PACIFIC COAST SALMON PLAN

FISHERY MANAGEMENT PLAN FOR

COMMERCIAL AND RECREATIONAL SALMON FISHERIES

OFF THE COASTS OF WASHINGTON, OREGON AND CALIFORNIA

AS REVISED IN 1996 AND IMPLEMENTED IN 1997

Pacific Fishery Management Council
2130 SW Fifth Avenue, Suite 224
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July 1997
ACKNOWLEDGEMENTS AND LIST OF PREPARERS

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LIST OF ACRONYMS AND ABBREVIATIONS

Council  Pacific Fishery Management Council
EEZ    exclusive economic zone
EIS    Environmental Impact Statement
ESA    Endangered Species Act
FMP    fishery management plan
FR     Federal Register
FRAM   Fishery Regulation Assessment Model
KRSMG  Klamath River Salmon Management Plan
KRTT   Klamath River Technical Team
MFCMA  Magnuson Fishery Conservation and Management Act
MSH    maximum sustainable harvest
MSY    maximum sustainable yield
NMFS   National Marine Fisheries Service
NOAA   National Oceanic and Atmospheric Administration
NPPA   Northwest Power Planning Act
OCN    Oregon coastal natural coho
ODFW   Oregon Department of Fish and Wildlife
OPI    Oregon Production Index
OY     optimum yield
PFMC   Pacific Fishery Management Council
PSC    Pacific Salmon Commission
RFA    Regulatory Flexibility Act
RIR    Regulatory Impact Review
Secretary  Secretary of Commerce
SEIS   Supplemental Environmental Impact Statement
SAS    Salmon Advisory Subpanel
SSC    Scientific and Statistical Committee
STT    Salmon Technical Team
TAC    total allowable catch
TALFF  total allowable level of foreign fishing
1.0 INTRODUCTION

This document is the Pacific Coast Salmon Plan of the Pacific Fishery Management Council (Council or PFMC) as revised and updated in 1996 for implementation in 1997. It guides management of commercial and recreational salmon fisheries off the coasts of Washington, Oregon and California.

This plan contains or references all the elements required for a fishery management plan (FMP) under the Magnuson Fishery Conservation and Management Act as amended in 1990. It completely updates the framework FMP adopted in 1984 and incorporates all subsequent amendments (7 through 12) into this single document.

1.1 BACKGROUND

The Council's first salmon management plan and its environmental impact statement (EIS) were issued to govern the 1977 salmon season. A new salmon management plan and EIS were issued in 1978 to replace the 1977 documents. To establish management measures from 1979 through 1983, the 1978 FMP was amended annually and published along with a supplemental EIS and regulatory impact review/regulatory flexibility analysis (RIR/RFA). This annual process was lengthy, complex and costly. It lacked a long-range perspective and was too cumbersome to allow for timely implementation of the annual regulations and efficient fishery management. Therefore, in 1984, a framework amendment was implemented which ended the need for an annual plan amendment and supplemental EIS.

The comprehensive framework plan amendment of 1984 replaced the 1978 plan as the base FMP document and established a framework of fixed management objectives and elements in which annual management measures could be varied to reflect changes in stock abundance and other critical factors. At irregular intervals, various amendments to portions of the framework plan have been approved and implemented to address specific management issues such as harvest allocation, habitat and an overfishing definition.

1.2 SUPPLEMENTARY INFORMATION

The reader may wish to refer to the original salmon FMP and amendment documents for more background and explanatory information, including the environmental impact assessments and examples of management options not adopted by the Council. Additional information describing the fishery can be found in the Council's Review of 1995 Ocean Salmon Fisheries (Salmon Technical Team 1996), Appendix B of Amendment 10 (PFMC 1990), and Appendix B of the Proposed Plan for Managing the 1981 Salmon Fisheries Off the Coast of California, Oregon and Washington (PFMC 1981). Table 1–1 provides a reference list of the salmon plan documents and amendments.
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<th>CONTENT SUMMARY</th>
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<td><strong>Final 1977 Plan</strong></td>
<td>Initial FMP/EIS document for the 1977 salmon season.</td>
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<tr>
<td><strong>Final 1978 Plan</strong></td>
<td>Initial, comprehensive FMP/EIS document. Amended each year to establish annual management measures for 1979-1983.</td>
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<tr>
<td>(43 FR 29791, July 11, 1978)</td>
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<tr>
<td>Effective July 11, 1978</td>
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<tr>
<td><strong>Final Framework Amendment</strong></td>
<td>Comprehensive amendment and SEIS which replaced the 1978 Plan as the base FMP document.</td>
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<td>(49 FR 43679, Oct. 31, 1984)</td>
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<td>Effective Nov. 25, 1984</td>
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<tr>
<td>Technical amendments:</td>
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<td>1) Spawner escapement goals, procedures to modify spawner goals and inseason modification of daily bag limits (50 FR 812, Jan. 7, 1985)</td>
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<tr>
<td>2) Inseason rescission of automatic closures (50 FR 4977, Feb. 5, 1985)</td>
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<tr>
<td>3) Season opening and closing dates (50 FR 42529, Oct. 21, 1985)</td>
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<tr>
<td><strong>Amendment 7</strong></td>
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<tr>
<td>(52 FR 4146, Feb. 10, 1987)</td>
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<tr>
<td>Effective Mar. 8, 1987</td>
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<tr>
<td>1) Sliding scale OCN coho spawner escapement goal</td>
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<td>2) Inseason management actions and procedures</td>
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<td>3) Coho harvest allocation south of Cape Falcon</td>
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<tr>
<td><strong>Amendment 8</strong></td>
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<tr>
<td>(53 FR 30285, Aug. 11, 1988)</td>
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<tr>
<td>Effective Aug. 8, 1988; required no implementing regulations</td>
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<td>2) Consideration of temporary season adjustments for vessels precluded from harvesting due to unsafe weather</td>
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<td><strong>Amendment 9</strong></td>
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<tr>
<td>(54 FR 19185, May 4, 1989)</td>
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<tr>
<td>Effective May 1, 1989; except radio report section implemented July 13, 1989 (54 FR 29730, July 14, 1989)</td>
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<td>Clarifying letter:</td>
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<tr>
<td>Technical amendment:</td>
<td></td>
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<td>1) Klamath River fall chinook harvest rate spawner escapement goal</td>
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<td>2) Commercial/recreational harvest allocation north of Cape Falcon</td>
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<td>3) Inseason notice procedures</td>
<td></td>
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<td>4) Steelhead management intent</td>
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<td>5) Radio reporting requirements for commercial fishers</td>
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<tr>
<td>6) Deleted limitations on season opening and closing dates to Mr. Rolland Schmitten re harvest allocation, Issue 2; Feb. 27, 1989</td>
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<td>(56 FR 26774, June 11, 1991)</td>
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<tr>
<td>Effective July 11, 1991</td>
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<tr>
<td>1) Inseason reallocation objectives for commercial and recreational fisheries south of Cape Falcon</td>
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<td>2) Criteria guiding non–Indian catch allocation north of Cape Falcon, especially concerning recreational port allocation</td>
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<td>3) Definition of overfishing</td>
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<td><strong>Amendment 11</strong></td>
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<td>(59 FR 23013, May 4, 1994)</td>
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<td>Effective April 29, 1994</td>
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<td>Clarifying letter:</td>
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<td>Technical amendment:</td>
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<td>OCN coho spawner escapement goal of 42 spawners/mile, incidental exploitation rate of 20% or less on OCN coho at low stock sizes and sport coho harvest allocation criteria at low harvest levels to Mr. Gary Smith re incidental harvest and recreational allocation; Apr. 15, 1994</td>
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<td><strong>Amendment 12</strong></td>
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<td>(62 FR 35450, July 1, 1997)</td>
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<tr>
<td>Effective July 31, 1997</td>
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<td>1) Procedures governing retention of salmon bycatch in trawl nets</td>
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<td>2) Management objectives for listed salmon species</td>
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<tr>
<td>3) Update of the salmon FMP (no change in management objectives)</td>
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*a/ Implemented by emergency regulation on April 14, 1978 (43 FR 15629) and May 24, 1978 (43 FR 22214).
*b/ Implemented by emergency regulation on May 3, 1984 (49 FR 18853; May 3, 1984).
2.0 MANAGEMENT UNIT

The components of the management unit for this FMP are the stocks or stock groupings described below. The components shall remain fixed and may be modified only by plan amendment. Because all of the salmon stocks contributing to the ocean fisheries in the Washington, Oregon, and California area are included, there is little need for flexibility in the definition of the management unit.

The management unit in this FMP is defined as follows:

The management unit includes those stocks of salmon and steelhead that are harvested in the exclusive economic zone (EEZ) off the coasts of Washington, Oregon and California. Exceptions are those stocks which are managed there by another management entity with primary jurisdiction, i.e., the Fraser River Panel of the Pacific Salmon Commission (PSC) in the Fraser River Panel Area (U.S.) between 49°N and 48°N latitude.

Chinook and coho salmon (*Oncorhynchus tshawytscha* and *O. kisutch*) are the main species caught in the ocean salmon fisheries operating off Washington, Oregon and California. The catch of pink salmon (*O. gorbuscha*) in odd-numbered years also is significant.

Principal stocks or stock groupings comprising the management unit and the general ocean area where they occur are described in Table 2–1. Each year specific management measures are implemented that are intended to directly impact some of these stocks in a desired manner. These measures would have an indirect and incidental impact on the other stocks present in the area at the same time.

Objectives for the management unit under this framework plan are presented in Section 3.0. For some of the stocks, the achievement of those objectives directly associated with the ocean fisheries is conditioned upon meeting not only the spawning escapement goals, but also upon fulfilling Indian treaty obligations as well as inside non-Indian net and recreational fisheries requirements. The brief discussion of the separate stock components comprising the management unit, which appears below, identifies where other than ocean management objectives are of significance to a particular stock.

**TABLE 2–1. Principal stocks or stock groupings comprising the salmon management unit.**

<table>
<thead>
<tr>
<th>COHO</th>
<th>CHINOOK</th>
</tr>
</thead>
<tbody>
<tr>
<td>South of Leadbetter Pt.</td>
<td>Oregon Production Index coho: Columbia River, Oregon coastal, California coastal.</td>
</tr>
<tr>
<td>South of Horse Mt.</td>
<td>California Central Valley: Sacramento and San Joaquin fall, late fall, winter and spring.</td>
</tr>
<tr>
<td>Horse Mt. to Humbug Mt.</td>
<td>California coastal, especially Klamath fall, and Oregon coastal south of Elk River, fall and spring.</td>
</tr>
<tr>
<td>Humbug Mt. to Cape Falcon</td>
<td>Oregon coastal fall and spring.</td>
</tr>
<tr>
<td>North of Cape Falcon</td>
<td>Oregon coastal Elk River and north, fall and spring; upper Columbia River fall, spring and summer; lower Columbia River fall and spring; Washington coastal fall, spring and summer; Puget Sound summer, fall and spring.</td>
</tr>
</tbody>
</table>

**PINK AND SOCKEYE**

| North of Cape Falcon | Fraser River, Puget Sound |

*a/ The geographical management boundaries that denote stock separation are subject to change (see section 9.1). The boundaries shown in this table and in the subsequent discussion are those commonly used in 1996.
2.1 COHO

2.1.1 South of Leadbetter Point (Oregon Production Index Area)

Columbia River and Oregon coastal coho are managed together within the framework of the Oregon Production Index (OPI) since these fish are essentially intermixed in the ocean fishery. These coho are important to ocean fisheries off the southern Washington coast as well as to fisheries off the coasts of Oregon and northern California.

The OPI is used as a measure of the annual abundance of adult three-year-old coho salmon resulting from production in the Columbia River and Oregon and California coastal basins as far south as coho are found. The index itself is simply the combined number of adult coho that can be accounted for within the general area from Leadbetter Point, Washington to as far south as coho are found. Currently, it is the sum of (1) ocean sport and troll fishery impacts in the ocean south of Leadbetter Point, Washington, regardless of origin; (2) Oregon and California coastal hatchery returns; (3) the Columbia River inriver runs; (4) Oregon coastal natural spawner escapement and (5) Oregon coastal inside fishery impacts.

Harvest impacts on California coastal coho and returns to California hatcheries are included in the OPI management unit. Most of the California production is from hatcheries which provide a very small portion of the total hatchery production in the OPI area.

Columbia River coho are managed for full utilization of hatchery production, while Oregon coastal stocks are managed to achieve full production from natural spawning. Management objectives for the OPI area must address the following: (1) the need for a viable inside net fishery in the Columbia River; (2) maintaining productive natural stocks of Oregon coastal coho and (3) impacts on other escapement goals.

2.1.2 North of Cape Falcon, Oregon

Management of ocean fisheries for coho north of Cape Falcon is complicated by an overlap with the portion of the OPI area in the vicinity of the Columbia River mouth. Allowable harvests in the area between Leadbetter Point, Washington and Cape Falcon, Oregon will be determined by an annual blend of OPI and Washington coho management considerations including:

1. Abundance of contributing stocks
2. Escapement goals (as found in Table 6–1)
3. Relative abundance between chinook and coho
4. Allocation considerations of concern to the Council.

Coho occurring north of Cape Falcon, Oregon are comprised of a composite of coho stocks originating in Oregon, Washington, and British Columbia. Ocean fisheries on these stocks are regulated on the basis of the regime that meets the management objectives. Management considerations for the stocks included in this area are summarized below.

2.1.2.1 Columbia River

Columbia River coho are managed primarily for hatchery production. Objectives for these stocks are to obtain adequate escapement to meet production goals, fulfill Indian treaty obligations and provide for viable inside fisheries in the Columbia River.

2.1.2.2 Washington Coastal

Willapa Bay – Coho returns to Willapa Bay streams are managed primarily for hatchery production. A non-Indian net fishery operates in Willapa Bay. Ocean fishery escapement objectives relate to hatchery egg take requirements and inside fishery needs.
Grays Harbor – Coho runs are managed for natural production requirements, although a significant component of hatchery production exists. Treaty Indian and non-Indian net fisheries operate in Grays Harbor along with a non-Indian recreational fishery. Management goals for Grays Harbor coho include providing for natural spawning escapement requirements; meeting treaty Indian allocation requirements; and providing for inside, non-Indian fishery needs.

Quinault – Coho are managed primarily for hatchery production. A treaty Indian net fishery operates in the system and management goals include treaty allocation requirements and hatchery egg-take needs.

