

Excerpt from Pacific Coast Salmon Fishery Management Plan

9.0 SCHEDULE AND PROCEDURES FOR PRESEASON MODIFICATION OF REGULATIONS

The process for establishing annual or preseason management measures under the framework FMP contains a nearly equivalent amount of analysis, public input, and review to that provided under the former annual amendment process and will not require annual preparation of a supplemental environmental impact statement (SEIS) and regulatory impact review/regulatory flexibility analysis (RIR/RFA). This allows the STT to wait to prepare its report until all of the data are available, thus eliminating the need to discuss an excessively broad range of alternatives as presented prior to the framework plan.

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 <u>Federal Register</u> 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 ^{a/}	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 ^{a/}	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 <u>Federal Register</u> .

a/ Scheduling of the March and April Council meetings is determined by the need to allow for complete availability of pertinent management data, provide time for adequate public review and comment on the proposed alternatives, and afford time to process the Council's final recommendations into federal regulations by May 1. Working backward from the May 1 implementation date, the April Council meeting is generally set as late as possible while not extending past April 15 for approval of final salmon management recommendations. The March Council meeting is set as late as possible while ensuring no less than three to four weeks between the end of the March meeting and beginning of the April meeting.

The actions by the Secretary after receiving the preseason regulatory modification recommendations from the Council will be limited to accepting or rejecting in total the Council's recommendations. If the Secretary rejects such recommendations he or she will so advise the Council as soon as possible of such action along with the basis for rejection, so that the Council can reconsider. Until such time as the Council and the Secretary can agree upon modifications to be made for the upcoming season, the previous year's regulations will remain in effect. This procedure does not prevent the Secretary from exercising his authority under Sections 304(c) or 305(c) of the MSA and issuing emergency regulations as appropriate for the upcoming season.

Preseason actions by the Secretary, following the above procedures and schedule, would be limited to the following:

1. Specify the annual abundance, total allowable harvest, and allowable ocean harvest.
2. Allocate ocean harvest to commercial and recreational fishermen and to treaty Indian ocean fishermen where applicable.
3. Review ocean salmon harvest control mechanism from previous year; make changes as required in:
 - a. Management area boundaries
 - b. Minimum harvest lengths
 - c. Recreational daily bag limits
 - d. Gear requirements (i.e., barbless hooks, etc.)
 - e. Seasons and/or quotas
 - f. Ocean regulations for treaty Indian fishermen
 - g. Inseason actions and procedures to be employed during the upcoming season
 - h. annual catch limits

Because the harvest control measures and restrictions remain in place until modified, superseded, or rescinded, changes in all of the items listed in "3" above may not be necessary every year. When no change is required, intent not to change will be explicitly stated in preseason decision documents.

The Framework Amendment (1984) provides further rationale for the current preseason procedures and the replacement of the old process of annual plan amendments to establish annual regulations.

11.0 SCHEDULE AND PROCEDURES FOR FMP AMENDMENT AND EMERGENCY REGULATIONS

Modifications not covered within the framework mechanism will require either an FMP amendment, rulemaking, or emergency Secretarial action. Depending on the required environmental analyses, 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. A 186-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.

PFMC
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