

Pacific Coast Salmon Fishery Management Plan Amendment 17: Status Determination Criteria and Minor Updates

(RIN 0648-BC28)

In the process of finalizing Amendment 16 to the Pacific Coast Salmon Fishery Management Plan (FMP), a number of items in the FMP were identified as needing to be updated to meet current practices, technology, and regulatory protocol. A series of meetings were held by a National Environmental Policy Act (NEPA) workgroup to consider the scope of these issues, relationship to previous NEPA analyses, and anticipated impacts to the human environment¹. At the conclusion of these meetings, the workgroup determined that there were 16 separate issues to address, having no connecting actions among them. There are no significant environmental effects associated with any of these issues, and most have previously been analyzed in a NEPA document. For those needing NEPA documentation, the workgroup felt that those items meet the criteria for Categorical Exclusion (CE) under NAO 216-6, specifically sections 6.03d.4(a) ongoing or recurring fisheries actions of a routine administrative nature and 6.03d.4(b) minor technical additions, corrections, or changes to an FMP. The workgroup felt that these items do not meet the criteria for exceptions for CEs under the same order. Therefore, the workgroup will be recommending to the deciding official that a CE memorandum is the appropriate NEPA document for this FMP Amendment.

The Council determined that one issue, changing the annual regulatory cycle, should not go forward. The 15 issues to be addressed in Amendment 17 are listed below, in an order which generally corresponds to the affected sections of the FMP. Most issues only involve small text changes in the FMP. Changes recommended by the NEPA workgroup are indicated in redline/strikeout. Page numbers refer to the February 2012 version of the Salmon FMP (<http://www.pcouncil.org/salmon/fishery-management-plan/current-management-plan/>).

¹ Meetings were held on February 6, 2012, May 9, 2012, May 24, 2012, and June 5, 2012. The NEPA workgroup consisted of: Chuck Tracy (PFMC), Mike Burner (PFMC), Peter Dygert (NMFS-NWR), Peggy Mundy (NMFS-NWR), Sheila Lynch (NOAA-GCNW), and Sarah Biegel (NMFS-NWR NEPA Coordinator).

Issue 1. Maximum Fishing Mortality Threshold (MFMT) for Quillayute Fall Coho.

Description of the issue

One element of Amendment 16 was disapproved, the maximum fishing mortality threshold (MFMT) for Quillayute fall coho. The Council recommended adopting an MFMT of 0.65 for all Washington Coast coho to be consistent with the maximum exploitation rate allowed under the Pacific Salmon Treaty 2002 Southern Coho Management Plan. However, the Council had already accepted the Scientific and Statistical Committee approved estimate of 0.59 as the best estimate of F_{MSY} for Quillayute fall coho, as presented in Appendix E of the Amendment 16 Environmental Assessment. Because MFMT cannot exceed F_{MSY} , that element of Amendment 16 was not approved and therefore, MFMT is currently undefined for Quillayute fall coho in the FMP.

NEPA Considerations

This issue was analyzed in the EA for Amendment 16. Therefore, no further NEPA analysis is required, unless the Council were to choose to adopt an MFMT value outside the range of values already analyzed. The decisionmaker is referred to the EA for Amendment 16.

Affected FMP language

Table 3-1 (FMP page 25):

Species	Stock	MFMT
Coho	Quillayute Fall	MFMT <u>Undefined</u> 59%; $F_{MSY}=59%$ (SAC 2011b)

Issue 2. Update Table 3-1 relative to two Columbia River Chinook stocks.

Description of the issue

Table 3-1 of the FMP incorrectly states that Columbia Upper River Bright Fall and Columbia Upper River Summer Chinook salmon stocks are in the Far North Migrating Chinook Complex (FNMCC); this is not consistent with the Council’s decision under Amendment 16. They are, however, subject to the International Exception.

NEPA Considerations

This issue was analyzed in the EA for Amendment 16. We are only correcting an error from Amendment 16. The decision maker is referred to the EA for Amendment 16.

