TENTATIVE ADOPTION OF 2010 OCEAN SALMON MANAGEMENT MEASURES FOR ANALYSIS

The Council adopted three salmon management options in March, which were published in Preseason Report II and sent out for public review. Summaries of the testimony presented at public hearings will be provided at the meeting in supplemental reports (Agenda Item H.1.c).

In action under this agenda item, the Council must narrow the March management options to a single season recommendation for analysis by the Salmon Technical Team (STT). To allow adequate analysis before final adoption, the tentatively-adopted recommendations should resolve any outstanding conflicts and be as close as possible to the final management measures.

The Council's procedure provides any agreements by outside parties (e.g., North of Cape Falcon Forum, etc.) to be incorporated into the Council's management recommendations must be presented to the Council prior to adoption of the tentative options. The procedure also stipulates any new options or analyses must be reviewed by the STT and public prior to the Council's final adoption.

Management measures considered for adoption that deviate from Salmon Fishery Management Plan (FMP) objectives will require implementation by emergency rule. If an emergency rule appears to be necessary, the Council must clearly identify and justify the need for such an action consistent with emergency criteria established by the Council (Agenda Item H.1.a, Attachment 1) and National Marine Fisheries Service (Agenda Item H.1.a, Attachment 2).

The STT will check back with the Council on Tuesday, April 13, 2010 (Agenda Item H.2) or at other times to clarify any questions or obvious problems with the tentative measures.

Council Action:

Adopt tentative treaty Indian ocean and non-Indian commercial and recreational management measures for STT collation and analysis.

Reference Materials:

1. *Preseason Report II Analysis of Proposed Regulatory Options for 2010 Ocean Salmon Fisheries* (mailed prior to the hearings and available at meeting).
2. Agenda Item H.1.a, Attachment 1: Emergency Changes to the Salmon FMP.
3. Agenda Item H.1.a, Attachment 2: FR 97-22094: Policy Guidelines for the Use of Emergency Rules.
4. Agenda Item H.1.f, NMFS Report.
5. Agenda Item H.1.g, Public Comment.
6. Agenda Item H.1.c, Supplemental Public Hearing Reports 1 through 3: Summary of Public Hearings.
7. Agenda Item H.1.f, Supplemental SAS Report: Proposed 2010 Ocean Salmon Management Measures For Tentative Adoption.

Agenda Order:

a.	Agenda Item Overview	**Chuck Tracy**
b.	Update on Estimated Impacts of March 2010 Options	**Robert Kope**
c.	Summary of Public Hearings	**Hearings Officers**
d.	U.S. Section of Pacific Salmon Commission Recommendations	**Gordy Williams**
e.	North of Cape Falcon Forum Recommendations	**Oregon, Washington, and Tribes**

f. Reports and Comments of Advisory Bodies and Management Entities
g. Public Comment
h. **Council Action:** Tentatively Adopt Management Measures for 2010 Ocean Salmon Fisheries

PFMC
03/26/10

EMERGENCY CHANGES TO THE SALMON FISHERY MANAGEMENT PLAN (FMP)
(Excerpt from Council Operating Procedure 10)

CRITERIA FOR REQUESTING EMERGENCY CHANGES TO THE SALMON FMP

Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act allows the Secretary of Commerce to implement emergency regulations independently or in response to a Council recommendation of an emergency if one is found to exist. The Secretary has not published criteria for determining when an emergency exists. A Council FMP may be altered by emergency regulations, which are treated as an amendment to the FMP for a limited period of 180 days and which can be extended for an additional 180 days.

Council FMPs can be changed by the amendment process which takes at least one to two years, or modified temporarily by emergency regulations, which can be implemented in a few weeks. Framework plans, like the Council's Salmon FMP, have been developed to allow flexibility in modifying management measures between seasons and during the season.

Some measures, like most conservation objectives and allocation schemes, are deliberately fixed in the plan and can be changed only by amendment or temporarily modified by emergency regulation. (Certain conservation objectives also may be changed by court order or without an amendment if, in the view of the Salmon Technical Team, Scientific and Statistical Committee, and Council, a comprehensive review justifies a change.) They are fixed because of their importance and because the Council wanted to require a rigorous analysis, including extensive public review, to change them. Such an analysis and review were conducted when these management measures were originally adopted. It is the Council's intent to incorporate any desired flexibility of conservation objectives into the framework plan, making emergency changes prior to the season unnecessary. The Oregon coastal natural coho conservation objective is an example of a flexible objective, which is more conservative when stock abundance is low.

The use of the emergency process essentially "short circuits" the plan amendment process and reduces public participation, thus there needs to be sufficient rationale for using it. Moreover, experience demonstrates that if there is disagreement or controversy over a council's request for emergency regulations, the Secretary is unlikely to approve it. An exception would be an extreme resource emergency.

To avoid protracted, last-minute debates each year over whether or not the Council should request an emergency deviation from the Salmon FMP, criteria have been developed and adopted by the Council to screen proposals for emergency changes. The intent is to limit requests to those which are justified and have a reasonable chance of approval, so that the time spent in developing the case is not wasted and expectations are not unnecessarily raised.

Criteria

The following criteria will be used to evaluate requests for emergency action by the Secretary:

1. The issue was not anticipated or addressed in the salmon plan, or an error was made.

2. Waiting for a plan amendment to be implemented would have substantial adverse biological or economic consequences.

3. In the case of allocation issues, the affected user representatives support the proposed emergency action.

4. The action is necessary to meet FMP objectives.

5. If the action is taken, long-term yield from the stock complex will not be decreased.

Process

The Council will consider proposals for emergency changes at the March meeting and decide whether or not a specific issue appears to meet all the applicable criteria. If the Council decides to pursue any proposal, it will direct the Salmon Technical Team to prepare an impact assessment for review by the Council at the April meeting, prior to final action. Any proposals for emergency change will be presented at the public hearings between the March and April meetings. It is the clear intent of the Council that any proposals for emergency change be considered no later than the March meeting in order that appropriate attention be devoted at the April meeting to developing management recommendations which maximize the social and economic benefits of the harvestable portion of the stocks.

The Council may consider other proposals for emergency change at the April meeting if suggested during the public review process, however, such proposals must clearly satisfy all of the applicable criteria and are subject to the requirements for an impact assessment by the Salmon Technical Team.

PFMC
03/17/10

THEFT RATES OF MODEL YEAR 1995 PASSENGER MOTOR VEHICLES STOLEN IN CALENDAR YEAR 1995—Continued

Manufacturer	Make/model (line)	Thefts 1995	Production (mfgr's) 1995	1995 (per 1,000 vehicles produced) theft rate
205 ROLLS-ROYCE	SIL SPIRIT/SPUR/MULS	0	132	0.0000
206 ROLLS-ROYCE	TURBO R	0	19	0.0000
207 VOLKSWAGEN	EUROVAN	0	1,814	0.0000
208 VOLVO	LIMOUSINE	0	6	0.0000

Issued on: August 18, 1997.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 97–22263 Filed 8–20–97; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Chapter VI

[Docket No. 970728184–7184–01; I.D. 060997C]

Policy Guidelines for the Use of Emergency Rules

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Policy guidelines for the use of emergency rules.

SUMMARY: NMFS is issuing revised guidelines for the Regional Fishery Management Councils (Councils) in determining whether the use of an emergency rule is justified under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The guidelines were also developed to provide the NMFS Regional Administrators guidance in the development and approval of regulations to address events or problems that require immediate action. These revisions make the guidelines consistent with the requirements of section 305(c) of the Magnuson-Stevens Act, as amended by the Sustainable Fisheries Act.

DATES: Effective August 21, 1997.

FOR FURTHER INFORMATION CONTACT: Paula N. Evans, NMFS, 301/713–2341.

SUPPLEMENTARY INFORMATION:

Background

On February 5, 1992, NMFS issued policy guidelines for the use of emergency rules that were published in the **Federal Register** on January 6, 1992 (57 FR 375). These guidelines were consistent with the requirements of section 305(c) of the Magnuson Fishery Conservation and Management Act. On October 11, 1996, President Clinton signed into law the Sustainable Fisheries Act (Public Law 104–297), which made numerous amendments to the Magnuson-Stevens Act. The amendments significantly changed the process under which fishery management plans (FMPs), FMP amendments, and most regulations are reviewed and implemented. Because of these changes, NMFS is revising the policy guidelines for the preparation and approval of emergency regulations. Another change to section 305(c), concerning interim measures to reduce overfishing, will be addressed in revisions to the national standards guidelines.

Rationale for Emergency Action

Section 305(c) of the Magnuson-Stevens Act provides for taking emergency action with regard to any fishery, but does not define the circumstances that would justify such emergency action. Section 305(c) provides that:

1. The Secretary of Commerce (Secretary) may promulgate emergency regulations to address an emergency if the Secretary finds that an emergency exists, without regard to whether a fishery management plan exists for that fishery;

2. The Secretary shall promulgate emergency regulations to address the emergency if the Council, by a unanimous vote of the voting members, requests the Secretary to take such action;

3. The Secretary may promulgate emergency regulations to address the emergency if the Council, by less than a unanimous vote of its voting members, requests the Secretary to take such action; and

4. The Secretary may promulgate emergency regulations that respond to a public health emergency or an oil spill. Such emergency regulations may remain in effect until the circumstances that created the emergency no longer exist, provided that the public has had an opportunity to comment on the regulation after it has been published, and in the case of a public health emergency, the Secretary of Health and Human Services concurs with the Secretary's action.

Policy

The NOAA Office of General Counsel has defined the phrase ''unanimous vote,'' in paragraphs 2 and 3 above, to mean the unanimous vote of a quorum of the voting members of the Council only. An abstention has no effect on the unanimity of the quorum vote. The only legal prerequisite for use of the Secretary's emergency authority is that an emergency must exist. Congress intended that emergency authority be available to address conservation, biological, economic, social, and health emergencies. In addition, emergency regulations may make direct allocations among user groups, if strong justification and the administrative record demonstrate that, absent emergency regulations, substantial harm will occur to one or more segments of the fishing industry. Controversial actions with serious economic effects, except under extraordinary circumstances, should be done through normal notice-and-comment rulemaking.

The preparation or approval of management actions under the emergency provisions of section 305(c) of the Magnuson-Stevens Act should be limited to extremely urgent, special circumstances where substantial harm to or disruption of the resource, fishery, or community would be caused in the time it would take to follow standard rulemaking procedures. An emergency action may not be based on administrative inaction to solve a long-recognized problem. In order to approve an emergency rule, the Secretary must have an administrative record justifying emergency regulatory action and demonstrating its compliance with the national standards. In addition, the preamble to the emergency rule should indicate what measures could be taken

or what alternative measures will be considered to effect a permanent solution to the problem addressed by the emergency rule.

The process of implementing emergency regulations limits substantially the public participation in rulemaking that Congress intended under the Magnuson-Stevens Act and the Administrative Procedure Act. The Councils and the Secretary must, whenever possible, afford the full scope of public participation in rulemaking. In addition, an emergency rule may delay the review of non-emergency rules, because the emergency rule takes precedence. Clearly, an emergency action should not be a routine event.

Guidelines

NMFS provides the following guidelines for the Councils to use in determining whether an emergency exists:

Emergency Criteria

For the purpose of section 305(c) of the Magnuson-Stevens Act, the phrase ''an emergency exists involving any fishery'' is defined as a situation that:

(1) Results from recent, unforeseen events or recently discovered circumstances; and

(2) Presents serious conservation or management problems in the fishery; and

(3) Can be addressed through emergency regulations for which the immediate benefits outweigh the value of advance notice, public comment, and deliberative consideration of the impacts on participants to the same extent as would be expected under the normal rulemaking process.

Emergency Justification

If the time it would take to complete notice-and-comment rulemaking would result in substantial damage or loss to a living marine resource, habitat, fishery, industry participants or communities, or substantial adverse effect to the public health, emergency action might be justified under one or more of the following situations:

(1) Ecological—(A) to prevent overfishing as defined in an FMP, or as defined by the Secretary in the absence of an FMP, or (B) to prevent other serious damage to the fishery resource or habitat; or

(2) Economic—to prevent significant direct economic loss or to preserve a significant economic opportunity that otherwise might be foregone; or

(3) Social—to prevent significant community impacts or conflict between user groups; or

(4) Public health—to prevent significant adverse effects to health of participants in a fishery or to the consumers of seafood products.

Dated: August 14, 1997.

Gary C. Matlock,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 97–22094 Filed 8–20–97; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

[Docket No. 970702161–7197–02; I.D. 041097C]

RIN 0648–AJ93

Atlantic Highly Migratory Species Fisheries; Import Restrictions

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS amends the regulations governing the Atlantic highly migratory species fisheries to prohibit importation of Atlantic bluefin tuna (ABT) and its products in any form harvested by vessels of Panama, Honduras, and Belize. The amendments are necessary to implement International Commission for the Conservation of Atlantic Tunas (ICCAT) recommendations designed to help achieve the conservation and management objectives for ABT fisheries.

DATES: Effective August 20, 1997. Restrictions on Honduras and Belize are applicable August 20, 1997; restrictions on Panama are applicable January 1, 1998.

ADDRESSES: Copies of the supporting documentation are available from Rebecca Lent, Chief, Highly Migratory Species Management Division, Office of Sustainable Fisheries (F/SF1), NMFS, 1315 East-West Highway, Silver Spring, MD 20910–3282.

FOR FURTHER INFORMATION CONTACT: Chris Rogers or Jill Stevenson, 301–713–2347.

SUPPLEMENTARY INFORMATION: The Atlantic tuna fisheries are managed under the authority of the Atlantic Tunas Convention Act (ATCA). Section 971d(c)(1) of the ATCA authorizes the Secretary of Commerce (Secretary) to issue regulations as may be necessary to carry out the recommendations of the ICCAT. The authority to issue regulations has been delegated from the Secretary to the Assistant Administrator for Fisheries, NOAA (AA).

Background information about the need to implement trade restrictions and the related ICCAT recommendation was provided in the preamble to the proposed rule (62 FR 38246, July 17, 1997) and is not repeated here. These regulatory changes will further NMFS' management objectives for the Atlantic tuna fisheries.

Proposed Import Restrictions

In order to conserve and manage North Atlantic bluefin tuna, ICCAT adopted two recommendations at its 1996 meeting requiring its Contracting Parties to take the appropriate measures to prohibit the import of ABT and its products in any form from Belize, Honduras, and Panama. The first recommendation was that its Contracting Parties take appropriate steps to prohibit the import of ABT and its products in any form harvested by vessels of Belize and Honduras as soon as possible following the entry into force of the ICCAT recommendation. Accordingly, the prohibition with respect to these countries is effective August 20, 1997. The second recommendation was that the Contracting Parties take appropriate steps to prohibit such imports harvested by vessels of Panama effective January 1, 1998. This would allow Panama an opportunity to present documentary evidence to ICCAT, at its 1997 meeting or before, that Panama has brought its fishing practices for ABT into consistency with ICCAT conservation and management measures. Accordingly, the prohibition with respect to Panama will become effective January 1, 1998.

Under current regulations, all ABT shipments imported into the United States are required to be accompanied by a Bluefin Statistical Document (BSD). Under this final rule, United States Customs officials, using the BSD, will deny entry into the customs territory of the United States of shipments of ABT harvested by vessels of Panama, Honduras, and Belize and exported after the effective dates of the trade restrictions. Entry will not be denied for any shipment in transit prior to the effective date of trade restrictions.

Upon determination by ICCAT that Panama, Honduras, and/or Belize has brought its fishing practices into consistency with ICCAT conservation and management measures, NMFS will publish a final rule in the **Federal Register** that will remove import restrictions for the relevant party. In

SALMON MANAGEMENT OPTION HEARING SUMMARY

Date:	March 29, 2010	Hearing Officer:	Mr. Mark Cedergreen
Location:	Chateau Westport Westport, WA	Other Council Members:	Mr. Phil Anderson Mr. Dale Myer
		NMFS:	Dr. Peter Dygert
Attendance:	21	Coast Guard:	LCDR Brian Chambers, LT Derek Fine, and ENS Joe Miller
Testifying:		Salmon Team Member:	Mr. Doug Milward
		Council Staff:	Ms. Jennifer Gilden
Organizations Represented: City of Westport Washington Trollers Association Westport Charterboat Association Willapa Bay Gillnetters			

Synopsis of Testimony

Of the 8 people testifying:

- 4 commented primarily on the commercial troll fishery.
- 1 commented on the commercial gillnet fishery.
- 2 commented primarily on the recreational (charterboat) fishery
- 1 commented primarily on community impacts to Westport.

Special Opening Remarks

Mr. Doug Milward reviewed options for the commercial and sport salmon seasons.

Commercial Troll Comments

- End fin-clipping of salmon due to increased mortality (see attached comments).
- Washington Trollers' Association supports Option 1 with some changes:
    - Since coho are a limiting factor, instead of using the two-thirds in the spring/one-third in the summer harvest ratio, consider a 75%/25% spring/summer break. Need to slow down coho catch rate to maximize Chinook in the summertime. Accept inseason adjustments to keep coho landings low enough to maximize Chinook until August 15.

    - For halibut, prefer one for free and one for every two Chinook. Have not been able to harvest halibut for the last two years because there's been no Chinook.
    - Appreciate the good line of communication with Doug Milward; "helps us maximize our season" instead of having a stop-and-go season.
- Would like to fish about Ledbetter Point and call in to deliver fish in Ilwaco. There is a precedent for this type of arrangement in Oregon. Also, Washington boats with Oregon licenses should be able to sell in Ilwaco rather than having to sell in Oregon.
- Concerned about the numbers used in salmon management. Would like to see hatch boxes brought back and placed in streams. Concerned about effects of fin-clipping. Need to use GSI to identify where fish are coming from and where they're going.

Recreational Comments

- A 15% exploitation rate on coho is a small number to divide up among so many areas and fisheries.
- Charter operators are cautiously optimistic about public acceptance of Chinook selective fishing and having a high encounter rate on fin-clipped fish.
- Support Option 1 with modifications (see attachment for more details):
    - Selective Chinook-only season opening June 12 should run through Thursday July 1 rather than Wednesday, June 30
    - During all-species portion of the season, liberalize bag limit or the days per week, in-season. Start with one king and one coho, or two coho, and the five-day per week scenario, and then liberalize if and when it becomes clear that there wouldn't be a closure prior to Labor Day.
- If early fishery catches more than guideline, would prefer not to have an interruption before the next fishery begins.

Other Comments

- Willapa Bay gillnetters would like to have a 3,000-Chinook summer (July and August) fishery in Willapa Bay. Gillnetters have lost their market share since they haven't had this fishery in many years.
- The City of Westport supports both the recreational fishermen's recommendations to extend the season and the commercial fishermen's desire to maximize the catch on the most abundant fish. Encourage the Council to be flexible and creative in meeting both of those.

Written Statements (Attached)

- Steve Westrick, Paul Alexander

PFMC
04/01/10

3-29-2010

option 1 Number
Chinook 110,000
Coho 110,000

Council members and staff,

My name is Steve Westrick. I'm the president of the Westport Charterboat Association, thanks for coming to Westport for this public hearing process.

First, I'd like to say we're thankful for the Chinook abundance this year. Last year was great for Coho and now this season, we're looking forward to some great Chinook fishing.

We have a couple concerns however:

First, a fifteen percent exploitation rate on Coho is a very small number to divide up among so many areas and fisheries. We hope there will be enough allocated to the ocean recreational fishery north of Falcon to fully access the Chinook.

Second, we are cautiously optimistic regarding public acceptance of Chinook selective fishing and having a high encounter rate on fin-clipped fish. Our experience with Coho has been a lesser rate than predicted pre-season.

Next items: We are fully aware that selectively fishing for Chinook salmon is a direction we're headed and we support Hatchery Reform which mandates releasing naturally spawning salmon to help rebuild the runs. As long as ample quantities of marked Chinook are produced and available for harvest, it makes economic sense for the recreational communities to support selective Chinook fishing for at least a portion of the season. I know there is much more to Hatchery reform than just numbers of fish produced, but that's a whole another long testimony. At any rate, we are confident this year that our encounter rates (based on 2009 shaker encounters, and fishery projections) that this year we'll have relatively high encounter rates which

would enable a quality fishery. Quality fisheries are hugely important when it comes to public acceptance.

Last year, with the expectation that a greater number of Chinook would be fin-clipped in 2010, we wanted to wait one more year to try the selective for Chinook. So now the time has come and based on the forecast numbers we believe we can have favorable success for this early season pilot program.

You won't be surprised to hear that we support Option One with a few modifications:

First: We would like the selective Chinook-only season, which would open June 12th, to run through Thursday, July 1st rather than Wednesday, June 30th.
That would fit better with a Sunday through Thursday week during the all-species season that will be following the Chinook only.
Our second modification, which has to do with the all species portion of the season, is to liberalize the bag limit or the days per week in-season. That being, start with a 1 King 1 Coho, or 2 Coho, and the 5-day per week scenario, and then liberalize if and when it becomes obvious that there wouldn't be a closure prior to Labor Day.
Given the experience of an early closure in 2002 we'd like to be more cautious to start and adjust from there.

Thanks, and I'd be glad to answer questions.

option 1 has more flexibility than option 2 with respect to the date certain July 29; 7d per week

We should do it in season this year, unlike last year.

March 29, 2010

Dear Pacific Fishery Management Council and Salmon Managers,

Thank you for your time and consideration in regards to the following comments. I would like this letter to be considered in establishing management guidelines for the 2010 and future sport and commercial salmon seasons. I have a long history as a commercial fisherman and have spent considerable time in the sport fishing industry as well. The fishing industry has been a part of my life since my childhood, as I remember hanging out at Chinook Packing as a first-grader back in 1964. I have fished off all four west coast states and spent fifteen seasons in Alaska. I have owned and operated a salmon troller for the past six seasons fishing off Oregon and Washington.

In this letter I have presented four goals for salmon management. (**p.1**) I have stated five reasons for presenting these goals. (**p.2**) I have presented support for these five reasons. (**p.3-5**) I have restated the four goals I propose for salmon management. (**p.6**) I have written my conclusion showing you why I believe the commercial salmon trollers have been forced to the brink of extinction, and I have suggested another subject for future management discussion. (**p.7**) References (**p.8**)

IT IS MY BELIEF THAT CUTTING FINS OFF OF SALMON AND USING MARKED-SELECTIVE FISHERIES TO HARVEST THEM HAS NOT AND WILL NOT SAVE THE WILD CHINOOK OR COHO. I BELIEVE BOTH PRACTICES ONLY LEAD TO WASTED MONEY, WASTED TIME, AND WASTED RESOURCES.

I PROPOSE THE FOLLOWING FOUR SALMON MANAGEMENT GOALS FOR 2010 AND BEYOND:

1. Put an end to all fin clipping and coded-wire tagging of both chinook and coho salmon

2. Put an end to all fin-clipped selective fisheries

3. Make reporting mandatory by species, size, and markings of all hooked or netted fish, regardless of whether you keep them or not

4. Do an in-depth study of the successful recovery rates of wild naturally-spawning fish experienced in the Wenatchee River

FIVE REASONS FOR PROPOSING THESE GOALS:

1. Fin clipping a fish immediately scars a fish for life and leaves it without one of the fins for maneuvering throughout its lifespan. It mutilates fish via the use of amputation.

2. The use of a fin-clipped selective harvest has led to the needless wastes of tens of thousands, possibly hundreds of thousands of non-fin clipped fish. I do not believe this is an exaggeration.

Three things to be considered:
A. Catch ratios between marked and unmarked fish
B. Mortality rates for released fish
C. Multiple second and third hook-ups, and predation after releasing wild fish

3. As wild fish become more prevalent, the chances of both poor catch ratios and hooking mortality are only going to grow more grim.

4. Hatchery clipping salmon has not helped in the recovery of wild salmon.

5. The number of fin-clipped Chinook verses wild Chinook are abysmally low, and using a marked-select fishery for Chinook will only serve to waste even greater amounts of fish than what the marked-selective Coho fishery wasted.

SUPPORT FOR THESE FIVE REASONS:

1. Fin clipping a fish immediately scars a fish for life and leaves it without one of the fins it uses for maneuvering throughout its lifespan. It mutilates a fish through the use of amputation.

The following quote pretty much sums up why I think cutting a fin off a salmon to manage a fishery should be banned.

"The long-term survival of fin-clipped and unmarked rainbow trout was studied in Castle Lake, California. The results of this study confirmed the generally held belief among fishery workers that fin removal has a serious detrimental effect on fingerling salmonids. Moreover, the relative magnitude of this effect for each of the seven fins that could be removed was determined; viz.: (1) removal of the adipose fin may reduce survival by as much as 50%, (2) removal of a ventral fin may reduce survival by as much as 60 to 70%, (3) removal of a pectoral or dorsal fin may reduce survival by as much as 70 to 80%, and (4) removal of the anal fin may be no worse than removal of the pectoral or dorsal fins, but can have an inconsistent effect." Nicola, Stephen J. and Cordone, Almo J. *American Fisheries Society Volume 102, Issue 4 (October 1973)*

There are many other published works supporting the fact that clipping any fin leads to higher mortality rates than not clipping fins. There must be better ways to manage a fishery than amputating fish fins. In a very quick search I came upon the following studies by scientist to support this claim:

Hansen, Lars P. 1988. Effects of Carlin tagging and fin clipping on survival of Atlantic salmon (*Salmon salar L.*) released as smolts. *Aquaculture 70(4): 391-394.*

Mears, H. C., and R. W. Hatch. 1976. Overwinter survival of fingerling brook trout with single and multiple fin clips. *Transactions of the American Fisheries Society. 105(6):669-674*

Shetter, D. S. 1967. Effects of jaw tags and fin excision upon the growth, survival, and exploitation of hatchery rainbow trout fingerlings in Michigan. *Transactions of the American Fisheries Society 96(4):394-399.*

Due to the detrimental effects fin-clipping on fingerlings, a valuable resource is being wasted, as well as a tremendous amount of the time and money.

2. The use of a fin-clipped selective harvest has led to the needless waste of tens of thousands, possibly hundreds of thousands of non-clipped fish. I do not believe this is an exaggeration.

Three things must be considered here.

A. Catch ratios between marked and unmarked fish
B. Mortality rates for released fish
C. Multiple hookings and predation of released fish

A. Catch Ratios: The fishing fleets have not been required to report this data in the past, but many fishermen report numbers that differ greatly from what the state is reporting. At times, I and many other fishermen have had to release as many as eight non-marked fish per one hatchery-marked fish. What this says is that there are a whole lot of unmarked fish out there in comparison to the hatchery-marked fish. This is not uncommon both in the ocean and in the rivers, for both commercial and sport fisheries. To get exact data for this in the future, I think there should be a requirement that all numbers are reported and studied. Past studies do not seem to have enough data to be considered as a healthy control model. With a larger control group and consistent reporting, the fishery departments will have better figures to work with in the future. It is my belief that the catch ratio for non-marked fish verses marked hatchery fish are considerably higher than those being reported. Fin-clipping fish and marked-select fisheries do not serve to preserve wild fish.

B. Mortality Rates for released fish: Once again, evidence is not based upon a large, consistent control group. As a harvester, it is disconcerting to be forced by law to release a perfectly harvestable fish, knowing that it is going to die wasted. I have sport and commercially fished for salmon, and in both scenarios I have witnessed what a fish will do to fight its way off the hook. It is my belief that the percentage of mortally wounded fish is much higher than what is actually being reported. When a salmon is hooked deeper than its lips, mortality rates will go up exponentially. Taken with the fact that these fish are fighting for their lives, and it is almost sure death should the hook go beyond the lips or jaw. I have seen the gauntlet these fish must pass to get up to their spawning grounds and frankly, I'm not surprised when I hear the returns are coming in very short of their projections. Fin cutting machines, low water flows, dams, birds and other predators kill tens of millions of smolt, and then they are subjected to a harsh hook and release fishery, where many, many fish are being discarded wastefully.

C. Multiple second and third hook-ups, and predation after releasing wild fish

The 2nd and 3rd hooking of non-clipped fish is yet another unaccounted-for reason for higher mortality rates. It is obvious that this type of fishery is killing a lot more wild salmon, than if the government would just let all fishermen harvest the first fish they catch.

Have you ever seen a herd of sea lions rafted together? Their abundance is unbelievable. It is disconcerting to be forced by law to release a perfectly edible fish and know that it is going to die, and even more disheartening to watch predators attacking the fish you release. I quote one sport fisherman in response to the fin-clipped fishery: "That regulation is intended to protect the native fish so they can proceed to their spawning areas, perhaps a good intended rule if it were not for the multitude of seals and sea lions waiting for their lunch. In almost every instance, after carefully releasing the fish, it was immediately taken by a seal or sea lion. --Norm McDonell "The Chinook Observer" A5 (2/24/10)

On many occasions throughout the years, I have had to pick my gear and run for over an hour to get away from pesky sea lions. The loss of fish and fishing gear was staggering. Add to this by throwing back wounded fish, and the sea lions and gulls are loving our rules.

3. As wild fish become more prevalent, the chances of both poor catch ratios and hooking mortality are only going to grow more grim. Marked-selective fisheries and fin-cutting will only serve to waste fish, not help them to recover.

4. Hatchery-clipping salmon has not helped in the recovery of wild salmon. The clipping of fins and marked-select fisheries have played a huge part in the destruction and waste of untold numbers of fish. **If** the sport and commercial fishermen were allowed to keep the first fish they catch regardless of hatchery markings, **then** I believe the mortality rates upon wild salmon would be much lower than what we are presently experiencing by both fin-clipping fish and instituting marked-selective fisheries. I suggest ending the fin-clipping industry once-and-for-all. It has been a huge strain on the tax payers with no reward to both fish and fishermen.

5. The percentage of fin-clipped Chinook verses wild Chinook are abysmally low. I and many of the fishermen I know who targeted chinook salmon in 2009 had a marked rate that was more realistically between ten and twenty percent. This is just one more reason that even proposing any marked-select fishery for either coho or Chinook should be banned for good.

FOUR GOALS RESTATED:

It is my belief that hatchery marking and tagging of salmon is a failed policy, and the selective fisheries have done nothing to help in the recovery of wild stocks or the enhancement of more fishing opportunities. I propose the council consider adopting the following four suggestions for the 2010 season and beyond:

1. Continue with the present options, minus the use of a marked-select fishery by either sport or commercial fishermen. Allow fishermen to harvest their first legal-sized fish, regardless of whether they are fin-clipped or not. I think the results will amaze everyone.

2. Completely eliminate the fin-clipping industry and coded-wire tag industry, and return the money into more hatchery production and modern **(GSI) Genetic Stock Indexing** studies.

3. Make it mandatory that both sport and commercial fishermen report every fish they hook: marked, non-marked, and undersized.

4. Do a further study into the success rates experienced on the Wenatchee River and how those successes can be recreated in other rivers. Please consider the following success story: **Biologists Restore Extinct Columbia Fish Stocks: Coho salmon vanished in the Yakima basin in 1985**. I quote: "Twelve adult coho returned past Rock Island Dam near Wenatchee 10 years ago. This year, 19,805 returned past the dam. An increasing number of returns came from natural spawning,(salmon)... which biologists hope will resurrect self-sustaining wild coho stocks in the future. In central Washington's Yakima River basin, coho were **extinct** by 1985. The goal, obviously is to get a lot more wild fish in the future, but the higher numbers definitely mean a successful year" --Shannon Dininny *"Statesman Journal" 4C (Dec. 31, 2009) Associated Press*

A big question here: How can biologists now call once extinct runs wild fish? This is a whole topic in itself, which I will briefly touch on at the end of this recommendation.

CONCLUSION:

In Conclusion, I believe the implementation of fin-clipping for harvesting purposes never planned for the future of the salmon troll industry. I quote a 1995 Pacific Fishing Magazine article: "Others concur that fin-clipping is the only viable way to have a fishery in the future, **but only for sportsmen. We're phasing the troll fishery out**. Our only plan is to use selective fisheries in the sport fishery. It's not all that feasible in the troll fishery." --Lee Blankenship *"Pacific Fishing" pg. 60, Nov. 1995*

Mr. Blankenship is now employed by Northwest Marine Technologies (NMT) as their Director of Biological Services. NMT provides most, if not all services for both coded-wire tags (CWT) and fin-clipping machines and monitors on the West Coast. Something sounds very fishy here, but the pun of it is very frightening considering the dire situation for today's commercial salmon trollers.

I say let's stop wasting untold tens of millions of tax-payer dollars on programs geared for failure, and let's stop the waste of perfectly healthy salmon, a failed experiment. Failure of recovered stocks, Failure of restored fisheries, Failure of promised mitigations, Failure of free enterprise. Put an end to fin-clipping and marked-select fisheries once-and-for-all.

Thank you for all your time.

Sincerely,

Mr. Paul Alexander, Commercial Salmon Troller (WA, OR)

FOR FUTURE MANAGEMENT DISCUSSIONS
WILD FISH--I DON'T THINK SO!

For just a moment consider the BARE facts that nearly every river on the West Coast has been either sluiced by gold miners; scoured by loggings; blasted, concreted, and dammed by power companies; plundered by giant irrigation projects; infiltrated by hatchery stocking over the past 100 years; and over-fished by the masses. Then consider the birds, the seals and sea lions, and non-indigenous fish; and, you could make a very strong case that there really are no wild, old-growth fish left in the Northwest. It is no wonder that I am gravely concerned for my occupation and the future of our industry. Wild Fish! I don't think so. Just a few old fishermen being held captive by the inventions of man.

REFERENCES:

Finley, Carmel *1995.* Mass Marking--Curse or Cure for Salmon Management. *"Pacific Fishing" pg. 60, Nov. 1995*

Hansen, Lars P. 1988. Effects of Carlin tagging and fin clipping on survival of Atlantic salmon (*Salmon salar L.*) released as smolts. *"Aquaculture" 70(4): 391-394.*

Mears, H. C., and R. W. Hatch. 1976. Overwinter survival of fingerling brook trout with single and multiple fin clips. *"Transactions of the American Fisheries Society" 105(6):669-674*

McDonell, Norm *"The Chinook Observer"* A5 (Feb. 24, 2010)

Nicola, Stephen J. and Cordone, Almo J. *American Fisheries Society Volume 102, Issue 4 (October 1973)*

Shetter, D. S. 1967. Effects of jaw tags and fin excision upon the growth, survival, and exploitation of hatchery rainbow trout fingerlings in Michigan. *"Transactions of the American Fisheries Society" 96(4):394-399.*

SALMON MANAGEMENT OPTION HEARING SUMMARY

Date:	March 29, 2010	Hearing Officer:	Mr. Rod Moore
Location:	Coos Bay Red Lion Coos Bay OR		
		NMFS:	Ms. Peggy Busby
Attendance:	60	Coast Guard:	Lt Lyle Kessler
Testifying:	18	Salmon Team Member:	Mr. Craig Foster
		Council Staff:	Mr. Chuck Tracy

Organizations Represented:
Oregon Alliance for Sustainable Fishery
Klamath Management Zone Fisheries Coalition

Synopsis of Testimony

Of the 18 people testifying:

- 7 commented primarily on the commercial troll fishery.
- 7 commented primarily on the recreational fishery.
- 4 commented on other aspects of the options

Special Opening Remarks

Mr. Craig Foster reviewed options for the commercial and sport salmon seasons.

Commercial Troll Comments

- 4 supported Option I for Central Oregon
- 2 supported Option II for Central Oregon.

- 1 supported Option I for the KMZ
- 1 supported Option I with increased quotas of 3,000 in June, 2,500 in July, and 3,000 in August, with 30 fish per day and 100 fish per calendar week landing limits from May through August.

Recreational Comments

- 3 supported Option I for central Oregon
- 3 supported Option II for the KMZ
- 1 recommended the coho season in the KMZ open June 16 to align with the Chinook retention fishery.

Other Comments

- 4 opposed any form of mark-selective-fishery.
- 1 expressed concern about consumption of salmon by marine mammals.
- 2 requested leniency from the Coast Guard on safety inspections.
- 1 expressed concern about the reliability of the Sacramento River fall Chinook forecast.
- I supported an incidental halibut retention regulation of one halibut plus one halibut for every two Chinook with a maximum of 35 halibut per trip.

Written Statements (Attached)

- John Fraser
- Klamath Management Zone Fisheries Coalition

PFMC
04/01/10

OPTION 1

Humbug Mt. To OR/CA border (Oregon KMZ)

July 1st to August 31st

All salmon except Coho. Chinook 28 inch total length minimum size limit.
Landing and possession limit of 30 fish per vessel per day and 100 Chinook per calendar week, or all 100 Chinook in one day and than vessel is done for calendar week.

OPTION II

Humbug Mt. To OR/CA border (Oregon KMZ)

May 1st to May 31st

June 1st through June 30, or a 3000 Chinook quota

July 1st through July 31st, or a 2500 Chinook quota

August 1st through August 31st, or a 3000 Chinook quota

All salmon except Coho. Chinook 28 inch total length minimum size limit. Landing and possession limit of 30 fish per vessel per day and 100 Chinook per calendar week. Or all 100 Chinook in one day and vessel done for calendar week.

OPTION III

Humbug Mt. To OR/CA border (Oregon KMZ)

May 1st to May 31st

June 1st through June 30, or a 3500 Chinook quota

July 1st through July 31st, or a 1500 Chinook quota

August 1st through August 31st, or a 3500 Chinook quota

All salmon except Coho. Chinook 28 inch total length minimum size. Landing and possession limit of 30 fish per vessel per day and 100 Chinook per calendar week, or all 100 Chinook in one day and vessel done for week.

OPTION IV

Humbug Mt to OR/CA border (Oregon KMZ)

May 1st to May 31st

June 1st through June 30, or a 4000 Chinook quota

July no Chinook

August 1st through August 31 4000 Chinook quota

All salmon except Coho. Chinook 28 inch total length minimum size. Landing and possession limit of 30 fish per vessel per day and 100 Chinook per calendar week. Or all 100 Chinook in one day and vessel done for week.

Klamath Management Zone Fisheries Coalition
PO Box 1521
Gold Beach, OR 97444

Pacific Fisheries Management Council
7700 NE Ambassador Place, Suite 101
Portland, Oregon 97220-1384

Dear Sirs;

March 29, 2010

My name is Lucie La Bonté, PO Box 1521, Gold Beach Oregon. I am presently Chair of the Klamath Management Zone Fisheries Coalition. The Coalition represents Curry, Del Norte and Humboldt counties, ports, cities, chambers, tribes and citizens within the Klamath Management Zone. We are the only transboundary coalition working for ocean salmon seasons in the KMZ.

At the March 19th, 2010 meeting of the Klamath Management Zone Fisheries Coalition, the membership voted unanimously to support Option 2 for the recreational Chinook 2010 ocean salmon season in both the Oregon and California portions of the Klamath Management Zone. We also voted to support Option 2 for the Coho salmon season in the Oregon portion of the Klamath Management Zone but would prefer that the dates coincide with the Chinook ocean salmon season.
We took no position on the commercial ocean salmon season but support what the majority of the commercial fishermen prefer in the KMZ.

Thank you for this opportunity to speak and the opportunity to fish.
Sincerely,

Lucie La Bonté
Chair
Klamath Management Zone Fisheries Coalition

SALMON MANAGEMENT OPTION HEARING SUMMARY

Date:	March 30, 2010	Hearing Officer:	Mr. Dan Wolford
Location:	Red Lion Hotel Eureka, CA	Other Council Members:	
		NMFS:	Mr. Mark Helvey
			Jennifer Hogan
Attendance:	34	Coast Guard:	LT Robert Starr
			CWO Jonathan Placido.
Testifying:	12	Salmon Technical Team:	
		Council Staff:	Mr. Chuck Tracy
Organizations Represented: Klamath Management Zone Fisheries Coalition; Humboldt Area Saltwater Anglers; Trinity River Guides Association; Salmon Trollers Marketing Association; Humboldt Fishermen Marketing Association, Yurok Tribe			

Synopsis of Testimony

Of the 12 people testifying:

- 6 commented primarily on the commercial troll fishery.
- 4 commented primarily on the recreational fishery.
- 1 commented on both recreational and commercial fisheries
- 1 commented on other issues.

