

MINUTES

Pacific Fishery Management Council
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April 2-7, 2006

- A.1 Opening Remarks, Introductions 5
- A.2 Roll Call..... 5
- A.3 Executive Director's Report..... 5
- A.4 Council Action: Approve Agenda 5
- B. Administrative Matters..... 5
 - B.1 Approval of Council Meeting Minutes 5
 - B.1.a Council Member Review and Comments 5
 - B.1.b Council Action: Approve November 2005 Minutes 6
 - B.2 Future Council Meeting Agenda Planning 6
 - B.2.a Agenda Item Overview 6
 - B.2.b Reports and Comments of Advisory Bodies 6
 - B.2.c Public Comment..... 6
 - B.2.d Council Discussion of Future Council Meeting Agenda Topics..... 6
 - B.3 Status Report on Draft Regional Operating Agreements for Regulatory Streamlining..... 6
 - B.4 Appointments to Advisory Bodies, Standing Committees, and Other Forums,
Including any Necessary Changes to Council Operating Procedures (COP) 6
 - B.4.a Agenda Item Overview 6
 - B.4.b Reports and Comments of Advisory Bodies 6
 - B.4.c Public Comment..... 7
 - B.4.d Council Action: Appoint New Members or Adopt Changes to COP as Necessary 7
 - B.5 Council Three-Meeting Outlook, Draft June 2006 Council Meeting Agenda, and
Workload Priorities 7
 - B.5.a Agenda Item Overview 7
 - B.5.b Reports and Comments of Advisory Bodies 7
 - B.5.c Public Comment..... 7
 - B.5.d Council Guidance on Three Meeting Outlook, June Council Agenda,
Council Staff Workload, and Priorities for Advisory Body Consideration..... 7
- C. Habitat 7
 - C.1 Current Habitat Issues 7
 - C.1.a Report of the Habitat Committee 7
 - C.1.b Reports and Comments of Advisory Bodies 8
 - C.1.c Public Comment..... 8
 - C.1.d Council Action: Consider HC Recommendations..... 8
- D. Pacific Halibut Management..... 10
 - D.1 Incidental Catch Regulations for the Salmon Troll and Fixed
Gear Sablefish Fisheries 10
 - D.1.a Agenda Item Overview 10
 - D.1.b State, Tribal, and Federal Agency Recommendations 10
 - D.1.c Reports and Comments of Advisory Bodies 10
 - D.1.d Public Comment 10
 - D.1.e Council Action: Adopt Final Annual Incidental Halibut Harvest Restrictions 10
- E. Salmon Management 10
 - E.1 Identification of Stocks Not Meeting Conservation Objectives 10

E.1.a	Agenda Item Overview	10
E.1.b	Report of the Salmon Technical Team	10
E.1.c	Reports and Comments of Advisory Bodies	11
E.1.d	Public Comment.....	11
E.1.e	Council Action: Identify Any Actions Necessary under the Council Overfishing Concern Procedure	11
E.2	Tentative Adoption of 2006 Ocean Salmon Management Measures for Analysis.....	11
E.2.a	Agenda Item Overview	11
E.2.b	Update on Estimated Impacts of March 2006 Options	11
E.2.c	Summary of Public Hearings	13
E.2.d	U.S. Section of the Pacific Salmon Commission Recommendations	13
E.2.e	North of Cape Falcon Forum Recommendations.....	13
E.2.f	Klamath Fishery Management Council Recommendations	13
E.2.g	National Marine Fisheries Service Recommendations	13
E.2.h	Tribal Recommendations	15
E.2.i	State Recommendations	15
E.2.j	Reports and Comments of Advisory Bodies	16
E.2.k	Summary of Written Public Comment.....	17
E.2.l	Public Comment.....	17
E.2.m	Council Action: Tentatively Adopt Management Measures for 2006 Ocean Salmon Fisheries.....	18
E.3	Methodology Review Process and Preliminary Topic Selection for 2006.....	21
E.3.a	Agenda Item Overview	21
E.3.b	Scientific and Statistical Committee Report	21
E.3.c	State, Tribal, and Federal Agency Recommendations	21
E.3.d	Reports and Comments of Advisory Bodies	21
E.3.e	Public Comment.....	22
E.3.f	Council Guidance on Potential Methodologies to be Reviewed in 2006.....	22
E.4	Role of the Klamath Fishery Management Council	22
E.4.a	Agenda Item Overview	22
E.4.b	KFMC Recommendations.....	22
E.4.c	Reports and Comments of Advisory Bodies	23
E.4.d	Public Comment.....	23
E.4.e	Council Discussion and Guidance.....	23
E.5	Clarify Council Direction on 2006 Management Measures	23
E.5.a	Agenda Item Overview	23
E.5.b	Report of the STT.....	23
E.5.c	Reports and Comments of Advisory Bodies	23
E.5.d	Public Comment.....	24
E.5.e	Council Guidance and Direction.....	24
E.6	Final Action on 2006 Salmon Management Measures	26
E.6.a	Agenda Item Overview	26
E.6.b	STT Analysis of Impacts.....	26
E.6.c	KFMC Comments	26
E.6.d	State, Tribal, and Federal Agency Recommendations	26
E.6.e	Reports and Comments of Advisory Bodies	27
E.6.f	Public Comment.....	27
E.6.g	Council Action: Adopt Final Measures for 2006 Salmon Management	29
E.7	Clarify Final Action on 2006 Management Measures (if Necessary)	32
E.7.a	Agenda Item Overview	32
E.7.b	Reports and Comments of Advisory Bodies	32

