ANCILLARY MEETINGS AND COUNCIL AGENDA TOPICS	Est. Time In Hrs	ADVISORY BODY MAILINGS
<b>WEDNESDAY, NOVEMBER 15 - 8 am to 5:30 pm</b>		
<i>Ancillary Meetings</i> -- GAP, GMT, EC continue		
<del>H. Ecosystem Planning Mtg (HC &amp; SSC Subcom)--8 am</del>		
<del>I. SAC 8 am through 6 pm</del>		
<b>D. Groundfish Mgmt (continued)</b>		
<del>D.2 2007 Stock Assessments--Action: Reconsider Black Rockfish</del>	1.00	GMT; GAP, EC; SAS
<del>D.3 Groundfish Bycatch Work Plan--Action: Adopt Final Plan for Implementation</del>	1.50	GMT; GAP, EC; SAS
D.4 Exempted Fishing Permits for 2007 Fisheries-- <b>Action: Adopt Final Recommendations</b>	1.50	GMT; GAP, EC; SAS
D.5 Consideration of Inseason Adjustments-- <b>Action: Preliminary or Final Recommendations for Adjustments to 2006 Fisheries</b>	2.00	GMT; GAP; EC
<b>E. Habitat</b>		
E.1 Current Habitat Issues-- <b>Action: Consider HC Recommendations</b>	0.75	HC; SAS; GAP; CPSAS
<b>F. Coastal Pelagic Species Mgmt</b>		
F.1 Pacific Sardine Stock Assessment & Harvest Guideline (HG) for 2007/2008 Season-- <b>Action: Adopt Final HG</b>	1.00	CPSAS, CPSMT, SSC
<del>F.2 STAR Panel Terms of Reference--Action: Adopt for Public Review</del>	0.50	CPSAS, CPSMT, SSC
	<b>8.25</b>	
<b>Council Member Banquet: Reception 6 pm, Dinner 7 pm</b>		
<b>THURSDAY, NOVEMBER 16 - 8 am to 5:30 pm</b>		
<i>Ancillary Meetings</i> - GAP, GMT, EC, SAC continue		
<del>J. SAS 8 am through 6 pm</del>		
<del>K. STT 8 am through 6 pm</del>		
<b>D. Groundfish Mgmt (continued)</b>		
<del>F.5 Shore-based Whiting Monitoring (Amendment 10)--Action: Adopt Final Preferred Alternative</del>	0.00	GMT; GAP, EC; SAS
<del>D.6 Intersector Allocation--Action: Adopt Conceptual Alts. for Analysis and Further Development by GAC</del>	3.00	GMT; GAP, EC; SAS
<del>E.6 Open Access Fishery Limitation--Next Steps</del>	0.00	GMT; GAP, EC; SAS
<b>G. Pacific Halibut Mgmt</b>		
G.1 Proposed Changes to Catch Sharing Plan & 2007 Annual Regs.-- <b>Action: Adopt Final Proposed Changes for 2007</b>	0.75	STT; SAS; SSC
<b>H. Marine Protected Areas</b>		
<del>H.1 Fishery Regs within CINMS--Action: Adopt Alts. For Public Review to Implement Fishing Regs through the MSA</del>	2.00	All
<b>B. Administrative Matters (continued)</b>		
B.2 Updated Research & Data Needs-- <b>Action: Adopt Final Recommendations</b>	1.50	All
B.3 Council Meeting Minutes-- <b>Action: Approve June 2006 Minutes</b>	0.20	
B.4 Legislative Matters-- <b>Action: Consider Recommendations of the Legislative Committee</b>	0.50	
B.5 Fiscal Matters-- <b>Action: Consider Recommendations of the Budget Committee</b>	0.50	
	<b>8.45</b>	