Affected FMP language

Table 3-1 (FMP page 22):

Species	Stock	ACL
Chinook	Columbia River Upper River Bright Fall	FNMCC complex ; International exception applies. ACLs are not applicable.
	Columbia Upper River Summer	

Issue 3. Update Table 3-1 relative to MFMT for four Chinook salmon stocks.

Description of the issue

Table 3-1 of the FMP states that the MFMT for four Chinook salmon stocks (Smith River, Southern Oregon, Central and Northern Oregon, and Quillayute spring/summer) is “undefined” when, in fact, , the MFMT value should be 0.78, see table 2-9 of the EA for Amendment 16, based on the Council’s motion in June 2011.

NEPA Considerations

The issue of MFMT for the four Chinook salmon stocks (Smith River, Southern Oregon, Central and Northern Oregon, and Quillayute spring/summer) was analyzed in the EA for Amendment 16. We are only correcting an error from Amendment 16. The decision maker is referred to the EA for Amendment 16.

Affected FMP language

Table 3-1 (FMP pages 20 and 21):

Species	Stock	MFMT (F_{MSY})
Chinook	Smith River	<u>Undefined</u> 78% Proxy (SAC 2011a)
	Southern Oregon	<u>Undefined</u> 78% Proxy (SAC 2011a)
	Central and Northern Oregon	<u>Undefined</u> 78% Proxy (SAC 2011a)
	Quillayute Spring/Summer	<u>Undefined</u> 78% Proxy (SAC 2011a)

Issue 4. Update information relative to ESA-listed Chinook salmon

Description of the issue

Section 5.2.1.1 of the FMP states that Sacramento River spring Chinook and California coastal Chinook are listed as threatened under the state's ESA. While this is correct, the paragraph should be modified to show the corresponding ESUs are actually listed as threatened under the Federal ESA.

NEPA Considerations

There is no environmental effect, simply updating language to reflect the correct status of these fish stocks. This issue meets the NAO 216-6 criteria for a CE under 6.03d.4(b) minor technical additions, corrections, or changes to an FMP.

Affected FMP language

Section 5.2.1.1 Management Considerations for Chinook Salmon South of Horse Mountain (FMP page 47):

“... Special consideration must be given to meeting the consultation or recovery standards for endangered Sacramento River winter Chinook, threatened Sacramento River Spring Chinook and threatened California Coastal Chinook in the area south of Point Arena and for threatened Snake River fall Chinook north of Pigeon Point. Sacramento River spring Chinook and California coastal Chinook are also listed as threatened under the state ESA.”

Issue 5. Update description of OPI coho

Description of the issue

Section 5.2.2.1 describes obsolete modeling protocol for OPI coho; currently a Mixed Stock Model (MSM) system is used in measuring annual abundance of coho salmon. The MSM was adopted after approval by the SSC's methodology review. It may be better to make the text in this section more broad, to avoid multiple amendments each time a new methodology is approved by the SSC.

NEPA Considerations

Annual management measures are analyzed in an EA. This issue meets the NAO 216-6 criteria for a CE under 6.03d.4(b) minor technical additions, corrections, or changes to an FMP.

Affected FMP language

Section 5.2.2.1 Management Considerations for Coho Salmon South of Horse Mountain (FMP page 48):

5.2.2.1 South of Cape Falcon

Columbia River, Oregon, and California coho are managed together within the framework of the Oregon Production Index (OPI) since these fish are intermixed in the ocean fishery. These coho contribute primarily to ocean fisheries off the southern Washington coast and Oregon coast; coho fisheries are prohibited off the California coast. Ocean fishery objectives for the OPI area address the following (1) conservation and recovery of Oregon and California coastal coho, including consultation or recovery standards for LCN, OCN, SONCC and California Central coast coho; (2) providing viable fisheries inside the Columbia River, and; (3) impacts on conservation objectives for other key stocks.