E.7.c	Public Comment.....	32
E.7.d	Council Action: Clarify Final Measures (if Necessary).....	32
F.	Groundfish Management	32
F.1	Management Specifications for 2007-2008 Fisheries	32
F.1.a	Agenda Item Overview	32
F.1.b	State, Tribal, and Federal Agency Recommendations	32
F.1.c	Reports and Comments of Advisory Bodies	33
F.1.d	Public Comments	35
F.1.e	Council Action: Adopt Final Preferred Acceptable Biological Catches and Optimum Yields, and Preliminary Revised Rebuilding Plans for Overfished Species ..	35
F.2	NMFS Report	41
F.2.a	Science Center Activities	41
F.2.b	Reports and Comments of Advisory Bodies	42
F.2.c	Public Comment.....	42
F.2.d	Council Discussion.....	42
F.3.	Stock Assessment Planning for the 2009-2010 Fishing Season.....	42
F.3.a	Agenda Item Overview	42
F.3.b	Stock Assessment Option Update	42
F.3.c	Final Stock Assessment Terms of Reference	43
F.3.d	Reports and Comments of Advisory Bodies	43
F.3.e	Public Comment.....	43
F.3.f	Council Action: Adopt Final Terms of Reference, List of Stocks to be Assessed, and Stock Assessment Review Schedule.....	43
F.4	Consideration of Inseason Adjustments	45
F.4.a	Agenda Item Overview	45
F.4.b	Report of the Groundfish Management Team.....	45
F.4.c	Agency and Tribal Comments.....	45
F.4.d	Reports and Comments of Advisory Bodies	45
F.4.e	Public Comment.....	46
F.4.f	Council Action: Adopt Preliminary or Final Recommendations for Adjustments to 2006 Fisheries	46
F.5	Part I of Management Measures for 2007-2008 Fisheries.....	47
F.5.a	Agenda Item Overview	47
F.5.b	State, Tribal, and Federal Agency Recommendations	47
F.5.d	Public Comments	48
F.5.e	Council Action: Adopt a Preliminary Range of Refined Management Measures	49
F.7	Final Consideration of Inseason Adjustments (if Necessary).....	51
G.	Highly Migratory Species Management	51
G.1	Bigeeye Tuna Overfishing Response	51
G.1.a	Agenda Item Overview	51
G.1.b	NMFS Report.....	51
G.1.c	Reports and Comments of Advisory Bodies	52
G.1.d	Public Comment	52
G.1.e	Council Action: Adopt Final Recommendations to the Inter-American Tropical Tuna Commission.....	53
G.2	Albacore Management.....	53
G.2.a	Agenda Item Overview	53
G.2.b	Reports and Comments of Advisory Bodies.....	53
G.2.c	Public Comment.....	53
G.2.d	Council Action: Adopt Council Positions for U.S.-Canada Albacore Treaty Negotiations and Other International Management Issues	53

G.3	NMFS Report	54
G.3.a	Activity Reports	54
G.3.b	Reports and Comments of Advisory Bodies.....	55
G.3.c	Public Comment.....	55
G.3.d	Council Discussion	55
H.	Enforcement Issues	56
H.1	U.S. Coast Guard Report on Implementation of the Automatic Identification and Vessel Monitoring Systems	56
H.1.a	Agenda Item Overview	56
H.1.b	U.S. Coast Guard Report	56
H.1.c	Reports and Comments of Advisory Bodies	56
H.1.d	Public Comment	56
H.1.e	Council Discussion on US Coast Guard Report On AIS and VMS	56
I.	Marine Protected Areas.....	56
I.1	Fishery Regulations within the Channel Islands National Marine Sanctuary	56
I.2	Consultation Procedures for Fishery Regulation in National Marine Sanctuaries	56
I.2.a	Agenda Item Overview	56
I.2.b	Reports and Comments of Advisory Bodies	56
I.2.c	Public Comment.....	57
I.2.d	Council Action: Adopt Council Recommendations to NOAA	57
	OPEN PUBLIC COMMENT PERIOD FOR NON-AGENDA ITEMS	58
	Public comments on fishery issues not on the agenda are accepted at this time.....	58

A. Call to Order

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

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

A.2 Roll Call

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

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

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

A.3 Executive Director's Report

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

A.4 Council Action: Approve Agenda

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

B. Administrative Matters

B.1 Approval of Council Meeting Minutes

B.1.a Council Member Review and Comments

None.

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

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

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

B.2.a Agenda Item Overview

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

B.2.b Reports and Comments of Advisory Bodies

None.

B.2.c Public Comment

None.

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

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

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

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

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

This agenda item was cancelled due to lack of time.

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

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

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

B.4.b Reports and Comments of Advisory Bodies

None.

B.4.c Public Comment

None.

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

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

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

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

B.5.a Agenda Item Overview

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

B.5.b Reports and Comments of Advisory Bodies

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

B.5.c Public Comment

None.

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

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

C. Habitat

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

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

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

C.1.b Reports and Comments of Advisory Bodies

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

C.1.c Public Comment

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

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

C.1.d Council Action: Consider HC Recommendations

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

D. Pacific Halibut Management

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

D.1.a Agenda Item Overview

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

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

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

D.1.c Reports and Comments of Advisory Bodies

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

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

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

D.1.d Public Comment

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

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

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

Motion 4 passed.

E. Salmon Management

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

E.1.a Agenda Item Overview

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

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

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

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

E.1.c Reports and Comments of Advisory Bodies

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

E.1.d Public Comment

None.

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

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

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

Motion 5 passed.

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

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

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

E.2.a Agenda Item Overview

Mr. Tracy presented the agenda item overview.

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

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

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

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

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

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

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

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

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

Mr. Melcher asked if the Council felt quota management was impractical and the STT recommended against using landing limits, would the STT recommend traditional time/area type management for the Cape Falcon to Point Sur area, where KRFC impacts need to be constrained. Mr. Simmons replied the STT had not made that recommendation in Agenda Item E.2.b, Supplemental STT Report 2, but would be likely to make that recommendation. The point of the report was that one of the methods evaluated for estimating the effects of trip limits were judged to be adequate.

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

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

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

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

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

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

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

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

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

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

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

E.2.e North of Cape Falcon Forum Recommendations

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

E.2.i State Recommendations

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

E.2.k Summary of Written Public Comment

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

E.2.l Public Comment

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

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

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

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

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

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

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

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

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

Motion 6 passed.

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

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

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

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

Motion 7 passed.

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

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

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

Motion 8 passed; Mr. Lockhart voted no.

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

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

Motion 9 passed; Mr. Lockhart voted no.

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

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

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

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

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

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

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

Motion 10 passed; Mr. Lockhart voted no.

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

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

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

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

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

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

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

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

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

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

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

Mr. Thomas seconded the motion.

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

Motion 12 passed. Mr. Lockhart voted no.

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

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

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

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

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

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

E.3.a Agenda Item Overview

None.

E.3.b Scientific and Statistical Committee Report

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

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

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

None.

E.3.d Reports and Comments of Advisory Bodies

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

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

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

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

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

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

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

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

E.3.e Public Comment

None.

