

## NATIONAL MARINE FISHERIES SERVICE (NMFS) REPORT ON THE 2019 SALMON MANAGEMENT SCHEDULE

NMFS strives each year to work with the Pacific Fishery Management Council (Council) to implement the ocean salmon management measures consistent with the traditional May 1 start date for the ocean salmon fisheries, as described in the Pacific Coast Salmon Fishery Management Plan (FMP). The schedule is always challenging, but 2019, similar to 2015, is particularly difficult, providing only eight days between the Council's expected transmittal date of the final alternative package on April 23 and the May 1 start date. Because of the severely truncated schedule this year, NMFS anticipates the rule will not be in place in time for fisheries to open as scheduled along the West Coast.

Under the current schedule, NMFS expects the Council will transmit their recommendation to us when Preseason Report III is finalized on April 23, 2019. NMFS is doing as much of the work on the rule as it can without that information, but there are limits as to what can be done without the Council's recommendation and associated NEPA documentation. In order to finalize the 2019 rule package and deliver it to the Office of the Federal Register in time for a May 1 effective date the NMFS West Coast Region must complete the rule package within one day of the transmittal (a process that would normally take 2-4 weeks); with at most three business days for NMFS and the Department of Commerce to clear the rule (a process that would normally take at least 2 weeks). Although it is not possible at this time to firmly estimate the date the 2019 management measures will be in effect, our best estimate is that the measures should be implemented within a week or two of the May 1 target.

Under the likely scenario that the 2019 management measures are not in effect on May 1, there could be significant ramifications for salmon fisheries on the West Coast (more detail provided below). The degree of impacts to the salmon fisheries will depend on location (in particular north and south of Cape Falcon) and fishing sector. We are also concerned that in some cases, compared with alternatives currently under consideration, there is potential to exceed conservation objectives for some stocks, including for stocks that are overfished.

### *North of Cape Falcon (NOF)*

In 2018, NOF salmon fisheries were implemented under a temporary rule for emergency action because the allocation of coho between the commercial and recreational sectors deviated from the allocation schedule in the FMP. Under the Magnuson-Stevens Fishery Conservation and Management Act, such temporary rules expire after 180 days. The 2018 rule for NOF salmon fisheries expired October 28, 2018, meaning NOF salmon fisheries will not open until the 2019 rule takes effect. Therefore, we anticipate:

- NOF Commercial and Treaty Indian Troll would not open on May 1, as scheduled.
- NOF Recreational fisheries would not be affected, as they are not proposed to open until June.

### *South of Cape Falcon (SOF)*

In 2018, SOF salmon fisheries did not require emergency action and, as stated in the rule that implemented 2018 SOF fisheries (84 FR 19005), the 2018 rule remains in effect until the 2019 management measures take effect. Until the 2019 management measures are in effect, the following

SOF salmon fisheries would be expected to be impacted as shown below, based on the alternatives described in Preseason Report II:

- The commercial fishery from the Oregon/California border to Humboldt South Jetty would open May 1 rather than June 1, until the 2019 rule takes effect. This could increase fishing effort and impacts over that intended by the Council.
- The following commercial fisheries would open later than currently proposed:
  - Cape Falcon to Humbug Mountain
  - Humbug Mountain to the Oregon/California border
  - Point Arena to Pigeon Point
  - Pigeon Point to the US/Mexico border
- The following recreational fisheries would lose fishing opportunity in May:
  - Horse Mountain to Point Arena
  - Point Arena to Pigeon Point

NMFS West Coast Region is doing all it can to minimize the anticipated delay in publication of the rule and will keep the Council, management entities, and the public updated as to when the 2019 management measures take effect. NMFS strongly encourages the Council to develop a long-term solution to the re-occurring timing issues for implementing annual salmon fisheries and we are prepared to assist in that effort.