

Pacific Salmon Fishery Management Plan: Amendment 20:
Proposed Change to the Preseason Schedule and to the
Klamath Management Zone Boundary

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1.0 Introduction

In November 2019, the Pacific Fishery Management Council (Council, PFMC) agreed to consider two separate topics for proposed change relative to salmon management that will each require an amendment to the Pacific Salmon Fishery Management Plan (FMP). The proposed changes are 1) an adjustment to the annual preseason salmon schedule, and 2) a modification to boundary of the Klamath Management Zone (KMZ). In addition, minor ‘housekeeping’ items were also identified that could be included in an FMP amendment to keep it up to date. These two primary topics, along with minor ‘housekeeping’ updates would constitute the twentieth amendment (A20) to the current salmon FMP.

The increasing challenge to complete rulemaking in time to approve and implement the Council’s annual recommendation for ocean salmon management measures by May 1 prompted NOAA’s National Marine Fisheries Service (NMFS) West Coast Region (WCR) to provide a proposal to modify the schedule in the FMP for setting annual management measures for salmon fisheries¹. In the September 2019 report, NMFS proposed that the historical annual start date (May 1) for implementing PFMC ocean salmon fisheries be changed to roughly May 15. NMFS also proposed that a fixed transmittal date of the annual salmon management rules to the Secretary of Commerce be established in the preseason schedule. The Council considered this report and asked NMFS and Council staff (Project Team) to develop a workplan for consideration at the November 2019 Council meeting.

Changing the current salmon management line at Horse Mountain, CA has been a topic of consistent interest for the commercial salmon fishery sector. The Horse Mountain boundary delineates the Klamath Management Zone (KMZ) to the north and Fort Bragg (FB) salmon management area to the south (Figure 1). The commercial salmon fishery sector has made several requests to move the southern boundary of the KMZ five miles north, which has been presented through public comment and supported by the Salmon Advisory Subpanel (SAS). In April 2019, the Council requested the Salmon Technical Team (STT) to conduct the technical analysis needed to inform a change of the salmon management boundary line from latitude 40°05' (Horse Mountain, CA) five miles north to latitude 40°10'.

At the November 2019 meeting, the Council considered both proposed changes. The Project Team provided a report² proposing changes to the annual preseason salmon schedule, and as requested, the STT provided a report³ to the Council as part of the annual Methodology Review. At the conclusion of Council discussion, the Council agreed to consider both proposed changes for a potential FMP amendment. The Council also acknowledged that although both these topics would ideally be included in one amendment process, if the necessary work could not be done

¹ See the Council’s September 2019 Briefing Book, Agenda Item F.4.a, NMFS Report 1 : https://www.pcouncil.org/wp-content/uploads/2019/08/F4a_NMFS-Rpt-1_SEPT2019BBpdf.pdf

² See the Council’s November 2019 Briefing Book, Agenda Item E.3., Attachment 2 : <https://www.pcouncil.org/documents/2019/10/agenda-item-e-3-attachment-2-draft-work-plan-for-proposed-changes-to-the-preseason-schedule-in-the-pacific-salmon-fishery-management-plan.pdf/>

³ See the Council’s November 2019 Briefing Book, Agenda Item E.2., Attachment 1 : https://www.pcouncil.org/wp-content/uploads/2019/10/E2_Att1_Boundary_NOV2019BB.pdf

concurrently, then the Project Team would focus on the preseason schedule proposal in order to meet its 2021 implementation goal.

2.0 Purpose and Need

2.1 Preseason salmon schedule

The purpose of the proposed action for the preseason schedule change is to provide sufficient time between the Council's final action to set annual salmon management measures and the start of the salmon season to ensure that federal rulemaking is completed. The need for the proposed action is to provide certainty to the fishery that management measures will be in place at the expected time.