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

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

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

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

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

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

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

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

E.4.a Agenda Item Overview

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

E.4.b KFMC Recommendations

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

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

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

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

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

E.4.c Reports and Comments of Advisory Bodies

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

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

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

E.4.d Public Comment

Mr. Bob Crouch, Klamath Coalition, Brookings, Oregon
Mr. Scott Boley, Oregon Salmon Commission, Gold Beach, Oregon
Mr. Dave Bitts, PCFFA/HFMA, Eureka, California

E.4.e Council Discussion and Guidance

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

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

Motion 27 passed. Mr. Lockhart abstained.

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

E.5.a Agenda Item Overview

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

E.5.b Report of the STT

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

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

E.5.c Reports and Comments of Advisory Bodies

None.

E.5.d Public Comment

None.

E.5.e Council Guidance and Direction

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

E.6.a Agenda Item Overview

Mr. Tracy presented the agenda item overview.

E.6.b STT Analysis of Impacts

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

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

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

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

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

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

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

E.6.c KFMC Comments

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

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

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

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

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

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

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

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

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

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

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

Ms. Vojkovich had no comments.

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

E.6.e Reports and Comments of Advisory Bodies

None.

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

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

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

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

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

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

The following people offered individual testimony:

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

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

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

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

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

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

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

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

Mr. Warrens seconded the motion.

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

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

Motion 28 passed; Mr. Lockhart voted no.

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

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

Motion 29 passed; Mr. Lockhart voted no.

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

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

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

Mr. Ticehurst seconded the motion.

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

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

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

Motion 30 passed; Mr. Lockhart voted no.

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

Motion 31 passed; Mr. Lockhart voted no

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

Motion 32 passed; Mr. Lockhart voted no.

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

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

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

Motion 33 passed. Mr. Lockhart voted no.

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

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

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

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

Mr. Warrens seconded the motion.

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

Motion 34 passed; Mr. Lockhart voted no.

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

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

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

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

Motion 35 passed; Mr. Lockhart voted no.

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

Motion 36 passed; Mr. Lockhart voted no.

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

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

E.7.a Agenda Item Overview

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

States may require fish landing/receiving tickets be kept on board the vessel for 90 days after landing to account for all previous salmon landings.

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

E.7.b Reports and Comments of Advisory Bodies

None.

E.7.c Public Comment

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

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

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

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

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

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

F. Groundfish Management

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

F.1.a Agenda Item Overview

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

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

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

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

F.1.c Reports and Comments of Advisory Bodies

SSC Report

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

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

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

GMT Report

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

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

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

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

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

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

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

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

GAP Report

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

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

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

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

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

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

F.1.d Public Comments

Ms. Karen Garrison, NRDC, San Francisco, California

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Motion 14 passed.

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

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

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

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

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

Motion 16 passed with the friendly amendments.

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

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

Motion 18 passed.

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

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

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

Motion 20 passed.

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

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

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

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

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

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

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

F.2.a Science Center Activities

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

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

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

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

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

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

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

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

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

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

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

F.2.b Reports and Comments of Advisory Bodies

None.

F.2.c Public Comment

None.

F.2.d Council Discussion

See above.

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

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

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

F.3.b Stock Assessment Option Update

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

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

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

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

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

F.3.c Final Stock Assessment Terms of Reference

None.

F.3.d Reports and Comments of Advisory Bodies

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

F.3.e Public Comment

None.

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

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

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

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

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

Motion 23 was withdrawn (with Council concurrence).

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

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

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

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

Both the maker of and second for the motion agreed.

Motion 24 passed.

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

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

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

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

F.4.a Agenda Item Overview

Mr. DeVore provided the agenda item overview.

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

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

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

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

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

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

F.4.c Agency and Tribal Comments

None brought on the floor.

F.4.d Reports and Comments of Advisory Bodies

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

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

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

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

F.4.e Public Comment

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

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

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

Mr. Moore moved and Mr. Warrens seconded a motion (Motion 38) to revise the limited entry fixed gear and open access limits south of 42° N latitude to allow vessels fishing for "other flatfish" with hook-and-line gear with number 2 hooks to use two one-pound weights rather than limiting them to one one-pound weight. (Recommendation #5 in the Supplemental GMT Report.)

Mr. Moore said that in listening to the GMT and GAP reports as well as the public comment, he has concerns about the rockfish issue south of 40°. If the Council were to raise the rockfish allowance in the complex, it could potentially run into a problem with canary, yelloweye, and bocaccio. Without a way to separate out chilipepper rockfish and without the data for analysis, he rejected the idea from the GAP of raising the chilipepper rockfish limit. On sablefish, Mr. Moore said that he is sympathetic and concerned about what may happen with the entry of salmon fishermen into the open access DTL fishery. Countering that is the point made in the public comment that below a certain trip limit, the trip is not economically viable, and people need to find someplace to make a living. He does not believe that the Council will have much more data available by the June meeting to find out the impacts if the Council were to act now. So he is more amenable to deferring action until the June meeting.

Ms. Vojkovich proposed a friendly amendment to add a chilipepper rockfish trip limit for the small footrope trawl fishery of 500 lbs per month (or 1,000 lbs per two months). The other rockfish trip limit would remain at 300 lbs per month. She said that this should not encourage any increase in the other shelf species but should provide for some recovery of chilipepper rockfish discards. Messrs. Moore and Warrens agreed to the friendly amendment.

Mr. Alverson made a motion to amend Motion 38 to reduce the cumulative limits for sablefish to 3,000 lb/ 2 months and task the GMT with evaluating effort shifts into the open access DTL fishery for potential inseason adjustments at the June meeting when data become available (Recommendation #4 in Supplemental GMT Report). Mr. Cedergreen seconded the amendment to the motion.

Mr. Alverson said that the price for sablefish has jumped quite a bit due to increased international and domestic demand. As a result, there is a greater interest in the fishery and he expects an increase in effort. The Council would be better off to have the opportunity at the June meeting to increase one of the bimonthly periods in the summer or fall to 5,000 lbs if there is additional fish available for the year to provide for that.

Mr. Anderson spoke in favor of the amendment. He said that WDFW has been inundated by phone calls from people indicating an interest in entering the open access DTL sablefish fishery; this is far more than anything WDFW has seen before. He said that he is worried, if no reduction in the trip limit is made at this meeting, about having to then implement a trip limit later in the year that is not profitable. The trip limit proposed in this amendment still allows for a profitable fishery.

Mr. Moore said that he is opposed to the amendment, though likely would have accepted a smaller reduction (around 4,000 lbs) as a friendly amendment. He said that he preferred to wait until the June meeting to assess what action should be taken.

Mr. Lockhart agreed with Mr. Alverson that it would be best to take action at this meeting and then reassess and increase the limit later in the year, if possible.

