

AMENDMENT 14

to

THE PACIFIC COAST SALMON PLAN (1997)

Incorporating the Regulatory Impact Review/Initial
Regulatory Flexibility Analysis and
Final Supplemental Environmental Impact Statement

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ACKNOWLEDGMENTS AND LIST OF PREPARERS

This document and its appendices constitute Amendment 14 to the *Pacific Coast Salmon Plan*. A complete list of all of the persons who participated in the preparation of the various parts of the amendment is contained in Chapter 7.



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COVER SHEET

[x] Final Supplemental Environmental Impact Statement

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PROPOSED ACTION:

Approval and implementation of Amendment 14 to the *Pacific Coast Salmon Plan* (1997).

Abstract:

The proposed action is to implement Amendment 14 to the salmon fishery management plan (FMP) under the provisions of the Magnuson Fishery Conservation and Management Act of 1976, as amended. Final Amendment 14 and its accompanying supplemental environmental impact statement provide a comprehensive updating of the salmon FMP, are responsive to the Sustainable Fisheries Act (SFA) of 1996 and increased listings of salmon stocks under the Endangered Species Act, and include other issues identified in amendment scoping sessions. The amendment updates the fishery description and clarifies what is covered by the salmon FMP. To be consistent with the SFA, Amendment 14 redefines optimum yield, provides new criteria to prevent or end overfishing, describes and defines essential fish habitat, and establishes salmon bycatch reporting specifications. In response to wild stock protection and harvest allocation issues, the proposed amendment modifies the FMP section on non-Indian harvest allocations north of Cape Falcon, Oregon to (1) clarify implementing selective fisheries that target on hatchery fish and (2) to formally recognize a recreational allocation for the La Push port area which has been essentially implemented for several years during the preseason management process. The proposed amendment also contains many other editorial changes to help clarify the FMP. The most significant editorial change is to provide a table listing all of the salmon stock complexes and indicator stocks which the Council manages, along with a summary of pertinent management information.

----- EXECUTIVE SUMMARY -----

AMENDMENT 14 AND FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT

WHAT IS THE PACIFIC COAST SALMON PLAN?

Since 1977, salmon fisheries in the exclusive economic zone (EEZ) (3 to 200 miles offshore) off Washington, Oregon, and California have been managed under salmon fishery management plans (FMPs) of the Pacific Fishery Management Council (Council or PFMC). Creation of the Council and the subsequent development and implementation of these plans were initially authorized under the Magnuson Fishery Conservation and Management Act of 1976. This act, now known as the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), was most recently amended by the Sustainable Fisheries Act (SFA) in 1996.

In 1978, the Council developed a comprehensive salmon FMP and environmental impact statement (EIS) to initiate ocean fishery management. From 1979 through 1983 the Council amended the original salmon FMP each year and issued a new supplemental environmental impact statement (SEIS). In 1984, to replace this very cumbersome and untimely process, the Council adopted a comprehensive, multi-year, framework amendment which established a structure 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. Since completion of the framework amendment and its SEIS, only limited parts of the FMP have been amended, primarily in regard to harvest allocation and salmon stock conservation objectives. The current plan and the proposed amendment retain the framework structure.

WHY AMEND THE SALMON PLAN NOW?

Amendment 14 and its accompanying final SEIS cover a comprehensive updating of the salmon FMP and its environmental impacts. The changes are necessary to make the FMP responsive to the SFA, to reflect increased listings of salmon stocks

under the Endangered Species Act (ESA), to include issues identified in amendment scoping sessions, and to generally update and clarify the plan.

Updating and Editorial Improvements

The amendment contains many editorial changes to help clarify the FMP, including a complete updating of the fishery description and identification of what the salmon FMP covers (Issues 1 and 2, respectively). The most significant editorial change is to provide a table listing all of the salmon stock complexes and indicator stocks which the Council manages, along with a summary of pertinent management information. A second table lists all the evolutionarily significant units (ESUs) defined by National Marine Fisheries Service (NMFS) in its review of stocks under the ESA. The table includes a list of the stocks included in each ESU and their current status with regard to ESA listing (part of Issue 4).

To Be Consistent With the Sustainable Fisheries Act

To be consistent with the SFA, Amendment 14 redefines optimum yield (Issue 3), provides new criteria to prevent or end overfishing (Issue 4), sets salmon bycatch reporting specifications and priorities for avoiding or minimizing bycatch mortalities (Issue 5), and describes and defines essential fish habitat (EFH) (Issue 6).

Improving Fishing Opportunity North of Cape Falcon

In response to public, agency, and industry requests, the amendment considers modification of the FMP section on non-Indian harvest allocations north of Cape Falcon, Oregon. The proposed changes would (1) formally recognize a recreational allocation for the La Push, Washington port area which has been essentially implemented for several years during the preseason management process (Issue 7), and (2) allow more flexibility in implementing selective fisheries that target on hatchery fish while releasing wild fish (Issue 8).

PLAN AMENDMENT ISSUES, OPTIONS, AND IMPACTS

This section summarizes the options and impacts of the eight individual amendment issues. In comparing options, the specifications of the current FMP are designated as Option A and those of the proposed amendment as Option B. Some amendment issues contain suboptions within Option B. The complete text of the proposed changes, as it would appear in a new *Pacific Coast Salmon Plan*, is appended at the end of the main Amendment 14 document. The Council recommends implementation of Option B for each of the eight amendment issues.

Issue 1 - Fishery Description

OPTIONS

Under the current salmon FMP, the "Introduction" (Option A-1) references previously published documents which contain, in total, a description of the fishery as required prior to the SFA.

