



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

March 22, 2007

Mr. Donald Hansen, Chair
Pacific Fishery Management Council
7700 NE Ambassador Place
Portland, OR 97220

A handwritten signature in black ink that reads "Dan".

Dear Mr. Hansen:

By this letter, I am approving Amendment 15 to the Pacific Coast Salmon Fishery Management Plan (FMP). As you know, the purpose of Amendment 15 is to provide limited opportunity for harvest when fisheries would otherwise be closed to mitigate, to the degree possible, severe economic consequences to local communities and states. Historically, Klamath River fall Chinook (KRFC) was a primary contributor to marine fisheries off the coasts of Oregon and California. While this amendment seeks to provide additional management flexibility in times of low KRFC abundance, the overriding purpose remains to preserve the long-term productive capacity of the stock and thereby ensure it continues to contribute meaningfully to ocean and river fisheries in the future.

The Council prepared Amendment 15 to the FMP under the provisions of the Magnuson-Stevens Act and submitted it for review by the Secretary on December 13, 2006. A notice of availability for Amendment 15 was published in the Federal Register on December 20, 2006 announcing a public comment period, this comment period closed on February 20, 2007. A proposed rule to implement Amendment 15 is currently under review, and we expect to have the final rule effective for the 2008 fishing season. Regulations implementing Amendment 15 will include an amended Federal regulation at 50 CFR 660.410.

It should be clearly understood that we do not interpret Amendment 15 to set a fixed schedule of allowable salmon harvest whenever the forecasted abundance of natural spawners falls within the range of 35,000 to 12,000. Rather, we understand Amendment 15 to allow the Council to entertain, without emergency rulemaking, the possibility of some *de minimis* harvest of KRFC in order to allow mixed stock ocean fisheries to occur when the preseason forecast of naturally-spawning KRFC falls below 35,000.

Nothing in this Amendment automatically predetermines that a particular level of harvest of Klamath fall Chinook will be acceptable or allowed. The extent of the harvest actually allowed in a particular year will be limited by the general requirements of the Magnuson-Stevens Act to maintain maximum sustainable fisheries on a continuing basis, by the specific factors listed in



Amendment 15, and by the requirement to meet our trust responsibilities to affected Indian tribes.

The factors for consideration listed in the Amendment are important and need to be weighed based on the specific circumstances of each applicable future harvest season, and using the best available scientific information, which will continue to develop in the future. We anticipate that the maximum allowable 10% ocean impact rate will be implemented only when the anticipated escapement is near the 35,000 natural spawner floor. As escapement falls below approximately 30,000 the impact rate will need to decline substantially.

There may be some opportunity for harvest when projected escapements are in the range of 12,000 to 22,000, but the opportunity would be limited at best, and justified only to the degree that there are mitigating year specific circumstances. We acknowledge that, in 2006, Klamath fall Chinook harvests were approved down to a projected escapement of 22,000. However, this determination was based on the unique circumstances of that year and should not be understood as a precedent that harvest at that level will be regularly acceptable. In addition, although the Amendment allows for harvest if escapement is projected below 12,000, when we take into account the considerations stated in Amendment 15, we see little or no prospect for harvest when projected escapement is at that level.

We will continue to work with the Council to support the best possible fishery management decisions. While we hope that the Klamath runs will rebuild to the point that it will not be necessary to even consider harvest questions at the levels described in Amendment 15, should it become necessary to do so, we will work closely with you to develop an appropriate evaluation and sound decision based on what we know at that time.

NMFS appreciates the Council's ongoing efforts to protect salmon stocks and ensure the long term health of the species.

Sincerely,



D. Robert Lohn
Regional Administrator