Mr. Melcher said that he expects to see significant interest from Oregon salmon troll fishermen in the DTL fishery. He is supportive of Mr. Alverson's amendment, fully recognizing that there is flexibility to address this issue again in June and provide relief if warranted.

Mr. Moore said he accepted Mr. Alverson's amendment as friendly. Mr. Warrens agreed.

Returning to Ms. Vojkovich's friendly amendment to establish a chilipepper rockfish limit, Mr. Cedergreen asked if this would increase impacts to yelloweye rockfish. Ms. Ashcraft explained that the proposed change to the trip limit would not induce targeting but would only allow for increased retention of chilipepper rockfish. Since the bycatch rate would stay the same, the projected impact to yelloweye rockfish by the trawl fleet, as noted in the scorecard, would also stay the same.

Motion 38 passed.

F.5 Part I of Management Measures for 2007-2008 Fisheries (04/07/06; 11:36 am)

F.5.a Agenda Item Overview

Mr. DeVore provided the agenda item overview and noted that this agenda item has been merged with Agenda Item F.6. (Agenda Item F.5 and F.6, Situation Summaries).

F.5.b State, Tribal, and Federal Agency Recommendations

Mr. Harp spoke to Agenda Item F.6.e, Supplemental Tribal Motion.

Mr. Anderson referred to Agenda Item F.5.b, WDFW Report, noting his assumption that much of the report had been incorporated into the GMT report for this agenda item. He then referenced Agenda Item F.5.b, Supplemental WDFW Report 3, which outlines the joint WDFW and Fishing Vessel Owners' Association proposal to close a yelloweye rockfish "hotspot" to limited entry fixed gear and open access fisheries and to the salmon troll fishery. He noted that the proposed area overlaps with the "C-shaped" area closed to recreational fisheries, but that it should more closely align with areas inside which yelloweye have been known to be taken by commercial fisheries. In Agenda Item F.5.b, Supplemental WDFW Report 4, Mr. Anderson highlighted another proposed alternative for an area closure to protect primarily yelloweye (and potentially canary) rockfish off the north central coast of Washington. Finally, Mr. Anderson overviewed Agenda Item F.5.b, Supplemental Joint WDFW/ODFW Report. Given that the two states share the recreational harvest targets for canary and yelloweye rockfish, he explained that the intent of the statement is to demonstrate the commitment by each agency to work in a cooperative way through inseason management processes to stay within those shared limits.

Mr. Melcher overviewed Agenda Item F.5.b, ODFW Report. In addition, he pointed the Council to Agenda Item F.5.b Supplemental ODFW Report 2, which provides additional management measures, specifically an increase in the size of the Stonewall Bank closure, a proposal to designate that area as an official yelloweye Rockfish Conservation Area, and a provision to allow the state to consider other specific areas to be designated as yelloweye “hotspots.”

Ms. Vojkovich overviewed Agenda Item F.5.b, CDFG Report 2. She noted that for recreational fisheries, the management measure alternatives had to be expanded from that of status quo so as to include restrictions necessary under the low depleted species OY alternatives. Next, she introduced Agenda Item F.5.b, CDFG Report 3, which proposes alternatives for the Cowcod Conservation Area (CCA) boundary that are aimed at providing slope fishing opportunities at the outside boundary. Since submittal of that report, CDFG had developed an additional alternative (Agenda Item F.5.b, CDFG Report 4); Ms. Vojkovich explained that this alternative maintains status quo CCA boundaries but establishes fishing areas within the CCA. She noted that CDFG is looking into additional area-specific management openings/closures in order to rebuild depleted species while providing for fishing opportunity on healthy stocks. Finally, Ms. Vojkovich reminded the Council that the director of CDFG has the authority to take inseason action to prevent exceeding the state’s harvest guidelines (e.g., for canary or yelloweye rockfish). If very low OYs are established for other depleted species, CDFG will evaluate whether other harvest guidelines need to be established.

With respect to the CCA, Mr. Lockhart asked if CDFG had discussed the proposed changes with state or federal enforcement officials. Ms. Vojkovich said enforcement has been working with the biological staff and industry that have developed the proposal, and agreed with Mr. Lockhart that the proposals do contain enforcement concerns.

F.5.c Reports and Comments of Advisory Bodies

Ms. Ashcraft read and summarized from Agenda Item F.5.c, Supplemental GMT Report. At the close of her statement, Ms. Ashcraft highlighted important aspects of the projected bycatch scorecards for 2007 and 2008 under the high and low OY alternatives (Attachment 3 in the supplemental GMT report). She first explained that under the high OY alternative, a residual amount (a portion of the OY not attributed to a fishery) is maintained for each species, with the exception of canary rockfish. In addition to this residual, the higher amounts of research take are also accommodated. For the low OY alternative, however, Ms. Ashcraft explained that the GMT believed that it would be very difficult to reserve an additional 1 mt of yelloweye to research; furthermore, the GMT proportionately reduced the take of each sector without leaving a residual. She concluded by asking the Council for guidance with respect to the scenario of a high OY alternative for canary: should management measures be crafted so as to provide for a residual, and if so, at what amount?

Mr. Tom Ghio overviewed Agenda Item F.5.c, Supplemental GAP Report. He explained that the GAP, in their report, identified the most restrictive species for an area and used that to analyze the economic effects to sectors under the low OY alternative.

Mr. Moore asked Mr. Ghio if the suite of management options found in the GMT report covered all of the options the GAP is considering. Mr. Ghio replied in the affirmative.

F.5.d Public Comments

Mr. Michael Deach, Lopez, Washington. Mr. Deach voiced his request for additional research on the status of yelloweye rockfish.

F.5.e Council Action: Adopt a Preliminary Range of Refined Management Measures

Mr. DeVore informed the Council of a remaining issue in order to complete Agenda Item F.1: the Council had not yet adopted a preferred ABC for lingcod. Mr. Anderson moved and Mr. Moore seconded Motion 40 that the 2007 and 2008 ABCs for lingcod be averaged, resulting in an ABC for both years of 6,280 mt.

Motion 40 passed.

Mr. DeVore also noted that additional guidance to the GMT and Council staff with respect to allocation options beyond the suite provided in the reports would be helpful, as would guidance on the issues that Ms. Ashcraft highlighted at the end of the GMT report.

Mr. DeVore then suggested that the Council adopt for analysis the proposed range of management measures. He noted that the GMT and the GAP had reached consensus on the range.

