

Briefing: Federal Overfishing Determination



*Michele Culver, Intergovernmental Policy
Fish and Wildlife Commission Meeting
September 8, 2017*

Presentation Overview

- Regional Fishery Management Councils
- Magnuson-Stevens Fishery Conservation and Management Act Requirements
 - Status Determination Criteria (Stock-Specific)
 - International Exception
 - Overfishing and Rebuilding
- PFMC Salmon Fishery Management Plan (FMP)
- Process to Revise SDC in Salmon FMP



Magnuson-Stevens Fishery Conservation and Management Act (MSA)

- **Created 8 Regional Fishery Management Councils**
- **Recommendations to Secretary of Commerce**
 - **Regulations Implemented by the National Marine Fisheries Service (NMFS)**
- **Councils Manage Fisheries in Exclusive Economic Zone (EEZ) from 3 to 200 miles through Fishery Management Plans**

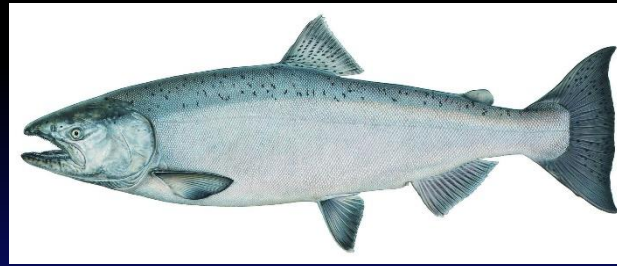
Council Purpose and Responsibilities

- **West Coast: Pacific Fishery Management Council (CA, OR, WA, and ID)**
- **Conserve and Manage Fish, Anadromous Species, and Other Resources in the EEZ Through Fishery Management Plans (FMPs)**
 - **Stock Classification: “In the Fishery” or “Ecosystem Component” Species**
 - **International Exception**
- **Promote the Protection of Essential Fish Habitat**
- **Take into Account Ecosystem Considerations**

PFMC FMPs

- **Salmon**

- Chinook and Coho, and Pinks



- **Groundfish**

- Over 100 Species: Includes Whiting, Flatfish (except Halibut), Rockfish, Sablefish, Lingcod



- **Coastal Pelagic Species**

- Includes: Anchovy, Sardine, Squid



- **Highly Migratory Species**

- Includes: Tuna, Swordfish



- **Fishery Ecosystem Plan**

MSA Requirements

- **Status Determination Criteria (SDC)**
 - **Overfishing Thresholds, Annual Catch Limits (ACLs), and Rebuilding Requirements:**

As Short a Time as Possible Based on the Biology of the Stock, but Not to Exceed Ten Years, Taking Into Account Needs of Fishing Communities
 - **Intent: Achieve Long-Term Sustainability (MSY); Manage Fishing to Avoid Continued Decline**
- **Salmon – Fishing Has Little Effect on Ability to Achieve MSY and Overfishing Often Cannot be Rectified with the Cessation of Fishing**

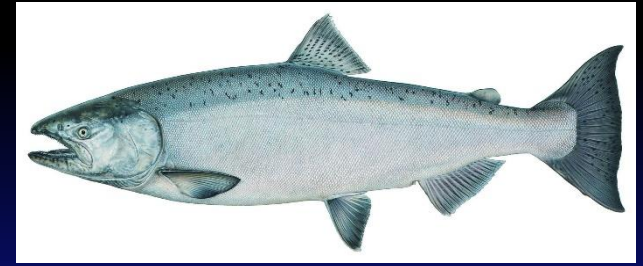
Stocks In the Fishery

- **All Stocks and Stock Complexes, Unless Ecosystem Component**
 - Includes Targeted and Non-Targeted Stocks (ESA)
 - Stock Complexes: Groups with Indicator Stocks
 - Requirements: SDC and ACLs
- **International Exception**
 - Stocks Subject to “any bilateral or multilateral treaty, convention, or agreement which relates to fishing and to which the United States is a party”
 - Requirements: SDC, but not ACLs
 - Salmon FMP Includes SDC for Canadian Chinook and Coho (not in FMP)

Ecosystem Component Stocks

- **Stocks Generally Not Targeted**
- **Not Subject to Overfishing, Approaching Overfished, or Overfished**
- **Not Generally Retained for Sale or Personal Use (although retention does not preclude it from being in this category)**
- **Monitored Only**
- **Requirements: SDC, but not ACLs**