Special Opening Remarks

Mr. Tracy provided a summary of the recreational and commercial options.

Commercial Troll Comments

- All supported Option I for the Fort Bragg area
- 4 supported Option II for the California KMZ, San Francisco and Monterey areas

Recreational Comments

- 3 supported Option II statewide
- 1 supported Option I for the KMZ
- 1 supported a Memorial Day to Labor Day KMZ fishery

Other Comments

- 1 expressed concern about the reliability of the Sacramento River fall Chinook forecast.
- 1 recommended NMFS reconsider its prohibition on mark-selective coho retention in California ocean and river fisheries.
- 1 commented on management of the Klamath River tribal fisheries.

Written Statements (Attached)

- Humboldt Fishermen Marketing Association
- Humboldt Area Saltwater Anglers
- Dave Bitts
- Salmon Trollers Marketing Association;

PFMC
04/01/10

HUMBOLDT FISHERMEN'S MARKETING ASSOCIATION, INC.

3 Commercial Street
Eureka, California 95501-0241

(707) 443-0537 FAX (707) 443-1724

Mr David Ortmann, Chairman
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 200
Portland, Oregon 97220-1384

Dear Mr. Ortmann:

Humboldt Fisherman's Marketing Association and Caito Fisheries inc. propose that Salmon Management option II be accepted by the Pacific Fishery Management Council for the 2010 season with the following change. The Horse Mt. to Point Arena region be included in the July 5 through August 29 Commercial fishing season as are the California areas to the south. It is our hope that this can be accomplished and still allow for a >165,000 Sacramento River fall Chinook escapement. We feel it is essential to have greater fishing opportunity in the northern region so that more plentiful stocks to the north are accessed while shifting effort away from Sacramento stocks.

Sincerely,

Aaron Newman, President HFMA

HUMBOLDT AREA SALTWATER ANGLERS, INC.

March 30, 2010

Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, Oregon 97220-1384

Subject: 2010 Salmon Options

Dear Council Members and Staff,

Humboldt Area Saltwater Anglers (HASA) represent recreational saltwater anglers in Humboldt and Del Norte Counties. We urge you to adopt Option II for both commercial and recreational salmon seasons for 2010.

While it is our desire to have full seasons statewide for both commercial and recreational anglers, we realize that responsible management of the resource is critical for the sustainability of this fishery. For this reason we endorse Option II. It complies with the NMFS guidance letter with an escapement of 180,000 Sacramento Fall Run Chinook as well as meeting the Klamath's escapement of 40,700 native spawners. Option I does not meet the intent of the NMFS guidance letter. Option III, while it exceeds the escapement in the guidance letter, does not allow utilization of harvestable stocks.

Option II will provide both recreational and commercial fishermen an opportunity to fish which has essentially been absent since 2007. This option will provide significant direct and indirect economic benefits statewide for coastal communities.

We appreciate the Council's action to maintain parody within the Klamath Management Zone (KMZ). We would also like to thank the Council, its staff, NMFS and state staff for all their hard work and diligence during this process.

Thank you,

Jim Yarnall
Vice President & Salmon Representative

P.O. BOX 6191
EUREKA, CA. 95502

E-MAIL hasa6191@gmail.com
WEB SITE www.humboldttuna.com

An option proposal for the California commercial salmon fishery in 2010 March 30, 2010

Facing a weak and very uncertain stock abundance prediction for Sacramento fall Chinook, and aware that only 57 winter run jacks returned last year, many fishermen understandably believe that ocean salmon fishing should not be allowed this year. Others, pointing to the changes that made the predictor more conservative and the guidance from NMFS to aim for the top end of the escapement range, and wondering how PFMC can arbitrarily choose an escapement target well above that range, are looking for some limited fishing opportunity. Most fishermen seem to agree that the worst thing that could happen would be if fishing caused Sacramento fall Chinook to fall short of the minimum escapement goal.

A modification to proposed option 1 is being presented tonight that would simply open commercial fishing statewide below Horse Mountain on the same date in July, targeting an escapement of perhaps 165,000, or adjusting the opening date to achieve a mandated target if such appears. This is a clear and simple option, and I support including it for consideration at the April PFMC meeting. I'd also like to propose a murky and complicated option, as follows:

Given that Sacramento fall Chinook are at least 80% of the catch in all months and areas below Point Arena, given that only 57 winter run jacks returned last year, and given that the feeling that we shouldn't fish appears to be strongest among commercial and charter boat fishermen below Pt. Arena, how about:

1) Closing the commercial season below Point Arena
2) Opening the season in the KMZ and Fort Bragg areas for some to-be-determined period before September. an overall quota might be considered, determined by the California share of the allowable commercial harvest of Klamath fish (assuming standard KFMC-type allocations of the nontribal share of Klamaths), as multiplied by other stocks present according to the KOHM and SFOHM to arrive at the quota. Subquotas for the two KOHM cells might be considered, based on the mix of Klamath and Sacramento stocks anticipated; I would expect the bulk of the opportunity to be in the Ft. Bragg area. Possession limits might also be considered, not to constrain catch – the quota does that – but for market reasons, to spread the fishery over time if it turns out there are more fish (or more effort) than anticipated.

   I offer this suggestion as a fisherman who hates quotas, and understands that they work best when abundance predictions are more accurate. But I'm also aware of some problems with predicting effort shift in the models, and I'd point out that we have been under the ultimate quota for the past two years.

Dave Hall

Salmon Trollers Marketing Assoc.

PO Box 137
Fort Bragg, CA 95437

Phone 707-964-5500
Fax 707-964-6985

Dear Mr.Ortmann

We the Members of the Salmon Trollers Marketing Association support the proposal put forth by the Humboldt Fishermen's Marketing Association and Caito Fisheries Inc. that Salmon Management option 2 be accepted by the P.F.M.C. for the 2010 season with the following change. The Horse Mountain to Point Arena region is included in the July 5th through August 29, September 1-30 commercial fishing season as are the California areas to the south. It is our hope that this can be accomplished and still allow for a greater than 165,000 Sacramento River fall Chinook escapement. We feel it is essential to have greater fishing opportunity in the northern region so that more plentiful stocks to the north are accessed while shifting effort away from Sacramento stocks.
Thank you for your concern.
S.T.M.A.

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802-4213

2009/01111: DDL

MAR 2 4 2010

Mr. David Ortmann, Chairman
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 200
Portland, Oregon 97220-1384

Dear Mr. Ortmann,

The Pacific Coast Salmon Fishery Management Plan (Salmon FMP) requires that the Pacific Fishery Management Council (Council) manage their fisheries consistent with consultation standards developed by the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries) regarding actions necessary to protect species listed under the Endangered Species Act (ESA). On March 2, 2010, NOAA Fisheries provided a letter to the Council that summarized current ESA consultation standards and provided guidance for designing the 2010 ocean salmon fishing season within these standards in order to comply with protections for ESA-listed salmonid species. Contained in that letter was specific guidance related to Sacramento River winter Chinook that included adherence to the protective measures contained in the 2004 biological opinion associated with seasonal restrictions and minimum size limits. In addition, NOAA Fisheries provided two recommended actions that it believes will sufficiently constrain fishery impacts on Sacramento River winter Chinook in the 2010 fishing year in response to concerns over the significant decrease in spawning abundance observed since 2006:

(1) for the recreational fishery south of Point Arena, increase the minimum size limit to 24 inches for the entire year; or
(2) for the recreational fishery south of Point Arena, close the fishery for at least two consecutive months (any consecutive 61 day period) at some point from May 1 through August 31. This closure should apply to all areas south of Point Arena simultaneously.

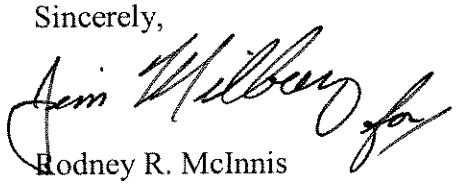
During the March Council meeting, several management options pertaining to this guidance were presented to NOAA Fisheries. In the interest of providing more flexibility to the Council in designing the 2010 salmon fishing season, and in response to requests from the Council's Salmon Advisory Subpanel, further consideration has been given to two additional options.

(3) Use the following combination of options 1 and 2 above:
Close the **San Francisco** management area for 2 consecutive months (as described in #2) and implement the minimum size limit (described in #1, as revised) in the **Monterey** management area.

(4) for the recreational fishery south of Point Arena, increase the minimum size limit to 24 inches at the beginning of the season through August 31, and continue a minimum size limit of no less than 20 inches throughout September, October, and November.

After considering the potential impact of these additional options, NOAA Fisheries has determined that each of these will provide equal or greater protection for Sacramento River winter Chinook as the original recommendations provided in the March 2 guidance letter. The combination of the original recommendations as an additional option is based on the available information that suggests either of the original recommendations will be effective in each area. After further analysis of the size of age-3 Sacramento River winter Chinook during the later portions of the season and the low level of fishery impacts on Sacramento River winter Chinook that is expected at that time of the year, the additional benefit of extending the 20 inch size limit past August is believed to be minimal. Therefore, the Council may choose to consider any of these four guidance options in developing recommendations for the 2010 salmon fishery season that are anticipated to be consistent with the consultation standards of the upcoming Sacramento River winter Chinook biological opinion, which will be completed by the end of April 2010. As was stated in the March 2 guidance letter, NOAA Fisheries anticipates that the new biological opinion will require consideration of the status of Sacramento River winter Chinook during the preseason management process, and fishing impacts may need to be reduced when this ESU is in decline.

Sincerely,



Rodney R. McInnis
Regional Administrator

cc: Copy to file 151422SWR2009PR00139

Agenda Item H.1.f
Supplemental SAS Report
April 2010

SALMON ADVISORY SUBPANEL

PROPOSED 2010
OCEAN SALMON MANAGEMENT MEASURES
FOR TENTATIVE ADOPTION

Monday
April 12, 2010

TABLE 1. Commercial troll management options proposed by the SAS for non-Indian ocean salmon fisheries, 2010 (Page 1 of 5)

A. SEASON OPTION DESCRIPTIONS

North of Cape Falcon

Supplemental Management Information

1. Overall non-Indian TAC: 117,000 (non-mark-selective equivalent of 110,000) Chinook and 90,000 coho marked with a healed adipose fin clip (marked).
2. Non-Indian commercial troll TAC: 56,000 Chinook and 13,400 marked coho.
3. No trade with recreational fishery.

U.S./Canada Border to Cape Falcon

- May 1 through earlier of June 30 or 42,000 Chinook quota.

Seven days per week (C.1). All salmon except coho (C.7). Cape Flattery, Mandatory Yelloweye Rockfish Conservation Area, and Columbia Control Zones closed (C.5). See gear restrictions and definitions (C.2, C.3).
An inseason conference call will occur when it is projected that 35,000 Chinook have been landed to consider modifying the open period and adding landing and possession limits to extend the fishery through the end of June.

U.S./Canada Border to Cape Falcon

- July 1 through earlier of September 14 or 14,000 preseason Chinook guideline (C.8) or a 13,400 marked coho quota (C.8.d).

Open July 1-6, then Friday through Tuesday through July 27, then Saturday through Tuesday thereafter. Landing and possession limit of 150 Chinook and 50 coho per vessel per open period north of Leadbetter Point or 150 Chinook and 50 coho south of Leadbetter Point (C.1). All Salmon except no chum retention north of Cape Alava, Washington in August and September (C.7). All coho must be marked (C.8.d). See gear restrictions and definitions (C.2, C.3). Cape Flattery, Mandatory Yelloweye Rockfish Conservation Area, and Columbia Control Zones closed (C.5).

Oregon State regulations require that fishers south of Cape Falcon, OR intending to fish within this area notify Oregon Department of Fish and Wildlife before transiting the Cape Falcon, OR line (45º46'00" N. lat.) at the following number: 541-867-0300 Ext. 271. Vessels must land and deliver their fish within 24 hours of any closure of this fishery. Under state law, vessels must report their catch on a state fish receiving ticket. Vessels fishing or in possession of salmon while fishing north of Leadbetter Point must land and deliver their fish within the area and north of Leadbetter Point. Vessels fishing or in possession of salmon while fishing south of Leadbetter Point must land and deliver their fish within the area and south of Leadbetter Point, except that Oregon permitted vessels may also land their fish in Garibaldi, Oregon. Oregon State regulations require all fishers landing salmon into Oregon from any fishery between Leadbetter Point, Washington and Cape Falcon, Oregon must notify ODFW within one hour of delivery or prior to transport away from the port of landing by calling 541-867-0300 Ext. 271. Notification shall include vessel name and number, number of salmon by species, port of landing and location of delivery, and estimated time of delivery. Inseason actions may modify harvest guidelines in later fisheries to achieve or prevent exceeding the overall allowable troll harvest impacts (C.8).

TABLE 1. Commercial troll management options proposed by the SAS for non-Indian ocean salmon fisheries, 2010 (Page 2 of 5)

A. SEASON OPTION DESCRIPTIONS

South of Cape Falcon

Supplemental Management Information

1. Sacramento River Basin recreational fishery catch assumption: quota of _____ adult Sacramento River fall Chinook (9.2% of the total allowable harvest).
2. Sacramento River fall Chinook spawning escapement of _____ adults.
3. Klamath River recreational fishery allocation: _____ adult Klamath River fall Chinook.
4. Klamath tribal allocation: _____ adult Klamath River fall Chinook.

Cape Falcon to Humbug Mt.

- May 1-July 6, July 9-13, 16-20, 23-27, August 1-25, September 1-30 (C.9).

All salmon except coho; landing and possession limit of 50 Chinook per vessel per calendar week in September (C.7). All vessels fishing in the area must land their fish in the State of Oregon. See gear restrictions and definitions (C.2, C.3) and Oregon State regulations for a description of special regulations at the mouth of Tillamook Bay.

In 2011, the season will open March 15 for all salmon except coho. This opening could be modified following Council review at its March 2011 meeting.

Humbug Mt. to OR/CA Border (Oregon KMZ)

- May 1-31;
- June 1 through earlier of June 30, or a 1,000 Chinook quota;
- July 1 through earlier of July 31, or a 1,000 Chinook quota;
- Aug. 1 through earlier of Aug. 31, or a 1,000 Chinook quota (C.9).

All salmon except coho (C.7). Chinook 28 inch total length minimum size limit (B). Prior to June 1, landing and possession limit of 100 Chinook per vessel per calendar week; all vessels fishing in the area must land their fish in the area or Port Orford. June 1 through August 31, landing and possession limit of 30 Chinook per vessel per day and 90 Chinook per vessel per calendar week; all vessels fishing in this area must land and deliver all fish within this area or Port Orford, within 24 hours of any closure in this fishery, and prior to fishing outside of this area. Oregon State regulations require all fishers landing salmon from any quota managed season within this area to notify Oregon Dept. of Fish and Wildlife (ODFW) within 1 hour of delivery or prior to transport away from the port of landing by calling (541) 867-0300 ext. 252. Notification shall include vessel name and number, number of salmon by species, port of landing and location of delivery, and estimated time of delivery. See gear restrictions and definitions (C.2, C.3).

In 2011, the season will open March 15 for all salmon except coho, with a 28 inch Chinook minimum size limit. This opening could be modified following Council review at its March 2011 meeting.

OR/CA Border to Humboldt South Jetty (California KMZ)

- September 15 through earlier of September 30, or 3,000 Chinook quota (C.9).

All salmon except coho (C.7). Chinook minimum size limit of 28 inches total length. Landing and possession limit of 20 fish per vessel per day; all fish caught in this area must be landed within the area. See compliance requirements (C.1) and gear restrictions and definitions (C.2, C.3). Klamath Control Zone closed (C.5.e). See California State regulations for additional closures adjacent to the Smith and Klamath rivers. When the fishery is closed between the OR/CA border and Humbug Mt. and open to the south, vessels with fish on board caught in the open area off California may seek temporary mooring in Brookings, Oregon prior to landing in California only if such vessels first notify the Chetco River Coast Guard Station via VHF channel 22A between the hours of 0500 and 2200 and provide the vessel name, number of fish on board, and estimated time of arrival.

Humboldt South Jetty to Horse Mt.

Closed.

TABLE 1. Commercial troll management options proposed by the SAS for non-Indian ocean salmon fisheries, 2010 (Page 3 of 5)

A. SEASON OPTION DESCRIPTIONS

South of Cape Falcon

Horse Mt. to Point Arena (Fort Bragg)

- July 1-4, 8-11, 15-18; July 22 through August 29; September 1-30 (C.9).

All salmon except coho (C.7). Chinook minimum size limit of 27 inches total length (B). All vessels fishing in the area must land their fish south of Horse Mt. when the California KMZ quota fishery is open; all fish must be offloaded within 24 hours of the August 29 closure (C1). See gear restrictions and definitions (C.2, C.3).

Pt. Arena to Pigeon Pt. (San Francisco)

- July 1-4, 8-11 (C.9).

All salmon except coho (C.7). Chinook minimum size limit of 27 inches total length (B). See gear restrictions and definitions (C.2, C.3).

Pigeon Pt. to U.S./Mexico Border (Monterey)

Closed

B. MINIMUM SIZE (Inches) (See C.1)

	Chinook		Coho		
Area (when open)	Total Length	Head-off	Total Length	Head-off	Pink
North of Cape Falcon	28.0	21.5	16.0	12.0	None
Cape Falcon to Horse Mt.	28.0	21.5	-	-	None
Horse Mt. to U.S./Mexico Border	27.0	20.5	-	-	None

C. REQUIREMENTS, DEFINITIONS, RESTRICTIONS, OR EXCEPTIONS

C.1. Compliance with Minimum Size or Other Special Restrictions: All salmon on board a vessel must meet the minimum size, landing/possession limit, or other special requirements for the area being fished and the area in which they are landed if the area is open. 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.

C.2. Gear Restrictions:

a. Salmon may be taken only by hook and line using single point, single shank, barbless hooks.
b. Cape Falcon, Oregon, to the OR/CA border: No more than 4 spreads are allowed per line.
c. OR/CA border to U.S./Mexico border: No more than 6 lines are allowed per vessel, and barbless circle hooks are required when fishing with bait by any means other than trolling.

TABLE 1. Commercial troll management options proposed by the SAS for non-Indian ocean salmon fisheries, 2010 (Page 4 of 5)

C. REQUIREMENTS, DEFINITIONS, RESTRICTIONS, OR EXCEPTIONS (continued)

C.3. Gear Definitions:

Trolling defined: Fishing from a boat or floating device that is making way by means of a source of power, other than drifting by means of the prevailing water current or weather conditions.

Troll fishing gear defined: One or more lines that drag hooks behind a moving fishing vessel. In that portion of the fishery management area (FMA) off Oregon and Washington, the line or lines must be affixed to the vessel and must not be intentionally disengaged from the vessel at any time during the fishing operation.

Spread defined: A single leader connected to an individual lure or bait.

Circle hook defined: A hook with a generally circular shape and a point which turns inward, pointing directly to the shank at a 90º angle.

C.4. Transit Through Closed Areas with Salmon on Board: It is unlawful for a vessel to have troll or recreational gear in the water while transiting any area closed to fishing for a certain species of salmon, while possessing that species of salmon; however, fishing for species other than salmon is not prohibited if the area is open for such species, and no salmon are in possession.

C.5. Control Zone Definitions:

a. *Cape Flattery Control Zone* - The area from Cape Flattery (48º23'00" N. lat.) to the northern boundary of the U.S. EEZ; and the area from Cape Flattery south to Cape Alava (48º10'00" N. lat.) and east of 125º05'00" W. long.
b. *Mandatory Yelloweye Rockfish Conservation Area* – The area in Washington Marine Catch Area 3 from 48°00.00' N. lat.; 125°14.00' W. long. to 48°02.00' N. lat.; 125°14.00' W. long. to 48°02.00' N. lat.; 125°16.50' W. long. to 48°00.00' N. lat.; 125°16.50' W. long. and connecting back to 48°00.00' N. lat.; 125°14.00' W. long.
c. *Columbia Control Zone* - An area at the Columbia River mouth, bounded on the west by a line running northeast/southwest between the red lighted Buoy #4 (46°13'35" N. lat., 124°06'50" W. long.) and the green lighted Buoy #7 (46°15'09' N. lat., 124°06'16" W. long.); on the east, by the Buoy #10 line which bears north/south at 357° true from the south jetty at 46°14'00" N. lat.,124°03'07" W. long. to its intersection with the north jetty; on the north, by a line running northeast/southwest between the green lighted Buoy #7 to the tip of the north jetty (46°15'48" N. lat., 124°05'20" W. long.), and then along the north jetty to the point of intersection with the Buoy #10 line; and, on the south, by a line running northeast/southwest between the red lighted Buoy #4 and tip of the south jetty (46°14'03" N. lat., 124°04'05" W. long.), and then along the south jetty to the point of intersection with the Buoy #10 line.
d. *Bandon High Spot Control Zone* - The area west of a line between 43º07'00" N. lat.; 124º37'00" W. long. and 42º40'30" N. lat; 124º 52'0" W. long. extending to the western edge of the exclusive economic zone (EEZ).
e. *Klamath Control Zone* - The ocean area at the Klamath River mouth bounded on the north by 41°38'48" N. lat. (approximately six nautical miles north of the Klamath River mouth); on the west, by 124°23'00" W. long. (approximately 12 nautical miles off shore); and on the south, by 41°26'48" N. lat. (approximately six nautical miles south of the Klamath River mouth).

C.6. Notification When Unsafe Conditions Prevent Compliance with Regulations: If prevented by unsafe weather conditions or mechanical problems from meeting special management area landing restrictions, vessels must notify the U.S. Coast Guard and receive acknowledgment of such notification prior to leaving the area. This notification shall include the name of the vessel, port where delivery will be made, approximate amount of salmon (by species) on board, and the estimated time of arrival.

C.7. Incidental Halibut Harvest: During authorized periods, the operator of a vessel that has been issued an incidental halibut harvest license may retain Pacific halibut caught incidentally in Area 2A while trolling for salmon. Halibut retained must be no less than 32 inches in total length, measured from the tip of the lower jaw with the mouth closed to the extreme end of the middle of the tail, and must be landed with the head on. License applications for incidental harvest must be obtained from the International Pacific Halibut Commission (phone: 206-634-1838). Applicants must apply prior to April 1 of each year. Incidental harvest is authorized only during May and June troll seasons and after June 30 if quota remains and if announced on the NMFS hotline (phone: 800-662-9825). ODFW and Washington Department of Fish and Wildlife (WDFW) will monitor landings. If the landings are projected to exceed the 25,035 pound preseason allocation or the total Area 2A non-Indian commercial halibut allocation, NMFS will take inseason action to prohibit retention of halibut in the non-Indian salmon troll fishery.

Option I: Beginning May 1, license holders may land no more than one Pacific halibut per each 2 Chinook, except one Pacific halibut may be landed without meeting the ratio requirement, and no more than 35 halibut may be landed per trip. Pacific halibut retained must be no less than 32 inches in total length (with head on).
Options II and III: Beginning May 1, license holders may land no more than one Pacific halibut per each 3 Chinook, except one Pacific halibut may be landed without meeting the ratio requirement, and no more than 35 halibut may be landed per trip. Pacific halibut retained must be no less than 32 inches in total length (with head on).

TABLE 1. Commercial troll management options proposed by the SAS for non-Indian ocean salmon fisheries, 2010 (Page 5 of 5)

C. REQUIREMENTS, DEFINITIONS, RESTRICTIONS, OR EXCEPTIONS (continued)

A "C-shaped" yelloweye rockfish conservation area is an area to be voluntarily avoided for salmon trolling. NMFS and the Council request salmon trollers voluntarily avoid this area in order to protect yelloweye rockfish. The area is defined in the Pacific Council Halibut Catch Sharing Plan in the North Coast subarea (Washington marine area 3), with the following coordinates in the order listed:

48°18' N. lat.; 125°18' W. long.;
48°18' N. lat.; 124°59' W. long.;
48°11' N. lat.; 124°59' W. long.;
48°11' N. lat.; 125°11' W. long.;
48°04' N. lat.; 125°11' W. long.;
48°04' N. lat.; 124°59' W. long.;
48°00' N. lat.; 124°59' W. long.;
48°00' N. lat.; 125°18' W. long.;
and connecting back to 48°18' N. lat.; 125°18' W. long.

C.8. Inseason Management: In addition to standard inseason actions or modifications already noted under the season description, the following inseason guidance is provided to NMFS:

a. Chinook remaining from the May through June non-Indian commercial troll harvest guideline north of Cape Falcon may be transferred to the July through September harvest guideline on a fishery impact equivalent basis.
b. NMFS may transfer fish between the recreational and commercial fisheries north of Cape Falcon on a fishery impact equivalent basis if there is agreement among the areas' representatives on the Salmon Advisory Subpanel (SAS).
c. At the March 2011 meeting, the Council will consider inseason recommendations for special regulations for any experimental fisheries (proposals must meet Council protocol and be received in November 2010).
d. If retention of unmarked coho is permitted by inseason action, the allowable coho quota will be adjusted to ensure preseason projected mortality of critical stocks is not exceeded.
e. Landing limits may be modified inseason to sustain season length and keep harvest within overall quotas.

C.9. State Waters Fisheries: Consistent with Council management objectives:

a. The State of Oregon may establish additional late-season fisheries in state waters.
b. The State of California may establish limited fisheries in selected state waters.

Check state regulations for details.

C.10. For the purposes of California Department of Fish and Game (CDFG) Code, Section 8232.5, the definition of the Klamath Management Zone (KMZ) for the ocean salmon season shall be that area from Humbug Mt., Oregon, to Horse Mt., California.

TABLE 2. Recreational management options proposed by the SAS for non-Indian ocean salmon fisheries, 2010. (Page 1 of 4)

A. SEASON OPTION DESCRIPTIONS

North of Cape Falcon

Supplemental Management Information

1. Overall non-Indian TAC: 117,000 (non-mark-selective equivalent of 110,000) Chinook and 90,000 coho marked with a healed adipose fin clip (marked).
2. Recreational TAC: 61,000 (non-mark selective equivalent of 54,000) Chinook and 75,600 marked coho; all retained coho must be marked.
3. No trade with recreational fishery.
4. No Area 4B add-on fishery.
5. Buoy 10 fishery opens Aug. 1 with an expected landed catch of 12,000 marked coho in August and September.

U.S./Canada Border to Cape Falcon

- June 12 through earlier of June 30 (July 1 in the Westport sub-area) or a **marked Chinook guideline of 12,000** (C.5).

Seven days per week. Two fish per day, all salmon except coho, **all Chinook must be marked with a healed adipose fin clip (C.1)**. Chinook 24-inch total length minimum size limit (B). See gear restrictions (C.2). Inseason management may be used to sustain season length and keep harvest within the overall Chinook recreational TAC for north of Cape Falcon (C.5).

U.S./Canada Border to Cape Alava (Neah Bay)

- July 1 through earlier of September 19 or 9,860 marked coho subarea quota with a subarea guideline of 5,400 Chinook (C.5).

Seven days per week. All salmon except no chum beginning August 1. Two fish per day, only one of which can be a Chinook; there will be a conference call no later than July 14 to consider removing the one Chinook bag limit restriction. All retained coho must be marked (C.1). See gear restrictions and definitions (C.2, C.3). Inseason management may be used to sustain season length and keep harvest within the overall Chinook recreational TAC for north of Cape Falcon (C.5).

Cape Alava to Queets River (La Push Subarea)

- July 1 through earlier of September 19 or 1,920 marked coho subarea quota with a subarea guideline of 2,450 Chinook (C.5).
- September 25 through earlier of October 10 or 50 marked coho quota or 50 Chinook quota (C.5) in the area north of 47°50'00 N. lat. and south of 48°00'00" N. lat.

Seven days per week. All salmon, two fish per day, only one of which can be a Chinook; there will be a conference call no later than July 14 to consider removing the one Chinook bag limit restriction. All retained coho must be marked (C.1). See gear restrictions and definitions (C.2, C.3). Inseason management may be used to sustain season length and keep harvest within the overall Chinook recreational TAC for north of Cape Falcon (C.5).

Queets River to Leadbetter Point (Westport Subarea)

- July 4 through earlier of September 19 or 27,970 marked coho subarea quota with a subarea guideline of 28,000 Chinook (C.5).

Seven days per week. All salmon, two fish per day, only one of which can be a Chinook; there will be a conference call no later than July 14 to consider removing the one Chinook bag limit restriction. All retained coho must be marked (C.1). See gear restrictions and definitions (C.2, C.3). Grays Harbor Zone closed beginning August 1 (C.4.b). Inseason management may be used to sustain season length and keep harvest within the overall Chinook recreational TAC for north of Cape Falcon (C.5).

Leadbetter Point to Cape Falcon (Columbia River Subarea)

- July 1 through earlier of September 30 or 37,800 marked coho subarea quota with a subarea guideline of 13,100 Chinook (C.5).

Seven days per week. All salmon, two fish per day, only one of which can be a Chinook; there will be a conference call no later than July 14 to consider removing the one Chinook bag limit restriction. All retained coho must be marked (C.1). See gear restrictions and definitions (C.2, C.3). Columbia Control Zone closed (C.4.c). Inseason management may be used to sustain season length and keep harvest within the overall Chinook recreational TAC for north of Cape Falcon (C.5).

TABLE 2. Recreational management options proposed by the SAS for non-Indian ocean salmon fisheries, 2010. (Page 2 of 4)

A. SEASON OPTION DESCRIPTIONS

South of Cape Falcon

Supplemental Management Information

1. Sacramento River Basin recreational fishery catch assumption: quota of _____ adult Sacramento River fall Chinook (9.2% of the total allowable harvest).
2. Sacramento River fall Chinook spawning escapement of _____ adults.
3. Klamath River recreational fishery allocation: _____ adult Klamath River fall Chinook.
4. Klamath tribal allocation: _____ adult Klamath River fall Chinook.
5. Overall recreational TAC: 30,000 marked coho.

Cape Falcon to Humbug Mt.

- Except as provided below during the all-salmon mark-selective coho fishery, the season will be May 29 through September 6 (C.6).

All salmon except coho; two fish per day (C.1). See gear restrictions and definitions (C.2, C.3).

- All-salmon mark-selective coho fishery: Cape Falcon to OR/CA Border: June 26 through earlier of Sept. 6 or a landed catch of 30,000 marked coho. The all salmon except coho season may reopen upon attainment of the coho quota.

Open seven days per week, all salmon, two fish per day. All retained coho must be marked (C.1). Fishing in the Stonewall Bank groundfish conservation area restricted to trolling only on days the all depth recreational halibut fishery is open (call the halibut fishing hotline 1-800-662-9825 for specific dates) (C.3.b, C.4.d). Open days may be adjusted inseason to utilize the available quota (C.5).

In 2011, the season between Cape Falcon and Humbug Mt. will open March 15 for all salmon except coho, two fish per day (B, C.1, C.2, C.3).

Humbug Mt. to OR/CA Border. (Oregon KMZ)

- Except as provided above during the all-salmon mark-selective coho fishery, the season will be May 29 through September 6 (C.6).

All salmon except coho, except as noted above in the all-salmon mark-selective coho fishery. Seven days per week, two fish per day (C.1). Chinook minimum size limit of 24 inches total length (B). See gear restrictions and definitions (C.2, C.3).

OR/CA Border to Horse Mt. (California KMZ)

- May 29 through September 6 (C.6).

Seven days per week. All salmon except coho. Two fish per day (C.1). Chinook minimum size limit of 24 inches total length (B). See gear restrictions and definitions (C.2, C.3). Klamath Control Zone closed in August (C.4.e). See California State regulations for additional closures adjacent to the Smith, Eel, and Klamath rivers.

Horse Mt. to Point Arena (Fort Bragg)

- April 3 through November 14.

All salmon except coho. Two fish per day (C.1). Chinook minimum size limit of 20 inches total length (B). See gear restrictions and definitions (C.2, C.3).

In 2011, season opens April 2 for all salmon except coho, two fish per day (C.1). Chinook minimum size limit of 20 inches total length (B); and the same gear restrictions as in 2010 (C.2, C.3).

Point Arena to Pigeon Point (San Francisco)

- April 3-30; July 1 through November 14.

Seven days per week. All salmon except coho. Two fish per day (C.1). Chinook minimum size limit of 20 inches total length (B). See gear restrictions and definitions (C.2, C.3).

OR

- April 3-30; May 1 through August 31; September 1 through November 14.

Seven days per week through April, then Thursday through Monday through August 31, then seven days per week thereafter. All salmon except coho. Two fish per day (C.1). Chinook minimum size limit of 24 inches total length May 1 through August 31, 20 inches in April and September 1-November 14 (B). See gear restrictions and definitions (C.2, C.3).

In 2011, the season will open April 2 for all salmon except coho, two fish per day (C.1). Chinook minimum size limit of 24 inches total length (B); and the same gear restrictions as in 2010 (C.2, C.3).

Pigeon Point to U.S./Mexico Border (Monterey)

- April 3 through October 3.

All salmon except coho. Two fish per day (C.1). Chinook minimum size limit of 24 inches total length May 1 through August 31, 20 inches in April and September 1-October 3 (B). See gear restrictions and definitions (C.2, C.3).

In 2011, the season will open April 2 for all salmon except coho, two fish per day (C.1). Chinook minimum size limit of 24 inches total length (B); and the same gear restrictions as in 2010 (C.2, C.3).

TABLE 2. Recreational management options proposed by the SAS for non-Indian ocean salmon fisheries, 2010. (Page 3 of 4)

B. MINIMUM SIZE (Inches) (See C.1)

Area (when open)		Chinook	Coho	Pink
North of Cape Falcon		24.0	16.0	None
Cape Falcon to OR/CA Border		24.0	16.0	None
OR/CA Border to Horse Mountain		24.0	-	24.0
Horse Mt. to Pt. Arena		20.0	-	20.0
Pt. Arena. to U.S./Mexico Border:	Option I	24.0[a/]	-	24.0
	Option II	20.0	-	20.0

a/ Except 20 inches prior to May 1, 2010.

C. REQUIREMENTS, DEFINITIONS, RESTRICTIONS, OR EXCEPTIONS

C.1. Compliance with Minimum Size and Other Special Restrictions: All salmon on board a vessel must meet the minimum size or other special requirements for the area being fished and the area in which they are landed if that area is open. Salmon may be landed in an area that is closed only if they meet the minimum size or other special requirements for the area in which they were caught.

Ocean Boat Limits: Off the coast of Washington, Oregon, and California, each fisher aboard a vessel may continue to use angling gear until the combined daily limits of salmon for all licensed and juvenile anglers aboard has been attained (additional state restrictions may apply).

C.2. Gear Restrictions: Salmon may be taken only by hook and line using barbless hooks. All persons fishing for salmon, and all persons fishing from a boat with salmon on board, must meet the gear restrictions listed below for specific areas or seasons.

a. *U.S./Canada Border to Point Conception, California*: No more than one rod may be used per angler; and no more than two single point, single shank barbless hooks are required for all fishing gear. [Note: ODFW regulations in the state-water fishery off Tillamook Bay may allow the use of barbed hooks to be consistent with inside regulations.]

b. *Horse Mt., California, to Point Conception, California*: Single point, single shank, barbless circle hooks (see gear definitions below) are required when fishing with bait by any means other than trolling, and no more than two such hooks shall be used. When angling with two hooks, the distance between the hooks must not exceed five inches when measured from the top of the eye of the top hook to the inner base of the curve of the lower hook, and both hooks must be permanently tied in place (hard tied). Circle hooks are not required when artificial lures are used without bait.

C.3. Gear Definitions:

a. *Recreational fishing gear defined*: Angling tackle consisting of a line with no more than one artificial lure or natural bait attached. Off Oregon and Washington, the line must be attached to a rod and reel held by hand or closely attended; the rod and reel must be held by hand while playing a hooked fish. No person may use more than one rod and line while fishing off Oregon or Washington. Off California, the line must be attached to a rod and reel held by hand or closely attended; weights directly attached to a line may not exceed four pounds (1.8 kg). While fishing off California north of Point Conception, no person fishing for salmon, and no person fishing from a boat with salmon on board, may use more than one rod and line. Fishing includes any activity which can reasonably be expected to result in the catching, taking, or harvesting of fish.

b. *Trolling defined*: Angling from a boat or floating device that is making way by means of a source of power, other than drifting by means of the prevailing water current or weather conditions.

c. *Circle hook defined*: A hook with a generally circular shape and a point which turns inward, pointing directly to the shank at a 90° angle.

TABLE 2. Recreational management options proposed by the SAS for non-Indian ocean salmon fisheries, 2010. (Page 4 of 4)

C. REQUIREMENTS, DEFINITIONS, RESTRICTIONS, OR EXCEPTIONS

C.4. Control Zone Definitions:

a. *The Bonilla-Tatoosh Line*: A line running from the western end of Cape Flattery to Tatoosh Island Lighthouse (48°23'30" N. lat., 124°44'12" W. long.) to the buoy adjacent to Duntze Rock (48°28'00" N. lat., 124°45'00" W. long.), then in a straight line to Bonilla Point (48°35'30" N. lat., 124°43'00" W. long.) on Vancouver Island, British Columbia.

b. *Grays Harbor Control Zone* - The area defined by a line drawn from the Westport Lighthouse (46° 53'18" N. lat., 124° 07'01" W. long.) to Buoy #2 (46° 52'42" N. lat., 124°12'42" W. long.) to Buoy #3 (46° 55'00" N. lat., 124°14'48" W. long.) to the Grays Harbor north jetty (46° 36'00" N. lat., 124°10'51" W. long.).

c. *Columbia Control Zone*: An area at the Columbia River mouth, bounded on the west by a line running northeast/southwest between the red lighted Buoy #4 (46°13'35" N. lat., 124°06'50" W. long.) and the green lighted Buoy #7 (46°15'09' N. lat., 124°06'16" W. long.); on the east, by the Buoy #10 line which bears north/south at 357° true from the south jetty at 46°14'00" N. lat., 124°03'07" W. long. to its intersection with the north jetty; on the north, by a line running northeast/southwest between the green lighted Buoy #7 to the tip of the north jetty (46°15'48" N. lat., 124°05'20" W. long. and then along the north jetty to the point of intersection with the Buoy #10 line; and on the south, by a line running northeast/southwest between the red lighted Buoy #4 and tip of the south jetty (46°14'03" N. lat., 124°04'05" W. long.), and then along the south jetty to the point of intersection with the Buoy #10 line.

d. *Stonewall Bank Groundfish Conservation Area*: The area defined by the following coordinates in the order listed:
   44°37.46' N. lat.; 124°24.92' W. long.;
   44°37.46' N. lat.; 124°23.63' W. long.;
   44°28.71' N. lat.; 124°21.80' W. long.;
   44°28.71' N. lat.; 124°24.10' W. long.;
   44°31.42' N. lat.; 124°25.47' W. long.;
   and connecting back to 44°37.46' N. lat.; 124°24.92' W. long.

e. *Klamath Control Zone*: The ocean area at the Klamath River mouth bounded on the north by 41°38'48" N. lat. (approximately six nautical miles north of the Klamath River mouth); on the west, by 124°23'00" W. long. (approximately 12 nautical miles off shore); and, on the south, by 41°26'48" N. lat. (approximately 6 nautical miles south of the Klamath River mouth).