Ms. Vojkovich moved and Mr. Thomas seconded a motion (Motion 41) to adopt for analysis the management measures for commercial and recreational fisheries in states of Washington, Oregon, and California, as contained in Agenda Item F.5.c, Supplemental GMT Report.

Mr. Anderson asked if the six recommendations on page 17 of the supplemental GMT report were part of the motion. Ms. Vojkovich responded that her motion would include recommendations one through five, given that the sixth is not a recommendation. It was then clarified that in the third GMT recommendation, "Approve the GMT-proposed limited entry trawl, limited entry fixed gear, tribal, and groundfish-directed open access management measure alternatives for public review," the word "tribal" should be removed; the Council concurred. It was also clarified that by adopting the fourth recommendation, "Approve the proposed state recreational management measure alternatives for public review," the specific state proposals were included in the adoption.

Mr. Anderson asked if, when the GMT is analyzing the different alternatives, there are significant differences between the current values in the scorecard and the actual catches that occurred, would that come out in the analysis? Mr. DeVore said yes, explaining that the GMT would investigate the final catch estimates by sector and by species for 2004 and the nearly final catch estimates for 2005. Mr. Anderson then asked if the Council would have the ability at its June meeting to consider different values of OY take by sector than those represented in the projected scorecards (Attachment 3, Agenda Item F.5.c, Supplemental GMT Report). He expressed his interest in being certain that the Council would have flexibility to deviate from the specific values in the scorecards, based on the analysis provided at the June meeting as well as based on the prior performance of the sectors. Mr. DeVore replied it would be helpful for the Council to provide the GMT with additional conceptual guidance from which they could base their analysis of allocation options that differ from those represented in the scorecard. He suggested that the Council may want to endorse the guidance previously given by the Groundfish Allocation Committee at its February 2006 meeting; he also noted that the guidance could include consideration of the analyses by Mr. Burden (in Agenda Item F.1.a, Attachment 4), which addressed distributional impacts under different allocation scenarios, such as the elimination of the least valuable sectors under low OYs. Mr. Anderson then explained that his question was actually with respect to the process in June; Mr. DeVore confirmed that there would be the flexibility to consider other allocation options than what might be described in the preliminary DEIS.

Ms. Vojkovich stated that her intention with her motion was not to address the above discussions regarding guidance on allocation and distributional impacts; such guidance, she thought, was what the GMT had requested in their sixth recommendation. The Council decided to adopt the motion as stated by Ms. Vojkovich and then to provide guidance under a separate action.

Referencing the table “Status Quo State Recreational Catch Sharing for Canary and Yelloweye Alternatives” (Attachment 4 in Agenda Item F.5.c Supplemental GMT Report), Mr. Cedergreen asked whether the Council would have flexibility at the June meeting to adjust the sharing formula values in the table, depending on the final OYs adopted in June. Mr. DeVore replied that allocation decisions could be made in June using values outside of the analyzed range; however, it would be more helpful if the range were expanded at this meeting so that the GMT could provide analysis in the briefing book to support those decisions.

Motion 41 passed.

Mr. Harp moved and Mr. Warrens seconded a motion (Motion 42) to adopt items contained in Agenda Item F.6.e, Supplemental Tribal Motion.

Mr. Anderson requested a meeting of the coastal tribes, NOAA Fisheries and the states (Washington and Oregon) to discuss allocation of depleted species before the June Council meeting. Mr. Harp agreed to the meeting and volunteered to coordinate the dates and location.

Motion 42 passed.

Mr. DeVore identified the following issues for which the GMT had requested guidance from the Council: (1) whether or not to build a “buffer” into the canary OY for the high scenario of 44 mt, and if so, how much; (2) whether or not to build a buffer into the OYs for all species under the low scenario, and if so, how much. GMT would use this guidance in producing analyses for the Council to consider at its June meeting.

Mr. Melcher asked for clarification as to whether the intent of a buffer was to provide management flexibility, as opposed to providing an additional conservation measure. Mr. DeVore confirmed that a buffer is for management flexibility; in addition, a buffer would be necessary under the low OY alternative in order to accommodate for EFPs (other than shoreside whiting), if those are carried out in 2007 or 2008.

Mr. Moore moved and Mr. Warrens seconded a motion (Motion 43) that the Council adopt a 0.5 mt buffer within the canary OY under the high scenarios and 0.5 mt buffer within the OYs for all species under the low OY scenario. These buffers would not include EFPs.

Mr. Anderson agreed with the 0.5 mt buffer within the high OY scenario for canary. However, he explained that a point of analyzing the low OY scenario is to demonstrate that the Council would not be able to build fisheries while still providing for any flexibility (i.e., a buffer). He proposed a friendly amendment to remove the 0.5 mt buffer from the low OY scenario for all species and leave only the 0.5 mt for the high OY scenario for canary. Messrs. Moore and Warrens agreed to the friendly amendment.

Motion 43 passed.

Ms. Cooney noted that she had heard discussion that under some of the low OY levels, when the harvest levels are reduced proportionally across sectors, the result may be that the fisheries are not viable. Under such situations, it would be helpful to make the point explicit in the record, such as stating which fisheries would be expected to be no longer viable.

It was clarified that the scorecard used to estimate each sector’s incidental harvest levels under the low and high OYs was based on the 2006 scorecard before any catches had been subtracted. Ms. Vojkovich discussed how the past scorecards might be used to provide guidance on allocation decisions. She said

she wanted to know the range of catch sharing found within the scorecards since they were first created in 2003. She suggested that past projections may inform the Council on how management has responded over time to the needs in the fisheries (including the need to stay within the harvest guidelines and OYs).

Mr. Anderson proposed the following allocation strategies as guidance to the GMT. For the low OY scenario, three different allocation strategies should be analyzed: (1) reduce each value in the 2005 updated scorecard proportionately to the proposed OY; (2) allocate all of each OY to commercial sectors; (3) allocate all of each OY to recreational sectors (except if a depleted species is not caught by the recreational sector, such as those associated with slope fisheries; in these cases the OY should be used to construct the applicable commercial fisheries). Mr. Anderson explained that he expected that the first strategy, proportional reduction, would indicate that it is not possible to maintain meaningful commercial and recreational fisheries under the low OY scenario. Given that, the second and third strategies would indicate the allocation decisions to either give all of the shared depleted species OYs to recreational sectors or all to commercial sectors. For the high OY, two different allocation strategies should be analyzed: (1) apply the projected 2006 scorecard; (2) apply final 2005 scorecard.

