

MEMORANDUM

TO: Council, SSC and AP Members

FROM: Chris Oliver *Chris*
Executive Director

ESTIMATED TIME
8 HOURS
(ALL C-3 ITEMS)

DATE: March 22, 2011

SUBJECT: Salmon Fishery Management Plan (FMP)

Gretchen Harrington

ACTION REQUIRED

- (a) Receive preliminary review of the Salmon FMP and take action as necessary.

BACKGROUND

This preliminary review of the Salmon FMP is intended to provide information on possible revisions and updates to the FMP. In December 2010, staff presented a discussion paper on options for updating the FMP to comply with the Magnuson-Stevens Act (MSA) and the requirements of the National Standard 1 (NS1) Guidelines for annual catch limits (ACL) and accountability measures (AM). The Council directed staff to initiate an analysis based on the Council's draft problem statement, alternatives, and options. This document, along with the "clunker FMP" combining the 1990 FMP with all subsequent amendments, provides a review of the FMP and a discussion of how and to what degree federal requirements are addressed within the FMP. Also provided are preliminary options for modifying FMP provisions and areas where the Council may want to recommend changes to the FMP's management measures. This preliminary review discussion paper was sent out in a Council mailing on March 21, 2011; the "clunker FMP" was sent out on March 11, 2011.

Under the flexibility provision of the NS1 Guidelines for Pacific Salmon (50 C.F.R. 600.310(h)(3)), the Council may propose an "alternative approach" for the specification of reference points and management measures to satisfy NS1 requirements, so long as the approach is consistent with the MSA and the Council documents its rationale. In January 2011, the Council sent NMFS a letter requesting clarifying rulemaking to effectively remove the ACL requirement from the Council process relative to its salmon fisheries. In the alternative, it also requested clear direction on the applicability of an alternative approach for satisfying the ACL and NS1 requirements. NMFS replied that: (a) Alaska salmon fisheries cannot be exempted; (b) the Salmon FMP must comply with MSA and NS1 requirements; (c) State salmon escapement goal management appears to be consistent with the MSA and NS1 requirements; and (d) an alternative approach to satisfy those requirements may be appropriate because of salmon life history characteristics. In its letter, NMFS confirms that the State's August 31, 2010 letter to the Council on its escapement goal management appears to provide the needed rationale. The March 15, 2011 letter from NMFS, the January 28, 2011 letter from the Council, and the August 31, 2010 letter from the State are available as appendices to the preliminary review document (Section 7).

At this meeting the Council will review the information available, and take action as necessary