Queenets – Coho are managed primarily for natural production. Treaty Indian net and non-Indian recreational fisheries operate in the river system. Management goals include achieving natural spawning escapement objectives and treaty Indian allocation requirements.

Hoh – Coho are managed primarily for natural production. Treaty Indian net and non-Indian recreational fisheries operate in the river system. Management goals include achieving natural spawning escapement objectives and treaty allocation requirements.

Quillayute – Summer and fall-run coho stocks return to this system. Summer coho are predominantly from hatcheries and the Washington Department of Fish and Wildlife believes they should be managed primarily for hatchery production. However, the Quileute Tribe and the U.S. Department of the Interior believe that the natural spawners during this time period should be given greater management consideration to ensure the perpetuation and maintenance of native summer coho.

2.1.2.3 Puget Sound

Puget Sound coho stocks are managed to provide for inside non-Indian fishery needs, to meet treaty allocation requirements and to maintain natural production. They are managed within several state management areas noted below.

Nooksack/Samish and South Puget Sound Stocks – managed primarily for hatchery production.

Strait of Juan de Fuca, Skagit, Stillaguamish/Snohomish, and Hood Canal Stocks – managed primarily for natural production.

2.1.2.4 Southern British Columbia

Canadian management intent for southern British Columbia coho stocks has not been clearly established. Canadian net fisheries in the Strait of Juan de Fuca have been restricted in recent years to protect Fraser River coho stocks but no commensurate management action has been taken with Canadian troll or recreational fisheries.

2.2 CHINOOK

2.2.1 South of Horse Mountain

The major chinook stocks contributing to this area originate in the Central Valley rivers, specifically, the Sacramento, Feather, Yuba, and American. Fall chinook are most abundant followed by late-fall, spring, and winter stocks. Chinook hatcheries are located on the upper Sacramento, Feather, American, Mokelumne, and Merced rivers. Hatchery production emphasis is on fall chinook. Considerable overlap of chinook originating in Central Valley and northern California coastal rivers occurs between Point Arena and Horse Mountain. Ocean commercial and recreational fisheries operating on Central Valley chinook are managed to maximize natural production consistent with meeting inland recreational needs.
2.2.2 Horse Mountain to Humbug Mountain

Major chinook stocks contributing to this area originate in streams located along the northern California and southern Oregon coasts as well as the Central Valley.

California coastal chinook stocks include those from the Klamath, Smith, Mad, Eel, and Mattole rivers. The major California chinook run in this area is from the Klamath system, including its major tributary, the Trinity River. Natural production from the Klamath system is primarily fall chinook, but small runs of spring chinook originate in the Salmon and Trinity rivers. State-operated chinook hatcheries are located on the upper Klamath, Trinity, Mad, and Russian rivers.

Oregon coastal chinook stocks contributing to this area primarily originate in rivers located south of Humbug Mountain, including the Rogue, Chetco, Pistol and Winchuck rivers.

For California stocks, ocean commercial and recreational fisheries operating in this area are managed to maximize natural production consistent with meeting the U.S. obligations to Indian tribes with federally recognized fishing rights and recreational needs in inland areas. For Oregon stocks, ocean fisheries in this area are managed to maintain healthy populations of naturally produced chinook.

2.2.3 Humbug Mountain to Cape Falcon

The major chinook stocks contributing to this area primarily originate in Oregon coastal rivers located north of Humbug Mountain, as well as from the Rogue, Klamath and Central Valley systems. Stocks originating north of Coos Bay also are harvested by ocean fisheries off Washington, British Columbia, and Alaska. Oregon coastal chinook salmon are managed to maintain healthy populations of naturally produced chinook.

2.2.4 Cape Falcon to United States–Canada Border

The major stocks contributing to this area primarily originate in the Columbia River, as well as from Oregon and Washington coastal areas. Columbia River hatchery fall (tule) chinook presently comprise a majority of the ocean harvest between Cape Falcon, Oregon and the U.S.–Canada border. Other stocks contributing to the ocean chinook harvest north of Cape Falcon include: lower Columbia River (Cowlitz) spring chinook; upper Columbia River spring/summers and bright falls; Oregon coastal fall chinook; Washington coastal falls; Washington coastal spring/summers; Puget Sound falls and southern British Columbia falls, springs, and summers.

Management of these fisheries/stocks includes controlling ocean fishery impacts on depressed, viable natural stocks within acceptable maximum allowable levels; meeting treaty Indian obligations and providing treaty Indian harvest opportunity above Bonneville Dam; and meeting inside, non-Indian fishery needs.

2.3 WASHINGTON OCEAN PINK SALMON

Washington ocean pink salmon harvests are predominantly of Fraser River origin. Pink salmon of Puget Sound origin represent a minor portion of the ocean harvest although ocean impacts can be significant in relation to the terminal return during years of very low abundance.

The Fraser River Panel of the PSC manages fisheries for pink salmon in the Fraser River Panel Area (U.S.) north of 48° N latitude to meet Fraser River natural spawning escapement and U.S./Canada allocation requirements. Consistent with Fraser River Panel management intent, the Council manages pinks in that portion of the EEZ which is not in the Fraser River Panel Area (U.S.) waters. The State of Washington and the Washington Coastal tribes indirectly control fishing for pinks by landing laws.

The continuation of fishing for pinks after chinook or coho quotas have been met would conflict with management objectives for these latter species which could be taken incidentally unless specific gear, e.g., blued hooks and flashers, is proven successful in significantly reducing non-target catches or allowances.
are made to account for these incidental catches in the harvest quotas. Pink salmon management objectives must address meeting natural spawning escapement objectives, allowing ocean pink harvest within fixed constraints of coho harvest ceilings and providing for treaty allocation requirements.

2.4 WASHINGTON OCEAN SOCKEYE FISHERIES

No significant Washington ocean sockeye harvests have occurred historically in contrast to a recent large Canadian troll sockeye fishery off Vancouver Island. For any future U.S. ocean sockeye fisheries, management objectives would be similar to those outlined above for pink salmon and must take into account the recovery of Snake River Sockeye salmon listed as endangered in 1991.
3.0 FISHERY MANAGEMENT OBJECTIVES

An amendment is required to change the objectives of the FMP.

3.1 HARVEST MANAGEMENT

1. Establish ocean exploitation rates for commercial and recreational fisheries that are consistent with requirements for spawner escapement objectives, federally recognized Indian fishing rights, and continuance of established recreational and commercial fisheries within the constraints of meeting conservation and allocation objectives. Achievement of this objective requires that:

   Amendment 12 (issue 2, pages 9–11), effective July 31, 1997, management objectives for listed species:

   a. Escapements of viable natural spawning stocks of salmon defined in Section 6.0 shall be sufficient to maintain or restore the production of such stocks at optimal levels. Escapements of salmon stocks listed under the Endangered Species Act (ESA) will meet or exceed NMFS jeopardy standards or the objectives of NMFS recovery plans.

   b. Escapement of hatchery stocks shall be sufficient to achieve production goals established by the management entity or entities with responsibility for establishing goals.

   c. In managing mixed-stock salmon fishing, the Council will establish maximum exploitation rates based on the level that can be sustained by the weakest natural spawning stocks for which specific management objectives have been defined in Section 6.0 and which are consistent with NMFS jeopardy standards or recovery plans for stocks listed under the ESA.

      [End Amendment 12, management objectives for listed species]

   d. Harvest allocations of salmon stocks between ocean and inside recreational and commercial fisheries shall be fair and equitable and fishing interests shall equitably share the obligations of fulfilling any treaty or other legal requirements for harvest opportunities.

2. Minimize fishery mortalities for those fish not landed from all ocean salmon fisheries as consistent with optimum yield.

3. Manage and regulate the fisheries so that the optimum yield encompasses the quantity and value of food produced, the recreational value, and the social and economic values of the fisheries.

4. Develop fair and creative approaches to managing fishing effort and evaluate and apply effort management systems as appropriate to achieve these management objectives. Support the enhancement of salmon stock abundance in fishing effort management programs to facilitate a return to economically viable and socially acceptable commercial, recreational, and tribal seasons.

5. Achieve long-term coordination with the member states of the Council, Indian tribes with federally recognized fishing rights, Canada, the North Pacific Fishery Management Council, Alaska, and other management entities which are responsible for salmon habitat or production in the development of a coastwide salmon management plan.

6. Manage consistent with the Pacific Salmon Treaty.
Amendment 8 (Issue 1, pages 4–6), effective August 8, 1988, adds the following habitat policy and objectives:

3.2 HABITAT AND ENVIRONMENT

The management objectives of the Council can best be achieved if its objectives and policies are also pursued by the agencies having environmental control and resource management responsibilities over production and harvest in inside marine and fresh waters. Where feasible, the Council will strive for this consistency.

The Council will be prepared to assist all agencies involved in the protection of salmon habitat. This assistance will generally occur in the form of an endorsement of protection, restoration, or enhancement programs and in promoting salmon fisheries needs among competing uses for the limited aquatic environment. The Council's "Habitat Appendix" to the salmon FMP (contained in the original Amendment 8 document) provides documentation of the habitat needs of the salmon resource and the adverse effects which alterations of the habitat have and can create.

The Council will be guided by the principle that there should be no net loss of the productive capacity of marine, estuarine, and freshwater habitats which sustain commercial, recreational, and tribal salmon fisheries beneficial to the nation. Within this policy, the Council will assume an aggressive role in the protection and enhancement of anadromous fish habitat and work toward achieving the following habitat and production objectives.

3.2.1 Habitat Objectives

1. The Council will work to assure that Pacific salmon, along with other fish and wildlife resources, receive equal treatment with other purposes of water and land resource development.

2. The Council will support efforts to restore Pacific salmon stocks and their habitat through vigorous implementation of federal and state programs.

3. The Council will work with fishery agencies, tribes, land management agencies, and water management agencies to assess habitat conditions and develop comprehensive restoration plans.

4. The Council will support diligent application and enforcement of regulations governing ocean oil exploration and development, timber harvest, mining, water withdrawals, agriculture, or other stream corridor uses by local, state, and federal authorities. It is Council policy that approved and permitted activities employ the best management practices available to protect salmon and their habitat from adverse effects of contamination from domestic and industrial wastes, pesticides, dredged material disposal, and radioactive wastes.

5. Where existing authorities and regulations are inadequate, the Council will encourage users to seek legislative remedies as potential means to conserve, protect, and restore salmon populations and their habitat.

6. The Council will promote agreements between fisheries agencies and land and water management agencies for the benefit of fishery resources and to preserve biological diversity.

7. The Council will strive to assure that the standard operation of existing hydropower and water diversion projects will protect and enhance salmon productivity.

8. The Council supports efforts to identify and avoid cumulative or synergistic impacts in drainages where Pacific salmon spawn and rear. The Council will assist in the coordination and accomplishment of comprehensive plans to provide basinwide review of proposed hydropower development and other water use projects. The Council encourages the identification of no impact alternatives for all water resource development.
9. The Council will support and encourage efforts to determine the net economic value of conservation by identifying the economic value of fish production under present habitat conditions and expected economic value under improved habitat conditions.

[End of Amendment 8, habitat policy and objectives]

3.2.2 Production Objectives

1. Restore and enhance the natural production of salmon to optimal levels.

2. Whenever fish habitat or population losses occur as a result of various development programs or other action, the fishery agencies should actively seek full compensation for these losses under the following guidelines:

   a. Restoration of lost habitat, where possible, or provision of additional facilities for production of fish, at least equal to that lost.

   b. Replacement of losses, where possible, will be by an appropriate stock of the same fish species or by habitat capable of producing the same species that suffered the loss; mitigation or compensation programs will be located in the immediate area of loss, where possible.

   c. Compensation levels will be based on loss of habitat, production, and opportunity to fish. Potential production of the habitat will be considered in measuring needed compensation.

   d. Measures for replacement of runs lost due to construction of water control projects should be completed in advance of, or concurrent with, completion of the project.

3. Maximize the continued production of hatchery stocks consistent with harvest management objectives.

4. In advance of enhancement programs which include increased artificial production of anadromous fish, assess the potential impact on natural salmonid production and avoid negative effects on other stocks.

5. Improve the effectiveness of artificial propagation.
4.0 SPECIFICATION OF OPTIMUM YIELD AND OVERFISHING

4.1 OPTIMUM YIELD

The optimum yield (OY) to be achieved from the fisheries for species included in the management unit established under this framework mechanism, is that amount of salmon caught by United States fishermen in the EEZ adjacent to the States of Washington, Oregon, and California, and in the waters (including internal waters) of those States, and Idaho, which will to the greatest extent practicable, fulfill the following:

1. The spawner escapement goals for natural and hatchery stocks, as established by the Council;
2. The obligation to provide for Indian harvest opportunity, as mandated by applicable decisions of the federal courts and the October 4, 1993 opinion by the Solicitor, Department of Interior;
3. The allocation goals between or among ocean fisheries established by the Council;
4. The allocation goals between ocean and "inside" fisheries conducted by other than treaty Indians, as recommended by the various states and the Council; and
5. Other social/economic objectives of the FMP and its amendments.

The definition of OY is a fixed element of the FMP. What will change from year to year will be the abundance of salmon. Accordingly, the annual levels of allowable harvests and the allocations of the allowable harvest among groups of fishermen also will change. Thus, each year, as a part of the process for making preseason adjustments to the regulations, the Secretary will specify the allowable levels of harvest for each species in each ocean fishing area and the allocation of those allowable harvests among the groups of fishermen.

Amendment 10 (Issue 4, pages 21, 25–26), effective July 11, 1991, adds overfishing definition as follows:

4.2 OVERFISHING

Section 600.310(c)(1) of the FMP guidelines (50 CFR Part 600; 61 FR 32538, June 24, 1996) states:

Overfishing is a level or rate of fishing mortality that jeopardizes the long-term capacity of a stock or stock complex to produce MSY on a continuing basis. Each FMP must specify, to the maximum extent possible, an objective and measurable definition of overfishing for each stock, or stock complex covered by that FMP, and provide an analysis of how the definition was determined and how it relates to reproductive potential.