C.5. Inseason Management: Regulatory modifications may become necessary inseason to meet preseason management objectives such as quotas, harvest guidelines, and season duration. In addition to standard inseason actions or modifications already noted under the season description, the following inseason guidance is provided to NMFS:

a. Actions could include modifications to bag limits, or days open to fishing, and extensions or reductions in areas open to fishing.

b. Coho may be transferred inseason among recreational subareas north of Cape Falcon on an fishery impact equivalent basis to help meet the recreational season duration objectives (for each subarea) after conferring with representatives of the affected ports and the Council's SAS recreational representatives north of Cape Falcon.

c. Chinook and coho may be transferred between the recreational and commercial fisheries north of Cape Falcon on a fishery impact equivalent basis if there is agreement among the representatives of the Salmon Advisory Subpanel (SAS).

d. If retention of unmarked coho is permitted in the area from the U.S./Canada border to Cape Falcon, Oregon, by inseason action, the allowable coho quota will be adjusted to ensure preseason projected mortality of critical stocks is not exceeded.

C.6. Additional Seasons in State Territorial Waters: Consistent with Council management objectives, the States of Washington, Oregon, and California may establish limited seasons in state waters. Check state regulations for details.

TABLE 2. Recreational management options proposed by the SAS for non-Indian ocean salmon fisheries, 2010. (Page 3 of 4)

A. SEASON OPTION DESCRIPTIONS

South of Cape Falcon

Point Arena to Pigeon Point (San Francisco)

- April 3-30; July 1 through November 14.

Seven days per week. All salmon except coho. Two fish per day (C.1). Chinook minimum size limit of 20 inches total length (B). See gear restrictions and definitions (C.2, C.3).

OR

- April 3-30; May 1 through August 31; September 1 through November 14.

Seven days per week through April, then Thursday through Monday through August 31, then seven days per week thereafter. All salmon except coho. Two fish per day (C.1). Chinook minimum size limit of 24 inches total length May 1 through August 31, 20 inches in April and September 1-November 14 (B). See gear restrictions and definitions (C.2, C.3).

In 2011, the season will open April 2 for all salmon except coho, two fish per day (C.1). Chinook minimum size limit of 24 inches total length (B); and the same gear restrictions as in 2010 (C.2, C.3).

Pigeon Point to U.S./Mexico Border (Monterey)

- April 3 through October 3.

All salmon except coho. Two fish per day (C.1). Chinook minimum size limit of 24 inches total length May 1 through August 31, 20 inches in April and September 1-October 3 (B). See gear restrictions and definitions (C.2, C.3).

OR

- April 3-30; May 1 through August 31; September 1 through October 3.

Seven days per week through April, then Thursday through Monday through August 31, then seven days per week thereafter. All salmon except coho. Two fish per day (C.1). Chinook minimum size limit of 24 inches total length May 1 through August 31, 20 inches in April and September 1-November 14 (B). See gear restrictions and definitions (C.2, C.3).

In 2011, the season will open April 2 for all salmon except coho, two fish per day (C.1). Chinook minimum size limit of 24 inches total length (B); and the same gear restrictions as in 2010 (C.2, C.3).

B. MINIMUM SIZE (Inches) (See C.1)

Area (when open)		Chinook	Coho	Pink
North of Cape Falcon		24.0	16.0	None
Cape Falcon to OR/CA Border		24.0	16.0	None
OR/CA Border to Horse Mountain		24.0	-	24.0
Horse Mt. to Pt. Arena		20.0	-	20.0
Pt. Arena. to U.S./Mexico Border:	Option I	24.0[a/]	-	24.0
	Option II	20.0	-	20.0

a/ Except 20 inches prior to May 1, 2010.

C. REQUIREMENTS, DEFINITIONS, RESTRICTIONS, OR EXCEPTIONS

C.1. Compliance with Minimum Size and Other Special Restrictions: All salmon on board a vessel must meet the minimum size or other special requirements for the area being fished and the area in which they are landed if that area is open. Salmon may be landed in an area that is closed only if they meet the minimum size or other special requirements for the area in which they were caught.

Ocean Boat Limits: Off the coast of Washington, Oregon, and California, each fisher aboard a vessel may continue to use angling gear until the combined daily limits of salmon for all licensed and juvenile anglers aboard has been attained (additional state restrictions may apply).

C.2. Gear Restrictions: Salmon may be taken only by hook and line using barbless hooks. All persons fishing for salmon, and all persons fishing from a boat with salmon on board, must meet the gear restrictions listed below for specific areas or seasons.

a. *U.S./Canada Border to Point Conception, California*: No more than one rod may be used per angler; and no more than two single point, single shank barbless hooks are required for all fishing gear. [Note: ODFW regulations in the state-water fishery off Tillamook Bay may allow the use of barbed hooks to be consistent with inside regulations.]

TABLE 2. Recreational management options proposed by the SAS for non-Indian ocean salmon fisheries, 2010. (Page 4 of 4)

C. REQUIREMENTS, DEFINITIONS, RESTRICTIONS, OR EXCEPTIONS

b. *Horse Mt., California, to Point Conception, California*: Single point, single shank, barbless circle hooks (see gear definitions below) are required when fishing with bait by any means other than trolling, and no more than two such hooks shall be used. When angling with two hooks, the distance between the hooks must not exceed five inches when measured from the top of the eye of the top hook to the inner base of the curve of the lower hook, and both hooks must be permanently tied in place (hard tied). Circle hooks are not required when artificial lures are used without bait.

C.3. Gear Definitions:

a. *Recreational fishing gear defined*: Angling tackle consisting of a line with no more than one artificial lure or natural bait attached. Off Oregon and Washington, the line must be attached to a rod and reel held by hand or closely attended; the rod and reel must be held by hand while playing a hooked fish. No person may use more than one rod and line while fishing off Oregon or Washington. Off California, the line must be attached to a rod and reel held by hand or closely attended; weights directly attached to a line may not exceed four pounds (1.8 kg). While fishing off California north of Point Conception, no person fishing for salmon, and no person fishing from a boat with salmon on board, may use more than one rod and line. Fishing includes any activity which can reasonably be expected to result in the catching, taking, or harvesting of fish.

b. *Trolling defined*: Angling from a boat or floating device that is making way by means of a source of power, other than drifting by means of the prevailing water current or weather conditions.

c. *Circle hook defined*: A hook with a generally circular shape and a point which turns inward, pointing directly to the shank at a 90° angle.

C.4. Control Zone Definitions:

a. *The Bonilla-Tatoosh Line*: A line running from the western end of Cape Flattery to Tatoosh Island Lighthouse (48°23'30" N. lat., 124°44'12" W. long.) to the buoy adjacent to Duntze Rock (48°28'00" N. lat., 124°45'00" W. long.), then in a straight line to Bonilla Point (48°35'30" N. lat., 124°43'00" W. long.) on Vancouver Island, British Columbia.

b. *Grays Harbor Control Zone* - The area defined by a line drawn from the Westport Lighthouse (46° 53'18" N. lat., 124° 07'01" W. long.) to Buoy #2 (46° 52'42" N. lat., 124°12'42" W. long.) to Buoy #3 (46° 55'00" N. lat., 124°14'48" W. long.) to the Grays Harbor north jetty (46° 36'00" N. lat., 124°10'51" W. long.).

c. *Columbia Control Zone*: An area at the Columbia River mouth, bounded on the west by a line running northeast/southwest between the red lighted Buoy #4 (46°13'35" N. lat., 124°06'50" W. long.) and the green lighted Buoy #7 (46°15'09' N. lat., 124°06'16" W. long.); on the east, by the Buoy #10 line which bears north/south at 357° true from the south jetty at 46°14'00" N. lat., 124°03'07" W. long. to its intersection with the north jetty; on the north, by a line running northeast/southwest between the green lighted Buoy #7 to the tip of the north jetty (46°15'48" N. lat., 124°05'20" W. long. and then along the north jetty to the point of intersection with the Buoy #10 line; and on the south, by a line running northeast/southwest between the red lighted Buoy #4 and tip of the south jetty (46°14'03" N. lat., 124°04'05" W. long.), and then along the south jetty to the point of intersection with the Buoy #10 line.

d. *Stonewall Bank Groundfish Conservation Area*: The area defined by the following coordinates in the order listed:
   44°37.46' N. lat.; 124°24.92' W. long.;
   44°37.46' N. lat.; 124°23.63' W. long.;
   44°28.71' N. lat.; 124°21.80' W. long.;
   44°28.71' N. lat.; 124°24.10' W. long.;
   44°31.42' N. lat.; 124°25.47' W. long.;
   and connecting back to 44°37.46' N. lat.; 124°24.92' W. long.

e. *Klamath Control Zone*: The ocean area at the Klamath River mouth bounded on the north by 41°38'48" N. lat. (approximately six nautical miles north of the Klamath River mouth); on the west, by 124°23'00" W. long. (approximately 12 nautical miles off shore); and, on the south, by 41°26'48" N. lat. (approximately 6 nautical miles south of the Klamath River mouth).

C.5. Inseason Management: Regulatory modifications may become necessary inseason to meet preseason management objectives such as quotas, harvest guidelines, and season duration. In addition to standard inseason actions or modifications already noted under the season description, the following inseason guidance is provided to NMFS:

a. Actions could include modifications to bag limits, or days open to fishing, and extensions or reductions in areas open to fishing.

b. Coho may be transferred inseason among recreational subareas north of Cape Falcon on an fishery impact equivalent basis to help meet the recreational season duration objectives (for each subarea) after conferring with representatives of the affected ports and the Council's SAS recreational representatives north of Cape Falcon.

c. Chinook and coho may be transferred between the recreational and commercial fisheries north of Cape Falcon on a fishery impact equivalent basis if there is agreement among the representatives of the Salmon Advisory Subpanel (SAS).

d. If retention of unmarked coho is permitted in the area from the U.S./Canada border to Cape Falcon, Oregon, by inseason action, the allowable coho quota will be adjusted to ensure preseason projected mortality of critical stocks is not exceeded.

C.6. Additional Seasons in State Territorial Waters: Consistent with Council management objectives, the States of Washington, Oregon, and California may establish limited seasons in state waters. Check state regulations for details.

Agendum H.1.f
Supplemental Comments of Hoopa Valley Tribe
April 2010

HOOPA VALLEY TRIBAL COMMENTS ON
H.1 Tentative Adoption of 2010 Ocean Salmon Management Measures for Analysis

The Hoopa Valley Tribal Council (HVTC) retains sole management authority governing the HVT fishery prosecuted by Tribal members on the Hoopa Valley Reservation. Under its authority the HVTC allows for utilization of Klamath River Fall Chinook to meet the purposes of subsistence, ceremony, and commerce.

Option I as presently modeled results in the greatest opportunity for tribal fisheries in Klamath River with a TAC of 35,399. Whereas this fact alone motivates the HVT to support Option I, we would prefer that the recreational opportunities presently associated with this option be reduced in May particularly in the Fort Bragg Cell, where past data suggest a high probability for impacts to Klamath-Trinity River spring Chinook. Presently, harvest of Klamath-Trinity River spring Chinook is indiscriminate and occurs in conjunction with fall Chinook marine fisheries occurring prior to May.

The HVT acknowledges the efforts of the PFMC to greatly restrict "credit card" fisheries for the post August 31 birth date for KRFC. Presently, the PFMC has no methodology for forecasting impacts of these fall fisheries. Moreover, during periods of stock depression, allowing fall fisheries may compromise management flexibility in planning spring/summer fisheries the following year.

Tentative Adoption of 2010 Management Measures
April 12, 2010

- This year coho stocks are down from last year and there are specific conservation concerns for the Lower Columbia River wild and OCN stocks. We are also aware of the need to keep all U.S. fisheries south of the Canadian border to the level in the Pacific Salmon Treaty coho agreement. This includes the Interior Fraser (Thompson) coho.

- For Chinook, we have a complex task of meeting the exploitation rate objectives defined in our Comprehensive Chinook Harvest Plan for Puget Sound Chinook, meeting the guidelines for Columbia Lower River Natural Tules and concerns for low abundance of North Coast Chinook stocks.

- We are very close to meeting all the objectives with the fisheries we are currently modeling we will be able to fully meet them with a few additional fishery adjustments.

- We also have to be aware of the impact from our fishery on Columbia River chinook. We fully intend to continue to live up to the commitment that we made to the four Columbia River tribes in 1988 to not increase our impacts on Columbia River Chinook stocks of concern.

- There is an ongoing discussion with the Washington Department of Fish and Wildlife (WDFW), on the Chinook mark selective fishery that has been proposed for the ocean this year. The Tribes are working with WDFW on a sampling program that will provide stock specific estimates of impacts by marked and unmarked Chinook and legal and sub-legal Chinook.

- We have been in the process of establishing, cooperatively with the Washington Department of Fish and Wildlife (WDFW), a package of fisheries that will ensure acceptable levels of impact on natural stocks of concern as well as providing opportunity to harvest hatchery stocks. In many cases we have now reached agreement on specific 2010 management measures and terminal area fisheries agreements. Further, the tribes are continuing to work cooperatively with WDFW in hopes of finding successful outcomes for the remaining regions and terminal area fisheries.

For the Treaty Indian ocean troll fishery, I would like to offer the following Treaty troll management measures for ***tentative*** adoption and for analysis by the Salmon Technical Team:

A Chinook quota of: 55,000

A coho quota of: 43,000

This would consist of a May/June chinook only fishery and a July/August/September all species fishery. The chinook will be split 27,500 in May/June and 27,500 in July-September. Gear restrictions, size limits and other appropriate regulations would be as stated in previous Salmon Technical Team analysis, (Table 3).

TESTIMONY OF
THE COLUMBIA RIVER TREATY TRIBES
BEFORE PACIFIC FISHERIES MANAGEMENT COUNCIL
April 12, 2010
Portland, OR

Good day Mr. Chairman and members of the Council. My name is Virgil Lewis. I am a member of the Fish, Wildlife, and Law and Order Committee of the Yakama Nation. I am here with Rapheal Bill, Herb Jackson, and Bruce Jim to provide Testimony on behalf of the four Columbia River treaty tribes: the Yakama, Warm Springs, Umatilla and Nez Perce tribes.

The tribes are disturbed by the inadequate response from the states to respond to our concerns about the proposed mark selective recreational fisheries in Ocean Areas 1 though 4 in June. We testified to these concerns at the March meeting. We have received little indication that the states are willing to address any of these concerns. We received an email copy late Sunday of a draft Washington monitoring plan that is not substantively different from the draft monitoring plan we received at the March meeting. Clearly we have not had time to fully analyze this plan.

At the March PFMC meeting, we told the Council that it is necessary to directly monitor mark selective fisheries in order to determine the number of unclipped fish that are handled and released. Angler interviews are inadequate for estimating the encounter rate in mark selective fisheries. We understand that Washington is not willing or capable to implement a program to directly monitor handle rates in Areas 3 and 4 and Oregon also has no plans to directly monitor its mark selective fisheries. This is not acceptable. Without direct monitoring, the estimates of the effects of mark selective fisheries are questionable and not reliable enough for making management decisions.

The tribes met with NMFS late in the day on Sunday. We were encouraged that NMFS seems willing to seek funding to assist in the ocean monitoring programs and is willing to investigate paying for analyzing existing genetic data for ocean fisheries. The tribes anticipate further meetings with NMFS to discuss these and other issues during the week this week. NMFS needs to understand that a

verbal promise to investigate a few of the issues of concern to the tribes is not alone sufficient to eliminate tribal opposition to the mark selective fishery proposal before the Council.

At the March meeting we brought up concerns that Double Index Tag Groups need to be in place in order to estimate mortality rates in mark selective fisheries. The U.S. Fish and Wildlife Service has Double Index Tag Groups in place for its Columbia River programs at places like Spring Creek Hatchery. Other programs, such as Priest Rapids Hatchery and Ringold Hatchery have no double index tag groups on fish returning in 2010. There will likely be a Double Index Tag group at Priest Rapids starting with 2010 releases. It is reckless and irresponsible to implement mark selective fisheries impacting fall Chinook without full double index tagging in place.

The southern U.S. fishery managers have worked very hard to develop harvest plans under the Pacific Salmon Commission process that appropriately manages and monitors Alaskan and Canadian fisheries that impact southern U.S. stocks. Inadequate implementation of mark selective Chinook fisheries erodes the ability to measure if Pacific Salmon Treaty obligations are being met. Situations where the impacts of mark selective fisheries on the unmarked or natural populations cannot be evaluated or quantified must be avoided. The reporting of impacts in existing and future mark selective fisheries must be detailed enough to meet the needs of both the PSC and *U.S. v Oregon* processes. It is very upsetting to see Council area fisheries proposed that will adversely impact not only tribal fisheries, but international agreements as well.

The *U.S. v. Oregon* parties have agreed to manage 2010 in-river fisheries according to the 2008-2017 *U.S. v. Oregon* management agreement. This agreement states, "**If mark selective fisheries are implemented that impact upriver fall Chinook, the non-treaty ocean and in-river fisheries may not harvest more than 50% of the harvestable surplus of upriver fall Chinook, consistent with the applicable federal allocation caselaw.**"

We need to have post season analysis of the actual ocean Chinook catches to determine how many upriver fall Chinook are killed in ocean fisheries so that the *U.S. v. Oregon* Parties can assess the actual percent of harvestable surplus caught by both treaty and non-treaty fisheries.

The experience of recent years indicates that with the way the states have implemented mark selective in-river spring Chinook fisheries, the result was non-treaty harvest substantially exceeding the allowed tribal harvest and tribal wild harvest rates being forced up because of mark selective fisheries. Steelhead mark selective fisheries have also been implemented in ways that result in significant catch imbalances in favor of non-treaty fisheries. It took several years for the states and tribes to resolve catch balance issues for spring Chinook. The clarified understanding of catch balancing will be implemented for the first time in 2010 and the tribes will be carefully monitoring the results to ensure we actually have this issue resolved.

The tribes believe that the implementation of mark selective fisheries impacting Columbia River fall Chinook stocks, such as those being considered for ocean fisheries, will cause similar allocation issues. The tribes are very concerned about the continuing expansion of mark selective fisheries and the inability to measure the effects on allocation and achievement of conservation goals. Expansion of mark selective fisheries has the potential of shifting the burden of conservation on to tribal fisheries, which is contrary to federal treaty fishing rights case law.

We also do not believe that coho mark selective ocean fisheries have been monitored and evaluated in a manner consistent with the requirements of the *U.S. v. Oregon* Agreement. The requirement in the *U.S. v. Oregon* Management Agreement is: "**The Parties agree to implement fisheries in the Pacific Fishery Management Council (PFMC) and Columbia River Compact that provide treaty Indian and non-treaty fisheries the opportunity to each harvest 50% of the upriver adult coho available for harvest south of the U.S. – Canada border. The provision for 50% of the defined upriver adult coho run size to non-treaty fisheries shall include any catches in sport fisheries above Bonneville Dam as well as sport and Commercial fisheries below Bonneville Dam and in the ocean. The upriver coho run is comprised of both early and late stocks.**"

The tribes are concerned about the process by which coho forecasts are made. There is no tribal involvement in this process. As co-managers of the resource, the tribes must be provided with information that affects treaty fishing. Information concerning the forecast for upriver coho for 2010 and the estimated mark rate has not been provided to the tribes nor does it appear to be included

in Council documents. The tribes question the validity of the estimates. Observed mark rates in ocean coho fisheries seem to be substantially different than the forecast mark rates. The Salmon Technical Team reports projected non-treaty coho catches that comply with the Management Agreement requirement, but there is no post-season assessment of impacts on Columbia River stocks, relative to the Management Agreement requirement. A final post season report of impacts from all fisheries, both ocean and in-river is essential element for assessing the effects of the Management Agreement. A final post season report is necessary to calculate harvest sharing between treaty and non-treaty fisheries. Post season reports need to be more than just fishery model runs. They need be an analysis of the fish that were actually caught. The tribes expect the state and federal agencies to live up to their commitment to provide information necessary to evaluate compliance with the Management Agreement.

In a letter to the Columbia River tribal chairs NMFS stated that, "NOAA Fisheries expects managers to apply the experience gained from existing mark-selective fisheries to any new proposal and to continue to adaptively manage these fisheries as information is increased and uncertainty reduced." We agree and think that that this is exactly why NMFS should require a full multi-year analysis of the roughly ten year history of ocean coho mark selective fishing before they consider adopting any Chinook mark selective fisheries in federal waters.

As a federal agency NMFS has a treaty trust responsibility to ensure that non-treaty fisheries are managed consistent with federal treaty fishing rights case law. As part of that treaty trust responsibility, NMFS must require appropriate monitoring and evaluation and reporting of all fisheries, including any mark selective fisheries, so that tribal fisheries are protected from adverse impacts.

Additionally, we would like to remind the states of Oregon and Washington that the tribes object to their proposal to implement mark selective Chinook recreational fisheries in the mainstem Columbia River during the summer Chinook management period. The tribes have a number of policy and technical concerns. The upper Columbia River summer Chinook are not listed for protection under the ESA. The state proposal reduces landed catch and increases incidental mortalities in order to extend fishing time by a few days. The tribes see this as wastage. Tribal fishermen are taught not to play with their

food. The state proposal suffers from many of the same technical problems as the proposed mark selective fishery in the ocean. There is no agreement on the incidental mortality rate, monitoring plans are inadequate, and there in Double Index Tag group. Assessing the impacts of the proposed fishery with any degree of certainty is impossible.

The technical concerns extend to the proposed ocean fishery. The monitoring is inadequate to properly estimate the impacts of the proposed ocean fishery on upper Columbia River summer Chinook. The *U.S. v. Oregon* Management Agreement assumes that ocean harvest of summer Chinook is small and consistent on an annual basis. Implementation of fisheries targeting marked Chinook in June may invalidate that assumption. To test the assumption all harvest data including ocean fishery interceptions needs to be evaluated. The tribes ask the Council to direct the Salmon Technical Team to assess recent year actual interceptions of upper Columbia Summer Chinook in PFMC area fisheries on an annual basis.

In summary, the tribes continue to stress that mark selective fisheries are a poor way to manage fisheries and that they will do nothing to rebuild salmon stocks. Council members should vote against any mark selective Chinook fisheries in the ocean for this year or in any year until the following actions are taken:

1. Ensure an appropriate analysis of past coho mark selective fisheries is complete which includes an assessment of ocean and in-river impacts on Columbia upriver coho as indicated in the *U.S. v. Oregon* Management Agreement.
2. Analyze existing genetic data especially concerning current impacts to wild fish and ensure funding is available for future genetic sampling of ocean fisheries.
3. Ensure that post season impacts to Columbia River up-river fall Chinook can be provided based on analysis of actual fish caught and not simply re-running models which assume impacts will be similar to some base period. This is critical to measure where fisheries stand relative to 50% of the harvestable surplus.

4. Ensure that plans are in place and funding is available for on-the-water direct observation of mark rates in all catch sampling areas where there are either coho or Chinook mark selective fisheries.
5. Agreed to forecasting methodologies need to be developed to adequately forecast marked and unmarked components of Columbia River Chinook and coho stocks.
6. And there must be an analysis of the risks associated with the possibilities of multiple encounters from the increasing intensities of mark selective fisheries.

In summary, we as co-managers of the salmon resource, need give up the false concerns that not implanting mark selective fisheries will somehow impact the mitigation responsibility of the Mitchell Act or that mark selective ocean fisheries will somehow, as if by magic, reduce the number of hatchery fish that spawn naturally. In general, the tribes are not as concerned with the issue of hatchery fish spawning naturally since hatchery fish came originally from wild fish. What we need to do is to get on with the tasks of restoring habitat and addressing the real issues affecting the productivity of our fish. We need to restore these fish so we can all go fishing.

This concludes our statement. Thank You.

Agenda Item H.1.g
Public Comment
April 2010

Subject: Fwd: Comment for inclusion in the Briefing Book for the Apr 2010 Council Meeting - Salmon Management
From: "pfmc.comments" <pfmc.comments@noaa.gov>
Date: Fri, 12 Mar 2010 08:55:01 -0800
To: Chuck Tracy <Chuck.Tracy@noaa.gov>

-------- Original Message --------
Subject: Comment for inclusion in the Briefing Book for the Apr 2010 Council Meeting - Salmon Management
Date: Tue, 09 Mar 2010 15:24:03 -0800
From: Bill Divens <bill@salmonkinglodge.com>
To: pfmc.comments@noaa.gov

I have serious concerns about any harvest of Sacramento River Fall Run Chinooks in 2010 based on the Sacramento Index Forecast of 245,483 salmon.

Given the predictive model's ability to over-predict by factors of 4, the anomalous return of jacks to the Feather River Hatchery inflating the prediction and lack of historical precedent for a 3 times year over year increase in salmon population, it would be both reckless and potentially devastating to Sacramento River Fall Chinooks to allow any ocean, main stem or upper Sacramento River harvest. To allow a harvest would be to 'Manage by Miracles" and, we all know the results of that management style.

While you might expect a person who would gain financially from a 2010 harvest to be overjoyed with this forecast, I am not. Unfortunately, I am doubly cursed with a PhD in Chemistry and 25 years of experience managing Silicon Valley companies. Numbers mean something to me and my business experience has taught me that past poor performance is, unfortunately, a good indicator of future results.

The following forms the basis of my concerns:

Dysfunctional Model
While there is some correlation between salmon abundance and previous year's jack return on the Sacramento, the correlation is tenuous at best. For proof, we need only look at the 2009 Salmon abundance prediction of 122,100 salmon and an actual return of 39,800. More simply, **for every 4 salmon that the model predicted, less than 1 salmon actually materialized**. The 2009 prediction was not an isolated incident. One need only look at the 2005, 2001 and 1998 predictions to see that the model can fail to predict actual returns by hundreds of thousands of fish. If the current prediction is off by the same amount as it was in 2009, we would see less than 82,000 Fall Chinooks – a number far below escapement goals.

Distribution of Jacks Used in the Model
If one were to make the highly optimistic assumption that PFMC has a functional model that would indeed predict 2010 Sacramento Fall Chinook abundance, there is another problem with the data that feeds the model. Jack distribution was strongly skewed toward the Feather River and in particular the Feather River Hatchery. Of the 9,216 jacks counted on the Sacramento, 4,620 were Feather River jacks while only 2,233 were Upper Sacramento jacks. This is important because the Upper Sacramento has historically produced more ocean caught salmon than any other California river sub-system. In the past the Upper Sacramento produced 3 – 5 times the number of salmon produced by the Feather.

Digging a little deeper into the numbers, we find that the 3,723 jacks that returned to the Feather River Hatchery was quite an anomaly. Refer to Table B-2 on page 194 of the Feb 2010 version of the Review of 2009 Ocean Salmon Fishery and you will see that over the past 40 years, only once, in 2004, did the Feather River receive more jacks than in 2009. Even in years preceding good salmon returns, the average number of jacks returning to the Feather River Hatchery was 1/3 – ½ of the 2009 return. **In the midst of the Central Valley salmon collapse, doesn't anyone find it odd that the Feather River Hatchery has a near record return of jacks while the Coleman and Nimbus received very low returns of jacks?**

I suspect that there was an anomaly in hatchery operations, timing of release of the 2007 juvenile salmon from the Feather Hatchery or these smolt finding a particularly rich food source upon outmigration that was not found by their Upper Sacramento and American cousins that led to such a high hatchery jack return. Inclusion of these jacks in the model is highly suspect at best. If one were to rightly assume that the Feather jack return is an anomaly and take the median of the 1971 – 2008 jack returns (1,370) as a more reasonable, but probably still high estimate for modeling 2010 returns, you would have to subtract 2,353 jacks from the Sacramento River Index model which would lower the number of jacks used in the model from 9,216 to 6,863. Plugging this number back into the model, you would project a Sacramento Index of 182,809 adult salmon, barely making the upper escapement goal range.

The skewed distribution of jacks toward the Feather and particularly the Feather River Hatchery is important because the Upper Sacramento run of Fall Chinooks is still depleted. Since the Upper Sacramento ecosystem has historically produced the lion's share of California ocean caught salmon, we need to rebuild this run if we are to see strong ocean runs in the future. Any ocean season targeting Sacramento River Fall Run Chinooks will significantly harm these fish and at best delay recovery of the Upper Sacramento stocks.

There is No Historical Precedence for the Sacramento Making Minimum Escapement in 2010

Looking beyond the model, one needs to apply a little common sense when making harvest decisions. For natural systems, historical precedence is a good place to start. With the hand of man involved, we can see record setting declines in fish populations but rarely record setting population increases. When the rare population increases do occur, there is normally some very visible, heroic effort involved.

With just 39,800 salmon in 2009, for the current prediction of 245,483 Fall Run Chinooks in 2010 to be accurate, **we would need see a 6 times increase in salmon abundance over 2009. This has never happened** and most certainly won't this year. We need to then look at what increase over the 2009 return that we need to just make escapement:

Lower End of Escapement – To meet the lower end goal of 122,000 salmon for 2010, we would need to see a year over year increase of a factor of 3. Has this ever happened? Not really. 1995 saw an increase in the Sacramento Index of approx. 2.2 over 1994. Unfortunately that was an anomaly with most year over year increases measured in percent rather than factors of 2 or 3. **In other words with only 39,800 fall Chinooks in 2009, there is no historical precedence that should make us feel comfortable that we could possibly make even minimum escapement in 2010.**

Given all of the above, I would urge the council to manage by fact rather than manage by miracles and to allow no salmon harvest targeting Sacramento River Fall Chinook in 2010.

Best Regards,
Bill Divens
Owner and Guide
Salmon King Lodge
19095 Bonita Rd.
Red Bluff, CA 96080
bill@salmonkinglodge.com
www.salmonkinglodge.com
530-941-2398
IGFA Certified Captain

Subject: Fwd: What happened?
From: "pfmc.comments" <pfmc.comments@noaa.gov>
Date: Fri, 12 Mar 2010 08:55:41 -0800
To: Mike Burner <Mike.Burner@noaa.gov>, Chuck Tracy <Chuck.Tracy@noaa.gov>, Jennifer Gilden <Jennifer.Gilden@noaa.gov>

-------- Original Message --------
Subject: What happened?
Date: Thu, 11 Mar 2010 09:36:36 -0800 (PST)
From: Joe Mangiardi <joemangiardi@yahoo.com>
To:pfmc.comments@noaa.gov

Dear folks:
I attended LIU at Southampton in 1971 and earned a BS in Marine Biology. I studied fisheries management under Al Eiper at Cornell, after that, attained a MS degree in Fisheries Genetics from SDSU. I remember well the years fishing for blues and stipers off Montauk and fluke and flounder out of Freeport NY as a kid in the 60's, and the advent of the looming 200 mile limit law which was intended to reduce the amont of foreign fishing vessels working the continental shelves and decimating our near shore fisheries (I believe the US` was 18th in the world catch at that time). When there was discussions of specific fishing areas on the oceans and a marine sport fishing license I thought that was ridiculous. I knew well the CPUE curves and the effects of overfishing like the Monterey sardine, the mysterious demise of Alaska king crab,the effects of lost habitat and pollution as in the great lakes and the Chesapeake, and impact of dammed rivers, and the loss of Eastern salt marshes and estuaries, and the draining of the everglades
Then came the FCMA. Wow, I thought we finally kicked them out! The Magnusen Stevens Act was intended to maintain and preserve the the fisheries resources for future generations and to maintain economic viability of sport and commercial fisheries in the US. This is a tough job folks, I realize that very well. What I do not understand is.... what happened? We all realize that fisheries management at the primary level is a balance of maintaining natal and adult habitat, assessing and managing, where possible, the causes of mortality, fecundity, and in the case of anadromous species, recruitment. I feel that the PFMC has failed miserably in the case of salmon. Who is accountable? The Council is looked up to by all concerned. If the Council is not capable of doing their job, as it was intended, should it not come clean and confess to everyone their failures and limitations? What happened to the returns?? I resent someone who complains without a solution.
I believe from my studies of the problem that loss of FW habitat is the main culprit. I also see little record or discussion of high seas interception. If the Council has no power to access recruitment and fingerling survival then it cannot manage the fishery.
The Bristol Bay story is immense. The Sockeye data records are almost 100 years deep. I worked as fisheries project manager for BBNA in Dillinham and for ADF&G as a fisheries biologist. (I was also senior biologist for the Adirondack Lakes Survey Corporation in New York which did a massive baseline study regarding acid rain and the effects on lotic and lentic biota.) What we see in the Alaska data are huge cycles of returns. The fishery is managed by emergency order throughout the season to assure recruitment numbers in the critical rivers: Nushagak, Igigik.Ugashik, Togiak, and Naknek. They have inside test sites that measure returns during the season. This is a viable and sustainable fishery. Great stuff. Is there some component we could use on the west coast? Augmented with genetically correct hatchery contributions and a specific plan to address spawining and fingerling survival, the fishery can be saved. If the Council cannot do this they should say so.

Joe Mangiardi II

Subject: Fwd: Sacramento River Kings
From: "pfmc.comments" <pfmc.comments@noaa.gov>
Date: Fri, 12 Mar 2010 08:56:10 -0800
To: Chuck Tracy <Chuck.Tracy@noaa.gov>
CC: Jennifer Gilden <Jennifer.Gilden@noaa.gov>

The Council received 5 public comments that were substantively identical to this letter.

-------- Original Message --------
Subject: Sacramento River Kings
Date: Fri, 12 Mar 2010 06:48:24 -0800
From: Monty Moncrief <moncrief@uci.net>
To:pfmc.comments@noaa.gov

I am deeply concerned about opening any harvest, especially commercial, that would target the 2010 Fall Run Sacramento Chinooks because I believe the forecast of 245,483 salmon is grossly inflated and that we will be lucky to make minimum escapement. My reasons are as follows:

1. The predictive model that forms the basis for harvest decisions is too deeply flawed to be used when populations are at critically low levels. In 2009 the predictive model failed by more than 300%. Predicted salmon = 122,100 Actual salmon = 39,800. More simply, for every 3 salmon that the model predicted, less than 1 salmon actually materialized. If the model over-predicts to the same level this year, we will have only 82,000 salmon return - or 40,000 below minimum escapement goals.

2. Even if the model were correct, there is a problem with the 2009 jack count that feeds the model. The majority of the jacks were part of an anomalous, near historic return to the Feather River while the Upper Sacramento and American had very low returns of jacks. The Upper Sacramento that historically produced the lion's share of ocean harvested salmon received a very low jack return. Failure to protect depleted Upper Sacramento stocks will lead to disastrous results for future ocean harvests.

3. There is no historical precedent for a year over year increase in salmon abundance of 6 times as would be needed for the 245,483 salmon prediction to come true. The greatest year over year increase in Sacramento Fall Chinooks was 1994 - 1995 when the salmon abundance increased by a factor of 2.2 and even that is rare. Normal increases are measured in percentages, not factors of 2 or 3. Applying the optimistic 2.2 factor to the 2009 returns we can expect a maximum of 87,560 adult salmon in 2010 - a number far below minimum escapement.

In light of the above facts, I would urge the council to apply common sense, rather than numbers from a highly flawed prediction model in making harvest decisions for the 2010 Sacramento Fall Run Chinooks. Given the historically low returns of 2009, a flawed prediction model, anomalously high returns to the Feather Hatchery and lack of historical precedence, the only rational decision is to close the harvest of 2010 Sacramento Fall Run Chinooks. Any other decision will be both reckless and potentially disastrous to this once stellar fishery.

THANK YOU

Subject: Fwd: Comment for Inclusion in the Briefing Book for the Apr 2010 Council Meeting - Salmon Management
From: "pfmc.comments" <pfmc.comments@noaa.gov>
Date: Mon, 15 Mar 2010 10:43:16 -0700
To: Chuck Tracy <Chuck.Tracy@noaa.gov>

-------- Original Message --------
Subject: Comment for Inclusion in the Briefing Book for the Apr 2010 Council Meeting - Salmon Management
Date: Sat, 13 Mar 2010 09:22:10 -0800
From: Ryan Henderson <ryanhenderson07@gmail.com>
To: pfmc.comments@noaa.gov

Dear Sir or Madam,

I am very troubled by the proposals that are now on the table regarding Fall Run Sacramento Chinook. The precipitious decline that I have personally observed over the last decade leads me to only one conclusion, no harvest or limited sport harvest.

If the projected return were to actually materialize, a 2011 season can be rationally considered. If, however, the continued mis-calculation of run size occurs and a commercial season is had, there will be nothing to discuss in 2011.

My understanding is that roughly 125,000 were predicted in 2009 and under 40,000 actually appeared. I have yet to read any scientific journal that supports a year-to-year positive change in run size as is being presupposed in the plans allowing for commercial harvest in 2010.

2010 is a critical year, if PFMC's estimation for the year are correct we are on the road to recovery. If the estimation fairs the same as previous estimates and a commercial season is allowed PFMC will have facilitated the complete collapse of the Fall Run Chinook in the Sacramento River system.

I implore you to use common sense and revise the tabled options to exclude commercial harvest from any of them.

Sincerely,

Ryan A. Henderson, Esq.
(619) 200-1995
ryanhenderson07@gmail.com
3404 Lake Park Ct.
Santa Rosa, CA 95403

Subject: Fwd: Salmon season for California
From: "pfmc.comments" <pfmc.comments@noaa.gov>
Date: Mon, 15 Mar 2010 10:44:07 -0700
To: Chuck Tracy <Chuck.Tracy@noaa.gov>

-------- Original Message --------
Subject: Salmon season for California
Date: Sun, 14 Mar 2010 22:40:49 -0700 (PDT)
From: dschurr@sbcglobal.net
Reply-To: dschurr@sbcglobal.net
To: pfmc.comments@noaa.gov

After the lowest Salmon return in history, California 2009 (39,000 returned),

It is very irresponsible to even consider a fishing season.

After nearly a decade of continuous fisheries decline, all populations in this region, you need to solve the underlying problem before making a purely political move like this one.

I have fished Salmon for over twenty five years in this state and recognize this as a disaster unfolding.

Continued degradation of these stocks will result in endangered listings.

Please help me save this magnificant species.

David Schurr
dschurr@sbcglobal.net

Dear Sir/Madame,

We are contacting you on behalf of a group of ocean commercial salmon trollers in the State of Oregon. We represent some of the last participants of a severely declined hook and line salmon troll fishery, which provide a high quality product to consumers on the West Coast and beyond.

Everyone can agree that we have some real problems on the West Coast with salmon. Unfortunately commercial salmon harvesters have had to absorb most of the pain associated with salmon recovery. Power generation, dams, and other causes of salmon decline have not shared in the same plight as the harvesters. While our fishing communities have suffered with a 90% decline in salmon harvest since 1975 one would be hard pressed to find another group that has had to bear this type of decline.

During the past 10 years a new method of salmon harvest known as mark-selective fishing was introduced for ocean and some in-river fisheries along our West Coast. In implementation the results have been disastrous to our commercial troll salmon fishery. Scientists and fisheries biologists along with the Pacific Salmon Commission have raised some serious questions about the effectiveness of mark-selective fisheries, and unintended consequences of mass-marking groups of salmon. In August of 2001 in its Review of Salmon Recovery Studies for the Columbia River Basin the Independent Scientific Advisory Board (ISAB) for the Northwest Power and Conservation Council was gravely concerned about the problems of a mass-marked fishery on the Coded Wire Tag program that has been the primary indicator of salmon stock status for more than 3 decades. In a memorandum dated July 29, 2005 the ISAB was increasingly concerned that mortality rates were not fully understood. Some quotes from the ISAB concerning mass-marking and mark-selective fisheries:

"In addition, analytical results increasingly rely upon new assumptions on fishery impacts that are difficult to validate (e.g., assumed values for release and drop off mortality rates, plus mark retention and unmarked recognition error)."

"Despite their "common sense" appeals, mass marking and mark-selective fisheries have not been shown to be an effective management tool to constrain impacts on natural stocks of Chinook and Coho salmon to allowable levels. The effectiveness of mass marking and mark-selective fishing has not been evaluated prior to widespread application, and has instead, been blindly accepted as a matter of faith."