Mr. DeVore asked for clarification with respect to the low OY scenario strategies: in addition to holding the slope fisheries constant, should the GMT also hold constant the impacts associated with non-directed groundfish fisheries, for example the open access incidental groundfish fisheries and the state-managed fisheries? Mr. Anderson said yes to the state-managed fisheries.

The Council agreed to the guidance proposed by Mr. Anderson.

F.6 Part II of Management Measures for 2007-2008 Fisheries

This agenda item was combined with F.5.

F.7 Final Consideration of Inseason Adjustments (if Necessary)

This agenda item was combined with Agenda Item F.4.

G. Highly Migratory Species Management

G.1 Bigeye Tuna Overfishing Response (04/05/06; 4:19 pm)

G.1.a Agenda Item Overview

Dr. Kit Dahl provided the agenda item overview (Agenda Item G.1.a, Situation Summary).

G.1.b NMFS Report

Mr. Mark Helvey referred the Council to Agenda Item G.1.a, Attachment 1: Analysis of Management Options for Development of a Plan to End Overfishing of Pacific Bigeye Tuna in the Eastern Pacific Ocean. He noted that this document is a revision based on comments and questions on the original document presented at the March Council meeting. He did not go over the individual management options since he covered this at the March meeting, but did comment on the particular sections containing further analysis and updates. He also noted the addition of Management Option 6 which takes into consideration the Western Pacific Fishery Management Council's (WPFMC) Amendment 14 and suggested that this option be considered as one way to address bigeye overfishing.

Mr. Helvey said the goal is to have the Council adopt a final recommendation based on the Management Options paper, which will then be forwarded to the General Advisory Committee (GAC) to the Inter-Minutes

American Tropical Tuna Commission (IATTC) as a West Coast position for ending overfishing of bigeye tuna. Mr. Helvey noted that the position adopted by the Council would apply to the Eastern Pacific Ocean (EPO) only and not the Western and Central Pacific Ocean (WCPO). Additionally, Mr. Helvey asked the Council to consider supporting Amendment 14 as a Pacific-wide plan to address overfishing of bigeye, which could provide consistency between the Councils. He said, in looking at Amendment 14, there are areas that do not go far enough to end overfishing of bigeye, but that the Pacific Council has an opportunity to submit their comments for improvement.

Mr. Moore asked if NMFS supports the Council adopting Option 6, which can be viewed as a coordinated response. Mr. Helvey said a coordinated response between the two Councils is most likely preferred, but that the Options paper presented is specific for IATTC and that as a package they can do different things.

G.1.c Reports and Comments of Advisory Bodies

Ms. Michele Culver provided Agenda Item G.1.c, Supplemental Highly Migratory Species Management Team (HMSMT) Report. Ms. Culver highlighted questions and concerns contained in the Team report, commenting that these issues should go forth to NMFS and the GAC for discussion and clarification at the IATTC at their June 2006 meeting.

Mr. Helvey provided clarifications to the discussion, which included a comment that the IATTC does not define sub-national fleets; they leave it up to individual nations to define their fleets and to implement the action items contained in the resolution.

Mr. Helvey noted that options 2 and 3 contain the recommendations from IATTC staff scientists, who have gone on record to say that the particular measures that are included in those options would end overfishing of bigeye tuna in the EPO.

Mr. Anderson said that he understands the HMSMT supports multilateral action, and that the Council's recommendation will be submitted to U.S representatives for discussion in the international forums. Ms. Culver confirmed the goal and after some discussion Mr. Helvey noted that any recommendations from the Council will first go to the GAC and then to the U.S. delegation for consideration during international negotiations.

Dr. McIsaac noted that point number 7 of the Team's recommendations is consistent with a letter submitted by Sean Martin, which suggests a consistent approach between both Councils and asked if this would generate more support. Ms. Culver said that his letter appears to be consistent with the HMSMT recommendations.

Dr. McIsaac asked Mr. Helvey for clarification on the relationship between the WPFMC with the GAC compared to this Council's role. Mr. Helvey was not sure of the history and deferred to Mr. Peter Flournoy, the Chairman of the GAC.

During public comment Mr. Flournoy responded to Dr. McIsaac's question about the role of the WPFMC in the GAC, commenting that they are not a formal member of the GAC. Mr. Flournoy said that new members are appointed once every three years and that at the time of the last appointment the WPFMC showed no interest; however, they have recently expressed an interest. New appointments will occur this year.

G.1.d Public Comment

Mr. Peter Flournoy, representing himself, San Diego, California

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

G.1.e Council Action: Adopt Final Recommendations to the Inter-American Tropical Tuna Commission

Mr. Anderson noted that he is not comfortable with selecting or endorsing a particular option. The recommendations from the HMSMT and public testimony should serve as guidance on the international matters and that is as far as he would go.

Mr. Anderson moved (Motion 21) to adopt Agenda Item G.1.c, Supplemental HMSMT Report as recommendations and guidance to U.S. representatives in the international community on the issue of bigeye tuna. In addition, incorporate the suggestions by Mr. Flournoy. Mr. Alverson seconded the motion.

Ms. Vojkovich asked if recommendation number 6 (establishing a control date and develop a limited entry plan to address conservation of bigeye tuna over the longer-term) is guidance to the international community or is this a separate issue. Mr. Anderson said it would not be guidance to the international forum. Mr. Moore clarified that recommendation number 6 is not going forward to the international community and Mr. Alverson agreed.

Motion 21 passed.

G.2 Albacore Management (04/06/06; 9 am)

G.2.a Agenda Item Overview

Dr. Dahl provided the agenda item overview (Agenda Item G.2, Situation Summary).

G.2.b Reports and Comments of Advisory Bodies

Mr. Heikkila provided Agenda Item G.2.c, Supplemental Highly Migratory Species Advisory Subpanel (HMSAS) Report (Mr. Heikkila provided the HMSAS report on 04/05/06 at 5:23pm because he was not available to read the report into record on 04/06/06 when the remainder of HMS issues were taken up).

Ms. Culver provided Agenda Item G.2.c, Supplemental HMSMT Report.

G.2.c Public Comment

Mr. Doug Fricke, Washington Trollers Association, Hoquiam, Washington
Mr. Wayne Moody, Western Fish Boat Owners Association, Arroyo Grande, California
Mr. Steve Rittenberg, American Albacore Fishing Boat Association, San Diego California
Mr. Bob Osborn, United Anglers of Southern California, Huntington Beach, California

G.2.d Council Action: Adopt Council Positions for U.S.-Canada Albacore Treaty Negotiations and Other International Management Issues

Mr. Moore moved (Motion 22) that the Council continue to monitor the progress of renegotiations for the Pacific albacore treaty, and in addition to follow the recommendations given by the HMSMT in their supplemental report. Mr. Warrens seconded the motion.

