

# COUNCIL DECISIONS AT THE NOVEMBER 2004 MEETING

## Pacific Halibut Management

### Proposed Changes to the Catch Sharing Plan and Annual Regulations

The Council adopted the following changes to the Area 2A Pacific halibut catch sharing plan affecting Oregon and Washington sport fisheries.

1. For the Oregon Cape Falcon to Humbug Mt. all-depth recreational spring fishery (May through July), add Thursdays to all openings and for the summer fishery (August to October), add Sundays to all openings.
2. For the Oregon Cape Falcon to Humbug Mt. all depth recreational summer fishery, automatic additional fishery openings will be scheduled when necessary to provide more angler opportunity to harvest the entire season subarea quota.
3. In setting the quota for the Leadbetter Point, Washington to Cape Falcon, the State of Oregon will match the pounds allocated to this area by the State of Washington to determine the total quota. The Columbia River subarea will not be separated along state lines.
4. For all subareas south of Leadbetter Point, Washington, eliminate the minimum length requirement.
5. For all-depth fisheries south of Leadbetter Point, Washington, prohibit retention of groundfish except sablefish (when allowed by groundfish regulations) while fishing for halibut.
6. Adopt a "yelloweye rockfish conservation" five-sided closure area located on Stonewall Bank to be closed to recreational halibut fishing, and defined by the following coordinates in the order listed:

#### W Longitude

#### N Latitude

- |                    |  |
|--------------------|--|
| 1. 124.41536485300 | 44.62426583040;                        |
| 2. 124.39379068200 | 44.62426583040;                        |
| 3. 124.36332320644 | 44.47853525271;                        |
| 4. 124.40169956970 | 44.47853525271;                        |
| 5. 124.42456903100 | 44.52374533330; and connecting back to |
| 6. 124.41536485300 | 44.62426583040.                        |
7. For the Oregon Cape Falcon to Humbug Mt. subarea, add language that allows quota projected to be unused to be transferred to the Columbia River subarea;
  8. For the Washington south coast subarea, add language allowing remaining quota to be used to accommodate incidental catch in the northern nearshore fishery.

# **Salmon Management**

## **Inseason Consideration of the 2005 Opening Date for Oregon Commercial and Recreational Fisheries South of Cape Falcon**

The Council elected to not change the scheduled opening date of March 15, 2005 for the commercial and recreational salmon fishery between Cape Falcon and Humbug Mt., Oregon, and the commercial fisheries between Humbug Mt. and the Oregon/California border.

## **Salmon Methodology Review**

The Council discussed use of the Chinook Fishery Regulation Assessment Model for modeling selective chinook fisheries and did not approve any changes as to the use of this model for 2005.

## **Preseason Salmon Management Schedule for 2005**

The Council adopted the following Council-sponsored hearing locations and dates: Westport, Washington – March 28; Coos Bay, Oregon – March 28; Fort Bragg, California – March 29, and tentatively in Eureka, California on a date to be determined. Other state-sponsored meetings will be considered at the March 2005 Council meeting. The Council also approved the schedule and process for developing 2005 ocean salmon management measures as described in Agenda Item D.3.a, Attachment 1.

## **Fishery Management Plan (FMP) Amendment Issues**

The Council did not recommend initiating any FMP amendments at this time, but provided the following guidance:

- The Salmon Technical Team (STT) is to utilize a process proposed by the STT to determine appropriate mark selective coho quotas in a manner consistent with the current salmon FMP.
- National Marine Fisheries Service (NMFS) and Council staff should proceed with a review of salmon essential fish habitat (EFH) and report to the Council at the March 2005 meeting, at which time the Council will consider if an update of EFH is necessary, and if such an update will require an FMP amendment.
- Incorporate the Oregon coastal natural work group matrix into FMP conservation objectives through a technical review process. This is to be done with Oregon Department of Fish and Wildlife (ODFW) completing a technical appendix for the matrix in conjunction with the annual Salmon Methodology Review process in the fall of 2005.
- Delay other conservation objective updates and National Environmental Policy Act process update until an amendment is initiated.

# **Groundfish Management**

## **NMFS Report**

The Council accepted the Scientific and Statistical Committee (SSC) recommendation to delay the assessment of vermillion rockfish until the next biennial cycle due to data quality concerns.

## **Terms of Reference for Groundfish Rebuilding Plan Review and Stock Assessment Review Panels**

The Council adopted a new Terms of Reference for 2005 Stock Assessment Review Panels, as recommended by the SSC but with the addition of elements proposed by the Groundfish Management Team (GMT). The Council also gave guidance for developing a new Terms of Reference for Groundfish Rebuilding Analyses that incorporate formal rebuilding plan reviews. This new Terms of Reference for Groundfish Rebuilding Analyses was tentatively scheduled for initial review at the March 2005 Council meeting.