Until 2010, the OPI was used as a measure of the annual abundance of adult three-year-old coho salmon resulting from production in the Columbia River and Oregon and California coastal basins. The index itself was simply the combined number of adult coho that can be accounted for within the general area from Leadbetter Point, Washington to as far south as coho are found. Currently, it is the sum of (1) ocean sport and troll fishery impacts in the ocean south of Leadbetter Point, Washington, regardless of origin; (2) Oregon and California coastal hatchery returns; (3) the Columbia River in-river runs; (4) Oregon coastal natural spawner escapement and (5) Oregon coastal inside fishery impacts. Most of the California production is from hatcheries which provide a very small portion of the total hatchery production in the OPI area. Starting in 2010 a new method has been used to estimate ocean abundance. A "Mixed Stock Model" (MSM) uses hatchery returns, spawning escapements, and coded-wire-tag (CWT) data (recoveries and hatchery mark rates) and estimates of catch and incidental mortalities in all fisheries for OPI origin stocks. The primary difference between the traditional OPI and the MSM system is in the accounting of OPI origin stocks in ocean fisheries. In the traditional OPI accounting system, all coho in ocean fisheries south of Leadbetter Point, Washington were treated as OPI origin stocks. None of the coho caught in fisheries north of Leadbetter Point, Washington were counted in the OPI. The general assumption--backed by CWT data--was that the number of non-OPI coho caught South of Leadbetter Point equaled the number of OPI coho caught North of Leadbetter Point. This was a good assumption until 1996, when all coho fisheries in the OPI area were closed. Since then, OPI Area fisheries have been more restricted than northern fisheries. In the MSM system, CWT data are used to estimate the harvest of

OPI area stocks regardless of where they were caught. Thus, the MSM method takes into account changing harvest patterns in ocean fisheries that were assumed to be static in the original index.

The methodology used to estimate ocean abundance of OPI-area coho stocks may continue to evolve and will always be approved by the SSC in order to use the best available science.

Issue 6. Update language for coho stocks north of Cape Falcon

Description of the issue

FMP section 5.2.2.2 regarding management of coho salmon north of Cape Falcon needs to add Columbia River and southern British Columbia stocks to the stocks for which conservation objectives must be considered.

NEPA Considerations

Management already considers these stocks and has for many years. They are included in the EA for annual management measures. This issue meets the NAO 216-6 criteria for a CE under 6.03d.4(b) minor technical additions, corrections, or changes to an FMP.

Affected FMP language

Section 5.2.2.2 Management Considerations for Coho Salmon North of Horse Mountain (FMP page 48):

“...Coho occurring north of Cape Falcon, Oregon are comprised of a composite of coho stocks originating in Oregon, Washington, and southern British Columbia. Ocean fisheries operating in this area must balance management considerations for stock-specific conservation objectives for Southern Oregon/Northern California, Oregon Coast, Southwest Washington, Olympic Peninsula, ~~and~~ Puget Sound, Columbia River, and southern British Columbia stocks.”

Issue 7. Revision to pink salmon text

Description of the issue

FMP section 5.2.3 requires minor text update to reflect the low actual exploitation rates of pink salmon in the ocean salmon fishery.

NEPA Considerations

No environmental impact, simply making language more accurate. Fishery impacts on pink salmon are analyzed in an EA annually. This issue meets the NAO 216-6 criteria for a CE under 6.03d.4(b) minor technical additions, corrections, or changes to an FMP.

Affected FMP language

Section 5.2.3 Management Considerations for Pink Salmon (FMP page 49):

5.2.3 Pink Salmon

Ocean pink salmon harvests occur off the Washington coast and are predominantly of Fraser River origin. Pink salmon of Puget Sound origin represent a minor portion of the ocean harvest. ~~although o-~~ Ocean impacts ~~can be significant~~ are generally negligible in relation to the terminal return during years of very low abundance.

The Fraser River Panel of the PSC manages fisheries for pink salmon in the Fraser River Panel Area (U.S.) north of 48° N latitude to meet Fraser River natural spawning escapement and U.S./Canada allocation requirements. The Council manages pink salmon harvests in that portion of the EEZ which is not in the Fraser River Panel Area (U.S.) waters consistent with Fraser River Panel management intent and in accordance with the conservation objectives for Puget Sound pink salmon.

Pink salmon management objectives must address meeting natural spawning escapement objectives, allowing ocean pink harvest within fixed constraints of coho and Chinook harvest ceilings and providing for treaty allocation requirements.

