Meeting Record and Summary Minutes
Pacific Fishery Management Council
March 6-9, 2001

The full record of the Pacific Fishery Management Council March 5-9, 2001 meeting is available at the Council office, and consists of the following:

1. The draft agenda.

2. The approved agenda with notations as to the time each agenda item was addressed, with summary minutes of Council proceedings and key Council documents inserted in the relevant agenda item. The summary minutes consists of a narrative (1) on particularly noteworthy elements of the gavel to gavel components of the Council meeting, including the Call to Order segment at the onset of the Council meeting, and (2) summaries of pertinent Council discussion during each Council Guidance, Discussion, or Action item in the Agenda. The summary narrative of Council Guidance, Discussion, or Action items includes detailed descriptions of rationale leading to a motion (or leading to a consensus to not make a motion) and discussion between the initial motion statement and the final vote.

3. A set of audio recordings of the actual testimony, presentations, and discussion that occurred at the meeting. Recordings are labeled so as to facilitate tape review of a particular agenda item, by cross referencing with the time labeled agenda.

4. All written documents produced for consideration at the Council meeting, including (1) the pre-meeting briefing book materials, (2) all pre-meeting supplemental documents for the briefing book, (3) all supplemental documents produced or received at the Council meeting, validated as labeled by the Council Secretariat and distributed to Council Members, and (4) public comments and miscellaneous visual aids or handout materials used in presentations to Council Members during the open session.

5. A copy of the Council Decision Log, a document distributed immediately after the meeting which contains very brief descriptions of Council decisions.
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A. Call to Order

A.1. Opening Remarks, Introductions

Vice Chairman Hans Radtke called the meeting to order at 8:08 a.m., on Tuesday, March 6, 2001.

A.2. Roll Call

Dr. Don McIsaac called the roll.

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<td>Mr. Bob Alverson</td>
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<td>Mr. Phil Anderson</td>
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A.3. Executive Director’s Report

Dr. McIsaac announced that Chairman Lone would not be present on the first day of the Council Meeting for personal reasons. Dr. McIsaac then described the overall strategy of the draft agenda, highlighting the salmon management decision making sequencing and the Highly Migratory Species draft Fishery Management Plan considerations. He also explained the new “Groundfish Strategic Plan Consistency Analysis Box” in the situation papers for groundfish.

A.4. Council Action: Approve Agenda

The Council approved the agenda with the following changes: delete B.1 as there will not be a report from NMFS; D.1 should include “regulatory activities”, D.5.e will be rescheduled for April and in its place Dr. Raiston will give a presentation on the terms of reference for rebuilding plans. Mr. Brown asked to move item A.5 to Friday right in front of the administrative items to allow time to review the minutes. The revised agenda was approved by voice agreement.

A.5. Council Action: Approve September and November Minutes

The September 11-15, 2000 Council Meeting Minutes were approved as shown in Supplemental Exhibit A.5. (Motion 7)
B. Salmon Management

B.1. Report on Federal Regulation Implementation

This item was removed from the agenda.

B.2. Review of 2000 Fisheries and Summary of 2001 Stock Abundance Estimates (March 6; 8:21 AM)

B.2.a. Report of the Salmon Technical Team (STT)

In the absence of Mr. Dell Simmons, STT chair, Messrs. Doug Milward, Mike Burner and Allen Grover presented the report of the STT, which summarized the information in Review of 2000 Ocean Salmon Fisheries and Preseason Report I Stock Abundance Analysis for 2001 Ocean Salmon Fisheries.

B.2.b. Reports and Comments of Advisory Bodies (8:47 AM)

Dr. Pete Lawson read the report from the SSC.

The Scientific and Statistical Committee (SSC) heard a summary of 2000 fisheries and projections for 2001 stock sizes from the Salmon Technical Team (STT). In general, stock abundances of coastal and Columbia River coho are predicted to be higher in 2001 than in recent years. This is especially true for Oregon Production Index (OPI) area hatchery fish. Washington coastal natural coho stocks are expected to be above their floor values. Oregon coastal natural coho are predicted to return at slightly below last year, but substantially above the parental spawner level. It remains to be seen whether this is the beginning of a trend toward higher marine survivals, or a "blip" following the 1998 El Niño, analogous to the peak returns of 1986. In either case, it is important to start planning now for the large hatchery surplus expected this fall. The Council's challenge is to take advantage of the hatchery production without adversely affecting wild stocks, potentially beginning to stage a recovery. The SSC supports a fishery exploitation rate in the range of 0 to 8% on OCN coho based on the critically low 1998 parental spawning escapement, as described in the 2000 review of Amendment 13 of the salmon fishery management plan.

Chinook in 2001 are predicted to be similar in abundance to 2000. Notable exceptions are larger abundances of Klamath River age 4, and Columbia River Upriver Spring and Spring Creek Hatchery Fall chinook. California Central Valley fall chinook show a slight decline in recent years, but remain strong. Sacramento Winter Run chinook are likely to be a limiting factor for California chinook fisheries.

Preseason Report I presents stock size predictions to the nearest 100 fish, without any indication of the precision of these predictions. The SSC recommends that, in the future, predictions include a statistical measure of variability such as confidence limits or coefficients of variation. Without variance estimates it is impossible to assess the likelihood of meeting management objectives and the risks to sensitive stocks of proposed fishing seasons.

With larger hatchery stock sizes and mass-marked coho it is likely that the intensity of mark-selective fisheries will increase in the near future. Possible consequences of selective fisheries include difficulties in modeling nonlanded mortalities and reduction in our ability to assess stock composition from coded-wire tag (CWT) recoveries. Double index tagging experiments are designed to overcome some of these problems, but their usefulness has not been demonstrated. These fisheries are still in the experimental and developmental stages. The SSC recommends that a comprehensive review of selective fisheries be conducted no later than 2004. The review should focus on (1) the effectiveness of selective fisheries in reducing impacts on unmarked fish, (2) our ability to predict incidental impacts preseason, (3) our ability to assess these impacts postseason, and (4) effects on the quality of the CWT data base.
Mr. Mark Cedergreen gave the report for the SAS. (8:52 AM)

_The Salmon Advisory Subpanel (SAS) commends the Salmon Technical Team for its excellent job of compiling previous season catch statistics and preseason run size predictions._

_We would like to see a section in Preseason I that summarizes the current year’s stocks of concern. This section would include Table 1-3, a table showing Endangered Species Act listed stocks, and a brief narrative describing which stocks will affect which geographical areas._

B.2.c. Public Comments

None.

B.2.d. Council Discussion

None.

B.3. Inseason Management Recommendations for Openings Prior to May 1 off Oregon (March 6; 8:55 AM)

B.3.a. Agendum Overview by John Coon

Dr. John Coon provided the Council a review of the agenda topic and briefing book material. He noted that Council action entailed recommendations to NMFS for salmon fishery openings off Oregon prior to May 1.

B.3.b. Oregon Department of Fish and Wildlife Recommendations

Mr. Burnie Bohn presented the Oregon proposal for an April 1 opening (Exhibit B.3.b).

_Beginning in 1997, chinook directed fisheries from Cape Falcon to Humbug Mountain opened during April. In 1997 and 1998 the opening date was April 15 and in 1999 and 2000 the opening date was April 1. Chinook catches during these April fisheries have been highly variable due to weather and fish distribution patterns. Commercial catches were 4,500, 20,000, 800, and 1,200 in 1997, 1998, 1999, and 2000 respectively. Recreational catch and effort during April fisheries have been extremely low with combined 1997-2000 landings of less than 60 fish._

_The opening date of April 1 is again proposed for 2001 for both the commercial troll and recreational fisheries from Cape Falcon to Humbug Mountain. All gear and bag limits would remain the same as 2000. Additionally, the control zone at the mouth of Tillamook Bay would be subject to closure under state regulations._

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

None.

B.3.d. Public Comments

None.

B.3.e. **Council Action:** Advise NMFS of Recommended Inseason Management Prior to May 1 (8:58 AM)

The Council adopted the proposed April 1 opening date for Oregon troll and recreational chinook fisheries from Cape Falcon to Humbug Mountain as shown in Exhibit B.3.b, Supplemental ODFW Recommendations. (Motion 1)
B.4. Identification of Management Objectives and Preliminary Definition of 2001 Options (March 6; 9:01 AM)

B.4.a. Agendum Overview

Dr. John Coon provided the Council a review of the agenda topic and briefing book material. He noted that Council action entailed discussion of the SAS recommendations, and direction to the STT for collation of options.

B.4.b. Report from the Pacific Salmon Commission (9:06 AM)

Mr. Harp provided the following report.

In 1999, U.S. and Canadian negotiators reached a comprehensive agreement that resolved long-standing disputes relating to Pacific salmon and the Pacific Salmon Treaty. For chinook, the agreement established abundance-based fishing regimes for the major mixed stock salmon intercepting fisheries in Alaska and Canada. These regimes, which allow catches in fisheries to vary from year-to-year, are designed to allow larger catches when abundance is higher and lower catches in years when abundance is down.

The Chinook fisheries north of Cape Falcon are to be managed as part of a general obligation to constraining harvest rates to no more than 60% of the levels observed during the 1979-82 base period. Harvest is constrained by the status of the natural stocks that are projected not to achieve escapement.

For 2001, as was done last year, this "general obligation" needs to be assessed with other "weak stock" and ESA considerations when structuring the fishing regimes. It is my understanding that information regarding the impacts of PFMC options will be available from the output reports from the FRAM Chinook model. In all probability, ESA obligations will constrain Council fisheries more than this "general obligation".

Relative to coho salmon, the 1999 U.S. and Canada agreement essentially represents a commitment to develop a conservation-based regime for border area fisheries between southern British Columbia and Washington State. As many of you already know, the Pacific Salmon Commission's deliberations on coho are still unresolved. The major elements still under discussion are the allowable exploitation rates. Further coho negotiation sessions are scheduled for late April. The objective is to develop a multi-year agreement that outlines a basic management framework for key U.S. and Canadian coho management units.

For the 2001 season, no specific bi-lateral obligation for coho salmon has yet been established. The Council process should proceed to structure its fishing regimes focused on domestic coho conservation issues.


Mr. Paul Kirk provided the following statement:

The KFMC met February 22-23 and March 4-5, 2001 to discuss management of Klamath River fall chinook for 2001. A summary of our discussions and recommendations follow.

**Issue 1: Larger than predicted escapement of age-3 fish in 2000**

The KFMC discussed the large escapement of age-3 spawners in the Klamath basin with the Klamath River Technical Team (KRTAT). They report that the abundance of age-3 fish was 273 percent of the pre-season prediction, and the age-4 abundance was slightly above the pre-season prediction. Good ocean environmental conditions probably contributed to above average survival.
of the 1997 brood. The ocean survivors of this cohort will return as age-4 fish this year. The natural component of the escapement was only 46% compared to a pre-season prediction of 70% natural spawners. This was due to a very large hatchery component.

The run of adult fish entering Iron Gate Hatchery was the largest ever at 71,600 fish. The run into Bogus Creek, located adjacent to the hatchery, was 34,700 adult fish, the second largest on record for that stream. A larger run occurred in the Creek in 1995 (45,200), in part because the hatchery was not prepared to process all of the returning fish in that year and had to preclude entrance into the hatchery receiving facility. This resulted in hatchery fish spawning naturally and being considered part of the natural spawning escapement. Trinity River Hatchery also received an above average number of adult fish (26,000) in 2000.

The naturally spawning escapement into the Klamath basin was 82,500 fish, well above the natural escapement floor of 35,000 adult spawners. However, discounting Bogus Creek, the naturally spawning run totaled only 47,800 fish.

Our stock projection models were updated to include these new data points.

### Issue 2: Ocean abundance and spawning escapement projections for 2001

The KFMC discussed using the age-specific stock projections for determining biological and fishery harvest goals for 2001. For only the second time since 1990, the data indicate the stock should be managed to exceed the escapement floor of 35,000 naturally spawning adult fish (47,000 natural spawners; 74,600 including hatchery fish) pursuant to Amendment 9 of the Framework Management Plan of the PFMC. The age-3 projection of 93,500 fish is one of the lowest on record while the age-4 projection of 197,600 is the second highest. The age-5 projection is about 1000 fish. The estimated proportion of natural spawners based on the recent five years of data is 63 percent. The preliminary fishery harvest levels based on these estimates are 77,300 fish each for the tribal and non-tribal fisheries. The non-tribal harvest would be allocated 11,600 to the river sport fishery (15 percent based on the California Fish and Game Commission letter discussed below) and 65,700 for the ocean fisheries. Absent Endangered Species Act constraints, the age-4 ocean harvest rate would be 0.25, including catches made prior to May 1.

