

INSEASON CONSIDERATION OF THE 2005 OPENING DATE FOR OREGON
COMMERCIAL AND RECREATIONAL FISHERIES SOUTH OF CAPE FALCON

The 2004 Federal Regulations for West Coast Salmon Fisheries specify that for the 2005 non-Indian commercial salmon fisheries between Cape Falcon and the Oregon/California border, and for the recreational salmon fishery between Cape Falcon and Humbug Mt., the season will open March 15, and the openings could be modified following review at the November 2004 Council meeting. As of the time this summary was prepared, Council staff is unaware of any proposals to change the opening date.

Council Action:

If appropriate, recommend modifications to the opening date(s) for Oregon commercial and recreational fisheries south of Cape Falcon.

Reference Materials:

None.

Agenda Order:

- a. Agenda Item Overview
- b. Agency and Tribal Reports and Comments
- c. Reports and Comments of Advisory Bodies
- d. Public Comment
- e. **Council Action:** Consider Modifying the March 15 Opening Date

Chuck Tracy

PFMC
10/14/04

SALMON ADVISORY SUBPANEL REPORT ON
INSEASON CONSIDERATION OF THE 2005 OPENING DATE FOR OREGON
COMMERCIAL AND RECREATIONAL FISHERIES SOUTH OF CAPE FALCON

The Salmon Advisory Subpanel supports the March 15, 2005 opening date for salmon opportunity. At the March 2005 Council meeting, the Council members could make an inseason adjustment if the data indicates the necessity.

PFMC
11/02/04

SALMON METHODOLOGY REVIEW

Each year, the Scientific and Statistical Committee (SSC) completes a methodology review to help assure new or significantly modified methodologies employed to estimate impacts of the Council's salmon management use the best available science. This review is preparatory to the Council's adoption, at the November meeting, of all anticipated methodology changes to be implemented in the coming season, or, in certain limited cases, of providing directions for handling any unresolved methodology problems prior to the formulation of salmon management options in March. Because there is insufficient time to review new or modified methods at the March meeting, the Council may reject their use if they have not been approved the preceding November.

This year the SSC is expected to report on a review of mark selective chinook fisheries that took place in Washington Areas 5 and 6 during 2003 and 2004.

Council Action:

- 1. Discuss implications of the mark selective fishery review, as appropriate, for implementation in the 2005 salmon season.**
- 2. Provide guidance, as needed, for any unresolved issues.**

Reference Materials:

1. Agenda Item D.2.b, Supplemental SSC Report.
2. Agenda Item D.2.c, Supplemental MEW Report.

Agenda Order:

- a. Agenda Item Overview
- b. SSC Report
- c. Model Evaluation Workgroup Report
- d. Reports and Comments of Advisory Bodies
- e. Public Comment
- f. **Council Action:** Adopt Final Methodology Changes for 2005

Chuck Tracy
Pete Lawson
Dell Simmons

PFMC
10/14/04

SCIENTIFIC AND STATISTICAL COMMITTEE REPORT ON SALMON METHODOLOGY REVIEW

Typically there is a joint meeting of the Scientific and Statistical Committee (SSC) and the Salmon Technical Team (STT) in October to review new salmon methodologies or proposed changes to existing methodologies. However, there were no methodologies that were ready for review this fall. Instead, the SSC and STT were given a brief presentation by Mr. Larrie LaVoy of the Washington Department of Fish and Wildlife about a two-year (2003 and 2004) pilot project involving mark-selective fisheries for chinook in Washington Marine Catch Areas 5 and 6 in the Strait of Juan de Fuca. He compared projections from the chinook Fishery Regulation Assessment Model (FRAM) with results of a creel survey and test fishery data collection program conducted during the fisheries. Although the comparison provided some indication of FRAM performance, a number of problems were identified with evaluating the model against results from a creel survey. There are many parameters and outputs from FRAM that can be compared to analogous creel survey estimates. A comprehensive set of comparisons is needed along with estimates of the uncertainty associated with the creel survey.

The SSC is concerned that proposals for mark-selective fisheries for both chinook and coho will increase in the future. It is important that sufficient resources be dedicated to the information and analytical challenges presented by these fisheries, including both preseason projections of impacts (FRAM) and postseason estimates of stock specific impacts. Continued validation of model performance is needed. While this has not been required in the past, the additional complexity of modeling mark-selective fisheries for chinook, with their multiple year life history, increases the opportunity for the model to fail which increases the risks to the stocks. If more extensive selective fisheries are proposed for chinook, this additional risk should be recognized. Proposals for more extensive selective fisheries should require that fishery monitoring be conducted to continue and extend the evaluation of model performance. These fisheries should be designed so that the mortalities in the proposed selective fishery do not exceed those from a currently existing non-selective fishery that is more limited in duration, or alternatively, that the total estimated impacts for a specific wild stock of concern are not greater than some specified amount.