**PRELIMINARY DRAFT COUNCIL MEETING AGENDA, NOVEMBER 12-17, 2006, DEL MAR, CA**

ANCILLARY MEETINGS AND COUNCIL AGENDA TOPICS		Est. Time In Hrs	ADVISORY BODY MAILINGS
FRIDAY, NOVEMBER 17 - 8 am to 5:30 pm			
Ancillary Meetings --EC & STT continue as necessary			
I. Salmon Mgmt			
I.1 Preseason Salmon Mgmt Schedule for 2007-- <b>Action:</b> Approve 2007 Preseason Management Schedule & Hearing Sites	0.50	STT; SAS; SSC	
I.2 Salmon Methodology Review-- <b>Action:</b> Adopt Final Salmon Methodology Changes for 2007 (Include experimental design for GSI sampling)	1.50	STT; SAS; SSC	
I.3 FMP Amendment 15 (de minimis fisheries)-- <b>Action:</b> Adopt Final Preferred Alternative for Implementation in 2007	3.00	STT; SAS; SSC	
E. Groundfish Mgmt (continued)			
E.7 Final Consideration of Inseason Adjustments, if Necessary-- <b>Action:</b> Adopt or Confirm Final Recommendations for Adjustments to 2006 Fisheries, if Necessary	1.00	GMT; GAP; EC	
B. Administrative Matters (continued)			
B.6 Appointments to Adv. Bodies, Standing Com., & Other Forums, Including Necessary Changes to COPs-- <b>Action:</b> Consider Changes to COPs, Appoint New Members & Solicit Nominations as Necessary (2007-2009 Term & EFH Committee)	1.00	All	
B.7 Three Mtg Outlook, Draft March Agenda, & Workload Priorities-- Guidance on Outlook, Agenda, and Workload, Including Adv. Body Priorities	0.75	All	
	7.75		
Grand Total Hours	34.70	108%	
Informational Reports (available in Briefing Book, but no time scheduled on Agenda):			
1 Salmon Fishery Update		All	
2 HMS SAFE Doc		HMSMT	
3 Draft HC and State Agency Rpts on Causes of KRFC Stock Depression (for OF Requirement)		SAS, STT, SSC	
4 RecFin Data Workshop Needs Rpt or Council Agenda Item		GAP, GMT, SSC	
Contingent Agenda Items Not Scheduled			
C. Highly Migratory Species Mgmt	0.75	HMSAS; HMSMT	
C.6 Progress Rpt on Development of Draft Alts. for HMS Biological Reference Points-- Council Discussion & Guidance			
E. Groundfish Mgmt (continued)			
E.8 Trawl IQ--Discussion & Guidance--Any Further Refinement of Stage I and Status Rpt on Phase II	4.00	GMT; GAP, EC; SAS	
E.9 FMP Amendment 15 (AFA)-- <b>Action:</b> Next Steps	3.00	GMT; GAP, EC; SAS	
E.10 Nature Conservancy Proposal for Adding EFH and Gear Switching--Discussion & Guidance	1.50	GMT; GAP, EC; SAS	
E.12 Juvenile Rockfish Abundance Indices--Presentation & Discussion	1.00	GMT; GAP, EC; SAS	
I. Salmon Mgmt			
H.4 Disease Issues for Klamath Basin Salmon--Discussion & Guidance	1.00	SAS; STT; EC	
H.5 N. CA Current Ecosystem Relationship with Col. R. Salmon Productivity--Discussion & Guidance	1.00	SAS; STT; EC	
H.6 CWT Work Group Progress Rpt--Discussion & Guidance	1.00	SAS; STT; EC	
B. Administrative Matters			
B.8 Ecosystem Based Fishery Mgmt--Initial SSC & Habitat Committee Discussion Paper	1.00		
B.9 RecFin Data Needs Workshop--Progress Rpt	0.75		
G. Marine Protected Areas			
G.1 California Marine Life Protection Act-- <b>Action:</b> Provide Comments	1.00	GMT; GAP, EC; SAS	
G.2 Emergency Rule Coral Protection in Olympic NMS--Action: Provide Recommendations for Review	1.00	GMT; GAP, EC; SAS	
Special Session: Council/NMFS Roundtable Discussion			
Special Session: PSMFC Website Demonstration for Habitat Informaton			
Special Session: Decision Process Presentation			
Total	17.00		

**PRELIMINARY DRAFT COUNCIL MEETING AGENDA, NOVEMBER 12-17, 2006, DEL MAR, CA**

ANCILLARY MEETINGS AND COUNCIL AGENDA TOPICS	Est. Time In Hrs	ADVISORY BODY MAILINGS
<b>Due Dates (all dates COB):</b>		
Meeting Invitation Memo Distributed:	29-Sep	
Public Meeting Notice Mailed:	13-Oct	
FR Meeting Notice transmitted:	20-Oct	
Final day to receive public comments for placement in BB:	25-Oct	
<b>Final deadline to submit all BB materials:</b>	25-Oct	
Final deadline to submit cover memos for Ancillary Meetings:	27-Oct	
Briefing Book Mailing:	2-Nov	
Final deadline for distribution of public comments on first day of mtg:	7-Nov	