The KFMC discussed using more conservative parameters for determining biological and fishery harvest goals for this year. This was done with the intent of better ensuring that our escapement goal for naturally spawning fish will be met (at the expense of fishery goals). Specifically, 1) the KRTAT analyzed the effect of applying the age-3 maturation rate observed for the 1992 brood to the 1997 brood; and/or applying the proportion of natural spawners observed in 2000, rather than the 5-year average. The 1992 brood maturation rate was used because it was the highest age-3 maturation rate for a “power brood” on record (the other power broods are 1983-85). 2) We considered using only the 2000 proportion of natural spawners because of the predominance of age-3 fish in the run last year and the projected dominance of age-4 fish (fish of the same cohort—in the run this year).

The KRTAT presented an analysis of the two modified parameters discussed above and concluded the risk of not meeting the natural escapement floor for the basin under the proposed harvest levels is very low. In part, this is because we are managing for a natural escapement in 2001 of 47,000 adult fish, 12,000 fish over the floor. Of the two parameters in question, the KRTAT and KFMC agreed that the method used to project the proportion of fish that will return to natural areas needs further analysis. However, no change in the current methodology (5-year average) is recommended for this year. The KFMC voted to accept the KRTAT stock projection report and to recommend that the PFMC and its advisory bodies use that report for projecting ocean abundance of Klamath fall chinook and the proportion of fish that will return to natural areas in 2001.

Our recommendations regarding allocation of the non-tribal share of Klamath fall chinook follow.
Issue 3: Allocation of fish to the river sport fishery

In a February 14, 2001 letter, the California Fish and Game Commission advised the KFMC and PFMC to set aside 15 percent of the non-tribal share of the allowable harvest of Klamath River fall chinook for the river sport fishery, and, in the event that ocean fisheries were unable to harvest their full preseason allotment, that any surplus be made available to the river sport fishery. Based on the Commission letter, the preliminary allocation of adult fish to the river sport fishery is 11,600 fish (the final allocation will be possible after the ocean fishing regulations are determined).

The KFMC discussed the likelihood that a significant number of fish will be transferred from the ocean fisheries to the river sport fishery if ESA constraints prevent ocean fisheries from fully accessing their share. South of Horse Mountain, the ocean fisheries will be constrained by Sacramento winter chinook, California coastal chinook and Oregon coastal natural coho (OCN), while fisheries between Horse Mountain and Cape Falcon will be constrained by California coastal chinook, OCN coho, and Rogue-Klamath coho. Any such transfers should be clearly shown in the options that are prepared for public hearings.

It appears likely that the river sport fishery will have more harvestable fish available than it can use. The KFMC will continue to discuss disposition of any projected surplus of fish in the river sport allocation.

Issue 4: Allocation of fish to the KMZ sport fishery

The KFMC again agrees that 17% of the ocean share of Klamath River fall chinook should be allocated to the KMZ sport fishery. To achieve its allocation, the fishery should be managed based on time and area closures, minimum size limits, and bag and possession limits. The KFMC supports analysis of the regulation options that were recently developed by the Klamath Management Zone Coalition.

Issue 5: Allocation of fish to the CA and OR troll fisheries

The KFMC recognizes that ESA constraints may have a greater influence on ocean fishing regulations than the allowable harvest of Klamath fall chinook. The KFMC recommends that 2000 commercial regulations be used as the base for developing 2001 regulations. In 2000 the allowable harvest rate for age-4 fish was 13.8%. In 2001, the rate may be higher, depending on ESA constraints. The SAS representatives from California and Oregon, in consultation with KFMC representatives, should negotiate how these fish can be utilized in 2001.

B.4.d. Report of the California Fish and Game Commission

Mr. Robert Treanor reiterated support for the recommendations of the KFMC report (above).

B.4.e. NMFS Recommendations

Mr. Bill Robinson summarized NMFS guidance regarding 2001 ESA consultation standards that were included in the March 2, 2001 letter from Donna Darm and Rebecca Lent of NMFS to Council chairman Jim Lone (Exhibit B.4.e, Supplemental NMFS Report).

B.4.f. Tribal Recommendations (10:14 AM)

Mr. Jim Harp gave the following statement:

Mr. Chairman, I would like make a brief statement regarding the status of the salmon resource in 2001 and the tribes’ current thinking about a range of options for the ocean treaty troll fishery.
The forecasts for coho on the Washington coast and Puget Sound for both wild and hatchery stocks are significantly greater than recent years. We are also encouraged that the forecasts for the OPI stocks have increased. We believe that these forecasts allow for some moderate increases in harvest this year even while taking into consideration the needs of the OCN stock.

For chinook, the tule hatchery stocks should provide some harvest opportunity in the ocean fisheries this year. However, some important contributing stocks continue to be depressed. We continue to live up to the commitment that we made in 1988 to not increase our impacts on Columbia River chinook stocks of concern. Additional listed chinook stocks will require continued attention to work out fisheries that meet the ESA requirements for these stocks.

The tribes still have concerns about our ability to appropriately analyze and manage selective fisheries, but we appreciate the reports that WDFW and ODFW have been providing on the monitoring and sampling of their selective fisheries. We encourage the states to continue rigorous monitoring and sampling of these fisheries and continue communication on this issue with the tribes.

We are beginning the process of establishing, cooperatively with the Washington Department of Fish and Wildlife, a package of fisheries that will ensure acceptable levels of escapement for natural stocks of concern. We have joint Tribal/State agreement on specific 2001 management objectives, with only a couple of exceptions, but the tribes intend to work cooperatively toward completion of all stocks.

I offer the following range of preliminary options for the ocean Treaty troll fishery for compilation and analysis by the Salmon Technical Team with the understanding that this is only the first step towards finalizing options this week to be sent out for public review.

**Treaty Troll Options**

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<th>Option</th>
<th>Coho</th>
<th>Chinook</th>
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<td>Option 1</td>
<td>90,000</td>
<td>37,000</td>
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<tr>
<td>Option 2</td>
<td>90,000</td>
<td>35,000</td>
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<tr>
<td>Option 3</td>
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For Chinook, 50% would be taken in the May/June chinook only fishery and 50% would be taken in the July/August/September all-species fishery.

Mr. Mike Orcutt, Hoopa Valley Tribe, thanked the Council for support of the Record of Decision for Trinity River Flows. He reiterated the importance of stock strength information mentioned in the KFMC report, and indicated that Klamath tribes have a long standing history of responding to conservation needs. The tribal fishery will be managed for full utilization in 2001.

Mr. Dave Hillemeyer, Yurok Tribe, was concerned with the 2000 under prediction of Klamath fall chinook, which resulted in underutilization of surplus chinook. He wants to work with the state of California to prevent this from happening this year.

(10:28 AM) Mr. Jim Harp on behalf of the Washington treaty tribes provided the following:

*Mr. Chairman and Council, the Quinault, Hoh, and Quileute Tribes wish to make a brief statement regarding the tentative modeling of the ocean treaty troll fishery options.*

*Again this year, it is the desire of the Quinault, Hoh, and Quileute Tribes to continue to meet the escapement floor or goals for runs originating in the area from Grays Harbor to Quillayute River...
Good afternoon Mr. Chairman and members of the Council. My name is Duane Clark. I am a member of the Fish and Wildlife Committee of the Yakama Nation. I am here today to present comments on behalf of the four Columbia River treaty tribes: the Yakama, Warm Springs, Umatilla and Nez Perce tribes.

While the 2001 Spring Creek Hatchery tule chinook forecast is significantly higher this year, the upriver bright forecast is down somewhat. Impacts on Snake River fall chinook will likely limit both in-river fisheries and ocean fisheries.

The forecast for Columbia River coho suggests a much larger return than last year. According to management agreements for upper Columbia River coho, 50% of the upriver coho must be passed to the treaty fishing area upstream of Bonneville Dam. We expect the states to monitor and include all sources of non-Indian fishery mortalities in the ocean and the lower river to ensure the adequate passage of coho past Bonneville Dam in order for the tribes to have the opportunity to harvest their share of the coho.

The Columbia River tribes continue to question the utility of mass marking and selective fisheries as a long-term recovery strategy. It seems like selective fisheries for coho have advanced from the experimental phase to the full scale implementation phase. Mass marking and selective fisheries for chinook are increasing as well. There are still unresolved technical issues concerning the mass marking and selective fishing for chinook that are far more complicated than for coho, making it difficult to detect the effects on selective harvest on escapement. The idea of selective fishing as a way to address wild stock concerns is seductive because it diverts attention from the real problem: low wild fish survival. The matter is also complicated in the Columbia River because some mass marked hatchery fish are listed under the ESA. Under current regulations it is legal for sport fishers to retain these listed fish in a selective fishery at higher rates than other listed populations. This is done at the same time the states and federal government argue that one of the main reasons for implementing selective fisheries is to reduce impacts on listed fish. Managers are so interested in figuring out how to mass mark salmon that they haven’t stopped to consider the longer term implications. Our experience with steelhead in the Columbia River indicates that mass marking and selective fishing by itself will not restore wild runs. It is not prudent to move ahead with mass marking and selective fishing for chinook.

Although the forecast for the Snake River wild fall chinook is not ready, last year’s Lower Granite Dam counts were the highest on record. Some of the recent increases in the wild Snake River counts were the results of supplementation that the tribes successfully advocated for. The tribes believe that this provides a good foundation for recovery. However, the federal government discounts the value of successful supplementation programs. Other examples of successful supplementation include restoring fall chinook returns to the Umatilla, Yakima, and Klickitat Rivers, spring chinook in the Clearwater and Umatilla Rivers, and coho in the Yakima, Clearwater, and Umatilla Rivers.

Upper Columbia River spring chinook are forecasted to return in the largest numbers since the construction of Bonneville Dam. This is good news. The tribes, states, and Federal government have reached agreement on an interim management plan for winter spring and summer period fisheries in the Columbia River. We hope to have this agreement finalized and entered as a court order in the next few weeks. This Interim agreement allows for a modest increase in harvest rates when run sizes are high. This Interim Agreement will allow the co-managers to focus not only on developing a long term management plan, but more importantly, working on activities that will actually lead to the restoration of our salmon populations.

The Columbia River tribes are working hard to contribute to the rebuilding of upriver salmon and steelhead using the limited tools available to us like voluntary restrictions on harvest and working to increase the production of upriver stocks through supplementation. However, it is difficult to
expand supplementation when hatchery funding puts a priority on maintaining release levels at the facilities at the expense of proven supplementation programs. It is difficult to find justice in restricting only fisheries while hydropower, ranching, logging, urban development, and agricultural activities continue their unregulated impacts on salmon habitat and survival. The science shows that some Columbia River stocks will recover only if major changes in the hydropower system, such as breaching or drawdown take place. The dams continue to indiscriminately harvest salmon, while the fishermen are left to fight over the crumbs. Only through a combination of efforts in the entire life cycle of the fish can we hope to get fish off the Endangered Species list.

This year, the tribes would like to bring to the Council's attention to a program proposed by the National Marine Fisheries Service that will have adverse impacts on both in-river and ocean fishers. NMFS proposes to use Snake River fall chinook in a study to look at the effects of transportation, the program that has been a failure in the past. The water levels in the Columbia will be among the lowest in the last sixty years. Survival of juvenile migrants will be low no matter what happens. A study which subjects fish to additional stress is not necessary.

The Federal government has the legal obligation under federal law to restrict other activities that impact listed species before restricting the Columbia River treaty Indian fishery any further. This must be done to comply with the conservation principles established in United States versus Oregon. Until everyone, Indian and non-Indian, can resume fishing at its full potential, we can not forget the work that we have to do together to recover all salmon and steelhead runs for our future generations.

It is difficult to recommend specific options at this time. However, due to the ongoing concerns about Snake River fall chinook, the Columbia River tribes ask that the Council to instruct the Salmon Technical Team to include an option with zero non-Indian fishing north of Cape Falcon. This would return the maximum number of Snake River fall fish to the Columbia River and give the greatest flexibility for in-river allocation. The Columbia River tribes also recommend that all options going out for public review meet the ESA guideline for impacts on Snake River fall chinook. As the Council considers various fishery options over the next month, it should consider the following management principles.