Issue 8. *Federal Register* notice of annual management measures

Description of the issue

In FMP section 9, remove the schedule item “Close of public comment period.” The annual management measures are published in the Federal Register as a Final Rule; public comment periods are applied to “Proposed Rules” or “Interim Final Rules,” but not “Final Rules.”

NEPA Considerations

No expected environmental effects as this would be an administrative change. This issue meets the NAO 216-6 criteria for a CE under 6.03d.4(a) ongoing or recurring fisheries actions of a routine administrative nature and 6.03d.4(b) minor technical additions, corrections, or changes to an FMP.

Affected FMP language

Section 9 Schedule and procedures for preseason modification of regulations (FMP page 70):

The process and schedule for setting the preseason regulations will be approximately as follows:

Approximate Date	Action
First week of March	Notice published in the Federal Register announcing the availability of team and Council documents, the dates and location of the two Council meetings, the dates and locations of the public hearings, and publishing the complete schedule for determining proposed and final modifications to the management measures. Salmon Technical Team reports which review the previous salmon season, project the expected salmon stock abundance for the coming season, and describe any changes in estimation procedures, are available to the public from the Council office.
First or second full week of March	Council and advisory entities meet to adopt a range of season regulatory alternatives for formal public hearing. Proposed options are initially developed by the Salmon Advisory Subpanel and further refined after analysis by the STT, public comment, and consideration by the Council.
Following March Council meeting	Council newsletter, public hearing announcement, and STT/Council staff report are released which outline and analyze Council-adopted alternatives. The STT/staff report includes a description of the alternatives, brief rationale for their selection, and an analysis of expected biological and economic impacts.
Last week of March or first week of April	Formal public hearings on the proposed salmon management alternatives.
First or second full week of April	Council and advisory entities meet to adopt final regulatory measure recommendations for implementation by the Secretary of Commerce.
First week of May	Final notice of Secretary of Commerce decision and final management measures in Federal Register.
May 15	Close of public comment period.

Issue 9. Update minimum size limits

Description of the issue

FMP section 6.2 describes examples of minimum size limits commonly used in ocean salmon fishery management. This language should be more broad as size limits can change annually in response to management needs. Minimum size limits will be specified in the annual management measures.

NEPA Considerations

Minimum size limits are set annually, and their impacts analyzed in an EA. This issue meets the NAO 216-6 criteria for a CE under 6.03d.4(b) minor technical additions, corrections, or changes to an FMP.

Affected FMP language

Section 6.2 Minimum Harvest Lengths for Ocean Commercial and Recreational Fisheries (FMP page 60):

6.2 MINIMUM HARVEST LENGTHS FOR OCEAN COMMERCIAL AND RECREATIONAL FISHERIES

Minimum size limits for ocean commercial and recreational fisheries may be changed each year during the preseason regulatory process or modified inseason under the procedures of Section 10.2.

Recommended changes must serve a useful purpose which is clearly described and justified, and projections made of the probable impacts resulting from the change.

Minimum size limits have been relatively stable since the Council began management in 1977 and any changes are expected to occur infrequently. From 1977 through 1995 there were no changes in the size limits for non-Indian commercial fisheries except for the decision to use the California coho minimum length for the entire Klamath management area which extends into Oregon. Recreational minimum size limits did not change between 1988 and 1995. However, since the mid 2000's, size limits have changed more frequently to reduce impact on stocks of concern. The minimum size limits listed below (total length in inches) have been consistently used by the Council with only infrequent modifications in limited areas to address special needs or situations.

-TABLE 6-1. Minimum size limits.