The Council's definition of overfishing is based on the spawning escapement goals for chinook and coho salmon stocks specified in Table 6–1 of Section 6.0. Spawning escapement goals are based on such factors as estimates of spawning or rearing habitat or historical production from a range of observed spawning escapements. Spawning escapement goals are generally expressed in numbers of adult fish or as an escapement rate, often with a numerical floor. Because spawning escapement goals tend to reflect estimates of maximum sustainable yield (MSY) for a stock, they provide a much greater level of harvest restraint than any alternative definition based on a minimum threshold below which a stock might not recover. During the Council's annual salmon management process, achievement of the spawning escapement goals is reviewed and, where needed, actions taken to improve estimation procedures, note habitat problems and modify fishing regimes to assure achievement of the goals in the coming season.
4.2.1 Definition of Overfishing

"Overfishing" is an occurrence whereby all mortality, regardless of the source, results in a failure of a salmon stock to meet its annual spawning escapement goal or management objective (as specified in Section 6.0 of the salmon FMP) for three consecutive years, and for which changes in the fishery management regime offer the primary opportunity to improve stock status. While this condition is defined as overfishing in the broad sense, it is recognized that this situation may also be the result of nonfishing mortality and fishery management actions may not adequately address the problem.

The definition of overfishing recognizes that management imprecision in the Council's annual salmon management process may result in spawning escapements which deviate from the annual goals or objectives. The Council reviews such deviations annually and makes appropriate adjustments in management procedures and the harvest regime, as well as noting possible impacts from habitat degradation to assure the goals are met. The Council process minimizes impacts of the deviations by annually establishing fishing regimes, based on estimates of preseason stock abundance and expected harvest patterns, which are designed to achieve ocean and river harvest allocations while meeting the spawning escapement goals or objectives. Failure by a stock to meet management objectives for three consecutive years may indicate an undesirable downward trend in a stock which requires the special consideration accorded it under the definition of overfishing to assure that corrective action is taken long before the stock is significantly depleted.

Stocks without specified goals in the FMP are also provided significant protection against overfishing because the Council bases its management on the stock which is first reduced to its annual specified goal level by the fisheries. Such a stock could be the weakest stock or an abundant stock which is heavily impacted by ocean salmon fisheries.

4.2.2 Council Response

When a specific stock or stock grouping fails to meet its annual spawning escapement objective for three consecutive years, the Council shall appoint a work group to investigate the causes of the apparent shortfall (e.g., due to causes within or outside of Council control). The work group will include members from the STT, SSC and SAS, as well as invited representatives of federal, state and tribal agencies having management authority over water quality and pertinent salmon production habitat. The current status of stock productivity and all sources of stock mortality will be examined by the work group and a report of its conclusions and recommendations provided to the Council. For those actions within Council control, the Council may change analytical or procedural methodologies to improve the accuracy of estimates for abundance, harvest impact and MSY escapement levels, and/or to reduce ocean harvest impacts when shown to be effective in stock recovery to MSY levels. For those causes beyond Council control, the Council may make recommendations to those entities which have the control to change preseason prediction methodology (e.g., procedures established under Hoh v. Baldrige), improve habitat, and review and/or revise escapement goals.

4.2.3 Stocks Requiring Special Consideration

The Council has established annual spawning escapement goals for two stocks (Columbia River upriver spring and summer chinook) which have failed to meet their annual spawning escapement goals for a long period of time. The cause of this failure has been documented as adverse flow and fish passage problems and harvest impacts outside Council jurisdiction (Northwest Power Planning Council 1986; PSC 1990). The ocean harvest of these stocks occurs primarily north of Council-managed waters. The Council will closely monitor ocean fisheries impacts on these stocks while it attempts to maintain low harvest levels and endeavors to increase their productivity by seeking improvements in habitat, fish passage, flows, interceptions, and other factors affecting the overall stock survival.

4.2.4 Management Implications of Special Concern to the Council

Salmon stocks in the Council management area have suffered significantly from habitat destruction and mortality induced by hydroelectric operations and water diversion (Anadromous Salmonid Environmental
Task Force 1979; Northwest Power Planning Council 1986 and 1994; Chambers 1992; Kier 1992 and National Research Council 1995). The Council's fishery managers and Pacific coast fishermen have persistently struggled for many years to realize mitigation for these negative habitat impacts and have had fisheries curtailed to protect the stocks so impacted. This has been an extremely long and difficult battle and several affected salmon stocks are currently listed or being considered for listing under the ESA.

In formulating its definition of overfishing, the Council was extremely concerned that cases of stock stress not be labeled as overfishing unless fishing was the primary cause of the depression. Such indiscriminate use of the overfishing label could greatly diminish the region's focus on correcting major nonfishing sources of stock depression. It could also give the mistaken impression of the need for further reduction in fisheries which have already been curtailed for years to protect the weakened stocks and in which case further fishing reductions provide little or no tangible benefit to the long-term recovery of the stock while inflicting severe social and economic hardship on the fishermen.

While the Council will not use the label of overfishing in a case of stock depression in which fishing mortality is clearly not the primary factor, it must seek to assure adequate spawning escapements by whatever means are available. Even if fishing is not the primary factor in the depression of a stock, the Council will act to decrease the exploitation rate of fisheries within its jurisdiction where such action has a reasonable expectation of benefits to the stock or the fisheries, or is necessary to avoid listing of the stock under the ESA.

[End of Amendment 10, overfishing definition]
5.0 U.S. HARVEST AND PROCESSING CAPACITY AND ALLOWABLE LEVEL OF FOREIGN FISHING

At the highest conceivable level of recent past, present, or expected future abundance, the total allowable harvest of salmon stocks can be fully taken by U.S. fisheries. There is no recent record of processors in the Council area refusing fish from fishermen because of inadequate processing capacity. Because shore-based processors can fully utilize all the salmon that can be harvested in marine waters, joint venture processing is fixed as zero.

In view of the adequacy of the domestic fisheries to harvest the highest conceivable level of abundance, the total allowable level of foreign fishing (TALFF) also is fixed as zero. The United States allowed Canadian fishing in U.S. waters under a reciprocal agreement until 1978. Negotiations between the two governments, including those within the context of the PSC, continue to seek a resolution of all transboundary salmon issues. These negotiations are aimed at stabilizing and reducing, where possible, the interception of salmon originating from one country by fishermen of the other. No U.S./Canada reciprocal salmon fishing is contemplated in the foreseeable future.
6.0 ESCAPEMENT GOALS

Escapement goals and management objectives for the various California, Oregon, Idaho, and Washington salmon stocks in the management unit are summarized in Table 6–1 (as amended by Amendments 9, 11 and 12; and technical amendments in 1989 and 1996). Spawning escapement goals (or, in certain instances, ocean escapement goals) are expressed either as single numbers, a range of numbers, a rate, or fixed procedures, i.e., procedures established by the U.S. District Court relative to stocks involving treaty fishing obligations.

Spawner or ocean escapement goals are fixed (see Table 6–1). However, changes can be made without plan amendment if a comprehensive technical review of existing biological data, approved by the Salmon Technical Team and the Council, justifies a modification.

It should be noted that the Council considered modifications of the escapement goals to be unlikely and that a technical review of any biological data would have to provide conclusive evidence that a modification of an escapement goal is necessary.

Specific stock goals for Oregon coastal chinook will become valid as soon as developed (see Section 6.2.2 for details). The separate stock goals will be a refinement of the single goal adopted in the Framework Amendment and these do not constitute a change in goals.

Court-ordered changes in escapement goals will be accommodated without a plan amendment.

All changes to stock goals other than those outlined above will require a plan amendment or emergency regulations. The Council's approach to spawner goals purposely discourages frequent changes in goals for short-term economic or social reasons at the expense of long-term benefits from these resources.

6.1 COHO

6.1.1 Columbia River and Oregon Coastal Coho

Amendment 11 (pages 16–19), effective April 29, 1994, replaces OCN coho spawning escapement goal as previously modified by Amendment 7 (letter of April 15, 1994 to Mr. J. Gary Smith provides additional clarification) as follows:

The ocean escapement goals for OPI area coho stocks are to achieve an aggregate OCN adult spawning density of 42 adult spawners per mile in Oregon coastal "standard" index survey areas each year and to provide for treaty obligations, inside harvest opportunities and hatchery requirements.

For OCN coho, the yearly spawning escapement goal shall be based on enough spawners to achieve, in aggregate, 42 naturally spawning adults per mile in ODFW's "standard" coastal index survey areas. This goal is equivalent to 200,000 naturally–spawning adults for Oregon coastal habitat, as documented in current data sets used by the Council, and meets the long–term MSY goal established by ODFW for this stock. This goal may be reevaluated when Oregon completes revision of its Comprehensive Coho Management Plan.

Below a yearly OCN stock abundance that is 125% of the annual numerical escapement goal (an abundance of 250,000 at the present spawner escapement goal of 200,000 adults), up to a 20% exploitation rate will be allowed for incidental impacts of the combined ocean troll, sport and freshwater fisheries. When the predicted spawner escapement is less than or equal to 28 coho per mile in standard index areas, the Council may allow an incidental exploitation rate of up to 20% that will provide only the minimum incidental harvest necessary to prosecute other fisheries, and which under no circumstances will cause irreparable harm to the OCN stock.
TABLE 6–1. Summary of management goals for stocks in the Council’s salmon management unit (as revised by Amendments 9; 11 and 12, and Salmon Technical Team review of the goal for Klamath River fall chinook in 1989 and 1996). (Page 1 of 2)

<table>
<thead>
<tr>
<th>Stock or System</th>
<th>Spawner Escapement Goal(a, d)</th>
<th>Other Management Objectives</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CHINOOK SALMON</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sacramento River Fall Chinook</td>
<td>122,000 to 180,000 natural and hatchery.(b)</td>
<td>Provide for inside recreational fishery.</td>
</tr>
<tr>
<td>Klamath River Fall Chinook</td>
<td>Between 33 and 34% of the potential adult natural spawners, but no fewer than 35,000 naturally spawning adults in any one year. The brood escapement rate will average 33 to 34% over the long term, but an individual brood may vary from this range to achieve the required tribal/non–tribal annual allocation. (Amendment 9 and STT technical review)</td>
<td>Ocean and inriver fisheries management based on allowable harvest rate combination, except as needed to protect the escapement floor and meet the tribal/nontribal harvest allocation.</td>
</tr>
<tr>
<td>Oregon Coastal Chinook</td>
<td>150,000 to 200,000 natural adults.(c)</td>
<td>Meet hatchery requirements.</td>
</tr>
<tr>
<td>Columbia River Chinook</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Upper River Fall (Brights)</td>
<td>40,000 adults above McNary Dam.</td>
<td>Manage consistent with: Pacific Salmon Treaty Act, treaty Indian obligations, ESA Section 7 consultations for Snake River spring/summer and fall chinook, inside non–Indian fisheries needs, the Willamette Plan and hatchery requirements.</td>
</tr>
<tr>
<td>Upper River Summer</td>
<td>80,000 to 90,000 adults above Bonneville Dam.</td>
<td></td>
</tr>
<tr>
<td>Upper River Spring</td>
<td>115,000 adults above Bonneville Dam.</td>
<td>Meet hatchery requirements.</td>
</tr>
<tr>
<td>Lower River Fall (Tule)</td>
<td>Meet hatchery requirements.</td>
<td></td>
</tr>
<tr>
<td>Lower River Spring (Willamette River)</td>
<td>30,000 to 45,000 based on run size.</td>
<td></td>
</tr>
<tr>
<td>Washington Coastal Fall Chinook</td>
<td>d/e/</td>
<td>Meet treaty Indian allocation requirements, provide fish for inside non–Indian needs.</td>
</tr>
<tr>
<td>Washington Coastal Spring-Summer Chinook</td>
<td>d/e/</td>
<td>Same as Washington coastal fall chinook.</td>
</tr>
<tr>
<td>Puget Sound Chinook</td>
<td>d/e/</td>
<td>Same as Washington coastal fall chinook.</td>
</tr>
<tr>
<td><strong>COHO SALMON</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Oregon Coastal Coho</td>
<td>Meet an aggregate density of 42 naturally spawning adults per mile in standard index survey areas (Amendment 11).(f)</td>
<td>None.</td>
</tr>
<tr>
<td>Columbia River Coho</td>
<td>Meet hatchery egg–take goals.</td>
<td>Provide for Columbia River treaty Indian obligations, inside non–Indian fisheries, and meet hatchery requirements.</td>
</tr>
<tr>
<td>Washington Coastal Coho</td>
<td>d/</td>
<td>Meet treaty Indian obligation requirements, provide fish to inside non–Indian fisheries, and meet hatchery requirements.</td>
</tr>
<tr>
<td>Puget Sound Coho</td>
<td>d/</td>
<td>Same as Washington coastal coho.</td>
</tr>
<tr>
<td>Southern British Columbia Coho</td>
<td>Not clearly established.</td>
<td>Manage consistent with U.S.–Canada treaty.</td>
</tr>
<tr>
<td><strong>PINK AND SOCKEYE SALMON</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Puget Sound Pink</td>
<td>900,000 natural.(d)</td>
<td>Meet treaty Indian obligation requirements.</td>
</tr>
</tbody>
</table>
TABLE 6-1. Summary of management goals for stocks in the Council's salmon management unit (as revised by Amendments 9; 11 and 12, and Salmon Technical Team review of the goal for Klamath River fall chinook in 1989 and 1996). (Page 2 of 2)