Option B-1 deletes the former fishery description references (which are somewhat dated) and references new Appendices to the FMP which contain an updated description consistent with the requirements of the SFA. Appendix B contains a complete fishery description and harvest trend as of the time of this amendment. Appendix C would always be the most current version of the Council's annual review of ocean salmon fisheries which serves as an annual update to the information in Appendix B.

IMPACTS

There are no regulatory impacts or direct management effects involved in this issue. The ecological, social, and economic impacts of adopting Option B-1 are expected to be insignificant when compared to the status quo. The proposed action clarifies Council management and ensures it is consistent with the Magnuson-Stevens Act, but does not materially change it.

COUNCIL RECOMMENDATION

The Council adopted Option B-1.

Issue 2 - What the Plan Covers

OPTIONS

Chapter 2 (Management Unit) of the current salmon FMP (Option A-2) identifies the salmon species and principal stocks under Council management by broad geographical areas and includes some fishery management objectives and descriptions by broad subarea. This description has not been amended since 1984.

Option B-2 proposes to update, simplify, and clarify Option A-2 to be consistent with the SFA. The basic information for "What the Plan Covers" is contained in Chapter 1 of the new FMP. Information in the previous Chapter 2 not pertaining to a general description of the affected species and geographical area have been deleted or moved to other chapters in the new plan. The information on stock management objectives within fisheries has been updated and moved to a new section (Section 5.2) within the chapter on harvest. Reference to the plan's coverage of EFH has also been added to Chapter 1.

IMPACTS

There are no regulatory impacts or direct management effects involved in this issue. The ecological, social, and economic impacts of adopting Option B-2 are expected to be insignificant when compared to the status quo. The proposed action clarifies Council management and ensures it is consistent with the Magnuson-Stevens Act, but does not materially change it.

COUNCIL RECOMMENDATION

The Council adopted Option B-2.

Issue 3 - Optimum Yield

OPTIONS

The SFA has redefined optimum yield (OY) by including a consideration for "the protection of marine ecosystems" and limiting OY to maximum sustainable yield (MSY) as "reduced", rather than "modified" by, relevant economic, social, or ecological factors. The Council's stock conservation objectives in Option A-4 (Chapter 6 of the current FMP) that guide the determination of OY are based on achieving MSY or returning to MSY levels. The Council is not aware of information to indicate these desired levels of

stock abundance jeopardize any marine ecosystems. Therefore, the Council believes Section 4.1 of the current FMP (Option A-3) is consistent with the SFA. However, in the interest of specifically defining OY in the FMP to be consistent with the SFA and clarifying the Council's approach to achieving it, Alternative B-3 proposes a more thorough treatment of the issue in Chapter 2 of the proposed FMP.

IMPACTS

There are no regulatory impacts or direct management effects involved in this issue. The ecological, social, and economic impacts of adopting Option B-3 are expected to be insignificant when compared to the status quo. The proposed action clarifies Council management and ensures it is consistent with the Magnuson-Stevens Act, but does not materially change it.

COUNCIL RECOMMENDATION

The Council adopted Option B-3.

Issue 4 - Stock Conservation Objectives and Overfishing Criteria

OPTION A-4

The stock conservation objectives of the current FMP are contained in Chapter 6 and utilized in the criteria for overfishing in Section 4.2. Section 4.2.1 of Option A-4 states that "overfishing is an occurrence whereby all mortality, regardless of the source, results in a failure of a salmon stock to meet its annual spawning escapement goal or management objective (as specified in Chapter 6 of the salmon FMP) for three consecutive years, and for which changes in the fishery management regime offer the primary opportunity to improve stock status." When a stock meets the overfishing definition, the Council appoints a workgroup to investigate the causes and report its conclusions and recommendations to the Council. The Council then may implement actions within its authority to recover the stock or recommend actions to other entities for issues beyond Council authority, such as habitat destruction.

OPTION B-4

Option B-4 makes significant editorial changes to Chapters 4 and 6 of Option A-4 and places all of the stock and overfishing information in Chapter 3.

In addition, Section 3.2 provides a new treatment of overfishing which meets the requirements of the SFA, and Section 3.3 includes a new, updated description of stocks listed under the ESA. Option B-4 does not change any of the present spawner escapement goals, but provides a single table (Table 3-1) with a detailed listing of the salmon stocks (arranged by major stock complex), stock conservation objectives (spawner escapement goals), pertinent management information, and the applicability of overfishing criteria to the stocks.

Overfishing Criteria

As required by the SFA, Section 3.2 of Option B-4 provides the Council's objective and measurable criteria for identifying when a fishery is overfished and the conservation and management measures necessary to prevent or end overfishing and rebuild the fishery. The Council criteria are based on meeting annual stock conservation objectives in Table 3-1 which are based on either MSY, an MSY proxy, maximum sustainable production (MSP), a rebuilding schedule designed to allow a stock to build to its MSY, or a jeopardy standard in the case of stocks listed under the ESA. By striving to meet these objectives annually, the Council protects stocks against overfishing, quickly rebuilds stocks which may experience episodic depressions in abundance, provides long-term rebuilding of stocks which have been consistently depressed, and allows for stabilization of stocks listed under the ESA.

Conservation Alert

To anticipate potential long-term problems in stock abundance, Option B-4 (Section 3.2.2.1) provides that a conservation alert is triggered when a stock is projected to fall short of its conservation objective. When this occurs, the Council notifies the pertinent fishery and habitat managers of the problem, and depending on other information known about the stock, may request a formal assessment of the situation by the pertinent managers (Section 3.2.2.2). Option B-4 then provides for consideration of three suboptions with regard to the action the Council may take in establishing fisheries for the coming season:

Suboption A: Close all fisheries within Council jurisdiction which impact the stock(s) in question, except for Washington coastal and Puget Sound stocks under U.S. District Court orders which may be impacted by Council fisheries as long as annual spawner targets agreed to by Washington Department

of Fisheries and Wildlife (WDFW) and the treaty tribes are met. This is the status quo option (same as Option A-4).