## **Exempted Fishing Permits (EFP) for 2005**

The Council recommended two final EFP applications for submission to NMFS for 2005, a continuation of a selective flatfish trawl gear study sponsored by California Department of Fish and Game, and an EFP covering monitoring and retention provisions in the shore-based Pacific whiting fisheries in all three states. ODFW and Washington Department of Fish and Wildlife withdrew EFP proposals for 2005.

## **Bycatch Amendment**

The Council directed staff to work with NMFS Northwest Region staff to prepare draft FMP amendment language that includes bycatch monitoring and mitigation programs and policies described in the preferred alternative in the bycatch programmatic environmental impact statement, with the exception of individual quota (IQ) measures. In addition, staff will prepare a draft work plan outlining the steps needed to fully implement the preferred alternative. At the March 2005 Council meeting, the Council will review the draft amendment language work plan along with a schedule for final Council and Secretarial action. The Council also decided a separate FMP amendment associated with the ongoing Trawl IQ process is the appropriate venue for implementing regulatory provisions of the preferred alternative relevant to IQs.

## **Trawl Individual Quotas (TIQ) EIS**

The Council deferred action on a preliminary set of alternatives in order to allow the Ad Hoc Groundfish TIQ Committee to complete the balance of their recommendations; the TIQ is expected to meet in January 2005. Additionally, it tasked a letter be developed to NOAA General Counsel requesting legal advice pertaining to a number of questions regarding processor ownership and initial allocation of individual fishing quotas. The Council reviewed the Ad Hoc TIQ Independent Experts Panel-recommended goals and objectives and adjusted Objective 3 to read "Reduce bycatch and discard mortality." There were a number of tasking recommendations contained in committee reports to which the Council consented, provided in

particular that demands on the GMT would be minimized. The Ad Hoc Allocation Committee is expected to meet over the winter to make recommendations on inter-sector allocations.

## **Groundfish Essential Fish Habitat (EFH) - EIS**

The Council adopted the following preliminary preferred alternatives to be identified and analyzed in the Groundfish EFH Draft EIS, which will be released in February 2005:

### EFH Designation Alternatives

- Alternative 2: Designate 100% of the area where the habitat suitability probability (HSP) is greater than zero for all species and any additional area in depths less than or equal to 3,500 m (1,914 fm).
- Alternative 3: Designate 100% of the area where the HSP is greater than zero for all species.

### Habitat Areas of Particular Concern Designation Alternatives

- Alternative 2: Designate estuaries.
- Alternative 3: Designate canopy kelp beds.
- Alternative 4: Designate sea grass beds.
- Alternative 6, as modified: Designate nearshore rocky reef areas within 3 nm of shore in depths less than or equal to 35 fm and areas seaward of 3 nm that are in depths greater than or equal to 35 fm.

### Impacts Minimization Alternatives

- Alternative 4: Restrict the potential for commercial fisheries to expand into areas that are currently unimpacted or have not been fished between 2000 and 2002.
  - Option 1: Trawl fisheries would be prohibited from fishing in areas that were untrawled during 2000-2002.
  - Option 2: Restrict the potential for commercial fisheries to expand into areas that are currently unimpacted or have not been fished between 2000 and 2002. This limit applies to all bottom-tending gear types. Due to the absence of geo-referenced fishing effort data for fixed-gear fisheries, the closure would extend west from a line approximating the 2,000 m (1,094 fm) depth contour to the seaward margin of the EEZ.
- Alternative 10: Establish impact-reducing fishing gear requirements, with the following suboptions:
  - Option 1: For bottom trawl gear, prohibit roller gear larger than 15 inches.
  - Option 3: Prohibit the use of flat trawl doors.
  - Option 5: Limit longline groundline to 3 nm.
  - Option 6 (modified): Employ "habitat friendly" anchoring systems for fixed gear.
  - Option 7: Prohibit dredge gear.
  - Option 8: Prohibit beam-trawl gear.
  - Option 9 (one suboption chosen): Prohibit set gillnets in waters deeper than 60 fm.
  - Option 11: Prohibit dingle bar gear (troll groundfish gear).