2.2 Proposed boundary change

The purpose of the proposed action for the boundary change is to change the defined southern boundary of the Klamath Management Zone (KMZ) from latitude 40°05' (Horse Mountain, California) five miles north to latitude 40°10'. The proposed change would reduce the size of the KMZ and coincidentally increase the size of the adjacent Fort Bragg (FB) fishery management area by five miles. The need for the proposed action is to simplify management of the fishery by aligning the southern boundary of the KMZ with the federal boundary used in groundfish fisheries, and fulfill the request of the local commercial fishers that operate in the area to move the boundary.

In addition, there are a few items within the current FMP that need updating. The proposed amendment provides the opportunity to make any needed updates, corrections, edits, formatting changes, as described in Section 5 of this document.

3.0 Scope of Action

3.1 Preseason salmon schedule

The scope of action for the proposed change to the preseason schedule for setting annual management measures for salmon fisheries that would (1) change the expected annual start date of May 1 to roughly May 15 for Council-area ocean salmon fisheries and (2) set a fixed date on which the Council will transmit to the Secretary of Commerce their annual recommendations for ocean salmon management measures.

If the Council changes the annual start date from May 1, this would result in needing to set early May fisheries in the prior year's management measures, as has been done for March and April fisheries since 1994.

3.2 Proposed boundary change

The scope of action for the proposed change to salmon management boundary would reduce the size of the KMZ and coincidentally increase the size of the adjacent Fort Bragg (FB) fishery management area by five miles. The proposed action would define the boundary between the KMZ and FB as a line at latitude 40°10', also referred to by the local commercial salmon fleet as the 'Helliwell line' (Figure 1). The proposed change would reduce the size of the KMZ and coincidentally increase the size of the adjacent Fort Bragg (FB) fishery management area by five

miles. The proposed action would define the boundary between the KMZ and FB as a line at latitude 40°10', also referred to by the local commercial salmon fleet as the 'Helliwell line' (Figure 1).

If the southern KMZ boundary was moved five miles north as proposed, those five miles will become part of the FB management area, hence increasing the FB management area and decreasing the KMZ. This proposed action could potentially affect both recreational and commercial fisheries in these areas. Commercial fishing has not been allowed within the five-mile area between latitude 40°05' and latitude 40°10' since at least 1992. If the boundary was moved and became part of the FB cell, then commercial fishing would be allowed in the FB area if annual regulations permitted it. Recreational fishing has not been restricted within the five-mile area between latitude 40°05' and latitude 40°10'. However, if the FB area was closed to recreational fishing during times when the KMZ was open, then the new boundary would reduce the open area in the KMZ to the recreational fishery by five miles. Equally, if the KMZ was closed and the FB area was open with the proposed boundary in place, the recreational fisheries would have the benefit of the extra five miles of open area.

4.0 Proposed Alternatives

4.1 Preseason salmon schedule

Historically, the regulation package for setting the annual salmon management measures has cleared the federal rulemaking process in time for the fisheries to begin on May 1. NMFS has proposed to change the May 1 fishery implementation date to roughly May 15. This change would provide the additional time needed to complete the federal rulemaking process, which begins once the Council has transmitted its final recommendations to the Secretary of Commerce in April.

- Alternative 4.1.1 – Status quo. Maintain the effective date of May 1.
- Alternative 4.1.2 – Annual effective date May 15.
- Alternative 4.1.3 – Annual effective date May 16.

NMFS has also recommended that the Council set a fixed date for transmittal of the annual management measures to NMFS. The purpose of this recommendation is to ensure NMFS has the time needed to approve and implement the annual management measures through filing a rule with the Office of the Federal Register.

- Alternative 4.1.4 – Do not amend the schedule to include an annual transmittal date.
- Alternative 4.1.5 – Amend the schedule to include an annual transmittal date that provides 24 days for NMFS to approve and implement the annual management measures. Example: An implementation date of May 15 would suggest a transmittal date of April 22.