Harvest rates must account for all sources of mortalities including mortalities in groundfish fisheries and non-harvest mortality and the harvest rates be sustainable and support rebuilding of weak and depressed stocks.

Non-tribal river and ocean fisheries must allow sufficient escapement so the tribes can harvest their fair share of the harvestable fish. The allocation between tribal and non-tribal fisheries must include mortalities from all sources, not just fishery mortalities.

Habitat protection and restoration and stock supplementation must be a part of the long term solution.

This concludes my statement. Thank You.

Mr. Terry Courtney, Jr., Warms Springs Tribe, requested that hatchery and wild fish not be separated. Low water will make it difficult to harvest fish.

B.4.g. State Recommendations (10:46 AM)

WDFW: Mr. Rich Lincoln stated they expect increased ocean harvest as a result of increased Puget Sound and Columbia River abundance, consistent with OCN conservation objectives. He noted that the conservative abundance estimate for OCN coho will contribute to a risk adverse Council management strategy. No new management obligations are required for Canadian coho, but we need to be cognizant of Canadian coho impacts. Regarding pink salmon, Frazier River abundance is near escapement objectives, and it is unlikely that there will be proposals for additional harvest opportunity this year.
IDFG: Mr. Jerry Mallet indicated that he would like the HSG to track the Columbia River flow situation this year and interact with NMFS on issues pertaining to juvenile migration.

ODFW: Burnie Bohn indicated that the driving factor for Oregon fisheries in 2001 would again be OCN coho. Referencing Exhibit B.4, ODFW made two recommendations to the Oregon Fish and Wildlife Commission (OFWC): 1) an incidental OCN coho impact rate of 0-8%, as indicated in the OCN workgroup letter introduced earlier by Mr. Robinson; 2) an average (1999-2000) catch distribution of OCN impacts for use as a template for future fishery planning. The OFWC approved both recommendations. ODFW may also consider a proposal for more formal adoption of the OCN workgroup matrix into Council’s salmon FMP in November 2001, pending discussion among the SAS and SSC.

CDFG: LB Boydstun indicated that the primary challenge for California will be to find a way to access surplus Central Valley and Klamath River chinook, while meeting ESA constraints.

B.4.h. Reports and Comments of Advisory Bodies (11:14 AM)

The Salmon Advisory Subpanel presented the season options as shown in Exhibit B.4.h, Supplemental SAS Report, March 2001.

Mr. Rich Lincoln indicated that a Willapa Bay gill net fishery should be included in one of the options for the purpose of modeling.

Sgt. Dave Cleary provided the following Enforcement Consultant’s report.

> The Enforcement Consultants (EC) recommend language be included in one of the recreational options for the area of Leadbetter Point to Cape Falcon (refer to Exhibit B.4.h, Supplemental SAS Report) a complete closure for salmon for Tillamook Head to Cape Falcon beginning August 1.

> Also, the Council should consider language in C.1. that states: regulations maybe considered to restrict fishing while transiting from one area to another area or an open area to a closed port.

B.4.i. Public Comments

Mr. Mark Cedergreen, Westport Charterboat Association, Westport, Washington
Mr. Don Stevens, troller, Newberg, Oregon
Mr. Paul Englemeyer, National Audobon Society, Yachats, Oregon
Mr. Dave Bitts, commercial salmon fisherman, Eureka, California

B.4.j. Council Recommended Options for STT Collation and Description (Guidance)

Working from “Exhibit B.4,j, Supplemental SAS Report, March 2001”, Mr. Boydstun asked for a few minor changes for the commercial fisheries south of Horse Mt. as follows: Under Option I, in the area of Pt. Arena to Pt. Reyes, verify that the minimum size limit narrative stays in. Under Option II, the area should be Pt. Arena to Pt. Reyes (not Fort Ross), and the narrative suggestion of 120 fish per four day period is not enforceable, and should be removed. Under Option II in the area of Ft. Bragg (Horse Mt. To Pt. Arena), make sure that the minimum size limit and gear restrictions footnote C.2. apply. Under Option III, include an analysis for a May 1 through May 31,000-chinook quota troll fishery. Under Option III in the area of Pt. San Pedro to U.S./ Mexico border, the fishery duration is May 1 through September 30. Under footnote C.2.d, “circle hook defined:” add an option for a “circle hook with no offset”. A no offset circle hook is one where the point is aimed directly at the shank and not offset from the shank.

Mr. Boydstun asked for minor changes to the recreational fisheries: in the area of Horse Mt. To Pt. Arena under Option I, make the closure dates consistent with the KMZ area closure (February 17 through July 7, and July 25 through August 18); also footnote C.2.d. would include the “circle hook defined:”, the same as in the commercial regulation; in the KMZ area, under Option III, insert the Option I from the Klamath coalition.
(May 27 thru July 6, 1 fish per day, four per week, and July 29 thru August 10, 2 fish per day, four per week.), with gear restrictions and minimum size limits the same as the other options.

Mr. Lincoln asked for a few changes for the area North of Cape Falcon. For the commercial troll fishery under "Supplemental Management Information" in Option I, add an analysis for a 2,000 chinook gillnet fishery inside the Willapa Bay mouth during the month of July. For recreational, under Option I, both for the Neah Bay and La Push areas, have an analysis of a starting date which would be similar to the option for Westport (June 17 instead of July 1).

Mr. Bohn concurred with Mr. Boydstun's suggestions.

The Council and STT reviewed further clarifications - with direction to include the Willapa Bay chinook gillnet fishery in Option I.

B.5. Progress Report on the Queets Coho Overfishing Status Review (March 6; 2:32 PM)

B.5.a. Agendum Overview

Dr. John Coon provided the Council a review of the agenda topic and briefing book material. He noted that Council action entailed direction to the STT and HSG regarding the overfishing review process.


Mr. Lincoln clarified the intent of the letter (Exhibit B.5, WDFW comment) was to avoid an exhaustive effort in light of the current status and circumstances. He requested clarification from the Council of STT and HSG responsibilities under the overfishing criteria of Amendment 14.

Mr. Harp indicated that the 2000 escapement and projected 2001 escapement were well above minimum objectives, and that a major source of ocean mortality (WCVI fisheries) was not currently operating at a significant level.

Mr. Robinson indicated that the Council needs to follow procedures outlined in Amendment 14. Review may not have to be as extensive as would be necessary for a stock that has not shown signs of recovery. The STT may only need to identify factors contributing to recovery, and define criteria for recovery (e.g. environmental changes, marine survival). The WDFW/tribal letter provides a starting point for the STT and HSG reports.

B.5.c. HSG Review of Habitat Considerations

Ms. Bloeser indicated that the HSG would review the WDFW/Tribal letter and prepare a report for the April Council meeting.

B.5.d. Reports and Comments of Advisory Bodies

Dr. Gary Morishima gave the report of the STT.

An extensive outline for the overfishing report was developed by the STT. The Queets is well studied and unique in that the two major subbasins are managed very differently, one being in the National Park, the other heavily logged. The variability of stock status in the Queets may be related to marine survival. The STT believed they were instructed last fall to initiate preparation for an overfishing review in anticipation that the Queets coho would not meet its escapement goal in 2000. The Queets coho did meet their escapement goal in 2000. The available information indicates that 2001 escapement will also meet the escapement goal. The STT concurs with the recommendations in the WDFW/tribal letter, that the Council consider delaying requiring an overfishing review until next year when another year of data will be available indicating whether the situation has been turned around.
B.5.e. Public Comments

None.

B.5.f. Council Guidance

Mr. Bohn recommended deferring the review until March 2002.

Mr. Robinson clarified that postponing for a year would go against the FMP. A brief report on why recovery was achieved would be appropriate, and would allow an in-depth assessment in 2002 if the 2001 escapement does not materialize or if the 2002 projection is below the goal.

Mr. Robinson asked if there was a sufficient amount of quality habitat to allow fishery management to achieve objectives given average survival. Can the STT identify ocean survival as the primary factor responsible for variation in escapement?

Dr. Morishima indicated that would require a comprehensive review of the existing goals.

Dr. Coon indicated that the STT would need to have a draft report by the September Council meeting, and it may include HSG identification and recommendations for habitat issues.

Mr. Lincoln indicated that the September due date would be for a complete report submitted to the Council, with review subsequent to the Council meeting.

The Council moved to the legislative update at this time.

B.6. Update on Snake River Spring Chinook Salmon Recovery (March 7; 3:47 PM)

B.6.a. Idaho Department of Fish and Game Report

Mr. Bert Bowler provided a presentation.

B.6.b. Reports and Comments of Advisory Bodies

None.

B.6.c. Public Comments

None.

B.6.d. Council Discussion on Snake River Spring Chinook Salmon Recovery

None.

B.7. Council Recommendations for 2001 Management Option Analysis (March 7; 4:15 PM)

B.7.a. Agendum Overview

Dr. John Coon provided the Council a review of the agenda topic and briefing book material. He noted that Council action entailed discussion of the STT collation of ocean salmon fishery options, and direction to the STT for further analysis of options.

B.7.b. Report of the STT

Mr. Harp indicated that the treaty fishery options should include July start dates for the second season.

Mr. Boystun requested that early openings for 2002 should appear in the footnotes.

B.7.c. KFMC Comments
None.

B.7.d. Reports and Comments of Advisory Bodies
None.

B.7.e. Public Comments
None.


With regards to Exhibit B.7.f, page 10, table 2, footnote C.5., Mr. Anderson asked if the state were to establish a fishery, would it need to be modeled during the Council March/April process? Do the fish that are to be taken in such a fishery count and do they need to be included in the troll/recreational allocation schedule contained in the framework plan?

Dr. Coon, stated that the answer would likely be yes, the allocations and fish would apply to the Council season allocations. Those impacts need to be included in the modeling, they just can't be "free fish".

Mr. Milward noted the Area 4B fisheries work along those sideboards.

Mr. Anderson asked for one change for Option III, that is applicable to both page 1 (commercial troll) and page 6, (recreational fishery): change the chinook and coho quotas to 30,000 chinook and 150,000 coho. The reason for making the request is that policy representatives from the tribes would like to see more flexibility allowed during the North of Falcon process for treaty/non-treaty sharing.

Mr. Boystun provided recommendations for a few items on page 11: for options I and II, reduce the Klamath fall chinook ocean harvest rate to 17% to meet the ESA standard; increase the KMZ allocations to 17%; for the inriver recreational allocation, add the note that "any fish not utilized by the commercial fisheries are to be transferred to the recreational fisheries"; and to meet ESA requirements for Sacramento River chinook in option III, reduce fisheries south of Pt. Arena (maybe a matter of a day or two).

Mr. Grover asked Mr. Boystun about the 17% for KMZ sport fishery. The Klamath coalition would like the reduction in July instead of April. For the Sacramento River winter chinook south of Point Arena, should that reduction be taken up by the commercial fisheries? Mr. Boystun answered affirmatively.

B.8. Appointment of Officers for March Salmon Hearings

B.8.a. Agendum Overview

Dr. Coon stated that Council action entailed appointment of hearing officers for public hearings on salmon fishery management options.
B.8.b. Council Action: Appoint Hearings Officers

The Council appointed the following officers and representatives:

<table>
<thead>
<tr>
<th>Date</th>
<th>Time/Day</th>
<th>Location</th>
<th>Council</th>
<th>NMFS</th>
<th>USCG</th>
<th>Staff</th>
<th>Salmon Team</th>
</tr>
</thead>
<tbody>
<tr>
<td>March 26</td>
<td>Monday 7 p.m.</td>
<td>Chateau Westport Beach Room 710 West Hancock Westport, WA 98595</td>
<td>J. Lone</td>
<td>B. Robinson</td>
<td>Rep.</td>
<td>J. Coon</td>
<td>D. Milward</td>
</tr>
<tr>
<td>March 26</td>
<td>Monday 7 p.m.</td>
<td>Red Lion Hotel South Umpqua Room 1313 N Bayshore Drive Coos Bay, OR 97420</td>
<td>H. Radtke</td>
<td>Rep.</td>
<td>Rep.</td>
<td>C. Tracy</td>
<td>M. Burner</td>
</tr>
<tr>
<td>March 27</td>
<td>Tuesday 7 p.m.</td>
<td>Red Lion Hotel Eureka Evergreen Room 1929 Fourth Street Eureka, CA 95501</td>
<td>J. Calti</td>
<td>D. Viele</td>
<td>Rep.</td>
<td>C. Tracy</td>
<td>A. Grover</td>
</tr>
</tbody>
</table>

Mr. Boydstun indicated that in addition, California Department of Fish and Game will be holding a hearing in Moss Landing on March 28th starting at 7 p.m. The Council will also receive public comment at the Sacramento, California meeting during the week of April 2-6, 2001.

