

DRAFT: COUNCIL OPERATING PROCEDURE
Preseason Salmon Management Process

Approved by Council: 09/22/88

Revised: 03/06/90, 04/06/95, 03/11/05, **10/10/13**

PURPOSE

To establish a schedule and procedures governing the annual salmon management process beginning in January and ending in April. The process is limited by available time, as stock abundance forecasts are not available until early February and regulations must be in place by May 1. Therefore, the process must be as efficient as possible while maximizing the opportunity for public involvement. The principal features of the process are; 1) a March meeting to adopt realistic preliminary ocean salmon fishery management ~~options~~alternatives, 2) public hearings, ~~and~~ 3) an April meeting to adopt final management recommendations, and 4) publication of Preseason Reports I, II, and III that combined serve as an Environmental Assessment of the alternatives as required by the National Environmental Policy Act. Several non-Council meetings are also complementary to this process including; ~~1)~~ meetings held prior to the March Council meeting in which state/federal managers review Salmon Technical Team preseason forecast reports with Salmon Advisory Subpanel members and members of the general public, ~~2) meetings of the Klamath Fishery Management Council, and 3) and~~ meetings of the North of Cape Falcon Forum occurring between the March and April Council meetings.

For this process to be effective, the Council should adopt allowable ocean harvest levels as early as possible, and ~~options~~alternatives developed in March should be consistent with the management objectives defined in the fishery management plan (FMP). The April meeting should focus on how to structure ocean fishing seasons which meet, to the maximum practicable extent, the social and economic objectives of the Council.

PROCEDURE

January Notice published in the *Federal Register* announcing the availability of Salmon Technical Team and Council documents, the dates and locations 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 Technical Team (STT) meets to draft the review of ocean salmon fisheries for the previous year.

February through Early March *STT* meets in February to draft preseason report providing stock abundance forecasts and harvest and escapement estimates when recent regulatory regimes are projected on current year abundance.

State and Tribal management ~~and Klamath Fishery Management Council~~

PROCEDURE

meetings occur in February or early March to assess expected stock abundances and possible season options. The STT reports, which summarize the previous salmon season and project the expected salmon stock abundance for the coming season, are available to the public from the Council office.

First or second full week of March^{a/}

The Council and advisory entities meet to adopt not more than three ~~alternative~~ regulatory ~~options~~alternatives for formal public hearings, which are expected to meet FMP management objectives. Prior to adoption of alternatives, the Pacific Salmon Commission (PSC) will be asked to document and articulate to the Council any agreements reached that impact Council management.

The ~~options~~alternatives will represent a range of anticipated total allowable harvest and stock impacts in Council fisheries. 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.

The Council will consider any potential emergency changes to fishery management objectives or other provisions of the FMP. Any request for an emergency change must meet the attached criteria.

Week following March Council meeting

The Council public hearing announcement and Preseason Report II are released which outline Council-adopted ~~options~~alternatives.

Prior to April Council Meeting

Agencies, tribes, and public meet to agree on allowable ocean and inside waters harvest levels north of Cape Falcon. The Council's ocean fishery options are refined to meet allowable ocean harvests based on conservation and allocation objectives.

Last week of March and first week of April

General time frame for formal public hearings on the proposed salmon management ~~options~~alternatives.

First or second full week of April^{a/}

The Council and advisory entities meet to adopt final regulatory measure recommendations for implementation by the Secretary of Commerce. Agreements reached in other forums are presented in writing on Tuesday of the April meeting. New options or analyses presented at the April meeting must be reviewed by the Salmon Technical Team and public prior to action.

First week of May

Final notice of Secretary of Commerce decision and final management measures published in *Federal Register*.

~~May 15~~

~~Close of NMFS public comment period.~~

a/ 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 the beginning of the April meeting. 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~~15 for approval of final salmon management recommendations.

CRITERIA FOR REQUESTING EMERGENCY CHANGES TO THE SALMON FMP

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

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

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

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

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

Criteria

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

1. The issue was not anticipated or addressed in the salmon plan, or an error was made.
2. Waiting for a plan amendment to be implemented would have substantial adverse biological or economic consequences.
3. In the case of allocation issues, the affected user representatives support the proposed emergency action.
4. The action is necessary to meet FMP objectives.
5. If the action is taken, long-term yield from the stock complex will not be decreased.

Process

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

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