

COUNCIL STAFF SCOPING CONSIDERATIONS FOR SALMON FMP AMENDMENT

The Salmon Fishery Management Plan (FMP) allows stocks listed under the Endangered Species Act (ESA) to be managed for ESA consultation standards rather than Salmon FMP conservation objectives. ESA consultation standards and recovery plans are considered sufficient to meet the intent of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) overfishing provisions; therefore, listed stocks are not subject to the Council's Salmon FMP Overfishing Criteria. Natural stocks that have Council area fishery impacts less than 5% (in model base periods) are also exempt from the Council's Overfishing Criteria. The Salmon FMP allows Washington coastal and Puget Sound stocks managed under U.S. District Court orders to be managed for annual conservation objectives, which may differ from the FMP conservation objectives. However, those stocks are still subject to the Council's Overfishing Concern, which means stocks that fail to meet their FMP conservation objective for three consecutive years are considered overfished.

Stocks subject to the Council's Overfishing Criteria that are declared overfished by National Marine Fisheries Service (NMFS) shall have a rebuilding plan developed, which may have provisions to allow for *de minimis* fisheries during the recovery period. However, for stocks such as Klamath River fall Chinook that are not ESA listed and have a fixed management objective, there is no flexibility in the Salmon FMP to allow *de minimis* fisheries when the stock becomes temporarily depressed.

One option to address the *de minimis* fishery issue would be to change the conservation objective for individual stocks. For example, the Klamath River fall Chinook conservation objective could be changed to an exploitation rate objective without a floor, similar to that used for Oregon Coastal Natural (OCN) coho. Under this option the stock would not trigger a Conservation Alert as long as the preseason projected exploitation rate was no more than the annual objective. Nor would the stock trigger an Overfishing Concern as long as the postseason exploitation rate estimate did not exceed the annual objective for three consecutive years.

The Klamath River fall Chinook conservation objective could also be changed to a maximum sustainable yield (MSY) based spawning escapement objective as contemplated in Salmon FMP Amendment 9. This option alone would not provide for *de minimis* fisheries. Under this option, management would be functionally equivalent to the current strategy, but with a different escapement objective.

Another option for Klamath River fall Chinook would be to adopt a sliding scale exploitation rate objective while maintaining the floor, similar to the proposal by the KFMC (Agenda Item C.1.a, Attachment 2). Under this option the stock would not trigger a Conservation Alert as long as the projected exploitation rate was no more than the annual objective, but an Overfishing Concern would be triggered if the floor was not met for three consecutive years.

Another option would be to change the Salmon FMP Overfishing Criteria as it applies to all stocks. The Conservation Alert provision requiring the Council to close salmon fisheries within

Council jurisdiction that impact the stock could be changed to allow *de minimis* fisheries up to some specified impact level, for example, if projected impacts in Council area fisheries were less than 5%.

One possible schedule for an amendment to address *de minimis* fisheries is displayed below. It would identify preliminary alternatives at the March, 2006 meeting, which could receive some cursory analysis prior to a second meeting at the June Council meeting. At the June meeting the Council should adopt the full range of alternatives for detailed analysis, including a preferred alternative if possible. At the September Council meeting a draft NEPA document would be available and the Council could refine the alternatives in preparation for taking final action at the November Council meeting. Final action in November 2006 should allow adequate time for NMFS to implement the amendment by the start of the 2007 management season.

Council Meeting	Action
March 2006	Adopt Preliminary Alternatives
June 2006	1) Review the Analysis of Preliminary Alternatives 2) Adopt a Range of Alternatives and, if Possible, a Preliminary Preferred Alternative
September 2006	1) Review Draft Analysis of Alternatives and NEPA Documents 2) Adopt Alternatives for Public Review, Including a Preferred Alternative
November 2006	Final Action to Adopt a Preferred Alternative for Implementation by May 2007

As the Council moves through the amendment process it should be aware of some related processes, and look for opportunities to gain efficiencies. For example, it is likely the Klamath fall Chinook stock will be declared overfished in 2007 and a rebuilding plan will be required. If an FMP amendment to address *de minimis* fisheries contemplates changing the Klamath fall Chinook conservation objective, it might be advantageous to include a rebuilding strategy in the amendment. The MSA is also likely to be reauthorized in 2006, and there may be elements of the new act that could or should be incorporated into an amendment.

PFMC
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