Suboption B: Same as Suboption B-4A except that the targets agreed to by WDFW and the treaty tribes must be greater than 50% of the MSY conservation objective or greater than 50% of the lower end of the MSY range.

Suboption C: Allows the same deviation from the MSY objectives for all stocks that Suboption B-4B provides for the Washington coastal and Puget Sound stocks, unless the stock has not met its MSY conservation objective in each of the past three years.

Overfishing Concern

As in Option A-4, when a stock fails to meet its conservation objective in three consecutive years, the Council's overfishing concern is triggered and an assessment is begun. The action is different under Option B-4 in that the Council must recommend management measures or a plan amendment within one year to end the overfishing and rebuild the stock in as short a time as possible. To accomplish this, the Council assigns the Salmon Technical Team (STT), with assistance from pertinent managers, to assess the stock and provide recommendations to the Council by the March meeting of the following year. The Council also requests the Habitat Steering Group to assist state, federal, tribal, and local habitat experts and managers in identifying and resolving habitat problems.

Exceptions

Certain exceptions apply to the Council's implementation of its overfishing criteria (Section 3.2.4). The Council does not apply the criteria to hatchery stocks which generally do not represent unique gene pools and whose long-term production is rarely threatened by fishing impacts. Natural stocks which have negligible impacts in Council fisheries are also an exception as there is no value served by denying harvest of healthy stocks while providing no benefit to the stock(s) in question. The criteria used to designate these stocks is an adult equivalent exploitation rate of less than five percent in base period Council fisheries. The third exception is stocks listed under the ESA which are managed under a NMFS jeopardy standard or recovery plan to stabilize the stock until such time as restoration of their habitat

makes it possible to develop new MSY objectives consistent with the recovered habitat.

IMPACTS

Under Option B-4, the Council meets the requirements of the SFA to respond to an overfishing concern within one year with actions, regulations, or a plan amendment to end the overfishing and begin rebuilding the stock. The workload is not significantly different than under the current plan. However, some additional administrative burden may be imposed by the shorter time frame for action.

Option B-4 also adds a "conservation alert" process and status as an early warning that a stock may be in a weakened condition. The conservation alert may (1) increase administrative burdens by requiring the generation of new reports (all suboptions); (2) prevent the Council from implementing agreements that revise escapement goals to less than 50% of the lower end of the MSY range for Washington coastal and Puget Sound stocks managed under U.S. District Court orders (Suboptions B-4B and B-4C); and/or (3) reduce administrative burdens by making some actions, routinely taken only under emergency procedures, a part of the regular procedures (Suboption B-4C).

Suboptions B-4B and B-4C may increase the likelihood of rebuilding Washington coastal and Puget Sound stocks managed under U.S. District Court orders. Under the current system, the Council may recommend seasons based on any escapement levels agreed to by the tribes and WDFW (even if the spawning escapement would fall more than 50% below the lower end of the MSY goal range).

Impacts under the overfishing criteria in Suboptions B-4B and B-4C would be negligible for all stocks south of Cape Falcon and for chinook stocks north of Cape Falcon. However, implementation of these suboptions could require additional reductions in fisheries north of Cape Falcon to meet conservation objectives for Washington coastal and Puget Sound coho stocks (see Table 2-3 in the main body of the Amendment 14 document). The potential fishery reductions that could occur under Suboptions B-4B and B-4C are within the range of reductions already experienced north of Cape Falcon over the past 10 years.

COUNCIL RECOMMENDATION

The Council adopted Option B-4 with editorial modifications of Suboption A to simplify it and better recognize the court ordered process for Washington coastal and Puget Sound salmon stocks.

Issue 5 - Bycatch

OPTIONS

Under the current FMP (Option A-5) there is no specific definition of bycatch, though Section 9.5.3 provides five basic guidelines for addressing bycatch in species specific fisheries. The STT compiles estimates of mortality as a result of nonretention of salmon species in salmon fisheries in its preseason reports and the annual review of ocean salmon fisheries.

Option B-5 (Section 3.4) responds to the requirements of the SFA to define bycatch, to provide guidance for minimizing the amount of bycatch and the mortality of such bycatch, and to establish a standardized reporting methodology to assess the type and amount of bycatch. Section 6.5.3 of Option B-5 retains the guidance of Option A-5 with respect to selective fisheries.

Within the salmon preseason planning process, management options will be assessed for the effects on the amount and type of salmon bycatch and bycatch mortality. Estimates of salmon bycatch and incidental mortalities associated with salmon fisheries will be included in the modeling assessment of total fishery impact and assigned to the stock or stock complex projected to be impacted by the proposed management measure.

IMPACTS

There are no regulatory impacts or direct management effects involved in this issue. The ecological, social, and economic impacts of adopting Option B-5 are expected to be insignificant when compared to the status quo. The proposed action clarifies Council management and ensures it is consistent with the Magnuson-Stevens Act, but does not materially change it.

COUNCIL RECOMMENDATION

The Council adopted Option B-5.

Issue 6 - Essential Fish Habitat

OPTIONS

Amendment 8 to the FMP (1988) provides a habitat appendix for Pacific Coast Salmon Stocks (Option A-6). The appendix contains or describes (1) pertinent salmon life history information, (2) physical characteristics of marine and freshwater habitat required for the production of a healthy salmon resource, (3) actions with significant adverse impacts on salmon habitat, and (4) recommendations for ways to maintain and restore the productive capacity of the salmon resource. The habitat appendix does not meet the requirements of the SFA and is not a viable option.