Mr. Anderson indicated that the north of Falcon meetings will be held next Tuesday at the Sheraton Portland Hotel at 9 a.m. and on March 27th at the Tukwila Best Western.

Mr. Bohn noted that ODFW will sponsor a hearing on March 27 at Tillamook, 7 p.m. Forestry Building. They will also provide opportunity to testify on inside fisheries.


B.9.a. Agendum Overview

Dr. John Coon provided the Council a review of the agenda topic and briefing book material. He noted that Council action entailed discussion of the STT analysis, input from advisors and public, and adoption of final recommendations for public review.


The STT presented its analysis (Exhibit B.9.b, Supplemental STT Report). Individual STT members noted the changes from the previous analysis.

B.9.c. Reports and Comments of Advisory Bodies (10:36 AM)

Mr. Mark Cedergreen provided the following SAS comments.

In 1996 Sacramento River winter run chinook became a driver in California ocean salmon management. As required by the Endangered Species Act, National Marine Fisheries Service (NMFS) developed a recovery plan.

The Salmon Advisory Subpanel (SAS) respectfully requests that the Council include on its April agenda an opportunity for NMFS to update the Council and the SAS on the status and the implementation of that recovery plan.

Mr. Cedergreen requested that the language indicating no trade in the area north of Cape Falcon be changed in one option to read "...but may be considered in April". Under Option II, Queets River to
Leadbetter Point, add "closed inside 3 nautical miles". Under Option III, Leadbetter Point to Cape Falcon in the set aside fishery, change the fishery to 5 days per week.

Reports and Comments of Tribes

Mr. George Kautsky commented for the Hoopa Valley Tribe. The Hoopa Valley Tribe will continue to work with tribal members to identify alternatives, meet with appropriate co-managers, and report back to the KFMC in early April.

Mr. Eimer Crow gave the following testimony on behalf of the Columbia River Treaty Tribes:

Good afternoon Mr. Chairman and members of the Council. My name is Eimer Crow. I am a member of the Fish and Wildlife Commission of the Nez Perce Tribe. I am here today to present comments on behalf of the Warm Springs and Nez Perce tribes.

Like everyone else, the Columbia River tribes have had a short time to review the analysis of the options by the Salmon Technical Team. The options that the council adopts today for public review need to reflect the status of the stocks. The impact level on Snake River fall chinook is important to the tribes because it is one of the controlling stocks for Columbia River management and it is on the Endangered Species list. The forecast for the return of Snake River wild fall chinook is not yet available, but should be available by the April meeting. The analysis by the Salmon Technical Team indicates that each of the options being considered by the Council is consistent with the Snake River wild fall Chinook index that is being used as an ESA guideline and provide an adequate range for public review. However, we must be able to look at the results for the Snake River wild fall chinook harvest index and at the impacts on all stocks for the full package of fisheries before endorsing any option for final adoption. If, upon further review, any of the options fail to meet the Snake River fall chinook guidelines, then the Council cannot consider that option for final adoption in April.

The tribes expect the states to manage coho fisheries to pass 50% of the upriver Columbia River coho to Bonneville Dam in accordance with management agreements. The mortalities of Upper Columbia River coho in ocean fisheries must be balanced with the mortalities in inside fisheries in order to meet this obligation. It is difficult to assess the effect of the ocean options without a better understanding of the full package of ocean and inside fisheries, including the effect of selective fisheries on natural stock returns. We will be working with the state and federal agencies to clarify the situation between now and the Council’s meeting in April.

Conservation principles must be applied to every stage of the salmon’s life cycle, not just in harvest. Even though the Council has little control over activities other than fisheries, a number of the voting members represent agencies and government that have the authority to make improvements in other areas. The Columbia River tribes are willing to work with whoever it takes to make improvements in the salmon runs on which we depend for our cultural existence, because the status quo is not acceptable.

In 2001, juvenile salmon will face the worst migration conditions in over sixty years. The Federal hydrosystem operators are faced with difficult choices in trying to balance power production and protecting fish. The recent decisions by the operators indicate to us that fish are not the priority. Mortality rates will be high. Because of the Federal hydrosystem actions being taken, future returns of Columbia River salmon are being placed in jeopardy. The result will be less returning adults in two years and we suspect that there may need to be additional restrictions in all fisheries to protect those fish. We urge the Council to contact the operators of the Federal Columbia River Power System and demand that water management decisions adequately consider the needs of salmon.

To restore salmon stocks, we must make improvements in habitat conservation and restoration and in water use. The tribes believe the responsible use of hatcheries as supplementation tools is essential to rebuilding wild salmon stocks. Funding must be made available to implement innovative supplementation programs. In the Columbia River, we must find a way to safely pass fish through
the hydropower system. Without actions in other areas to restore salmon stocks, restrictive fishery management will become the status quo and that is not acceptable.

This concludes my statement. Thank You.

Mr. Terry Courtney, Jr., Warm Springs Tribe, stated that fish restoration should be the main focus and harvest the second item. He felt that all fishery agencies should adopt that practice.

Mr. Tim Roth, U.S. Fish and Wildlife Service, spoke to the tribal/states agreement for the spring and summer management period, and on having reached an agreement which will be finalized at the north of Falcon meetings. He noted the need to address flows issues in the Columbia River.

Mr. Anderson asked that the HSG assess the challenges relative to juvenile salmon migration this year (for the Columbia River), and present their ideas to the Council for protecting these fish.

B.9.d. Public Comments

Mr. Kevin Thiele, Pacific City Dorymen’s Association, Pacific City, Oregon
Mr. Jim Olsen, troller, Auburn, Washington


The motions below (Motions 10 through 15) were adopted using the document entitled “Exhibit B.9.b, Supplemental STT Report, March 2001”.

Mr. Anderson moved, and the Council agreed, to adopt the recreational and commercial options as presented with the following modifications: pages 1 and 6, under Option II - change "no trade" to “may be considered”; include in Queets River to Leadbetter a closure from zero to 3 miles; add to the three recreational areas from Cape Falcon to the U.S./Canada border, “chinook minimum size limit raised from 24 to 26 inches”. (Motion 10; seconded by Mr. Harp)

Mr. Bohn moved, and the Council agreed, to adopt the recreational/commercial options as presented for the areas South of Cape Falcon down to and including the KMZ area. The motion included clarifications made by the STT. (Motion 11; seconded by Mr. Brown).

Mr. Boydstun moved, and the Council agreed, to adopt the recreational/commercial options as presented south of the KMZ area with the following amendments: page 3, commercial fisheries under Option II for the area Horse Mt. to Pt. Arena, add “possession and landing limit of 30 fish during the May fishery”; confirm the STT correction on page 7 Option I, Humbug Mt. to Horse Mt., that the beginning of the more liberal season should be July 24, not July 25. Mr. Calto seconded the motion. (Motion 12)

Mr. Harp moved, and the Council agreed, to adopt the following: (Motion 13)

For the 2001 Treaty Ocean Troll Salmon Season, I move for the establishment of three options for further Salmon Technical Team analysis and for public review.

Option I - quota levels of 37,000 chinook and 90,000 coho
Option II - quota levels of 35,000 chinook and 90,000 coho
Option III - quota levels of 35,000 chinook and 70,000 coho

The salmon season will consist of a May/June chinook directed fishery and a July/August/September all-species fishery, with the Chinook harvest evenly split between the two periods. The basic regulation package is to remain the same as contained in the 2000 Ocean Salmon Management Measures, which includes minimum size limits and gear restrictions.

I would also like to state for the record, that the tribes and state are just beginning the North of
Falcon planning process in which we will evaluate the total impacts of all proposed fisheries on Puget Sound stocks. At the conclusion of these discussions, it impossible that the tribes may request in April that the Council adopt a treaty ocean troll quota that is lower than the three options that I have just proposed for evaluation and public review.

Mr. Anderson seconded the motion.

Mr. Robinson asked about inserting a footnote for lower quotas in April in one of the tables.

Mr. Harp said they have language to give to the STT for inclusion in the Preseason II report to reflect that concern.

Mr. Robinson said that the SAS asked for a update on the recovery plan. The NMFS SW Region will honor that request and give an update at the next meeting.

Mr. Boydstun moved, and the Council agreed, to reconsider Motion 12 so that a few minor date changes could be made. (Motion 14; seconded by Mr. Caito).

Mr. Boydstun moved, and the Council agreed, to adopt the following date changes in Option 1 in the recreational fishery on page 7, from Humbug Mt. to Horse Mt.: the third sentence says from "May 26 through July 7" it should say "May 22 thru July 8". the motion. (Motion 15; seconded by Mr. Caito).

Mr. Anderson recommended that Bill Tweit assist in getting the tribal/HSG presentation on Columbia River flows and fish passage concerns put together.

C. Habitat Issues

C.1. Ongoing and New Habitat Issues (March 6; 2:04 PM)

C.1.a. Agendum Overview

Mr. Chuck Tracy provided the Council a review of the agenda topic and briefing book material. He noted that Council action entailed discussion of the committee's recommendations, approval of a letter to FERC regarding Klamath River flow, and approval of the quick response process for two additional letters, one regarding the Klamath River BA, and the other regarding the draft Artificial Reef National Plan.

C.1.b. Report of the Habitat Steering Group (HSG) (2:05 PM)

Ms. Michele Robinson provided the following HSG report:

The Habitat Steering Group (HSG) has one action item for Council consideration and two additional fast-track items for Council approval. The HSG would like the Council to send identical letters to PacifiCorp and the Federal Energy Regulation Commission (FERC) regarding the Klamath FERC relicensing. PacifiCorp has drafted a first stage consultation document which describes the studies that need to be conducted in drafting an EIS with alternatives for the restoration of anadromous salmonids in the upper Klamath basin. The purpose of the letter is to ensure that studies are conducted which adequately assess the effects of the project on Klamath salmonids and to assess a range of alternatives which will result in successful restoration of these salmonids. The comment deadline is March 27.

The first fast-track letter is also regarding the Klamath River. It will be addressed to NMFS regarding the final Biological Assessment (BA) prepared by the Bureau of Reclamation (BOR). The NMFS will consider the BA in drafting its Biological Opinion (BO) which is expected to be produced around the
first of April and NMFS has requested comments before the BO is completed. Therefore, a draft letter will be circulated among Council members for approval around March 15. The HSG will continue to have a placeholder on its agenda for Klamath River issues.

The second fast-track letter is to the Secretary of Commerce regarding the draft Artificial Reef National Plan Revision. An HSG subcommittee is collating comments and drafting a letter for HSG and Council review. The comment deadline on the plan is April 1.

The rest of the HSG meeting was informational in nature with a wide variety of presentations and discussions.

**NMFS Consultation on Oil and Gas Pipeline**
The National Marine Fisheries Service reviewed the Essential Fish Habitat Assessment for re-issuance of the Environmental Protection Agency's National Pollutant Discharge Elimination System general permit for oil and gas platforms off the California coast. The general permit would cover 22 existing production platforms. Of the 82 fish species federally managed in the West Coast Groundfish Fishery Management Plan, 39 have been recorded in various water depths over a 35-year period at southern California platforms. Some of the more common groundfish species consistently observed include all life stages of bocaccio, brown, olive, widow, blue, and flag rockfishes as well as the subadult and adult life stages of California scorpionfish, cabezon and lingcod; the affected coastal pelagic species are Northern anchovy, Pacific sardine, and jack mackerel.

NMFS recommends that the EPA adopt four conservation measures, one requiring extensive studies of the effects of discharge on the juvenile and adult life stages of rockfish and lingcod. EPA is drafting a report utilizing existing information which it will present to NMFS in May; if this satisfies the NMFS requirements, consultation will be closed. We will receive an update from NMFS at the June HSG meeting.