	<u>Chinook</u>		<u>Coho</u>		<u>Pink</u>	
	<u>Troll</u>	<u>Sport</u>	<u>Troll</u>	<u>Sport</u>	<u>Troll</u>	<u>Sport</u>
<u>North of Cape Falcon</u>	<u>28.0</u>	<u>24.0</u>	<u>16.0</u>	<u>16.0</u>	<u>None</u>	<u>None</u>
<u>Cape Falcon to OR/CA Border</u>	<u>28.0</u>	<u>24.0</u>	<u>16.0</u>	<u>16.0</u>	<u>None</u>	<u>None</u>
<u>South of OR/CA Border.</u>	<u>26.0</u>	<u>20.0</u>	<u>=</u>	<u>=</u>	<u>None</u>	<u>24</u>

Chinook minimum size limits are set annually to address several specific issues, including but not limited to: targeting/avoiding specific stocks (Sacramento Winter Chinook) or broods (age-3/4 Klamath fall Chinook), market demand (preference for larger fish), enforcement (regional consistency), season length (slower quota attainment) bycatch reduction, and data collection (CWT recovery of smaller fish). Commercial size limits for Chinook are generally between 26 and 28 inches total length, and recreational size limits are generally between 20 and 24 inches total length, and may vary within the year. Coho minimum size limits are consistently set at 16 inches total length for both commercial and recreational fisheries. In Oregon and Washington, where pink salmon are available, there are no minimum size limits.

Issue 10. Update language on mark-selective fisheries

Description of the issue

FMP section 6.5.3 requires updates to the language to specify “mark-selective,” rather than simply “selective” fisheries.

NEPA Considerations

Using mark-selective fisheries in the ocean salmon fishery was analyzed in the FPEIS (2003). This issue meets the NAO 216-6 criteria for a CE under 6.03d.4(b) minor technical additions, corrections, or changes to an FMP.

Affected FMP language

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 fisheries, 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~~ selective 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 PST (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 the use of mark-selective fisheries ~~that are selective for marked salmon stocks (e.g., marked hatchery salmon)~~. The benefits of any mark-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 mark-selective fisheries. The deviations for mark-selective fisheries are subordinate to the allocation priorities in Section 5.3.1.1 and may be allowed under the following management constraints:

1. ~~Mark-s~~Selective fisheries will first be considered during the months of May and/or June for Chinook and July through August and/or September for coho. However, the Council may consider mark-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 mark-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 mark-selective fishery is assessed against the guidelines in Section 6.5.3.1.
5. ~~Mark-s~~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 mark-selective fishery would be as follows:

1. Allocate the TAC among the gear groups and port areas according to the basic FMP allocation process described in Section 5.3.1 without the mark-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.

Issue 11. Update “Data Needs” section

Description of the issue

FMP sections 7.1.2 and 7.2.1 need to be updated to reflect current technology and activities.

NEPA Considerations

No environmental effects. This issue meets the NAO 216-6 criteria for a CE under 6.03d.4(b) minor technical additions, corrections, or changes to an FMP.

Affected FMP language

Sections 7.1.2 Methods for Obtaining Inseason Data and 7.2.1 Data Needs (FMP pages 67 and 68):

7.1.2 Methods for Obtaining Inseason Data

Inseason management requires updating information on the fisheries daily. Thus, data will be collected by sampling the landings, ~~aerial survey~~ exit/trailer counts, radio reports, electronic media reports, and telephone interviews.

In general, data necessary for inseason management will be gathered by one or more of the following methods. ~~Flights over the fishing grounds~~ Port exit counts, radio or electronic media reports, and processor reports will be used to obtain information on the distribution, amount, and type of commercial fishing effort. Data on the current harvests by commercial and treaty Indian ocean fishermen will be obtained by telephoning selected (key) fish buyers, by sampling the commercial landings on a daily basis, and from radio or electronic media reports. Data on the current effort of, and harvests by, the recreational fisheries will be obtained by port exit counts, trailer counts, contacting~~telephoning~~ selected charter boat and boat rental operators, and by sampling landings at selected ports. Analyses of fish scales, recovered fish tags, genetic stock identification samples, and other methods will provide information on the composition of the stocks being harvested.

7.2.1 Data Needs

In addition to the data used for inseason management, a considerable amount of information is used for setting the broad measures for managing the fishery, evaluating the success of the previous year's management, and evaluating the effectiveness of the plan in achieving the long-term goals. Such data include landings, fishing effort, dam counts, smolt migration, returns to hatcheries and natural spawning areas, stock contribution estimates, and economic information.

The Council also produces a periodic research and data needs document, which identifies current priorities for information collection needs and contemporary management strategies.