The SSC had hoped the results from this comparison would help validate the mark-selective version of chinook FRAM. Overall results indicated that FRAM produced reasonably good predictions for encounter rates. However, the fisheries were too small and the data too variable to reach any firm conclusions about stock-specific predictions of impacts. Also, it is not possible to assess model predictions of non-landed mortalities with this comparison. The SSC is no closer to being able to recommend adoption of the mark-selective version of chinook FRAM for use in evaluating Council fisheries than it was two years ago. One missing element continues to be the detailed model documentation that we anticipate the Model Evaluation Workgroup will produce.

PFMC
11/02/04

MODEL EVALUATION WORKGROUP REPORT ON
SALMON METHODOLOGY REVIEW

Progress On Work Assignments

Last June the Model Evaluation Workgroup (MEW) identified several tasks and priorities for itself as a result of Council comments and direction. The first task identified was the completion of the detailed Fisher Regulation Assessment Model (FRAM) documentation. The MEW has made progress toward completion of the detailed documentation, but a draft report is not available at this time. We anticipate further progress on this assignment in the next few months, with a draft of the detailed documentation available for the March Council meeting.

Another task identified was to develop a FRAM Users Manual. The MEW felt that a Users Manual could be completed without impacting the FRAM documentation project. Substantial progress has been made on this document.

Lower priority tasks identified by the MEW include:

Developing a conversion methodology between coded-wire tag-based rebuilding exploitation rates and FRAM exploitation rates.

Development of a new FRAM report that directly estimates Individual Stock Based Management indices for southern U.S. fisheries.

Investigation of perceived inconsistencies in the Snake River fall index between areas north and south of Cape Falcon.

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11/02/04

SALMON TECHNICAL TEAM REPORT ON
SALMON METHODOLOGY REVIEW

Representatives of the Washington Department of Fish and Wildlife presented a brief report to the Salmon Technical Team (STT) and the Scientific and Statistical Committee (SSC) on Area 5 and 6 chinook mark selective sport fisheries conducted in 2003 and 2004. These pilot fisheries began in early July each year and were managed as quota fisheries for 3,500 retained Chinook. Chinook stocks encountered in this area originate primarily from Puget Sound, the Columbia River, and southern British Columbia.

Data on encounter rates and coded-wire tag (CWT) recoveries provide information regarding some aspects of Fishery Regulation Assessment Model (FRAM) model performance, but the results presented provided few insights into the ability of the FRAM to accurately model the impacts of mark selective fisheries on naturally spawning chinook stocks of interest to the Council. The fisheries were developed to evaluate monitoring programs and operational considerations in the conduct of mark-selective fisheries for chinook, such as compliance with mark-retention restrictions and the accuracy of data collected from angler interviews. The magnitude of the fisheries was too small to expect sufficient data to be collected to estimate stock-specific impacts through analysis of CWT recovery data.

There are inherent structural limitations for using chinook FRAM to evaluate mark-selective fisheries. Chinook FRAM is a single year model, while impacts of mark-selective fisheries in pre-terminal areas can be expected to accrue over multiple years. The STT reiterates our recommendation from April of this year. As long as chinook mark selective fisheries remain 'small' in preterminal fishing areas or are confined to terminal areas, the STT believes further technical review of chinook FRAM for mark selective fisheries is not necessary. The STT believes that FRAM should not be used for large, preterminal fisheries without further documentation and review by the SSC and commitments are made to collect the data necessary for evaluation through a well-designed monitoring program.

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Salmon Methodology Review Mark-Selective Fisheries

The Tribes are very concerned about proposals to expand mark-selective fisheries for chinook and the ability of the chinook FRAM to project the impacts of any mark-selective fisheries that are greater in scope than the limited fisheries conducted in Washington Marine Catch Areas 5 and 6 during the past two years. It has not been demonstrated that chinook FRAM can adequately deal with multi-year selective fisheries which are of extended duration and have the potential to significantly impact Puget Sound chinook stocks.

In addition the Tribes are concerned that our ability to make post-season estimates of stock-specific impacts to wild chinook stocks will be jeopardized by any expansion of mark-selective fisheries for chinook. There is currently no agreed upon methodology for estimating those impacts by selective fisheries, which impact multiple ages of a brood year over multiple years.

The Tribes are committed to participating in the technical process required to develop and evaluate the tools needed for these analyses. However, at this time it seems premature to expand selective fisheries beyond the limited ones that have occurred in recent years.

PFMC
November 2, 2004

PRESEASON SALMON MANAGEMENT SCHEDULE FOR 2005

To plan, announce, and meet *Federal Register* deadlines for public hearing sites and the entire preseason salmon management process, staff needs to confirm details of the process prior to the end of November. The proposed 2005 process and schedule is contained in Agenda Item D.3.a, Attachment 1. It follows the same format as in previous years.

For 2005, Council staff recommends one salmon management option hearing per coastal state, the same schedule as in 2004. The hearings would be:

- March 28, 2005 Westport, Washington and Coos Bay, Oregon
- March 29, 2005 Fort Bragg, California

In 2005, the March Council meeting will occur in Sacramento, California and the April Council meeting in Tacoma, Washington. Therefore, the public comment period on Tuesday of the April meeting in Tacoma also serves as a public comment opportunity. If the states desire to have additional hearings, we suggest they organize and staff them as was done in past years. The table below provides the public attendance at the hearing sites since 1995 for Council reference.