**Marine Reserves**
The HSG received an update on the coordination of West Coast marine reserve efforts though the COMPASS (COMmunication PArtnership for Science and the Sea) process. COMPASS's West Coast Marine Reserve Coordinating Committee met in February concurrent with the AAAS (American Association for the Advancement of Science) meeting in San Francisco. The Coordinating Committee has identified high priority marine reserve activities and discussed mechanisms for integration with the Council's marine reserve process. The HSG also received an update on the results of the Council's Ad Hoc Marine Reserve Process Development Committee meeting, the HSG will have a more in-depth discussion on marine reserve efforts at our April and June meetings.

**EFH/Magnuson Act Review**
At its November 2000 meeting the HSG requested that NMFS provide an update on the number of EFH consultations that have occurred to date. We also requested clarification on how to facilitate coordination between the Council and NMFS on consultations. NMFS has recently developed a system to track EFH consultations. To date the Southwest Region has conducted approximately 65 consultations since March 1999, and the Northwest Region has conducted 45 consultations since October 2000. There are different types of consultations: (1) Informal consultations, which are presented in the form of a letter from NMFS to the action agency, (2) Formal consultations, which occur on combined endangered species act and EFH issues which take the form of formal meetings, and (3) Expanded consultations, which are on EFH issues only and also take the form of formal meetings. The regional EFH coordinators will keep the Council apprised of formal and expanded consultations and will recommend Council action on the issues that may benefit from additional Council input.

**Other Issues**
The HSG also received updates on the San Francisco airport expansion, the Lower Willamette Superfund Assessment, and the Queets River EFH overfishing outline review.
Administrative Items
The HSG unanimously decided to have co-chairs (vs. a chair and vice chair) with designated government and non-government seats to capture the diversity present in the group as well as share the increasing workload. The HSG is recommending Michele Robinson and Jennifer Bloeser for these seats.

The HSG also formed subcommittees to address the artificial reef plan review and ongoing FERC relicensing issues.

C.1.c. Reports and Comments of Advisory Bodies
None.

C.1.d. Public Comments

Mr. Paul Englemeyer, National Audobon Society, Yachats, Oregon

C.1.e. Council Action: Consider HSG Recommendations

Mr. Boydstun requested, and the Council agreed, to reword the letter to PacifiCorp and FERC, and consider it on Friday.

Mr. Bohn recommended that the "cc" list on the FERC letter include the state fishery management agencies.

Mr. Tracy indicated that the Council needed to take action on two quick response letters, one regarding Comments on the Klamath River flow Biological Assessment, the other on comments on the Draft Artificial Reef National Plan.

The Council agreed that the two letters should be handled under the quick response procedure.

On Friday, Mr. Boydstun moved, and the Council agreed, to adopt a revised FERC letter (Exhibit C.1.b, supplemental revised FERC/PacifiCorp letters), which contained a combined integration of comments from several entities (KFMC, Tribes, etc.), and additional cc's. (Motion 6; seconded by Dr. Radtke).

PUBLIC COMMENT PERIOD
March 6; 4 PM

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

Dr. McIsaac advised the Council of several letters which have been received and are located under the General Information tab.

Mr. Phil Resowwhic spoke about various salmon items including recreational fishery allotments. He feels that the recreational fishery group is the most penalized and should have more representation on the Council advisory bodies.

Ms. Mary Hudson, presented her case on behalf of the Los Angeles Commercial Fishermen's Association. She asked for a spot on the April agenda for the Council to reconsider a decision from 1997 when the Council adopted recommendations to NMFS to close Huntington Flats to setnets. She is asking the Council to reconsider the recommendation. Mr. Boydstun asked about the issues in the letter regarding “things have changed”. He also asked her about the “state managed fish” – what is her expectation for their management resulting from this decision and third, what would you like the Council to do and why. Ms. Hudson said that she did fax an item to the hotel at 2 a.m. last night. It summarizes the information requested by Mr. Boydstun. She said that the new information is the depletion of various fish stocks (groundfish/rockfish) which has forced hardship on the fleet. This is a group which are not fishing on depleted stocks, it is a small
healthy set of businesses. Another item which has changed is that the boats fishing in Huntington Flats have shifted their focus from state managed species to more federally-managed groundfish species. The landings of federally managed species ranged from 11-67% of the total landings. There was a much more heavy emphasis on state-managed fish before. They are asking for a spot on the agenda, for the Council to reconsider, and withdraw the 1997 recommendation.

Mr. Boydstun asked about how we would go about withdrawing an action. Ms. Cooney replied you would have to look at the old information and the new information and give comments to NMFS about the rule.

D. Groundfish Management

D.1. Status of NMFS Research Programs and Other Nonregulatory Activities (March 7; 9:30 AM)

D.1.a. NMFS Report

(Note: the Council expanded this agenda item to include regulatory activities) Mr. Bill Robinson asked to defer the NMFS research report to the April meeting. He reported on numerous regulatory activities the agency has completed since the November 2000 Council meeting, including publication of the proposed rule for Amendment 13 on November 21, 2000; on December 7, 2000, NMFS approved Amendment 12 and revoked its previous approval of the rebuilding plans for bocaccio, lingcod and Pacific ocean perch; approved Amendment 13 on December 13; published the final rule for Amendment 12 on December 27; published the 2001 groundfish specifications on January 11, 2001; and published a correction to the specifications on February 14. Currently, the federal hiring freeze is preventing them from filling open positions, which will result in some delays. In addition, there is a moratorium on federal regulations that has slowed the process, and may affect future regulations. NMFS is currently working on the final rule for the observer program, an Advance Notice of Proposed Rule for the permit stacking program, the final rule for Amendment 13 and the permit transfer regulation, the proposed rule for the at-sea whiting observer program, and another correction to the annual specifications regarding coordinates of the cowcod closure area. With respect to the permit stacking program (Amendment 14), Mr. Robinson reported NMFS will implement the program in two stages, the first addressing the basic (simple) provisions, and the second (in 2002) will cover the more complex provisions. He suggested the Council keep a spot open on its June meeting agenda in case any clarifications are necessary. He also reported on a petition to list bocaccio under the Endangered Species Act (ESA); the Southwest Region is doing the initial review.

D.1.b. Council Discussion

Mr. Alverson appreciated the efforts on the stacking issue and asked about the opening date. Mr. Robinson responded they are targeting August 1 or earlier. He added that NMFS is currently responding to three separate lawsuits, and the stacking issue is not the highest priority. Mr. Anderson asked what fisheries would be placed in jeopardy if the rulemaking moratorium is kept in place; should the states start thinking about their rulemaking abilities if the moratorium is in place for an extended period of time. Mr. Robinson replied clearly our annual salmon regulations are an issue.

D.2. Exempted Fishing Permit Applications (March 7; 10 AM)

D.2.a. Agendum Overview

None.

D.2.b. NMFS Report

Ms. Cyreis Schmidt spoke on the March 21-22 pre-assessment meeting and the possibility of a survey south of Point Conception. She explained the main issue before the Council at this time is to authorize amounts of groundfish to be provided for compensating vessels that perform survey duties for NMFS. The amounts are the same as last year. Mr. Brown asked if there have been any data quality problems from using
commercial vessels, and Ms. Schmidt said no, and the data will be used in stock assessments. Dr. Radtke asked that the approximate value of the compensation fish be calculated and included in the request to the Council. He thought it would be about $250,000 dollars this year.

D.2.c. Reports and Comments of Advisory Bodies

There were no reports

D.2.d. Public Comments

None

D.2.e. Council Action: Recommendations to NMFS on Research and Other Exempted Fishing Permit Applications

The Council approved the EFPS and compensation amounts as suggested in the supplemental NMFS Report D.2. Moved by Mr. Ralph Brown and seconded by Dr. Hans Radtke (Motion 2).

D.3. Future Groundfish Management Process and Schedule (March 7; 10:10 AM)

D.3.a. Agendum Overview

Mr. Dan Waldeck provided the Council a review of the agenda topic and briefing book material. He noted that Council action entailed discussion of the committee's recommendations.


Dr. McIsaac presented the Council a review of the background, current problems, and issues and recommendations discussed by the GMPC.

The Council briefly discussed what actions would be necessary to roll over the 2001 management specifications as discussed in the GMPC report. Mr. Bohn clarified that the option for rolling over the 2001 specifications called for Council consideration of the action in April, and formal Council action in June.

Mr. Anderson asked, under options 2 and 3, how would the current assessment and review process fit?

Dr. McIsaac noted that, for this year, they would be out of phase, but the process could be altered such that it could work in the future (e.g., schedule the Stock Assessment Review process earlier so information is available in June).

D.3.c. Reports and Comments of Advisory Bodies

None

D.3.d. Public Comments

None

D.3.e. Council Action: Consider GMPC Recommendations

The Council discussed the importance of improving the process both in terms of (1) what is necessary for this year to avoid the strain experienced the last several years, and (2) how the annual management process could be altered in the future (e.g., 2002 and beyond). The Council directed Council staff to distribute the GMPC materials to the groundfish advisors and the SSC for review and comment at the April 2001 Council meeting. The Council also requested that National Marine Fisheries Service and legal counsel provide advice to the committees on the mandated and regulatory deadlines that must be met annually as well as the process for developing the scientific information that is the basis for groundfish management.
Mr. Brown noted that the management process schedule should be coordinated with stock assessments, surveys, regulations.

Mr. Don Hansen said that the advisory subpanels need the GMPC information well in advance of the April meeting. He suggested the advisors receive the information as soon as possible.

It was noted that the earliest the Council could implement a revised process would be in 2002. Therefore, steps should be taken this year to prevent the strain experienced in fall of 2000. For example, getting scientific information into the process as quickly as possible would facilitate decision making.

This issue will be scheduled on the April agenda to receive input from the Council’s advisory entities.

D.4. Implementation of the Groundfish Strategic Plan

D.4.a. Agendum Overview

Mr. Waldeck provided an overview of the agenda topic, briefing book material, and Council action. As noted on the situation paper, scheduled Council action was discussion of the committee’s work and recommendations, and guidance to staff and the committee.

D.4.b. Report of the Ad Hoc Groundfish Strategic Plan Implementation Oversight Committee (SPOC)

Mr. Waldeck briefly reviewed the SPOC meeting summaries and recommendations (Exhibit D.4, Attachment 1; Exhibit D.4.b Supplemental SPOC Report). He noted the goals of the first SPOC meeting were to prioritize strategic plan initiatives and scope the formation of development teams. The focus of the second SPOC meeting was the costs related to implementing strategic plan initiatives.

Mr. Pete Leipzig briefed the Council on an industry-led survey to gauge interest in a buyback program for the West Coast groundfish fishery (Exhibit D.4.c, Supplemental Buyback Survey). He asked the Council for support of the industry-led effort to develop a buyback program, especially as it relates to the Strategic Plan.

Mr. Alverson asked Mr. Leipzig to elaborate on the general level of acceptance for a West Coast buyback program and if state referenda would be needed.

Mr. Leipzig responded that, generally, the level of acceptance was positive and that Magnuson-Stevens Act authority would be sufficient rather than state referenda.

D.4.c. Reports and Comments of Advisory Bodies (2:39PM)

Sgt. Dave Cleary provided the following Enforcement Consultants Report.

_The Enforcement Consultants (EC) in reviewing the Groundfish Strategic Plan do not see anywhere where enforcement costs are identified in the plan. As the Council moves forward with different phases in implementing the strategic plan, the cost of enforcement is highly variable depending on actions taken. Two specific examples are observer coverage and marine reserves both of which have substantial enforcement elements. We ask that the Council recognize these costs as both state and federal resources are limited. The trend now is for less money for enforcement programs. The ability of enforcement to react to newly implemented programs is very limited._

Ted Lindstrom also gave some comments that reports of enforcement efforts are available on the side table. He also noted that they would like to work with the Council.
D.4.d. Public Comments

Mr. Denny Burke, combination fisherman, Newport, Oregon
Ms. Michele Longo Eder, representing a combination fisherman, Newport, Oregon
Mr. Corey Parks, Schwabe Williamson & Wyatt, Portland, Oregon
Mr. Pete Leipzig, Fisherman’s Marketing Association, Eureka, California

D.4.e. Council Guidance Regarding Recommendations of the SPOC

Mr. Brown recommended that the SPOC information be forwarded to the groundfish advisory bodies for review. The Council would then hear back from the advisors and public at the April 2001 meeting.