Salmon FMP Stocks



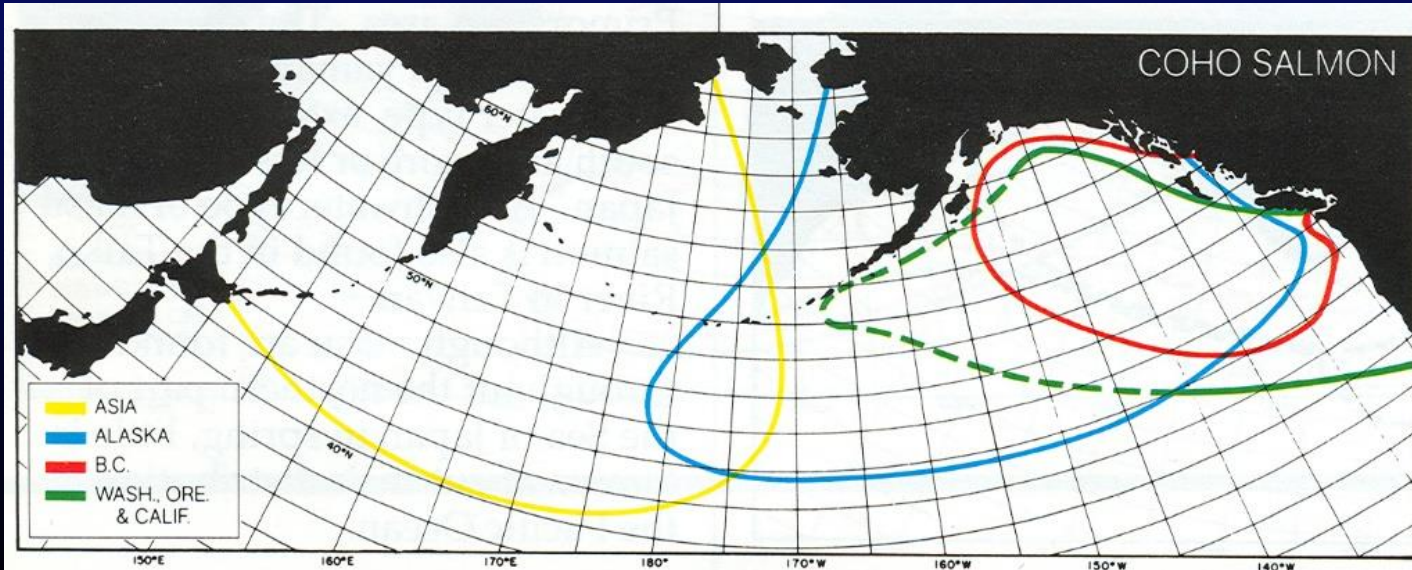
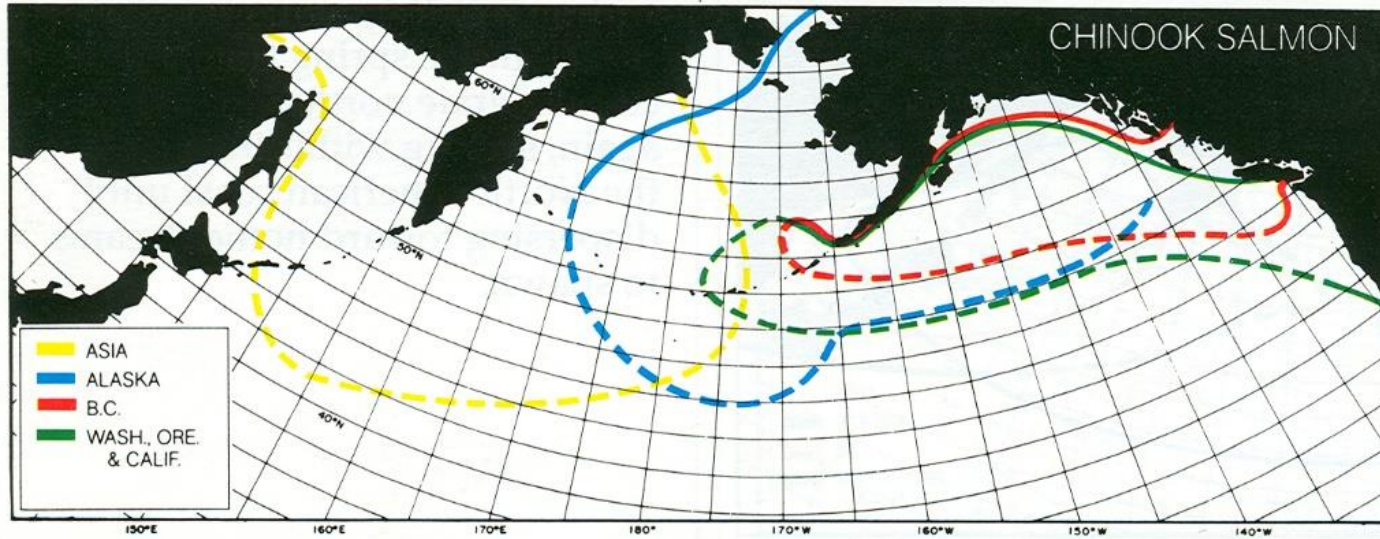
- **International Exception**
 - Puget Sound Coho
 - Washington Coast Coho
 - Columbia River Summer Chinook
 - Canadian Chinook and Coho
- **Stock Complexes**
 - Use Klamath River Fall Chinook and Sacramento River Fall Chinook as Indicators for Southern OR/Northern CA Chinook and Central Valley Fall/Late Fall Chinook
- **Ecosystem Component**
 - Non-ESA Far North Migrating Chinook and Pink Stocks