4.2 Proposed boundary change

The proposed change is to modify the defined southern boundary of the KMZ from latitude 40°05' (Horse Mountain, California) five miles north to latitude 40°10'. This would equally

reduce the size of the KMZ and increase the size of the adjacent FB fishery management area by five miles.

- Alternative 4.2.1 – Status quo; maintain the current southern KMZ boundary of latitude 40°05' (Horse Mountain, CA)
- Alternative 4.2.2 – Modify the southern KMZ boundary to latitude 40°10'

5.0 Proposed ‘housekeeping’ items

The primary focus of the proposed action is to amend the preseason salmon schedule for setting annual management measures in the FMP and modify the southern boundary of the KMZ. However, this does provide an opportunity to take care of some “housekeeping” issues within the FMP. Some examples are included in, but not limited to, the following two sections.

5.1 Update FMP Table 3.1: status determination criteria

In 2015, the Council adopted new SDC for three stocks of salmon managed under the FMP: Southern Oregon coastal Chinook salmon, Grays Harbor fall-run Chinook salmon, and Willapa Bay natural coho. For all three stocks, the Council adopted new values for: conservation objective, SMSY, MSST, and MFMT; for Willapa Bay natural coho, an ACL description was also adopted. These values were approved by NMFS through notice-and-comment rulemaking (80 FR 19564, April 13, 2015, final rule), but were never updated in FMP Table 3-1.

5.2 Update text to reflect NMFS regional reorganization

In 2013, NMFS merged the Northwest and Southwest Region into one region, named the West Coast Region. All of the following terms in the FMP should be updated:

- Northwest Region should be West Coast Region
- Southwest Region should be West Coast Region
- NWR should be WCR
- SWR should be WCR
- NMFS NW Regional Administrator should be NMFS West Coast Regional Administrator

6.0 Council Operating Procedures

The proposed change to the preseason schedule, if adopted, would require a change to Council Operating Procedure (COP) #10.

7.0 Workload and Timeline

The Council, guided by COP #11, generally requires three Council meetings to adopt an amendment; these meetings need not be sequential. Once the Council transmits its recommendation for an FMP amendment to NMFS, there is an approval process prior to implementation.

Council workload planning

- November 2019
 - Council approved the general scope of FMP Amendment 20 (A20). This included the proposed change to preseason schedule, proposed change to the southern KMZ boundary, and minor housekeeping items.
 - Council approved purpose and need, scope of action and range of alternatives for proposed change to preseason schedule.

- June 2020
 - Project Team provides report outlining proposed changes and range of alternatives
 - Approve schedule to complete project.
 - Identify a preliminary range of alternatives.
 - Provide guidance for additional or modified alternatives.
 - Consider adopting preliminary preferred alternatives for both topics.
- September 2020
 - Project Team provides analytical documents, as necessary.
 - Project Team presents draft A20 FMP document.
 - Council adopts final preferred alternatives for A20.
 - Council transmits recommendation to NMFS.

8.0 National Environmental Policy Act (NEPA)

The Project Team (NMFS and Council staff) held a scoping meeting with a NEPA coordinator and General Council to determine the appropriate level of NEPA documentation.

The proposed change to the preseason schedule met the criteria for a Categorical Exclusion, as the change proposed is mainly administrative.

After thorough discussion it was determined that the proposed boundary change might qualify as a categorical exclusion, but because the full impact of the proposed change were unknown, it was decided that an environmental assessment (EA) would better serve the Council in its decisionmaking.