Mr. Moore commented that he will report back to the Council on any the outcome from the meeting between the U.S. and Canada in April. Mr. Alverson asked if the motion is to drop the treaty, and Mr. Moore said no, that it simply suggests that the Council monitor what will go on during the renegotiation process.

Mr. Anderson said that the HMSMT included a recommendation for a letter on the fast track process and wanted to know if the motion incorporates this as well. Mr. Moore said he included this in the motion,

but that it can be dropped for now and taken up during regular Council action in June. Mr. Anderson said he understands that if the Council were to take a position on the treaty it would need to be done prior to the June Council meeting. Mr. Anderson also said he is not sure that the fast track letter is necessary or that there is a need to take this up again in June.

Mr. Moore accepted this as a friendly amendment and Mr. Warrens agreed.

Ms. Vojkovich made reference to item number 2 in the Team report asking if the HMSMT's task is to review albacore landings and data or to discuss renegotiation of the U.S./Canada albacore treaty. Mr. Moore said he assumed the HMSMT is going to discuss a potential position for a recommendation to the Council on renegotiation of the treaty.

Ms. Vojkovich said she supported the HMSMT taking up recreational bag limits for albacore. There was discussion of having the HMSMT or the States do this. Ms. Vojkovich said, in light of the Council implementation of the HMS FMP for the entire coast, it is from California's position that this should be handled through the Council process by the HMSMT, not the states.

Mr. Helvey said in regards to the comment on the review of albacore landings (item number 2 in the Team report), that information will be exchanged at the April meeting with the Canadians. He also added that as he understands it, the meeting in April is just the beginning of the renegotiation process and that there several more meetings to come.

Mr. Anderson inquired about the HMSMT's request to include this issue in the fast track process and Mr. Helvey commented that it is no longer necessary because the SWR has obtained more information on the U.S./Canada negotiation process since the March Council meeting. Mr. Anderson then clarified that the Council will adopt the HMSMT's recommendations as part of the motion and will hear again from the HMSMT at the June meeting, after which the Council will take action on this issue.

Ms. Vojkovich asked if the purpose is to report on effort limitations and a definition of effort at the IATTC meeting in June. Mr. Helvey said he did not believe that there is any report due for that meeting. Chairman Hansen asked Mr. McInnis if this was correct and he concurred.

Mr. Anderson asked if there is a concern with salmon fishers targeting albacore, considering the salmon fishery outlook, and that in the past that the IATTC has suggested that effort not increase. Mr. Helvey said it is a concern that should be monitored.

Motion 22 passed.

G.3 NMFS Report (04/06/06; 10:02 am)

G.3.a Activity Reports

Mr. Helvey said that there is no NMFS Southwest Region Report at this point.

Dr. Gary Sakagawa provided the Southwest Region Fishery Science Center (SWRFSC) report. He announced that the sardine survey is underway and that the survey is a requirement of the Coastal Pelagic Species (CPS) FMP. There are two NOAA vessels conducting the survey: one vessel is heading southward from Alaska and the other vessel is moving northward from California. The results of the survey will be available at a subsequent meeting.

Dr. Sakagawa reminded the Council that the West Coast HMS FMP includes species that are on the agenda of the International Scientific Committee (ISC) for tuna and tuna-like species in the North Pacific.

This organization fosters cooperation between nations on management of species of interest to this Council, which include North Pacific albacore, Pacific bluefin tuna, striped marlin, and swordfish. All have recently been reviewed with respect to the status of stocks and Dr. Sakagawa provided updates on the status of each to the Council.

Dr. Sakagawa also announced that in May 2006 SWRFSC staff will begin reviewing the IATTC's 2006 stock assessments for yellowfin, bigeye, and skipjack in the EPO. Science Center staff participating in the review will report to the Council with respect to the results as soon as it is completed.

Chairmen Hansen asked Dr. Sakagawa if bluefin tuna caught in Mexico waters for the purposes of farming spawn while in the pens and if over time this practice could deplete the stock. Dr. Sakagawa replied no, bluefin tuna contained in the pens are held for fattening-up and that they are too young and not the right size to spawn. Dr. Sakagawa said that if this practice continues it could very well deplete the stock.

Dr. McIsaac asked for clarification on the albacore stock assessment schedule and Dr. Sakagawa replied that the assessment will be done in the 2006 November/December time frame, but that they are not on a schedule so to speak. Dr. McIsaac asked if he sees this feeding into the IATTC management cycle in early 2007. Dr. Sakagawa said that the IATTC has their own staff so they are not obligated to take on the ISC results, which were completed in March. The IATTC will meet in June of this year and after this the albacore working group will come out with an assessment in December. Next year the ISC is planning to meet in July, but before then the IATTC will again meet in June and that information from the upcoming December assessment will enter into consideration.

G.3.b Reports and Comments of Advisory Bodies

None.

G.3.c Public Comment

None.

G.3.d Council Discussion

Mr. Anderson said there is a letter dated March 29, 2006 in the briefing book regarding an exempted fishing permit (EFP). He expressed his disappointment that the Southwest Region has chosen to remove the caps that were recommended by the Council for fin, gray, and minke whales. He said the justification that the amounts recommended were far less than the potential biological removal (PBR) is difficult to accept. Mr. Anderson explained that the numbers recommended in the EFP were based on the best estimates of what would occur in those fisheries, and to totally remove those caps, suggests that NMFS would be comfortable having those animals taken all the way up to PBR levels, which ignores NMFS responsibility to minimize bycatch of these animals. This was a highly controversial EFP application and he would not have supported the motion for the drift gillnet EFP had he known that there would not be caps on the take of these animals. He respectfully requested that this decision be retracted.

Mr. Helvey said the PBRs are set by a thorough process conducted by experts from the SWFSC. He said that the point in the letter from NMFS to the Council was that in developing the EFP we should be using the best scientific information and based on the information available that the caps are not necessary. He went on to say that even though Mr. Anderson had not mentioned sea turtles, NMFS will keep those caps in place.