<table>
<thead>
<tr>
<th>Stock or System</th>
<th>Spawner Escapement Goal[a]</th>
<th>Other Management Objectives</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PINK AND SOCKEYE SALMON (continued)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fraser River Pink and Sockeye</td>
<td>g/</td>
<td>Manage consistent with chinook and coho escapement needs.</td>
</tr>
<tr>
<td>Lake Washington Sockeye</td>
<td>350,000 to Lake Washington</td>
<td>e/ Meet treaty Indian allocation requirements.</td>
</tr>
<tr>
<td>Columbia River Sockeye</td>
<td>65,000 over Priest Rapids.</td>
<td>h/</td>
</tr>
<tr>
<td><strong>ALL SALMON SPECIES (Amendment 12)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Species listed under the ESA[b]</td>
<td>Manage consistent with NMFS jeopardy standards or recovery plans to meet immediate conservation needs and the long-term recovery of the species.</td>
<td>None.</td>
</tr>
</tbody>
</table>

| a/ Represents adult natural spawner escapement goal for viable natural stocks or adult hatchery return goal for stocks managed for artificial production. |
| b/ Includes upper and lower river components and is presented as a range within which annual escapements can be expected to vary. The State of California has established a distribution goal for each river system which contributes to the aggregate Central Valley fall chinook goal. These distribution goals are not used as a basis for ocean management, but will be used as management goals by agencies having inriver management responsibilities. The distribution goals are listed in Section 6.2.1 of the salmon FMP. |
| c/ Specific goals have not been established for individual river systems. When goals are established for spring and fall runs as well as north and south coast stocks, they may be incorporated in the plan without the need for a formal amendment. |
| d/ Annual management objectives (expected hatchery plus natural escapement) for specific rivers or regions of origin are developed through fixed procedures established in the U.S. District Court. The total escapement objective is based upon either maximum sustained harvest spawning escapement goals for stocks managed primarily for natural production (Grays Harbor, Queets, Hoh, Quillayute, Strait of Juan de Fuca, Skagit, Stillaguamish/Snohomish, and Hood Canal) or upon hatchery escapement needs for stocks managed for artificial production. Total escapement objectives for each stock are established annually based on the appropriate goal. Puget Sound procedures are outlined in "Memorandum Adopting Salmon Plan" (U.S. v. Washington, 459 F. Supp. 1020 [1978]). Washington north coastal coho procedures are established in U.S. District Court order Hoh v. Baldridge No. 81-742 (R) C. |
| e/ These stocks represent a minor component of the Washington ocean harvest although ocean impact relative to terminal run size for each stock can be a management consideration. |
| f/ At OCN stock sizes below 125% of the annual numerical escapement goal, an exploitation rate of up to 20% will be allowed for incidental impacts of the combined ocean troll, sport, and freshwater fisheries. At projected OCN spawning escapements of 28 or fewer adults per mile, an exploitation rate of up to 20% may be allowed to provide only minimum incidental harvest to prosecute other fisheries, provided the rate chosen will cause no irreparable harm to the OCN stock. |
| g/ Fraser River pink and sockeye salmon are managed primarily under jurisdiction of the Fraser River Panel of the Pacific Salmon Commission which includes control of ocean harvests north of 48°N latitude. State control of landings may be used to control potential impacts on coho or chinook during pink and/or sockeye fisheries. |
| h/ These stocks represent a negligible component of the Washington ocean harvest. |
| i/ The Council must meet or exceed the requirements of the ESA which is other applicable law. Considerations for listed species first became necessary in 1990 after Sacramento winter chinook were classified as threatened. Similar consideration first became necessary for Snake River sockeye and chinook salmon species in 1992. Other salmon species may be listed in the future. |
| j/ In so far as is practical while not compromising its ability to meet the requirements of the ESA, the NMFS will endeavor to provide opportunity for Council and peer review of any proposed jeopardy standards, or the objectives of recovery plans, well prior to their implementation. Such review would ideally commence no later than the last Council meeting in the year immediately preceding the first salmon season in which the standards would be implemented. |
6.1.2 North of Cape Falcon Coho

Columbia River escapement goals are addressed in the preceding section (OPI area). Annual escapement objectives for Washington coastal and Puget Sound coho stocks are developed through procedures established in U.S. District Court. Puget Sound management procedures are outlined in a "Memorandum Adopting Salmon Management Plan" (U.S. v. Washington, 459 F. Supp. 1020 [1978]), while Washington coastal procedures are provided by a U.S. District Court order in Hoh v. Baldridge. The expected total escapement is based upon either maximum sustainable harvest (MSH) spawning escapement goals for stocks managed primarily for natural production or upon hatchery escapement needs for stocks managed for artificial production. Total escapement objectives for each stock are established annually, based on the appropriate goal. Washington salmon stocks managed primarily for natural production include Grays Harbor, Queets, Hoh, Quillayute falls, Strait of Juan de Fuca, Skagit, Stillaguamish/Snohomish, and Hood Canal.

For the Washington Coast, from Grays Harbor northward, the Hoh v. Baldridge Framework Management Plan defines management objectives and long-term goals as developed by federal, state and tribal agencies under direction of the U.S. District Court. For Puget Sound stocks, a long-term management plan which will define management objectives more specifically is being developed by representatives from federal, state and tribal agencies. Annual agreements between the State of Washington and affected treaty tribes describe the escapement objectives and fishing regimes to be used by the Council in establishing ocean fishing plans.

The methodology currently used to estimate escapement goal ranges of coho spawning naturally in Washington entails the following: (1) estimating available juvenile coho rearing area by various habitat types; (2) applying number of smolts per unit of rearing area (values derived from appropriate literature or studies) to estimate the maximum production of smolts from each system under average environmental conditions; (3) dividing the smolt potential by the number of smolts produced per female to estimate the number of female spawners necessary to maximize smolt production under average environmental conditions; and (4) applying the average proportion of adult males to females to estimate the natural adult spawning goal.

Different escapement goal methodology which may be employed, depending on the availability of data, includes historic escapement averages and spawner-recruit population dynamics theory.

Annual natural spawning escapement goal estimates and total escapement objectives are made by the Washington Department of Fish and Wildlife and treaty tribes in status reports and distributed for public review under the provisions of U.S. v. Washington and subsequent U.S. District Court orders. After agreement to these goals is reached by the parties in this litigation, ocean fishery escapement objectives are established for each river, or region of origin, which include provisions for providing treaty allocation requirements and inside, non–Indian fishery needs.

6.2 CHINOOK

6.2.1 California Chinook

Escapement goals for California chinook, shown in Table 6–1, are for fall run fish. Significant populations of late fall, spring, and winter chinook also occur in the upper Sacramento River (above Feather River), but escapement goals for ocean management purposes have not been established for these stocks.

The Central Valley (Sacramento and San Joaquin rivers) and initial Klamath River long–term spawning escapement goals were established in 1977 and 1978 respectively, based on averages of previous years' run sizes. The following base periods were used: Sacramento River 1953–1960, San Joaquin River 1972–
1977, and Klamath River early 1960's (circa 1963). In 1980 the Central Valley goals were adjusted to address adults only and to separate hatchery and natural goals. Hatchery goals for Central Valley are based on mitigation requirements or hatchery capacities, whichever is higher. The Klamath fall chinook goal was modified in 1989 to include only a goal for natural spawners on a harvest rate basis.

6.2.1.1 Sacramento River Fall Chinook

The Council's goal is to achieve a single river spawning escapement goal range of 122,000 to 180,000 Sacramento River chinook. Within this range annual escapements can be expected to vary. Separate goals for the upper and lower Sacramento stocks are not established. The California Department of Fish and Game has provided the following information on state distribution goals and the rationale for this option:

<table>
<thead>
<tr>
<th>California Department of Fish and Game Distribution Goals for Sacramento River Fall Chinook Salmon N</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Upper River</strong></td>
<td></td>
</tr>
<tr>
<td>Natural</td>
<td>99,000</td>
</tr>
<tr>
<td>Hatchery</td>
<td>9,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>108,000</td>
</tr>
<tr>
<td><strong>Lower River</strong></td>
<td></td>
</tr>
<tr>
<td>Feather River</td>
<td></td>
</tr>
<tr>
<td>Natural</td>
<td>27,000</td>
</tr>
<tr>
<td>Hatchery</td>
<td>5,000</td>
</tr>
<tr>
<td>Yuba River</td>
<td></td>
</tr>
<tr>
<td>Natural</td>
<td>10,000</td>
</tr>
<tr>
<td>American River</td>
<td></td>
</tr>
<tr>
<td>Natural</td>
<td>24,000</td>
</tr>
<tr>
<td>Hatchery</td>
<td>6,000</td>
</tr>
<tr>
<td><strong>Total Lower River</strong></td>
<td>72,000</td>
</tr>
<tr>
<td><strong>Total River</strong></td>
<td>180,000</td>
</tr>
</tbody>
</table>

a/ Distribution goals are not a basis for ocean management, but rather goals for agencies having inriver management authority. Until passage problems are corrected at Red Bluff Diversion Dam, upriver distribution goals are not expected to be achieved.

A single fall chinook goal for the Sacramento River system was chosen for ocean management since no techniques are currently available to selectively harvest the various stocks. The hatchery and natural components of the run are combined since there is a high degree of mixing of these components at the hatchery and in the natural spawning areas (see pages 3-18 and 3-19 of the 1984 salmon framework plan for more detail).

6.2.1.2 San Joaquin River Chinook

The San Joaquin River system is degraded severely due to water development and pollution. Increases in water transport out of the Delta will further jeopardize the continuation of these runs.

San Joaquin escapement cannot be selectively managed in the ocean. Ocean management for Sacramento River chinook within the escapement range adopted will provide adequate escapement of San Joaquin stocks to achieve spawning requirements.
6.2.1.3 Klamath River Fall Chinook

Amendment 9 (Issue 1, Alternative 3, pages 4–5 and 12–13), effective May 1, 1989, replaces Klamath spawning escapement goal as follows:

The objective of Klamath River fall chinook management is to allow a fixed percentage of the potential adults from each brood of natural spawners to escape the fisheries and spawn, subject to a minimum escapement level for naturally spawning adults. The intent of the goal is to provide a range of escapement levels to better define the stock recruitment relationship. The natural spawning escapement floor was included to promote a more rapid recovery of the natural stock following periods of low abundance and also serves to assure a high probability that desired hatchery escapement will be met in all years.

An assessment of the measurable biological parameters for the stock and the selectivities of the ocean and river fisheries acting upon it are used to determine the proportion of the potential adults from each brood that should be allowed to spawn. This can best be achieved by regulating offshore and terminal area harvest rates, based upon age-specific fishery impacts by ocean and river fisheries in combination (see "Recommended Spawning Escapement Policy for Klamath River Fall-Run Chinook" by the KRTT, 1986 and Amendment 9, Issue 2 for a more detailed description of the basis of the goal).

An evaluation of available information on the production potential of Klamath River fall chinook indicates that a minimum escapement of 35,000 naturally-spawning adults must be protected in all years in order to prevent extended periods of low juvenile production (KRTT 1986). Protection of this escapement floor may require reductions in allowable offshore and terminal area harvest rates in years of low adult production.

The initial natural spawning escapement and harvest rate percentages were based on the 1986 recommendation of the KRSMG (a 35% natural spawning escapement rate and a 65% harvest rate for each brood of fish). The Council also noted that the STT may annually consider input on the appropriateness of the current escapement rate goal and provide its determination to the Council in advance of preseason management option development. Both rates may be modified upon approval of the STT and Council.

In concurrence with STT recommendations, the Council has modified the Klamath escapement goal twice by technical amendment since Amendment 9 was approved. On March 8, 1989 the Council modified the spawner escapement rate of 35% to "between 33 to 34%". The STT recommendation was based on a review of the relationship of brood year escapements to MSY and consideration of the reduced hooking mortality rate of barbless hooks. On April 11, 1996, the goal was modified to allow for meeting the harvest rate on a long-term, rather than brood year basis, in order to accommodate the federally recognized annual tribal allocation.

Various assumptions and estimates were used in the development of this harvest rate approach to the management of Klamath River fall chinook. The fishery model upon which the Klamath River natural spawning escapement rate is based will be continually under review as new information on the stock and the fisheries becomes available. The optimum escapement goal for the resource, expressed as a fixed escapement level or a fixed escapement rate, will be determined in future years as productivity measurements become available from a wide range of escapement levels of naturally spawning adults.

[End of Amendment 9, Klamath spawner escapement goal]

6.2.2 Oregon Coastal Chinook

Oregon coastal natural chinook stocks remain in a generally favorable status, showing upward trends in spawning escapement since 1952. With some exceptions these stocks have stabilized at optimal spawning levels in recent years.
The management objective for Oregon coastal chinook is to achieve the natural spawning escapement goal of 150,000 to 200,000 adult fish. This escapement goal is equivalent to peak spawning ground index counts of 60 to 90 adults per mile, including both spring and fall chinook. The Oregon Department of Fish and Wildlife currently is refining its coastal chinook escapement goals as part of a chinook plan development process. An outcome of the planning process will be separate escapement goals for spring and fall runs as well as northern and southern coastal stocks. When developed and adopted by the Council, these separate goals, because they are a refinement of current goals and not a change in goals, will become a part of the salmon FMP without need for further plan amendment.

6.2.3 North of Cape Falcon Chinook

The majority of the ocean chinook harvest north of Cape Falcon is comprised of Bonneville Pool falls and lower Columbia River falls and springs (Cowlitz), all primarily of hatchery-origin. Hatchery production escapement goals of these stocks are established according to long-range production programs and/or mitigation requirements associated with displaced natural stocks. Low, incidental harvest of several naturally-produced stocks occurs in fisheries within this area, including upper Columbia River falls (brights), summers, springs, and certain Washington coastal and Puget Sound stocks.

Spawning escapement goals for upper Columbia River stocks have been established (Table 6–1). The spawning escapement goal of up-river natural fall chinook (brights) is 40,000 adults past McNary Dam. The escapement goal for up-river summers has been listed as 80,000 adults above Bonneville Dam, and was established prior to the last phase of Columbia River dam production. Annual escapement objectives for Washington coastal chinook stocks are established through procedures of the U.S. District Court.
7.0 PROCEDURES FOR DETERMINING ALLOWABLE OCEAN HARVESTS

Determination of allowable harvest of salmon in ocean fisheries is a process designed to meet the objectives delineated in Section 3.0. The procedure is complicated by natural variability in annual abundance, variability in the ocean migratory routes and timing, and the high degree of mixing in ocean fisheries of species and stocks having specific long-term management goals. Depending upon ability to accurately estimate stock-specific impacts of ocean fisheries, either preseason or inseason, allowable harvest may be expressed in terms of season regulations expected to achieve a certain optimum harvest level or in terms of a particular number of fish.

Restriction of the fishery by time and area is presently the principal means of achieving allowable harvest objectives when techniques for accurately predicting abundance are unavailable. Application of this management practice carries the risk of overfishing due to unexpectedly high levels of effort or availability. The fishery is characterized by large potential for effort response from latent gear or transferred effort from closed times and areas. The availability of fish to particular gear depends upon a variety of environmental factors and behavior of fish stocks.

Allowable harvest in terms of numbers of fish may be regulated through imposition of stock-specific limits or by more generalized limitations on total catch in a particular fishery. The critical criteria for determination of a stock-specific limit may be abundance of the weakest stock for which management is defined. In application, however, given the state of preseason stock assessment abilities, stock- and species-specific quotas can result in higher than desirable harvest rates on runs weaker than anticipated and lower than desirable rates on stronger than anticipated runs.