"Mass marking and mark-selective fisheries increase uncertainty and introduce additional bias in estimates of fishery impacts on unmarked fish due to the necessity to rely upon assumptions (e.g., release mortality rates) that cannot be readily validated."

"Unfortunately, the selective retention of marked fish violates the fundamental assumption of the coded-wire tag (CWT) program that has been the basis of Chinook and Coho management for the past 25 years. Further, maintaining the viability of the Coded Wire Tag program is a commitment embodied in the Pacific Salmon Treaty."

"Since the early 1980's, the CWT system has served as the foundation for Chinook and Coho salmon management in the Pacific Northwest and the scientific basis for the Pacific Salmon Treaty. Concerns over statistical uncertainty, the adequacy of reliance upon hatchery stock surrogates for associated natural stocks, and the impact of mass marking and mark-selective fisheries have been building in recent years. Taken together, these concerns have generated questions regarding the continuing utility of the CWT and

associated sampling regimes and analytical tools that the Pacific Salmon Commission has relied upon for decades. As a result, the ability of the CWT system to continue to serve in that capacity is now very much in doubt."

I believe it is safe to say that both the scientific community and the fishing community have some serious doubts about the effectiveness of mark-selective fisheries on salmon recovery. The mark-selective fishery is a no-win situation for commercial fishermen, their families, coastal communities, businesses and the tax payers of the West coast states. In the summer of 2009 everyone's worse fears came true. When the summer Coho season opened sport and commercial fishermen could not help but notice the unusually high catch rate of non-marked Coho. All one would have to do is walk down any dock and talk to the fishermen. Actual mark-rates being experienced in the ocean were reported far lower than the 69-70% figure which is used as a target goal by management. This would correspond to a salmon troller having to catch and handle nearly double the amount of fish in order to obtain their weekly quota, resulting in largely unknown hooking mortality of wild fish.

I quote a December 30, article in the Oregonian:

"Ten years ago, 12 adult Coho returned past Rock Island Dam near Wenatchee, Wash. This year, 19,805 passed the dam. Returns past McNary Dam near Hermiston climbed from 4,736 Coho a decade ago to 33,385 this year -- the most since counting began at the dam in 1954."

As more success stories such as the one noted above come to fruition it will directly result in lower mark rates encountered in the ocean as more and more unmarked fish mix with the marked population. As one might argue that the reason for the success of the population mentioned above is due to mark selective fishing, there is not one shred of scientific proof that marked fishing for over 12 years has done anything for wild salmon populations. They continue their wild fluctuation of ups and downs and unfortunately the downs seem to push lower even as the marked fishery has expanded.

Continually reducing harvest in attempting to restore salmon runs is not the answer to salmon restoration. In many instances relatively small returns of spawners have created large runs of fish. In years of increased water flows through dams and improved habitat a direct correlation is shown that water flow and quality drives successful salmon populations. In a case study by Washington commercial salmon troller and Washington Troll Association member Joel Kawahara he duly notes:

"It must not be glossed over that the Upper Columbia River Summer Chinook were under escaped yet went on to produce near record runs. There is much to be said about meeting escapements, and it is WTA's policy that we agree that they should be met with fisheries reductions when necessary. However, without good in-river conditions, adequate escapement is a one-sided contribution from the harvest segment that is not matched by those responsible for in-river habitat and flow. This case study of Upper Columbia River Summer Chinook shows how important in-river conditions are. Even with escapement below the interim MSY goals, developed by NOAA Fisheries and the Chinook Technical Committee of the Pacific Salmon Commission, very large returns have occurred when Ocean Conditions and Increased Flow are provided the Salmon."

In a letter dated January 5th, 2010 to the Washington Dept. of Fish and Wildlife from Mr. Kawahara's fisherman association (WTA) stated:

"With the hooking stress and mortality, we are not convinced that the wild Coho runs have really been helped. For the commercial salmon troller, our goal is to have an economically viable opportunity as well as provide fresh local salmon to the market. WTA has found that by retaining only the fin clipped hatchery Coho, our retained catch per unit time is so low that it is not economical for us to target only on hatchery Coho."

This quote is from a group who once supported the mark-selective fishery. Even

they have now realized this fishery, while well intended, has become an economic disaster, and has provided no improvement in wild salmon populations.

Summarizing the fatal flaws in this system:

1. Increasing wild salmon production paid for directly and indirectly by our citizens' results in more potential mortality of wild fish, in marked selective fisheries. This is counterproductive. The salmon did not spawn; the salmon was not brought to market helping our struggling economy. Middle school level math could calculate that as more non-marked fish (from naturally occurring runs and tribal non-marked hatchery) are introduced to a school of marked fish your chances of catching a marked fish are exponentially reduced. The actual mark rates encountered in the ocean both North and South of Cape Falcon for sport and commercial fishers are far below what would be required to call this a "successful" fishery.

2. The actual mortality rates, and spawning viability being suffered by the released salmon, are largely unknown and based primarily on "blind faith."

3. Mark-selective commercial troll and recreational ocean harvest has never shown a direct correlation in increased salmon returns over the past decade that they have been used, but have had a great affect on the amount of potential fish wastage from releases.

4. Coded wire tag data used in successfully determining stock status of wild runs has been compromised due to no sample pool of unmarked stock being landed. As more and more of the fishing mortality on natural stocks is accounted for by **non-landed catch** (e.g., shaker loss, drop off, release and non-retention), the capacity of the CWT system to provide the data necessary for stock and fishery assessments is being increasingly challenged. Double Index Tagging does NOT accurately account for mortality in specific mark-selective fisheries. The level of uncertainty increases as the magnitude of mark-selective fisheries increases.

5. Forcing increased fishing time to land a fixed amount of fish, promoting unsafe working conditions because of more time needed to sort through fish, and causing waste of fuel, a non-renewable energy.

6. The extremely high cost of maintaining all aspects of marked fisheries, i.e. MATS trailers, wands, employees, maintenance, hatchery changes has created funding cutbacks in other important areas of salmon restoration. The millions of dollars spent on implementation and continuation of marked fishing has been a constant drain on Federal and State budgets with nothing to show for it. This simply cannot continue.

In closing we believe that mark-selective salmon fishing should not be considered as an option for commercial salmon troll seasons. Being told that reverting to an unmarked fishery will result in our harvest rate being cut by up to 70%, as we have been told in the past, is unacceptable. To date there is no proven scientific evidence that mark-selective salmon troll fisheries restores wild salmon populations. If severe harvest cutbacks are necessary for ESA protections it would make sense that hydroelectric power

productions, river level controls, pollution, water spill, and irrigation also be adjusted by 70%, as it is unfair and unconstitutional for the government to decide that one industry is more important than another in the recovery of salmon. We are simply asking to be treated fairly and not be managed in a way that we are not able to provide for a return on investment in this fishery.

Sincerely,

Johnny Alto
Bret Larson
Andy Shortman
Phil Peterson
Hank Bryson
Pacific City Dorymen's Association
Paul Hanneman
Jay Beckman
Steve Krashke
Paul Alexander
Jerry Branch
Rich Goche
L.A. Linker
John Lenty
Darrin Kang

On 3/17/2010 8:57 AM, pfmc.comments wrote:

> -------- Original Message --------
> **Subject:**2010 Salmon season Calif.
> **Date:**Wed, 17 Mar 2010 08:50:38 -0700 (PDT)
> **From:**Gary Hall <hallhous@sbcglobal.net>
> **To:**pfmc.comments@noaa.gov
>
> To whom it may concern: As a avid sport fishing person I was

pleased to read about the proposed short season for salmon season this year. I hope you will consider using a punch card for all stream and ocean limits with a five fish limit for the season. Let every one be more responsible for our fishery, it all has to start some where why not at the PFMC. Thanks, Gary Hall

--
Chuck Tracy
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, Oregon 97220-1384
Voice 503-820-2280
Toll Free 866-806-7204
FAX 503-820-2299
e-mail Chuck.Tracy@noaa.gov
URL www.pcouncil.org
<")\}}}}>< <")\}}}}>< <")\}}}}>< <")\}}}}><

TIM KLASSEN
6934 SEAVIEW DRIVE
EUREKA, CA 95503
(707) 442-5678

March 2, 2010

PACIFIC FISHERY MANAGEMENT COUNCIL
7700 NE AMBASSADOR PLACE, SUITE 100
PORTLAND, OR 97220-1384

Dear Sirs,

I am the president of Humboldt Area Saltwater Anglers and a charter boat operator in Eureka Ca. Eureka is a salmon fishing port. It is about 20 miles to the nearest rocky reefs. Over the years, our port has suffered many salmon closures and restrictions because of issues on the Klamath River while ports outside of the Klamath Management Zone (KMZ) have enjoyed liberal seasons and limits when fishing for Sacramento River salmon. Last year was different and it appears that this year will be different as well since the Klamath stocks are not the most constraining. As a charter boat owner, I request that you consider allocating enough Sacramento fish to the KMZ to allow the maximum season length possible. It is also important to have a two fish per day bag limit for charter boats to attract customers. Our area has been severely impacted by the recent salmon closures as well as abbreviated rockfish seasons and a poor economy in general. Please give us a season that can help to keep us and other fishing related businesses afloat.

Sincerely,

Tim Klassen
Owner - Reel Steel Sportfishing

Dear Sir/Madame,

We are contacting you on behalf of a group of ocean commercial salmon trollers in the State of Oregon. We represent some of the last participants of a severely declined hook and line salmon troll fishery, which provide a high quality product to consumers on the West Coast and beyond.

Everyone can agree that we have some real problems on the West Coast with salmon. Unfortunately commercial salmon harvesters have had to absorb most of the pain associated with salmon recovery. Power generation, dams, and other causes of salmon decline have not shared in the same plight as the harvesters. While our fishing communities have suffered with a 90% decline in salmon harvest since 1975 one would be hard pressed to find another group that has had to bear this type of decline.

During the past 10 years a new method of salmon harvest known as mark-selective fishing was introduced for ocean and some in-river fisheries along our West Coast. In implementation the results have been disastrous to our commercial troll salmon fishery. Scientists and fisheries biologists along with the Pacific Salmon Commission have raised some serious questions about the effectiveness of mark-selective fisheries, and unintended consequences of mass-marking groups of salmon. In August of 2001 in its Review of Salmon Recovery Studies for the Columbia River Basin the Independent Scientific Advisory Board (ISAB) for the Northwest Power and Conservation Council was gravely concerned about the problems of a mass-marked fishery on the Coded Wire Tag program that has been the primary indicator of salmon stock status for more than 3 decades. In a memorandum dated July 29, 2005 the ISAB was increasingly concerned that mortality rates were not fully understood. Some quotes from the ISAB concerning mass-marking and mark-selective fisheries:

"In addition, analytical results increasingly rely upon new assumptions on fishery impacts that are difficult to validate (e.g., assumed values for release and drop off mortality rates, plus mark retention and unmarked recognition error)."

"Despite their "common sense" appeals, mass marking and mark-selective fisheries have not been shown to be an effective management tool to constrain impacts on natural stocks of Chinook and Coho salmon to allowable levels. The effectiveness of mass marking and mark-selective fishing has not been evaluated prior to widespread application, and has instead, been blindly accepted as a matter of faith."

"Mass marking and mark-selective fisheries increase uncertainty and introduce additional bias in estimates of fishery impacts on unmarked fish due to the necessity to rely upon assumptions (e.g., release mortality rates) that cannot be readily validated."

"Unfortunately, the selective retention of marked fish violates the fundamental assumption of the coded-wire tag (CWT) program that has been the basis of Chinook and Coho management for the past 25 years. Further, maintaining the viability of the Coded Wire Tag program is a commitment embodied in the Pacific Salmon Treaty."

"Since the early 1980's, the CWT system has served as the foundation for Chinook and Coho salmon management in the Pacific Northwest and the scientific basis for the Pacific Salmon Treaty. Concerns over statistical uncertainty, the adequacy of reliance upon hatchery stock surrogates for associated natural stocks, and the impact of mass marking and mark-selective fisheries have been building in recent years. Taken together, these concerns have generated questions regarding the continuing utility of the CWT and

associated sampling regimes and analytical tools that the Pacific Salmon Commission has relied upon for decades. As a result, the ability of the CWT system to continue to serve in that capacity is now very much in doubt."

I believe it is safe to say that both the scientific community and the fishing community have some serious doubts about the effectiveness of mark-selective fisheries on salmon recovery. The mark-selective fishery is a no-win situation for commercial fishermen, their families, coastal communities, businesses and the tax payers of the West coast states. In the summer of 2009 everyone's worse fears came true. When the summer Coho season opened sport and commercial fishermen could not help but notice the unusually high catch rate of non-marked Coho. All one would have to do is walk down any dock and talk to the fishermen. Actual mark-rates being experienced in the ocean were reported far lower than the 69-70% figure which is used as a target goal by management. This would correspond to a salmon troller having to catch and handle nearly double the amount of fish in order to obtain their weekly quota, resulting in largely unknown hooking mortality of wild fish.

I quote a December 30, article in the Oregonian:

"Ten years ago, 12 adult Coho returned past Rock Island Dam near Wenatchee, Wash. This year, 19,805 passed the dam. Returns past McNary Dam near Hermiston climbed from 4,736 Coho a decade ago to 33,385 this year -- the most since counting began at the dam in 1954."

As more success stories such as the one noted above come to fruition it will directly result in lower mark rates encountered in the ocean as more and more unmarked fish mix with the marked population. As one might argue that the reason for the success of the population mentioned above is due to mark selective fishing, there is not one shred of scientific proof that marked fishing for over 12 years has done anything for wild salmon populations. They continue their wild fluctuation of ups and downs and unfortunately the downs seem to push lower even as the marked fishery has expanded.

Continually reducing harvest in attempting to restore salmon runs is not the answer to salmon restoration. In many instances relatively small returns of spawners have created large runs of fish. In years of increased water flows through dams and improved habitat a direct correlation is shown that water flow and quality drives successful salmon populations. In a letter sent by the Washington Trollers Association (WTA) to Washington Representative Norm Dicks January 11, 2006 appeared the following:

"It must not be glossed over that the Upper Columbia River Summer Chinook were under escaped yet went on to produce near record runs. There is much to be said about meeting escapements, and it is WTA's policy that we agree that they should be met with fisheries reductions when necessary. However, without good in-river conditions, adequate escapement is a one-sided contribution from the harvest segment that is not matched by those responsible for in-river habitat and flow. This case study of Upper Columbia River Summer Chinook shows how important in-river conditions are. Even with escapement below the interim MSY goals, developed by NOAA Fisheries and the Chinook Technical Committee of the Pacific Salmon Commission, very large returns have occurred when Ocean Conditions and Increased Flow are provided the Salmon."

In a letter dated January 5th, 2010 to the Washington Dept. of Fish and Wildlife from WTA it was stated:

"With the hooking stress and mortality, we are not convinced that the wild Coho runs have really been helped. For the commercial salmon troller, our goal is to have an economically viable opportunity as well as provide fresh local salmon to the market. WTA has found that by retaining only the fin clipped hatchery Coho, our retained catch per unit time is so low that it is not economical for us to target only on hatchery Coho."

This quote is from a group who once supported the mark-selective fishery. Even they have now realized this fishery, while well intended, has become an economic disaster, and has provided no improvement in wild salmon populations.

Summarizing the fatal flaws in this system:

1. Increasing wild salmon production paid for directly and indirectly by our citizens' results in more potential mortality of wild fish, in marked selective fisheries. This is counterproductive. The salmon did not spawn; the salmon was not brought to market helping our struggling economy. Middle school level math could calculate that as more non-marked fish (from naturally occurring runs and tribal non-marked hatchery) are introduced to a school of marked fish your chances of catching a marked fish are exponentially reduced. The actual mark rates encountered in the ocean both North and South of Cape Falcon for sport and commercial fishers are far below what would be required to call this a "successful" fishery.

2. The actual mortality rates, and spawning viability being suffered by the released salmon, are largely unknown and based primarily on "blind faith."

3. Mark-selective commercial troll and recreational ocean harvest has never shown a direct correlation in increased salmon returns over the past decade that they have been used, but have had a great affect on the amount of potential fish wastage from releases.

4. Coded wire tag data used in successfully determining stock status of wild runs has been compromised due to no sample pool of unmarked stock being landed. As more and more of the fishing mortality on natural stocks is accounted for by **non-landed catch** (e.g., shaker loss, drop off, release and non-retention), the capacity of the CWT system to provide the data necessary for stock and fishery assessments is being increasingly challenged. Double Index Tagging does NOT accurately account for mortality in specific mark-selective fisheries. The level of uncertainty increases as the magnitude of mark-selective fisheries increases.

5. Forcing increased fishing time to land a fixed amount of fish, promoting unsafe working conditions because of more time needed to sort through fish, and causing waste of fuel, a non-renewable energy.

6. The extremely high cost of maintaining all aspects of marked fisheries, i.e. MATS trailers, wands, employees, maintenance, hatchery changes has created funding cutbacks in other important areas of salmon restoration. The millions of dollars spent on implementation and continuation of marked fishing has been a constant drain on Federal and State budgets with nothing to show for it. This simply cannot continue.

In closing we believe that mark-selective salmon fishing should not be considered as an option for commercial salmon troll seasons. Being told that reverting to an unmarked fishery will result in our harvest rate being cut by up to 70%, as we have been told in the past, is unacceptable. To date there is no proven scientific evidence that mark-selective salmon troll fisheries restores wild salmon populations. If severe harvest

cutbacks are necessary for ESA protections it would make sense that hydroelectric power productions, river level controls, pollution, water spill, and irrigation also be adjusted by 70%, as it is unfair and unconstitutional for the government to decide that one industry is more important than another in the recovery of salmon. We are simply asking to be treated fairly and not be managed in a way that we are not able to provide for a return on investment in this fishery.

Sincerely,

Johnny Alto	Paul Hanneman	L.A. Linker
Bret Larson	Jay Beckman	John Lenty
Andy Shortman	Steve Krashke	Darrin Kang
Phil Peterson	Paul Alexander	
Hank Bryson	Jerry Branch	
Pacific City Dorymen's Association	Rich Goche	

March 23, 2010

Mr. Chuck Tracy, Staff Officer-STT
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, Oregon 97220-1384

Dear Mr. Tracy

Thank you for your time and consideration in regards to the following comments. I would like this letter to be considered in establishing management guidelines for the 2010 and future sport and commercial salmon seasons. I have a long history as a commercial fisherman and have spent considerable time in the sport fishing industry as well. The fishing industry has been a part of my life since my childhood, as I remember hanging out at Chinook Packing as a first-grader back in 1964. I have fished off all four west coast states and spent fifteen seasons in Alaska. I have owned and operated a salmon troller for the past six seasons fishing off Oregon and Washington.

In this letter I have presented four goals for salmon management. (**p.1**) I have stated five reasons for presenting these goals. (**p.2**) I have presented support for these five reasons. (**p.3-5**) I have restated the four goals I propose for salmon management. (**p.6**) I have written my conclusion showing you why I believe the commercial salmon trollers have been forced to the brink of extinction, and I have suggested another subject for future management discussion. (**p.7**) References (**p.8**)

IT IS MY BELIEF THAT CUTTING FINS OFF OF SALMON AND USING MARKED-SELECTIVE FISHERIES TO HARVEST THEM HAS NOT AND WILL NOT SAVE THE WILD CHINOOK OR COHO. I BELIEVE BOTH PRACTICES ONLY LEAD TO WASTED MONEY, WASTED TIME, AND WASTED RESOURCES.

I PROPOSE THE FOLLOWING FOUR SALMON MANAGEMENT GOALS FOR 2010 AND BEYOND:

1. <u>Put an end to all fin clipping and coded-wire tagging of both chinook and coho salmon</u>

2. <u>Put an end to all fin-clipped selective fisheries</u>

3. <u>Make reporting mandatory by species, size, and markings of all hooked or netted fish, regardless of whether you keep them or not</u>

4. <u>Do an in-depth study of the successful recovery rates of wild naturally-spawning fish experienced in the Wenatchee River</u>

(1)

FIVE REASONS FOR PROPOSING THESE GOALS:

1. Fin clipping a fish immediately scars a fish for life and leaves it without one of the fins for maneuvering throughout its lifespan. It mutilates fish via the use of amputation.

2. The use of a fin-clipped selective harvest has led to the needless wastes of tens of thousands, possibly hundreds of thousands of non-fin clipped fish. I do not believe this is an exaggeration.

Three things to be considered:
A. Catch ratios between marked and unmarked fish
B. Mortality rates for released fish
C. Multiple second and third hook-ups, and predation after releasing wild fish

3. As wild fish become more prevalent, the chances of both poor catch ratios and hooking mortality are only going to grow more grim.

4. Hatchery clipping salmon has not helped in the recovery of wild salmon.

5. The number of fin-clipped Chinook verses wild Chinook are abysmally low, and using a marked-select fishery for Chinook will only serve to waste even greater amounts of fish than what the marked-selective Coho fishery wasted.

SUPPORT FOR THESE FIVE REASONS:

1. Fin clipping a fish immediately scars a fish for life and leaves it without one of the fins it uses for maneuvering throughout its lifespan. It mutilates a fish by using amputation.

The following quote pretty much sums up why I think cutting a fin off a salmon to manage a fishery should be banned.

"The long-term survival of fin-clipped and unmarked rainbow trout was studied in Castle Lake, California. The results of this study confirmed the generally held belief among fishery workers that fin removal has a serious detrimental effect on fingerling salmonids. Moreover, the relative magnitude of this effect for each of the seven fins that could be removed was determined; viz.: (1) removal of the adipose fin may reduce survival by as much as 50%, (2) removal of a ventral fin may reduce survival by as much as 60 to 70%, (3) removal of a pectoral or dorsal fin may reduce survival by as much as 70 to 80%, and (4) removal of the anal fin may be no worse than removal of the pectoral or dorsal fins, but can have an inconsistent effect." Nicola, Stephen J. and Cordone, Almo J. *American Fisheries Society Volume 102, Issue 4 (October 1973)*

There are many other published works supporting the fact that clipping any fin leads to higher mortality rates than not clipping fins. There must be better ways to manage a fishery than amputating fish fins. In a very quick search I came upon the following studies by scientist to support this claim:

Hansen, Lars P. 1988. Effects of Carlin tagging and fin clipping on survival of Atlantic salmon (*Salmon salar L.*) released as smolts. *Aquaculture 70(4): 391-394.*

Mears, H. C., and R. W. Hatch. 1976. Overwinter survival of fingerling brook trout with single and multiple fin clips. *Transactions of the American Fisheries Society. 105(6):669-674*

Shetter, D. S. 1967. Effects of jaw tags and fin excision upon the growth, survival, and exploitation of hatchery rainbow trout fingerlings in Michigan. *Transactions of the American Fisheries Society 96(4):394-399.*

Due to the detrimental effects fin-clipping on fingerlings, a valuable resource is being wasted, as well as a tremendous amount of the time and money.

(3)

SUPPORT FOR REASONS (continued)

2. The use of a fin-clipped selective harvest has led to the needless waste of tens of thousands, possibly hundreds of thousands of non-clipped fish. I do not believe this is an exaggeration.
Three things must be considered here.

A. Catch ratios between marked and unmarked fish
B. Mortality rates for released fish
C. Multiple hookings and predation of released fish

A. Catch Ratios: The fishing fleets have not been required to report this data in the past, but many report number that differ greatly from what the state is reporting. At times, I and many other fishermen have had to release as many as eight non-marked fish per one hatchery-marked fish. What this says is that there are a whole lot of unmarked fish out there in comparison to the hatchery-marked fish. This is not uncommon both in the ocean and in the rivers, for both commercial and sport fisheries. To get exact data for this in the future, I think there should be a requirement that all numbers are reported and studied. Past studies do not seem to have enough data to be considered as a healthy control model. With a larger control group and consistent reporting, the fishery departments will have better figures to work with in the future. It is my belief that the catch ratio for non-marked fish verses marked hatchery fish are considerably higher than those being reported. Fin-clipping fish and marked select fisheries do not serve to preserve wild fish.

B. Mortality Rates for released fish: Once again, evidence is not based upon a large, consistent control group. As a harvester, it is disconcerting to be forced by law to release a perfectly harvestable fish, knowing that it is going to die wasted. I have sport and commercially fished for salmon, and in both scenarios I have witnessed what a fish will do to fight its way off the hook. It is my belief that the percentage of mortally wounded fish is much higher than what is actually being reported. When a salmon is hooked deeper than its lips, mortality rates will go up exponentially. Taken with the fact that these fish are fighting for their lives, and it is almost sure death should the hook go beyond the lips or jaw. I have seen the gauntlet these fish must pass to get up to their spawning grounds and frankly, I'm not surprised when I hear the returns are coming in very short of their projections. Fin cutting machines, low water flows, dams, birds and other predators kill tens of millions of smolt, and then they are subjected to a harsh hook and release fishery, where many, many fish are being discarded wastefully.

C. Multiple second and third hook-ups, and predation after releasing wild fish

The 2nd and 3rd hooking of non-clipped fish is yet another unaccounted-for reason for higher mortality rates. It is obvious that this type of fishery is killing a lot more wild salmon, than if the government would just let all fishermen harvest the first fish they catch.

Have you ever seen a herd of sea lions rafted together? Their abundance is unbelievable. It is disconcerting to be forced by law to release a perfectly edible fish and know that it is going to die, and even more disheartening to watch predators attacking the fish you release. I quote one sport fisherman in response to the fin-clipped fishery: "That regulation is intended to protect the native fish so they can proceed to their spawning areas, perhaps a good intended rule if it were not for the multitude of seals and sea lions waiting for their lunch. In almost every instance, after carefully releasing the fish, it was immediately taken by a seal or sea lion. --Norm McDonell "The Chinook Observer" A5 (2/24/10)

On many occasions throughout the years, I have had to pick my gear and run for over an hour to get away from pesky sea lions. The loss of fish and fishing gear was staggering. Add to this by throwing back wounded fish, and the sea lions and gulls are loving our rules.

3. As wild fish become more prevalent, the chances of both poor catch ratios and hooking mortality are only going to grow more grim. Marked-selective fisheries and fin-cutting will only serve to waste fish, not help them to recover.

4. Hatchery-clipping salmon has not helped in the recovery of wild salmon. The clipping of fins and marked-select fisheries have played a huge part in the destruction and waste of untold numbers of fish. **If** the sport and commercial fishermen were allowed to keep the first fish they catch regardless of hatchery markings, **then** I believe the mortality rates upon wild salmon would be much lower than what we are presently experiencing by both fin-clipping fish and instituting marked-selective fisheries. I suggest ending the fin-clipping industry once-and-for-all. It has been a huge strain on the tax payers with no reward to both fish and fishermen.

5. The percentage of fin-clipped Chinook verses wild Chinook are abysmally low. I and many of the fishermen I know who targeted chinook salmon in 2009 had a marked rate that was more realistically between ten and twenty percent. This is just one more reason that even proposing any marked-select fishery for either coho or Chinook should be banned for good.

(5)

FOUR GOALS RESTATED:

It is my belief that hatchery marking and tagging of salmon is a failed policy, and the selective fisheries have done nothing to help in the recovery of wild stocks or the enhancement of more fishing opportunities. I propose the council consider adopting the following four suggestions for the 2010 season and beyond:

1. Continue with the present options, minus the use of a marked-select fishery by either sport or commercial fishermen. Allow fishermen to harvest their first legal-sized fish, regardless of whether they are fin-clipped or not. I think the results will amaze everyone.

2. Completely eliminate the fin-clipping industry and coded-wire tag industry, and return the money into more hatchery production and modern (**GSI) Genetic Stock Indexing** studies.

3. Make it mandatory that both sport and commercial fishermen report every fish they hook: marked, non-marked, and undersized.

4. Do a further study into the success rates experienced on the Wenatchee River and how those successes can be recreated in other rivers. Please consider the following success story: **Biologists Restore Extinct Columbia Fish Stocks: Coho salmon vanished in the Yakima basin in 1985**. I quote: "Twelve adult coho returned past Rock Island Dam near Wenatchee 10 years ago. This year, 19,805 returned past the dam. An increasing number of returns came from natural spawning,(salmon)… which biologists hope will resurrect self-sustaining wild coho stocks in the future. In central Washington's Yakima River basin, coho were **extinct** by 1985. The goal, obviously is to get a lot more wild fish in the future, but the higher numbers definitely mean a successful year" --Shannon Dininny "*Statesman Journal" 4C (Dec. 31, 2009) Associated Press*

A big question here: How can biologists now call once extinct runs wild fish? This is a whole topic in itself, which I will briefly touch on at the end of this recommendation.

(6)

CONCLUSION:

In Conclusion, I believe the implementation of fin-clipping for harvesting purposes never planned for the future of the salmon troll industry. I quote a 1995 Pacific Fishing Magazine article: “Others concur that fin-clipping is the only viable way to have a fishery in the future, **but only for sportsmen. We're phasing the troll fishery out**. Our only plan is to use selective fisheries in the sport fishery. It's not all that feasible in the troll fishery." --Lee Blankenship *"Pacific Fishing“ pg. 60, Nov. 1995*

Mr. Blankenship is now employed by Northwest Marine Technologies (NMT) as their Director of Biological Services. NMT provides most, if not all services for both coded-wire tags (CWT) and fin-clipping machines and monitors on the West Coast. Something sounds very fishy here, but the pun of it is very frightening considering the dire situation for today’s commercial salmon trollers.

I say let’s stop wasting untold tens of millions of tax-payer dollars on programs geared for failure, and let‘s stop the waste of perfectly healthy salmon, a failed experiment. Failure of recovered stocks, Failure of restored fisheries, Failure of promised mitigations, Failure of free enterprise. Put an end to fin-clipping and marked-select fisheries once-and-for-all.

Thank you for all your time.

Sincerely,

Mr. Paul Alexander, Commercial Salmon Troller (WA, OR)

FOR FUTURE MANAGEMENT DISCUSSIONS
WILD FISH--I DON’T THINK SO!

For just a moment consider the BARE facts that nearly every river on the West Coast has been either sluiced by gold miners; scoured by loggings; blasted, concreted, and dammed by power companies; plundered by giant irrigation projects; infiltrated by hatchery stocking over the past 100 years; and over-fished by the masses. Then consider the birds, the seals and sea lions, and non-indigenous fish; and, you could make a very strong case that there really are no wild, old-growth fish left in the Northwest. It is no wonder that I am gravely concerned for my occupation and the future of our industry. Wild Fish! I don’t think so. Just a few old fishermen being held captive by the inventions of man.

(7)

REFERENCES:

Finley, Carmel *1995.* Mass Marking--Curse or Cure for Salmon

Management. *"Pacific Fishing" pg. 60, Nov. 1995*

Hansen, Lars P. 1988. Effects of Carlin tagging and fin clipping on survival of Atlantic salmon (*Salmon salar L.*) released as smolts. "*Aquaculture" 70(4): 391-394.*

Mears, H. C., and R. W. Hatch. 1976. Overwinter survival of fingerling brook trout with single and multiple fin clips. "*Transactions of the American Fisheries Society" 105(6):669-674*

McDonell, Norm "*The Chinook Observer*" A5 (Feb. 24, 2010)

Nicola, Stephen J. and Cordone, Almo J. *American Fisheries Society Volume 102, Issue 4 (October 1973)*

Shetter, D. S. 1967. Effects of jaw tags and fin excision upon the growth, survival, and exploitation of hatchery rainbow trout fingerlings in Michigan. "*Transactions of the American Fisheries Society" 96(4):394-399.*

(8)

Subject: Fwd: T.R.G.A letter
From: "pfmc.comments" <pfmc.comments@noaa.gov>
Date: Wed, 24 Mar 2010 14:42:38 -0700
To: Chuck Tracy <Chuck.Tracy@noaa.gov>

-------- Original Message --------
Subject:T.R.G.A letter
Date: Wed, 24 Mar 2010 11:46:50 -0700
From:STEVE HUBER GUIDE SERVICE <STEVE@STEVEHUBERGUIDESERVICE.COM>
To:pfmc.comments@noaa.gov

Trinity River Guide Association
PO BOX 327 Douglass City CA 96024

www.Trinityriverguidesassociation.com

The Trinity River Guide Association (TRGA) would like to support option # 2. We would like to see all groups have a salmon season on the Klamath/ Trinity Rivers. Our group does not believe the numbers of salmon returning to the Sacramento Rivers are correct. The Sacramento natural escapement goal should be the highest at 230,000 (option # 3 goals). The goal for the Trinity/Klamath basin should be a sustainable anadromous fishery. The TRGA argues that it would be better to actually reach or exceed escapement, as opposed to the oft-repeated cycle of not enough fish at the end of the season due to unattainable escapement estimates and/or over-allotment of quotas that put too many fish in jeopardy. More fish in the river would benefit every interest in the Trinity/ Klamath basin: in-river sportfishers, tribal fisheries, and ocean commercial and sportfishers. The bottom line is that we need more fish, and if we continue to overharvest the results will be less fish each season, instead of more, and a continual downward spiral that could ultimately lead to a collapse of the entire anadromous fish population on the Trinity River

Respectfully Submitted:

Trinity River Guide Association

Michael Caranci, President

michael@theflyshop.com

Liam Goggan, Vice President
Krista@trinityriveroutfitters.com

Bill Dickens, Treasurer
webefshn@compair.net

E.B. Dugan, Secretary
Yen2fish@yahoo.com

March 25, 2010

Mr. David Ortmann
Chairman
Pacific Fishery Management Council
7700 NE Ambassador Place #101
Portland, OR 97220

Dear Mr. Ortmann

At the March 8, 2010 Council Meeting in Sacramento a number of individuals and groups expressed concern with the 245,000 Fall Run adults that the model projected would return to the Central Valley in the fall of 2010. The abnormal geographical distribution of the 2009 jacks and the very low number give a number of salmon industry participants concern with the model figure.

In my verbal comments, I indicated I believe there is a more positive way to predict the number of adults which will return in 2010. I will outline our analysis in this letter. I would appreciate your forwarding this letter to the Council members as well as the council committees and scientists who should review it.

The scientific work done by the National Marine Fishery Service and the other agencies in the last half decade has identified huge fri and smolt losses which occur from the spawning areas through the Delta. These studies pinpoint many of the locations for these losses and the poor habitat conditions that create them. All of these studies provided the basis for the June 2, 2009 biological opinions for the endangered salmon runs. Further, the reasonable and prudent alternatives spell out where conditions have to change to allow better smolt survival and better migration to the ocean. We accept this data as the best science available. The benefit of this science was not present in the operations of the State and Federal Projects in either 2007 or 2008. The biological opinion did not begin to alter operations for the benefit of salmon until June of 2009. Some of the provisions of the biological opinion help the unlisted fall run fish and some do not.
I believe most scientists agree the knowledge of the freshwater salmon life cycle in the

Sacramento system is now superior to the science in the ocean which attempts to predict adult returns. The conclusions suggest that adult returns are more accurately predicted by smolt freshwater conditions than they are by jack counts. We recommend that the freshwater habitat evidence in 2007 and 2008 be carefully compared as a leading indicator to predict 2010 returns. We believe it is appropriate that the council and the scientists weigh this evidence before the 2010 seasons are set.

In the fall of 2006 and the spring of 2007 there were many adverse conditions in the rivers and Delta which impacted the number of fall run smolts which reached the ocean. When one analyzes those conditions, it is not surprising that only 39,500 fall run adults returned to the upper Sacramento the fall of 2009. In the worst case conditions of high spring export pumping, poor temperatures and the cross channel gates open, the data indicates that only 8% of the smolts survive to reach the ocean. When the NMFS Biological Opinion factors are applied to the 2006/2007 combination of drought conditions, high water temperatures, poor flows and unfavorable Delta operations, they provide strong indicators that survival to the ocean in the spring of 2007 was poor. Unfortunately, in the fall of 2008 and the spring of 2009 most of these same adverse conditions prevailed. When we view this information, we are hesitant to predict that 2010 returns will be all that much different than 2009 returns. Following are some of the factors compared for 2007 and 2008. We suggest these be carefully reviewed by NMFS and the other agencies before 245,000 adult returns serves as the sole basis for a 2010 fishing season.

Freshwater Factors Impacting Smolt Survival to the Ocean

1. River and tributary temperatures at spawning and egg maturation time particularly in the upper Sacramento, Feather and American Rivers.

2. River and tributary flows during egg maturation and fri emergence.

3. State and Federal Delta pumping rates during the time smolts enter the Delta (see attached chart)

4. Walnut Grove cross channel gates open or closed during the time smolts enter the Delta. (50% of the smolts are pulled through the cross channel gates when they are open and virtually all of them perish in the Central Delta or Clifton Court).

5. The total number of hatchery and wild smolts starting in the upper river.

6. The number of hatchery smolts trucked around the Delta and acclimated.

Data Analysis

A. Total Migrating Smolts by Year.	Spring 2007	Spring 2008	Change
Sacramento Hatchery releases	27,070,000	27,400,000	Up 2.5%
Wild Sacramento smolts	41,879,000	14,727,000	Down 65%
San Joaquin Hatchery releases	6,520,000	4,820,000	Down 26%
Wild San Joaquin Smolts	1,259,000	153,000	Down 88%
Total All Smolts	76,728,000	47,440,000	Down 38%%

B. State and Federal Pumping Rates When Smolts are Resident in the Delta	Acre Feet 2007	Acre Feet 2008	Change
January thru May	1,657,023	1,213,018	Down 27%
May (peak fall run month)	81,305	101,954	Up 25%

C. Cross Channel Gates Open/Closed	2007	2008	Change
January	Closed	Closed	None
February	Closed	Closed	None
March	Closed	Closed	None
April	Closed	Closed	None
May	Opened 5/25	Opened 5/23	None

D. Sacramento Red Bluff Temperature during fall run Spawning/ Egg Maturation	2007	2008	Change
September	58.3	60.0	2008 Lethal
October	56.9	58.8	2008 Worse

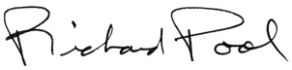
E. American River Temperature during fall run Spawning and Egg Maturation	**2007**	**2008**	**Change**
September	64.4	67.8	Both Lethal
October	63.3	64.5	Both Lethal
November	58.2	60.1	2008 Lethal

F. Smolts Trucked Around The Delta	**2007**	**2008**	**Change**
Sacramento + San Joaquin	8,388,953	19,632,229	Up 134%

G. Acclimation of Trucked Smolts in State of the Art Acclimation Pens	**2007**	**2008**	**Change**
Degree of acclimation	Fair	Good	Positive

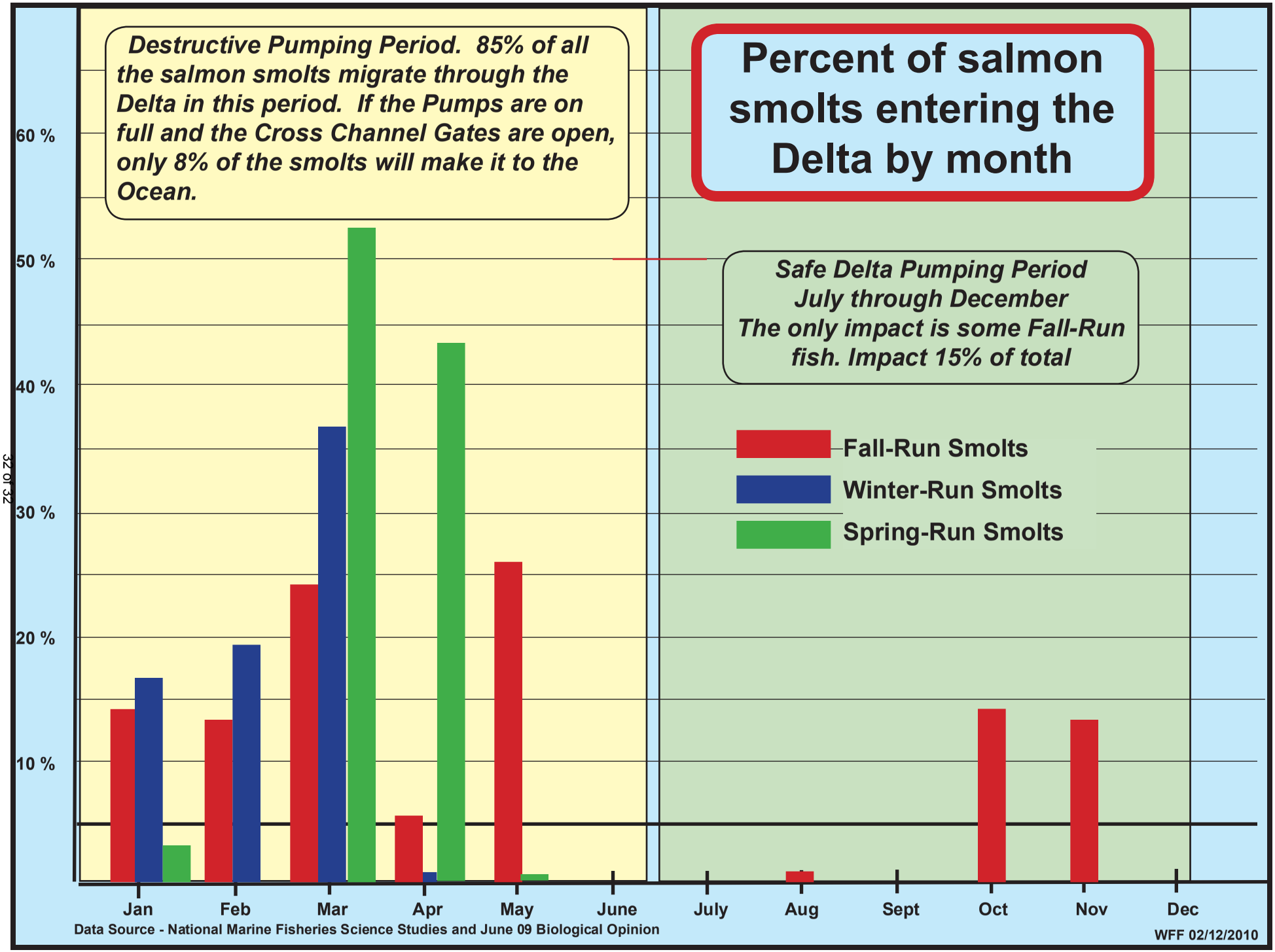
We believe the net combination of these factors indicates we cannot expect a significant change between the fall run adult returns of 2009 and those of 2010. We have therefore recommended a conservative approach by the PFMC in setting fishing seasons in 2010. We also recommend further scientific work on the impact of the factors we have outlined on adult returns. All of this data needs to be included in a life cycle model of the Central Valley salmon runs. A number of organizations have proposed construction of such a model.