The Council provides Option B-6 to adequately incorporate the requirements of the SFA into the FMP with regard to EFH. Option B-6 is contained in Section 4.1 and Appendix A of the proposed new salmon FMP. It is based on the specific requirements of the SFA to define and describe EFH for each fishery and to 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.

The SFA requires that EFH must include those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity. In specifying its definition, the Council further clarified EFH to be those waters and substrate necessary for salmon production needed to support a long-term sustainable salmon fishery and salmon contributions to a healthy ecosystem rather than merely being habitat necessary to assure that salmon exist. To achieve that level of production, EFH must include most of the habitat historically available to salmon. The option of limiting EFH to only the most essential habitat to assure continued existence of salmon does not provide for a viable, economically valuable, renewable resource as envisioned in the SFA.

The complete EFH definition in Option B-6 is provided in Chapter 1 of Appendix A. It includes all currently viable waters and most of the habitat historically accessible to salmon within the USGS hydrologic units identified in Table A-1. Salmon EFH excludes areas upstream of longstanding naturally impassible barriers (i.e., natural waterfalls in existence for several hundred years). Salmon EFH includes aquatic areas above all

artificial barriers except the impassible barriers (dams) listed in Table A-2. However, activities occurring above impassable barriers that are likely to adversely affect EFH below impassable barriers are subject to the consultation provisions of the Magnuson-Stevens Act. In the future, should subsequent analyses determine the habitat above any of the dams listed in Table A-2 is necessary for salmon conservation, the Council will modify the identification of EFH.

Initially, the Council considered only including marine areas out to 60 km as EFH, based on information available that indicates the importance of this area to juvenile and adult fish. However, given the occurrence of chinook and coho salmon in high seas fisheries and tagging programs, and other documentation in Appendix A, any offshore boundary would be arbitrary. Therefore, the Council chose to designate all marine waters within the EEZ off Washington, Oregon, and California north of Point Conception.

Foreign waters (i.e., off Canada) are not included in salmon EFH, because they are outside U.S. jurisdiction. However, the Pacific Coast salmon fishery EFH also includes the marine areas off Alaska designated as salmon EFH by the North Pacific Fishery Management Council. Appendix A also contains a detailed assessment of adverse impacts and actions to encourage conservation and enhancement of EFH from both fishing activities and nonfishing activities.

IMPACTS

There are no direct management effects or impacts due to new regulations involved in this issue. The ecological, social, and economic impacts of adopting Option B-6 are expected to be insignificant when compared to the status quo. The proposed action clarifies Council management and ensures it is consistent with the Magnuson-Stevens Act, but does not materially change it.

Implementation of Option B-6 does not have any direct biological or physical impacts on the human environment or on the physical habitat utilized by salmon or other fish or animal species. It provides a description of habitat required to maintain a healthy, harvestable salmon resource and provides recommendations to protect, maintain, and restore that habitat. These descriptions and recommendations will form the basis for consultations by NMFS on federal actions which may adversely impact EFH. In the long-term,

such guidance should have a positive effect on the status of the Pacific Coast salmon resource and reduce the need to list stocks under the ESA.

The Council's definition and description of EFH will have no immediate direct effect on fishing or nonfishing activities. However, there will be indirect effects that include some additional workload for federal agencies to consult with the Secretary in any action that may adversely affect the defined EFH. Part of that workload may pass through to private entities and other nonfederal governments in the form of delays or the identification of issues and concerns that lead to requests for modification of the impact analysis or project design, and the associated costs of such modifications. However, the definition of EFH and the related consultation requirement do not create any new standards for analysis, project design, or mitigation.

COUNCIL RECOMMENDATION

The Council adopted Option B-6 modified to require consultation for activities above impassable barriers that may adversely affect EFH below the barriers.

Issue 7 - Recreational Harvest Allocations for Port Areas North of Cape Falcon

OPTION A-7

Amendment 10 to the salmon FMP (1990) formally established three recreational subareas with harvest allocations in the area north of Cape Falcon and specifically allowed the Council to establish additional subarea quotas within a major subarea during the preseason management process to meet recreational season objectives when agreed to by representatives of the affected ports. The subarea allocations work to stabilize the salmon fishing opportunity of each port by assuring that no one subarea will harvest more than its recent historical share of the total recreational coho allocation. Prior to and at the time of Amendment 10, the Port of La Push was in a period of greatly diminished sport fishing activity and a single allocation was established that covered both Neah Bay and La Push. In this situation, with the greatly reduced overall harvest levels of recent years, fishing effort from Neah Bay can quickly exhaust the available quotas, leaving no way for La Push to rebuild its former sport fishery. Therefore, beginning in 1990, the Council

annually approved a separate subarea quota for La Push. The separate subquota allowed for a longer season from La Push that could not be precluded by the Neah Bay fishery.

OPTION B-7

Under Option B-7, the Council proposes to formalize the subarea allocation to La Push at a level that is approximately 20% of the former Neah Bay/La Push allocation. This is equal to the level provided to La Push on an annual basis during the preseason process beginning in 1995. In addition, during years in which there is an Area 4B add-on fishery inside Washington internal waters (which benefits only Neah Bay), La Push will be accorded a small percentage increase in its allocation in the same manner as has been established in the FMP for Westport. The specific FMP language establishing these allocations is contained in item six of Section 5.3.1 and in Section 5.3.1.1 of the proposed *Pacific Coast Salmon Plan*. Also, under item six of Section 5.3.1, the language has been modified to allow deviations from subarea quotas to meet recreational fishery objectives if agreed to by representatives of the affected ports.