Quotas do not represent guaranteed harvests but rather the maximum allowable harvest of the species or stock for which management is most critically defined, including all other stocks or species harvested in association with achievement of that objective. Depressed viable natural stocks may represent a relatively small proportion of the total ocean harvest in a particular area. Under these conditions the Council, using the best available techniques, determines the maximum ocean harvest impact on individual weak stocks which could be allowed while providing some level of harvest opportunity on stronger natural and hatchery stocks.

Procedures for determining allowable ocean harvest vary by species and fishery complexity. Procedures change over time. Specific changes brought about by improvement in forecasting techniques or outside/inside allocation procedures due to treaty or user sharing revisions are anticipated by this framework mechanism so that they may be adopted without formal amendment. The Framework Amendment describes procedures used at the time of its adoption (1984). Changes in procedures since that time, along with the rationale for changes, are described in Council documents developed during the preseason regulatory process as outlined in the table in Chapter 12.0.
8.0 ALLOCATION OF OCEAN HARVEST

Several of the Council's management objectives fall under the general category of allocation. Allocation is required when the number of fish is not adequate to satisfy the perceived needs of the various user groups, to divide the catch between (non-Indian) ocean and inside fisheries and between ocean fisheries, and to provide treaty Indian fishing opportunity. The Council has addressed the question of allocation between ocean and inside fisheries and between ocean troll and recreational fisheries by stating its objective to "Establish ocean harvest rates for commercial and recreational fisheries that are consistent with...continuance of established recreational and commercial fisheries."

In allocating the resource between ocean and inside fisheries, the Council considers both inriver harvest and spawning escapement needs. The magnitude of inriver harvest is determined by the states in a variety of ways, depending upon the management area. Some levels of inriver harvests are designed to accommodate federally recognized inriver Indian fishing rights, while others are established to allow for non-Indian harvests of historic magnitudes.

8.1 NON-INDIAN OCEAN FISHERIES

Prior to 1981, before quotas were made a part of the management scheme, allocation of the ocean harvest between troll and recreational fishers was addressed only indirectly through selection of season (time/area closures), size limits and gear restriction measures. Beginning in 1981, when quotas became a part of the management scheme, allocation was treated more directly by dividing the total ocean harvest quota for a management area, where they existed, between the ocean troll and recreational fisheries.

The basis for allocation between ocean fisheries has become more complex and controversial in recent years with low runs and an increasing number of fishers. The Council sought public comment on the issue of allocation during the process of developing the Framework Amendment and has since amended the initial framework allocations several times.

8.1.1 U.S./Canada Border to Cape Falcon – Coho/Chinook

*Amendment 9 (Issue 2, Alternative 3, pages 21–22), effective May 1, 1989, replaces North of Cape Falcon allocation as follows (also see clarifying letter of February 27, 1989 to Mr. Rolland Schmitten):*

Harvest allocations will be made from a total allowable ocean harvest which is maximized to the largest extent possible but still consistent with treaty obligations, state fishery needs and spawning escapement requirements. The Council shall make every effort to establish seasons and gear requirements which provide troll and recreational fleets a reasonable opportunity to catch the available harvest. These may include single-species directed fisheries with landing restrictions for other species.

The goal of allocating ocean harvest north of Cape Falcon is to achieve, to the greatest degree possible, the objectives for the commercial and recreational fisheries as follows:

- Provide recreational opportunity by maximizing the duration of the fishing season while minimizing daily and area closures and restrictions on gear and daily limits.
- Maximize the value of the commercial harvest while providing fisheries of reasonable duration.
Initial commercial and recreational allocation will be determined by the schedule of percentages of total allowable harvest as follows:

<table>
<thead>
<tr>
<th></th>
<th>Coho</th>
<th></th>
<th>Chinook</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Harvest</td>
<td>Percentage^a</td>
<td>Troll</td>
<td>Recreational</td>
<td>Harvest</td>
</tr>
<tr>
<td>(thousands</td>
<td>of fish)</td>
<td></td>
<td></td>
<td>(thousands</td>
</tr>
<tr>
<td>0–300</td>
<td>25</td>
<td>75</td>
<td></td>
<td>0–100</td>
</tr>
<tr>
<td>&gt;300</td>
<td>60</td>
<td>40</td>
<td></td>
<td>&gt;100–150</td>
</tr>
<tr>
<td></td>
<td>&gt;150</td>
<td>70</td>
<td>30</td>
<td></td>
</tr>
</tbody>
</table>

^a/ The allocation must be calculated in additive steps when the harvest level exceeds the initial tier.

This allocation schedule should, on the average, allow for meeting the specific fishery allocation priorities described below. The initial allocation may be modified annually by preseason and inseason trades to better achieve (1) the commercial and recreational fishery objectives and (2) the specific fishery allocation priorities. The final preseason allocation adopted by the Council will be expressed in terms of quotas which are neither guaranteed catches nor inflexible ceilings. Only the total ocean harvest quota is a maximum allowable catch.

To provide flexibility to meet the dynamic nature of the fisheries and to assure achievement of the allocation objectives and fishery priorities, deviations from the allocation schedule will be allowed as follows:

1. Preseason species trades (chinook and coho) which vary from the allocation schedule may be made by the Council based upon the recommendation of the pertinent recreational and commercial SAS representatives north of Cape Falcon. The Council will compare the socio-economic impacts of any such recommendation to those of the standard allocation schedule before adopting the allocation which best meets FMP management objectives.

2. Inseason transfers, including species trades of chinook and coho, may be permitted in either direction between recreational and commercial fishery quotas to allow for uncatchable fish in one fishery to be reallocated to the other. Fish will be deemed "uncatchable" by a respective commercial or recreational fishery only after considering all possible annual management actions to allow for their harvest which meet framework harvest management objectives, including single species or exclusive registration fisheries. Implementation of inseason transfers will require (a) consultation with the pertinent recreational and commercial SAS members and the STT and (b) a clear establishment of available fish and impacts from the transfer.

3. An exchange ratio of four coho to one chinook shall be considered a desirable guideline for preseason trades. Deviations from this guideline should be clearly justified. Inseason trades and transfers may vary to meet overall fishery objectives. (The exchange ratio of four coho to one chinook approximately equalizes the species trade in terms of average ex-vessel values of the two salmon species in the commercial fishery. It also represents an average species catch ratio in the recreational fishery.)

Amendment 10 (Issue 2, pages 11–16), effective July 11, 1991, primarily replaces recreational allocation criteria in Amendment 9 as follows:

4. Any increase or decrease in the recreational or commercial TAC, resulting from an inseason restructuring of a fishery or other inseason management action, does not require reallocation of the overall north of Cape Falcon non–Indian TAC.
5. The commercial TACs of chinook and coho derived during the preseason allocation process may be varied by major subareas (i.e., north of Leadbetter Point and south of Leadbetter Point) if there is a need to do so to decrease impacts on weak stocks. Deviations in each major subarea will generally not exceed 50% of the TAC of each species that would have been established without a geographic deviation in the distribution of the TAC. Deviation of more than 50% will be based on a conservation need to protect the weak stocks and will provide larger overall harvest for the entire fishery north of Cape Falcon than would have been possible without the deviation.

6. The recreational TACs of chinook and coho derived during the preseason allocation process will be distributed among the three major recreational subareas as described in the coho and chinook distribution sections below. Additionally, based on the recommendations of the SAS members representing the ocean sport fishery north of Cape Falcon, the Council will include criteria in its preseason salmon management recommendations to guide any inseason transfer of coho among the recreational subareas to meet recreational season duration objectives. Inseason redistributions of quotas within the recreational fishery or the distribution of allowable coho catch transfers from the commercial fishery may deviate from the preseason distribution. The Council may also establish additional subarea quotas within a major subarea to meet recreational season objectives based on agreement of representatives of the affected ports.

### 8.1.1.1 Coho Distribution

The north of Cape Falcon preseason recreational TAC of coho will be distributed to provide 50% to the area north of Leadbetter Point and 50% to the area south of Leadbetter Point. In years with no Area 4B fishery, the distribution of coho north of Leadbetter Point will be divided to provide 74% percent to the subarea between Leadbetter Point and the Queets River (Westport) and 26% to the subarea north of the Queets River (Neah Bay/La Push). Table 8–1 displays the distribution of shares north of Leadbetter Point with the 74/26 percent split. In years when there is an Area 4B fishery under state management, 25 percent of the numerical value of that fishery shall be added to the recreational TAC north of Leadbetter Point prior to applying the sharing percentages. That same value would then be subtracted from the Neah Bay/La Push share in order to maintain the same total distribution north of Leadbetter Point. Table 8–2 displays the allowable catch shares for Westport and Neah Bay/La Push with a 20,000 coho harvest for Area 4B.

<table>
<thead>
<tr>
<th>Recreational Coho TAC North of Cape Falcon</th>
<th>Allowable Coho Catch</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>North of Leadbetter Point</td>
</tr>
<tr>
<td>100,000</td>
<td>50,000</td>
</tr>
<tr>
<td>125,000</td>
<td>62,500</td>
</tr>
<tr>
<td>150,000</td>
<td>75,000</td>
</tr>
<tr>
<td>175,000</td>
<td>87,500</td>
</tr>
<tr>
<td>200,000</td>
<td>100,000</td>
</tr>
<tr>
<td>225,000</td>
<td>112,500</td>
</tr>
<tr>
<td>250,000</td>
<td>125,000</td>
</tr>
<tr>
<td>300,000</td>
<td>150,000</td>
</tr>
</tbody>
</table>

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TABLE 8-2. Example distribution of the recreational coho TAC north of Leadbetter Point for years in which there is an Area 4B recreational fishery of 20,000 coho.

<table>
<thead>
<tr>
<th>Recreational Coho TAC North of Cape Falcon</th>
<th>North of Leadbetter Point</th>
<th>Westport</th>
<th>Neah Bay/La Push</th>
</tr>
</thead>
<tbody>
<tr>
<td>100,000</td>
<td>50,000</td>
<td>40,700</td>
<td>9,300</td>
</tr>
<tr>
<td>125,000</td>
<td>62,500</td>
<td>49,950</td>
<td>12,550</td>
</tr>
<tr>
<td>150,000</td>
<td>75,000</td>
<td>59,200</td>
<td>15,800</td>
</tr>
<tr>
<td>175,000</td>
<td>87,500</td>
<td>68,450</td>
<td>19,050</td>
</tr>
<tr>
<td>200,000</td>
<td>100,000</td>
<td>77,700</td>
<td>22,300</td>
</tr>
<tr>
<td>225,000</td>
<td>112,500</td>
<td>86,950</td>
<td>25,550</td>
</tr>
<tr>
<td>250,000</td>
<td>125,000</td>
<td>96,200</td>
<td>28,800</td>
</tr>
<tr>
<td>300,000</td>
<td>150,000</td>
<td>114,700</td>
<td>35,300</td>
</tr>
</tbody>
</table>

8.1.1.2 Chinook Distribution

Subarea distributions of chinook will be managed as guidelines and shall be calculated by the STT with the primary objective of achieving all-species fisheries without imposing chinook restrictions (i.e., area closures or bag limit reductions).

Chinook in excess of all-species fisheries needs may be utilized by directed chinook fisheries north of Cape Falcon or by negotiating a chinook/coho trade with another fishery participant group.

In season management actions may be taken by the National Marine Fisheries Service Regional Director to assure that the primary objective of the chinook harvest guidelines for each of the three recreational subareas north of Cape Falcon are met. Such actions might include: closure from 0 to 3, or 0 to 6, or 3 to 200, or 5 to 200 nautical miles from shore; closure from a point extending due west from Tatoosh Island for 5 miles, then south to a point due west of Umatilla Reef Buoy, then due east to shore; closure from North Head at the Columbia River mouth north to Leadbetter Point; change species which may be landed; or other actions as prescribed in the annual regulations.

[End of Amendment 10, north of Cape Falcon recreational allocation]

Resume Amendment 9, north of Cape Falcon harvest allocation, as follows:

8.1.1.3 Fishery Allocation Priorities

The priorities listed below will be used to help guide establishment of the final harvest allocation while meeting the overall commercial and recreational fishery objectives.

At total allowable harvest levels up to 300,000 coho and 100,000 chinook:

- Provide coho to the recreational fishery for a late June through early September all-species season. Provide chinook to allow (1) access to coho and, if possible, (2) a minimal chinook-only fishery prior to the all-species season. Adjust days per week and/or institute area restrictions to stabilize season duration.

- Provide chinook to the troll fishery for a May and early June chinook season and provide coho to (1) meet coho hooking mortality in June where needed and (2) access a pink salmon fishery in odd years. Attempt to ensure that part of the chinook season will occur after June 1.
At total allowable harvest levels above 300,000 coho and above 100,000 chinook:

- Relax any restrictions in the recreational all-species fishery and/or extend the all-species season beyond Labor Day as coho quota allows. Provide chinook to the recreational fishery for a Memorial Day through late June chinook-only fishery. Adjust days per week to ensure continuity with the all-species season.

- Provide coho for an all-salmon troll season in late summer and/or access to a pink fishery. Leave adequate chinook from the May through June season to allow access to coho.

[End of Amendment 9, north of Cape Falcon harvest allocation]

8.1.2 South of Cape Falcon – Coho

Amendment 7 (Issue 1, Alternative 2, pages 5–6), effective March 8, 1987, replaces south of Cape Falcon coho harvest allocation as follows:

The allocation of allowable ocean harvest of coho salmon south of Cape Falcon has been developed to provide a more stable recreational season and increased economic benefits of the ocean salmon fisheries at varying stock abundance levels. When coupled with various recreational harvest reduction measures or the timely transfer of unused recreational allocation to the commercial fishery, the allocation schedule is designed to help secure recreational seasons extending at least from Memorial Day through Labor Day, assist in maintaining commercial markets even at relatively low stock sizes, and fully utilize available harvest. Total ocean catch of coho south of Cape Falcon will be treated as a quota to be allocated between troll and recreational fisheries as provided in Table 8–3.

(Note: The allocation schedule provides guidance only when coho abundance permits a directed coho harvest, not when the allowable impacts are insufficient to allow coho retention south of Cape Falcon. At such low levels, allocation of the allowable impacts will be accomplished during the Council's preseason process.)