Yours Truly,



Richard B. Pool
Program Manager
P.O. Box 5788
Concord, CA 94524
(925) 825-8560

cc. Donald McIsaac, PFMC
John McCammon, DFG
Neil Manji, DFG
Rod McInnis, NMFS


Destructive Pumping Period. 85% of all the salmon smolts migrate through the Delta in this period. If the Pumps are on full and the Cross Channel Gates are open, only 8% of the smolts will make it to the Ocean.
Percent of salmon smolts entering the Delta by month
Safe Delta Pumping Period
July through December
The only impact is some Fall-Run fish. Impact 15% of total
Fall-Run Smolts
Winter-Run Smolts
Spring-Run Smolts
60 %
50 %
40 %
30 %
20 %
10 %
Jan
Feb
Mar
Apr
May
June
July
Aug
Sept
Oct
Nov
Dec
Data Source - National Marine Fisheries Science Studies and June 09 Biological Opinion
WFF 02/12/2010

Subject: Fwd: Ocean Salmon fishing 2010
From: "pfmc.comments" <pfmc.comments@noaa.gov>
Date: Mon, 29 Mar 2010 08:36:29 -0700
To: Chuck Tracy <Chuck.Tracy@noaa.gov>

-------- Original Message --------
Subject: Ocean Salmon fishing 2010
Date: Sun, 28 Mar 2010 16:08:00 -0700
From: Robert Engle <bobdada12@gmail.com>
To:pfmc.comments@noaa.gov

Please allow as much Commercial Salmon fishing as possible. The general public needs access to fresh Califorina Salmon. These fishermen provide this access. I am a resident of Shasta county Californa. Thank you Bob Engle

6980 Panda Court
Anderson, ca.

Subject: Fwd: Salmon Season
From: "pfmc.comments" <pfmc.comments@noaa.gov>
Date: Tue, 30 Mar 2010 09:16:36 -0700
To: Chuck Tracy <Chuck.Tracy@noaa.gov>

-------- Original Message --------
Subject: Salmon Season
Date: Mon, 29 Mar 2010 22:20:06 -0700
From: Don & Teresa Akin <fishon@pacific.net>
To:pfmc.comments@noaa.gov

Dear Honorable Council Members,

I am very concerned that the sport salmon options presented for the area from Horse Mt. to Pt. Arena for the 2010 salmon season have a major flaw. Unbelievably, Options 1 and 2 allow for a **full** season, which would result in a large harvest of salmon. If the area south of Pt. Arena is closed for the months of May and June, the redirected angler effort would be huge, and I don't believe the models have made provisions for this increase in catch.
It would seem to make sense to mirror the two areas to reduce the impact on the fishery. With the returns we have had, it would make sense to implement Option 3 for the entire coast. Short term gain, and possible near extinction, could possibly ruin any long term potential, and the existence of this marvelous fish.

Sincerely,

Don Akin

Don & Teresa Akin
fishon@pacific.net

Subject: Fwd: Salmon seasons
From: "pfmc.comments" <pfmc.comments@noaa.gov>
Date: Wed, 31 Mar 2010 13:16:44 -0700
To: Chuck Tracy <Chuck.Tracy@noaa.gov>

-------- Original Message --------
Subject: Salmon seasons
Date: Wed, 31 Mar 2010 12:39:41 -0700
From: Paavo Carroll <paavoc@hotmail.com>
To:pfmc.comments@noaa.gov

To the PFMC/NMFS regarding 2010 salmon seasons:

I am a commercial fisherman out of Charleston for the last 10 years. I commented at the public meeting but would like to add/clarify a couple things.

I will largely leave aside the question of whether a season is a good idea in the first place, other than to say it makes me uneasy and that I support a fairly precautionary approach. If we catch a bunch of fish and the returns come in way under escapement, it would be a calamity for the profession and the fish, a real black eye difficult to explain to the public. On the other hand, we need to get some sort of season, and the best available science appears to allow for that, so I suppose I have to take the model on faith like everyone else.

On the nuts and bolts of proposed season structure:

These 3-4 day openings proposed for July drive me up the wall. They are a real pain. Why can't we just add up the days and put them on one end of July or the other? The tail end would make more sense so we don't have to compete with Alaska product. Meanwhile everyone can take a break for a couple weeks, catch up on maintenance, go tuna fishing, spend time with family, whatever.

As I said in the public comment meeting, I like fishing early and late. This is because it usually turns out to be a low volume but high value affair. My two best years were because of good Octobers, and one of those Octobers was under a 50 fish limit. So I think it is a good use of the resource. I think late seasons also tend to attract the boats that rely most heavily on salmon, as well as smaller boats, and given that the salmon restrictions of the last few years hit these boats and people the hardest, I believe it is important to try to make sure they have good opportunities.

Thank you.
Paavo Carroll
F/V Titan

Subject: Re: North of Falcon : Willapa Bay Inside Summer Chinook Fishery
From: "pfmc.comments" <pfmc.comments@noaa.gov>
Date: Thu, 01 Apr 2010 09:50:48 -0700
To: Chuck Tracy <Chuck.Tracy@noaa.gov>

On 3/31/2010 11:51 PM, Bruce Ogren wrote:

> Mr. Chairman and members of the Council.
>
> My name is Bruce Ogren. I am a Board Member for Willapa Bay Gillnetter's Association, a third generation gillnetter on Willapa Bay starting in 1960 as kid helping my dad and started operating a boat in the family bussiness in 1970 to present with my brother. I am a commercial fisherman.
>
> We are requesting a Willapa Bay Summer Gillnet Fishery from July 7th to August 15th, 2010 with a 3.000 fish chinook catch limit.
>
> A limited 250 chinook summer test fishery in 2002 & 2003 showed catch compostion information of 70% local Willapa Bay chinook stocks by WDFW Region 6 information.
>
> Looking at the past fishing time scheduled for summer chinook Willapa Bay gillnet fishery since 1994 may suggest discrimination toward your fishery.
>
> Our very limited two day Willapa Bay Fall Chinook Run Update Fishery schedule for August 18 and August 26 has been cancelled in recent years.
>
> Our Willapa Bay commercial gillnet salmon season needs more time in July and August to provide top quality chinook and get a top price for the salmon.
>
> We feel the Chinook numbers in the Qcean Fishery this year can support your request for 3000 Chinook for summer gillnet fishery inside Willapa Bay.
>
> This fishery would provide jobs and generate income with fresh local chinook to Pacific County and Washington State consumers.
>
> Thank you, Bruce Ogren WBGA Board Member

Subject: Fwd: 2010 commercial troll non-Indian salmon fishery
From: "pfmc.comments" <pfmc.comments@noaa.gov>
Date: Thu, 01 Apr 2010 09:51:16 -0700
To: Chuck Tracy <Chuck.Tracy@noaa.gov>

-------- Original Message --------
Subject:2010 commercial troll non-Indian salmon fishery
Date: Thu, 01 Apr 2010 05:40:31 -0700
From: Craig Goucher <secondwind@humboldt1.com>
To:pfmc.comments@noaa.gov

Trinidad Bay Fishermen's Marketing Association supports option 2 of the commercial troll non-Indian salmon fishery if the Horse Mtn. to Pigeon Pt. season were July 5 through August 29; September 1-30

Respectfully,

Craig Goucher
President
Trinidad Bay Fishermen's Maketing Association

March 23, 2010

To: PFMC,

I am writing this to express my views about the up coming salmon season. My husband and I have made our living solely from salmon fishing for over 25 years. We love what we do, and would love to be back out there, but not this year with the counts so low. With only 39,500 fish returning and using the jack count to estimate that there will be 240,000 in the ocean. When the previous year jack count said we were going to return 122,000 salmon and only 39,500 came back, why should it be different this year, we don't trust the numbers.
The last thing we want to do is catch the last salmon. We are very afraid of making a bad situation worse. When considering this salmon season, please error on the side of caution. There are allot of people depending on you.

Ken and Peggy Hill
464 Pacific ave
Alameda Calif 94501
F/V Bounty

Ken + Peggy Hill

March. 29, 2010

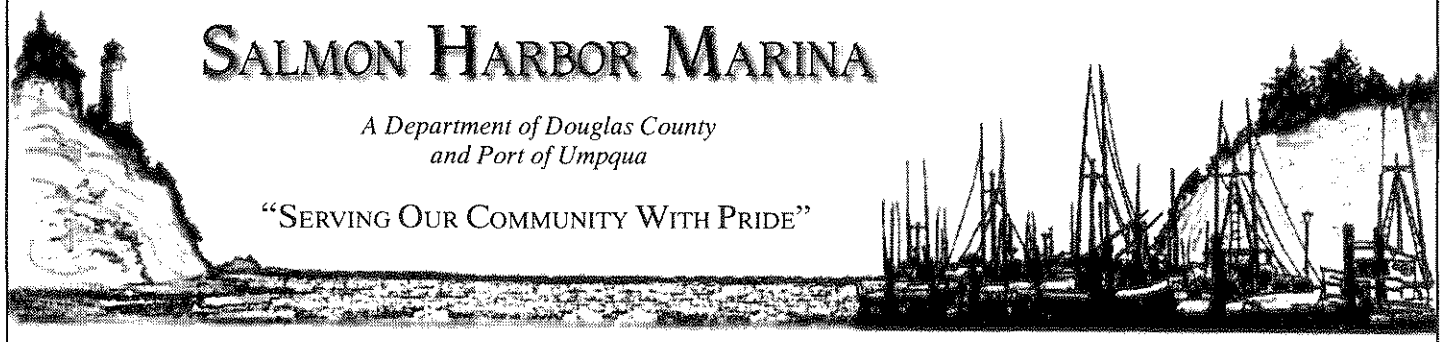
Dear Pacific Fisheries Managment Council,

I am Anthony Daniel Bolin
Calif Fishers # I 15268.
I own and operate F/V CECILIA
Fish + Game # 08911, Doc #
253-574.
I am a commercial
Salmon fisherman for
many years,
I feel in concern that
any fishing on the Sacramento
fish is a mistake. Even
if all the predicted fish show
up - it would be a poor
return. I feel the stocks
need to be restored, then
a season. I would not fish
on "predicted" fish, what if
you are wrong? what if there
are only 100,000 fish out
there! I feel once there are
strong returns for a few years
at least there should be no

fishing. Please concentrate on habitat restoration and waters flows. That will restore the fish. If we fish, the collapse will be blamed on "overfishing" and habitat restoration and waters issues will be ignored.

Thank you for hearing me.

sincerely
Dan Bolin
F/V CEAC



SALMON HARBOR MARINA

A Department of Douglas County and Port of Umpqua

"SERVING OUR COMMUNITY WITH PRIDE"

March 26, 2010

Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, OR 97220-1384

RE: Cape Falcon to Humbug Mountain
2010 Recreational management options for non-Indian ocean salmon fisheries

Dear Chair and members of the Council:

Salmon Harbor Marina is located in Winchester Bay, Oregon and is a public entity created through an intergovernmental agreement between the Douglas County Board of Commissioners and the Port of Umpqua Board of Commissioners.

We're very appreciative that all three recreational salmon options for South of Cape Falcon provide a recreational Chinook season. It will be very beneficial to once again have a Chinook fishery. We're also appreciative that all options include a limited coho fishery although it is too bad that the quotas are significantly lower than last year.

This is to express our strong support for adoption of Option I which provides the longest season for Chinook and the highest quota for coho.

Thank you for consideration of our comments.

Sincerely,

Linda Noel

Linda Noel, Project Manager

C: Jeff Vander Kley, Harbor Manager

OREGON CLEAN MARINA

P.O. Box 1007, Winchester Bay, Oregon 97467 - Office (541) 271-3407 • FAX (541) 271-2060

RECEIVED

MAR 25 2010

PFMC

March 23, 2010

PFMC
7700 N.E. Ambassador Pl.
Suite 100
Portland OR 97220-1384

RE: Salmon Issues

To whom it may concern,

I have been fishing salmon for over 30 years. Myself and other fisherman feel that the Salmon season is not sustainable this year based on our returns. We feel we should start fishing then the returns are correct. We believe that if the salmon season was to open the fisherman would not be able to make a decent living and support there families and there household. We also believe that the salmon season should not be opened until the returns are corrected since the fisherman did not cause this problem with the returns. Since 2 years ago we were not allowed to fish and the returns were at a higher number then they are this year.

Regards,

Jim Rando

March 17, 2010

PFMC
7700 N. E. Ambassador Place
Suite 101
Portland, Oregon 97220-1384

Council Members:

I have been a commercial fishermen since 1975. In all the years that I have fished, this is the first year that I have worries about what is becoming of our industry. Three years ago we had approximately 90,000 returned Salmon and no fishery. Two years ago, 66,000 returned Salmon and no fishery. Now your telling us that there is 39,500 returned Salmon , and a possibility that we will be able to go fishing with a restricted season, and in areas where the possibility of catching any Salmon are very scarce. Not only will we not catch any fish, but at the price of purchasing gear, safety equipment, fuel, bait, ice, and other misc. items, we will be starting a season in the red with a very strong possibility of digging ourselves deeper in a hole with no light at the other end of the tunnel. I cannot believe that you people are willing to take a chance not only to further diminish the Salmon population but also the fishing industry that has taken care of our families for years.

We have heard many ideas and suggestions that we will be fishing no matter what happens to the Salmon population, and that many fishermen would like to go fishing no matter what the outcome will be. As for myself and other who feel like me, I want to fish, but would like to wait till the Salmon stocks are at a standard that will give us a chance to be able to make a living to support our families. I understand that there are a lot of problems to be solved, but things can only get worse by allowing us to go fishing. There are a lot of fishermen I know that feel the same as myself, who do not have a vote on the outcome. I would like to state my feelings and hope that you will make the decision to close Salmon season for at least one more year.

Respectfully yours,

Rusty M. Boro
F/V BE-BE
4010 Voyager Way
Shingle Springs, Cal. 95682
(530) 672-8204

Dear Mr. Tracy:

I normally am involved much earlier in the process of setting the ocean salmon seasons and the North of Falcon process. Unfortunately due to some health issues I am getting a late start this year but nonetheless I have some very serious concerns about one of the three proposed options for the Washington Coast sport salmon season this year.

If the information I have is correct Option 1 would allow for 55,000 Chinook and 92,400 Coho. This would involve an approximate two-week selective fishery in all areas beginning June 12th-30 or until 19,000 hatchery or clipped Chinook are obtained. There is a really, really big problem with this. I have fished out of Westport in my own boat for 12 years now and to my recollection, I have never caught an adipose clipped Chinook out there, not a single one and I have caught my share of salmon. So, my problem with Option 1 is pretty obvious. Acceptance of that option would entail a two week "kill and release" fishery and on Chinook no less. It's bad enough to see the undersized or "wild" silvers floating out there belly up but watching a 30 pound Chinook go by would be even harder to stomach. Option 1, if adopted, depending on the weather would primarily benefit the charter boat fleet, or would it? It would seem to me that they would be killing their season 3-4 years from now since those fish affected by the mortality of that type fishery would not return to spawn.

I've heard anecdotal talk about the fact that the PMFC and WDFW expects that 57% of the fish targeted off Westport would be marked fish. 61% off of Ilwaco. So unless you guys know something I don't we are headed for big trouble if you guys adopt Option 1 as it is written. It would seem that Option 2 would be the obvious, far better choice from a management standpoint. Yeah, the charter boats would get 7 less days on the early opener nor would they get as many fish but at least any Chinook caught (if meeting size limits) would be kept. All that is going to happen if Option 1 is adopted as it stands is a bunch of folks on charter boats pitching King salmon back in the water as fast as they catch them. You know how they woof the bait, that's a lot of dead fish. The anecdotal figure of 25% mortality that I heard is expected is a low ball figure from what I have seen. And really, why condone any fishery with a 25% mortality rate when it isn't necessary? I fully support the charters, patronize them myself and wish them to have all the time on the water they can get, but this needs to be done with a reasonable eye towards preserving the resource.

In reference to Option 2 in my opinion it is the obvious choice even though there are less fish to be had in the quota. My question about this is "Why can't we do Option 2 with the Quota from Option 1?" Why less fish quota in what amount to a shorter season? Either you have the fish or you don't and according to the quota in Option 1 you do. I don't understand why the quota was reduced so much for Option two from the Quota in Option 1.

Hopefully cooler heads will prevail and Option 1 will not be accepted not by PMFC nor the WDFW. I can assure you once the facts get out that the sport fishers are not going to support Option 1 either, even if the ocean is flat as a pancake and we can all get out and fish.

Thank you for your consideration of my remarks. I have contacted you before and have been very impressed with the responses I've received. It may be that you folks are already on top of this, but given the mortality issues I don't understand why Option 1 was proposed as written in the first place.

Best regards,

Everett E. Baldwin

Ph. (360) 533-178

E-mail: everettrobyne_41@msn.com

27 Meander Way

Aberdeen, WA 98520

COPY

Congress of the United States
Washington, DC 20515

March 31, 2010

The Honorable Gary Locke
Secretary of Commerce
U.S. Department of Commerce
1401 Constitution Ave., NW
Washington, DC 20230

RE: Harvest of Federally Listed Salmon

Dear Secretary Locke:

We are writing on a matter of great concern and urgency. This week, the operators of the federal Central Valley Project Jones Pumping Plant received orders from the Bureau of Reclamation to reduce pumping to the plant's most minimum level. This unprecedented low level of pumping is required by the 2009 National Marine Fisheries Biological Opinion, ostensibly for the protection of juvenile salmon. This plant and its sister State Water Project Banks Pumping Plant will operate at bare minimum levels for the next 60 days, disrupting water supplies to more than 25 million Californians, thousands of farmers and a multitude of small rural communities that drive production in four of five of the Nation's top agricultural counties, and over a hundred thousand acres of managed wetlands that are an essential part of the Pacific Flyway. Sadly, this order is not news. What we are confounded by, however, is that just three days after this unprecedented restriction will begin, sport fishermen up and down the California coast will be allowed to take an undetermined number of salmon through at least the month of April.

Moreover, the Pacific Fishery Management Council and California Fish and Game Commission are currently considering alternatives to extend the period of take beyond April and to expand the scope of take to include the commercial harvest of these federally protected fish. As representatives of communities being disproportionately impacted by NOAA's current efforts to protect salmon, we are dismayed to witness the agency impose such severe restrictions on one hand and allow for an undetermined level of salmon take on the other. With this in mind, we would request that your agency provide us with responses to the following:

- What federal authorization(s) are being relied upon to allow for this take of listed salmon?
- Have you approved catch quotas and landing limits for the 2010 season? If so, what information did you rely upon to establish these limits?
- How did you determine that the anticipated level of take is not likely to jeopardize the continued existence of the species?
- We are aware of old biological opinions of the harvest of Sacramento winter and Central Valley spring run salmon; have you made a determination that these documents are still relevant to today's conditions?

- What is the relative impact of the level of take by the Central Valley and State Water Projects as compared to the level of take by sport and commercial harvest, respectively?
- What actions have been undertaken to ensure that this decision will not impact the Projects?
- What other potential impacts of this discretionary action have been identified?
- What mitigation has been considered and who will pay the costs?

Your agency has imposed stringent limitations upon the state and federal water projects for the protection of salmon. These limitations are having severe and disproportionate impacts upon the people we serve. We are gravely concerned that your actions to allow for the discretionary take of listed salmon will prolong the imposition and magnitude of pumping restrictions that have resulted in so much economic and social turmoil. We request your timely response to these questions before any 2010 salmon harvest is allowed to occur.

Sincerely,

JIM COSTA
Member of Congress

DENNIS CARDOZA
Member of Congress

GEORGE RADANOVICH
Member of Congress

Cc: The Honorable Ken Salazar, Secretary, Department of the Interior
The Honorable David Hayes, Deputy Secretary, Department of the Interior
The Honorable Mike Connor, Commissioner, Bureau of Reclamation
Mark Cowin, Director, California Department of Water Resources
Donald McIsaac, Executive Director, Pacific Fishery Management Council
John McCamman, Director, California Department of Fish and Game
Jim Kellogg, President, California Fish and Game Commission

April 10, 2010

Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, Oregon 97220-1384

To Whom It May Concern:

My name is Todd Fraser, owner of Bayside Marine and I would like to enter this letter into consideration for the 2010 Chinook Salmon Season. We have been in business for over 25 years. Our customers stop by the shop to pick last minute tackle, bait, ice etc. before they head out to the fishing grounds. Since the salmon closure in 2008, business has fallen dramatically. I have had to discount my entire salmon related inventory I purchased prior to the closure in 2008. Obviously, this has affected my profit margin.

Since March (when the Council opted not to enforce an emergency closure), business has been robust. Our loyal customers are once again purchasing last minute supplies prior to heading out on the water. We believe that the salmon fishery is robust enough to support a full season. I have witnessed customers bringing their catch and posted pictures on our website, www.baysidemarinesc.com. I have also found a little time to pursue my passion.

I prefer that the Council adopt Option I. I believe that Option I includes the necessary protections for the Winter-run Chinook salmon while still allowing a viable target for the Fall-run Chinook. If you have any questions, please contact me at 831-475-2173. Thank you for your time.

Sincerely,

Todd Fraser
Owner
Bayside Marine
333-B Lake Avenue
Santa Cruz, California 95062
(At The Harbor)
831.475.2173
Channel 11 VHF

Agenda Item H.1.g

Public Comment 5

April 2010

Pacific Fishery Management Council Members

7700 NE Ambassador Place, Suite 200

Portland, Oregon 97220

In regards to: 2010 SALMON MANAGEMENT MEASURES

Dear Council Members,

I humbly request, or make a motion, to allow all West Coast Salmon Trollers to regain fishing for 3 major key reasons.

1. **Support sustainable fishing**- Salmon trolling is a sustainable fishing "gear type" and it should be clear that these fisheries do NOT pose a threat to the stocks of any salmon species, and theirfor should be allowed "full (open) access" to all salmon species with no boundaries or closers all up & down the coast equally. Fishermen should be allowed to move freely with the fish. This will also keep vessels spread out, as to fish close to their home ports and avoid going over MSY. I ask the council to request to the NMFS for grants to be given, ASAP, to the different salmon troll associations for undergoing MSC (or the equivalent of) certification as to show scientific proof of this already well known fact of sustainability.
2. **Obtaining true (real) MSY**- To acquire true MSY, the "S" in "MSY" must represent a fishery using a sustainable "gear type" such as trolling. MSY will then become the maximum vessels, or hooks, in any given area where there is fish. For example 12 vessels tacking (taking fish) in a given area, yielding 50 fish per vessel, per day. The following day 12 more vessels move into the given area and the catch rate drops to 10 fish per vessel per day. The "code of conduct" will then come into play and excess vessels will move out of the area to look for a more productive area. If only 4 boats stayed in the given area, the next day's yield (MSY) may go up to 100 fish per vessel per day. Please keep in mind, if the fish feel too much pressure, they simply stop biting, move off, or get smart. There is never overfishing in a sustainable fishery. Always fish on the sounder when vessels move off.
3. **Collecting complete and accurate data for stock assessments**- without a sustainable fishery in practice, we cannot conduct a true assessment on stocks. Incomplete data, or

simulated moduals coming from other unsustainable means such as reports from trawl vessels may help assessments, but the closest "true" data will only come from the most sustainable "gear type". There must be little to no disguards. Nothing dead goes overboard. This too is a golden rule, "law of the sea", or code of conduct, if you did not know. With 100% input & no waist or unaccountability, we should have accurate, up to date data for assessments.

In conclusion, only healthy stocks will be harvested. If the stocks are not healthy, it is not because of "overfishing" by trollers. It would be from mismanagement, or some other source. I humbly request the council to ask the NMFS to reword there salmon stock classification to reflect this. Salmon can no way be overfished if fishing is not in effect.

Please let our salmon trollers bring fresh, "wild caught", salmon back to our coast, creating jobs and helping our economy, instead of costing more tax payer money we don't have. Let us fish sustainably & responsibly.

Thank you for your time & consideration,

Sincerely, John Harder (John-boy)

F/v "Ocean Joy"

California sustainable tuna fisherman

P. O. Box 2463 Monterey, CA 93942

John-boy@sustainabletuna.com

CLARIFY COUNCIL DIRECTION FOR 2010 MANAGEMENT MEASURES

The Salmon Technical Team (STT) will present a preliminary analysis of the tentative management measures for additional Council guidance.

Council Task:

Provide any needed guidance to assist the STT in its analysis of the tentative management measures.

Reference Materials:

1. Agenda Item H.2.b, Supplemental STT Report: Preliminary Analysis of Tentative 2010 Ocean Salmon Fishery Management Measures.

Agenda Order:

a. Agenda Item Overview **Chuck Tracy**
b. Reports and Comments of Advisory Bodies and Management Entities
c. Public Comment
d. Council Guidance and Direction

PFMC
03/17/10

Agenda Item H.2.b
Supplemental STT Report
April 2010

SALMON TECHNICAL TEAM

PRELIMINARY ANALYSIS OF TENTATIVE 2010 OCEAN SALMON FISHERY MANAGEMENT MEASURES

April 13, 2010

TABLE 1. Commercial troll management options collated by the STT for non-Indian ocean salmon fisheries, 2010 (Page 1 of 5)

A. SEASON OPTION DESCRIPTIONS

North of Cape Falcon

Supplemental Management Information

1. Overall non-Indian TAC: 117,000 (non-mark-selective equivalent of 110,000) Chinook and 90,000 coho marked with a healed adipose fin clip (marked).
2. Non-Indian commercial troll TAC: 56,000 Chinook and 13,400 marked coho.
3. No preseason trade with recreational fishery.

U.S./Canada Border to Cape Falcon

- May 1 through earlier of June 30 or 42,000 Chinook quota.

Seven days per week (C.1). All salmon except coho (C.7). Cape Flattery, Mandatory Yelloweye Rockfish Conservation Area, and Columbia Control Zones closed (C.5). See gear restrictions and definitions (C.2, C.3).
An inseason conference call will occur when it is projected that 35,000 Chinook have been landed to consider modifying the open period and adding landing and possession limits to extend the fishery through the end of June.

U.S./Canada Border to Cape Falcon

- July 1 through earlier of September 14 or 14,000 preseason Chinook guideline (C.8) or a 13,400 marked coho quota (C.8.d).

Open July 1-6, then Friday through Tuesday through July 27, then Saturday through Tuesday thereafter. Landing and possession limit of 150 Chinook and 50 coho per vessel per open period north of Leadbetter Point or 150 Chinook and 50 coho south of Leadbetter Point (C.1). All Salmon except no chum retention north of Cape Alava, Washington in August and September (C.7). All coho must be marked (C.8.d). See gear restrictions and definitions (C.2, C.3). Cape Flattery, Mandatory Yelloweye Rockfish Conservation Area, and Columbia Control Zones closed (C.5).

Oregon State regulations require that fishers south of Cape Falcon, OR intending to fish within this area notify Oregon Department of Fish and Wildlife before transiting the Cape Falcon, OR line (45º46'00" N. lat.) at the following number: 541-867-0300 Ext. 271. Vessels must land and deliver their fish within 24 hours of any closure of this fishery. Under state law, vessels must report their catch on a state fish receiving ticket. Vessels fishing or in possession of salmon while fishing north of Leadbetter Point must land and deliver their fish within the area and north of Leadbetter Point. Vessels fishing or in possession of salmon while fishing south of Leadbetter Point must land and deliver their fish within the area and south of Leadbetter Point, except that Oregon permitted vessels may also land their fish in Garibaldi, Oregon. Oregon State regulations require all fishers landing salmon into Oregon from any fishery between Leadbetter Point, Washington and Cape Falcon, Oregon must notify ODFW within one hour of delivery or prior to transport away from the port of landing by calling 541-867-0300 Ext. 271. Notification shall include vessel name and number, number of salmon by species, port of landing and location of delivery, and estimated time of delivery. Inseason actions may modify harvest guidelines in later fisheries to achieve or prevent exceeding the overall allowable troll harvest impacts (C.8).

TABLE 1. Commercial troll management options collated by the STT for non-Indian ocean salmon fisheries, 2010 (Page 2 of 5)

A. SEASON OPTION DESCRIPTIONS

South of Cape Falcon

Supplemental Management Information

1. Sacramento River Basin recreational fishery catch assumption: quota of 8,200 adult Sacramento River fall Chinook (12.6% of the total allowable harvest).
2. Sacramento River fall Chinook spawning escapement of 174,990 adults.
3. Klamath River recreational fishery allocation: 10,250 adult Klamath River fall Chinook.
4. Klamath tribal allocation: 34,950 adult Klamath River fall Chinook.
5. Klamath River fall Chinook spawning escapement of 40,700 adults.

Cape Falcon to Humbug Mt.

- May 1-July 6, July 9-13, 16-20, 23-27, August 1-25, September 1-30 (C.9).

All salmon except coho; landing and possession limit of 50 Chinook per vessel per calendar week in September (C.7). All vessels fishing in the area must land their fish in the State of Oregon. See gear restrictions and definitions (C.2, C.3) and Oregon State regulations for a description of special regulations at the mouth of Tillamook Bay.

In 2011, the season will open March 15 for all salmon except coho. This opening could be modified following Council review at its March 2011 meeting.

Humbug Mt. to OR/CA Border (Oregon KMZ)

- May 1-31;
- July 1 through earlier of July 31, or a 1,500 Chinook quota;
- Aug. 1 through earlier of Aug. 31, or a 1,500 Chinook quota (C.9).

All salmon except coho (C.7). Chinook 28 inch total length minimum size limit (B). Prior to June 1, landing and possession limit of 100 Chinook per vessel per calendar week; all vessels fishing in the area must land their fish in the area or Port Orford. June 1 through August 31, landing and possession limit of 30 Chinook per vessel per day and 90 Chinook per vessel per calendar week; all vessels fishing in this area must land and deliver all fish within this area or Port Orford, within 24 hours of any closure in this fishery, and prior to fishing outside of this area. Oregon State regulations require all fishers landing salmon from any quota managed season within this area to notify Oregon Dept. of Fish and Wildlife (ODFW) within 1 hour of delivery or prior to transport away from the port of landing by calling (541) 867-0300 ext. 252. Notification shall include vessel name and number, number of salmon by species, port of landing and location of delivery, and estimated time of delivery. See gear restrictions and definitions (C.2, C.3).

- June 1-30; September 1-30

Sufficient impacts to conduct an experimental genetic stock identification study. All salmon must be released in good condition after collection of biological samples.

In 2011, the season will open March 15 for all salmon except coho, with a 28 inch Chinook minimum size limit. This opening could be modified following Council review at its March 2011 meeting.

OR/CA Border to Humboldt South Jetty (California KMZ)

Closed except for sufficient impacts to conduct an experimental genetic stock identification study May 1 through September 30. All salmon must be released in good condition after collection of biological samples.

Humboldt South Jetty to Horse Mt.

Closed.

TABLE 1. Commercial troll management options collated by the STT for non-Indian ocean salmon fisheries, 2010 (Page 3 of 5)

A. SEASON OPTION DESCRIPTIONS

South of Cape Falcon

Horse Mt. to Point Arena (Fort Bragg)

- July 1-4, 8-11,
- July 15-18, 22-31 or a quota of 20,530 Chinook.
- August 1 through the earlier of August 29 or 19,580 Chinook quota (C.9).

All salmon except coho (C.7). Chinook minimum size limit of 27 inches total length (B). All vessels fishing in the area must land their fish in the area when the fishery is managed under a quota; all fish must be offloaded within 24 hours of any closure of the fishery (C1). See gear restrictions and definitions (C.2, C.3).

- May 1 through June 30; September 1-30

Sufficient impacts to conduct an experimental genetic stock identification study. All salmon must be released in good condition after collection of biological samples.

Pt. Arena to U.S./Mexico Border

- July 1-4, 8-11 (C.9).

All salmon except coho (C.7). Chinook minimum size limit of 27 inches total length (B). See gear restrictions and definitions (C.2, C.3).

- May 1 through June 30; July 13 through September 30

Sufficient impacts to conduct an experimental genetic stock identification study. All salmon must be released in good condition after collection of biological samples.

B. MINIMUM SIZE (Inches) (See C.1)

	Chinook		Coho		
Area (when open)	Total Length	Head-off	Total Length	Head-off	Pink
North of Cape Falcon	28.0	21.5	16.0	12.0	None
Cape Falcon to Horse Mt.	28.0	21.5	-	-	None
Horse Mt. to U.S./Mexico Border	27.0	20.5	-	-	None

C. REQUIREMENTS, DEFINITIONS, RESTRICTIONS, OR EXCEPTIONS

C.1. Compliance with Minimum Size or Other Special Restrictions: All salmon on board a vessel must meet the minimum size, landing/possession limit, or other special requirements for the area being fished and the area in which they are landed if the area is open. 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.

C.2. Gear Restrictions:

a. Salmon may be taken only by hook and line using single point, single shank, barbless hooks.
b. Cape Falcon, Oregon, to the OR/CA border: No more than 4 spreads are allowed per line.
c. OR/CA border to U.S./Mexico border: No more than 6 lines are allowed per vessel, and barbless circle hooks are required when fishing with bait by any means other than trolling.

C. REQUIREMENTS, DEFINITIONS, RESTRICTIONS, OR EXCEPTIONS (continued)

C.3. Gear Definitions:

Trolling defined: Fishing from a boat or floating device that is making way by means of a source of power, other than drifting by means of the prevailing water current or weather conditions.

Troll fishing gear defined: One or more lines that drag hooks behind a moving fishing vessel. In that portion of the fishery management area (FMA) off Oregon and Washington, the line or lines must be affixed to the vessel and must not be intentionally disengaged from the vessel at any time during the fishing operation.

Spread defined: A single leader connected to an individual lure or bait.

Circle hook defined: A hook with a generally circular shape and a point which turns inward, pointing directly to the shank at a 90º angle.

C.4. Transit Through Closed Areas with Salmon on Board: It is unlawful for a vessel to have troll or recreational gear in the water while transiting any area closed to fishing for a certain species of salmon, while possessing that species of salmon; however, fishing for species other than salmon is not prohibited if the area is open for such species, and no salmon are in possession.

C.5. Control Zone Definitions:

a. *Cape Flattery Control Zone* - The area from Cape Flattery (48º23'00" N. lat.) to the northern boundary of the U.S. EEZ; and the area from Cape Flattery south to Cape Alava (48º10'00" N. lat.) and east of 125º05'00" W. long.
b. *Mandatory Yelloweye Rockfish Conservation Area* – The area in Washington Marine Catch Area 3 from 48°00.00' N. lat.; 125°14.00' W. long. to 48°02.00' N. lat.; 125°14.00' W. long. to 48°02.00' N. lat.; 125°16.50' W. long. to 48°00.00' N. lat.; 125°16.50' W. long. and connecting back to 48°00.00' N. lat.; 125°14.00' W. long.
c. *Columbia Control Zone* - An area at the Columbia River mouth, bounded on the west by a line running northeast/southwest between the red lighted Buoy #4 (46°13'35" N. lat., 124°06'50" W. long.) and the green lighted Buoy #7 (46°15'09' N. lat., 124°06'16" W. long.); on the east, by the Buoy #10 line which bears north/south at 357° true from the south jetty at 46°14'00" N. lat.,124°03'07" W. long. to its intersection with the north jetty; on the north, by a line running northeast/southwest between the green lighted Buoy #7 to the tip of the north jetty (46°15'48" N. lat., 124°05'20" W. long.), and then along the north jetty to the point of intersection with the Buoy #10 line; and, on the south, by a line running northeast/southwest between the red lighted Buoy #4 and tip of the south jetty (46°14'03" N. lat., 124°04'05" W. long.), and then along the south jetty to the point of intersection with the Buoy #10 line.
d. *Bandon High Spot Control Zone* - The area west of a line between 43º07'00" N. lat.; 124º37'00" W. long. and 42º40'30" N. lat; 124º 52'0" W. long. extending to the western edge of the exclusive economic zone (EEZ).
e. *Klamath Control Zone* - The ocean area at the Klamath River mouth bounded on the north by 41°38'48" N. lat. (approximately six nautical miles north of the Klamath River mouth); on the west, by 124°23'00" W. long. (approximately 12 nautical miles off shore); and on the south, by 41°26'48" N. lat. (approximately six nautical miles south of the Klamath River mouth).

C.6. Notification When Unsafe Conditions Prevent Compliance with Regulations: If prevented by unsafe weather conditions or mechanical problems from meeting special management area landing restrictions, vessels must notify the U.S. Coast Guard and receive acknowledgment of such notification prior to leaving the area. This notification shall include the name of the vessel, port where delivery will be made, approximate amount of salmon (by species) on board, and the estimated time of arrival.