Hearing Site Location ^{1/}	Public Attendance									
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
Westport	49	30	22	4	18	24	30	11	16	16
Astoria	28	23	16	-	14	-	-	-	-	-
Tillamook	-	-	-	28	-	13	16 ^{2/}	18 ^{2/}	-	-
North Bend/Coos Bay	22	30	27	15	31	36	18	40	26	26
Eureka	30	45	27	16	18	37	12	25	46	-
Ft. Bragg	-	-	-	-	-	-	-	-	-	27
Sacramento	16	-	-	13	-	-	-	-	-	-
Santa Rosa	-	-	-	-	-	4	-	-	-	-
Moss Landing ^{2/}	-	-	-	100	51	50	33	14	-	-

1/ Sites in bold are proposed for Council staffing in 2005.

2/ Hearing staffed by state personnel.

Council Action:

1. **Confirm Council-staffed hearing sites and state intentions for additional hearings.**
2. **Approve staff's overall proposed schedule and process for developing 2005 ocean salmon management measures (Agenda Item D.3.a, Attachment 1).**

References:

1. Agenda Item D.3.a, Attachment 1: Pacific Fishery Management Council Schedule and Process for Developing 2005 Ocean Salmon Fishery Management Measures.

Agenda Order:

- a. Agenda Item Overview
 - b. Reports and Comments of Advisory Bodies
 - c. Public Comment
 - d. **Council Action:** Approve 2005 Hearing Sites and Management Schedule
- Chuck Tracy

PFMC
10/14/04

PACIFIC FISHERY MANAGEMENT COUNCIL SCHEDULE AND PROCESS FOR
DEVELOPING 2005 OCEAN SALMON FISHERY MANAGEMENT MEASURES

- Nov. 1-5, 2004 The Council and advisory entities meet at the Embassy Suites Portland Airport, Portland, Oregon to: (1) consider any changes to methodologies used in the development of abundance projections or regulatory options; (2) adopt the management process and schedule for 2005 ocean salmon fisheries; and (3) consider changes to the opening dates for Oregon commercial and recreational fisheries south of Cape Falcon.
- Jan. 18-21, 2005 The Salmon Technical Team (STT) and Council staff economist meet in Portland, Oregon to draft *Review of 2004 Ocean Salmon Fisheries*. This report summarizes seasons, quotas, harvest, escapement, socioeconomic statistics, achievement of management goals, and impacts on species listed under the Endangered Species Act. (February 7 print date, mailed to the Council February 24, and available to the public March 1.)
- Feb. 8-11 STT meets in Portland, Oregon to complete *Preseason Report I Stock Abundance Analysis for 2005 Ocean Salmon Fisheries*. This report provides key salmon stock abundance estimates and level of precision, harvest and escapement estimates when recent regulatory regimes are projected on 2005 abundance, and other pertinent information to aid development of management options. (February 17 print date, mailed to the Council February 24, and available to the public February 28.)
- Feb. 24 through March 6 State and tribal agencies hold constituent meetings to review preseason abundance projections and range of probable fishery options. The Klamath Fishery Management Council completes recommendations for ocean management options affecting Klamath River fall chinook.
- March 1 Council reports summarizing the 2004 salmon season and salmon stock abundance projections for 2005 are available to the public from the Council office.
- March 6-11 Council and advisory entities meet at the Doubletree Hotel Sacramento, Sacramento, California to adopt 2005 regulatory options for public review. The Council adopts preliminary options on March 8, tentative options for STT analysis on March 9, and final options for public review on March 11.
- March 14 through April 3 Management agencies, tribes, and public develop their final recommendations for the regulatory options. North of Cape Falcon Forum meetings are usually scheduled for around March 23-24 (Portland area) and March 29-30 (Seattle area).
- March 22 Council staff distributes *Preseason Report II: Analysis of Proposed Regulatory Options for 2005 Ocean Salmon Fisheries* to the public. The report includes the public hearing schedule, comment instructions, option highlights, and tables summarizing the biological and economic impacts of the proposed management options.

- March 28 and 29 Sites and dates of public hearings to review the Council's proposed regulatory options are: Westport, Washington (March 28); Coos Bay, Oregon (March 28); and Fort Bragg, California (March 29). Comments on the options will also be taken during the Council meeting on April 5 in Tacoma, Washington.
- April 3-8 Council and advisory entities meet to adopt final regulatory measures at the Sheraton Tacoma Hotel, Tacoma, Washington. The *Preseason Report II: Analysis of Proposed Regulatory Options for 2005 Ocean Salmon Fisheries* and information developed at the Council meeting is considered during the course of the week. The Council will tentatively adopt final regulatory measures for analysis by the STT on April 5. Final adoption of recommendations to National Marine Fisheries Service (NMFS) are scheduled to be completed on April 7.
- April 9-14 The STT completes *Preseason Report III: Analysis of Council-Adopted Regulatory Measures for 2005 Ocean Salmon Fisheries*.
- April 15-22 Council staff completes required National Environmental Policy Act documents for submission to NMFS.
- April 22 Council staff distributes adopted ocean salmon fishing management recommendations, and *Preseason Report III* is made available to the public.
- May 1 NMFS implements federal ocean salmon fishing regulations.