Amendment 10 (Issue 1, page 4), effective July 11, 1991, replaces second paragraph of south of Cape Falcon coho allocation in Amendment 7 as follows:

The allocation schedule is designed to give sufficient coho to the recreational fishery to increase the probability of attaining no less than a Memorial Day to Labor Day season as stock sizes increase. This increased allocation means that, in many years, actual catch in the recreational fishery may fall short of its allowance. In such situations, managers will make an inseason reallocation of unneeded recreational coho to the south of Cape Falcon troll fishery. The reallocation should be structured and timed to allow the commercial fishery sufficient opportunity to harvest any available reallocation prior to September 1, while still assuring completion of the scheduled recreational season (usually near mid–September) and, in any event, the continuation of a recreational fishery through Labor Day. This reallocation process will occur no later than August 15 and will involve projecting the recreational fishery needs for the remainder of the summer season. The remaining projected recreational catch needed to extend the season to its scheduled closing date will be a harvest guideline rather than a quota. If the guideline is met prior to Labor Day, the season may be allowed to continue if further fishing is not expected to result in any significant danger of impacting the allocation of another fishery or of failing to meet an escapement goal.

[End of Amendment 10, south of Cape Falcon coho allocation]
<table>
<thead>
<tr>
<th>Total Allowable Ocean Harvest</th>
<th>Recreational Allocation</th>
<th>Commercial Allocation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td>Percentage</td>
</tr>
<tr>
<td>≤100</td>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td>200</td>
<td>167</td>
<td>84</td>
</tr>
<tr>
<td>300</td>
<td>200</td>
<td>67</td>
</tr>
<tr>
<td>350</td>
<td>217</td>
<td>62</td>
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<tr>
<td>400</td>
<td>224</td>
<td>56</td>
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<tr>
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<td>290</td>
<td>32</td>
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<tr>
<td>1,000</td>
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<td>30</td>
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<td>1,100</td>
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<td>1,200</td>
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<td>24</td>
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<td>21</td>
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<tr>
<td>1,900</td>
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<td>450</td>
<td>18</td>
</tr>
<tr>
<td>3,000</td>
<td>500</td>
<td>17</td>
</tr>
</tbody>
</table>

a/ The allocation schedule is based on the following formula: first 150,000 coho to the recreational base (this amount may be reduced as provided in footnote b); over 150,000 to 350,000 fish, share at 2:1, 0.667 to troll and 0.333 to recreational; over 350,000 to 800,000 the recreational share is 217,000 plus 14% of the available fish over 350,000; above 800,000 the recreational share is 280,000 plus 10% of the available fish over 800,000.

b/ If the commercial allocation is insufficient to meet the projected hook-and-release mortality associated with the commercial all-salmon-except-coho season, the recreational allocation will be reduced by the number needed to eliminate the deficit.

c/ When the recreational allocation is 167,000 coho or less, special allocation provisions apply to the recreational harvest distribution by geographic area; see text of FMP as modified by Amendment 11 allocation provisions.

Resume Amendment 7, coho allocation south of Cape Falcon:

The allocation schedule is also designed to assure there are sufficient coho allocated to the troll fishery at low stock levels to ensure a full chinook troll fishery. This hooking mortality allowance will have first priority within the troll allocation. If the troll allocation is insufficient for this purpose, the remaining number of coho needed for the estimated incidental coho mortality will be deducted from the recreational share. At higher stock sizes, directed coho harvest will be allocated to the troll fishery after hooking mortality needs for chinook troll fishing have been satisfied.
The allowable harvest south of Cape Falcon may be further partitioned into subareas to meet management objectives of the FMP. Allowable harvests for subareas south of Cape Falcon will be determined by an annual blend of management considerations including:

1. abundance of contributing stocks
2. allocation considerations of concern to the Council
3. relative abundance in the fishery between chinook and coho
4. escapement goals
5. maximizing harvest potential

Amendment 11 (pages 17–19), effective April 29, 1994, revises following paragraph and adds new criteria when recreational allocation is 167,000 or fewer coho (clarifying letter of April 15, 1994 to Mr. J. Gary Smith provides further background):

Troll coho quotas may be developed for subareas south of Cape Falcon consistent with the above criteria. California recreational catches of coho, including projections of the total catch to the end of the season, would be included in the recreational allocation south of Cape Falcon, but the area south of the Oregon-California border would not close when the allocation is met; except as provided below when the recreational allocation is at 167,000 or fewer fish.

When the south of Cape Falcon recreational allocation is equal to or less than 167,000 coho:

1. The recreational fisheries will be divided into two major subareas, as listed in #2 below, with independent quotas (i.e., if one quota is not achieved or is exceeded, the underage or overage will not be added to or deducted from the other quota; except as provided under #3 below).

2. The two major recreational subareas will be managed within the constraints of the following impact quotas, expressed as a percentage of the total recreational allocation (percentages based on avoiding large deviations from the historical harvest shares):
   a. Central Oregon (Cape Falcon to Humbug Mountain) – 70%
   b. South of Humbug Mountain – 30%

   In addition,
   (1) Horse Mountain to Point Arena will be managed for an impact guideline of 3 percent of the south of Cape Falcon recreational allocation, and
   (2) there will be no coho harvest constraints south of Point Arena. However, the projected harvest in this area (which averaged 1,800 coho from 1986–1990) will be included in the south of Humbug Mountain impact quota.

3. Coho quota transfers can occur on a one-for-one basis between subareas if chinook constraints preclude access to coho.

[End of Amendment 11, coho allocation south of Cape Falcon]

8.2 INDIAN FISHERIES

8.2.1 California

On October 4, 1993 the Solicitor, Department of Interior, issued a legal opinion in which he concluded that the Yurok and Hoopa Valley Indian Tribes of the Klamath River Basin have a federally protected right to
the fishery resource of their reservations sufficient to support a moderate standard of living or 50% of the total available harvest of Klamath–Trinity basin salmon, whichever is less. The Secretary of Commerce recognized the tribes' federally reserved fishing right as applicable law for the purposes of the MFCMA (58 FR 68063, December 23, 1993). The Ninth Circuit Court of Appeals upheld the conclusion that the Hoopa Valley and Yurok tribes have a federally reserved right to harvest fish in Parravano v. Babbitt and Brown, 70 F.3d 539 (1995) (Cert. denied in Parravano v. Babbitt and Brown 110, S.Ct 2546 [1996]). The Council must recognize the tribal allocation in setting its projected escapement level for the Klamath River.

8.2.2 Columbia River

Pursuant to a September 1, 1983 Order of the U.S. District Court, the allocation of harvest in the Columbia River is established under the "Columbia River Fish Management Plan" which was implemented in 1988 by the parties of U.S. et. al v. Oregon, Washington et al. This plan replaced the original 1977 plan (pages 16–20 of the 1978 FMP). The plan provides a framework within which the relevant parties may exercise their sovereign powers in a coordinated and systematic manner in order to protect, rebuild and enhance upper Columbia River fish runs while providing harvest for both treaty Indian and non–Indian fisheries. The parties to the agreement are the United States, the states of Oregon, Washington and Idaho, and four Columbia River Indian tribes—Warm Springs, Yakama, Nez Perce, and Umatilla.

8.2.3 U.S. v. Washington Area

Treaty Indian tribes have a legal entitlement to the opportunity to take up to 50% of the harvestable surplus of stocks which pass through their usual and accustomed fishing areas. The treaty Indian troll harvest which would occur if the tribes chose to take their total 50% share of the weakest stock in the ocean, is computed with the current version of the Fishery Regulation Assessment Model (FRAM), assuming this level of harvest did not create conservation or allocation problems on other stocks. A quota may be established in accordance with the objectives of the relevant treaty tribes concerning allocation of the treaty Indian share to ocean and inside fisheries. The total quota does not represent a guaranteed ocean harvest, but a maximum allowable catch.

The requirement for the opportunity to take up to 50% of the harvestable surplus determines the treaty shares available to the inside/outside Indian and all–citizen fisheries. Ocean coho harvest ceilings off the Washington coast for treaty Indians and all–citizen fisheries are independent within the constraints that (1) where feasible, conservation needs of all stocks must be met; (2) neither group precludes the other from the opportunity to harvest its share; and (3) allocation schemes may be established to specify outside/inside sharing for various stocks.
9.0  OCEAN SALMON HARVEST CONTROLS

A number of management controls are available to manage the ocean fisheries each season, once the allowable ocean harvests and the basis for allocation among user groups have been determined. Among these are management boundaries, seasons, quotas, minimum harvest lengths, fishing gear restrictions, and recreational daily bag limits. Natural fluctuations in salmon abundance require that annual fishing periods, quotas, and bag limits be designed for the conditions of each year. What is suitable one year probably will not be suitable the next. New information on the fisheries and salmon stocks also may require other adjustments to the management measures. The Council assumes these ocean harvest controls also apply to territorial seas or any other areas in state waters specifically designated in the annual regulations.

Some of the more common measures that have been applied to manage ocean salmon fisheries since 1977 under the MFCMA are described below, along with a clarification of the process and flexibility in implementing the measures. The Framework Amendment (1984) provides a more detailed history of salmon harvest controls and rationale for their designation as fixed or flexible elements of the salmon FMP.

9.1 MANAGEMENT BOUNDARIES AND MANAGEMENT ZONES

Management boundaries and zones will be established during the preseason regulatory process or adjusted inseason (Section 13.2) as necessary to achieve a conservation or management objective. A conservation or management objective is one that protects a fish stock, simplifies management of a fishery, or results in the wise use of the resources. For example, management boundaries and management zones can be used to separate fish stocks, facilitate enforcement of regulations, separate conflicting fishing activities, or facilitate harvest opportunities. Management boundaries and zones will be described in the annual regulations by geographical references, coordinates (latitude and longitude), LORAN readings, depth contours, distance from shore, or similar criteria. Figure 9–1 displays management boundaries in common use in the early to mid-1990s.

While there are many specific reasons for utilizing management boundaries or zones which may change from year to year, some boundaries or zones have purposes that remain relatively constant. The boundary used to separate management of Columbia River chinook from those stocks to the south and to divide the Council’s harvest allocation schedules has always been at or near Cape Falcon, Oregon. The Klamath management zone (beginning in 1990, the area between Humbug Mountain, Oregon and Horse Mountain, California) has been used to delineate the area where primary concern is the management of Klamath River fall chinook. A closed zone at the mouth of the Columbia River has been used for several years to eliminate fishing in an area believed to generally contain a high percentage of sublegal “feeder” chinook. A similar zone has been established at the mouth of the Klamath River to allow fish undisturbed access to the river. Changes to these boundaries or zones may require special justification and documentation. However, the basis of establishing most other management boundaries and zones depends on the annual management needs as determined in the preseason process.

9.2 MINIMUM HARVEST LENGTHS FOR OCEAN COMMERCIAL AND RECREATIONAL FISHERIES

Minimum size limits for ocean commercial and recreational fisheries may be changed each year during the preseason regulatory process or modified inseason under the procedures of Section 13.2. Recommended changes must serve a useful purpose which is clearly described and justified, and projections made of the probable impacts resulting from the change.
FIGURE 9-1. Management boundaries in common use during the early to mid-1990s.
Minimum size limits have been relatively stable since the Council began management in 1977 and any changes are expected to occur infrequently. From 1977 through 1995 there were no changes in the size limits for non–Indian commercial fisheries except for the decision to use the California coho minimum length for the entire Klamath management area which extends into Oregon. Recreational minimum size limits did not change between 1988 and 1995. However, in 1996 chinook minimum size limits were increased in California fisheries to reduce impacts on Sacramento River winter chinook.

The minimum size limits listed below (total length in inches) have been consistently used by the Council with only infrequent modifications in limited areas to address special needs or situations.

<table>
<thead>
<tr>
<th></th>
<th>Chinook</th>
<th></th>
<th>Coho</th>
<th></th>
<th>Pink</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Troll</td>
<td>Sport</td>
<td>Troll</td>
<td>Sport</td>
<td></td>
<td></td>
</tr>
<tr>
<td>North of Cape Falcon</td>
<td>28.0</td>
<td>24.0</td>
<td></td>
<td></td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Cape Falcon to Humbug Mt.</td>
<td>26.0</td>
<td>20.0</td>
<td>16.0</td>
<td>16.0</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>South of Humbug Mt.</td>
<td>26.0</td>
<td>20.0</td>
<td>16.0</td>
<td>16.0</td>
<td>None</td>
<td>None</td>
</tr>
</tbody>
</table>

a/ None, except 20 inches off California.

9.3 RECREATIONAL DAILY BAG LIMIT

Recreational daily bag limits for each management area may be set during the preseason regulatory process or modified in season (Section 13.2). They will be set to maximize the length of the fishing season consistent with the allowable level of harvest. In recent years, bag limits of one or two salmon have been commonplace.

In general, for every fishing area, the level of allowable ocean harvest will be determined for the recreational fishery; next, the fishing season will be set to be as long as practicable, including the Memorial Day and/or Labor Day weekends if feasible, consistent with the allowable level of harvest; and, bag limits will be simultaneously set to accommodate that fishing season. In years of low salmon abundance, the season will be short and the bag limit will be low; in years of high salmon abundance, the season will be long and the bag limits will be higher.

9.4 FISHING GEAR RESTRICTIONS

Gear restrictions may be changed annually during the preseason regulatory process and in season as provided in Section 13.2. Recommended changes must serve one or more useful purposes while being consistent with the goals of the plan. For example, changes could be made to facilitate enforcement, reduce hooking mortality, or reduce gear expenses for fishermen. Annual gear restriction changes in previous years have included the requirement for barbless hooks in both the troll and recreational fisheries, and a limit to the number of spreads per line in the troll fishery. Both of these gear changes were instituted to reduce total hook-and-release mortality. Other restrictions have included bait size, number of rods per recreational fisher and requirements for the number of lines or the attachment of lines to the vessel in the commercial fishery.

9.5 SEASONS AND QUOTAS

For each management area or subarea, the Council has the option of managing the commercial and recreational fisheries for either coho or chinook using the following methods: (1) fixed quotas and seasons; (2) adjustable quotas and seasons; and (3) seasons only. The Council may also use harvest guidelines within quotas or seasons to trigger inseason management actions which were established in the preseason regulatory process.
9.5.1 Preferred Course of Action

Because of the need to use both seasons and quotas, depending on the circumstances, the Council decided to make the decision regarding seasons and quotas annually during the preseason regulatory process, subject to the limits specified below. Fishing seasons and quotas also may be modified during the season as provided under Section 13.2.