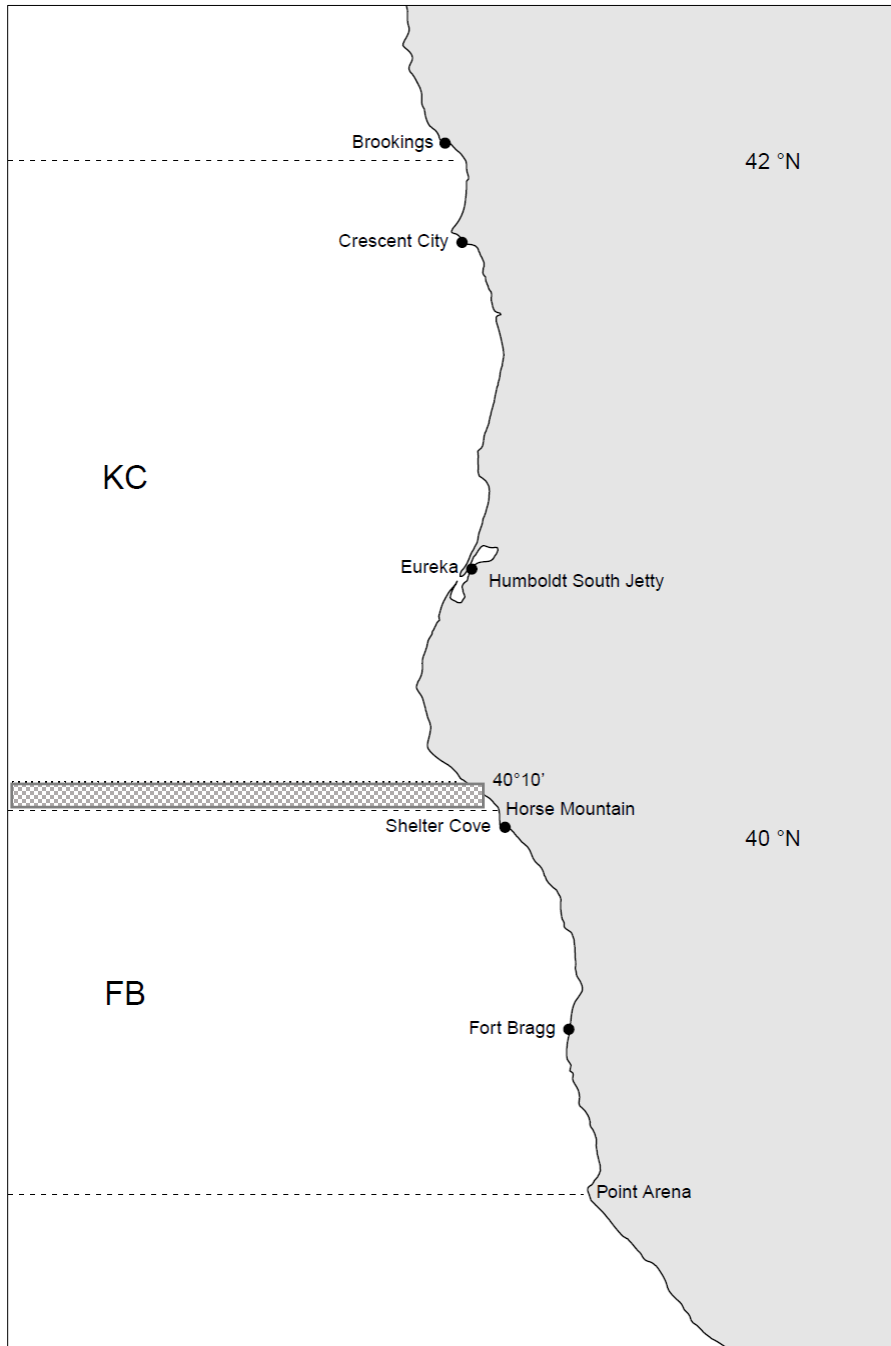


Figure 1. Klamath Control Zone - The ocean area at the Klamath River mouth bounded on the north by 41°38'48" N. lat. (approximately 6 nautical miles north of the Klamath River mouth); on the west by 124°23'00" W. long. (approximately 12 nautical miles off shore); and on the south by 41°26'48" N. lat. (approximately 6 nautical miles south of the Klamath River mouth).