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10/14/04

FISHERY MANAGEMENT PLAN AMENDMENT ISSUES

There are a number of issues related to the Pacific Coast Salmon Fishery Management Plan (FMP) the Council should be aware of and be prepared to provide direction to staff and the Salmon Technical Team (STT). Many of these issues can be addressed without an FMP amendment, however, if an amendment is initiated for at least one issue, it may be more efficient to address the other issues simultaneously in order to cover National Environmental Policy Act (NEPA) requirements in a single document, such as a supplemental environmental impact statement (SEIS) on the salmon FMP.

NEPA Requirements for Annual Management Measures

Amendment 6 to the FMP established a framework for salmon management intended to relieve the need for annual amendments and associated NEPA analysis in order to set annual management measures, as long as the conservation and allocation objectives of the FMP were met. In addition, as stated in the current FMP, the preseason process includes a nearly equivalent amount of analysis, public input, and review to the former amendment process for annual management measures. From 1991 to 1993, a brief (five page) environmental assessment (EA) was submitted with the final management measure proposals to cover actions that did not meet the conservation objectives of the FMP, and were, therefore, outside the scope of previous NEPA analyses. These management measures were implemented by emergency rule. Beginning in 1995, a brief EA accompanied all final management measure proposals, none of which failed to meet the FMP conservation or allocation objectives, or were implemented by emergency rule.

In 2001, NMFS guidance, as part of the regulatory streamlining process, recommended that an appropriate draft NEPA analysis be available to regional fishery management councils prior to final action on annual management measures (Agenda Item D.4.a, Attachment 1). Since that time, Council staff has prepared a draft EA for Council consideration at the April Council meeting and completed a final EA for submission to the Secretary of Commerce along with the Council-adopted annual salmon management measures. The work load of producing this EA during the course of the preseason process is significant, and Council and NMFS regional staff feel the document is redundant to the preseason documents and does not meet the intent of the framework amendment.

Between now and the March meeting, staff will pursue better ways to meet our NEPA obligations that would alleviate some of the work load associated with the current process. It is hoped the solution will be purely administrative and require no Council action; however, it could be addressed or facilitated through the next FMP amendment. In any event, staff believes that eventually having the NEPA process for setting annual management measures addressed explicitly in the FMP would be appropriate. Staff will update the Council at the March 2005 meeting on potential solutions.

Essential Fish Habitat

The essential fish habitat (EFH) final rule [50 CFR 600.815 (a)(10)] requires regional fishery management councils to review the EFH provisions of FMPs at least once every five years and to revise or amend FMPs as warranted. Salmon EFH was designated initially in September 2000 and is, thus, due for review by September 2005. There are some technical corrections that need to be made to the current designations. There is also some new information resulting from NMFS's recent review of critical habitat that may be relevant to the EFH designations. The Council may also choose to further modify EFH designations by identifying habitat areas of particular concern (HAPCs). Whether an FMP amendment and associated EIS is required, depends on the degree to which the current designation is changed based on new information. Options for conducting the EFH review are discussed in more detail in Agenda Item D.4.a, Attachment 2.

Selective Fishery Allocation Considerations

At the September 2004 meeting, the STT reported that the process the Council has been using to allocate coho north of Cape Falcon has not followed FMP guidelines. The Council has allocated the overall total allowable catch (TAC) calculated as the landed catch of marked fish, rather than setting the TAC based on non-mark selective fisheries, then allowing each sector or port to utilize impacts in a selective fishery, as required by the FMP. The process used by the Council, however, has satisfied commercial and recreational objectives in the FMP, largely because all fisheries were modeled as selective, and trades were prosecuted using the same "currency" of marked fish. The STT requested guidance on the process for use in 2005 because it is likely a combination of mark selective and non-selective coho fisheries will be considered. The Council directed comanagers north of Cape Falcon to review and discuss the process by which the Council has been allocating selective fishery coho quotas with stakeholders. If Council guidance for 2005 deviates from the FMP, NMFS may implement annual management measures by emergency regulations, and an amendment of the FMP should be initiated to bring the process into compliance with the FMP.

In addition to the coho allocation issue above, coho allocation south of Cape Falcon is also a candidate for an FMP amendment. Current FMP guidelines do not consider selective coho fisheries and give no guidance on how allocation should proceed if selective fisheries are considered for either or both recreational or commercial fisheries. The Oregon Department of Fish and Wildlife (ODFW) expressed interest in sponsoring an FMP amendment to address this, and possibly other allocation issues, but has been unable to commit the necessary resources up to this point. Staff does not anticipate any additional work load associated with this issue before next summer.

Conservation Objectives

Several conservation objectives in the FMP have been identified for updating, including Oregon coastal natural (OCN), Lower Columbia River (LCR), and Puget Sound coho; and Sacramento winter and spring, Klamath spring, Snake River fall, Willapa Bay fall, and Puget Sound chinook. While most conservation objectives can be updated through a technical review process similar to the salmon methodology review, new objectives, or those that are based on different metrics, should probably be adopted through the FMP amendment process.