9.5.2 Procedures for Calculating Seasons

Seasons will be calculated using the total allowable ocean harvest determined by procedures described in Chapter 7.0, and further allocated to the commercial and recreational fishery in accordance with the allocation plan presented in Chapter 8.0, and after consideration of the estimated amount of effort required to catch the available fish, based on past seasons.

Amendment 9 (Issue 6, Alternative 3, pages 46 and 48), effective May 1, 1989, deletes five season limitations and results in the modified paragraph as follows:

Recreational seasons will be established with the goal of encompassing Memorial Day and/or Labor Day weekends in the season, if feasible. Opening dates will be adjusted to provide reasonable assurance that the recreational fishery is continuous, minimizing the possibility of an in-season closure.

[End of Amendment 9, deletion of season limitations]

Criteria used to establish commercial seasons, in addition to the estimated allowable ocean harvests (Chapter 7.0), the allocation plan (Chapter 8.0), and the expected effort during the season, will be: (1) shaker wastage; (2) size, poundage, and value of fish caught; (3) effort shifts between fishing areas; (4) harvest of pink salmon in odd-numbered years; and (5) protection for weak stocks when they frequent the fishing areas at various times of the year.

9.5.3 Species Specific Fisheries

In addition to the all-species seasons and the all-species–except–coho seasons established for the commercial and recreational fisheries, other species limited fisheries, such as "ratio" fisheries, may be considered by the Council during the preseason regulatory process based on the following guidelines:

1. harvestable fish of the target species are available;
2. harvest of incidental species will not exceed allowable levels determined in the management plan;
3. proven, documented selective gear exists (if not, only an experimental fishery should be considered);
4. significant wastage of incidental species will not occur or a written economic analysis demonstrates the landed value of the target species exceeds the potential landed value of the wasted species; and
5. the species specific or ratio fishery will occur in an acceptable time and area where wastage can be minimized and target stocks are maximally available.

9.5.4 Procedures for Calculating Quotas

Quotas will be based on the total allowable ocean harvest as determined by the procedures of Chapter 7.0 and the allocation plan in Chapter 8.0.
To the extent adjustable quotas are used, they may be subject to some or all of the following inseason adjustments:

1. For coho, private hatchery contribution to the ocean fisheries in the OPI area.

2. Unanticipated loss of shakers (undersized fish or unauthorized fish of another species that have to be returned to the water) during the season. (Adjustment for coho hooking mortality during any all-salmon–except–coho season will be made when the quotas are established.)

3. Any catches that take place in the fisheries in territorial waters that are inconsistent with federal regulations in the EEZ.

4. If ability to update inseason stock abundance is developed in the future, adjustments to total allowable harvest could be made where appropriate.

5. Ability to redistribute quotas between subareas depending on performance toward catching the overall quota in the area.

Changes in the quotas as a result of the inseason adjustment process will be avoided unless the changes are of such magnitude that they are scientifically valid as determined by the STT and Council, given the precision of the original estimates.

The basis for determining the private hatchery contribution in (1) above will be either coded-wire tag analysis or analysis of scale patterns, whichever is determined by the Team to be more accurate, or any other method that may become more accurate as determined by the Team and Council.

In reference to (4) and (5) above, if reliable techniques become available for making inseason estimates of stock abundance, and provision is made in any season for its use, a determination of techniques to be applied will be made by the Council and discussed during the preseason regulatory process.

9.5.5 Procedures for Regulating Ocean Harvests of Pink and Sockeye

Sockeye salmon are only very rarely caught in Council–managed ocean salmon fisheries and no specific procedures have been established to regulate their harvest. Procedures for pink salmon are as follows:

1. All–species seasons will be planned such that harvest of pink salmon can be maximized without exceeding allowable harvests of chinook and/or coho quotas and within conservation and allocation constraints of the pink stocks.

2. Species specific or ratio fisheries for pink salmon will be considered under the guidelines for species specific fisheries presented in Section 9.5.3, and allocation constraints of the pink stocks.

9.6 OTHER HARVEST CONTROLS

9.6.1 Treaty Indian Ocean Fishing

Since 1977 the Council has adopted special measures for the treaty Indian ocean troll fisheries off the Washington Coast. The Makah, Quileute, Hoh, and Quinault tribes are entitled by federal judicial determination to exercise their treaty rights in certain ocean areas. In addition, Lower S'Klallam, Jamestown S'Klallam and Port Gamble S'Klallam tribes are entitled by federal judicial determination to exercise their treaty rights in ocean salmon Area 4B, the entrance to the Strait of Juan de Fuca.

The treaty Indian ocean salmon fishing regulations will be established annually during the preseason regulatory process. The affected tribes will propose annual treaty Indian ocean fishing regulations at the
March meeting of the Council. After a review of the proposals, the Council will adopt treaty Indian regulations along with non-treaty ocean fishing regulations for submission to the Secretary of Commerce at the April Council meeting.

The specific timing and duration of the treaty Indian ocean salmon season varies with expected stock abundance and is limited by quotas for both chinook and coho. Within these constraints, the general season structure has been a chinook-directed fishery in May and June, followed by an all-salmon season from July through the earliest of quota attainment or October 31.

9.6.1.2 Seasons

Given that the traditional tribal ocean season has changed in recent years and because it is largely up to the tribes to recommend annual ocean management measures applicable to their ocean fishery, a flexible mechanism for setting fishing seasons is proposed so that desired changes can be made in the future without the need for plan amendment.

The treaty Indian troll season will be established based upon input from the affected tribes, but would not be longer than that required to harvest the maximum allowable treaty Indian ocean catch. The maximum allowable treaty Indian ocean catch will be computed as the total treaty harvest that would occur if the tribes chose to take their total entitlement of the weakest stock in the ocean, assuming this level of harvest did not create conservation or allocation problems on other stocks.

9.6.1.3 Quotas

Fixed or adjustable quotas by area, season or species may be employed in the regulation of treaty Indian ocean fisheries, provided that such quotas are consistent with established treaty rights. The maximum size of quotas shall not exceed the harvest that would result if the entire treaty entitlement to the weakest run were to be taken by treaty ocean fisheries. Any quota established does not represent a guaranteed ocean harvest, but a maximum ceiling on catch. Catches in ocean salmon Area 4B are counted within the tribal ocean harvest quotas during the May 1–September 30 ocean management period.

To the extent adjustable quotas are used, they may be subject to some or all of the following inseason adjustments:

1. Unanticipated shaker loss during the season.

2. Catches by treaty ocean fisheries that are inconsistent with federal regulations in the EEZ.

3. If an ability to update inseason stock abundance is developed in the future, adjustments to quotas could be made where appropriate.

4. Ability to redistribute quotas between subareas depending upon performance toward catching the overall quota for treaty ocean fisheries in the area.

Procedures for the above inseason adjustments will be made in accordance with Section 13.2.

Changes in the quotas as a result of inseason adjustment process will be avoided unless the changes are of such magnitude that they are scientifically valid as determined by the STT and Council, given the precision of the original estimates.

Harvest guidelines may be used within overall quotas to trigger inseason management actions which were established during the preseason regulatory process.
9.6.1.4 Areas

Current tribal ocean fishing areas in the EEZ (subject to change by court order) are as follows:

Makah – north of 48°02'15" N to the U.S./Canada border.

Hoh – south of 47°54'18" N and north of 47°21'00" N.

Quileute – south of 48°07'36" N and north of 47°31'42" N.

Quinault – south of 47°40'06" N and north of 46°54'03" N.

In addition, a portion of the usual and accustomed fishing areas for the Lower Elwha, Jamestown and Port Gamble S'Klallam Tribes is in ocean salmon Area 4B at the entrance to the Strait of Juan de Fuca (Bonilla–Tatoosh line east to the Sekiu River).

Area restrictions may be employed in the regulation of treaty ocean fisheries, consistent with established treaty rights. For example, in 1982 treaty fishing was prohibited within a six-mile radius around the Queets and Hoh River mouths when the area was closed to non-treaty salmon fishing.

9.6.1.5 Size Limits and Gear Restrictions

Regulations for size limits and gear restrictions for treaty ocean fisheries will be based on recommendations of the affected treaty tribes.

Amendment 12 (Issue 1, page 6), effective July 31, 1997, modifies prohibition against use of nets to fish for salmon:

9.6.2 Net Prohibition

No person shall use nets to fish for salmon in the EEZ except that a hand-held net may be used to bring hooked salmon on board a vessel. Salmon caught incidentally in trawl nets while legally fishing under the groundfish FMP are a prohibited species as defined by the groundfish regulations (50 CFR Part 660, Subpart G). However, in cases where the Council determines it is beneficial to the management of the groundfish and salmon resources, salmon bycatch may be retained under the provisions of a Council-approved program which defines the handling and disposition of the salmon. The provisions must specify that salmon remain a prohibited species and, as a minimum, include requirements that allow accurate monitoring of the retained salmon, do not provide incentive for fishers to increase salmon bycatch and assure fish do not reach commercial markets. In addition, during its annual regulatory process for groundfish, the Council must consider regulations which would minimize salmon bycatch in the monitored fisheries.

[End Amendment 12]

9.6.3 Prohibition on Removal of Salmon Heads

No person shall remove the head of any salmon caught in the EEZ, nor possess a salmon with the head removed if that salmon has been marked by removal of the adipose fin to indicate that a coded-wire tag has been implanted in the head of the fish.
9.6.4 Steelhead Prohibition

Amendment 9 (Issue 4, Alternative 2, page 37), effective May 1, 1989, adds recreational fishermen to those who may retain and possess steelhead:

Persons, other than Indians with judicially-declared rights to do so and legally licensed recreational fishermen, may not take and retain, or possess any steelhead within the EEZ.

[End of Amendment 9, steelhead retention]

9.6.5 Prohibition on Use of Commercial Troll Fishing Gear for Recreational Fishing

No person shall engage in recreational fishing for salmon while aboard a vessel engaged in commercial fishing.

9.6.6 Experimental Fisheries

The Council may recommend that the Secretary allow experimental fisheries in the EEZ for research purposes that are proposed by the Council, federal government, state government, or treaty Indian tribes having usual and accustomed fishing grounds in the EEZ.

The Secretary may not allow any recommended experimental fishery unless he determines that the purpose, design, and administration of the experimental fishery are consistent with the goals and objectives of the Council's fishery management plan, the national standards of the MFCMA, and other applicable law. Each vessel that participates in an approved experimental fishery will be required to carry aboard the vessel the letter of approval, with specifications and qualifications (if any), issued and signed by the Regional Director of NMFS.

9.6.7 Scientific Research

This plan neither inhibits nor prevents any scientific research in the EEZ by a scientific research vessel. The Secretary will acknowledge any notification he receives about scientific research on salmon being conducted by a research vessel. The Regional Director of NMFS will issue to the operator/master of that vessel a letter of acknowledgment, containing information on the purpose and scope (locations and schedules) of the activities. Further, the Regional Director will transmit copies of such letters to the Council and to state and federal fishery and enforcement agencies to ensure that all concerned parties are aware of the research activities.
10.0 DATA NEEDS, DATA COLLECTION METHODS, AND REPORTING REQUIREMENTS

Successful management of the salmon fisheries requires considerable information on the fish stocks, the amount of effort for each fishery, the harvests by each fishery, the timing of those harvests, and other biological, social, and economic factors. Much of the information must come from the ocean fisheries; other data must come from inside fisheries, hatcheries, and spawning grounds. Some of this information needs to be collected and analyzed daily, whereas other types need to be collected and analyzed less frequently, maybe only once a year. In general, the information can be divided into that needed for insseason management and that needed for annual and long-term management. The methods for reporting, collecting, analyzing, and distributing information can be divided similarly.

10.1 INSEASON MANAGEMENT

10.1.1 Data Needs

Managers require certain information about the fisheries during the season if they are to control the harvests to meet established quotas and goals. If conditions differ substantially from those expected, it may be necessary to modify the fishing seasons, quotas, or other management measures. The following information is useful for insseason management:

a. harvest of each species by each fishery in each fishing area by day and by cumulative total;
b. number of troll day boats and trip boats fishing;
c. estimated average daily catch for both day and trip boats;
d. distribution and movement of fishing effort;
e. average daily catch and effort for recreational fishery;
f. estimates of expected troll fishing effort for the remainder of the season;
g. information on the contribution of various fish stocks, determined from recovered coded-wire tags, scales, or other means.

10.1.2 Methods for Obtaining Inseason Data

Amendment 9 (Issue 5, Alternative 2, page 40 as modified on page 42), effective July 13, 1989, adds radio reports from commercial fishermen (part 1 of 2):

Inseason management requires updating information on the fisheries daily. Thus, data will be collected by sampling the landings, aerial surveys, radio reports and telephone interviews.

In general, data necessary for insseason management will be gathered by one or more of the following methods. Flights over the fishing grounds will be used to obtain information on the distribution, amount and type of commercial fishing effort. Data on the current harvests by commercial and Indian ocean fishermen will be obtained by telephoning selected (key) fish buyers, by sampling the commercial landings on a daily basis and from radio reports. Data on the current effort of, and harvests by, the recreational fisheries will be obtained by telephoning selected charterboat and boat rental operators and by sampling landings at selected ports. Analyses of fish scales, recovered fish tags, and other methods will provide information on the composition of the stocks being harvested.

[End of Amendment 9, radio reports (part 1 of 2)]
10.2 ANNUAL AND LONG-TERM MANAGEMENT

10.2.1 Data Needs

In addition to the data used for inseason management, a considerable amount of information is used for setting the broad measures for managing the fishery, evaluating the success of the previous year's management, and evaluating the effectiveness of the plan in achieving the long-term goals. Such data include landings, fishing effort, dam counts, smolt migration, returns to hatcheries and natural spawning areas, stock contribution estimates and economic information.

10.2.2 Methods for Obtaining Annual and Long-Term Data

In addition to those methods used for collecting data for in-season management, the longer term data will be collected by the use of (a) fish tickets (receipts a fish buyer completes upon purchasing fish from a commercial fisherman), (b) log books kept by commercial fishermen and submitted to the state fishery management agencies at the end of the season, and (c) punch cards completed by a recreational fisherman each time he catches a fish to show location, date, and species and submitted to the state agency, either when the whole card is completed or at the end of the season.

The local fishery management authorities (states, Indian tribes) will collect the necessary catch and effort data and will provide the Secretary with statistical summaries adequate for management. The local management authorities, in cooperation with the National Marine Fisheries Service, will continue the ongoing program of collecting and analyzing data from salmon processors.

