

Proposed Changes to the

**PACIFIC COAST
SALMON FISHERY MANAGEMENT PLAN**

*FOR COMMERCIAL AND RECREATIONAL SALMON FISHERIES
OFF THE COASTS OF WASHINGTON, OREGON, AND CALIFORNIA*

Reflecting Changes Included in Amendment 18

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SUPPLEMENTARY FMP DOCUMENTS

(Available from Council office and web site: www.pcouncil.org):

APPENDIX A – ~~FROM AMENDMENT 14~~ TO THE PACIFIC COAST SALMON PLAN:
IDENTIFICATION AND DESCRIPTION OF ESSENTIAL FISH HABITAT, ADVERSE IMPACTS,
AND RECOMMENDED CONSERVATION MEASURES FOR SALMON

APPENDIX B - FROM AMENDMENT 14 TO THE PACIFIC COAST SALMON PLAN:
DESCRIPTION OF THE OCEAN SALMON FISHERY AND ITS SOCIAL AND ECONOMIC
CHARACTERISTICS

APPENDIX C TO THE PACIFIC COAST SALMON PLAN:
REVIEW OF OCEAN SALMON FISHERIES – STOCK ASSESSMENT AND FISHERY
EVALUATION DOCUMENT FOR THE PACIFIC COAST SALMON FISHERY MANAGEMENT
PLAN (Latest annual edition)

PRESEASON REPORT I:
STOCK ABUNDANCE ANALYSIS AND ENVIRONMENTAL ASSESSMENT PART 1 FOR
OCEAN SALMON FISHERY REGULATIONS (Latest annual edition)

PRESEASON REPORT III:
COUNCIL ADOPTED MANAGEMENT MEASURES AND ENVIRONMENTAL ASSESSMENT
PART 3 FOR OCEAN SALMON FISHERY REGULATIONS (Latest annual edition)

INTRODUCTION

This document is the *Pacific Coast Salmon Fishery Management Plan*, a fishery management plan (FMP) of the Pacific Fishery Management Council (Council or PFMC) as revised and updated for implementation in 2013 and beyond. It guides management of commercial and recreational salmon fisheries off the coasts of Washington, Oregon, and California.

Since 1977, salmon fisheries in the exclusive economic zone (EEZ) (three to 200 miles offshore) off Washington, Oregon, and California have been managed under salmon FMPs of the Council. Creation of the Council and the subsequent development and implementation of these plans were initially authorized under the Fishery Conservation and Management Act of 1976. This act, now known as the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; MSA), was amended by the Sustainable Fisheries Act (SFA) in 1996, and most recently amended by the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act (MSRA) in 2007. The plan presented in this document contains or references all the elements required for an FMP under the MSA. It completely replaces the 1999 version of the *Pacific Coast Salmon Plan*.

The Council's first salmon FMP and its environmental impact statement (EIS) were issued to govern the 1977 salmon season. A new salmon management plan and EIS were issued in 1978 to replace the 1977 documents. To establish management measures from 1979 through 1983, the 1978 FMP was amended annually and published along with a supplemental EIS (SEIS) and Regulatory Impact Review/Regulatory Flexibility Analysis (RIR/RFA). This annual process was lengthy, complex, and costly. It lacked a long-range perspective and was too cumbersome to allow for timely implementation of the annual regulations and efficient fishery management. Therefore, in 1984, the Council adopted a comprehensive framework amendment that was designed to end the need for annual plan amendments and supplemental EISs (PFMC 1984).

The comprehensive framework plan amendment of 1984 (Amendment 6) replaced the 1978 plan as the base FMP document and established a framework of fixed management objectives with flexible elements to allow annual management measures to be varied to reflect changes in stock abundance and other critical factors. Subsequently, at irregular intervals, the Council has developed various amendments to portions of the framework plan to address specific management issues raised by participants in the salmon management process or as necessary to respond to reauthorization of the MSA. The next seven amendments adopted since implementation of the framework FMP in 1984 were accompanied by an environmental assessment (EA). Amendment 14 was accompanied by an SEIS. Amendments 15 and 16 were accompanied by an EA. No additional NEPA analysis was required for Amendment 17 because the actions contained in the amendment were either previously analyzed in a NEPA document or fit within the criteria for Categorical Exclusion.