Stocks without FMP objectives include Sacramento winter and spring, Klamath spring, and Willapa fall chinook; and LCR coho. Currently, inadequate information is available to establish exploitation- rate-based conservation objectives for Sacramento winter and spring chinook, as reported at the September Council meeting. Klamath spring and Willapa fall chinook likely fall into the same category; however, NMFS Endangered Species Act (ESA) consultation standards are in place for the Sacramento stocks, which currently serve as FMP objectives.

LCR coho are listed as a candidate species under the ESA and will likely be covered by the annual NMFS ESA guidance letter in 2005. If the Council adopted conservation objectives for LCR coho, NMFS could issue a biological opinion on the Council's objectives. The ODFW established a draft management plan for LCR coho after they were listed under the Oregon State ESA, which could serve as the basis for one alternative for FMP conservation objectives. Staff recommends the Council defer to the ESA process for 2005 and consider developing FMP conservation objectives during the next FMP amendment process.

The OCN coho matrix was reviewed by the OCN work group, and suggested modifications were adopted by the Council as expert biological advice in November 2000. The Council has recommended that the modified matrix be incorporated into the FMP conservation objectives through a technical review. The SSC is awaiting development of a technical appendix to complete the review.

The FMP objectives for Puget Sound coho are based on spawner escapements. New exploitation-rate-based objectives established in the Pacific Salmon Commission (PSC) forum in 2002, and approved under U.S. District Court orders, can be used for annual management objectives in the Council process, but do not apply when considering overfishing concerns of the FMP. Incorporation of the PSC objectives into the FMP would ensure Council management would not conflict with either the Pacific Salmon Treaty or Magnuson-Stevens Fishery Conservation and Management Act (MSA). While it is unlikely such a conflict will occur in the near future, staff recommends the Council consider updating these conservation objectives during the next FMP amendment process.

Puget Sound chinook are ESA listed and have conservation objectives established through a Section 4(d) determination that could be incorporated into the FMP. Puget Sound chinook are exceptions to overfishing considerations both because of their low exploitation rate in Council area fisheries and because they are an ESA-listed species. Therefore, there is little risk that Council management would conflict with MSA requirements, even if they were no longer ESA listed. However, having conservation objectives in the FMP consistent with co-manager objectives and NMFS ESA consultation standards would reduce confusion. Staff recommends the Council consider updating these conservation objectives during the next FMP amendment process.

The work load for updating conservation objectives would primarily impact state and tribal agencies and the STT.

Council Task:

- 1. Discuss issues relevant to the FMP and possible amendment topics.**
- 2. Provide guidance to staff on initiating an EFH update and FMP amendment(s).**

3. Provide guidance to STT on the selective fishery modeling process for 2005.

Reference Materials:

1. Agenda Item D.4.a, Attachment 1: Letter from Dr. Hogarth to Dr. Radtke dated November 14, 2001 regarding NEPA requirements for Council actions.
2. Agenda Item D.4.a, Attachment 2: NMFS proposal for salmon EFH update process.

Agenda Order:

- a. Agenda Item Overview
- b. Agency and Tribal Reports and Comments
- c. Reports and Comments of Advisory Bodies
- d. Public Comment
- e. Council Discussion

Chuck Tracy

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10/19/04

11/14/01 17:32

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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, Maryland 20910
THE DIRECTOR

NOV 14 2001

Mr. Hans D. Radtke
Chairman
Pacific Fishery Management Council
7700 N.E. Ambassador Place
Portland, Oregon 97220-1384

Dear Mr. ^{Radtke} Radtke:

At our meeting this summer, I promised I would get back to you in November with more specific guidance on expectations for fishery management actions taken by the Councils in 2002. This guidance is part of the major regulatory streamlining and improvement project I have initiated. As you know, managing living marine resources more effectively and efficiently and freeing ourselves from this litigation vortex will require significant changes in operations both at the National Marine Fisheries Service (NMFS) and within the Council system.

Several reviews have recommended that we need to effect a fundamental change in the way we do business. The two highest priorities with respect to NMFS-Council interactions are:

1. All mandates need to be considered with greater transparency and much earlier in the process of formulating fishery management actions. This will help ensure that Councils take an active role in developing management measures in full consideration of impacts to protected species, habitat, and socio-economic factors while making the best decisions to rebuild and sustain fisheries.

2. Documentation needs to be completely in compliance with the National Environmental Policy Act (NEPA) and other statutory or executive order requirements for analysis before submitting for Secretarial review (i.e., before the Council casts the final vote). One of the main purposes of this work is for decisionmakers to have detailed information available to them on an acceptable range of alternatives and their effects before making a decision. This information includes fish and the associated fisheries, social data, economics, endangered species, marine mammals, and essential fish habitat. We are in the process of reviewing the operational guidelines to ensure that they reflect this emphasis. If necessary, we will revise them in January.

This is a partnering effort. We are fully committed to working closely with you and providing early and timely reviews of draft analytical documents, prepared to comply with NEPA and other applicable laws, prior to Council final action and submission to the Secretary.