IMPACTS

There are no significant impacts associated with the proposed amendment. The change in the FMP formalizes the action which the Council has taken during the preseason management process beginning in 1990 and adds some additional flexibility to be more responsive to meeting the recreational objectives of the FMP for fisheries north of Cape Falcon. This flexibility may allow the Council to more fully utilize available harvest opportunity and slightly increase the benefits to the local communities. Regulations under § 660.408(c)(1)(v) would have to be modified to reflect the increase in the number of subareas and to change the allocation percentages.

COUNCIL RECOMMENDATION

The Council adopted Option B-7.

Issue 8 - Selective Coho Fisheries North of Cape Falcon

Issue 8 considers allowing deviations in the non-Indian harvest allocations north of Cape Falcon to take advantage of selective fisheries to access more of the available harvest of hatchery produced coho salmon while not increasing

impacts on pertinent natural stocks of management concern.

OPTION A-8

Under the current FMP (Option A-8), it is possible to establish fisheries that are selective for various species and sizes of salmon, as well as for fish which may be marked in some way to identify them to the fishers. However, the gear and subarea allocations for the fisheries north of Cape Falcon are based on landed catch quotas rather than impacts. Therefore, a selective fishery cannot be used to increase coho harvest over that occurring without the selection unless all gear groups and subareas are able to increase their harvest proportionally without increasing impacts on the critical natural stocks. Due to variations in the distribution of hatchery and natural stocks and timing of fisheries, the ability to achieve such a proportional increase may not always be possible.

OPTION B-8

Alternative B-8 allows deviations from the specified port area and gear allocations to increase harvest opportunity through fisheries that are selective for marked coho salmon as long as: additional harvestable fish are available; the selective fisheries are implemented primarily in August and/or September; the total impacts within each port area or gear group on critical natural stocks of management concern are not greater than those under the original allocation without selective fisheries; other allocation objectives of the plan are met; and the selective fishery is assessed against the guidelines of Section 6.5.3 of the proposed plan. The specific FMP language is found under "Selective Fisheries Which May Change Allocation Percentages" in Section 5.3.1.1 of the proposed plan.

IMPACTS

Increased Ocean Harvest and Fishing Opportunity

Using the 1996 fisheries as an example, a fully expanded, equivalent impact recreational selective coho fishery could have potentially increased harvest by up to 153,700 coho, about a 3.4 fold increase. In terms of angler opportunity, the equivalent impact fishery could have provided 174,100 more trips than a status quo selective fishery and 194,300 more trips than a nonselective fishery. Effort levels such as those potentially allowed under a selective fishery have

not been observed for two month periods since the late 1970s. Experience in selective fisheries in 1999 indicated it is unlikely angler trips would expand to these potentials in the near future.

The 1996 example of a fully expanded selective recreational fishery would result in a removal of about six percent of the Puget Sound hatchery stocks, roughly ten percent to 15% of the Washington coastal hatchery stocks and roughly 50% of the Columbia River hatchery stocks.

Impacts on Other Fisheries and Natural Escapement

A fully expanded, equivalent impact, selective recreational ocean salmon fishery for coho would significantly decrease the proportion of hatchery stocks and increase impacts on natural stocks of subsequent fisheries north of Cape Falcon. In the presence of an equivalent impact selective recreational fishery, the projected effect of the 1996 troll fishery is a relatively small reduction in ocean escapement of natural stocks, although the change in ocean escapement is very likely underestimated by the model (see "Risk and Modeling Limits" below). Options for maintaining a neutral effect on critical natural stocks from all sources of fishing mortality include selective harvest in other fisheries that impact the critical natural coho stocks; reducing harvest in the other fisheries by reducing quotas (if used), seasons, or bag limits, etc.; or not taking full advantage of potential selective fishing opportunities in the ocean fishery.

The troll ocean fishery will not have its quotas directly reduced as a result of selective recreational fisheries for coho. However, if the troll fishery occurs subsequent to an expanded recreational fishery, reduced catch rates may increase the cost per unit catch. A selective ocean troll fishery would likely increase total gross fishing revenue for the participants. The effect of a selective troll fishery on net revenue would depend on the additional cost associated with catching and discarding unmarked fish, i.e., retained catch per unit of effort would decrease, increasing marginal costs.

The proposed selective fishery amendment would increase fishing activity in coastal ports at some possible expense to salmon fishing communities in other locations.

The opportunity to increase effort in the ocean recreational fishery through imposition of a selective coho fishery may be associated with an

increase in chinook mortalities. A similar conclusion would be likely for a selective ocean troll fishery. The amount of chinook available for north of Cape Falcon fisheries is the subject of negotiations each year. An increase in the potential coho harvest as a result of selective coho fisheries may increase the pressure for providing chinook quota or hook-and-release mortality impacts for ocean fisheries.

Risk and Modeling Limits

The risk of underestimating hook-and-release mortality in the evaluation of selective fisheries was modeled by comparing the impacts under an estimated 8% mortality rate and a 16% rate. The additional impacts in the ocean recreational fishery at a 16% hook-and-release mortality rate were 30% above those that would have been expected using an 8% rate. However, the reduction in ocean escapement of natural stocks would be generally less than one percent, with the exception of the Hoh and Queets stocks for which ocean escapement would be two percent and three percent less than expected, respectively. To maintain a neutral effect on natural coho stocks under this assumed example, catches would have to be limited to about 75% of the level modeled under the 8% percent hook-and-release mortality rate.