The primary amendment issues since 1984 have included specific spawner escapement goals for Oregon coastal natural (OCN) coho and Klamath River fall Chinook (Amendments 7, 9, 11, 13, and 15), non-Indian harvest allocation (Amendments 7, 9, 10, and 14), inseason management criteria (Amendment 7), habitat and essential fish habitat (EFH) definition (Amendments 8, ~~and 14,~~ and 18), safety (Amendment 8), status determination criteria (SDC) (Amendments 10, 14, 16, and 17), management objectives for stocks listed under the Endangered Species Act (ESA) (Amendments 12 and 14), bycatch reporting and priorities for avoiding bycatch (Amendment 14), selective fisheries (Amendment 14 and 17), stock classification (Amendment 16 and 17), annual catch limits (ACLs) and accountability measures (AMs) (Amendment 16), *de minimis* fishing provisions (Amendments 15 and 16).

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TABLE I. Record of salmon FMP documents.

DOCUMENT	CONTENT SUMMARY
Amendment 13 (64 FR 26328, May 14, 1999) Effective June 14, 1999)	Revision of management objectives for OCN coho to increase the probability of recovery and to prevent listing under the ESA.
Amendment 14 (66 FR 29238, May 30, 2001; Effective June 29, 2001)	<ol style="list-style-type: none">1) Update of the EIS and editorial improvements in the plan2) New requirements of the SFA, including essential fish habitat, optimum yield, overfishing, and bycatch3) Clarification of the stocks managed and management objectives4) Minor revision of allocation north of Cape Falcon to allow more harvest in selective fisheries
Amendment 15 (73 FR 9960, February 25, 2008; Effective March 26, 2008)	Revision of Council action required under a Conservation Alert for Klamath River fall Chinook to allow <i>de minimis</i> fisheries.
Amendment 16 (76 FR 81851, December 29, 2011; Effective January 30, 2012)	<ol style="list-style-type: none">1) Application of new requirements of the MSA as amended in 2007 and revised NSI Guidelines2) Stock classification3) Establishment of ACLs and AMs4) Acceptable biological catch and incorporating scientific uncertainty5) Revision of status determination criteria6) Characterization of stock conservation objectives related to reference points7) Development and modification of <i>de minimis</i> fishing provisions.
Amendment 17 (Effective January 1, 2013)	<ol style="list-style-type: none">1) Minor corrections from Amendment 16 and updating language to reflect current practices.2) Approval of maximum fishing mortality threshold for Quillayute fall coho.
<u>Amendment 18</u> (Effective date TBD)	<u>Update to reflect new information on EFH, including criteria for impassable barriers; addition of HAPCs; adjustments to geographic extent of EFH; addition of non-fishing activities and conservation measures; minor typographical adjustments and clarifications.</u>

4.1 ESSENTIAL FISH HABITAT

"...Describe and identify essential fish habitat for the fishery . . . minimize to the extent practicable adverse effects on such habitat caused by fishing, and identify other actions to encourage the conservation and enhancement of such habitat;"

Magnuson-Stevens Act, §303(a)(7)

Protecting, restoring, and enhancing the natural productivity of salmon habitat, especially the estuarine and freshwater areas, is an extremely difficult challenge that must be achieved if salmon fisheries are to remain healthy for future generations. Section 3(10) of the MSA defines EFH as those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity. The following interpretations have been made by NMFS to clarify this definition: waters include aquatic areas and their associated physical, chemical, and biological properties that are used by fish, and may include historical areas if appropriate; substrate includes sediment, hard bottom, structures underlying the waters, and associated biological communities; necessary means the habitat required to support a sustainable fishery and the managed species contribution to a healthy ecosystem; and spawning, breeding, feeding, or growth to maturity covers a species full life cycle.