Operation Planning for 2002

In finalizing your operational plan for 2002, you need to take into account what this will mean for your workload. Resources are the limiting factor. Recognizing this, I will do what I can, depending on funding levels in the final FY 02 budget, to provide you with at least one additional temporary person in addition to the money you received for NEPA improvements in FY 01. That person's role will depend on the greatest need in each FMC. Beyond the fundamental changes noted above, a few specific tasks need to be done. I've asked my Regional Administrators to work with you on the following items.

1. Evaluate planned actions for FY 02 and prioritize actions according to whether they are imperative to comply with the Magnuson-Stevens Act (M-S) and other applicable laws. For example, measures needed to keep a fishery on a rebuilding plan may be imperative for Sustainable Fisheries Act compliance, measures to refine a permit may not be. Being in compliance with NEPA, but out of compliance with M-S is not acceptable. We need to achieve a balance of resources and mandates at which we can perform well. This means a workload that is realistic at a reasonably high quality standard. Based on your prioritized list, and an assessment of available resources, we will work with you to determine what actions can be undertaken in FY 02.

2. Determine what the role of an additional person would be based on each Council's needs. For example, a Council may require a person with expertise in marine mammals and endangered species, socio-economics, or some other combination of skills related to improving our NEPA and overall regulatory processes.

3. Establish a regulatory working group or task force whose mission is to identify specific measures to streamline the regulatory process, (e.g. multi-year harvest specifications). Inquiries into potential regulatory streamlining options need to be made in each council area and likely for each FMP to determine where different strategies can be implemented effectively. The types of alternative management measures that can be applied may be affected by issues such as stock status relative to an overfishing definition.

I am confident that, as a team, the Councils and NMFS can solve these problems. I will send a follow-up letter providing more detail on some of these issues in a few weeks. If you have questions, please feel free to call me or my Senior Policy Advisor, Laurie Allen. We can be reached on 301/713-2239. Laurie and I will make a concerted effort to attend upcoming Council meetings to address your questions.

Sincerely,

William T. Hogarth

William T. Hogarth, Ph.D.
Assistant Administrator
for Fisheries

cc: Council Executive Directors
NMFS Regional Administrators
NMFS Science Directors
NMFS Office Directors
OS - Sloan Rappoport
OGC- Dan Cohen
A - Scott Gudes
GC-Craig O'Connor
GCF-Mariam McCall, Kevin Collins
LAF - Michelle Fox

ESSENTIAL FISH HABITAT FIVE-YEAR REVIEW FOR THE PACIFIC COAST SALMON PLAN

Background

The Magnuson-Stevens Fishery Conservation and Management Act requires a periodic review of the essential fish habitat (EFH) portions of fishery management plans (FMPs), and the implementing regulations (50 CFR 600.815 (a)(10)) stipulate a five-year cycle for the review. Since the salmon FMP was approved September 27, 2000, the five-year review should be completed by about September 27, 2005.

Options

The EFH Final Rule states that “the review should include, but not be limited to, evaluating published scientific literature and unpublished scientific reports; soliciting information from interested parties; and searching for previously unavailable or inaccessible data.” After completing the EFH review, the Council and the National Marine Fisheries Service (NMFS) will have a range of options:

1. Provide updates and make technical corrections where necessary to freshwater areas currently designated as EFH. The resulting changes would likely be minimal, and probably not trigger an FMP amendment, but could be incorporated into an amendment process for other issues. They could also consider whether there is new information suggesting the need to reconsider the definition of EFH in marine areas.
2. Incorporate new information from Endangered Species Act (ESA) critical habitat and incorporate into EFH where ESA-listed and FMP-managed stocks overlap. This may trigger an FMP amendment and associated National Environmental Policy Act (NEPA) analysis.
3. Complete Item 2 above, and establish a process and criteria for designating salmon habitat areas of particular concern (HAPC), and if appropriate, designate specific HAPC. This would trigger an FMP amendment and associated NEPA analysis.

Key Issues to be Considered

- FMP Amendment and NEPA Analysis – Any substantive changes to descriptions of EFH will necessitate an FMP amendment. The outcome of the EFH review will determine the need for an amendment and associated NEPA documents.
- Data Review - NMFS conducted a data review in conjunction with the revised critical habitat proposal under the ESA. These data provide an in-depth examination of fish presence on the stream reach scale and could be used to refine or support the existing EFH descriptions where there is stock overlap. The review provides new information for approximately one third of salmon stocks covered under the salmon Plan. However, the critical habitat review focused on defining the end points of currently occupied freshwater habitat. EFH was intentionally broader in scope and included both currently occupied and historically accessible habitat.

- HAPC – HAPCs were not identified in the original EFH designation. The Council, therefore, may consider whether to designate HAPC at this time or to establish a process and criteria for designating HAPC. HAPC are identified based on one or more of the following four criteria: the importance of the ecological function; the susceptibility to human-caused degradation; whether development activities will stress the habitat; and the rarity of the habitat. While there are no additional regulatory or consultation requirements for HAPC, they do serve to highlight the importance of specific habitats.
- Staff Resource Needs – The time required for a review of the new information related to EFH will be relatively limited. However, if substantive changes are made in EFH, time requirements for an associated FMP amendment and NEPA analysis would be significant.