C.7. Incidental Halibut Harvest: During authorized periods, the operator of a vessel that has been issued an incidental halibut harvest license may retain Pacific halibut caught incidentally in Area 2A while trolling for salmon. Halibut retained must be no less than 32 inches in total length, measured from the tip of the lower jaw with the mouth closed to the extreme end of the middle of the tail, and must be landed with the head on. License applications for incidental harvest must be obtained from the International Pacific Halibut Commission (phone: 206-634-1838). Applicants must apply prior to April 1 of each year. Incidental harvest is authorized only during May and June troll seasons and after June 30 if quota remains and if announced on the NMFS hotline (phone: 800-662-9825). ODFW and Washington Department of Fish and Wildlife (WDFW) will monitor landings. If the landings are projected to exceed the 25,035 pound preseason allocation or the total Area 2A non-Indian commercial halibut allocation, NMFS will take inseason action to prohibit retention of halibut in the non-Indian salmon troll fishery.

Option I: Beginning May 1, license holders may land no more than one Pacific halibut per each 2 Chinook, except one Pacific halibut may be landed without meeting the ratio requirement, and no more than 35 halibut may be landed per trip. Pacific halibut retained must be no less than 32 inches in total length (with head on).
Options II and III: Beginning May 1, license holders may land no more than one Pacific halibut per each 3 Chinook, except one Pacific halibut may be landed without meeting the ratio requirement, and no more than 35 halibut may be landed per trip. Pacific halibut retained must be no less than 32 inches in total length (with head on).

TABLE 1. Commercial troll management options collated by the STT for non-Indian ocean salmon fisheries, 2010 (Page 5 of 5)

C. REQUIREMENTS, DEFINITIONS, RESTRICTIONS, OR EXCEPTIONS (continued)

A "C-shaped" yelloweye rockfish conservation area is an area to be voluntarily avoided for salmon trolling. NMFS and the Council request salmon trollers voluntarily avoid this area in order to protect yelloweye rockfish. The area is defined in the Pacific Council Halibut Catch Sharing Plan in the North Coast subarea (Washington marine area 3), with the following coordinates in the order listed:

48°18' N. lat.; 125°18' W. long.;
48°18' N. lat.; 124°59' W. long.;
48°11' N. lat.; 124°59' W. long.;
48°11' N. lat.; 125°11' W. long.;
48°04' N. lat.; 125°11' W. long.;
48°04' N. lat.; 124°59' W. long.;
48°00' N. lat.; 124°59' W. long.;
48°00' N. lat.; 125°18' W. long.;
and connecting back to 48°18' N. lat.; 125°18' W. long.

C.8. Inseason Management: In addition to standard inseason actions or modifications already noted under the season description, the following inseason guidance is provided to NMFS:

a. Chinook remaining from the May through June non-Indian commercial troll harvest guideline north of Cape Falcon may be transferred to the July through September harvest guideline on a fishery impact equivalent basis.
b. NMFS may transfer fish between the recreational and commercial fisheries north of Cape Falcon on a fishery impact equivalent basis if there is agreement among the areas' representatives on the Salmon Advisory Subpanel (SAS).
c. At the March 2011 meeting, the Council will consider inseason recommendations for special regulations for any experimental fisheries (proposals must meet Council protocol and be received in November 2010).
d. If retention of unmarked coho is permitted by inseason action, the allowable coho quota will be adjusted to ensure preseason projected mortality of critical stocks is not exceeded.
e. Landing limits may be modified inseason to sustain season length and keep harvest within overall quotas.

C.9. State Waters Fisheries: Consistent with Council management objectives:

a. The State of Oregon may establish additional late-season fisheries in state waters.
b. The State of California may establish limited fisheries in selected state waters.

Check state regulations for details.

C.10. For the purposes of California Department of Fish and Game (CDFG) Code, Section 8232.5, the definition of the Klamath Management Zone (KMZ) for the ocean salmon season shall be that area from Humbug Mt., Oregon, to Horse Mt., California.

TABLE 2. Recreational management options collated by the STT for non-Indian ocean salmon fisheries, 2010. (Page 1 of 4)

A. SEASON OPTION DESCRIPTIONS

North of Cape Falcon

Supplemental Management Information

1. Overall non-Indian TAC: 117,000 (non-mark-selective equivalent of 110,000) Chinook and 90,000 coho marked with a healed adipose fin clip (marked).
2. Recreational TAC: 61,000 (non-mark selective equivalent of 54,000) Chinook and 75,600 marked coho; all retained coho must be marked.
3. No preseason trade with recreational fishery.
4. No Area 4B add-on fishery.
5. Buoy 10 fishery opens Aug. 1 with an expected landed catch of 12,000 marked coho.

U.S./Canada Border to Cape Falcon

- June 12 through earlier of June 30 or a **marked Chinook guideline of 12,000** (C.5).

Seven days per week. Two fish per day, all salmon except coho, **all Chinook must be marked with a healed adipose fin clip (C.1)**. There will be a conference call no later than June 23 to consider changing bag limits. Chinook 24-inch total length minimum size limit (B). See gear restrictions (C.2). Inseason management may be used to sustain season length and keep harvest within the overall Chinook recreational TAC for north of Cape Falcon (C.5).

U.S./Canada Border to Cape Alava (Neah Bay)

- July 1 through earlier of September 19 or 7,860 marked coho subarea quota with a subarea guideline of 5,400 Chinook (C.5).

Tuesday through Saturday. All salmon except no chum beginning August 1. Two fish per day, only one of which can be a Chinook; there will be a conference call no later than July 14 to consider removing the one Chinook bag limit restriction. All retained coho must be marked (C.1). See gear restrictions and definitions (C.2, C.3). Inseason management may be used to sustain season length and keep harvest within the overall Chinook recreational TAC for north of Cape Falcon (C.5).

Cape Alava to Queets River (La Push Subarea)

- July 1 through earlier of September 19 or 1,920 marked coho subarea quota with a subarea guideline of 2,450 Chinook (C.5).
- September 25 through earlier of October 10 or 50 marked coho quota or 50 Chinook quota (C.5) in the area north of 47°50'00 N. lat. and south of 48°00'00" N. lat.

Tuesday through Saturday. All salmon, two fish per day, only one of which can be a Chinook; there will be a conference call no later than July 14 to consider removing the one Chinook bag limit restriction. All retained coho must be marked (C.1). See gear restrictions and definitions (C.2, C.3). Inseason management may be used to sustain season length and keep harvest within the overall Chinook recreational TAC for north of Cape Falcon (C.5).

Queets River to Leadbetter Point (Westport Subarea)

- July 4 through earlier of September 19 or 27,970 marked coho subarea quota with a subarea guideline of 28,000 Chinook (C.5).

Sunday through Thursday. All salmon, two fish per day, only one of which can be a Chinook; there will be a conference call no later than July 14 to consider removing the one Chinook bag limit restriction. All retained coho must be marked (C.1). See gear restrictions and definitions (C.2, C.3). Grays Harbor Zone closed beginning August 1 (C.4.b). Inseason management may be used to sustain season length and keep harvest within the overall Chinook recreational TAC for north of Cape Falcon (C.5).

Leadbetter Point to Cape Falcon (Columbia River Subarea)

- July 1 through earlier of September 30 or 37,800 marked coho subarea quota with a subarea guideline of 13,100 Chinook (C.5).

Seven days per week. All salmon, two fish per day, only one of which can be a Chinook; there will be a conference call no later than July 14 to consider removing the one Chinook bag limit restriction. All retained coho must be marked (C.1). See gear restrictions and definitions (C.2, C.3). Columbia Control Zone closed (C.4.c). Inseason management may be used to sustain season length and keep harvest within the overall Chinook recreational TAC for north of Cape Falcon (C.5).

TABLE 2. Recreational management options collated by the STT for non-Indian ocean salmon fisheries, 2010. (Page 2 of 4)

A. SEASON OPTION DESCRIPTIONS

South of Cape Falcon

Supplemental Management Information

1. Sacramento River Basin recreational fishery catch assumption: quota of 8,200 adult Sacramento River fall Chinook (12.6% of the total allowable harvest).
2. Sacramento River fall Chinook spawning escapement of 174,990 adults.
3. Klamath River recreational fishery allocation: 10,250 adult Klamath River fall Chinook.
4. Klamath tribal allocation: 34,950 adult Klamath River fall Chinook.
5. Klamath River fall Chinook spawning escapement of 40,700 adults.
6. Overall recreational TAC: 30,000 marked coho.

Cape Falcon to Humbug Mt.

- Except as provided below during the all-salmon mark-selective coho fishery, the season will be May 29 through September 6 (C.6).

All salmon except coho; two fish per day (C.1). See gear restrictions and definitions (C.2, C.3).

- All-salmon mark-selective coho fishery: Cape Falcon to OR/CA Border: June 26 through earlier of Sept. 6 or a landed catch of 30,000 marked coho. The all salmon except coho season may reopen upon attainment of the coho quota.

Open seven days per week, all salmon, two fish per day. All retained coho must be marked (C.1). Fishing in the Stonewall Bank groundfish conservation area restricted to trolling only on days the all depth recreational halibut fishery is open (call the halibut fishing hotline 1-800-662-9825 for specific dates) (C.3.b, C.4.d). Open days may be adjusted inseason to utilize the available quota (C.5).

In 2011, the season between Cape Falcon and Humbug Mt. will open March 15 for all salmon except coho, two fish per day (B, C.1, C.2, C.3).

Humbug Mt. to OR/CA Border. (Oregon KMZ)

- Except as provided above during the all-salmon mark-selective coho fishery, the season will be May 29 through September 6 (C.6).

All salmon except coho, except as noted above in the all-salmon mark-selective coho fishery. Seven days per week, two fish per day (C.1). Chinook minimum size limit of 24 inches total length (B). See gear restrictions and definitions (C.2, C.3).

OR/CA Border to Horse Mt. (California KMZ)

- May 29 through September 6 (C.6).

Seven days per week. All salmon except coho. Two fish per day (C.1). Chinook minimum size limit of 24 inches total length (B). See gear restrictions and definitions (C.2, C.3). Klamath Control Zone closed in August (C.4.e). See California State regulations for additional closures adjacent to the Smith, Eel, and Klamath rivers.

Horse Mt. to Point Arena (Fort Bragg)

- April 3 through September 6.

All salmon except coho. Two fish per day (C.1). Chinook minimum size limit of 20 inches total length (B). See gear restrictions and definitions (C.2, C.3).

Point Arena to U.S./Mexico Border

- April 3-30

Seven days per week. All salmon except coho; two fish per day (C.1). Chinook minimum size limit of 20 inches total length (B). See gear restrictions and definitions (C.2, C.3).

- May 1 through September 6.

Thursday through Monday. All salmon except coho; two fish per day (C.1). Chinook minimum size limit of 24 inches total length (B). See gear restrictions and definitions (C.2, C.3).

B. MINIMUM SIZE (Inches) (See C.1)

Area (when open)		Chinook	Coho	Pink
North of Cape Falcon		24.0	16.0	None
Cape Falcon to OR/CA Border		24.0	16.0	None
OR/CA Border to Horse Mountain		24.0	-	24.0
Horse Mt. to Pt. Arena		20.0	-	20.0
Pt. Arena. to U.S./Mexico Border:	Apr. 3-30	20.0	-	24.0
	May 1-Sep. 6	24.0	-	20.0

TABLE 2. Recreational management options collated by the STT for non-Indian ocean salmon fisheries, 2010. (Page 3 of 4)

C. REQUIREMENTS, DEFINITIONS, RESTRICTIONS, OR EXCEPTIONS

C.1. Compliance with Minimum Size and Other Special Restrictions: All salmon on board a vessel must meet the minimum size or other special requirements for the area being fished and the area in which they are landed if that area is open. Salmon may be landed in an area that is closed only if they meet the minimum size or other special requirements for the area in which they were caught.

Ocean Boat Limits: Off the coast of Washington, Oregon, and California, each fisher aboard a vessel may continue to use angling gear until the combined daily limits of salmon for all licensed and juvenile anglers aboard has been attained (additional state restrictions may apply).

C.2. Gear Restrictions: Salmon may be taken only by hook and line using barbless hooks. All persons fishing for salmon, and all persons fishing from a boat with salmon on board, must meet the gear restrictions listed below for specific areas or seasons.

a. *U.S./Canada Border to Point Conception, California*: No more than one rod may be used per angler; and no more than two single point, single shank barbless hooks are required for all fishing gear. [Note: ODFW regulations in the state-water fishery off Tillamook Bay may allow the use of barbed hooks to be consistent with inside regulations.]

b. *Horse Mt., California, to Point Conception, California*: Single point, single shank, barbless circle hooks (see gear definitions below) are required when fishing with bait by any means other than trolling, and no more than two such hooks shall be used. When angling with two hooks, the distance between the hooks must not exceed five inches when measured from the top of the eye of the top hook to the inner base of the curve of the lower hook, and both hooks must be permanently tied in place (hard tied). Circle hooks are not required when artificial lures are used without bait.

C.3. Gear Definitions:

a. *Recreational fishing gear defined*: Angling tackle consisting of a line with no more than one artificial lure or natural bait attached. Off Oregon and Washington, the line must be attached to a rod and reel held by hand or closely attended; the rod and reel must be held by hand while playing a hooked fish. No person may use more than one rod and line while fishing off Oregon or Washington. Off California, the line must be attached to a rod and reel held by hand or closely attended; weights directly attached to a line may not exceed four pounds (1.8 kg). While fishing off California north of Point Conception, no person fishing for salmon, and no person fishing from a boat with salmon on board, may use more than one rod and line. Fishing includes any activity which can reasonably be expected to result in the catching, taking, or harvesting of fish.

b. *Trolling defined*: Angling from a boat or floating device that is making way by means of a source of power, other than drifting by means of the prevailing water current or weather conditions.

c. *Circle hook defined*: A hook with a generally circular shape and a point which turns inward, pointing directly to the shank at a 90° angle.

C.4. Control Zone Definitions:

a. *The Bonilla-Tatoosh Line*: A line running from the western end of Cape Flattery to Tatoosh Island Lighthouse (48°23'30" N. lat., 124°44'12" W. long.) to the buoy adjacent to Duntze Rock (48°28'00" N. lat., 124°45'00" W. long.), then in a straight line to Bonilla Point (48°35'30" N. lat., 124°43'00" W. long.) on Vancouver Island, British Columbia.

b. *Grays Harbor Control Zone* - The area defined by a line drawn from the Westport Lighthouse (46° 53'18" N. lat., 124° 07'01" W. long.) to Buoy #2 (46° 52'42" N. lat., 124°12'42" W. long.) to Buoy #3 (46° 55'00" N. lat., 124°14'48" W. long.) to the Grays Harbor north jetty (46° 36'00" N. lat., 124°10'51" W. long.).

c. *Columbia Control Zone*: An area at the Columbia River mouth, bounded on the west by a line running northeast/southwest between the red lighted Buoy #4 (46°13'35" N. lat., 124°06'50" W. long.) and the green lighted Buoy #7 (46°15'09' N. lat., 124°06'16" W. long.); on the east, by the Buoy #10 line which bears north/south at 357° true from the south jetty at 46°14'00" N. lat., 124°03'07" W. long. to its intersection with the north jetty; on the north, by a line running northeast/southwest between the green lighted Buoy #7 to the tip of the north jetty (46°15'48" N. lat., 124°05'20" W. long. and then along the north jetty to the point of intersection with the Buoy #10 line; and on the south, by a line running northeast/southwest between the red lighted Buoy #4 and tip of the south jetty (46°14'03" N. lat., 124°04'05" W. long.), and then along the south jetty to the point of intersection with the Buoy #10 line.

d. *Stonewall Bank Groundfish Conservation Area*: The area defined by the following coordinates in the order listed:
44°37.46' N. lat.; 124°24.92' W. long.;
44°37.46' N. lat.; 124°23.63' W. long.;
44°28.71' N. lat.; 124°21.80' W. long.;
44°28.71' N. lat.; 124°24.10' W. long.;
44°31.42' N. lat.; 124°25.47' W. long.;
and connecting back to 44°37.46' N. lat.; 124°24.92' W. long.

e. *Klamath Control Zone*: The ocean area at the Klamath River mouth bounded on the north by 41°38'48" N. lat. (approximately six nautical miles north of the Klamath River mouth); on the west, by 124°23'00" W. long. (approximately 12 nautical miles off shore); and, on the south, by 41°26'48" N. lat. (approximately 6 nautical miles south of the Klamath River mouth).

TABLE 2. Recreational management options collated by the STT for non-Indian ocean salmon fisheries, 2010. (Page 4 of 4)

C. REQUIREMENTS, DEFINITIONS, RESTRICTIONS, OR EXCEPTIONS

C.5. Inseason Management: Regulatory modifications may become necessary inseason to meet preseason management objectives such as quotas, harvest guidelines, and season duration. In addition to standard inseason actions or modifications already noted under the season description, the following inseason guidance is provided to NMFS:

a. Actions could include modifications to bag limits, or days open to fishing, and extensions or reductions in areas open to fishing.
b. Coho may be transferred inseason among recreational subareas north of Cape Falcon on an fishery impact equivalent basis to help meet the recreational season duration objectives (for each subarea) after conferring with representatives of the affected ports and the Council's SAS recreational representatives north of Cape Falcon.
c. Chinook and coho may be transferred between the recreational and commercial fisheries north of Cape Falcon on a fishery impact equivalent basis if there is agreement among the representatives of the Salmon Advisory Subpanel (SAS).
d. If retention of unmarked coho is permitted in the area from the U.S./Canada border to Cape Falcon, Oregon, by inseason action, the allowable coho quota will be adjusted to ensure preseason projected mortality of critical stocks is not exceeded.

C.6. Additional Seasons in State Territorial Waters: Consistent with Council management objectives, the States of Washington, Oregon, and California may establish limited seasons in state waters. Check state regulations for details.

TABLE 3. Treaty Indian troll management options collated by the STT for ocean salmon fisheries, 2010. (Page 1 of 1)

A. SEASON OPTION DESCRIPTIONS

Supplemental Management Information

1. Overall Treaty-Indian TAC: 55,000 Chinook and 43,000 coho.

• May 1 through the earlier of June 30 or 27,500 Chinook quota.
All salmon except coho. If the Chinook quota for the May-June fishery is not fully utilized, the excess fish cannot be transferred into the later all-salmon season. If the Chinook quota is exceeded, the excess will be deducted from the later all-salmon season. See size limit (B) and other restrictions (C).

• July 1 through the earlier of September 15, or 27,500 preseason Chinook quota, or 43,000 coho quota.
All Salmon. See size limit (B) and other restrictions (C).

B. MINIMUM SIZE (Inches)

	Chinook		Coho		
Area (when open)	Total Length	Head-off	Total Length	Head-off	Pink
North of Cape Falcon	24.0 (61.0 cm)	18.0 (45.7 cm)	16.0 (40.6 cm)	12.0 (30.5 cm)	None

C. REQUIREMENTS, DEFINITIONS, RESTRICTIONS, OR EXCEPTIONS

C.1. Tribe and Area Boundaries. All boundaries may be changed to include such other areas as may hereafter be authorized by a Federal court for that tribe's treaty fishery.

S'KLALLAM - Washington State Statistical Area 4B (All).

MAKAH - Washington State Statistical Area 4B and that portion of the FMA north of 48°02'15" N. lat. (Norwegian Memorial) and east of 125°44'00" W. long.

QUILEUTE - That portion of the FMA between 48°07'36" N. lat. (Sand Pt.) and 47°31'42" N. lat. (Queets River) and east of 125°44'00" W. long.

HOH - That portion of the FMA between 47°54'18" N. lat. (Quillayute River) and 47°21'00" N. lat. (Quinault River) and east of 125°44'00" W. long.

QUINAULT - That portion of the FMA between 47°40'06" N. lat. (Destruction Island) and 46°53'18"N. lat. (Point Chehalis) and east of 125°44'00" W. long.

C.2. Gear restrictions
- a. Single point, single shank, barbless hooks are required in all fisheries.
- b. No more than eight fixed lines per boat.
- c. No more than four hand held lines per person in the Makah area fishery (Washington State Statistical Area 4B and that portion of the FMA north of 48°02'15" N. lat. (Norwegian Memorial) and east of 125°44'00" W. long.)

C.3. Quotas
- a. The quotas include troll catches by the S'Klallam and Makah tribes in Washington State Statistical Area 4B from May 1 through September 15.
- b. The Quileute Tribe will continue a ceremonial and subsistence fishery during the time frame of September 15 through October 15 in the same manner as in 2004-2009. Fish taken during this fishery are to be counted against treaty troll quotas established for the 2010 season (estimated harvest during the October ceremonial and subsistence fishery: 100 Chinook; 200 coho).

C.4. Area Closures
- a. The area within a six nautical mile radius of the mouths of the Queets River (47°31'42" N. lat.) and the Hoh River (47°45'12" N. lat.) will be closed to commercial fishing.
- b. A closure within two nautical miles of the mouth of the Quinault River (47°21'00" N. lat.) may be enacted by the Quinault Nation and/or the State of Washington and will not adversely affect the Secretary of Commerce's management regime.

TABLE 5. Projected key stock escapements (thousands of fish) or management criteria for 2009 ocean fishery management measures collated by the STT. [a/] (Page 1 of 2)

Key Stock/Criteria	Projected Ocean Escapement[b/] or Other Criteria (Council Area Fisheries)	Spawner Objective or Other Comparative Standard as Noted
		CHINOOK
COLUMBIA RIVER		
Columbia Upriver Brights	319.1	88.2 Minimum ocean escapement to attain 60.0 adults over McNary Dam, with normal distribution and no mainstem harvest.
Snake River Fall (threatened) SRFI	45.1%	≤ 70.0% Of 1988-1993 base period exploitation rate for all ocean fisheries (NMFS ESA consultation standard).
Mid-Columbia Brights	74.6	13.2 Minimum ocean escapement to attain 4.7 adults for Bonneville Hatchery and 2.0 for Little White Salmon Hatchery egg-take, assuming average conversion and no mainstem harvest.
Columbia Lower River Hatchery Tules	85.0	22.1 Minimum ocean escapement to attain 12.4 adults for hatchery egg-take, with average conversion and no lower river mainstem or tributary harvest.
Columbia Lower River Natural Tules (threatened)	37.9%	≤ 38.0% ESA guidance met by a total adult equivalent fishery exploitation rate on Coweeman tules (NMFS ESA consultation standard).
Columbia Lower River Wild[c/] (threatened)	10.0	6.8 Minimum ocean escapement to attain MSY spawner goal of 5.7 for N. Lewis River fall Chinook (NMFS ESA consultation standard).
Spring Creek Hatchery Tules	162.9	8.8 Minimum ocean escapement to attain 7.0 adults for Spring Creek Hatchery egg-take, assuming average conversion and no mainstem harvest.
CALIFORNIA		
Klamath River Fall	40.7	40.7 Minimum number of adult spawners to natural spawning areas. 2008 Council adopted rebuilding objective and 2010 Council guidance.
Federally recognized tribal harvest	50.0%	50.0% Equals 34.95 (thousand) adult fish for Yurok and Hoopa tribal fisheries.
Spawner Reduction Rate	52.8%	≤ 66.7% Equals 45.5 (thousand) fewer natural adult spawners due to fishing.
Adult river mouth return	109.4	NA Natural and hatchery adults.
Age-4 ocean harvest rate	13.2%	≤ 16.0% NMFS ESA consultation standard for threatened California Coastal Chinook.
KMZ sport fishery share	13.9%	No Council guidance for 2010.
River recreational fishery share	29.3%	≥ 15% 2010 Council Guidance. Equals 10.25 (thousand) adult fish for recreational inriver fisheries.
Sacramento River Winter (endangered	Met	Recreational seasons: Point Arena to Pigeon Point between the first Saturday in April and the second Sunday in November; Pigeon Point to the U.S./Mexico Border between the first Saturday in April and the first Sunday in October. Minimum size limit ≥ 20 inches total length. In addition, for 2010, fisheries south of Pt. Arena must have either a minimum size limit ≥ 24 inches total length May 1-Aug. 31, or be closed for 61 consecutive days between May 1 and August 31. Commercial seasons: Point Arena to the U.S./Mexico border between May 1 and September 30, except Point Reyes to Point San Pedro between October 1 and 15. Minimum size limit ≥ 26 inches total length. (NMFS ESA Guidance for 2010).
Sacramento River Fall	174.99	≥150-180 2010 Council and NMFS guidance for natural and hatchery adult spawners.
Ocean commercial impacts	34.4	Include fall (Sept-Dec) 2009 impacts; equals 0 SRFC.
Ocean recreational impacts	27.9	Include fall (Sept. -Dec.) 2009 impacts (76 SRFC).
River recreational impacts	8.2	Assumes 0.000 (thousand) adult fish for recreational inriver fisheries.
Hatchery spawner goal	≥ 22.0	22.0 Aggregate number of adults to achieve egg take goals at Coleman, Feather River, and Nimbus hatcheries.

TABLE 5. Projected key stock escapements (thousands of fish) or management criteria for 2009 ocean fishery management measures collated by the STT. [a/] (Page 2 of 2)

Key Stock/Criteria	Projected Ocean Escapement[b/] or Other Criteria (Council Area Fisheries)	Spawner Objective or Other Comparative Standard as Noted
	COHO	
Interior Fraser (Thompson River)	**10.07%**(5.5%)	≤ 10.0% 2010 Southern U.S. exploitation rate ceiling; 2002 PSC coho agreement.
Skagit	38.1%(5.0%)	≤ 60.0% 2010 total exploitation rate ceiling; FMP matrix[e/]
	59.7	30.0 MSP level of adult spawners Identified in FMP.
Stillaguamish	37.2%(3.5%)	≤ 50.0% 2010 total exploitation rate ceiling; FMP matrix[e/]
	16.3	17.0 MSP level of adult spawners Identified in FMP.
Snohomish	32.3%(3.5%)	≤ 40.0% 2010 total exploitation rate ceiling; FMP matrix[e/]
	67.6	70.0 MSP level of adult spawners Identified in FMP.
Hood Canal	**48.5%**(5.3%)	≤ 45.0% 2010 total exploitation rate ceiling; FMP matrix[e/]
	17.2	21.5 MSP level of adult spawners Identified in FMP.
Strait of Juan de Fuca	11.4%(3.9%)	≤ 20.0% 2010 total exploitation rate ceiling; FMP matrix[e/]
	7.5	12.8 MSP level of adult spawners Identified in FMP.
	10.2%	≤ 10.0% 2010 Southern U.S. exploitation rate ceiling; 2002 PSC coho agreement.
Quillayute Fall	20.5	6.3-15.8 FMP objective MSY adult spawner range[e/]
Hoh	6.4	2.0-5.0 FMP objective MSY adult spawner range[e/]
Queets Wild	16.9	5.8-14.5 FMP objective MSY adult spawner range[e/]
Grays Harbor	61.8	35.4 FMP objective MSY adult spawner range[e/]
Lower Columbia River Natural (threatened)	12.4%	≤ 15.0% Total marine and mainstem Columbia River fishery exploitation rate (NMFS ESA consultation standard). Value depicted is marine fishery exploitation rate only.
Upper Columbia	≥ 75%	≥ 50% Minimum percentage of the run to Bonneville Dam.
Columbia River Hatchery Early	170.2	31.2 Minimum ocean escapement to attain hatchery egg-take goal of 14.1 early adult coho, with average conversion and no mainstem or tributary fisheries.
Columbia River Hatchery Late	92.1	9.3 Minimum ocean escapement to attain hatchery egg-take goal of 7.1 late adult coho, with average conversion and no mainstem or tributary fisheries.
Oregon Coastal Natural	12.0%	≤ 15.0% Marine and freshwater fishery exploitation rate.
Northern California (threatened)	10.2%	≤ 13.0% Marine fishery exploitation rate for R/K hatchery coho (NMFS ESA consultation standard).

a/ Assumptions for Canadian and Southeast Alaska Chinook fisheries operating under aggregate abundance based management (AABM) regimes are based on allowable catch levels determined under the 2009 PST Chinook agreement and the 2010 calibration of the PSC Chinook Model. The allowable catch levels are for an Alaska all-gear catch of 221,800, a Northern BC troll and Queen Charolette Islands catch of 152,100, and a WCVI troll and outside sport catch of 143,700.

b/ Ocean escapement is the number of salmon escaping ocean fisheries and entering freshwater with the following clarifications. Ocean escapement for Puget Sound stocks is the estimated number of salmon entering Area 4B that are available to U.S. net fisheries in Puget Sound and spawner escapement after impacts from the Canadian, U.S. ocean, and Puget Sound troll and recreational fisheries have been deducted. Numbers in parentheses represent Council area exploitation rates for Puget sound coho stocks. For Columbia River early and late coho stocks, ocean escapement represents the number of coho after the Buoy 10 fishery. Exploitation rates for LCN coho include all marine impacts prior to the Buoy 10 fishery. Exploitation rates for OCN coho include impacts of freshwater fisheries.

c/ Includes minor contributions from East Fork Lewis River and Sandy River.

d/ Projected ISBM indices for these stocks, which are based on an average of 2005-2007 terminal harvest rates, exceed 60%, but the state of Oregon intends to manage 2009 freshwater fishery impacts to comply with the general obligation.

e/ Annual management objectives may be different than FMP goals, and are subject to agreement between WDFW and the treaty tribes under U.S. District Court orders. Total exploitation rate includes Alaskan, Canadian, Council area, Puget Sound, and freshwater fisheries and is calculated as total fishing mortality divided by total fishing mortality plus spawning escapement.

TABLE 7. Expected coastwide lower Columbia Natural (LCN) Oregon coastal natural (OCN) and Rogue/Klamath (RK) coho, and Lower Columbia River (LCR) tule Chinook exploitation rates by fishery for 2010 ocean fisheries management measures collated by the STT.

	Exploitation Rate (Percent)			
Fishery	LCN Coho	OCN Coho	RK Coho	LCR Tule
SOUTHEAST ALASKA	0.0%	0.0%	0.0%	2.6%
BRITISH COLUMBIA	0.0%	0.1%	0.0%	11.5%
PUGET SOUND/STRAIT	0.2%	0.1%	0.0%	0.3%
NORTH OF CAPE FALCON				
Treaty Indian Ocean Troll	2.5%	0.7%	0.0%	4.5%
Recreational	4.5%	0.9%	0.0%	3.9%
Non-Indian Troll	1.8%	0.5%	0.0%	5.2%
SOUTH OF CAPE FALCON				
Recreational:				0.1%
Cape Falcon to Humbug Mt.	0.2%	2.8%	0.4%	
Humbug Mt. OR/CA border (KMZ)	0.1%	0.4%	0.8%	
OR/CA border to Horse Mt. (KMZ)	0.1%	0.9%	4.1%	
Fort Bragg	0.1%	0.6%	1.5%	
South of Pt. Arena	0.0%	0.4%	1.0%	
Troll:				1.8%
Cape Falcon to Humbug Mt.	1.0%	1.1%	0.2%	
Humbug Mt. OR/CA border (KMZ)	0.0%	0.0%	0.1%	
OR/CA border to Horse Mt. (KMZ)	0.0%	0.1%	0.3%	
Fort Bragg	0.0%	0.6%	1.4%	
South of Pt. Arena	0.0%	0.1%	0.1%	
BUOY 10	1.1%	0.1%	0.0%	8.1%
ESTUARY/FRESHWATER	NA	2.6%	0.2%	
TOTAL[a/]	12.35%	12.0%	10.0%	37.9%

a/ Totals do not include estuary/freshwater or Buoy 10 for LCN or RK coho.

TABLE A-1. **Sacramento River fall Chinook** ocean impacts, including non-retention impacts where applicable, by fishery and option. Sacramento River fall Chinook impacts were estimated for the fall of 2009 and projected for each of the proposed 2010 fishin

Commercial

Total Impacts

Port	Fall 2009		Summer 2010					Summer	Year
Area	Sept	Oct-Dec	Jan-Apr	May	Jun	Jul	Aug	Total	Total
NO				3,054	2,268	1,072	2,140	8,534	8,533
CO				980	1,101	679	817	3,577	3,577
KO				35	47	380	223	685	684
KC				39	28	80	31	178	178
FB				116	93	8,787	7,806	16,802	16,802
SF				386	363	1,995	403	3,147	3,146
MO				211	211	855	219	1,496	1,495
Total				4,819	4,110	13,848	11,639	34,416	34,416

Harvest Impacts

Port	Fall 2009		Summer 2010					Summer	Year
Area	Sep	Oct-Dec	Jan-Apr	May	Jun	Jul	Aug	Total	Total
NO				3,054	2,268	1,072	2,140	8,533	8,533
CO				980	1,101	679	817	3,577	3,577
KO				35		380	223	638	638
KC									
FB						8,787	7,806	16,593	16,593
SF						1,812		1,812	1,812
MO						755		755	755
Total				4,068	3,369	13,485	10,986	31,909	31,909

GSI Impacts

Port	Fall 2009		Summer 2010					Summer	Year
Area	Sep	Oct-Dec	Jan-Apr	May	Jun	Jul	Aug	Total	Total
NO									
CO									
KO					47			47	47
KC				39	28	80	31	178	178
FB				116	93			209	209
SF				386	363	183	403	1,335	1,335
MO				211	211	100	219	741	741
Total				752	742	363	653	2,510	2,510

Recreational

Total Impacts

Port	Fall 2009			Summer 2010							Summer	Year
Area	Sep	Oct	Nov-Dec	Jan-Feb	Mar	Apr	May	Jun	Jul	Aug	Total	Total
NO								22	210	172	404	405
CO							1	83	380	193	657	657
KO							16	238	348	187	789	789
KC	76						71	826	912	433	2,242	2,319
FB						85	381	1,038	1,383	508	3,395	3,394
SF						1,944	1,662	2,293	5,150	2,142	13,191	13,191
MO						3,166	898	1,132	1,686	239	7,121	7,121
Total	76					5,195	3,029	5,632	10,071	3,873	27,800	27,876

Harvest Impacts

Port	Fall 2009			Summer 2010							Summer	Year
Area	Sep	Oct	Nov-Dec	Jan-Feb	Mar	Apr	May	Jun	Jul	Aug	Total	Total
NO								22	210	172	405	405
CO							1	83	380	193	657	657
KO							16	238	348	187	789	789
KC	76						71	826	912	433	2,243	2,319
FB						85	381	1,038	1,383	508	3,394	3,394
SF						1,944	1,662	2,293	5,150	2,142	13,191	13,191
MO						3,166	898	1,132	1,686	239	7,121	7,121
Total	76					5,195	3,029	5,632	10,071	3,873	27,800	27,876

GSI Impacts

Port	Fall 2009			Summer 2010							Summer	Year
Area	Sep	Oct	Nov-Dec	Jan-Feb	Mar	Apr	May	Jun	Jul	Aug	Total	Total
NO												
CO												
KO												
KC												
FB												
SF												
MO												
Total												

TABLE A-4. **Klamath River fall Chinook** ocean impacts, including non-retention impacts where applicable, by fishery and option. Klamath River fall Chinook impacts were estimated for the fall of 2009 and projected for each of the proposed 2010 fishing season options. The impacts are displayed for each option by fishery, port area, and month.

Commercial

Total Impacts

Port	Fall 2009		Summer 2010					Summer	Year
Area	Sept	Oct-Dec	Jan-Apr	May	Jun	Jul	Aug	Total	Total
NO				462	204	314	973	1,953	1,953
CO				510	545	1,441	2,627	5,123	5,123
KO				75	64	512	498	1,149	1,149
KC				177	125	118	123	543	543
FB				71	99	9,649	2,822	12,641	12,640
SF				59	84	1,038	34	1,215	1,214
MO				8	11	210	1	230	230
Total				1,362	1,132	13,282	7,078	22,854	22,852

Harvest Impacts

Port	Fall 2009		Summer 2010					Summer	Year
Area	Sep	Oct-Dec	Jan-Apr	May	Jun	Jul	Aug	Total	Total
NO				462	204	314	973	1,953	1,953
CO				510	545	1,441	2,627	5,123	5,123
KO				75		512	498	1,085	1,085
KC									
FB						9,649	2,822	12,471	12,471
SF						908		908	908
MO						182		182	182
Total				1,047	749	13,006	6,920	21,722	21,722

GSI impacts

Port	Fall 2009		Summer 2010					Summer	Year
Area	Sep	Oct-Dec	Jan-Apr	May	Jun	Jul	Aug	Total	Total
NO									
CO									
KO					64			64	64
KC				177	125	118	123	543	543
FB				71	99			170	170
SF				59	84	130	34	307	307
MO				8	11	28	1	48	48
Total				315	383	276	158	1,132	1,132

Recreational

Total Impacts

Port	Fall 2009			Summer 2010							Summer	Year
Area	Sep	Oct	Nov-Dec	Jan-Feb	Mar	Apr	May	Jun	Jul	Aug	Total	Total
NO									42	44	86	86
CO							1	30	120	75	226	225
KO	30						2	156	443	581	1,182	1,212
KC	52						42	725	911	669	2,347	2,399
FB						11	97	287	375	76	846	847
SF						116	40	141	182	7	486	486
MO						75	12	22	53	6	168	169
Total	82					202	194	1,361	2,125	1,459	5,341	5,423

Harvest Impacts

Port	Fall 2009			Summer 2010							Summer	Year
Area	Sep	Oct	Nov-Dec	Jan-Feb	Mar	Apr	May	Jun	Jul	Aug	Total	Total
NO									42	44	86	86
CO							1	30	120	75	226	225
KO	30						2	156	443	581	1,182	1,212
KC	52						42	725	911	669	2,347	2,399
FB						11	97	287	375	76	846	847
SF						116	40	141	182	7	486	486
MO						75	12	22	53	6	168	169
Total	82					202	194	1,361	2,125	1,459	5,341	5,423

GSI impacts

Port	Fall 2009			Summer 2010							Summer	Year
Area	Sep	Oct	Nov-Dec	Jan-Feb	Mar	Apr	May	Jun	Jul	Aug	Total	Total
NO												
CO												
KO												
KC												
FB												
SF												
MO												
Total												

TESTIMONY ON BEHALF OF THE UPPER SKAGIT INDIAN TRIBE

My name is Scott Schuyler, I am the Upper Skagit Indian Tribe policy representative for natural resources. The Tribe has asked me to put forth this testimony regarding the extreme hardship burden that is placed by federal, state and other tribal sovereigns on those tribes whose homelands fisheries are relegated in the terminal fishing areas.

When my ancestor Pateus signed the treaty on behalf of the Upper Skagit it was a guarantee from the United States that the Tribe's right to continue of the fish would always be meaningful, and would continue to always sustain the Upper Skagit people. That guarantee was not for just the good times, but for all times. The tribes had fished and sustained themselves from time immemorial and they expected that their reserved share of the resource would stand last and be meaningful forever.

The Treaty promise, the guarantee was especially meaningful to the Upper Skagit people. Now, after US v. Washington, the Upper Skagit fishery remains an exclusively terminal area fishery to catch our Skagit fish. The Tribe has no opportunity to absorb the continued loss of its right for a meaningful and down fisheries by fishing in pre-terminal areas. Other fisheries from north Puget Sound out through the Straits of Juan de Fuca to the Ocean have the opportunity to catch Skagit origin fish each and every year. Conservation is being disproportionately borne by the terminal area tribes like the Upper Skagit whom are expected to reduce or in some terminal Tribes case completely eliminate its fishery while their stocks continue to be intercepted in pre-terminal areas.

Who gets what is left after all the other interests have taken fish from the ocean to the terminal river areas? Our Treaty places a superior responsibility on the United States. The

Treaty made the sovereign tribes equal, but the cost and the risks to each fishery are not equal. What assurances do terminal area tribes like the Upper Skagit have that, while everyone relies on them to protect the spawning grounds, they can achieve a fair and equitable catch? If terminal area tribes are continually called upon to bear a disproportionate conservation burden and then are not allowed to provide for their fishers a fair and equitable proportion of the fish that arrive at the terminal area, where is the Treaty protection? The Upper Skagit Tribe hopes that the other parties do not choose to try to place the disproportionate burden on the terminal area. To achieve this now and in future years the Tribe respectfully requests that Council in the future take into consideration the adverse effects adopting the higher ocean options which continue to impede terminal area Tribes like Upper Skagit from implementing meaningful fishery's on their own stocks.