Data on spawning escapements and jack returns to public and private hatcheries, other artificial production facilities, and natural spawning grounds will be collected by the accepted methods now being used by those authorities. The methods used to collect these data should be identified and available to the public.

10.3 REPORTING REQUIREMENTS

Amendment 9 (Issue 5, Alternative 2, page 40 as modified on page 42), effective May 1, 1989, adds radio reports from commercial fishers (part 2 of 2):

This plan authorizes the local management authorities to determine the specific reporting requirements for those groups of fishermen under their control and to collect that information under existing state data-collection provisions. With one exception, no additional catch or effort reports will be required of fishermen or processors as long as the data collection and reporting systems operated by the local authorities continue to provide the Secretary with statistical information adequate for management. The one exception would be to meet the need for timely and accurate assessment of inseason management data. In that instance the Council may annually recommend implementation of regulations requiring brief radio reports from commercial salmon fishermen who leave a regulatory area in order to land their catch in another regulatory area open to fishing. The federal or state entities receiving these radio reports would be specified in the annual regulations.

[End of Amendment 9, radio reports (part 2 of 2)]
11.0 SCHEDULE AND PROCEDURES FOR ANALYZING THE EFFECTIVENESS OF THE SALMON FMP

To effectively manage the salmon fisheries, the Council must monitor the status of the resource and the fisheries harvesting that resource to make sure that the goals and objectives of the plan are being met. Fishery resources vary from year to year depending on environmental factors, and fisheries vary from year to year depending on social and economic factors. The plan must be flexible enough to accommodate regulatory changes that will allow the Council to achieve its biological, social, and economic goals.

Annually the Council's salmon team will review the previous season's commercial, recreational, and treaty Indian fisheries and evaluate the performance of the plan with respect to achievement of the framework management objectives (Section 3.0). Consideration will be given by the team to the following areas:

1. Allowable harvests
2. Escapement goals, natural and hatchery
3. Mixed stocks management
4. Federally recognized Indian fishing rights
5. Allocation goals
6. Mortality factors
7. Achievement of optimum yield
8. Effort management systems
9. Coordination with all management entities
10. Consistency with treaties
11. Comparison with previous seasons
12. Protection and improvement of environment
13. Restoration and enhancement of production

Other factors which may be considered include a summary of progress made and predictions of expected progress in reaching the goals of the FMP. This evaluation will be submitted annually for review by the Salmon Advisory Subpanel, SSC, and the Council.

Certain principles are fixed in this framework FMP, including the management unit, management objectives, the basis for allocation between ocean commercial and recreational fisheries, and the spawning escapement goals which are subject to change only by the order of a federal court or upon Council approval of a salmon team recommendation or by emergency regulation. The Council will review these principles annually and, if changes are required, will institute a plan amendment.
12.0 SCHEDULE AND PROCEDURES FOR PRESEASON MODIFICATION OF THE REGULATIONS

The process for establishing annual or preseason management measures under the framework FMP contains a nearly equivalent amount of analysis, public input and review to that provided under the former annual amendment process and will not require annual preparation of a supplemental environmental impact statement (SEIS) and regulatory impact review/regulatory flexibility analysis (RIR/RFA). This allows the Salmon Technical Team to wait to prepare its report until all of the data are available, thus eliminating the need to discuss an excessively broad range of options as presented prior to the framework plan.

The process and schedule for setting the preseason regulations will be approximately as follows:

<table>
<thead>
<tr>
<th>Approximate Date</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>First week of March</td>
<td>Notice published in the Federal Register announcing the availability of team and Council documents, the dates and location of the two Council meetings, the dates and locations of the public hearings, and publishing the complete schedule for determining proposed and final modifications to the management measures. Salmon team reports which review the previous salmon season, project the expected salmon stock abundance for the coming season and describe any changes in estimation procedures, are available to the public from the Council office.</td>
</tr>
<tr>
<td>First or second full week of March</td>
<td>Council and advisory entities meet to adopt season regulatory options for formal public hearing. Proposed options are initially developed by the Salmon Advisory Subpanel and further refined after analysis by the Salmon Technical Team, public comment and consideration by the Council.</td>
</tr>
<tr>
<td>Following March</td>
<td>Council newsletter, public hearing announcement and Salmon Technical Council staff report are released which outline and analyze Council–adopted options. The team/staff report includes a description of the options, brief rationale for their selection and an analysis of expected biological and economic impacts.</td>
</tr>
<tr>
<td>Last week of March or first week of April</td>
<td>Formal public hearings on the proposed salmon management options.</td>
</tr>
<tr>
<td>First or second full week of April</td>
<td>Council and advisory entities meet to adopt final regulatory measure recommendations for implementation by the Secretary of Commerce.</td>
</tr>
<tr>
<td>First week of May</td>
<td>Final notice of Secretary of Commerce decision and final management measures in Federal Register.</td>
</tr>
<tr>
<td>May 15</td>
<td>Close of public comment period.</td>
</tr>
</tbody>
</table>

a/ Scheduling of the March and April Council meetings is determined by the need to allow for complete availability of pertinent management data, provide time for adequate public review and comment on the proposed options, and afford time to process the Council’s final recommendations into federal regulations by May 1. Working backward from the May 1 implementation date, the April Council meeting is generally set as late as possible while not extending past April 12 for approval of final salmon management recommendations. The March Council meeting is set as late as possible while ensuring no less than three to four weeks between the end of the March meeting and beginning of the April meeting.

The actions by the Secretary after receiving the preseason regulatory modification recommendations from the Council will be limited to accepting or rejecting in total the Council’s recommendations. If the Secretary
rejects such recommendations he will so advise the Council as soon as possible of such action along with his basis for rejection, so that the Council can reconsider. Until such time as the Council and the Secretary can agree upon modifications to be made for the upcoming season, the previous year's regulations will remain in effect. This procedure does not prevent the Secretary from exercising his authority under Sections 304(c) or 305(c) of the Magnuson Act and issuing emergency regulations as appropriate for the upcoming season.

Preseason actions by the Secretary, following the above procedures and schedule, would be limited to the following:

1. Specify the annual abundance, total allowable harvest and allowable ocean harvest.

2. Allocate ocean harvest to commercial and recreational fishermen and to treaty Indian ocean fishermen where applicable.

3. Review ocean salmon harvest control mechanism from previous year; make changes as required in:
   
   a. Management area boundaries
   b. Minimum harvest lengths
   c. Recreational daily bag limits
   d. Gear requirements (i.e., barbless hooks, etc.)
   e. Seasons and/or quotas
   f. Ocean regulations for treaty Indian fishermen
   g. Inseason actions and procedures to be employed during the upcoming season

Because the harvest control measures and restrictions remain in place until modified, superseded, or rescinded, changes in all of the items listed in "3" above may not be necessary every year. When no change is required, intent not to change will be explicitly stated in preseason decision documents.

The Framework Amendment (1984) provides further rationale for the current preseason procedures and the replacement of the old process of annual plan amendments to establish annual regulations.
13.0 INSEASON MANAGEMENT ACTIONS AND PROCEDURES

Amendment 7 (Issue 2, Alternative 2, pages 14–19), effective March 8, 1987, modifies basis for inseason management actions as follows:

Inseason modifications of the regulations may be necessary under certain conditions to fulfill the Council's objectives. Inseason actions include "fixed" or "flexible" actions as described below.

13.1 FIXED INSEASON ACTIONS

Three fixed inseason actions may be implemented routinely as specifically provided in the subsections below.

13.1.1 Automatic Season Closures When the Quotas Are Reached

The Salmon Technical Team will attempt to project the date a quota will be reached in time to avoid exceeding the quota and to allow adequate notice to the fishermen. The State Directors and the Council Chairman will be consulted by the NMFS Regional Director before action is taken to close a fishery. Closures will be coordinated with the states so that the effective time will be the same for EEZ and state waters. A standard closure notice will be used and will specify areas that remain open as well as those to be closed. To the extent possible, all closures will be effective at midnight and a 48-hour notice will be given of any closure. When a quota is reached, the Regional Director will issue a notice of closure of the fishery through local news media at the same time that a notice of fishery closure is published in the Federal Register.

Fixed inseason actions for the "rescission of automatic closure" and "adjustment for error in preseason estimates" were contained in a Council letter of September 21, 1984 to Dr. Thomas E. Kruse and published as technical amendments at 50 FR 4977 (February 5, 1985):

13.1.2 Rescission of Automatic Closure

If, following the closing of a fishery after a quota is reached, it is discovered that the actual catch was overestimated and the season was closed prematurely, the Secretary is authorized to reopen the fishery if:

1. The shortfall is sufficient to allow at least one full day's fishing (24 hours) based on the best information available concerning expected catch and effort; and

2. The unused portion of the quota can be taken before the scheduled season ending.

13.1.3 Adjustment for Error in Preseason Estimates

The Secretary may make changes in seasons or quotas if a significant computational error or errors made in calculating preseason estimates of salmon abundance have been identified; provided that such correction to a computational error can be made in a timely fashion to affect the involved fishery without disrupting the capacity to meet the objectives of the management plan. Such correction and adjustments to seasons and quotas will be based on a Council recommendation and Salmon Technical Team analysis.

[End of technical amendment, February 5, 1985]
Continuation of Amendment 7, flexible inseason management:

13.2 FLEXIBLE INSEASON ACTIONS

Fishery managers must determine that any inseason adjustment in management measures is consistent with ocean escapement goals, conservation of the salmon resource, any federally recognized Indian fishing rights, and the ocean allocation scheme in the framework FMP. In addition, all inseason adjustments must be based on consideration of the following factors:

- Predicted sizes of salmon runs
- Harvest quotas and hooking mortality limits for the area and total allowable impact limitations if applicable
- Amount of the recreational, commercial, and treaty Indian fishing effort and catch for each species in the area to date
- Estimated average daily catch per fisherman
- Predicted fishing effort for the area to the end of the scheduled season
- Other factors as appropriate (particularly, fisher safety affected by weather or ocean conditions as noted in Amendment 8)

Flexible inseason provisions must take into consideration the factors and criteria listed above and would include, but not be limited to, the following.

1. Modification of quotas and/or fishing seasons would be permitted. Redistribution of quotas between recreational and commercial fisheries would be allowed if the timing and procedure are described in preseason regulations. If total quotas or total impact limitations by fishery are established, subarea quotas north and south of Cape Falcon, Oregon can be redistributed within the same fishery. Other redistributions of quotas would not be authorized. Also allowable would be the establishment of new quotas and/or seasons, and establishment of, or changes to, hooking mortality and/or total allowable impact limitations during the season. Action based on revision of preseason abundance estimates during the season would be dependent on development of a Council approved methodology for inseason abundance estimation.

2. Modifications in the species which may be caught and landed during specific seasons and the establishment or modification of limited retention regulations would be permitted (e.g., changing from an all-species season to a single-species season, or requiring a certain number of one species to be caught before a certain number of another species can be retained).

3. Changes in the recreational bag limits and recreational fishing days per calendar week would be allowed.

4. Establishment or modification of gear restrictions would be authorized.

5. Modification of boundaries, including landing boundaries, and establishment of closed areas would be permitted.

   Insert Amendment 8 (Issue 2, Option 1, pages 12-13), effective August 8, 1988, temporary season adjustments for safety considerations:

6. Temporary adjustments for fishery access due to weather, adverse oceanic conditions or other safety considerations (see Council policy of September 18, 1992 regarding implementation of this action).

   [End Amendment 8, temporary adjustments for safety]
The flexibility of these inseason management provisions requires responsibility to assure that affected users are adequately informed and have had the opportunity for input into potential inseason management changes.

[End Amendment 7, inseason actions]

13.3 PROCEDURES FOR INSEASON ACTIONS

1. Prior to taking any inseason action, the Regional Director will consult with the Chairman of the Council and the appropriate State Directors.

2. As the actions are taken by the Secretary, the Regional Director will compile, in aggregate form, all data and other information relevant to the action being taken and shall make them available for public review during normal office hours at the Northwest Regional Office, National Marine Fisheries Service, 7600 Sand Point Way NE, Seattle, Washington 98115.

   Amendment 9 (Issue 3, Alternative 2, page 33), effective May 1, 1989, replaces inseason notice procedures:

3. Inseason management actions taken under both the "fixed" and "flexible" procedures will become effective by announcement in designated information sources (rather than by filing with the Office of the Federal Register [OFR]). Notice of inseason actions will still be filed with the OFR as quickly as possible.

   The following information sources will provide actual notice of inseason management actions to the public: (1) the U.S. Coast Guard "Notice to Mariners" broadcast (announced over Channel 16 VHF-FM and 2182 KHZ); (2) state and federal telephone hotline numbers specified in the annual regulations and (3) filing with the Federal Register. Identification of the sources will be incorporated into the preseason regulations with a requirement that interested persons periodically monitor one or more source. In addition, all the normal channels of informing the public of regulatory changes used by the state agencies will be used.

   [End Amendment 9, inseason notice procedures]

4. If the Secretary determines, for a good cause, that a notice must be issued without affording a prior opportunity for public comment, public comments on the notice will be received by the Secretary for a period of 15 days after the effective date of the notice.
14.0 SCHEDULE AND PROCEDURES FOR AMENDMENT OF THE FMP

Modifications not covered within the framework mechanism will require either an FMP amendment or emergency Secretarial action. The amendment process generally requires at least a year from the date development of the draft amendment by the Council begins. In order for regulations implementing an amendment to be in place at the beginning of the traditional commercial fishing season (May 1), the Council will need to begin the process by no later than April of the previous season. It is not anticipated that amendments will be processed in an accelerated December-to-May schedule and implemented by emergency regulations.

Emergency regulations may be promulgated without an FMP or FMP amendment. Depending upon the level of controversy associated with the action, the Secretary can implement emergency regulations within 20–45 days after receiving a request from a Council. Emergency regulations can include non-resource emergencies and are in effect for 90 days. A second 90-day extension is possible if both the Secretary and Council concur.

Amendment 8 (Issue 2, Option 1, page 13), effective August 8, 1988, temporary season adjustments for safety considerations:

Part of the process for evaluating all future FMP amendment proposals will be to consider whether they will result in the need for temporary adjustments for fishery access due to weather, adverse oceanic conditions or other safety considerations.

[End Amendment 8, temporary adjustments for safety]
15.0 LITERATURE CITED