The model for selective fisheries is limited because it does not account for substantial within month changes that may occur in the stock mix as a result of removal of the marked hatchery component and it does not account for changes in the mortality rate for natural fish that are encountered more than once in a selective fishery. For example, within the recreational fishery the stock mix encountered by fishers at the start of a month may be substantially different than that encountered toward the end of the month, with unmarked coho encounter rates increasing through time. However, the model is not set up to make any adjustments to the stock mix from that which is present at the start of the month.

COUNCIL RECOMMENDATION

The Council adopted Option B-8 with minor editorial changes.

OTHER APPLICABLE LAW

Executive Order 12866

The actions contemplated in this amendment do not create serious inconsistencies or interfere with actions of other agencies, do not alter entitlements, grants, etc., and do not raise novel legal or policy issues. The action is unlikely to be found significant under Executive Order 12866.

Regulatory Flexibility Act

Only Issues 7 and 8 require a change in federal regulations. These issues deal with harvest allocation north of Cape Falcon. Issue 7 primarily formalizes a recreational allocation provided to the port area of La Push which has been made during the Council's preseason management process since 1990. Therefore, the action would not have a substantial impact on a significant number of small business entities.

Issue 8 allows flexibility for non-Indian harvest allocations north of Cape Falcon to increase harvest with selective coho fisheries (primarily marked hatchery fish). The actual change in harvest distribution among ocean and inside fisheries is the subject of annual negotiations by the involved parties. Therefore, it is not possible to determine the ultimate distribution of impacts for fisheries under the proposed amendment and not possible to certify that there would not be substantial and significant impacts on small entities resulting from the expansion of selective fisheries in ocean areas north of Cape Falcon. It is possible to say that it is unlikely that total harvest will be reduced as a result of the reallocation. In fact, aggregate recreational and commercial harvest may be increased if selective fisheries allow the harvest of hatchery fish that would have otherwise been excess hatchery spawning escapement. The Council solicited public comment on options that may have been overlooked in this amendment that would have a lesser impact on small businesses while achieving the objective of harvesting more hatchery fish without increasing impacts on natural stocks.

Endangered Species Act and Marine Mammal Protection Act

The proposed actions are not anticipated to jeopardize survival of endangered or threatened species or have any change in effects on marine mammal populations.

Coastal Zone Consistency

The Council believes the proposed action is consistent to the maximum extent practicable with the applicable state coastal zone management programs of Washington, Oregon, and California. The National Marine Fisheries Service corresponds with the responsible state agencies under Section 307 of the Coastal Zone Management Act to obtain their concurrence in this finding.

National Environmental Policy Act

In accordance with the National Environmental Policy Act (NEPA) and the Council on Environmental Quality regulations that implement NEPA, the Council and NMFS prepared a draft SEIS for Amendment 14 that was distributed to the public in January 1999. After public hearings in February, the Council adopted its preferred options for the amendment issues on March 11, 1999. The final SEIS contained in this document supplements the original EIS of 1978, the annual SEISs from 1979 through 1983, and the SEIS for the Framework Amendment in 1984. Copies of the draft and final amendment and SEIS are available from the Council office (phone 503/326-6352).

CONCLUSION

The issues in Amendment 14 respond to various identified management requirements of the SFA; to management recommendations of the fishery agencies, industry, and public; and to the need for maintaining an updated, understandable and accurate salmon FMP. In the face of declines in many natural salmon stocks, the proposed changes primarily reflect a move toward somewhat more conservative management, increased emphasis on the restoration and protection of fish habitat and the production of natural stocks, and innovative methods of maintaining fisheries without increasing impacts on naturally produced salmon. The impacts from the range of options considered in this amendment fall generally within the range of impacts considered possible under the framework amendment and its supplemental SEIS completed in 1984.

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AND RECOMMENDED CONSERVATION MEASURES FOR SALMON

APPENDIX B TO THE PACIFIC COAST SALMON PLAN:
DESCRIPTION OF THE OCEAN SALMON FISHERY AND ITS SOCIAL AND
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LIST OF ACRONYMS AND ABBREVIATIONS

Council	Pacific Fishery Management Council
CCC	Central California Coast
CDFG	California Department of Fish and Game
CPUE	catch per unit of effort
CWT	coded wire tag
DEIS	Draft environmental impact statement
EEZ	exclusive economic zone
EIS	Environmental impact statement
EO	Executive Order
ESA	Endangered Species Act
ESU	evolutionarily significant unit
FMP	fishery management plan
FR	<i>Federal Register</i>
FRAM	Fishery Regulation Assessment Model
IRFA	Initial Regulatory Flexibility Analysis
KRSMG	Klamath River Salmon Management Plan
KRTT	Klamath River Technical Team
Magnuson-Stevens Act	Magnuson Fishery Conservation and Management Act
MMPA	Marine Mammal Protection Act
MSP	maximum sustainable production
MMS	Minerals Management Service
MSY	maximum sustainable yield
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
NPPA	Northwest Power Planning Act
NRC	National Research Council
OCN	Oregon coastal natural coho
ODFW	Oregon Department of Fish and Wildlife
OPI	Oregon Production Index
OY	optimum yield
PFMC	Pacific Fishery Management Council
PSC	Pacific Salmon Commission
PSTA	Pacific Salmon Treaty
RFA	Regulatory Flexibility Act
RIR	Regulatory Impact Review
SAS	Salmon Advisory Subpanel
Secretary	U.S. Secretary of Commerce
SEIS	Supplemental Environmental Impact Statement
SFA	Sustainable Fisheries Act
SONC	southern Oregon/northern California (coho ESU)
SSC	Scientific and Statistical Committee
STT	Salmon Technical Team
TAC	total allowable catch
TALFF	total allowable level of foreign fishing
USFWS	U.S. Fish and Wildlife Service
WDFW	Washington Department of Fisheries and Wildlife

INTRODUCTION

Since 1977, salmon fisheries in the Exclusive Economic Zone (EEZ) (3 to 200 miles offshore) off Washington, Oregon, and California have been managed under salmon fishery management plans (FMP) of the Pacific Fishery Management Council (Council or PFMC). 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, was most recently amended by the Sustainable Fisheries Act (SFA) in 1996.