**ACTIVE**

## CONTINGENT

**DELAYED**

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POTENTIAL NOVEMBER 2006 COUNCIL MEETING SCHEDULE AND AGENDA ITEMS

Agenda Item B.7.a  
Supplemental Attachment 4  
September 2006

	Sun Nov 12	Mon, Nov 13	Tues, Nov 14	Wed, Nov 15	Thurs, Nov 16	Fri, Nov 17	Other	
Day-Time Council Floor Matters		<p><u>Closed Session</u> 3:00 pm</p> <p><u>Call to Order</u> 4:30 pm</p> <p><u>Open Public Comment</u></p>	<p><u>Administrative</u> B.1 Future Agenda Planning (15 min)</p> <p><u>Highly Migratory</u> C.1 NMFS Report (30 min)</p> <p>C.2 Changes to Mgmt Measures (1 hr)</p> <p>C.3 EFPs for DGN &amp; Long Line (2 hr)</p> <p>C.4 FMP Amend 1 (Bigeye Tuna) (1 hr 30 min)</p> <p>C.5 Yellowfin Tuna Overfishing (1 hr 30 min)</p> <p><u>Enforcement</u> <del>D.1 State Activity Report (1 hr)</del> (Delay to April)</p>	<p><u>Groundfish</u> D.1 NMFS Report (30 min)</p> <p>D.2 Bycatch Work Plan (1 hr 30 min)</p> <p>D.3 EFPs (1 hr)</p> <p>D.4 Inseason Adjustments (2 hr)</p> <p><u>Habitat</u> E.1 Current Issues (45 min)</p> <p><u>Coastal Pelagic</u> F.1 Pacific Sardine (1 hr)</p> <p>F.2 Star Panel Terms of Reference (30 min)</p>	<p><u>Groundfish</u> D.5 SB Whiting: Draft Monitoring Regs (1 hr 30 min)</p> <p>D.5 Intersector Allocation (3 hr)</p> <p><del>D.6 Open Access (2 hr)</del></p> <p><u>Pacific Halibut</u> G.1 Catch Sharing Plan &amp; Annual Regs (45 min)</p> <p><u>Administrative</u> B.2 Research &amp; Data Needs (1 hr 30 min)</p> <p>B.3 Minutes (15 min)</p> <p>B.4 Legislative (30 min)</p> <p>B.5 Fiscal (30 min)</p>	<p><u>Salmon</u> I.1 Preseason Mgmt Schedule (30 min)</p> <p>I.2 Methodology Review (1 hr 30 min)</p> <p>I.3 FMP Amend 15 (<i>de minimis</i> fisheries) (3 hr)</p> <p><u>Groundfish</u> E.7 Final Inseason Adjustments (1 hr)</p> <p><u>Administrative</u> B.7 Three-Meeting Outlook, Draft March Agenda (45 min)</p> <p>B.6 Appointments (1 hr)</p>	<p><u>Highly Migratory</u> 1. Development of Draft Alternatives for Biological Ref Points (45 min)</p> <p><u>Marine Protected Areas</u> 2. California Marine Life Protection Act Coordination (1 hr)</p> <p>3. Emergency Rule Coral Protection in Olympic NMS (1 hr)</p> <p>4. CINMS MPAs under MSA (2 hr)</p> <p><u>Groundfish</u> 5. 2007 Black Rockfish Stock Assessment (1 hr)</p> <p>6. Trawl IQ Alternatives (4 hr)</p> <p>7. FMP Amend 15 (AFA) (3 hr)</p> <p>8. Juvenile Rockfish Abundance Indices (1 hr)</p> <p>9. Gear Switching Proposal (Trawl-Fixed) (1 hr 30 min)</p> <p><u>Salmon</u> 10. Coded Wire Tag Work Group Report (1 hr)</p> <p>11. Ocean Salmon Ecosystem Presentation (1 hr)</p> <p>12. Klamath Basin Disease Issues (1 hr)</p> <p><u>Administrative</u> 13. Ecosystem Based Fishery Mgmt (SSC/HC) (1 hr)</p> <p>14. RecFIN Data Needs Workshop (45 min)</p>	
		2 hr 30 min	6 hr 45 min	7 hr 15 min	8 hr	7 hr 45 min	18 hr	
Evening				<p><u>Annual Awards Banquet</u> 6:00 pm</p>			<p>1. Council-NMS Round-Table Discussion on Improved Coord</p> <p>2. PSMFC Website Habitat Info Demonstration</p> <p>3. Future GF Observer Report Formats</p> <p>4. Decision Process Presentation</p> <p>5. Groundfish Ecosystem Productivity</p>	Evening
Cmtes	Budget	GAP GMT EC SSC Leg Cmte	GAP EC GMT HC SSC	GAP EC GMT SAC HC-SSC Sub (eco)	GAP EC GMT SAC STT SAS	EC STT		Cmtes