Issue 12. Update reporting requirements

Description of the issue

FMP section 7.3 needs to be updated to reflect current communication technology.

NEPA Considerations

No environmental effects. This issue meets the NAO 216-6 criteria for a CE under 6.03d.4(b) minor technical additions, corrections, or changes to an FMP.

Affected FMP language

Section 7.3 Reporting Requirements (FMP page 68):

7.3 REPORTING REQUIREMENTS

This plan authorizes the local management authorities to determine the specific reporting requirements for those groups of fishermen under their control and to collect that information under existing state data-collection provisions. With one exception, no additional catch or effort reports will be required of fishermen or processors as long as the data collection and reporting systems operated by the local authorities continue to provide the Secretary with statistical information adequate for management. The one exception would be to meet the need for timely and accurate assessment of inseason management data. In that instance the Council may annually recommend implementation of regulations requiring brief radio, phone, or electronic media reports from commercial salmon fishermen who leave a regulatory area in order to land their catch in another regulatory area open to fishing. The federal or state entities receiving these ~~radio~~ reports would be specified in the annual regulations.

Issue 13. Update language regarding notifications

Description of the issue

FMP sections 10.1.1 and 10.3 need to be updated to reflect current notification procedures and technology.

NEPA Considerations

No environmental effects. Administrative changes. This issue meets the NAO 216-6 criteria for a CE under 6.03d.4(a) ongoing or recurring fisheries actions of a routine administrative nature and 6.03d.4(b) minor technical additions, corrections, or changes to an FMP.

Affected FMP language

Sections 10.1.1 Fixed Inseason Actions and 10.3 Procedures for Inseason Actions (FMP pages 71 and 73):

10.1.1 Automatic Season Closures When the Quotas Are Reached

The STT will attempt to project the date a quota will be reached in time to avoid exceeding the quota and to allow adequate notice to the fishermen. The State Directors and the Council Chairman will be consulted by the NMFS Regional Administrator before action is taken to close a fishery. Closures will be coordinated with the states so that the effective time will be the same for EEZ and state waters. A standard closure notice will be used and will specify areas that remain open as well as those to be closed. To the extent possible, all closures will be effective at midnight and a 48-hour notice will be given of any closure. When a quota is reached, the Regional Administrator will issue a notice of closure of the fishery on the telephone hotline and via USCG Notice to Mariners radio broadcast. Other means of notification may include posting on the NMFS NWR website, email or other electronic media. Notice of fishery closure is published in the *Federal Register* as soon as is practicable.~~through local news media at the same time that a notice of fishery closure is published in the *Federal Register*.~~

10.3 PROCEDURES FOR INSEASON ACTIONS

1. Prior to taking any inseason action, the Regional Administrator will consult with the Chairman of the Council and the appropriate State Directors.

2. As the actions are taken by the Secretary, the Regional Administrator will compile, in aggregate form, all data and other information relevant to the action being taken and shall make them available for public review upon request, contact information will be published annually in the *Federal Register* and announced on the telephone hotline during normal office hours at the Northwest Regional Office, National Marine Fisheries Service, 7600 Sand Point Way NE, Seattle, Washington 98115.

3. Inseason management actions taken under both the "fixed" and "flexible" procedures will become effective by announcement in designated information sources (rather than by filing with the Office of the Federal Register [OFR]). Notice of inseason actions will still be filed with the OFR as soon as is practicable~~quickly as possible~~.

The following information sources will provide actual notice of inseason management actions to the public: (1) the U.S. Coast Guard "Notice to Mariners" broadcast (announced over Channel 16 VHF-FM and 2182 KHZ); (2) state and federal telephone hotline numbers specified in the annual regulations and (3) filing with the *Federal Register*, email or other electronic forms of notification. Identification of the sources will be incorporated into the preseason regulations with a requirement that interested persons

periodically monitor one or more source. In addition, all the normal channels of informing the public of regulatory changes used by the state agencies will be used.

~~4.If the Secretary determines, for a good cause, that a notice must be issued without affording a prior opportunity for public comment, public comments on the notice will be received by the Secretary for a period of 15 days after the effective date of the notice.~~

Issue 14. Update inseason actions language

Description of the issue

FMP section 10.2 describes inseason actions for “establishment of new quotas and/or seasons.” This language should be deleted.