Thank you for your time.

For perspective:

Example—difference between 2010 initial range of ocean options; option I and option II of 20.5% exploitation rate to 20.1% exploitation rate impact on Skagit represents approximately 4 fish which to the river means approximately 14% loss of terminal fishing opportunity by our people.

Agenda Item H.3
Situation Summary
April 2010

NATIONAL MARINE FISHERIES SERVICE REPORT

National Marine Fisheries Service (NMFS) Northwest and Southwest Fisheries Science Centers and Northwest and Southwest Regions will briefly report on recent developments relevant to salmon fisheries and issues of interest to the Pacific Fishery Management Council (Council).

Potential topics include:

NMFS Science Centers research and development of salmon decision support systems	Churchill Grimes
Mass Marking Workgroup	Churchill Grimes

Council Task:

Discussion.

Reference Materials:

1. Agenda Item H.3.b, NMFS Science Centers Report: NMFS Salmon Research Report.

Agenda Order:

a. Regulatory Activities	**Peter Dygert**
b. Fisheries Science Center Activities	**Churchill Grimes**
c. Reports and Comments of Management Entities and Advisory Bodies	
d. Public Comment	
e. Council Discussion	

PFMC
03/25/10

METHODOLOGY REVIEW PROCESS AND PRELIMINARY TOPIC SELECTION FOR 2010

Each year, the Scientific and Statistical Committee (SSC) completes a methodology review to help assure new or significantly modified methodologies employed to estimate impacts of the Council's salmon management use the best available science. The process normally involves: developing a list of potential topics for review at the April Council meeting; final selection of review topics at the September Council meeting; review of selected topics in October by the SSC Salmon Subcommittee and the Salmon Technical Team (STT); and review by the full SSC at the November Council meeting. This review process is preparatory to the Council's adoption, at the November meeting, of all proposed changes to be implemented in the coming season or, in certain limited cases, providing directions for handling any unresolved methodology problems prior to the formulation of salmon management options in March. Because there is insufficient time to review new or modified methods at the March meeting, the Council may reject their use if they have not been approved the preceding November.

The SSC will receive input from the STT and the Model Evaluation Workgroup, and provide recommendations for methodologies to be reviewed in 2010.

Council Task:

1. **Provide guidance to the SSC regarding potential topics and priorities for methodologies to be reviewed in 2009.**
2. **Request affected agencies develop and provide needed materials to the SSC, as appropriate.**

Reference Materials:

1. Agenda Item H.4.b, Supplemental SSC Report: Scientific and Statistical Committee Report on Methodology Reviews for 2010.

Agenda Order:

a. Agenda Item Overview — Chuck Tracy
b. Reports and Comments of Advisory Bodies and Management Entities
c. Public Comment
d. Council Guidance on Potential Methodologies to Review in 2010

PFMC
03/22/10

MODEL EVALUATION WORKGROUP REPORT ON SALMON METHODOLOGY REVIEW PROCESS AND PRELIMINARY TOPIC SELECTION FOR 2010

The Model Evaluation Workgroup (MEW) has three projects in progress that may be appropriate for review this fall by the Salmon Subcommittee of the Scientific and Statistical Committee (SSC) and the Salmon Technical Team (STT). These items are:

1. Continuing sensitivity analysis of the Fishery Regulation Assessment Model (FRAM).

2. Update FRAM documentation after review of re-coded FRAM application.

3. An examination of the potential bias introduced by mark-selective fisheries upon our harvest models' estimation of fishery related mortality for unmarked coho and Chinook.

PFMC
04/01/10

SALMON ADVISORY SUBPANEL ON SALMON METHODOLOGY REVIEW PROCESS AND PRELIMINARY TOPIC SELECTION FOR 2010

The Salmon Advisory Subpanel (SAS) proposes the following topics be considered for review this fall by the Salmon Subcommittee of the Scientific and Statistical Committee (SSC) and the Salmon Technical Team (STT).

- Continuation of the work by the Model Evaluation Workgroup regarding the characterization of bias introduced by mark-selective fisheries in Chinook and Coho Fishery Regulation Assessment Model (FRAM).

- Update on conservation objectives under revision by the State of Oregon for their coastal Chinook stocks.

- Evaluation of base period exploitation rates and representative coded wire tag groups for Columbia River summer Chinook.

- Develop conservation objective(s) for Klamath River Spring Chinook.

- Incorporate existing natural production information into the Lower Columbia River natural coho exploitation rate matrix.

- Review of Sacramento River fall Chinook conservation objective.

- Abundance-based management framework for Lower Columbia River tule fall Chinook.

PFMC
04/14/2010

SCIENTIFIC AND STATISTICAL COMMITTEE REPORT ON METHODOLOGY REVIEW PROCESS AND PRELIMINARY TOPIC SELECTION FOR 2010

The Scientific and Statistical Committee (SSC) met with Dr. Robert Kope of the Salmon Technical Team (STT), Dr. Peter Dygert (National Marine Fisheries Service [NMFS]) and Chuck Tracy (Council staff) to identify and discuss possible methodology reviews for 2010. The following items were identified for potential SSC review this fall. The lead entity for each work product is identified at the end of the item.

1. Continued sensitivity analysis of the Fishery Regulation Assessment Model (FRAM)-Model Evaluation Workgroup (MEW).

2. Examination of the potential bias introduced by mark-selective fisheries on Council harvest model estimation of fishery-related mortality for unmarked coho and Chinook-MEW.

3. Oregon coastal natural (OCN) coho abundance predictor-NMFS.

4. Revisions to escapement goals that may be proposed under Amendment 16 for OR coastal Chinook-STT.

5. Evaluation of indicator stock tag groups for Columbia River summer Chinook for incorporation into FRAM-STT.

6. Incorporation of additional Chinook stocks into the FRAM for improved accounting and better overall stock representation-STT.

7. Revisions to Amendment 13 matrix control rules for OCN coho stocks-ODFW.

8. Abundance-based management framework for Lower Columbia River tule fall Chinook-NMFS.

PFMC
04/12/10

COUNCIL STAFF REPORT ON SALMON METHODOLOGY REVIEW PROCESS AND PRELIMINARY TOPIC SELECTION FOR 2010

The National Marine Fisheries Service (NMFS) guidance for developing 2010 salmon ocean management measures included a list of tasks that would reduce uncertainty of Lower Columbia River (LCR) natural tule Chinook recovery strategies, and which NMFS would use to determine an appropriate allowable recovery exploitation rate for managing 2011 fisheries. One of the items on that list was development of options for incorporating abundance driven management principles into Lower Columbia tule Chinook management.

Toward that end, the Council staff recommends convening a work group to examine various models currently in use for abundance based approaches, with a charge to develop a usable approach for LCR tule Chinook if possible. The Council also offers to take the lead in such an effort. We propose the process begin in the near term and conclude by the fall of 2011, such that any fishing mortality rate ceiling results could be used in the next LCR tule biological opinion for 2012 ocean salmon seasons, and potentially after that point as a possible Fishery Management Plan (FMP) amendment in a formal Council setting (subject to an FMP amendment process beginning after November, 2011). We further propose that the process include a progress report during the Council's 2010 salmon methodology review process.

PFMC
04/14/2010

SALMON TECHNICAL TEAM REPORT ON SALMON METHODOLOGY REVIEW PROCESS AND PRELIMINARY TOPIC SELECTION FOR 2010

The Salmon Technical Team (STT) proposes the following topics be considered for review this fall by the Salmon Subcommittee of the Scientific and Statistical Committee (SSC) and the STT.

- Continuation of the work by the Model Evaluation Workgroup regarding the characterization of bias introduced by mark-selective fisheries in Chinook and Coho FRAM.
- Update on conservation objectives under revision by the State of Oregon for their coastal Chinook stocks.
- Addition to Chinook FRAM of coastal Oregon and California stocks not currently represented in the model.
- Evaluation of base period exploitation rates and representative coded wire tag groups for Columbia River summer Chinook.
- Additional documentation used to develop Puget Sound coho exploitation rate matrix conservation objectives.

PFMC
04/13/2010

Salmon Methodology Review

Washington Department of Fish and Wildlife has stated that it is their intent to put more mark-selective fisheries on the water. As prudent managers, we need to finish the discussion on what constitutes low intensity or low levels of mark-selective fisheries that the SSC and STT have alluded to in their reports at the November 2008 Council meeting.

The Tribes are very concerned as to whether the FRAM model calculates the information necessary to monitor the impact or intensity levels of mark-selective fisheries. Fishery impacts to natural stocks become based upon unobservable release mortality while the ratios of marked to unmarked fish diverge as selective fisheries increase. So we support prioritizing the examination of potential bias introduced by mark-selective fisheries that is indentified as Task 2 on the Supplemental SSC Report.

The annual post season reports regarding the coho mark selective fishery in Area 1-4 has indicated that the mark rate has been consistently overestimated in our pre-season modeling for the last 8-9 years. Is the continued sensitivity analysis of FRAM listed in the Supplemental SSC Report and the Supplemental MEW Report going to address this noted bias? As a related question, how sensitive is the FRAM in forecasting mark rate to forecast error in one or two major hatchery stocks contained within the model?

Finally, the tribes have requested that a multi-year review be conducted on the ocean mark-selective fishery for coho that has been conducted in Areas 1-4 for the past ten years. The suggestion was for this review to be patterned after one conducted by WDFW of the Area 5/6 mark selective fishery for chinook that was completed a few years ago. This report should be prepared by either the SSC or the STT before the next year's preseason planning cycle for salmon. Especially, if it is this Council's intent to continue to consider increasing both the number and intensity these fisheries in Council waters.

FINAL ACTION ON 2010 SALMON MANAGEMENT MEASURES

The Salmon Technical Team (STT) will briefly review its analysis of the tentative management measures and answer Council questions. Final adoption of management measures will follow the comments of the advisors, tribes, agencies, and public.

Any season structure considered for adoption that deviates from Salmon Fishery Management Plan (FMP) objectives will require implementation by emergency rule. If an emergency rule appears to be necessary, the Council must clearly identify and justify the need for such an action consistent with emergency criteria established by the Council (Agenda Item H.1.a, Attachment 1) and National Marine Fisheries Service (Agenda Item H.1.a, Attachment 2).

This action is for submission to the U.S. Secretary of Commerce, and the final motions must be visible in writing. To avoid unnecessary delay and confusion in proposing final regulations, minor edits may be made to the STT analysis and other documents provided by staff. If major deviations from existing documents are anticipated, Council members should be prepared to provide a written motion that can be projected on a screen or quickly photocopied. Please prepare your motion documents or advise Council staff of the need for, or existence of, additional working documents as early as possible before the final vote.

Council Action:

1. **Adopt final treaty Indian troll, non-Indian commercial and recreational ocean salmon fishery management measures for submission to the U.S. Secretary of Commerce.**
2. **If necessary, identify and justify any regulations requiring implementation by emergency rule.**

Reference Materials:

1. Agenda Item H.5.b, Supplemental STT Report: STT Analysis of Tentative 2010 Ocean Salmon Fishery Management Measures.

Agenda Order:

a. Agenda Item Overview — Chuck Tracy
b. Reports and Comments of Advisory Bodies and Management Entities
c. Public Comment
d. **Council Action:** Adopt Final Management Measures for 2010 Ocean Salmon Fisheries

PFMC
03/22/10

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest Region
7600 Sand Point Way N.E., Bldg. 1
Seattle, WA 98115

April 8, 2010

The Honorable Harry Smiskin, Chairman
Confederated Tribes and Bands of the Yakama Nation
P.O. Box 151
Toppenish, Washington 98948-0151

Dear Chairman Smiskin:

NOAA Fisheries received and considered with interest the testimony of Rapheal Bill provided on behalf of the Yakama, Warm Springs, Umatilla and Nez Perce tribes to the March meeting of the Pacific Fisheries Management Council related to a proposed 2010 mark-selective recreational fishery for Chinook salmon in ocean waters. NOAA Fisheries notes the tribes' opposition to the mark-selective fishing proposals and heeds their cautionary comments. I would like to provide some perspective on the proposal as viewed by NOAA Fisheries.

Like most public agencies and tribal governments, NOAA Fisheries is charged with the simultaneous pursuit of several public policies – some of which appear at times to conflict. NOAA Fisheries strongly supports treaty Indian fishing rights and seeks to meet its trust responsibility and maintain a strong government-to-government relationship with tribes. It administers the Endangered Species Act which, among other things, places difficult conservation constraints on fish harvesting and other activities. At the same time, NOAA Fisheries supports sustainable tribal and non-tribal commercial and recreational fish harvest under both the Magnuson/Stevens Act and the Mitchell Act.

NOAA Fisheries believes that mark-selective fishing can be an important tool in implementing policies that further some of these objectives without adversely affecting others. Specifically, NOAA Fisheries believes that properly designed, managed and monitored, mark-selectivity can support fisheries and not illegally or unduly affect treaty Indian fishing rights, whether those rights are exercised through *U.S. v. Oregon* or other management agreements. Mark-selective fisheries cannot be managed to frustrate any tribe's access to its treaty-reserved harvestable share of fish.

In time, NOAA Fisheries believes that mark-selective fisheries can help to sustain viable fisheries while reducing harvest-induced mortality rates on depressed natural-origin fish.

NOAA Fisheries' support for consideration of a mark-selective fishery for Chinook is not unconditional. Precautions must be taken to ensure that this emerging tool does not result in unexpected effects in either the biological arena or in harvest sharing. Confidence in rates of encounter and release mortality must be sufficiently high to ensure proper planning of the fishery to meet biological outcomes and harvest objectives. However, NOAA Fisheries does not believe that *all* uncertainty must be removed prior to implementation of any mark-selective Chinook fisheries in the ocean. NOAA Fisheries expects managers to apply the experience gained from existing mark-selective fisheries to any new proposal and to continue to adaptively manage these fisheries as information is increased and uncertainty reduced. In this regard, it seems appropriate to initially consider modest proposals in order to manage risk while increasing experience. It seems equally appropriate to consider proposals for fishing areas where there is higher confidence in encounter and release mortality rates rather than in areas of transition or warmer waters where more research may be appropriate.

NOAA Fisheries will approach the April meeting of the PFMC with an open mind toward the proposal for a mark-selective recreational Chinook fishery. I look forward to considering the specifics of the proposal in order to fairly evaluate whether it acceptably meets management criteria, including the assurance that the new fishery would not impair treaty Indian fishing rights. I hope you also will approach the proposal with a perspective that seeks to ensure proper implementation of treaty Indian fishing rights, but which also seeks to maximize the benefits to all fisheries while fulfilling our conservation responsibilities.

Sincerely,

Barry A. Thom
Acting Regional Administrator

cc: Paul Ward
Phil Rigdon
Steve Parker

Agenda Item H.5.b
Supplemental STT Report
April 2010

SALMON TECHNICAL TEAM

ANALYSIS OF TENTATIVE 2010 OCEAN SALMON FISHERY MANAGEMENT MEASURES

April 15, 2010

TABLE 1. Commercial troll management options analyzed by the STT for non-Indian ocean salmon fisheries, 2010 (Page 1 of 5)

A. SEASON OPTION DESCRIPTIONS

North of Cape Falcon

Supplemental Management Information

1. Overall non-Indian TAC: 117,000 (non-mark-selective equivalent of 110,000) Chinook and 80,000 coho marked with a healed adipose fin clip (marked).
2. Non-Indian commercial troll TAC: 56,000 Chinook and 12,800 marked coho (including 1,000 incidental contact mortalities).
3. No preseason trade with recreational fishery.

U.S./Canada Border to Cape Falcon

- May 1 through earlier of June 30 or 42,000 Chinook quota.

Seven days per week (C.1). All salmon except coho (C.7). Cape Flattery, Mandatory Yelloweye Rockfish Conservation Area, and Columbia Control Zones closed (C.5). See gear restrictions and definitions (C.2, C.3).
An inseason conference call will occur when it is projected that 35,000 Chinook have been landed to consider modifying the open period and adding landing and possession limits to extend the fishery through the end of June.

U.S./Canada Border to Cape Falcon

- July 1 through earlier of September 14 or 14,000 Chinook preseason quota (C.8) or a landed catch quota of 11,800 marked coho (C.8.d).

Open July 1-6, then Friday through Tuesday through July 27, then Saturday through Tuesday thereafter. Landing and possession limit of 150 Chinook and 50 coho per vessel per open period north of Leadbetter Point or 150 Chinook and 50 coho south of Leadbetter Point (C.1). All Salmon except no chum retention north of Cape Alava, Washington in August and September (C.7). All coho must be marked (C.8.d). See gear restrictions and definitions (C.2, C.3). Cape Flattery, Mandatory Yelloweye Rockfish Conservation Area, and Columbia Control Zones closed (C.5).

Oregon State regulations require that fishers south of Cape Falcon, OR intending to fish within this area notify Oregon Department of Fish and Wildlife before transiting the Cape Falcon, OR line (45º46'00" N. lat.) at the following number: 541-867-0300 Ext. 271. Vessels must land and deliver their fish within 24 hours of any closure of this fishery. Under state law, vessels must report their catch on a state fish receiving ticket. Vessels fishing or in possession of salmon while fishing north of Leadbetter Point must land and deliver their fish within the area and north of Leadbetter Point. Vessels fishing or in possession of salmon while fishing south of Leadbetter Point must land and deliver their fish within the area and south of Leadbetter Point, except that Oregon permitted vessels may also land their fish in Garibaldi, Oregon. Oregon State regulations require all fishers landing salmon into Oregon from any fishery between Leadbetter Point, Washington and Cape Falcon, Oregon must notify ODFW within one hour of delivery or prior to transport away from the port of landing by calling 541-867-0300 Ext. 271. Notification shall include vessel name and number, number of salmon by species, port of landing and location of delivery, and estimated time of delivery. Inseason actions may modify harvest guidelines in later fisheries to achieve or prevent exceeding the overall allowable troll harvest impacts (C.8).

TABLE 1. Commercial troll management options analyzed by the STT for non-Indian ocean salmon fisheries, 2010 (Page 2 of 5)

A. SEASON OPTION DESCRIPTIONS

South of Cape Falcon

Supplemental Management Information

1. Sacramento River Basin recreational fishery catch assumption: quota of 8,200 adult Sacramento River fall Chinook (12.6% of the total allowable harvest).
2. Sacramento River fall Chinook spawning escapement of 180,000 adults.
3. Klamath River recreational fishery allocation: 12,000 adult Klamath River fall Chinook.
4. Klamath tribal allocation: 34,600 adult Klamath River fall Chinook.
5. Klamath River fall Chinook spawning escapement of 40,700 adults.

Cape Falcon to Humbug Mt.

- May 1-July 6, July 9-13, 16-20, 23-27, August 1-25 (C.9).

All salmon except coho (C.7). All vessels fishing in the area must land their fish in the State of Oregon. See gear restrictions and definitions (C.2, C.3) and Oregon State regulations for a description of special regulations at the mouth of Tillamook Bay.

In 2011, the season will open March 15 for all salmon except coho. This opening could be modified following Council review at its March 2011 meeting.

Humbug Mt. to OR/CA Border (Oregon KMZ)

- May 1-31;
- July 1 through earlier of July 31, or a 1,500 Chinook quota;
- Aug. 1 through earlier of Aug. 31, or a 1,500 Chinook quota (C.9).

All salmon except coho (C.7). Chinook 28 inch total length minimum size limit (B). Prior to June 1, landing and possession limit of 100 Chinook per vessel per calendar week; all vessels fishing in the area must land their fish in the area or Port Orford. July 1 through August 31, landing and possession limit of 30 Chinook per vessel per day and 90 Chinook per vessel per calendar week; all vessels fishing in this area must land and deliver all fish within this area or Port Orford, within 24 hours of any closure in this fishery, and prior to fishing outside of this area. Oregon State regulations require all fishers landing salmon from any quota managed season within this area to notify Oregon Dept. of Fish and Wildlife (ODFW) within 1 hour of delivery or prior to transport away from the port of landing by calling (541) 867-0300 ext. 252. Notification shall include vessel name and number, number of salmon by species, port of landing and location of delivery, and estimated time of delivery. See gear restrictions and definitions (C.2, C.3).

- June 1-30; September 1-30

Sufficient impacts to conduct an experimental genetic stock identification study. All salmon must be released in good condition after collection of biological samples.

In 2011, the season will open March 15 for all salmon except coho, with a 28 inch Chinook minimum size limit. This opening could be modified following Council review at its March 2011 meeting.

OR/CA Border to Humboldt South Jetty (California KMZ)

Closed except for sufficient impacts to conduct an experimental genetic stock identification study May 1 through September 30. All salmon must be released in good condition after collection of biological samples.

Humboldt South Jetty to Horse Mt.

Closed.

TABLE 1. Commercial troll management options analyzed by the STT for non-Indian ocean salmon fisheries, 2010 (Page 3 of 5)

A. SEASON OPTION DESCRIPTIONS

South of Cape Falcon

Horse Mt. to Point Arena (Fort Bragg)

- July 1-4, 8-11,
- July 15 through the earlier of July 29 or an 18,000 Chinook quota.
- August 1 through the earlier of August 31 or a 9,375 Chinook preseason quota (C.8, C.9).

All salmon except coho (C.7). Chinook minimum size limit of 27 inches total length (B). All vessels fishing in the area must land their fish in the area when the fishery is managed under a quota; all fish must be offloaded within 24 hours of any closure of the fishery (C1). See gear restrictions and definitions (C.2, C.3).

- May 1 through June 30; September 1-30

Sufficient impacts to conduct an experimental genetic stock identification study. All salmon must be released in good condition after collection of biological samples.

Pt. Arena to U.S./Mexico Border

- July 1-4, 8-11 (C.9).

All salmon except coho (C.7). Chinook minimum size limit of 27 inches total length (B). See gear restrictions and definitions (C.2, C.3).

- May 1 through June 30; July 13 through September 30

Sufficient impacts to conduct an experimental genetic stock identification study. All salmon must be released in good condition after collection of biological samples.

B. MINIMUM SIZE (Inches) (See C.1)

	Chinook		Coho		
Area (when open)	Total Length	Head-off	Total Length	Head-off	Pink
North of Cape Falcon	28.0	21.5	16.0	12.0	None
Cape Falcon to Horse Mt.	28.0	21.5	-	-	None
Horse Mt. to U.S./Mexico Border	27.0	20.5	-	-	None

C. REQUIREMENTS, DEFINITIONS, RESTRICTIONS, OR EXCEPTIONS

C.1. Compliance with Minimum Size or Other Special Restrictions: All salmon on board a vessel must meet the minimum size, landing/possession limit, or other special requirements for the area being fished and the area in which they are landed if the area is open. 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.

C.2. Gear Restrictions:

a. Salmon may be taken only by hook and line using single point, single shank, barbless hooks.
b. Cape Falcon, Oregon, to the OR/CA border: No more than 4 spreads are allowed per line.
c. OR/CA border to U.S./Mexico border: No more than 6 lines are allowed per vessel, and barbless circle hooks are required when fishing with bait by any means other than trolling.

C. REQUIREMENTS, DEFINITIONS, RESTRICTIONS, OR EXCEPTIONS (continued)

C.3. Gear Definitions:

Trolling defined: Fishing from a boat or floating device that is making way by means of a source of power, other than drifting by means of the prevailing water current or weather conditions.

Troll fishing gear defined: One or more lines that drag hooks behind a moving fishing vessel. In that portion of the fishery management area (FMA) off Oregon and Washington, the line or lines must be affixed to the vessel and must not be intentionally disengaged from the vessel at any time during the fishing operation.

Spread defined: A single leader connected to an individual lure or bait.

Circle hook defined: A hook with a generally circular shape and a point which turns inward, pointing directly to the shank at a 90º angle.

C.4. Transit Through Closed Areas with Salmon on Board: It is unlawful for a vessel to have troll or recreational gear in the water while transiting any area closed to fishing for a certain species of salmon, while possessing that species of salmon; however, fishing for species other than salmon is not prohibited if the area is open for such species, and no salmon are in possession.

C.5. Control Zone Definitions:

a. *Cape Flattery Control Zone* - The area from Cape Flattery (48º23'00" N. lat.) to the northern boundary of the U.S. EEZ; and the area from Cape Flattery south to Cape Alava (48º10'00" N. lat.) and east of 125º05'00" W. long.
b. *Mandatory Yelloweye Rockfish Conservation Area* – The area in Washington Marine Catch Area 3 from 48°00.00' N. lat.; 125°14.00' W. long. to 48°02.00' N. lat.; 125°14.00' W. long. to 48°02.00' N. lat.; 125°16.50' W. long. to 48°00.00' N. lat.; 125°16.50' W. long. and connecting back to 48°00.00' N. lat.; 125°14.00' W. long.
c. *Columbia Control Zone* - An area at the Columbia River mouth, bounded on the west by a line running northeast/southwest between the red lighted Buoy #4 (46°13'35" N. lat., 124°06'50" W. long.) and the green lighted Buoy #7 (46°15'09' N. lat., 124°06'16" W. long.); on the east, by the Buoy #10 line which bears north/south at 357° true from the south jetty at 46°14'00" N. lat.,124°03'07" W. long. to its intersection with the north jetty; on the north, by a line running northeast/southwest between the green lighted Buoy #7 to the tip of the north jetty (46°15'48" N. lat., 124°05'20" W. long.), and then along the north jetty to the point of intersection with the Buoy #10 line; and, on the south, by a line running northeast/southwest between the red lighted Buoy #4 and tip of the south jetty (46°14'03" N. lat., 124°04'05" W. long.), and then along the south jetty to the point of intersection with the Buoy #10 line.
d. *Bandon High Spot Control Zone* - The area west of a line between 43º07'00" N. lat.; 124º37'00" W. long. and 42º40'30" N. lat; 124º 52'0" W. long. extending to the western edge of the exclusive economic zone (EEZ).
e. *Klamath Control Zone* - The ocean area at the Klamath River mouth bounded on the north by 41°38'48" N. lat. (approximately six nautical miles north of the Klamath River mouth); on the west, by 124°23'00" W. long. (approximately 12 nautical miles off shore); and on the south, by 41°26'48" N. lat. (approximately six nautical miles south of the Klamath River mouth).

C.6. Notification When Unsafe Conditions Prevent Compliance with Regulations: If prevented by unsafe weather conditions or mechanical problems from meeting special management area landing restrictions, vessels must notify the U.S. Coast Guard and receive acknowledgment of such notification prior to leaving the area. This notification shall include the name of the vessel, port where delivery will be made, approximate amount of salmon (by species) on board, and the estimated time of arrival.

C.7. Incidental Halibut Harvest: During authorized periods, the operator of a vessel that has been issued an incidental halibut harvest license may retain Pacific halibut caught incidentally in Area 2A while trolling for salmon. Halibut retained must be no less than 32 inches in total length, measured from the tip of the lower jaw with the mouth closed to the extreme end of the middle of the tail, and must be landed with the head on. License applications for incidental harvest must be obtained from the International Pacific Halibut Commission (phone: 206-634-1838). Applicants must apply prior to April 1 of each year. Incidental harvest is authorized only during May and June troll seasons and after June 30 if quota remains and if announced on the NMFS hotline (phone: 800-662-9825). ODFW and Washington Department of Fish and Wildlife (WDFW) will monitor landings. If the landings are projected to exceed the 25,035 pound preseason allocation or the total Area 2A non-Indian commercial halibut allocation, NMFS will take inseason action to prohibit retention of halibut in the non-Indian salmon troll fishery.

Beginning May 1, license holders may land no more than one Pacific halibut per each three Chinook, except one Pacific halibut may be landed without meeting the ratio requirement, and no more than 35 halibut may be landed per trip. Pacific halibut retained must be no less than 32 inches in total length (with head on).

C. REQUIREMENTS, DEFINITIONS, RESTRICTIONS, OR EXCEPTIONS (continued)

A "C-shaped" yelloweye rockfish conservation area is an area to be voluntarily avoided for salmon trolling. NMFS and the Council request salmon trollers voluntarily avoid this area in order to protect yelloweye rockfish. The area is defined in the Pacific Council Halibut Catch Sharing Plan in the North Coast subarea (Washington marine area 3), with the following coordinates in the order listed:

48°18' N. lat.; 125°18' W. long.;
48°18' N. lat.; 124°59' W. long.;
48°11' N. lat.; 124°59' W. long.;
48°11' N. lat.; 125°11' W. long.;
48°04' N. lat.; 125°11' W. long.;
48°04' N. lat.; 124°59' W. long.;
48°00' N. lat.; 124°59' W. long.;
48°00' N. lat.; 125°18' W. long.;
and connecting back to 48°18' N. lat.; 125°18' W. long.

C.8. Inseason Management: In addition to standard inseason actions or modifications already noted under the season description, the following inseason guidance is provided to NMFS:

a. Chinook remaining from the May through June non-Indian commercial troll harvest guideline north of Cape Falcon may be transferred to the July through September harvest guideline on a fishery impact equivalent basis.
b. NMFS may transfer fish between the recreational and commercial fisheries north of Cape Falcon on a fishery impact equivalent basis if there is agreement among the areas' representatives on the Salmon Advisory Subpanel (SAS).
c. At the March 2011 meeting, the Council will consider inseason recommendations for special regulations for any experimental fisheries (proposals must meet Council protocol and be received in November 2010).
d. If retention of unmarked coho is permitted by inseason action, the allowable coho quota will be adjusted to ensure preseason projected mortality of critical stocks is not exceeded.
e. Landing limits may be modified inseason to sustain season length and keep harvest within overall quotas.
f. Chinook remaining from the Horse Mt. to Point Arena commercial troll quota in July may be transferred to the August preseason quota on a fishery impact equivalent basis.

C.9. State Waters Fisheries: Consistent with Council management objectives:

a. The State of Oregon may establish additional late-season fisheries in state waters.
b. The State of California may establish limited fisheries in selected state waters.

Check state regulations for details.

C.10. For the purposes of California Department of Fish and Game (CDFG) Code, Section 8232.5, the definition of the Klamath Management Zone (KMZ) for the ocean salmon season shall be that area from Humbug Mt., Oregon, to Horse Mt., California.

TABLE 2. Recreational management options analyzed by the STT for non-Indian ocean salmon fisheries, 2010. (Page 1 of 4)

A. SEASON OPTION DESCRIPTIONS

North of Cape Falcon

Supplemental Management Information

1. Overall non-Indian TAC: 117,000 (non-mark-selective equivalent of 110,000) Chinook and 80,000 coho marked with a healed adipose fin clip (marked).
2. Recreational TAC: 61,000 (non-mark selective equivalent of 54,000) Chinook and 67,200 marked coho; all retained coho must be marked.
3. No preseason trade with recreational fishery.
4. No Area 4B add-on fishery.
5. Buoy 10 fishery opens Aug. 1 with an expected landed catch of 12,000 marked coho.

U.S./Canada Border to Cape Falcon

- June 12 through earlier of June 30 or a **marked Chinook quota of 12,000** (C.5).

Seven days per week. Two fish per day, all salmon except coho, **all Chinook must be marked with a healed adipose fin clip (C.1)**. There will be a conference call no later than June 23 to consider changing bag limits. Chinook 24-inch total length minimum size limit (B). See gear restrictions (C.2). Inseason management may be used to sustain season length and keep harvest within the overall Chinook recreational TAC for north of Cape Falcon (C.5).

U.S./Canada Border to Cape Alava (Neah Bay)

- July 1 through earlier of September 19 or 6,990 marked coho subarea quota with a subarea guideline of 5,400 Chinook (C.5).

Tuesday through Saturday. All salmon except no chum beginning August 1. Two fish per day, only one of which can be a Chinook; there will be a conference call no later than July 14 to consider removing the one Chinook bag limit restriction. All retained coho must be marked (C.1). See gear restrictions and definitions (C.2, C.3). Inseason management may be used to sustain season length and keep harvest within the overall Chinook recreational TAC for north of Cape Falcon (C.5).

Cape Alava to Queets River (La Push Subarea)

- July 1 through earlier of September 19 or 1,700 marked coho subarea quota with a subarea guideline of 2,450 Chinook (C.5).
- September 25 through earlier of October 10 or 50 marked coho quota or 50 Chinook quota (C.5) in the area north of 47°50'00 N. lat. and south of 48°00'00" N. lat.

Tuesday through Saturday through September 19, seven days per week beginning September 25. All salmon, two fish per day, only one of which can be a Chinook; there will be a conference call no later than July 14 to consider removing the one Chinook bag limit restriction. All retained coho must be marked (C.1). See gear restrictions and definitions (C.2, C.3). Inseason management may be used to sustain season length and keep harvest within the overall Chinook recreational TAC for north of Cape Falcon (C.5).

Queets River to Leadbetter Point (Westport Subarea)

- July 4 through earlier of September 19 or 24,860 marked coho subarea quota with a subarea guideline of 28,000 Chinook (C.5).

Sunday through Thursday. All salmon, two fish per day, only one of which can be a Chinook; there will be a conference call no later than July 14 to consider removing the one Chinook bag limit restriction. All retained coho must be marked (C.1). See gear restrictions and definitions (C.2, C.3). Grays Harbor Zone closed beginning August 1 (C.4.b). Inseason management may be used to sustain season length and keep harvest within the overall Chinook recreational TAC for north of Cape Falcon (C.5).

Leadbetter Point to Cape Falcon (Columbia River Subarea)

- July 1 through earlier of September 30 or 33,600 marked coho subarea quota with a subarea guideline of 13,100 Chinook (C.5).

Seven days per week. All salmon, two fish per day, only one of which can be a Chinook; there will be a conference call no later than July 14 to consider removing the one Chinook bag limit restriction. All retained coho must be marked (C.1). See gear restrictions and definitions (C.2, C.3). Columbia Control Zone closed (C.4.c). Inseason management may be used to sustain season length and keep harvest within the overall Chinook recreational TAC for north of Cape Falcon (C.5).

TABLE 2. Recreational management options analyzed by the STT for non-Indian ocean salmon fisheries, 2010. (Page 2 of 4)

A. SEASON OPTION DESCRIPTIONS

South of Cape Falcon

Supplemental Management Information

Sacramento River Basin recreational fishery catch assumption: quota of 8,200 adult Sacramento River fall Chinook (12.6% of the total allowable harvest).
2. Sacramento River fall Chinook spawning escapement of 180,000 adults.
3. Klamath River recreational fishery allocation: 12,000 adult Klamath River fall Chinook.
4. Klamath tribal allocation: 34,600 adult Klamath River fall Chinook.
5. Klamath River fall Chinook spawning escapement of 40,700 adults.
6. Overall recreational TAC: 26,000 marked coho.

Cape Falcon to Humbug Mt.

- Except as provided below during the all-salmon mark-selective coho fishery, the season will be May 29 through September 6 (C.6).

Seven days per week. All salmon except coho; two fish per day (C.1). Chinook minimum size limit of 24 inches total length (B). See gear restrictions and definitions (C.2, C.3).

- All-salmon mark-selective coho fishery: Cape Falcon to OR/CA Border: June 26 through earlier of Sept. 6 or a landed catch of 26,000 marked coho. The all salmon except coho season may reopen upon attainment of the coho quota.

Seven days per week, all salmon, two fish per day. All retained coho must be marked (C.1). Fishing in the Stonewall Bank groundfish conservation area restricted to trolling only on days the all depth recreational halibut fishery is open (call the halibut fishing hotline 1-800-662-9825 for specific dates) (C.3.b, C.4.d). Open days may be adjusted inseason to utilize the available quota (C.5).

In 2011, the season between Cape Falcon and Humbug Mt. will open March 15 for all salmon except coho, two fish per day (B, C.1, C.2, C.3).

Humbug Mt. to OR/CA Border. (Oregon KMZ)

- Except as provided above during the all-salmon mark-selective coho fishery, the season will be May 29 through September 6 (C.6).

Seven days per week. All salmon except coho, except as noted above in the all-salmon mark-selective coho fishery; two fish per day (C.1). Chinook minimum size limit of 24 inches total length (B). See gear restrictions and definitions (C.2, C.3).

OR/CA Border to Horse Mt. (California KMZ)

- May 29 through September 6 (C.6).

Seven days per week. All salmon except coho; two fish per day (C.1). Chinook minimum size limit of 24 inches total length (B). See gear restrictions and definitions (C.2, C.3). Klamath Control Zone closed in August (C.4.e). See California State regulations for additional closures adjacent to the Smith, Eel, and Klamath rivers.

Horse Mt. to Point Arena (Fort Bragg)

- April 3-30

Seven days per week. All salmon except coho; two fish per day (C.1). Chinook minimum size limit of 20 inches total length (B). See gear restrictions and definitions (C.2, C.3).

- May 1 through September 6.

Seven days per week. All salmon except coho; two fish per day (C.1). Chinook minimum size limit of 24 inches total length (B). See gear restrictions and definitions (C.2, C.3).

Inseason action may be taken to open the fishery in April 2011 pending review at the March 2011 Council meeting of information on 2010 spawning escapements, 2011 abundance forecasts, annual management objectives, or other relevant issues.

Point Arena to U.S./Mexico Border

- April 3-30

Seven days per week. All salmon except coho; two fish per day (C.1). Chinook minimum size limit of 20 inches total length (B). See gear restrictions and definitions (C.2, C.3).

- May 1 through September 6.

Thursday through Monday. All salmon except coho; two fish per day (C.1). Chinook minimum size limit of 24 inches total length (B). See gear restrictions and definitions (C.2, C.3).

Inseason action may be taken to open the fishery in April 2011 pending review at the March 2011 Council meeting of information on 2010 spawning escapements, 2011 abundance forecasts, annual management objectives, or other relevant issues.

TABLE 2. Recreational management options analyzed by the STT for non-Indian ocean salmon fisheries, 2010. (Page 3 of 4)

C. REQUIREMENTS, DEFINITIONS, RESTRICTIONS, OR EXCEPTIONS

B. MINIMUM SIZE (Inches) (See C.1)

Area (when open)		Chinook	Coho	Pink
North of Cape Falcon		24.0	16.0	None
Cape Falcon to OR/CA Border		24.0	16.0	None
OR/CA Border to Horse Mountain		24.0	-	24.0
Horse Mt. to U.S./Mexico Border:	Apr. 3-30	20.0	-	20.0
	May 1-Sep. 6	24.0	-	24.0

C.1. Compliance with Minimum Size and Other Special Restrictions: All salmon on board a vessel must meet the minimum size or other special requirements for the area being fished and the area in which they are landed if that area is open. Salmon may be landed in an area that is closed only if they meet the minimum size or other special requirements for the area in which they were caught.

Ocean Boat Limits: Off the coast of Washington, Oregon, and California, each fisher aboard a vessel may continue to use angling gear until the combined daily limits of salmon for all licensed and juvenile anglers aboard has been attained (additional state restrictions may apply).

C.2. Gear Restrictions: Salmon may be taken only by hook and line using barbless hooks. All persons fishing for salmon, and all persons fishing from a boat with salmon on board, must meet the gear restrictions listed below for specific areas or seasons.

a. *U.S./Canada Border to Point Conception, California*: No more than one rod may be used per angler; and no more than two single point, single shank barbless hooks are required for all fishing gear. [Note: ODFW regulations in the state-water fishery off Tillamook Bay may allow the use of barbed hooks to be consistent with inside regulations.]

b. *Horse Mt., California, to Point Conception, California*: Single point, single shank, barbless circle hooks (see gear definitions below) are required when fishing with bait by any means other than trolling, and no more than two such hooks shall be used. When angling with two hooks, the distance between the hooks must not exceed five inches when measured from the top of the eye of the top hook to the inner base of the curve of the lower hook, and both hooks must be permanently tied in place (hard tied). Circle hooks are not required when artificial lures are used without bait.