Mr. Robinson concurred with Mr. Brown’s comments, noting the need to provide this information to the advisory bodies. He stressed that, with the limited budget, it will be difficult for the Council to take on large projects and more workload. If the Council budget increases, this should improve the capacity to work on major projects. Under the current budget, it will be necessary to focus on one or two of the most important areas of the Strategic Plan.

Mr. Brown noted that, since 1994, the Council has identified capacity reduction as the number one priority. He anticipates that the Council will receive Congressional inquiries concerning buyback/capacity reduction and how it fits into our strategic plan. He stressed that the Council needs to be ready to respond to these inquiries.

The Council discussed the issue of capacity reduction.

Mr. Bohn stressed the importance of using a holistic approach to capacity reduction, rather than looking at each sector in isolation, there is a critical need for a statewide and industry wide consistent message. For example buyback, fixed gear permit stacking, and trawl permit stacking need to be considered together.

He also noted that at the April meeting the Council will need to resolve how to combine fixed gear permit stacking and the extended season.

Chairman Lone said there is no doubt in his mind that capacity reduction is the number one priority. In the SPOC meetings, there has been discussion of efforts around the country to secure federal money for buyback programs. He is concerned that federal money may not be available, and stressed work on trawl permit stacking should go forward.

Mr. Brown discussed the differences between permit stacking in the fixed gear sector and capacity reduction in the trawl sector.

Mr. Anderson noted that the strategic plan, relative to capacity reduction in the trawl sector, identifies buyback as the first priority; permit stacking is a secondary option. He stressed that the SPOC did not set up a capacity reduction development team, opting instead to let the trawl industry pursue a buyback program. He believes the Council should be supportive of industry’s efforts. As noted in the SPOC recommendations, if signs for Congressional support for a West Coast groundfish buyback appear weak, the Council should go forward with trawl permit stacking.

Mr. Alverson stated his uncertainty about Congressional support for a buyback program. He believes the Council should go forward with other alternatives for reducing capacity in the trawl sector. He opined that sectors which do not have a capacity problem should not be forced to participate. He felt that by including groups that do not need to be bought out, more problems than solutions will be created. In his opinion, stacking is the preferred option, with landing limits. He stressed the fleet should be allowed to make their own economic decision.

Mr. Brown reviewed the history of the Council’s work on developing a buyback program. He stressed that, for that program, Congressional assistance was not pursued. However, the Council was informed that the program would create spill over effects and would, therefore, not work.
Mr. Robinson noted that things move pretty fast from Congress. He would support anything that the Council could do now to assist Congressional consideration of a West Coast buyback program. The bigger question is what is the Council’s role? How much of our resources do we want to use? Who is going to do the implementation plan? He noted that sometimes Congress will not release money without receiving an implementation plan. He feels the Congress needs to be able to see how the Council feels this program complements the Strategic Plan.

Dr. Hanson reiterated Mr. Brown’s earlier comments. That is, it is expected that the Council will receive a letter from Congress about whether or not the Council is interested in a buyback program. How will we respond? He noted that there is time to develop the program and to work out the fine details. However, the Council needs to be ready to show its support. That is, Mr. Brown was asking that the chairman be authorized to respond favorably to a letter from a Congressman, if such a letter is received.

Dr. Radtke asked if their was consensus on supporting a buyback element to our Strategic Plan without being too specific. Mr. Bohn noted that pursuing a buyback program is in the Strategic Plan, and stated he supported sending a letter of support in response to Congressional inquiry. Chairman Lone noted his concerned that there is not support in all facets of the trawl fishery to do this (e.g., letter from Coos Bay Trawler’s Association). He is concerned that, if the Council is to support the industry proposal, he wants to make certain that there is across the board support for the current buyback effort. His sense is that the industry is not in total support.

Mr. Alverson said he would support a letter to endorse a buyback which complements the Strategic Plan and one that does not get too specific on issues. He asked about Council procedures for e-mailing the Council response letter to Council Members for review? Once Congress asks for it, the letter could be drafted and then Council Members could respond. Chairman Lone concurred.

Dr. Molisaac said that he hears there is support for a letter supportive of the general concept of buyback (as detailed in the Strategic Plan). We could get the particulars from our advisory bodies in April and fill in the blanks then. If that is what the Council meant, he believes Dr. Hanson’s recommendation would be accurate. If between now and April, if the Council wishes, either to respond directly with a general letter of support or to fax around some language subsequent to a letter that we might receive, we would have that capacity.

Mr. Anderson clarified that there are two issues: (1) authorizing the chairman to send a letter to Congress supporting buyback programs in the West Coast groundfish fishery consistent with the Strategic Plan; and (2) construction of the buyback plan itself and the role of the Council, especially in ensuring the buyback plan is consistent with the Strategic Plan and other Council objectives.

The Council authorized Chairman Lone to send a response letter outlining support of a buyback program for West Coast Groundfish which is consistent with the provisions of the Strategic Plan. (Motion 3).

The Council also agreed that the material made available to them at this March meeting (i.e. SPOC meeting minutes, public input, Pete Leipzig’s Supplemental Questionnaire results) should be made available to the Council’s advisory entities before the April meeting. At the April meeting the Council will hear from the advisory bodies about the material as well as make a decision as to what role the Council will play in the buyback program. If a buyback program is not possible, trawl permit stacking will be taken up.

D.5. Groundfish Informational Reports

D.5.a. Agendum Overview (March 7; 10:49 AM)

Mr. Jim Glock provided a brief overview of the reports.

D.5.b. Canary Rockfish Incidental Catch Review

Mr. Brian Culver presented a brief report on WDFW’s analysis of trawl logbook data to better estimate bycatch of canary rockfish associated with the arrowtooth flounder fishery. He noted several problems with the data, but explained there is value in the approach. They looked at 1996-1999 fishery location and catch data,
plotted the canary rockfish “hot spots,” then overlaid flatfish catch patterns to see if fishers had moved out of high canary rockfish areas. He hoped to be able to calculate bycatch rates in the new fishing areas. He will continue the analysis and present an update in April. They may also recommend adjustment of salmon troll yellowtail rockfish bycatch in April.

D.5.c. Bycatch Excluder Devices in the Pink Shrimp Fishery

Dr. Dave Hanson summarized Exhibit D.5.c, Supplemental Shrimp Bycatch Meeting Summary.

Mr. Burnie Bohn spoke about Exhibit D.5.c, Attachment 1 and Exhibit D.5.c, Attachment 2. He said Oregon plans to pursue a voluntary program for using finfish excluders in their pink shrimp trawl fishery, with a mandatory program taking effect when 2.5 mt of canary rockfish has been taken. They are also considering an EFP to require full retention, allow use of other bycatch reduction devices, etc. Mr. Brown commented this is a major topic on the docks. Mr. Anderson said Washington fishers are also taking this issue very seriously. He suggested adoption of a mandatory retention program, otherwise fishers would be likely to discard all canary rockfish rather than have them counted.

D.5.d. Observer Program

Dr. Rick Methot discussed his written report on the proposed observer program. There was a brief discussion regarding insurance.

D.5.e. Scientific and Statistical Committee Report on Rebuilding Plan Terms of Reference

Dr. Steve Ralston presented the SSC’s draft terms of reference for rebuilding analyses. Dr. Ralston presented a slide show explaining the draft, using widow rockfish as an example of a rebuilding analysis. The goal is to have all rebuilding analyses prepared in a consistent manner. However, there should be enough flexibility that analysts can use different methods or values if they present an adequate justification. Mr. Boydstun asked whether the approach used for bocaccio (i.e., a fixed-OY followed by a constant fishing rate) would be consistent with the SSC’s proposal. Dr. Ralston responded yes, but the SSC is concerned about any constant catch approach because bycatch would tend to increase over time. Mr. Anderson asked about factoring in climactic changes... should recent recruitment levels be used in projections? Dr. Ralston said generally, yes. Dr. Radtke asked how comfortable the stock assessment people are regarding bycatch estimates. Dr. Ralston said they are not comfortable with them and supported an observer program to update the information.

D.5.f. Reports and Comments from Advisory Bodies

None.

D.5.g. Public Comments

Mr. Scott McMullen, trawler, Astoria, Oregon

D.5.h. Council Discussion

Mr. Robinson reminded the Council that when we set the canary rockfish trip limits for various fisheries, they were based on a reduced bycatch level in the pink shrimp fishery. The Council and NMFS were trying to get some savings here in order to allow other fisheries to occur. We made the choice to not further reduce or eliminate those other fisheries with the expectation that the states would take action to reduce canary bycatch in the pink shrimp fishery. He was concerned about the lack of commitment to a mandatory program regarding use of excluders.

Mr. Boydstun said that the CDF Commission has been discussing this item and will have a proposal available at their May meeting, but do not have specifics today. He would like to have support from NMFS when the process gets started. Mr. Brown, talking about Mr. Robinson’s comments, expressed concerns about monitoring of all the fisheries, not just the shrimp fishery. Dr. Radtke asked how ODFW would verify the
canary rockfish catches, and asked Ms. Cooney whether a full retention program for the fishery could be established this year? Ms. Cooney said it depends on what type of full retention program and how you would do it. The GMT has been discussing this, but she thought it was for next year. Dr. Radtke clarified it would be full retention of canary rockfish only, not all species. Mr. Robinson asked if it would be mandatory or voluntary? What are the incentives? What types of enforcement issues are there?

Mr. Brown reminded the Council about the strategic plan's suggestion that incentives be established. There are problems that must be avoided, and he wants to make sure the Council does not send mixed messages to the industry.

Mr. Anderson said that WDFW intends to move to require excluders in the pink shrimp trawl fishery - they want it to be flexible, so all three primary bycatch reduction devices (BRDs) in the supplemental material would meet their requirements. They also would like fishermen to experiment with other types of devices that might exclude finfish while retaining more pink shrimp. They could get an EFP to experiment with other types of excluder devices. Mr. Brown would like something in the Council Newsletter informing them about WDFW's regulation about BRD's.

Chairman Lone recalled a previous groundfish meeting where the Council talked about requiring BRDs in the pink shrimp fishery. Mr. Bohn said he did not recall it being that rigid; we did hear about industry working together with the state on the voluntary requirement. The shrimp fishers understand that if a voluntary system doesn't work, it would become mandatory.

E. Highly Migratory Species Management

E.1. International Highly Migratory Species (HMS) Discussions and Actions (March 8; 8:17 AM)

E.1.a. NMFS Report

Mr. Svein Fougner briefed the Council on recent international developments germane to the HMS FMP. Specifically, the U.S. - Canada Albacore Treaty, the recently signed convention for the Western Pacific Ocean, and the Inter-American Tropical Tuna Commission.

E.1.b. Council Discussion on International HMS Actions

Mr. Anderson asked about the U.S. - Canada Albacore Treaty, specifically, if it would be appropriate for a Council member to participate as part of the U.S. delegation. Mr. Fougner said anyone who would like to attend and participate in the pre-negotiation conference is welcome. He noted several fishing associations from the U.S. will be attending the conference. Mr. Anderson said he was concerned about the lack of representation on the U.S. delegation of agencies other than NMFS. He pointed to other international arrangements, e.g., the Pacific Salmon Treaty, U.S. - Canada Pacific whiting allocations. Mr. Fougner was unfamiliar with how those processes have been undertaken. Mr. Fougner noted that this will be the first negotiation with Canada regarding the treaty since it was signed back in 1981. He went on to say that there will be broad participation and if the Council sees fit to appoint a representative that would be appropriate. Mr. Anderson stressed his concern was for Council representation in the negotiations rather than the advisory bodies.

E.2. First Draft of the HMS Fishery Management Plan

E.2.a. Agendum Overview

Mr. Waldeck summarized the agenda topic and reviewed the briefing book material.

E.2.b. Domestic Legal Context

Mr. Fougner provided an update on the domestic context for HMS fisheries. He highlighted certain options that NMFS would like to see included in the FMP. He noted that there now may be a more pressing need for
federal regulations, rather than relying on state regulations. It would be optimal for West Coast HMS fishery regulations to be in one source (i.e., the FMP), which would provide clearer guidance for fishery participants. Similar to provisions in the WPFMC pelagics FMP, there may be a need for regulations that apply both inside and outside of the EEZ. He noted that it may be possible to not include in the FMP options for regulating shark finning (i.e., those that allow finning) as there is now federal law pertaining to shark finning. The FMP will need to be in accord with this law.