Recommendation

Staff recommends that Council and NMFS staff initiate the review and report back to the Council at the March 2005 meeting.

HABITAT COMMITTEE COMMENTS ON
FISHERY MANAGEMENT PLAN AMENDMENT ISSUES

The Habitat Committee (HC) heard a presentation by Dr. Peter Dygert of National Marine Fisheries Service (NMFS) regarding the process for consideration of review and amendment of salmon essential fish habitat (EFH).

The HC supports Option 3. Not only should technical corrections be made and alignment between Endangered Species Act (ESA), critical habitat, and EFH be pursued, but we also strongly support identifying salmon habitat areas of particular concern (HAPC).

Initially, we suggest that areas of overlap between critical habitat and EFH be designated as EFH. We recognize that species for which critical habitat is currently identified represent less than one-third of FMP species, and that additional resources will be needed to pursue HAPC for non-listed species.

We also suggest that NMFS consider designation of kelp and estuary habitats as salmon HAPC, including particular habitat types such as eelgrass and salt marshes.

In addition, watershed councils can provide assistance in identifying important habitat.

We recognize that current resources may not be sufficient to undertake comprehensive review and designation of HAPCs, and the Council should take appropriate actions to seek those resources.

The HC supports a process for intermediate review of EFH when new information becomes available rather than waiting for the five-year review. Especially, we suggest that a process be established to investigate potential status changes for barriers that are currently identified as impassable.

Finally, in implementing updates to the salmon FMP, we recommend identifying non-managed prey species, such as krill, as "forage species" for salmon, and prohibiting their harvest, consistent with other Council action relative to krill.

PFMC
11/02/04

SALMON ADVISORY SUBPANEL REPORT ON
FISHERY MANAGEMENT PLAN AMENDMENT ISSUES

Selective Fishery Allocation Considerations

The Salmon Advisory Subpanel (SAS) recommends that the preseason process allocating coho and for establishing mark selective coho fisheries in areas north of Cape Falcon follow the procedures in the current salmon fishery management plan.

Conservation Objectives

The SAS encourages Klamath Basin co-managers to expedite the development of spring chinook management objectives. This should include the full cooperation of the co-managers to assemble technical data and information necessary to assist with development of management objectives.

PFMC
11/02/04

**SALMON TECHNICAL TEAM REPORT ON
FISHERY MANAGEMENT PLAN AMENDMENT ISSUES**

**SELECTIVE COHO FISHERIES AND ALLOCATION IN THE NORTH OF CAPE
FALCON SALMON FISHERIES**

The Council's *Pacific Coast Salmon Plan* (FMP) has historically divided the coho salmon north of Cape Falcon among non-Indian gear sectors by a percentage of landed catch (Appendix A) under regulations that provide for retention of all fish, regardless of mark status.

From 2000 through 2004, the procedures employed by the Salmon Technical Team (STT) implemented sector and port allocations based on marked coho expected to be in the landed catch under mark-selective fisheries. The deviation from the FMP has not been a large concern during the last five years of selective fisheries for two reasons: (1) all non-Indian coho fisheries north of Cape Falcon have been mark-selective; and (2) there have been enough coho available to allow each sector to have a full season, although trades have been used to achieve this objective. This situation may change with both sport and commercial fisheries exploring the possibility of non-selective coho fisheries north of Cape Falcon in future years. With the advent of mark-selective fishing for coho, release mortality becomes a much larger percent of the total mortality. Although both sectors accrue release mortality with selective fishing, a higher hooking mortality rate is used for modeling the troll fishery (26%) compared to the sport fishery (14%). This difference in assumed incidental mortality rates between the two sectors means that for a given level of landed catch, more incidental mortalities will be assigned to the troll fishery than to the sport fishery.

With both commercial, and sport sectors and sport subareas exploring non-selective and/or selective coho fisheries (even both in the same season), the fairness of coho allocation will become more of an issue as each group tries to maximize benefits from its share, and trades between selective and non-selective quotas are proposed. The STT needs clear direction from the Council in order to carry out its task of modeling impacts of proposed fisheries without the STT becoming embroiled in allocation issues.

The STT recommends that total allowable catch (TAC) allocations be made in accordance with the provisions of the FMP using the following procedure:

1. The STT would establish the TAC using a standardized fishing regime with all fisheries being non-selective.
2. The TAC would then be allocated among sectors and ports in accordance with the provisions of the Framework Plan.
3. Conservation and allocation impacts on each critical stock would be estimated by time-area-fishery strata using FRAM.
4. Each sector and/or sport subarea could then propose a selective fishery if they choose. The fisheries could then be modeled as a mix of selective and non-selective, or all one way or the other.

5. Once the allowable impacts on constraining stocks has been estimated for each sector and sport subarea, inseason trades would have to be conducted in the currency based on impacts on critical stocks.

The STT believes this method would meet the intent of the FMP and the historical allocation schedule, and recommends this approach be used for at least one management cycle. The method will increase the time required for analysis and modeling, so fewer alternatives can be considered during planning processes.

Appendix A – Allocation Schedule North of Cape Falcon

5.3.1.2 Allocation Schedule Between Gear Types

Initial commercial and recreational allocation will be determined by the schedule of percentages of total allowable harvest as follows:

TABLE 5-1. Initial commercial/recreational harvest allocation schedule north of Cape Falcon.