4.1.1 Identification and Description

Appendix A to the *Pacific Coast Salmon Fishery Management Plan* contains the Council's complete identification and description of Pacific coast salmon EFH, along with a detailed assessment of adverse impacts and actions to encourage conservation and enhancement of EFH. Pacific coast salmon EFH includes those waters and substrate necessary for salmon production needed to support a long-term sustainable salmon fishery and salmon contributions to a healthy ecosystem. In the estuarine and marine areas, salmon EFH extends from the extreme high tide line in nearshore and tidal submerged environments within state territorial waters out to the full extent of the exclusive economic zone (200 nautical miles or 370.4 km) offshore of Washington, Oregon, and California north of Point Conception. Foreign waters off Canada, while still salmon habitat, are not included in salmon EFH, because they are outside U.S. jurisdiction. Pacific coast salmon EFH also includes the marine areas off Alaska designated as salmon EFH by the North Pacific Fishery Management Council for stocks also managed by the Pacific Fishery Management Council. The geographic extent of freshwater EFH is identified as all water bodies currently or historically occupied by Council-managed salmon in fresh water, salmon EFH includes all those streams, lakes, ponds, wetlands, and other currently viable water bodies and most of the habitat historically accessible to salmon (except above certain impassable natural barriers Washington, Oregon, Idaho, and California as identified in Table 1 Table 1-1 of Appendix A. Salmon EFH includes aquatic areas above all artificial barriers except the impassable barriers (dams) listed in Table 1 Table A-2 of Appendix A. However, activities occurring above impassable barriers that are likely to adversely affect EFH below impassable barriers are subject to the EFH consultation provisions of the MSA. The identification and description of EFH may be modified in the future through the process outlined in 4.1.4 below, or through salmon FMP amendments as new or better information becomes available.

4.1.2 Adverse Effects of Fishing on Essential Fish Habitat

To the extent practicable, the Council must minimize adverse impacts of fishing activities on salmon EFH. Fishing activities may adversely affect EFH if the activities cause physical, chemical, or biological alterations of the substrate, and loss of or injury to benthic organisms, prey species and their habitat, and other components of the ecosystem. The marine activities under Council management authority or influence that may impact EFH are effects of fishing activities and the use of fishing gear; prey removal by other fisheries; and the effect of salmon fishing on the reduction of that reduces stream nutrients due to

fewer salmon carcasses on the spawning grounds. Within its fishery management authority, the Council may use fishing gear restrictions, time and area closures, or harvest limits to reduce negative impacts on EFH. ~~Section 4.1~~ ~~Section 3.1~~ of Appendix A provides descriptions of the potential impacts on EFH from fishing activities, and measures to assess or reduce those impacts. The descriptions and measures include both fisheries within Council management authority and those under other management jurisdictions.

In determining actions to take to minimize any adverse effects from fishing, the Council will consider the nature and extent of the impact and the practicality and effectiveness of management measures to reduce or eliminate the impact. The consideration will include long- and short-term costs and benefits to the fishery and EFH along with other appropriate factors consistent with National Standard 7 (“Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication.”).

4.1.3 Adverse Effects of Non-Fishing Activities on Essential Fish Habitat

“Each Council shall comment on and make recommendations to the Secretary and any Federal or State agency concerning any such activity (authorized, funded, or undertaken, or proposed to be undertaken by any Federal or State agency) that, in the view of the Council, is likely to substantially affect the habitat, including essential fish habitat, of an anadromous fishery resource under its authority.”. . . “Within 30 days . . . a Federal agency shall provide a detailed response in writing”

Magnuson-Stevens Act, §305(b)

The Council will strive to assist all agencies involved in the protection of salmon habitat. This assistance will generally occur in the form of Council comments endorsing protection, restoration, or enhancement programs; requesting information on, and justification for, actions which may adversely impact salmon production; and in promoting salmon fisheries’ needs among competing uses for the limited aquatic environment. In commenting on actions which may affect salmon habitat, the Council will seek to ensure implementation of consistent and effective habitat policies with other agencies having environmental control and resource management responsibilities over production and harvest in inside marine and fresh waters.