E.2.c. Report of the Plan Development Team

Dr. Dale Squires and Mr. Steve Crooke (Plan Development Team co-chairs) provided an overview presentation of the development and content of the FMP. They discussed the overarching issues (especially the complexities and inter-jurisdictional issues), the options (identifying key issues), and a specific review of options for permitting use of pelagic longline gear.

E.2.d. Reports and Comments of Advisory Bodies (10:15AM)

Mr. Bob Fletcher presented the following Highly Migratory Species Advisory Subpanel Report:

The Highly Migratory Species Advisory Subpanel (HMSAS) and the Highly Migratory Species Plan Development Team (HMSPDT) met jointly on March 6-7 to discuss the partial draft of the highly migratory species (HMS) fishery management plan (FMP). While the HMSAS generally agreed that the HMSPDT had done an admirable job preparing this early draft, there were areas that needed substantial revisions. The HMSAS made suggestions to the HMSPDT for revisions and omissions to the FMP, but did not make any recommendations for preferred alternatives due to the very preliminary nature of the text. For the most part, these changes were agreed to by mutual consent, and the HMSPDT agreed to work with the HMSAS members on the revisions.

Recommendations for the Council’s consideration proposed and discussed during the meeting included:

- An option to recognize the importance of providing recreational fishing opportunities as one of the management objectives was discussed, but no agreement was reached. There was concern expressed that adding this management objective would disturb the balance between recreational and commercial interests in the objectives.
- A definition was needed for both “user conflict” and “gear conflict”.
- The options “status quo” and “federalize existing regulations” be added to every set of management alternatives.
- Include a matrix summarizing each set of management alternatives and a brief analysis of their relationship to the evaluation factors. This would not replace detailed text describing the full analysis of each alternative, but would serve to organize Chapter 8 and make it easier to read.
- Remove the option to permit the sale of recreationally caught fish.
- The HMSAS voted 7 to 2 against including an option to set quotas/harvest levels for each of the management unit species with the adoption of the FMP.

Other issues discussed:

The HMSAS recommends that the Council notify panel members who have missed two or more meetings per calendar year (without providing an alternate) and determine their intent to serve.

The HMSAS is concerned that there be adequate funding for the development and administration of the plan and asks the Council to encourage NMFS to continue funding.

Finally, because of the broad nature and scope of the suggested changes to the FMP, the HMSAS recommends that the next draft be presented to the Council at the June meeting.
E.2.e. Public Comments (10:24 AM)

Mr. Andy Peters, business owner, Seattle, Washington
Mr. David Wilmot, Ocean Wildlife Campaign, Islip, New York
Ms. Andy Oliver, World Wildlife Fund, Washington DC
Mr. Robert Nowak, fisherman, Port Townsend, Washington
Mr. Chuck Janisse, Federation of Independent Seafood Harvesters, Ventura, California
Mr. Bob Fletcher, Sportfishing Association of California, San Diego, California
Mr. Wayne Heikkila, Western Fish Boat Owners Association, Eureka, California
Mr. Mike McGettigan, Sea Watch, Portland, Oregon
Mr. Doug Riske, Washington Trollers Association Hoquiam, Washington
Mr. Peter Flournoy, American Fishermen’s Research Foundation, San Diego, California
Mr. Larry Teague, BC Tuna Fisherman’s Association, Shawnigan Lake, BC, Canada
Ms. Sonya Fordham, Center for Marine Conservation, Washington, DC
Mr. Tim Hobbs, National Coalition for Marine Conservation, Leesburg, Virginia
Ms. Beth Babcock, Wildlife Conservation Society, Bronx, New York
Mr. Vicar Westeasp, American Fishermen’s Research Foundation, Lynnwood, Washington
Mr. Russell Nelson, The Billfish Foundation, Ft. Lauderdale, Florida
Ms. Kate Wing, National Resources Defense Council, San Francisco, California
Ms. Marcel Klenk, UCCE, Napa, California
Mr. Dan Erickson Wildlife Conservation Society, Dexter, Oregon
Mr. Pete Dupuy, Federation of Independant Seafood Harvesters Association, Tarzana, California
Ms. Liz Lauck, Wildlife Conservation Society, Bronx, New York
Mr. Bob Moore, Albacore tuna fisherman, Astoria, Oregon
Mr. Bob Osborn, United Anglers of Southern California, Lakewood, California
Ms. Mary Camhi, Living Oceans Program - National Audobon Society, Islip, New York
Mr. Tom Rafftcan, United Anglers of Southern California, Huntington Beach, California
Mr. Dave Elm, United Anglers of Southern California, Irvine, California


Mr. Brown questioned whether the fishery management plan (FMP) should be a stand-alone document, as opposed to the current draft EIS-type document, which has the various parts of the FMP scattered throughout. Mr. Fougner noted that the intention is for chapter 8 to be the management section and it will be cross-referenced to the other chapters.

Mr. Brown also asked about how the Council will deal with overfishing of an international stock, especially if our fisheries only harvest a proportion of the total harvest. He suggested that the FMP contain a thorough discussion of the Council’s role and responsibility.

Ms. Cooney noted that an EIS will be required, but what Mr. Brown is asking for is a more easily accessible FMP within the EIS document.

Dr. Radtke asked about the economic data to be included in the document and when this information would be available. He noted that Dr. Herrick stated there will be more economic information included in the economic description of the fisheries. Dr. Radtke stated that development of the FMP should not be delayed as it may be several months before the economic data currently being collected can be incorporated. He suggested including economic data that is currently available, for example, PSMFC has data on revenue flows, logbook information from Hawaiian longliners. He also suggested, in order to fulfill requirements of the Magnuson-Stevens Act, there should be information on community impacts.

Dr. Radtke also suggested, that as the albacore fishery is very important, especially in the north, a summary of the importance of the fishery to northern communities should be included.

In response to Mr. Brown’s earlier comment about overfishing international stocks, Mr. Fougner stated that it might be possible, if a species is approaching an overfished condition, to develop a rebuilding plan. The rebuilding plan could be used as a tool in international fora. The rebuilding plan could be applied in U.S.
fisheries in proportion to the relative amounts of U.S. harvest. Regardless of how it is applied, the Council would need to make a good faith effort to promote rebuilding of the overfished stock.

Mr. Brown said that he is hearing concerns about this issue. He agreed with the approach described by Mr. Fougner, but noted that it should be described in the FMP.

Mr. Anderson asked if the HMSPDT agreed with the recommendations of the HMSAS. Dr. Squires responded, generally, yes. Mr. Anderson then asked about the HMSPDT's expectation for when the next draft of the FMP could be completed. Dr. Squires stated that, by June the Team could incorporate the recommendations of the HMSAS and do other edits. However, it will not be possible to include the economic information by June. The June draft will not be complete in terms RIR, IRFA, and NEPA requirements.

Mr. Anderson stated that it appeared a draft FMP, with fully described management alternatives, may be available in June. The complete FMP, with the necessary economic information, will not be available until later. He questioned whether it would be appropriate to send out a draft FMP for public review in June with out the full economic analysis.

Mr. Fougner said that the Team needs to have some sort of focus. What should that focus be? Dr. Squires said, in terms of the economic analysis, the surveys have not been done yet, and there is not much that can be done to speed up the process.

Mr. Boydstun said that another item to consider is the input of the SSC, especially as they have not reviewed the document. He suggested the SSC's HMS subcommittee should begin review of the document as quickly as possible. At the June meeting, the objective could be to adopt a draft FMP for public review, this would be conditional depending on SSC review of the document in June.

Mr. Boydstun, relative to the various gear types described in Chapter 8, noted option 4 (page 8-62) appears to be more of an authorizing procedure rather than an actual management option. That is the procedure is meant to apply to longline gear, but it could also apply more generally to any gear as it is similar to exempted fishing permit (EFP) provisions. He suggested making it a stand-alone management alternative for EFPs.

Mr. Fougner clarified that the longline gear options should be: no use of longline gear, limited use of longline gear, use of longline gear with an EFP.

Mr. Boydstun noted that this has been discussed with Team and Subpanel members, and that the wording needs to be consolidated/cleaned up.

Mr. Boydstun would also like the FMP to include more discussion of how management would be coordinated with the Western Pacific and North Pacific fishery management councils, notably protocols for how coordination will be accomplished.

Mr. Fougner agreed that coordination is important. He suggested including a framework mechanism for coordination, describing the steps involved in coordination. There should be acknowledgment of the need for coordination in the FMP.

Mr. Boydstun noted that the draft FMP states a preferred approach is for a Pacific coast FMP. He asked if this was the intent of the Council? Mr. Fougner responded that, if that recommendation is in the draft, it needs to be reviewed.

Mr. Fougner described what he thought were the priorities in terms of the analyses to be completed: the drift gill net fishery and bycatch, protected species, and sharks would all be high priority; whereas harpoon, troll, and purse seine fisheries would be a lower priority.

Mr. Anderson pointed out that the document contains a bycatch section in Chapter 5, but also has a cross reference in chapter 8. He asked about the use of observers as a means to quantify bycatch. He
understands that in the drift gillnet fishery there are requirements for observers, but other gear types do not have similar requirements. He asked, does the draft FMP include discussion about the use of observers to quantify bycatch? Mr. Crooke responded that, currently, no, but that section will be rewritten.

Chairman Lone asked whether the Council wanted to ask the Team to incorporate the HMSAS recommendations. He also asked about including the recommendation for inclusion of a management objective specific to recreational fisheries. Mr. Anderson said that perhaps the Team should review the management objectives to ensure the objectives balance commercial and recreational interests.

Mr. Anderson also requested that, per the recommendation of the HMSAS, the option to permit the sale of recreationally caught fish should be removed. Chairman Lone verified that there was consensus by the Council members.

Chairman Lone asked about the language pertaining to shark finning, is the language redundant? Mr. Fougner said that the Council could be more restrictive than the new law pertaining to shark finning.

Chairman Lone asked about the conservation communities request for inclusion of salmon shark and dusky shark?

Mr. Fougner said that certain sharks species are in the groundfish FMP, some are not in any FMP. The HMS FMP has focused on those shark species which are encountered in West Coast HMS fisheries.

Chairman Lone noted that there has been an increase on targeting of salmon sharks, which is why he brought up the issue.

Mr. Brown stated he has never heard of salmon shark being caught in West Coast fisheries. He suggested, if salmon shark is in the groundfish FMP, the species could be moved to the HMS FMP.

Mr. Anderson suggested, if salmon sharks are in the groundfish FMP, the Council could request the Team review the issue and consult with the GMT on whether or not we could move that from the groundfish FMP.

[Note: Salmon shark are not included in the groundfish fishery management plan.]

Mr. Boydstun, on the issue of limited entry, pointed out that there are no provisions for implementation of limited entry in the draft FMP. The opinion of the Council is that limited entry could be taken up after the FMP is adapted. He noted his concern that this would require amending the FMP, which takes considerable time. He asked if it would be possible to include an interim program where we could have, at least for the initial years, a permit requirement (which would be renewable and nontransferable, but available to anyone who requested a permit) as part of this document.

Mr. Fougner asked if Mr. Boydstun had a specific sector in mind? Mr. Boydstun said he was thinking in terms of a general HMS permit. Mr. Fougner said the Council adopted a control date to stem speculative entry. He considered that it would be important to have the economic analysis done before the Council takes up development of a limited entry program. He has not seen information demonstrating a need a limited entry program.

Mr. Boydstun said he was speaking in terms of an interim program, something to be in place until a limited entry program could be formally adopted. The issue was not discussed further.

Dr. McIsaac spoke to the issue of scheduling. Reorganization of the document could be done by June. However, extensive economic analysis will not be available for inclusion in the June draft. He asked what the consensus of the Council was for an adjustment to the schedule for adopting a public review draft?

Mr. Boydstun said that the Council will next see the document in June. Between now and then the HMS subcommittee of the SSC will look at it, and the SSC will look at it in June. Contingent on the
recommendations of the SSC, the Council could release a preliminary draft for public review in June, and formally adopt a public review draft in September. Mr. Anderson noted the SSC may request additional changes, and there is the issue of whether the economic analysis and additional recreational information will be available for the Council to review.

Mr. Bohn agreed with Mr. Boydston’s idea, if the draft FMP is not ready in June, put it out for public review in September.

