

FISHERY MANAGEMENT PLAN AMENDMENT 15 (*DE MINIMIS* FISHERIES)

At its March 2006 meeting, the Council directed development of Amendment 15 to the Salmon Fishery Management Plan (FMP). The primary focus of Amendment 15 is defining allowable *de minimis* impacts to Klamath River fall Chinook (KRFC) during times when the conservation objective precludes access to more abundant salmon stocks. This action is needed to avoid a level of fishery restrictions that can lead to severe economic consequences while maintaining the long-term productive capacity of KRFC. Currently, this can be addressed only through the emergency regulation process as was done in 2006.

The process and schedule adopted by the Council was intended to reduce the probability of requiring an emergency rule for 2007 fisheries, should circumstances require. This schedule included (1) adopting of a range of reasonable alternatives at the June Council meeting, (2) review of the analyses of alternatives and, if possible, adoption of a preferred alternative for public review at the September Council meeting, (3) final action on an FMP amendment at the November Council meeting, and (4) implementation by NMFS prior to the start of the 2007 Salmon management season on May 1. If the schedule could not be met, a new schedule was to be identified at the September Council meeting.

At its June 2006 meeting, the Council narrowed the scope of the amendment to only consider *de minimis* fisheries related to KRFC stock status during periods when no fishing opportunities would be allowed under the current FMP. The alternatives included:

1. Status quo (no fishing);
2. A sliding scale allowing increasingly lower total ocean and river fishery impacts (catch + incidental mortality) as stock abundance decreases;
3. A 5% age-4 ocean impact rate cap;
4. A 16% age-4 ocean impact rate cap;
5. A rebuilding feature that would limit *de minimis* fisheries to no more than three consecutive years, with a minimum of three consecutive years with escapement above the 35,000 natural spawner floor before additional *de minimis* fisheries could occur; and
6. The prohibition of any fall/winter fisheries (September 1 through March 14) following spring/summer (March 15 to August 31) *de minimis* fisheries.

Alternatives 5 and/or 6 would be in concert with one of the *de minimis* fishery Alternatives (2, 3, or 4) above.

The Document Subcommittee of the Ad Hoc Salmon Amendment Committee (SAC) met in June, July, and August to analyze the alternatives. The full SAC met on August 9, 2006, to review the second draft amendment. The discussions focused on evaluation criteria, and the biological and economic analytical frameworks. The SAC was able to reach consensus on evaluation criteria for the biological analyses but not for the economic analyses.

The regulatory streamlining subcommittee of the SAC met as a separate group at the August 9, 2006 SAC meeting. Their discussions focused on National Environmental Policy Act (NEPA) requirements for an Environmental Assessment (EA)/Environmental Impact Statement (EIS) and compliance with National Standard 1 guidelines. They reviewed the list of questions required for a finding of no significant impact (FONSI), and felt it was reasonable to expect the NEPA

analysis of Amendment 15 could result in a FONSI. Likewise, they felt the alternatives would meet the intent of National Standard 1 guidelines, and recommended the analysis continue as an EA rather than an EIS.

The results of the biological and economic analyses were not adequately developed to allow a complete draft of Amendment 15 in time for distribution with the briefing materials. Preliminary results and methodology for the various analyses are included in an executive summary (Agenda Item H.2.a, Attachment 1). However, a thorough comparison of the alternatives was not available. There were also some key elements still under development, including evaluation criteria for the economic analyses and the minimum substock spawning escapement, as well as estimates of economic impact in the river tribal and recreational fisheries.

Because of these shortcomings, staff recommends the Council consider the need for further development of the alternatives and analyses, and possible modification of the amendment schedule. Schedule modifications could include adopting alternatives for public review at the September meeting but delaying adoption of a preferred alternative until final action at the November Council meeting, or delaying adoption for public review of alternatives, including a preferred alternative, until the November meeting with final action at the March 2007 meeting. The former option would require the Council to move ahead with the public hearings tentatively scheduled for October in California, Oregon, and Washington. This would require confirming locations and appointing hearings officers and staff to attend the hearings. Locations currently identified include Santa Rosa, Coos Bay, and Westport. The Council may want to consider omitting the Westport hearing since Amendment 15 does not include stocks that affect fisheries north of Cape Falcon, as was contemplated early in the process. The latter alternative would delay the need for public hearings until after the November Council meeting, and more importantly, delay implementation of the amendment until after the start of the salmon management season on May 1, 2007. Therefore, any *de minimis* fishery considerations for 2007 would require implementation by emergency rule.

Council Action:

- 1. Provide direction to the SAC on further analysis of alternatives.**
- 2. As appropriate, adopt Alternatives, including Preferred Alternative, for public review.**
- 3. Update amendment schedule as necessary.**
- 4. Identify locations and staffing for public hearings, as appropriate.**

Reference Materials:

1. Agenda Item H.2.a, Attachment 1: Executive Summary of Preliminary Draft Pacific Coast Salmon Plan Amendment 15: An Initiative to Provide for *De Minimis* Fishing Opportunity for Klamath River Fall-run Chinook Salmon.

Agenda Order:

- a. Agenda Item Overview
 - b. Salmon Amendment Committee Report
 - c. Reports and Comments of Advisory Bodies
 - d. Public Comment
 - e. **Council Action:** Adopt Draft Alternatives and Identify Preferred Alternative for Public Review
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PFMC
08/25/06