- Alternative 11: Buyout and establishment of no-trawl zones off the central California coast (put forward by The Nature Conservancy/Environmental Defense).
- Alternative 12: Allow fish to be harvested by a legal gear without regard to gear endorsements.
- Alternative 13: Comprehensive collaborative alternative (Oceana proposal); establishes no-trawl areas coastwide.
- Alternative 14 (new alternative): Comprehensive collaborative alternative, but areas would be closed to all fishing.
- Alternative 15 (new alternative): Comprehensive collaborative alternative, but area would be closed to all bottom contacting gear, defined as fixed gear (all types) and trawl gear.

### Research and Monitoring

No preliminary preferred alternatives were identified.

The Council noted these are preliminary preferred alternatives. At the June 2005 meeting, after the public comment period on the Draft EIS has ended, the Council will take into account additional analysis in the February 2005 Draft EIS and public comment, and refine a preferred alternative to be included in the final EIS.

The Council also directed that the following alternatives be eliminated from further detailed analysis in the DEIS. Alternatives not eliminated will be fully analyzed in the Draft EIS, even though they were not selected as preliminary preferred alternatives.

- EFH Designation Alternative 4: Designate 100% of the area where HSP is greater than zero for assessed species only. This alternative is not compliant with the requirements of the Magnuson-Stevens Act.
- EFH Designation Alternative 5: Designate 100% of the area where HSP is greater than zero for overfished species, 90% for precautionary zone species, and 70% for all other groundfish species.
- Impacts Minimization Alternative 6, including suboptions. This alternative would close to all fishing 25% of the area of each habitat type identified in the comprehensive risk assessment GIS (Option 1) or 25% of the area known to have high densities of structure forming invertebrates (Option 2). This alternative was eliminated because of its similarity to Alternative 11.

### **Final Consideration of 2004 Inseason Adjustments**

No inseason adjustments to 2004 groundfish fisheries were made. The Council approved a new groundfish inseason catch monitoring system recommended by the GMT. Beginning in January 2005, the Pacific Coast Fisheries Information Network will track landings and discards in commercial groundfish fisheries on a weekly basis, and the GMT will collectively review fishery impacts on a monthly basis. The Council will also consider a management response mechanism between Council meetings to avoid early attainment of commercial or

recreational harvest guidelines. Development of a management response mechanism policy is expected to begin early next year.

## **Highly Migratory Species Management**

### **Highly Migratory Species (HMS) FMP Implementation Issues**

The Council tasked the Executive Director with sending a letter to the NOAA Administrator indicating the need for renewal of dedicated funding to complete the various tasks and processes the Council believes are necessary to implement the recently adopted HMS FMP. Such activities include preparing stock assessment and fishery evaluations and other required documents, FMP amendments on turtle protection, longline and drift gillnet fisheries, sport fishery catch limits, commercial and sport fishery specifications, review of EFPs, participation in domestic and international science and policy regulatory and coordination forums, and recommending research priorities. Substantial frustration was expressed by Council members about what appears to be a retraction of funding from the NMFS budget to support HMS FMP implementation in the Council forum.

## **Coastal Pelagic Species Management**

### **Pacific Sardine 2005 Stock Assessment and Harvest Guideline**

The Council adopted a harvest guideline of 136,179 mt for the 2005 Pacific sardine fishery. This harvest guideline is based on a biomass estimate of 1.2 million mt. Per the FMP allocation framework, on January 1 the harvest guideline will be allocated 33% to the northern subarea and 66% to the southern subarea with a subarea dividing line at Point Arena, California.

### **FMP Amendment – Sardine Allocation**

The Council directed the Coastal Pelagic Species (CPS) Management Team and staff to begin development of an EIS for Amendment 11 to the CPS FMP to include alternatives for sardine allocation, as described in Agenda Item G.3.b CPS Advisory Subpanel Report, and two additional alternatives. A complete description of the alternatives and program objectives will be available on the Council website in the near future. The Council anticipates reviewing the draft EIS and considering formal adoption of allocation alternatives (including, possibly, a preferred alternative) at the April 2005 Council meeting in Tacoma, Washington.

## **Marine Protected Areas**

### **Federal Waters Portion of the Channel Islands National Marine Sanctuary (CINMS)**

The Council adopted the recommendations of the Ad Hoc Channel Islands Marine Reserve Committee (CIMRC) related to the range of alternatives to be analyzed for marine reserves and conservation areas within CINMS (Agenda Item H.1.c, CIMRC Report).

CINMS anticipates having a preliminary Draft EIS available for Council review at either the March or April 2005 Council meeting. The Council will work with CINMS and NMFS to determine the optimal process for Council review of alternative management actions and consideration of a Council-preferred alternative.

The Council also renamed the Committee as the Ad Hoc Marine Protected Area Committee and approved slight restructuring as recommended by the CIMRC, to provide for its consideration of broader matters than just those associated with the Channel Islands NMS.