Dr. McIsaac concluded that the Council will stay with the June time frame and consider the options at that time.

Mr. Anderson asked about the control date adopted in 2000. He noted the intent was to put industry on notice that the Council may consider limited entry for certain HMS species. Ms. Cooney noted that the control date is in place, and the Council could, in the future develop a limited entry program. A limited entry program would require additional analyses and Council decision making. Mr. Bohn on the control date, when does the control date we established become invalid? That is, if the Council has not acted on limited entry in the next two or three years does the control date become invalid? Ms. Cooney noted if the Council were to wait two to three years before developing a limited entry program, the March 2000 control date might not accurately reflect current participation in the fishery. She added that, if in the future, the Council begins development of a limited entry program, the Council should look at what makes sense and what is fair at that time.

F. Pacific Halibut Management

F.1. Halibut Informational Reports (March 8; 3:14 PM)

F.1.a. Status of Implementation of Council Recommendations

Ms. Yvonne deReynier, NMFS, reported that the rule implementing the recommendations of the Council in the halibut catch sharing plan and annual regulations for 2001 would be published in the Federal Register this month.

F.1.b. Results of the International Pacific Halibut Commission Annual Meeting (3:14PM)

Ms. Yvonne deReynier, Chairman Lone, and Mr. Anderson provided brief summaries of the actions occurring at the IPHC meeting in January (Exhibit F.1.b). They reported that the Pacific halibut quota for Area 2A for 2001 was 1.14 million pounds, a significant increase over the 830,000 pound allocation in 2000. The IPHC commissioners continue to show a strong interest in the halibut bycatch estimates provided for Council fisheries.

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

None.

F.1.d. Public Comments

Mr. Lou Leberti, Coos Bay, Oregon, commented regarding the significant reduction in the halibut allocation for Area 2A fisheries as a result of halibut bycatch in the commercial groundfish fisheries.

F.1.e. Council Discussion on Halibut Informational Reports

None.
F.2. Proposed 2001 Incidental Catch Regulations for the Troll Salmon Fishery and Sablefish Longline Fishery North of Point Chehalis (March 8; 3:27 p.m.)

F.2.a. Agendum Overview

Dr. Coon provided an overview of the issues before the Council. The first issue requires adoption of proposed options for landing restrictions for Pacific Halibut caught incidentally in the salmon troll fishery. The second issue concerns adopting proposed regulations and preliminary annual restrictions for landing halibut caught incidentally in the primary directed, fixed-gear sablefish fishery north of Point Chehalis.

F.2.b. State Proposals for the Salmon Troll Fishery

Both the states of Washington and Oregon deferred to the SAS report for proposals for restricting halibut bycatch in the salmon troll fishery. Exhibit F.2, Supplemental ODFW Report, provides a summary of the previous years adopted incidental landing restrictions.

F.2.c. State Proposals for the Sablefish Longline Fishery

Dr. Coon reviewed the management proposal in Exhibit F.2, Supplemental Joint Staff Proposal (NMFS, IPHC, WDFW and Council staff) with the Council. The proposal would establish framework regulations that would allow the Council to annually adopt landing restrictions for halibut incidentally caught in the directed, longline sablefish fishery north of Point Chehalis. The management process requires the Council to make its final adoption of the framework regulations and preliminary adoption of proposed 2001 restrictions at the April Council meeting. In June, the Council would adopt the final landing restrictions for the 2001 fishery.

F.2.d. Tribal Comments

Mr. Harp provided the following comments:

Mr. Chairman,

I would just like to reiterate that the tribes have for many years now expressed concern for the bycatch discard mortality of halibut. I support this proposed action to allocate incidental halibut to the non-treaty sablefish fishery because it is a step in the right direction of eliminating discard mortality. However, it is only one step, and I encourage the Council to aggressively continue to move forward in addressing halibut discard mortality in other fisheries.

F.2.e. Reports and Comments of Advisory Bodies

Mr. Mark Cedergreen gave the following SAS Report:

The Salmon Advisory Subpanel would like to recommend the following two options for the salmon troll fishery:

Option 1
License holders may land no more than 1 halibut per each 3 chinook, except 1 halibut may be landed without meeting the ratio requirement, and no more than 35 halibut may be landed per trip. Halibut retained must be no less than 32 inches in total length (with head on).

Option 2
License holders may land no more than 1 halibut per each 2 chinook, except 2 halibut may be landed without meeting the ratio requirement, and no more than 50 halibut may be landed per trip. Halibut retained must be no less than 32 inches in total length (with head on).
F.2.f. Public Comments

Mr. Don Stevens, Oregon Salmon Commission, Newberg, Oregon
Mr. Kevin Thiele, Pacific City Dorymen’s Association, Pacific City, Oregon
Mr. Doug Fricke, Washington Trollers Association, Hoquiam Washington

F.2.g. Council Action: Adopt Proposed 2001 Incidental Halibut Catch Regulations

The Council adopted the proposed incidental catch regulation process for the sablefish fishery north of Point Chehalis as described in Exhibit F.2, Supplemental Joint Staff Proposal. (Motion 4)

The Council adopted the proposed 2001 incidental halibut catch regulation options as contained in Exhibit F.2.e, Supplemental SAS Report. (Motion 5)

G. Administrative and Other Matters

G.1. Status of Legislation

Dr. Hanson reported that there are no expectations that the Magnuson-Stevens Act, Endangered Species Act, or the Marine Mammal Protection Act will be taken up anytime soon. They will probably be kept on hold due to a divided Congress. We will probably not see anything as far as appropriations until this summer. We have been told it will probably be another tight budget year again as last year. The State Department has been promised that they will be fully funded this year as well as the Department of Justice and the military. We are still going after increases for the West Coast in particular the groundfish data program. We are also asking for a separate line item for the Pacific Council for $0.5 million, and think we have a shot at getting that money this year.

G.2. Council Action: Appointments of Remaining Vacancies to Advisory Bodies for 2001 Through 2003 (March 9; 8:08 AM)

To fill the vacant at-large position to the SSC for the term 2001-2003, the Council appointed Dr. Andre Punt. The Council confirmed the appointment of Dr. Paul Crone of Southwest Fisheries Science Center, NMFS to the Coastal Pelagic Species Management Team. (Motion 8)

To fill the vacant purse seine position on the Highly Migratory Species Advisory Subpanel, the Council appointed Mr. August “Auggie” Felando. (Motion 9)

G.3. Council Action: April 2001 Council Meeting Agenda (March 9; 8:31 AM)

Dr. McIsaac reviewed the draft agenda with the Council, and a discussion ensued to set agenda priorities for the April 2001 Council meeting.

G.4. Council Staff Workload Priorities

Dr. McIsaac reviewed the Council Workload document (Exhibit G.4) with the Council. Discussion occurred on the Huntington Flats workload item, and whether or not new catch data is relevant to “opening up” the files again on this issue. Mr. Boydston proposed that he and Mr. Fougner provide an overview assessment and recommendations before the April meeting.
Following further discussion on the American Fisheries Act and a scoping report for groundfish open access permits, the Council agreed to the workload as presented in the exhibit.

ADJOURN

The Council adjourned on March 9, 2001 at 11:10 AM.

DRAFT

Jim Lone, Council Chairman

Date

DRAFT MINUTES 36 March 2001
MOTION 1: Adopt the proposed April 1 opener for Oregon troll and recreational chinook fisheries from Cape Falcon to Humbug Mountain as shown in Exhibit B.3.b, Supplemental ODFW Recommendations.

Moved by: Burnie Bohn
Motion 1 passed.

Seconded by: Ralph Brown

MOTION 2: Approve the EFP's which support compensation for fish for the Northwest Science Center's Slope Survey's as shown in Supplemental NMFS Report D.2.

Moved by: Ralph Brown
Motion 2 passed.

Seconded by: Hans Radtke

MOTION 3: Authorize Council Chairman Lone to send a letter outlining support of a buyback program for West Coast Groundfish which is consistent with the provisions of the Strategic Plan for West Coast Groundfish.

Moved by: Phil Anderson
Motion 3 passed.

Seconded by: Jim Lone

MOTION 4: Adopt the proposed 2001 incidental catch regulations process for the sablefish fishery north of Point Chehalis as described in Exhibit F.2, Supplemental Joint Staff Proposal.

Moved by: Phil Anderson
Motion 4 passed.

Seconded by: Bob Alverson

MOTION 5: Adopt the proposed 2001 incidental halibut catch regulation options as contained in Exhibit F.2.e, Supplemental SAS Report.

Moved by: Phil Anderson
Motion 5 passed.

Seconded by: Burnie Bohn

MOTION 6: Approve the REVISED FERC/PacificCorp Letter as shown in Exhibit C.1.b, Supplemental REVISED FERC/ PacificCorp Letter.

Moved by: LB Boydston
Motion 6 passed.

Seconded by: Hans Radtke

MOTION 7: Approve the September 11-15, 2000 Council Meeting Minutes as shown in Supplemental Exhibit A.5., Draft September Minutes.

Moved by: Jerry Mallet
Motion 7 passed.

Seconded by: Ralph Brown

DRAFT VOTING LOG V-1
March 2001
MOTION 8: To fill the vacant at-large position to the SSC for the term 2001-2003, appoint Dr. Andre Punt. Confirm the appointment of Dr. Paul Crone of Southwest Fisheries Science Center, NMFS to the Coastal Pelagic Species Management Team.

Moved by: Bill Robinson                    Seconded by: Bob Alverson
Motion 8 passed.

MOTION 9: To fill the vacant purse seine position on the Highly Migratory Species Advisory Subpanel, appoint Mr. August “Auggie” Felando.

Moved by: Don Hansen                    Seconded by: LB Boydstun
Motion 9 passed.

Motions 10 through 15 were made using the document entitled: "Exhibit B.9.b, Supplemental STT Report, March 2001".

MOTION 10: Adopt the recreational and commercial options as presented with the following modifications: on page 6, under Option II - change “no trade” to “may be considered”; include in the Queets River to Leadbetter Point recreational fishery a closure from zero to 3 miles; add to the three recreational areas from Cape Falcon to the U.S./Canada border, a “chinook minimum size limit raised from 24 to 26 inches”.

Moved by: Phil Anderson                    Seconded by: Jim Harp
Motion 10 passed.

MOTION 11: Adopt the recreational/commercial options as presented for the areas South of Cape Falcon down to and including the KMZ area. This includes the clarifications made by the STT.

Moved by: Burnie Bohn                    Seconded by: Ralph Brown
Motion 11 passed.

MOTION 12: Adopt the recreational/commercial options as presented south of the KMZ area with the following amendments: page 3, commercial fisheries under Option II for the area Horse Mt. to Pt. Arena, add “possession and landing limit of 30 fish during the May fishery”; confirm the STT correction on page 7 for Option I that in the area from Humbug Mt. to Horse Mt., the beginning of the more liberal weekly limit should begin “July 24” (not July 25).

Moved by: LB Boydstun                    Seconded by: Jim Caito
Motion 12 passed.

MOTION 13: Adopt the following:

For the 2001 Treaty Ocean Troll Salmon Season, adopt the establishment of three options for further Salmon Technical Team analysis and for public review.

Option I - quota levels of 37,000 chinook and 90,000 coho
Option II - quota levels of 35,000 chinook and 90,000 coho
Option III - quota levels of 35,000 chinook and 70,000 coho

The salmon season will consist of a May/June chinook directed fishery and a July/August/September all-species fishery, with the Chinook harvest evenly split between the two periods. The basic regulation package is to remain the same as contained in the 2000
Ocean Salmon Management Measures, which includes minimum size limits and gear restrictions.

Moved by: Jim Harp  
Seconded by: Phil Anderson  
Motion 13 passed.

MOTION 14:  
Reconsider Motion 12 to accommodate date changes in the KMZ recreational fishery, Option I (May 22 through July 8 for the weekly bag limit of 4 fish in 7 consecutive days).

Moved by: LB Boydstun  
Seconded by: Jim Caito  
Motion 14 passed.

MOTION 15:  
On page 7 in Option I for the recreational fishery from Humbug Mt. to Horse Mt., adopt the following change: the portion of the third sentence stating from “May 26 thru July 7” should read “May 22 thru July 8”.

Moved by: LB Boydstun  
Seconded by: Jim Caito  
Motion 15 passed.