This document presents and analyzes proposed changes to the Council's present salmon FMP, the *Pacific Coast Salmon Plan* (PFMC 1997a). It represents the 14th amendment to the Council's original salmon FMP.

Actions taken to amend FMPs or implement other regulations governing the fisheries must meet the requirements of federal laws and regulations. These include the Magnuson-Stevens Act, National Environmental Policy Act, Endangered Species Act, Marine Mammal Protection Act, Executive Order 12866, and the Regulatory Flexibility Act. This document contains the description and analyses of the proposed plan changes and the analyses required by the referenced federal laws and regulations as outlined below. The proposed new FMP is appended at the end of this document. The amendment appendices (A, B, C, and Public Comment) are in separate documents.

Chapters 1 through 9 describe and analyze the amendment issues. Chapter 1 describes the purpose and need for the proposed action while Chapter 2 describes the FMP amendment issues and options, and summarizes their expected impacts. These chapters contain key elements necessary for a Regulatory Impact Review/Initial Regulatory Flexibility Analysis (RIR/IRFA) as well as the final supplemental environmental impact statement (SEIS). Chapter 3 describes the relationship of other federal law to the amendment and contains or references the information required for a structurally complete RIR/IRFA. Chapters 4 and 5 contain or reference the primary information required for the final SEIS. Chapter 6 contains a list of the cited literature. Chapter 7 provides information on the preparation of the document. Chapter 8 summarizes public participation in the amendment process and Chapter 9 summarizes the substantive public comments and the Council response. Following Chapter 9 is the complete text of the amended portions of the salmon FMP as adopted by the Council. Appendix A contains the definition and description of essential fish habitat which is a new requirement in the SFA. Appendix B contains a detailed and updated description of the fishery and its social and economic characteristics. Appendix C references the Council's most current annual review of ocean salmon fishery management which will serve to update the fishery description each future year. The public comments received by the Council are contained in the Public Comment Appendix. The table below provides a quick reference to the parts of the amendment.

Statement, Description or Assessment	Reference
Purpose and Need for Action	Chapter 1
Description of Alternative Actions and Options	Chapter 2; <i>Draft Pacific Coast Salmon Plan</i> ; and <i>Appendix A</i>
Option Impacts (ecological, administrative, social, and economic)	Chapter 2
RIR/RFA and Other Applicable Law	Chapter 3
Affected Environment	Chapter 4
Environmental Consequences	Chapters 2 and 5, and <i>Appendix B</i>
Literature Cited	Chapter 6
List of Preparers	Chapter 7
Public Participation and Review	Chapter 8
Response to Comments	Chapter 9

1 PURPOSE AND NEED FOR ACTION

The need for this action is to consider proposed changes to the Pacific Coast Salmon Plan (PFMC 1997a) which directs ocean salmon fishery management actions relative to the exclusive economic zone (EEZ) off the coasts of Washington, Oregon, and California. The no action alternative in this process would be to retain the current salmon fishery management plan (FMP) unchanged. This FMP amendment process began in October 1996 for the purpose of (1) updating the current Environmental Impact Statement (EIS) completed in 1984, (2) meeting new or modified FMP requirements as a result of the Sustainable Fisheries Act (SFA), (3) responding to amendment proposals offered by representatives of the fishing industry, fishery management agencies, tribes, and public, and (4) making editorial and organizational improvements in the format of the FMP. The subsections below provide a brief background of the development of the current salmon FMP and further details on the needs to which this action responds.

1.1 HISTORY OF THE SALMON FMP

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 (PFMC 1984). Therefore, in 1984, the Council adopted a comprehensive framework amendment which was designed to end the need for annual plan amendments and SEISs.

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 original Fishery Conservation and Management Act of 1976. Each of the seven amendments adopted since implementation of the framework FMP in 1984 has been accompanied by an environmental assessment.

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, and 13), non-Indian harvest allocation (Amendments 7, 9, and 10), inseason management criteria (Amendment 7), habitat (Amendment 8), safety (Amendment 8), a definition of overfishing (Amendment 10), and management objectives for stocks listed under the Endangered Species Act (ESA) (Amendment 12).

In 1996, as part of Amendment 12, the Council made an editorial update to the framework FMP which included incorporating all of the amendments after 1984 into the *Pacific Coast Salmon Plan* (PFMC 1997a), the current salmon FMP. In 1997, the Council adopted Amendment 13 which modifies the Oregon coastal natural (OCN) coho management goals. This proposed amendment would be Amendment 14.

1.2 UPDATING THE ENVIRONMENTAL IMPACT STATEMENT

The present SEIS for the Pacific Coast salmon fishery was completed 14 years ago. Several aspects of the SEIS may benefit from an editorial updating to make it a more useful, accurate and timely document from which to assess current ocean salmon fishery management. However, the primary need in updating the 1984 SEIS is to assess changes in the potential range of environmental impacts from future ocean fisheries resulting from an overall general decline in the abundance of many Pacific Coast salmon stocks, and, in particular, from those species listed or considered for listing under the Endangered Species Act (ESA).

1.2.1 Overall Alternatives Considered in 1984

The 1984 EIS to the salmon FMP considered five alternatives with regard to managing the Pacific Coast salmon fishery. Besides the adopted alternative of a framework FMP with a mix of fixed goals and objectives and flexible management measures, the EIS considered (1) the status quo (a new plan amendment each year), (2) a plan with all fixed measures, (3) a plan with all flexible measures, and (4) no federal management (PFMC 1984).