### **Cordell Bank NMS and Monterey Bay NMS**

Cordell Bank NMS and Monterey Bay NMS formally requested the Council consider development of draft fishery-related regulations under NMSA authority for prohibiting certain activities within the sanctuaries. Cordell Bank is proposing to limit fishing to vertical hook and line gear within the 50 fm isobath and proposing to prohibit anchoring and other vessel activities within the 50 fm isobath (except for vertical hook and line fishing). Monterey Bay NMS is considering measures to include Davidson Seamount within the Monterey Bay NMS boundary and restricting fishing (and other activities) below 3,000 feet of the sea surface in the Davidson Seamount area.

For Cordell Bank NMS, the Council directed staff to draft a letter to the NMS Program formally requesting extension of the Designation Document review and regulatory drafting timelines to accommodate the March and April 2005 Council meetings. The Council requested these extensions to provide opportunity for Council advisory bodies to review and comment on written analyses of proposed actions; written analyses were not available to the Council in the briefing book for the November Council meeting.

For Monterey Bay NMS, the Council directed staff to draft a letter to the NMS Program formally requesting extension for only the Designation Document timeline. The Council requested this extension to provide opportunity for Council advisory bodies to review and comment prior to a Council decision. The Council believed it was premature to consider drafting regulations under authority of the NMSA for an area (Davidson Seamount) that is not currently within a Sanctuary. Because the proposed changes to the Monterey Bay NMS Designation Document are wide ranging (and could have unforeseen fishery impacts), the Council also requested more detail about all of the proposed changes to the Monterey Bay NMS Designation Document.

Lastly, the Council also directed a letter be prepared requesting the retraction of the term "NOAA preferred alternative" from NMS documents submitted to the Council about the two sanctuary proposals. The Council believes it premature to label a "NOAA preferred" alternative without formal Council review, consideration, or input as required by the NMSA.

## **Krill Harvest Ban**

Based primarily on the advice of NMFS, the Council directed staff to begin development of management measures to regulate directed fisheries for krill within Council-managed waters. These measures would be incorporated into an amendment to the CPS FMP as described in Option 2 of *Options for Controlling Fishing for Krill* (Agenda Item H.4.b, November 2004). The Council also included a specific alternative for analysis that would prohibit directed krill fisheries within waters of West Coast National Marine Sanctuaries.

## **Habitat**

### **Current Habitat Issues**

The Habitat Committee updated the Council on the status of a letter regarding California Central Valley Water Project operations. The letter will be written and sent using fast-track procedures after the Council meeting.

## **Administrative Matters**

### **Election of Council Chair and Vice Chair**

The Council elected Mr. Donald Hansen as Council Chair and Mr. David Ortmann as Vice Chair for a second one year term.

### **Legislative Matters**

The Council adopted the Legislative Committee report (Agenda Item B.4.b); including direction to staff to draft a letter to NMFS about the final report of the US Commission on Ocean Policy.

### **Interim Appointments to Advisory Bodies**

The Council made the following appointments to its advisory bodies:

#### Coastal Pelagic Species Advisory Subpanel

*Conservation Group* – The Council feels that regional affiliation is a desirable attribute for its advisory panel members, and so extended the nomination period for the CPSAS Conservation Group seat in order to provide additional opportunity for persons with regional interest and expertise to apply.

#### Groundfish Advisory Subpanel

*Sport Fisheries At-Large* – Mr. Jim Martin and Mr. John Holloway.

#### Salmon Advisory Subpanel

*Oregon Charter Boat Operator* – Mr. Mike Sorenson.

#### Ad Hoc Allocation Committee

*Limited Entry Fixed Gear Fisheries Advisor* – Ms. Michele Longo Eder

*Limited Entry Trawl Fisheries Advisor* – Mr. Peter Leipzig  
*Open Access Fisheries Advisor* – Ms. Kathy Fosmark  
*Processor Advisor* – Mr. Rod Moore  
*Conservation Group* – Mr. Mike Weber  
*Sport Fisheries Advisor* – Mr. Bob Osborn

The Council also announced it is seeking qualified candidates to fill the Washington Coast Tribal Fisherman representative seat on the Salmon Advisory Subpanel. This position has been designated specifically for an active fisherman from one of the Washington coastal tribes, and is not intended for tribal agency representatives.

### **Draft March 2005 Council Meeting Agenda**

The Council adopted the draft agenda for the March 2005 Council meeting to be held March 6-11, 2005 in Sacramento, California. The draft agenda will be available on the Council website [www.pcouncil.org](http://www.pcouncil.org) in late winter.