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## Bzero workshop

La Jolla, December 18-20, 2006

### Proposed TOR for the workshop:

1. Evaluate the performance of the 40-10 harvest policy for stocks with different life history and stock-recruit patterns.
2. Evaluate alternative methods to estimate  $B_0$  and  $B_{MSY}$  proxies and provide recommendations on their use.
3. Provide recommendations on the use of priors for key assessment parameters in stock assessment models. Parameter for which priors could potentially be useful include natural mortality, stock-recruit steepness, survey catchability, and recruitment variability.

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## Current Talks/Papers scheduled to be presented

- Melissa Haltuch, Andre Punt, Martin Dorn: *Simulation testing alternative estimators of unfished stock size*
  - Michael Schirripa: *Simulation testing estimators of sablefish biomass reference levels under decadal environmental variability*
  - Alec MacCall and John Field: *Comparison of dynamic and static estimates of  $B_{zero}$  and stock depletion*
  - Owen Hamel: *Advice on priors for natural mortality*
  - Martin Dorn: *Advice on priors for stock-recruit steepness*
  - Martin Dorn: *Review of methods of estimating biomass reference points used in harvest control rules employed by US Fisheries Management Councils*
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Melissa Haltuch, Andre Punt, Martin Dorn: *Simulation testing alternative estimators of unfished stock size*

Simulation/Estimation framework using a simple (ss2-lite) assessment model

Consider three examples: Canary (typical rockfish), Petrale (typical flatfish), Whiting (typical hake).

Scenario development: Number of years (25,50), SigmaR (low, mod, high), survey observation error (low, high), age comp error (low, high), (72 combinations for each species)

Two environmental scenarios: constant environment, fluctuating environment

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The methods of estimating Bzero being considered are the following:

1. Average mean recruitment x SPR@F=0.
  2. Bzero as determined by a stock-recruit relationship estimated intrinsically (with no priors).
  3. As in 2, but the model is forced to start at Bzero.
  4. Bzero as determined by a stock-recruit relationship estimated intrinsically (with priors on R0 and steepness).
  5. Alex MacCall's dynamic Bzero.
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Still lots of questions about how to model environmental forcing

- What functional form should the environmental forcing take (sine function, step function, or simulated PDO)?
  - What period should the function have (currently for the sine and step functions are 25 years)?
  - Where should the environmental function to start (at the peak, middle or trough of the function)
  - What proportion of the total  $\sigma_R$  should the function be (currently  $1/2$ )
  - What about pure red noise/autocorrelation.
-

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Michael Schirripa: *Simulation testing estimators of sablefish biomass reference levels under decadal environmental variability*

Similar simulation/estimation approach but focused on sablefish

Simulation tool is FSIM, a population dynamics simulator developed by Phil Goodyear

Estimation model is SS2

*In setting my B0 simulations, I am thinking that I want simulate a population with an environmental effect on recruitment, then use SS2 to estimate the parameters  $MSY$ ,  $B_{msy}$ ,  $F_{msy}$ , and Depletion with stock-recruitment environmental parameter turned both on and off. The question being asked would be something like, "how are our estimates of these parameters effected when we omit the environmental effect on the S/R relation when in fact one exists".*

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An analyst to work on the evaluation of the 40-10 harvest policy has not yet been identified

The Puntalyzer has been modified (will be?) to do the required simulations relatively easily. Principle changes are to include autocorrelated implementation error and improved output.

Or drop this TOR for now?

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There is sufficient interest in pursuing publication of papers submitted to the workshop.

A special issue of Fisheries Research?

A potential problem is that the three objectives are diverse and don't fit particularly well together.

One idea is to consider joint publication of papers that deal with estimation of biomass reference levels (BMSY and Bzero), but to publish the other work independently.

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