Since adoption of the 1984 framework amendment, the Council has found the adopted framework approach meets the requirements of the Magnuson-Stevens Act and the fishery with considerably greater efficiency than the former method of establishing a new amendment each year. The efficiency has been gained while maintaining public opportunity for review and comment. The procedures since 1984 probably allow for a more focused review on the specific annual measures being proposed since the overall management objectives are fixed from year to year. The particular mix of fixed and flexible measures in the adopted plan has generally fulfilled the expectations stated in the 1984 EIS when compared to the "all fixed" or "all flexible" alternatives (flexibility to meet changing or unforeseen situations while limiting uncertainty and the breadth of factors to be decided each year). Plan amendments since 1984 have dealt primarily with adjusting or refining specific fixed objectives in response to additional information or changing stock status and management needs.

The alternative of no federal ocean salmon fishery management is probably less viable now than in 1984. This conclusion is based on the present need for regionally coordinated management as a result of the overall declining status of several important Pacific Coast salmon stocks with inter-state harvest implications, listings under the federal ESA, the need for regional input in several harvest allocation decisions, and more stringent federal requirements of the SFA with regard to optimum yield, overfishing, and stock rebuilding. Support by the fishing industry and public for maintaining Council management, versus allowing each state to control the fisheries within its jurisdiction, appears stronger now than in 1984 when public comments challenging the need for the Council were not uncommon. Comments received in the scoping sessions were supportive of continued Council management of the EEZ.

1.2.2 Effect of Chronic Stock Depression and Listings Under the Endangered Species Act

Since the current supplemental EIS for the salmon FMP was completed in 1984, the most significant change affecting ocean salmon fishery management within Council jurisdiction has been in the chronically declining status of numerous Pacific Coast salmon stocks, several of which have direct impacts on Council management. Due to continued or frequent periods of stock depression, new conservation objectives were developed for Oregon coastal natural (OCN) coho (Amendments 7, 11 and 13) and Klamath River fall chinook (Amendment 9). Both of these stocks have been major contributors to Council-area ocean fisheries.

Prior to 1989, no Pacific Coast salmon species or stocks had been listed under the ESA. Since that time, several stocks of chinook and coho salmon that directly affect ocean salmon fishery seasons in some degree have been listed. With the exception of threatened OCN coho, the listed stocks do not have a history of being important contributors to Council-managed ocean salmon fisheries and generally are affected to a relatively low degree by salmon harvest activities in the Council-area. However, the major restrictions required to protect OCN coho and the potential for further restrictions to protect other stocks currently proposed for listing under the ESA raise significant concern for the future of the mixed-stock ocean salmon fishery.

Management changes due to critical stock declines have been assessed in the pertinent FMP amendments for OCN coho and Klamath River fall chinook and their accompanying environmental assessments. Amendment 12 specifically provided overall conservation objectives for any ESA listed species. In addition, the Council's annual preseason reports update the impacts and management decisions resulting from ESA requirements. However, given the breadth of change since 1984 with regard to present and future ESA listings and their potential impacts on Council-area fisheries, it is appropriate to use this opportunity to update the 1984 supplemental EIS to clarify the overall impact of these actions.

1.2.3 Approach for Updating the EIS

Because the need to update the EIS derives primarily from the general decline in the abundance of many Pacific Coast salmon stocks and the listing of some of those stocks under the ESA, the approach of this update will be to compare fisheries and impacts prior to the decline in fisheries with fisheries and impacts in more recent years. For purposes of this analysis, the first listing of a salmon stock under the ESA (1989) will generally be used to delineate a shift in regimes, though it was not until a few years after the first listing that the effects of declines in stock conditions were felt more broadly along the coast. Chapter 4 updates the EIS with a description of the affected environment and Chapter 5 compares fishery related impacts during the time the FMP was first adopted to impacts in more recent years.

1.3 RESPONSE TO REQUIREMENTS OF THE SUSTAINABLE FISHERIES ACT

The Sustainable Fisheries Act (SFA) amends the Magnuson-Stevens Act in several respects which require changes to the Council's current salmon FMP. The most significant changes include three new National Standards which all councils must meet, new requirements for the definition and description of essential fish habitat (EFH), a new definition of optimum yield, a definition and new requirements with respect to bycatch, and new requirements with regard to the prevention of overfishing and the rebuilding of stocks which are overfished. The Council's proposed options for meeting the requirements of the SFA are contained in Chapter 2.

1.4 RESPONSE TO SCOPING SESSION ISSUES

At its October 1996 meeting, the Council conducted an extensive scoping session to review all aspects of the salmon FMP. Besides those issues addressing requirements of the SFA, the session identified several additional issues for Council consideration (PFMC 1997b). The identified issues considered in this plan amendment include (1) updating and clarifying the species, stocks and area covered by the plan, (2) reviewing the plan objectives for clarity, consistency and adequacy, (3) linking conservation objectives with identified stock management units, (4) clarifying the procedures for determining allowable ocean harvest, and (5) revising the troll/sport allocations north of Cape Falcon to allow equitable sharing of weak stock mortality under selective fisheries (aimed at harvesting primarily hatchery fish) and to establish a fourth recreational port area allocation in the La Push subarea.

1.5 EDITORIAL AND ORGANIZATIONAL CHANGES

With the magnitude and scope of changes required by the SFA and in the interest of making a more readable plan, considerable editorial and organizational changes are proposed for the new salmon FMP. The specific changes are covered in more detail in Chapter 2 and displayed completely within the text of the new plan which follows Chapter 9.