Coho			Chinook		
Harvest (thousands of fish)	Percentage ^{a/}		Harvest (thousands of fish)	Percentage ^{a/}	
	Troll	Recreational		Troll	Recreational
0-300	25	75	0-100	50	50
>300	60	40	>100-150	60	40
			>150	70	30

a/ The allocation must be calculated in additive steps when the harvest level exceeds the initial tier.

6.5.3 Species-Specific and Other Selective Fisheries

6.5.3.1 Guidelines

In addition to the all-species and single or limited species seasons established for the commercial and recreational fisheries, other species-limited fisheries, such as "ratio" fisheries and fisheries selective for marked or hatchery fish, may be adopted by the Council during the preseason regulatory process. In adopting such a fishery, the Council will consider the following guidelines:

1. Harvestable fish of the target species are available.
2. Harvest impacts on incidental species will not exceed allowable levels determined in the management plan.
3. Proven, documented, selective gear exists (if not, only an experimental fishery should be considered).
4. Significant wastage of incidental species will not occur or a written economic analysis demonstrates the landed value of the target species exceeds the potential landed value of the wasted species.
5. The species specific or ratio fishery will occur in an acceptable time and area where wastage can be minimized and target stocks are maximally available.
6. Implementation of selective fisheries for marked or hatchery fish must be in accordance with U.S. v. Washington stipulation and order concerning co-management and mass marking (Case No. 9213, Subproceeding No. 96-3) and any subsequent stipulations or orders of the U.S. District Court, and consistent with international objectives under the Pacific Salmon Treaty (e.g., to ensure the integrity of the coded-wire tag program).

6.5.3.2 Selective Fisheries Which May Change Allocation Percentages North of Cape Falcon

As a tool to increase management flexibility to respond to changing harvest opportunities, the Council may implement deviations from the specified port area allocations and/or gear allocations to increase harvest opportunity through fisheries that are selective for marked salmon stocks (e.g., marked hatchery salmon). The benefits of any selective fishery will vary from year to year and fishery to fishery depending on stock abundance, the mix of marked and unmarked fish, projected hook-and-release mortality rates, and public acceptance. These factors should be considered on an annual and case-by-case basis when utilizing selective fisheries. The deviations for selective fisheries are subordinate to the allocation priorities in Section 5.3.1.1 and may be allowed under the following management constraints:

- 1. Selective fisheries will first be considered during the months of August and/or September. However, the Council may consider selective fisheries at other times, depending on year to year circumstances identified in the preceding paragraph.*
- 2. The total impacts within each port area or gear group on the critical natural stocks of management concern are not greater than those under the original allocation without the selective fisheries.*
- 3. Other allocation objectives (i.e., treaty Indian, or ocean and inside allocations) are satisfied during negotiations in the North of Cape Falcon Forum.*
- 4. The selective fishery is assessed against the guidelines in Section 6.5.3.1.*
- 5. Selective fishery proposals need to be made in a timely manner in order to allow sufficient time for analysis and public comment on the proposal before the Council finalizes its fishery recommendations.*

If the Council chooses to deviate from the specified port and/or gear allocations, the process for establishing a selective fishery would be as follows:

- 1. Allocate the TAC among the sectors and port areas according to the basic FMP allocation process described in Section 5.3.1 without the selective fishery.*
- 2. Each gear group or port area may utilize the critical natural stock impacts allocated to its portion of the TAC to access additional harvestable, marked fish, over and above the harvest share established in step one, within the limits of the management constraints listed in the preceding paragraph.*

6.5.4 Procedures for Calculating Quotas

Quotas will be based on the total allowable ocean harvest and the allocation plan as determined by the procedures of Chapter 5.

To the extent adjustable quotas are used, they may be subject to some or all of the following inseason adjustments:

- 1. For coho, private hatchery contribution to the ocean fisheries in the OPI area.*
- 2. Unanticipated loss of shakers (bycatch mortality of undersized fish or unauthorized fish of another species that have to be returned to the water) during the season. (Adjustment for coho hooking mortality during any all-salmon-except-coho season will be made when the quotas are established.)*
- 3. Any catch that take place in fisheries within territorial waters that are inconsistent with federal regulations in the EEZ.*

4. *If the ability to update inseason stock abundance is developed in the future, adjustments to total allowable harvest could be made where appropriate.*
5. *The ability to redistribute quotas between subareas depending on the performance toward achieving the overall quota in the area.*

Changes in the quotas as a result of the inseason adjustment process will be avoided unless the changes are of such magnitude that they can be validated by the STT and Council, given the precision of the original estimates.

The basis for determining the private hatchery contribution in (1) above will be either coded-wire tag analysis or analysis of scale patterns, whichever is determined by the STT to be more accurate, or another more accurate method that may be developed in the future, as determined by the STT and Council.

In reference to (4) and (5) above, if reliable techniques become available for making inseason estimates of stock abundance, and provision is made in any season for its use, a determination of techniques to be applied will be made by the Council and discussed during the preseason regulatory process.