Mr. Anderson commented that Mr. Helvey's argument suggests that 442 gray whales and 15 fin whales can be taken. He understands that this is not likely to happen, but that those PBR levels suggest, based on the best scientific information, that this is acceptable. He is upset with NOAA Fisheries decision and the fact they have chosen to completely ignore the Council's advice, not by a little bit, but by a lot.

Mr. Moore commented as the maker of the motion in March that Mr. Anderson seconded, that since these species have not been observed being taken in the closed area there probably is not a problem with having a cap on their take. Mr. Ticehurst supported Mr. Anderson's comments. Chairman Hansen said that he also supported Mr. Anderson's comments.

H. Enforcement Issues

H.1 U.S. Coast Guard Report on Implementation of the Automatic Identification and Vessel Monitoring Systems (AIS and VMS)

H.1.a Agenda Item Overview

Mr. Jim Seger provided the agenda item overview (Agenda Item H.1.a, Situation Summary).

H.1.b U.S. Coast Guard Report

A PowerPoint presentation was provided by LCDR Bob Hendrickson, Coast Guard Liaison Officer, NOAA Fisheries Office for Law Enforcement.

H.1.c Reports and Comments of Advisory Bodies

Mr. Seger read Agenda Item H.1.c, Supplemental GAP Report.

H.1.d Public Comment

None.

H.1.e Council Discussion on US Coast Guard Report On AIS and VMS

During discussion, Council members asked whether the Council could be provided with the USCG report provided to Congress on public comments received on AIS carrying requirements. Concern was expressed that the AIS system might reveal fishing spots and a question was raised as to whether the radius of the signal might be limited to avoid revelation of confidential business information. Application of AIS requirements to less than 65 foot vessels has been discussed internally but will not be required until such time as the needed legislative direction is provided.

I. Marine Protected Areas

I.1 Fishery Regulations within the Channel Islands National Marine Sanctuary

This agenda item was cancelled (see Motion 1).

I.2 Consultation Procedures for Fishery Regulation in National Marine Sanctuaries

I.2.a Agenda Item Overview (04/06/06; 8:32 am)

Mr. Burner provided the agenda item overview and reviewed Agenda Item I.2.a, Attachment 3, regarding summary comments on the flowchart from the January 30, 2006 conference call on the matter.

I.2.b Reports and Comments of Advisory Bodies

Mr. Burner read the supplemental Habitat Committee report into the record. Mr. Burner read the supplemental GAP report into the record.

Mr. Moore asked Ms. Cooney if the 120-day response period is set in the statutes of the National Marine Sanctuary Act or if it is a regulatory time limit. Ms. Cooney responded that the 120-day limit is specified in the regulations rather than in statute.

Mr. Anderson briefly review highlights from a report developed at a March 14, 2006 workgroup meeting organized by the Sanctuary Advisory Council of the Olympic Coast National Marine Sanctuary. The workgroup included representatives from Washington State agencies, National Marine Fisheries Service, Olympic National Park, Northwest Fisheries Indian Commission, Olympic Coast National Marine Sanctuary Advisory Council, and others. The charge of the workgroup was to develop a set of recommendations to be provided to the Sanctuary Advisory Council as potential comments on the flowchart to the U.S. Department of Commerce. Incorporated in the report are comments similar to those raised in the GAP statement suggesting improved coordination between national marine sanctuaries and the Council and NMFS during management plan review processes. The workgroup indicates the draft flowchart represents a good start but the current draft is inadequate and requires additional work. Specific recommended changes included; 1) adding a box at the top of both the NSA and the NMSP flowcharts illustrating two-way communication between the two processes, 2) identify locations in the flowchart for discussion of data needs and management alternatives and data exchanges, 3) provide parity between the two flowcharts as the effort seemed to be centered on the sanctuary process, 4) develop standards for scientific analyses, peer review and transparency in the decision making processes, 5) adding appropriate decision points in each flowchart where decision might lead to a non-regulatory approach, and 6) increase the 120-day required response period to 180 days or more to adequately accommodate RFMC schedules. Mr. Anderson stated he would provide a copy of the report to the Executive Director for his use in developing the final Council response if that was the desire of the Council.

I.2.c Public Comment

None.

I.2.d Council Action: Adopt Council Recommendations to NOAA

Ms. Vojkovich stated that during recent processes the Council had engaged in regarding management decisions and National Marine Sanctuaries, there have been major issues regarding a lack of NMSA requirements for presenting the Council with complete decision documents and a full analyses before the Council has to make its final recommendations. She is was not certain if it meant an amendment of the statute and found the lack of documentation makes it difficult to provide as a Council a recommendation on proposed management.

Mr. Helvey stated the issue raised by Ms. Vojkovich might require a regulatory change and suggested that a process of early coordination between the Council, NMFS, and the National Marine Sanctuary Program discussed by Mr. Anderson may provide a non-regulatory solution. Mr. Helvey spoke in favor of early scoping and communication during the process of developing management alternatives, particularly when fishing regulations are involved. This concept was central in the NMFS Southwest Region response letter regarding the flowcharts.

Mr. Moore said he would like to add what Mr. Helvey said about fishing regulations. He noted that there appears to be considerable differences between the way Council and the National Ocean Service (NOS) define fishing regulations. He felt it was important that when discussing fishing regulations it was clear that this encompasses a broad range of decisions and activities that effect Council resource management actions within sanctuaries.

Mr. Helvey agreed with Mr. Moore and said much of the miscommunication between states, NOS, NMFS, and the Council is due to differences in how fisheries management is defined. He felt that the

National Marine Sanctuary Program is often focused on ecosystem protection and the actual management of fisheries and the impacts to fishermen to achieve these objectives are sometimes lost.

Chairman Hansen agreed with the Council comments and Mr. Anderson's points and was hopeful that improvements to the flowchart will result in improved fishery management.

Mr. Burner was appreciative of the Council comments and verified that Council staff will capture Council comments in a formal response letter to NOAA.

OPEN PUBLIC COMMENT PERIOD FOR NON-AGENDA ITEMS

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

Mr. Chris Kubiak, trawl fisherman, Morro Bay, California. Spoke about a proposal from Environmental Defense to create stewardship areas. (Written testimony on file and on the web).

Mr. Joel Kawahara, Washington Trollers Association, Seattle, Washington. Regarding the injunction granted to PCFFA to establish phase III flows in the Klamath River immediately (recent court case). Spoke about NOAA Fisheries biological opinion dated May 2002. Felt NOAA fisheries biological opinions contradicted their actions.

ADJOURN at 2:42 pm, Friday, April 7, 2006.



September 14, 2006

Council Chairman

Date