

SALMON TECHNICAL TEAM REPORT ON IMPLEMENTATION OF THE MAGNUSON- STEVENS REAUTHORIZATION ACT

In June 2008, the National Marine Fisheries Service (NMFS) proposed revisions to the National Standard (NS)-1 Guidelines to incorporate guidance on provisions of the MSRA related to ending and preventing overfishing, specifically new requirements for specifying annual catch limits (ACL), accountability measures (AM), and acceptable biological catch (ABC). Pacific salmon are already managed with elements very similar to those identified in the proposed NS-1 Guidelines. In addition, the Guidelines allow for some flexibility in their application and acknowledge that Pacific salmon, specifically, are a case in which flexibility in the application of the Guidelines would be used.

The Magnuson-Stevens Reauthorization Act (MSRA) provides two statutory exceptions to the requirement for ACL and AM: Stocks managed under an international agreement in which the United States participates, and species that have a life cycle of approximately one year. Salmon stocks from the Umpqua River Oregon north are managed under the provisions of the Pacific Salmon Treaty (PST) and thus are likely to fall under the international agreement exemption, subject to review by NMFS General Counsel. Not all stocks managed by the Council are included in the PST; the Salmon Technical Team (STT) requests clarification on the classification of stocks considered exempt from ACL and AM provisions.

Fisheries managed under the PST include some stocks that are harvested in non-PST ocean salmon fisheries, such as Columbia River tule Chinook and Sacramento River fall Chinook. The NS-1 Guidelines should provide sufficient flexibility to manage all salmon stocks and stock complexes in a manner consistent with international agreements to avoid conflicting standards.

North of Cape Falcon, Chinook and coho stocks are already managed under annual quotas. Because these quotas are generally capped by Endangered Species Act (ESA) consultation standards for listed stocks, they are generally well below Maximum Sustainable Yield (MSY) harvest levels, thereby preventing overfishing. Because these quotas are treated as hard limits, they are analogous to ACL.

Stocks that are currently exceptions to the overfishing criteria of the Salmon Fishery Management Plan (FMP) because of low impacts in Council area fisheries may fit into the "ecosystem component" stock category of the proposed guidelines.

Chinook stocks south of Cape Falcon may fall under the proposed NS-1 Guidelines' definition (3) of a "Stock complex": "one or more indicator stocks, each of which has status determination criteria (SDC) and management objectives, with an ACL for the complex as a whole (this situation might be applicable to some salmon species)." Under this scenario, the Council would need to set overall quotas for ocean fisheries. Because of weak stock management and ESA consultation standards, it can be argued that current management is more conservative than MSY. Thus, if catch expectations under current management were set as quotas, they should qualify as ACL. The Council already has authority for AM, and regularly exercises that authority through inseason actions to prevent quotas from being exceeded in fisheries. It would be possible for the Council to implement comparable management mechanisms for non-quota

fisheries south of Cape Falcon, but there is no reason to expect that implementation of these ACL and AM would assure that Overfishing Concerns would not be triggered for stocks not covered by the international agreement exemption. Full quota management would entail the implementation of a new management structure for many salmon fisheries South of Cape Falcon.

The intent of the ACL and AM requirement of the MSRA is to prevent overfishing. In the Salmon FMP, performance of management relative the prevention of overfishing is assessed in terms of meeting conservation objectives on an annual basis. The STT recommends the NS-1 Guideline language recognize that management systems with an acceptable record of success be provided flexibility in meeting the strict interpretation of ACL based management. Before requiring implementation of a new management system, it should first be demonstrated that the current management system is not effective at preventing overfishing or rebuilding stocks that are overfished, and that a new management system would be more effective. For example, the current salmon management system does not have a record of chronically overfished stocks, and when Overfishing Concerns have been triggered, the management system has responded and the stocks have recovered. Changing a management system that is effective and responsive would not be productive.