May 27, 2011

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

Dear Mr. Cedergreen:

The Pacific Fishery Management Council is scheduled to take final action on Amendment 16 to the Salmon Fishery Management Plan (FMP) at the June 2011 Council meeting. The purpose of Amendment 16 is to revise the Salmon FMP as needed to comply with changes in the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and associated National Standard I Guidelines (NS I G). The MSA has deadlines for ensuring that all of the regional Councils’ FMPs comply with the Act and the NS I Gs. It is imperative that Amendment 16 be approved and implemented through regulations by the end of 2011. Completing work on Amendment 16 is therefore a high priority for the National Oceanic and Atmospheric Administration’s National Marine Fisheries Service. We look forward to our ongoing work with the Council to meet this important goal.

There is one issue in the draft Environmental Assessment for Amendment 16 that warrants comment as we approach the June Council meeting. The preliminary preferred alternative in the draft Environmental Assessment indicates a preference for continued reliance on the 35,000 fish escapement floor for Klamath River fall Chinook (KRFC). This comes up in Section 2.3 that describes the alternatives for reference points, and in Section 2.5 that describes the alternatives for de minimis fishing. Under the preferred alternative, the S-based reference point framework would continue to rely on a control rule with a target spawner abundance of 35,000. A control rule with a spawner abundance of 35,000 would also affect how de minimis fisheries are implemented during years of low abundance.

The best available scientific information indicates that the maximum sustained yield escapement level (S\text{MSY}) for KRFC is 40,700. It therefore seems problematic that the Council would recommend alternatives that continue to rely on the current escapement floor in place of S\text{MSY}, resulting in fisheries that target an escapement level below what is expected to produce MSY on what could prove to be a relatively frequent basis. The MSA and NS I Gs are built around the concept of optimum yield (OY) and the imperative to prevent overfishing. The Act and Guidelines use MSY as the basis for fishery management and for determining OY. Specifically, National Standard 1 requires that conservation and management measures in an FMP achieve OY “on a continuing basis.” A recommendation from the Council that results in targeting an
escapement level that is less than the $S_{MSY}$ estimate appears to be inconsistent with the requirements of the Act and Guidelines.

I am aware that Amendment 16 is complicated and will result in extensive revisions to the current FMP. The management scheme for Klamath River fall Chinook has its own unique and complicated history, and is only one of the many topics that need to be addressed through the amendment process. My intent in bringing this particular issue to your attention is to allow time for further discussion that may be needed so we are better prepared to take final action at the Council meeting in the next few weeks.

If you have questions on this matter, please contact me or Peter Dygert of my staff.

Sincerely,

William W. Stelle, Jr.
Regional Administrator