



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
Northwest Region  
7600 Sand Point Way N.E., Bldg. 1  
Seattle, WA 98115

April 10, 2013

Dr. Don McIsaac, Executive Director  
Pacific Fishery Management Council  
8235 Airport Way  
Portland, Oregon 97220

Dear Dr. McIsaac:

The Pacific Fishery Management Council (Council) is considering language in its recommended regulations for 2013 salmon fisheries related to NOAA Fisheries' consideration of inseason actions. NOAA Fisheries is writing to confirm our understanding of the intent of the new language and provide insight into how NOAA Fisheries would apply that language, if adopted, in 2013 and beyond. The language is found in Agenda Item E.4.b, Supplemental STT Report, April 2013, Table 2, Section C.5.d (C.5.d), and addresses potential circumstances where in-season observed data differ from preseason expectations when considering modifying regulations related to the retention of coho. These circumstances may arise when considering the conversion of a mark-selective coho into a fishery that may retain unmarked coho.

First, NOAA Fisheries understands and confirms that the phrase "if significant" is included in the C.5.d language to indicate that under most circumstances the Council anticipates that NOAA Fisheries in-season management determinations will be based upon the pre-season expectations established during the season-setting process. Insignificant differences noticed between pre-season expectations and in-season data should not give rise to undue concern. NOAA Fisheries understands that only unusual circumstances are intended to be addressed by the new language presented in C.5.d language.

Second, there appears to be appreciation among Council members and advisors that it is difficult, if not unwise, to prescribe the variety of factors that may cause a pre-season/in-season difference to be "significant." In fact, circumstances in one year may lead to the conclusion that differences are significant when similar factors applied in the next year may be found to be insignificant. Yet all parties want to avoid adding uncertainty to the inseason management process. NOAA Fisheries understands this, and that the objective of C.5.d is to maintain the existing balance between the joint desires to meet fishery and conservation objectives when faced with an in-season management decision. The new language is interpreted to advise NOAA Fisheries to maintain its current practice relative to management objectives, but to do so without being blind

to “significant” differences in data that would suggest in unique circumstances that pre-season conservation expectations are likely to be exceeded.

True to this understanding, NOAA Fisheries suggests, for example, that large differences between pre-season expectations and observed data may be considered insignificant if ocean quotas and stock impact limits are not expected to be reached, regardless of the inseason action.

NOAA Fisheries appreciates the Council’s willingness to address the circumstances that gave rise to consideration of the C.5.d language. Thank you for fostering robust discussion of the issue with and among your advisors. If there is anything further NOAA Fisheries can do to aid consideration of the language in the C.5.d language, please let me know. Please be assured that, should the Council adopt the C.5.d language in its final regulatory regime, the understanding expressed in this letter will remain that of NOAA Fisheries.

Sincerely,

Robert Turner  
Assistant Regional Administrator  
Salmon Management Division

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