NEPA Considerations

No environmental effects. Administrative changes to reflect actual practices. This issue meets the NAO 216-6 criteria for a CE under 6.03d.4(a) ongoing or recurring fisheries actions of a routine administrative nature and 6.03d.4(b) minor technical additions, corrections, or changes to an FMP.

Affected FMP language

Section 10.2 Flexible Inseason Actions (FMP pages 72 and 73):

10.2 FLEXIBLE INSEASON ACTIONS

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Flexible inseason provisions must take into consideration the factors and criteria listed above and would include, but not be limited to, the following.

1.Modification of quotas and/or fishing seasons would be permitted. Redistribution of quotas between recreational and commercial fisheries would be allowed if the timing and procedure are described in preseason regulations. If total quotas or total impact limitations by fishery are established, subarea quotas north and south of Cape Falcon, Oregon can be redistributed within the same fishery (north or south of Cape Falcon). Other redistributions of quotas would not be authorized. Also allowable would be the ~~establishment of new quotas and/or seasons, and~~ establishment of, or changes to, hooking mortality and/or total allowable impact limitations during the season. Action based on revision of preseason abundance estimates during the season would be dependent on development of a Council approved methodology for inseason abundance estimation.

2.Modifications in the species that may be caught and landed during specific seasons and the establishment or modification of limited retention regulations would be permitted (e.g., changing from an all-species season to a single-species season, or requiring a certain number of one species to be caught before a certain number of another species can be retained).

3.Changes in the recreational bag limits and recreational fishing days per calendar week would be allowed.

4.Establishment or modification of gear restrictions would be authorized.

5.Modification of boundaries, including landing boundaries, and establishment of closed areas would be permitted.

6.Temporary adjustments for fishery access due to weather, adverse oceanic conditions, or other safety considerations (see Council policy of September 18, 1992 regarding implementation of this action).

The flexibility of these inseason management provisions imposes a responsibility on the Regional Administrator to assure that affected users are adequately informed and have had the opportunity for input into potential inseason management changes.

Issue 15. Revise text on emergency regulations

Description of the issue

FMP section 11 should be updated to be consistent with MSA and to remove unnecessary language.

NEPA Considerations

No environmental effects. Administrative changes. This issue meets the NAO 216-6 criteria for a CE under 6.03d.4(a) ongoing or recurring fisheries actions of a routine administrative nature and 6.03d.4(b) minor technical additions, corrections, or changes to an FMP.

Affected FMP language

Section 11 Schedule and Procedures for FMP Amendment and Emergency Regulations (FMP page 75). These changes would be in addition to any changes made under Issue 13:

11 SCHEDULE AND PROCEDURES FOR FMP AMENDMENT AND EMERGENCY REGULATIONS

Modifications not covered within the framework mechanism will require either an FMP amendment, ~~notice and comment~~ rulemaking, or emergency Secretarial action. Depending on the required environmental analyses, ~~t~~The amendment process generally requires at least a year from the date of the initial development of the draft amendment by the Council. In order for regulations implementing an amendment to be in place at the beginning of the general fishing season (May 1), the Council will need to begin the process by no later than April of the previous season. It is not anticipated that amendments will be processed in an accelerated December-to-May schedule and implemented by emergency regulations.

Emergency regulations may be promulgated without an FMP amendment. Depending upon the level of controversy associated with the action, the Secretary can implement emergency regulations within 20 days to 45 days after receiving a request from the Council. Emergency regulations remain in effect for no more than 180 days after the date of publication in the *Federal Register* ~~can include non-resource emergencies and are generally in effect for 180 days.~~ A 186-day~~second 180-day~~ extension by publication in the *Federal Register* is possible if the public has had an opportunity to comment on the emergency regulation and the Council is actively preparing a plan amendment or proposed regulations to address the emergency on a permanent basis.

~~Part of the process for evaluating all future FMP amendment proposals will be to consider whether they will result in the need for temporary adjustments for fishery access due to weather, adverse oceanic conditions, or other safety considerations.~~