C.3. Gear Definitions:

a. *Recreational fishing gear defined*: Angling tackle consisting of a line with no more than one artificial lure or natural bait attached. Off Oregon and Washington, the line must be attached to a rod and reel held by hand or closely attended; the rod and reel must be held by hand while playing a hooked fish. No person may use more than one rod and line while fishing off Oregon or Washington. Off California, the line must be attached to a rod and reel held by hand or closely attended; weights directly attached to a line may not exceed four pounds (1.8 kg). While fishing off California north of Point Conception, no person fishing for salmon, and no person fishing from a boat with salmon on board, may use more than one rod and line. Fishing includes any activity which can reasonably be expected to result in the catching, taking, or harvesting of fish.

b. *Trolling defined*: Angling from a boat or floating device that is making way by means of a source of power, other than drifting by means of the prevailing water current or weather conditions.

c. *Circle hook defined*: A hook with a generally circular shape and a point which turns inward, pointing directly to the shank at a 90° angle.

TABLE 2. Recreational management options analyzed by the STT for non-Indian ocean salmon fisheries, 2010. (Page 4 of 4)

C. REQUIREMENTS, DEFINITIONS, RESTRICTIONS, OR EXCEPTIONS

C.4. Control Zone Definitions:

a. *The Bonilla-Tatoosh Line*: A line running from the western end of Cape Flattery to Tatoosh Island Lighthouse (48°23'30" N. lat., 124°44'12" W. long.) to the buoy adjacent to Duntze Rock (48°28'00" N. lat., 124°45'00" W. long.), then in a straight line to Bonilla Point (48°35'30" N. lat., 124°43'00" W. long.) on Vancouver Island, British Columbia.

b. *Grays Harbor Control Zone* - The area defined by a line drawn from the Westport Lighthouse (46° 53'18" N. lat., 124° 07'01" W. long.) to Buoy #2 (46° 52'42" N. lat., 124°12'42" W. long.) to Buoy #3 (46° 55'00" N. lat., 124°14'48" W. long.) to the Grays Harbor north jetty (46° 36'00" N. lat., 124°10'51" W. long.).

c. *Columbia Control Zone*: An area at the Columbia River mouth, bounded on the west by a line running northeast/southwest between the red lighted Buoy #4 (46°13'35" N. lat., 124°06'50" W. long.) and the green lighted Buoy #7 (46°15'09' N. lat., 124°06'16" W. long.); on the east, by the Buoy #10 line which bears north/south at 357° true from the south jetty at 46°14'00" N. lat., 124°03'07" W. long. to its intersection with the north jetty; on the north, by a line running northeast/southwest between the green lighted Buoy #7 to the tip of the north jetty (46°15'48" N. lat., 124°05'20" W. long. and then along the north jetty to the point of intersection with the Buoy #10 line; and on the south, by a line running northeast/southwest between the red lighted Buoy #4 and tip of the south jetty (46°14'03" N. lat., 124°04'05" W. long.), and then along the south jetty to the point of intersection with the Buoy #10 line.

d. *Stonewall Bank Groundfish Conservation Area*: The area defined by the following coordinates in the order listed:
   44°37.46' N. lat.; 124°24.92' W. long.;
   44°37.46' N. lat.; 124°23.63' W. long.;
   44°28.71' N. lat.; 124°21.80' W. long.;
   44°28.71' N. lat.; 124°24.10' W. long.;
   44°31.42' N. lat.; 124°25.47' W. long.;
   and connecting back to 44°37.46' N. lat.; 124°24.92' W. long.

e. *Klamath Control Zone*: The ocean area at the Klamath River mouth bounded on the north by 41°38'48" N. lat. (approximately six nautical miles north of the Klamath River mouth); on the west, by 124°23'00" W. long. (approximately 12 nautical miles off shore); and, on the south, by 41°26'48" N. lat. (approximately 6 nautical miles south of the Klamath River mouth).

C.5. Inseason Management: Regulatory modifications may become necessary inseason to meet preseason management objectives such as quotas, harvest guidelines, and season duration. In addition to standard inseason actions or modifications already noted under the season description, the following inseason guidance is provided to NMFS:

a. Actions could include modifications to bag limits, or days open to fishing, and extensions or reductions in areas open to fishing.

b. Coho may be transferred inseason among recreational subareas north of Cape Falcon on an fishery impact equivalent basis to help meet the recreational season duration objectives (for each subarea) after conferring with representatives of the affected ports and the Council's SAS recreational representatives north of Cape Falcon.

c. Chinook and coho may be transferred between the recreational and commercial fisheries north of Cape Falcon on a fishery impact equivalent basis if there is agreement among the representatives of the Salmon Advisory Subpanel (SAS).

d. If retention of unmarked coho is permitted in the area from the U.S./Canada border to Cape Falcon, Oregon, by inseason action, the allowable coho quota will be adjusted to ensure preseason projected mortality of critical stocks is not exceeded.

C.6. Additional Seasons in State Territorial Waters: Consistent with Council management objectives, the States of Washington, Oregon, and California may establish limited seasons in state waters. Check state regulations for details.

TABLE 3. Treaty Indian troll management options analyzed by the STT for ocean salmon fisheries, 2010. (Page 1 of 1)

A. SEASON OPTION DESCRIPTIONS

Supplemental Management Information

1. Overall Treaty-Indian TAC: 55,000 Chinook and 41,500 coho.

• May 1 through the earlier of June 30 or 27,500 Chinook quota.
All salmon except coho. If the Chinook quota for the May-June fishery is not fully utilized, the excess fish cannot be transferred into the later all-salmon season. If the Chinook quota is exceeded, the excess will be deducted from the later all-salmon season. See size limit (B) and other restrictions (C).

• July 1 through the earlier of September 15, or 27,500 preseason Chinook quota, or 41,500 coho quota.
All Salmon. See size limit (B) and other restrictions (C).

B. MINIMUM SIZE (Inches)

	Chinook		Coho		
Area (when open)	Total Length	Head-off	Total Length	Head-off	Pink
North of Cape Falcon	24.0 (61.0 cm)	18.0 (45.7 cm)	16.0 (40.6 cm)	12.0 (30.5 cm)	None

C. REQUIREMENTS, DEFINITIONS, RESTRICTIONS, OR EXCEPTIONS

C.1. Tribe and Area Boundaries. All boundaries may be changed to include such other areas as may hereafter be authorized by a Federal court for that tribe's treaty fishery.

S'KLALLAM - Washington State Statistical Area 4B (All).

MAKAH - Washington State Statistical Area 4B and that portion of the FMA north of 48°02'15" N. lat. (Norwegian Memorial) and east of 125°44'00" W. long.

QUILEUTE - That portion of the FMA between 48°07'36" N. lat. (Sand Pt.) and 47°31'42" N. lat. (Queets River) and east of 125°44'00" W. long.

HOH - That portion of the FMA between 47°54'18" N. lat. (Quillayute River) and 47°21'00" N. lat. (Quinault River) and east of 125°44'00" W. long.

QUINAULT - That portion of the FMA between 47°40'06" N. lat. (Destruction Island) and 46°53'18"N. lat. (Point Chehalis) and east of 125°44'00" W. long.

C.2. Gear restrictions
- a. Single point, single shank, barbless hooks are required in all fisheries.
- b. No more than eight fixed lines per boat.
- c. No more than four hand held lines per person in the Makah area fishery (Washington State Statistical Area 4B and that portion of the FMA north of 48°02'15" N. lat. (Norwegian Memorial) and east of 125°44'00" W. long.)

C.3. Quotas
- a. The quotas include troll catches by the S'Klallam and Makah tribes in Washington State Statistical Area 4B from May 1 through September 15.
- b. The Quileute Tribe will continue a ceremonial and subsistence fishery during the time frame of September 15 through October 15 in the same manner as in 2004-2009. Fish taken during this fishery are to be counted against treaty troll quotas established for the 2010 season (estimated harvest during the October ceremonial and subsistence fishery: 100 Chinook; 200 coho).

C.4. Area Closures
- a. The area within a six nautical mile radius of the mouths of the Queets River (47°31'42" N. lat.) and the Hoh River (47°45'12" N. lat.) will be closed to commercial fishing.
- b. A closure within two nautical miles of the mouth of the Quinault River (47°21'00" N. lat.) may be enacted by the Quinault Nation and/or the State of Washington and will not adversely affect the Secretary of Commerce's management regime.

TABLE 4. Chinook and coho harvest quotas and guidelines (*) for 2010 ocean salmon fishery management measures analyzed by the STT.

Fishery or Quota Designation	Chinook	Coho
NORTH OF CAPE FALCON		
TREATY INDIAN OCEAN TROLL		
U.S./Canada Border to Cape Falcon (All Except Coho)	27,500	-
U.S./Canada Border to Cape Falcon (All Species)	27,500	41,500
Subtotal Treaty Indian Ocean Troll	55,000	41,500
NON-INDIAN COMMERCIAL TROLL [a/]		
U.S./Canada Border to Cape Falcon (All Except Coho)	42,000	-
U.S./Canada Border to Cape Falcon (All Species)	14,000	11,800
Subtotal Non-Indian Commercial Troll	56,000	11,800
RECREATIONAL[a/]		
U.S./Canada Border to Cape Falcon (All Except Coho)	12,000 [b/]	-
U.S./Canada Border to Cape Alava	5,400 *	6,990
Cape Alava to Queets River	2,500 *	1,750
Queets River to Leadbetter Pt.	28,000 *	24,860
Leadbetter Pt. to Cape Falcon[c/]	13,100 *	33,600
Subtotal Recreational	61,000	67,200
TOTAL NORTH OF CAPE FALCON	172,000	120,500
SOUTH OF CAPE FALCON		
COMMERCIAL TROLL		
Humbug Mt. to OR/CA Border	3,000	-
OR/CA Border to Humboldt South Jetty	0	-
Horse Mt. to Pt. Arena	27,375	-
Subtotal Troll	30,375	-
RECREATIONAL[a/]		
Cape Falcon to OR/CA Border	-	26,000
TOTAL SOUTH OF CAPE FALCON	30,375	26,000

a/ The coho quota is a landed catch of coho marked with a healed adipose fin clip (marked).

b/ The Chinook quota is a landed catch of Chinook marked with a healed adipose fin clip (marked) and is equivalent to a non-mark-selective quota of about 5,000.

c/ Does not include Buoy 10 fishery (12,000 marked coho).

TABLE 5. Projected key stock escapements (thousands of fish) or management criteria for 2010 ocean fishery management measures analyzed by the STT.[a/] (Page 1 of 3)

Key Stock/Criteria	Projected Ocean Escapement[b/] or Other Criteria (Council Area Fisheries)	Spawner Objective or Other Comparative Standard as Noted
		CHINOOK
PUGET SOUND:		
Elwha Summer/Fall	4.0%	≤ 10.0% Southern U.S. Rebuilding Exploitation Rate (NMFS ESA consultation standard)
Dungeness Spring	4.2%	≤ 10.0% Southern U.S. Rebuilding Exploitation Rate (NMFS ESA consultation standard)
Mid-Hood Canal Summer/Fall	11.7%	≤ 12.0% Preterminal Southern U.S. CERC (NMFS ESA consultation standard)
Skokomish Summer/Fall	49.8%	≤ 50.0% Total Rebuilding Exploitation Rate (NMFS ESA consultation standard)
Nooksack Spring	7.0%	≤ 7.0% Southern U.S. CERC, not to exceed in four out of five years (NMFS ESA consultation standard)
	24.6%	≤ 60.0% ISBM Index (PSC general obligation)
Skagit Summer/Fall	43.9%	≤ 50.0% Total Rebuilding Exploitation Rate (NMFS ESA consultation standard)
	34.2%	≤ 60.0% ISBM Index (PSC general obligation)
Skagit Spring	17.9%	≤ 18.0% Southern U.S. CERC (NMFS ESA consultation standard)
	24.6%	≤ 60.0% ISBM Index (PSC general obligation)
Stillaguamish Summer/Fall	15.8%	≤ 25.0% Total Rebuilding Exploitation Rate (NMFS ESA consultation standard)
	NA	≤ 60.0% ISBM Index (PSC general obligation)
Snohomish Summer/Fall	20.3%	≤ 21.0% Total Rebuilding Exploitation Rate (NMFS ESA consultation standard)
	23.5%	≤ 60.0% ISBM Index (PSC general obligation)
Lake Washington Summer/Fall	17.5%	≤ 20.0% Southern U.S. Rebuilding Exploitation Rate (NMFS ESA consultation standard)
	54.8%	≤ 60.0% ISBM Index (PSC general obligation)
Green River Summer/Fall	9.0%	≤ 15.0% Preterminal Southern U.S. Rebuilding Exploitation Rate and
	5.8	≥ 5.800 Natural spawning escapement (NMFS ESA consultation standard)
	54.9%	≤ 60.0% ISBM Index (PSC general obligation)
White River Spring	19.3%	≤ 20.0% Total Rebuilding Exploitation Rate (NMFS ESA consultation standard)
Puyallup Summer/Fall	50.0%	≤ 50.0% Total Rebuilding Exploitation Rate (NMFS ESA consultation standard)
Nisqually River Summer/Fall	64.4%	≤ 65.0% Total Rebuilding Exploitation Rate (NMFS ESA consultation standard)
WASHINGTON COAST:		
Hoko Fall	12.1%	≤ 60.0% ISBM Index (PSC general obligation)
Quillayute Fall	96.3%	≤ 60.0% ISBM Index (PSC general obligation) not applicable for 2010 because escapement objective met
Hoh Fall	95.7%	≤ 60.0% ISBM Index (PSC general obligation) not applicable for 2010 because escapement objective met
Queets Fall	28.4%	≤ 60.0% ISBM Index (PSC general obligation)
Grays Harbor Fall	38.1%	≤ 60.0% ISBM Index (PSC general obligation)

TABLE 5. Projected key stock escapements (thousands of fish) or management criteria for 2010 ocean fishery management measures analyzed by the STT.[a/] (Page 2 of 3)

Key Stock/Criteria	Projected Ocean Escapement[b/] or Other Criteria (Council Area Fisheries)	Spawner Objective or Other Comparative Standard as Noted
		CHINOOK
COLUMBIA RIVER		
Columbia Upriver Brights	319.1	88.2 Minimum ocean escapement to attain 60.0 adults over McNary Dam, with normal distribution and no mainstem harvest.
	90.0%	≤ 60.0% ISBM Index (PSC general obligation) not applicable for 2010 because escapement objective met
Deschutes Upriver Brights	90.0%	≤ 60.0% ISBM Index (PSC general obligation) not applicable for 2010 because escapement objective met
Snake River Fall (threatened) SRFI	44.0%	≤ 70.0% Of 1988-1993 base period exploitation rate for all ocean fisheries (NMFS ESA consultation standard).
Mid-Columbia Brights	74.6	13.2 Minimum ocean escapement to attain 4.7 adults for Bonneville Hatchery and 2.0 for Little White Salmon Hatchery egg-take, assuming average conversion and no mainstem harvest.
Columbia Lower River Hatchery Tules	85.6	22.1 Minimum ocean escapement to attain 12.4 adults for hatchery egg-take, with average conversion and no lower river mainstem or tributary harvest.
Columbia Lower River Natural Tules (threatened)	37.5%	≤ 38.0% ESA guidance met by a total adult equivalent fishery exploitation rate on Coweeman tules (NMFS ESA consultation standard).
Columbia Lower River Wild[c/] (threatened)	10.0	6.8 Minimum ocean escapement to attain MSY spawner goal of 5.7 for N. Lewis River fall Chinook (NMFS ESA consultation standard).
	51.8%	≤ 60.0% ISBM Index (PSC general obligation)
Spring Creek Hatchery Tules	162.9	8.8 Minimum ocean escapement to attain 7.0 adults for Spring Creek Hatchery egg-take, assuming average conversion and no mainstem harvest.
Upriver Summer	113.3%	≤ 60.0% ISBM Index (PSC general obligation) not applicable for 2010 because escapement objective met
OREGON COAST:		
Nehalem Fall	93.6%	≤ 60.0% ISBM Index (PSC general obligation) not applicable for 2010 because escapement objective met
Siletz Fall	70.5%	≤ 60.0% ISBM Index (PSC general obligation) not applicable for 2010 because escapement objective met
Siuslaw Fall	206.9%	≤ 60.0% ISBM Index (PSC general obligation) not applicable for 2010 because escapement objective met
CALIFORNIA		
Klamath River Fall	40.7	40.7 Minimum number of adult spawners to natural spawning areas. 2008 Council adopted rebuilding objective and 2010 Council guidance.
Federally recognized tribal harvest	50.0%	50.0% Equals 34.6 (thousand) adult fish for Yurok and Hoopa tribal fisheries.
Spawner Reduction Rate	52.8%	≤ 66.7% Equals 45.5 (thousand) fewer natural adult spawners due to fishing.
Adult river mouth return	110.7	NA Natural and hatchery adults.
Age-4 ocean harvest rate	12.3%	≤ 16.0% NMFS ESA consultation standard for threatened California Coastal Chinook.
KMZ sport fishery share	15.2%	No Council guidance for 2010.
River recreational fishery share	34.6%	≥ 15% 2010 Council Guidance. Equals 12.0 (thousand) adult fish for recreational inriver fisheries.
Sacramento River Winter (endangered)	Met	Recreational seasons: Point Arena to Pigeon Point between the first Saturday in April and the second Sunday in November; Pigeon Point to the U.S./Mexico Border between the first Saturday in April and the first Sunday in October. Minimum size limit ≥ 20 inches total length. In addition, for 2010, fisheries south of Pt. Arena must have either a minimum size limit ≥ 24 inches total length May 1-Aug. 31, or be closed for 61 consecutive days between May 1 and August 31. Commercial seasons: Point Arena to the U.S./Mexico border between May 1 and September 30, except Point Reyes to Point San Pedro between October 1 and 15. Minimum size limit ≥ 26 inches total length. (NMFS ESA Guidance for 2010).
Sacramento River Fall	180.0	180 2010 Council and NMFS guidance for natural and hatchery adult spawners.
Ocean commercial impacts	29.4	Include fall (Sept-Dec) 2009 impacts; equals 0 SRFC.
Ocean recreational impacts	27.9	Include fall (Sept. -Dec.) 2009 impacts (76 SRFC).
River recreational impacts	8.2	8.2 2010 Council Guidance.
Hatchery spawner goal	≥ 22.0	22.0 Aggregate number of adults to achieve egg take goals at Coleman, Feather River, and Nimbus hatcheries.

TABLE 5. Projected key stock escapements (thousands of fish) or management criteria for 2010 ocean fishery management measures analyzed by the STT.[a/] (Page 3 of 3)

Key Stock/Criteria	Projected Ocean Escapement[b/] or Other Criteria (Council Area Fisheries)	Spawner Objective or Other Comparative Standard as Noted
	COHO	
Interior Fraser (Thompson River)	9.8%(5.3%)	≤ 10.0% 2010 Southern U.S. exploitation rate ceiling; 2002 PSC coho agreement.
Skagit	37.4%(4.7%)	≤ 60.0% 2010 total exploitation rate ceiling; FMP matrix[e/]
	60.3	30.0 MSP level of adult spawners Identified in FMP.
Stillaguamish	37.4%(3.4%)	≤ 50.0% 2010 total exploitation rate ceiling; FMP matrix[e/]
	16.3	17.0 MSP level of adult spawners Identified in FMP.
Snohomish	32.4%(3.4%)	≤ 40.0% 2010 total exploitation rate ceiling; FMP matrix[e/]
	67.5	70.0 MSP level of adult spawners Identified in FMP.
Hood Canal	43.0%(5.0%)	≤ 45.0% 2010 total exploitation rate ceiling; FMP matrix[e/]
	19.0	21.5 MSP level of adult spawners Identified in FMP.
Strait of Juan de Fuca	11.2%(3.8%)	≤ 20.0% 2010 total exploitation rate ceiling; FMP matrix[e/]
	7.5	12.8 MSP level of adult spawners Identified in FMP.
	10.0%	≤ 10.0% 2010 Southern U.S. exploitation rate ceiling; 2002 PSC coho agreement.
Quillayute Fall	20.5	6.3-15.8 FMP objective MSY adult spawner range[e/]
Hoh	6.5	2.0-5.0 FMP objective MSY adult spawner range[e/]
Queets Wild	17.1	5.8-14.5 FMP objective MSY adult spawner range[e/]
Grays Harbor	61.9	35.4 FMP objective MSY adult spawner range[e/]
Lower Columbia River Natural (threatened)	11.24%	≤ 15.0% Total marine and mainstem Columbia River fishery exploitation rate (NMFS ESA consultation standard). Value depicted is marine fishery exploitation rate only.
Upper Columbia	≥ 75%	≥ 50% Minimum percentage of the run to Bonneville Dam.
Columbia River Hatchery Early	176.7	31.2 Minimum ocean escapement to attain hatchery egg-take goal of 14.1 early adult coho, with average conversion and no mainstem or tributary fisheries.
Columbia River Hatchery Late	96.7	9.3 Minimum ocean escapement to attain hatchery egg-take goal of 7.1 late adult coho, with average conversion and no mainstem or tributary fisheries.
Oregon Coastal Natural	11.2%	≤ 15.0% Marine and freshwater fishery exploitation rate.
Northern California (threatened)	10.0%	≤ 13.0% Marine fishery exploitation rate for R/K hatchery coho (NMFS ESA consultation standard).

a/ Assumptions for Canadian and Southeast Alaska Chinook fisheries operating under aggregate abundance based management (AABM) regimes are based on allowable catch levels determined under the 2009 PST Chinook agreement and the 2010 calibration of the PSC Chinook Model. The allowable catch levels are for an Alaska all-gear catch of 221,800, a Northern BC troll and Queen Charolette Islands catch of 152,100, and a WCVI troll and outside sport catch of 143,700.

b/ Ocean escapement is the number of salmon escaping ocean fisheries and entering freshwater with the following clarifications. Ocean escapement for Puget Sound stocks is the estimated number of salmon entering Area 4B that are available to U.S. net fisheries in Puget Sound and spawner escapement after impacts from the Canadian, U.S. ocean, and Puget Sound troll and recreational fisheries have been deducted. Numbers in parentheses represent Council area exploitation rates for Puget sound coho stocks. For Columbia River early and late coho stocks, ocean escapement represents the number of coho after the Buoy 10 fishery. Exploitation rates for LCN coho include all marine impacts prior to the Buoy 10 fishery. Exploitation rates for OCN coho include impacts of freshwater fisheries.

c/ Includes minor contributions from East Fork Lewis River and Sandy River.

d/ Projected ISBM indices for these stocks, which are based on an average of 2005-2007 terminal harvest rates, exceed 60%, but the state of Oregon intends to manage 2009 freshwater fishery impacts to comply with the general obligation.

e/ Annual management objectives may be different than FMP goals, and are subject to agreement between WDFW and the treaty tribes under U.S. District Court orders. Total exploitation rate includes Alaskan, Canadian, Council area, Puget Sound, and freshwater fisheries and is calculated as total fishing mortality divided by total fishing mortality plus spawning escapement.

TABLE 7. Expected coastwide lower Columbia Natural (LCN) Oregon coastal natural (OCN) and Rogue/Klamath (RK) coho, and Lower Columbia River (LCR) tule Chinook exploitation rates by fishery for 2010 ocean fisheries management measures analyzed by the STT.

	Exploitation Rate (Percent)			
Fishery	LCN Coho	OCN Coho	RK Coho	LCR Tule
SOUTHEAST ALASKA	0.0%	0.0%	0.0%	2.6%
BRITISH COLUMBIA	0.0%	0.1%	0.0%	11.5%
PUGET SOUND/STRAIT	0.2%	0.1%	0.0%	0.3%
NORTH OF CAPE FALCON				
Treaty Indian Ocean Troll	2.4%	0.6%	0.0%	4.5%
Recreational	4.0%	0.8%	0.0%	3.9%
Non-Indian Troll	1.6%	0.5%	0.0%	5.3%
SOUTH OF CAPE FALCON				
Recreational:				0.1%
Cape Falcon to Humbug Mt.	1.6%	2.4%	0.3%	
Humbug Mt. OR/CA border (KMZ)	0.1%	0.3%	0.7%	
OR/CA border to Horse Mt. (KMZ)	0.1%	0.9%	4.1%	
Fort Bragg	0.1%	0.6%	1.5%	
South of Pt. Arena	0.0%	0.4%	1.0%	
Troll:				1.4%
Cape Falcon to Humbug Mt.	0.9%	1.0%	0.1%	
Humbug Mt. OR/CA border (KMZ)	0.0%	0.0%	0.1%	
OR/CA border to Horse Mt. (KMZ)	0.0%	0.1%	0.3%	
Fort Bragg	0.0%	0.6%	1.5%	
South of Pt. Arena	0.0%	0.1%	0.1%	
BUOY 10	1.1%	0.1%	0.0%	8.1%
ESTUARY/FRESHWATER	NA	2.6%[b/]	0.2%	
TOTAL[a/]	11.24%	11.2%	10.0%	37.5%

a/ Totals do not include estuary/freshwater or Buoy 10 for LCN or RK coho.

b/ Includes 15 adult mortalities associated with PSC funded Chinook escapement monitoring studies in Oregon.

TABLE A-1. **Sacramento River fall Chinook** ocean impacts, including non-retention impacts where applicable, by fishery and option. Sacramento River fall Chinook impacts were estimated for the fall of 2009 and projected for each of the proposed 2010 fishin

Commercial

Total Impacts

Port	Fall 2009		Summer 2010					Summer	Year
Area	Sept	Oct-Dec	Jan-Apr	May	Jun	Jul	Aug	Total	Total
NO				3,054	2,268	1,072	2,140	8,534	8,533
CO				980	1,101	679	817	3,577	3,577
KO				35	47	380	223	685	684
KC				39	28	80	31	178	178
FB				116	93	7,843	3,738	11,790	11,790
SF				386	363	1,995	403	3,147	3,146
MO				211	211	855	219	1,496	1,495
Total				4,819	4,110	12,904	7,570	29,403	29,404

Harvest Impacts

Port	Fall 2009		Summer 2010					Summer	Year
Area	Sep	Oct-Dec	Jan-Apr	May	Jun	Jul	Aug	Total	Total
NO				3,054	2,268	1,072	2,140	8,533	8,533
CO				980	1,101	679	817	3,577	3,577
KO				35		380	223	638	638
KC									
FB						7,843	3,738	11,581	11,581
SF						1,812		1,812	1,812
MO						755		755	755
Total				4,068	3,369	12,541	6,918	26,897	26,897

GSI Impacts

Port	Fall 2009		Summer 2010					Summer	Year
Area	Sep	Oct-Dec	Jan-Apr	May	Jun	Jul	Aug	Total	Total
NO									
CO									
KO					47			47	47
KC				39	28	80	31	178	178
FB				116	93			209	209
SF				386	363	183	403	1,335	1,335
MO				211	211	100	219	741	741
Total				752	742	363	653	2,510	2,510

Recreational

Total Impacts

Port	Fall 2009			Summer 2010							Summer	Year
Area	Sep	Oct	Nov-Dec	Jan-Feb	Mar	Apr	May	Jun	Jul	Aug	Total	Total
NO								22	210	172	404	405
CO							1	83	380	193	657	657
KO							16	238	348	187	789	789
KC	76						71	826	912	433	2,242	2,319
FB						85	381	1,038	1,383	508	3,395	3,394
SF						1,944	1,662	2,293	5,150	2,142	13,191	13,191
MO						3,166	898	1,132	1,686	239	7,121	7,121
Total	76					5,195	3,029	5,632	10,071	3,873	27,800	27,876

Harvest Impacts

Port	Fall 2009			Summer 2010							Summer	Year
Area	Sep	Oct	Nov-Dec	Jan-Feb	Mar	Apr	May	Jun	Jul	Aug	Total	Total
NO								22	210	172	405	405
CO							1	83	380	193	657	657
KO					NA	NA	16	238	348	187	789	789
KC	76				NA	NA	71	826	912	433	2,243	2,319
FB						85	381	1,038	1,383	508	3,394	3,394
SF						1,944	1,662	2,293	5,150	2,142	13,191	13,191
MO						3,166	898	1,132	1,686	239	7,121	7,121
Total	76					5,195	3,029	5,632	10,071	3,873	27,800	27,876

GSI Impacts

Port	Fall 2009			Summer 2010							Summer	Year
Area	Sep	Oct	Nov-Dec	Jan-Feb	Mar	Apr	May	Jun	Jul	Aug	Total	Total
NO												
CO												
KO												
KC												
FB												
SF												
MO												
Total												

TABLE A-2. **Klamath River fall Chinook** ocean impacts, including non-retention impacts where applicable, by fishery and option. Klamath River fall Chinook impacts were estimated for the fall of 2009 and projected for each of the proposed 2010 fishing season options. The impacts are displayed for each option by fishery, port area, and month.

Commercial

Total Impacts

Port	Fall 2009		Summer 2010					Summer	Year
Area	Sept	Oct-Dec	Jan-Apr	May	Jun	Jul	Aug	Total	Total
NO				462	204	314	978	1,958	1,958
CO				510	545	1,441	2,639	5,135	5,134
KO				75	64	512	498	1,149	1,148
KC				177	125	118	123	543	543
FB				71	99	8,818	1,351	10,339	10,339
SF				59	84	1,038	34	1,215	1,214
MO				8	11	210	1	230	230
Total				1,362	1,132	12,451	5,624	20,569	20,566

Harvest Impacts

Port	Fall 2009		Summer 2010					Summer	Year
Area	Sep	Oct-Dec	Jan-Apr	May	Jun	Jul	Aug	Total	Total
NO				462	204	314	978	1,958	1,958
CO				510	545	1,441	2,639	5,135	5,135
KO				75		512	498	1,085	1,085
KC									
FB						8,818	1,351	10,169	10,169
SF						1,000		1,000	1,000
MO						199		199	199
Total				1,047	749	12,284	5,466	19,546	19,546

GSI impacts

Port	Fall 2009		Summer 2010					Summer	Year
Area	Sep	Oct-Dec	Jan-Apr	May	Jun	Jul	Aug	Total	Total
NO									
CO									
KO					64			64	64
KC				177	125	118	123	543	543
FB				71	99			170	170
SF				59	84	38	34	215	215
MO				8	11	11	1	31	31
Total				315	383	167	158	1,023	1,023

Recreational

Total Impacts

Port	Fall 2009			Summer 2010							Summer	Year
Area	Sep	Oct	Nov-Dec	Jan-Feb	Mar	Apr	May	Jun	Jul	Aug	Total	Total
NO									42	44	86	86
CO							1	30	120	76	227	226
KO	30						2	156	443	584	1,185	1,215
KC	52						42	725	911	672	2,350	2,402
FB						11	93	283	370	76	833	832
SF						116	40	141	182	7	486	486
MO						75	12	22	53	6	168	169
Total	82					202	190	1,357	2,120	1,465	5,334	5,416

Harvest Impacts

Port	Fall 2009			Summer 2010							Summer	Year
Area	Sep	Oct	Nov-Dec	Jan-Feb	Mar	Apr	May	Jun	Jul	Aug	Total	Total
NO									42	44	86	86
CO							1	30	120	76	227	226
KO	30						2	156	443	584	1,185	1,215
KC	52						42	725	911	672	2,350	2,402
FB						11	93	283	370	76	833	832
SF						116	40	141	182	7	486	486
MO						75	12	22	53	6	168	169
Total	82					202	190	1,357	2,120	1,465	5,334	5,416

GSI impacts

Port	Fall 2009			Summer 2010							Summer	Year
Area	Sep	Oct	Nov-Dec	Jan-Feb	Mar	Apr	May	Jun	Jul	Aug	Total	Total
NO												
CO												
KO												
KC												
FB												
SF												
MO												
Total												

TESTIMONY OF
THE COLUMBIA RIVER TREATY TRIBES
BEFORE PACIFIC FISHERIES MANAGEMENT COUNCIL
April 15, 2010
Portland, OR

Good day Mr. Chairman and members of the Council. My name is Virgil Lewis Sr. I am a member of the Fish, Wildlife, and Law and Order Committee of the Yakama Nation and I am a treaty fisherman on the Columbia River. I am here with Rapheal Bill and Herb Jackson to provide Testimony on behalf of the four Columbia River treaty tribes: the Yakama, Warm Springs, Umatilla and Nez Perce tribes.

The Columbia River tribes wish to begin our statement by assuring everyone that we are not opposed to non-Indian fishing, either sport or commercial fishing. On the contrary, the tribes have been working to restore and rebuild salmon populations to levels that can support full tribal, sport, and commercial fisheries that allow the retention of wild and hatchery fish. We see a future for sport fishing where sportsmen can go fishing and keep and eat all the fish they catch until the fishery limits are reached. But when the states and federal government continue to increase mass marked selective fisheries that do not meet the US/Canada requirements, with a system that we can not say fully monitors and account for impacts in all fisheries, how can we say they are not having a negative impact on the fish we are all trying to so very hard to restore, protect and rebuild?

We have been working aggressively to rebuild all natural stocks, to get them removed from the ESA list so everyone can fish and be certain that we all are getting our fair share of the catch and that treaty rights are protected. The mark selective fishery approach has already had an impact on the 50/50 Treaty/non-Treaty share in *U.S. v. Oregon*. And because of this we have already amended our Management Agreement to keep the allocation at a 50/50 for spring Chinook. The mark selective fishery approach for managing fall Chinook will put the PSC and *U.S. v. Oregon* Management Agreement at risk and we do not believe it will assist in rebuilding the ESA stocks. That is one of the reason we do not understand the NOAA and WDFW approach.

We firmly believe that these mark selective fisheries are designed purely to allow sport fisheries to get increased access to fish while keeping wild fish impacts as high as can be allowed. We see no conservation benefit for this kind of management and have experienced adverse effects on tribal fisheries due to it. We need assurances that we will continue to both meet our escapement needs and provide for upstream and tributary fisheries.

We have asked for direct monitoring of the Area 3 and 4 fisheries. WDFW's response has been that these fisheries only kill small number of fish in June. Our response to this is to ask why would you feel like you need to have a mark selective fishery at all for such a small fishery? From the way the states and NMFS have been pushing for the ocean mark selective fishery and the in-river summer Chinook mark selective fishery where we see no need for it, we can only interpret that when you agreed with us in the *U.S. v. Oregon* process that the recommendations of the HSRG "were a tool, not a rule", that you really meant it to be the other way around.

The Columbia River tribes remind you that we work hard to develop and run hatchery programs that provide fishery benefits to all people and assist in the recovery of salmon and steelhead populations. We limit our fisheries and restrict our fishermen when run sizes are low. We have numerous habitat restoration projects. We have good partnerships with the states and federal government on some of these projects, but we need to improve our efforts to work together on others. We would like to see increased commitment and partnerships with the states and federal government in areas such as the control of predatory bird populations not only in the estuary, but in upstream areas as well.

The tribes remain opposed to the proposed mark selective recreational fisheries in Ocean Areas 1 though 4 in June. Since Monday we have met with WDFW and NMFS. We appreciate the opportunity to share our issues in more detail. We also appreciate WDFW providing us with some reports and data we were interested in. We appreciate seeing drafts of the ocean monitoring plan even though it is in our opinion inadequate. We note that in none of the reports we have seen, including the PFMC Review of Fisheries Documents or the WDFW Ocean Selective Fishery Sampling Reports, do we find actual post season catches for Columbia up-river Chinook and coho stocks. We are beginning to feel like, as the late attorney for the Yakama Nation - Tim Weaver, was fond of saying, that the ocean fishery catch data concerning Columbia River stocks is "a shell game with no pea." We do, however,

look forward to continuing these discussions. We wish to further discuss monitoring and evaluation of ocean fisheries and addressing data needs for management. We also wish to continue to push for barbless hook regulations for in-river selective fisheries. We are willing to meet any time. Face to face meetings will be much more effective in building good working relationships compared to these sorts of public meetings.

We would like to remind the states and NMFS though that there is a quarterly meeting of the *U.S. v. Oregon* Parties scheduled on May 19. The ocean fisheries are connected to the *U.S. v. Oregon* process. At this meeting there is an expectation that the states and NMFS will provide recent year post season ocean catches of Columbia upriver coho and Chinook stocks so we can assess catches relative to the requirements of the *U.S. v. Oregon* Management Agreement. Just so we are clear, we want to know:

1. How many upriver coho are expected to be killed in 2010 ocean fisheries south of the U.S. Canada Border and at Buoy 10 and in lower Columbia River fisheries? We anticipate that you will be able to provide these mortality estimates by marked and unmarked fish.
2. How many upriver fall Chinook are expected to be killed in 2010 ocean fisheries south of the U.S. Canada Border and at Buoy 10 and in lower Columbia River fisheries? We expect this information by stock for the URB, MCB, and BPH stock groups. We also assume that you will be able to provide the mortality estimates by marked and unmarked fish for each group.
3. Additionally, for at least 2008 and 2009, since these two years are included in the current *U.S. v. Oregon* Management Agreement, we expect to be provided with post season catches and release mortality for the same stock groups mentioned above.
4. And finally, since we have raised concerns about ocean fishery impacts on upper Columbia Summer Chinook as mark selective fisheries increase, we expect that the states and NMFS will be able to provide post season catches of upper Columbia Summer Chinook in fisheries south of the U.S./Canada border and projected catches in ocean fisheries for 2010.

We look forward to seeing this information by May 19.

This concludes our statement. Thank You.

THE 2010 OCEAN TREATY TROLL FISHERY
April 15, 2010

As I indicated in my previous statements, the tribes have been working on a package of fisheries that meets resource constraints of this year's forecasted abundances and fairly distributes the burden of conservation.

- The fisheries that the tribes have proposed are consistent with this year's resource conditions and take into account the need for each tribe to have some fishing opportunity in their area.

- The Treaty troll quotas represent a balance of the Treaty rights of the Coastal Tribes, as well as the four Columbia River Tribes and the Puget Sound Tribes given the conservation constraints of the many salmon stocks of concern in 2010.

- The proposed quotas for the ocean Treaty Indian troll fishery meets the ESA considerations for Columbia Lower River natural tules, Snake River Chinook, Lower Columbia River natural coho, concerns for low abundance of North Coast and Puget Sound Chinook. The proposed quotas also meet the commitments made under the Pacific Salmon Treaty.

- The Tribes and WDFW have reached tentative agreement on a sampling and monitoring plan for the ocean Chinook mark selective fishery that they feel will be adequate for the 2010 season. This will include increasing the genetic sampling of the recreational fishery to improve our understanding of coastal Chinook contribution the north coast area.

- The Tribe want to caution WDFW to move slowly on ocean Chinook mark selective fisheries to make sure the impacts of that fishery is at sustainable levels on all stocks of concern. This is the same caution that has been provided to this Council from our technical committees to avoid exceeding the capabilities of the coho and Chinook models. To this end, I believe a provisional low intensity threshold has been established by the Council. Are we going to receive a presentation on where this year's proposed slate of mark-selective fisheries stand relative to this threshold or does this assessment occur later in the federal process?

- The ocean Treaty troll fishery presents an opportunity to exercise our Treaty rights in the ocean this year. One must remember; the Treaty tribes must exercise their Treaty rights in their established Usual & Accustomed (U&A) fishing areas, so the Treaty troll tribes cannot simply move their fisheries to alternative locations in order to reduce impacts.

Dave Bitts provided this testimony
April 15, 2010

The small number of salmon available for commercial harvest in California presents, at best, limited harvest opportunity for a small number of salmon trollers. The Pacific Council therefore declares that nonparticipatin in the 2010 California salmon fishery shall in no way affect an individual's privilege as to future participation in the California commercial salmon fishery, nor his eligibility for any compensation or privilege that may be afforded those who do participate in the 2010 fishery.