Specific recommendations for conservation and enhancement measures for EFH are listed in Appendix A. In implementing its habitat mandates, the Council will seek to achieve the following overall objectives:

1. Work to assure that Pacific salmon, along with other fish and wildlife resources, receive equal treatment with other purposes of water and land resource development.
2. Support efforts to restore Pacific salmon stocks and their habitat through vigorous implementation of federal, tribal, and state programs.
3. Work with fishery agencies, tribes, land management agencies, and water management agencies to assess habitat conditions and develop comprehensive restoration plans.
4. Support diligent application and enforcement of regulations governing ocean oil exploration and development, timber harvest, mining, water withdrawals, agriculture, or other stream corridor uses by local, state, and federal authorities. It is Council policy that approved and permitted activities employ the best management practices available to protect salmon and their habitat from adverse effects of contamination from domestic and industrial wastes, pesticides, dredged material disposal, and radioactive wastes.

5. Promote agreements between fisheries agencies and land and water management agencies for the benefit of fishery resources and to preserve biological diversity.
6. Strive to assure that the standard operation of existing hydropower and water diversion projects will not substantially reduce salmon productivity.
7. Support efforts to identify and avoid cumulative or synergistic impacts in drainages where Pacific salmon spawn and rear. The Council will assist in the coordination and accomplishment of comprehensive plans to provide basin-wide review of proposed hydropower development and other water use projects. The Council encourages the identification of no-impact alternatives for all water resource development.
8. Support and encourage efforts to determine the net economic value of conservation by identifying the economic value of fish production under present habitat conditions and expected economic value under improved habitat conditions.

4.1.4 Procedures for Amending Salmon EFH

The EFH regulations (600.815(a)(10)) require periodic review and revision of EFH provisions, as appropriate. The regulations also require FMPs to outline the procedures the Council will follow to review and revise EFH information. The following process provides a mechanism for the Council to update certain EFH provisions. Potential changes to EFH provisions can result from periodic EFH reviews, or in response to any other information that becomes available and warrants consideration of changes to EFH. Amending the FMP may not be required to make these changes, as long as the changes are consistent with the overall identification and description of EFH contained in the FMP itself.

Process for Making Changes to EFH

Revisions to Pacific salmon EFH can be made when the Council determines that such action is warranted by new information that has become available. Such new information is typically generated during the periodic reviews, but can come before the Council through other established Council avenues. The process is as follows, and can typically be accomplished via a three-meeting Council process:

1. Council advisory bodies, particularly the Habitat Committee (HC), should develop an assessment of potential revisions to the provisions in Appendix A after relevant new information becomes available that indicates a change is warranted.
2. The HC will present a report of their assessment and make recommendations to the Council. Other Advisory Bodies may comment on proposed changes.
3. The Council will review the report and, if appropriate, direct staff to revise Appendix A.

At a subsequent meeting, the Council will adopt the revised Appendix A and based on guidance from the Secretary, will either submit it to the Secretary for the appropriate review process or implement the revisions without further review. Upon completion of the appropriate review process by the Secretary, or immediately if no review process is required, the revised Appendix A will supersede the previous version and will be posted on the Council's website in a format that allows the reader to identify changes.

Examples of the type of changes to Pacific salmon EFH that may not need an FMP amendment are:

1. Changes to the 4th field HUs that are designated as EFH for any of the three species of salmon managed under the plan (this could result from new information on current or historic distribution, newly accessible habitat, removal/addition of stocks from/to the FMP, or other information);

2. Modifications, additions, or removals of HAPCs;
3. Changes to the impassable dams that represent the upstream extent of EFH (this could result from new information on fish passage, or a Council determination that upstream habitat should be designated as EFH);
4. Changes to the detailed EFH descriptions for any of the three species of salmon managed under the plan (this could be based on new information regarding habitat requirements by life stage, prey species, or other information);
5. Changes to recommended conservation or enhancement measures;
6. Changes to the descriptions of non-fishing activities that may adversely affect EFH, and the conservation measures to avoid, minimize, mitigate, or otherwise offset those adverse effects;
7. Changes to the descriptions of fishing activities that may adversely affect EFH; and
8. Changes to the research and information needs.

Some changes to Pacific salmon EFH would still require an FMP amendment, for example:

1. Changes to the overall identification and description of Pacific salmon EFH that is in the FMP; and
2. Inclusion of fishing management measures designed to minimize, avoid, or mitigate adverse impacts to salmon EFH.