Ecosystem Component Stocks



- **Washington Coast:**
 - Willapa Bay Fall (natural)
 - Grays Harbor Fall
 - Grays Harbor Spring
 - Queets Fall
 - Queets Spring/Summer
 - Hoh Fall
 - Hoh Spring/Summer
 - Quillayute Fall
 - Quillayute Spring/Summer
 - Hoko Summer/Fall
- **Columbia River Basin:**
 - Klickitat, Warm Springs, John Day, and Yakima Rivers – Spring
 - Upper River Bright – Fall
- **Oregon Coast:**
 - Central and Northern Oregon – Fall and Spring

Pacific Salmon Migratory Routes



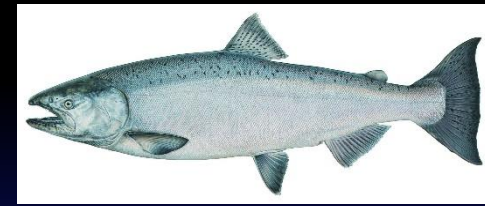
Salmon FMP Am 16 – SDC

- **Determination Based on Most Recent 3-Year Average for Fishing and Spawning Escapement**
- **Overfishing**
 - **Post-Season Fishing (F) Exceeds the Maximum Fishery Mortality Threshold (MFMT); $MFMT \leq F_{MSY}$**
 - **Stock-Specific Estimates of F_{MSY} Used or Proxy of $F_{MSY} = 0.78$ for Chinook Based on Species-Specific Meta-Analysis (2011)**
 - **Overfishing Determinations are Made Annually and are Based on Exploitation During a Single Year**

Salmon FMP: Overfishing

- **Salmon Technical Team (STT) Reports Post-Season Exploitation Rates Annually and When Overfishing Occurs, the Council Shall:**
 - **Notify NMFS Region of STT's Findings,**
 - **Direct STT to Assess Mortality Rates in Fisheries Impacting Stocks of Concern,**
 - **Immediately Take Action to Ensure Council Fisheries are Not Contributing to Overfishing, and**
 - **Notify Pertinent Management Entities of Status and Contribution of Fisheries to Total Exploitation Rate**

Salmon FMP: Overfished



- **3-Year Average of Annual Spawning Escapements < MSST (MSST is generally defined as $0.5 * S_{MSY}$ or $0.75 * S_{MSY}$)**
- **When Overfished SDC is Triggered, Council Shall:**
 - **Notify NMFS Region,**
 - **Notify Pertinent Management Entities,**
 - **Structure Council Fisheries to Reduce Likelihood of Stock Remaining Overfished and Mitigate Effects on Stock Status, and**
 - **Direct the STT to Propose a Rebuilding Plan for Council Consideration Within One Year**

Salmon FMP: Rebuilding



- **Upon Formal Notification from NMFS, Must Implement a Rebuilding Plan Within Two Years**
- **Rebuilding Plan Shall Include:**
 - **Evaluation of Roles of Fishing, Marine and Freshwater Survival,**
 - **Proposed Rebuilt Criteria (Default: 3-Year Average Spawning Escapement $> S_{MSY}$)**
 - **Recommended Actions to Rebuild Stock to S_{MSY} , and**
 - **A Specified Rebuilding Period**

Salmon FMP: Rebuilding



- Rebuilding Plan Shall Include:
 - Evaluation of Roles of Fishing, Marine and Freshwater Survival,
 - Proposed Rebuilt Criteria (Default: 3-Year Average Spawning Escapement $> S_{MSY}$),
 - Recommended Actions to Rebuild Stock to S_{MSY} , and
 - A Specified Rebuilding Period; Defaults: 5 Years for Chinook, 3 Years for Coho, and 2 Years for Pink
- If Cannot Achieve Spawning Escapement in a Particular Year, Potential Use of *de minimis* Rate

de minimis

Fishing Provisions



- **Exploitation Rates that Allow Continued Participation of Fishing Communities While Minimizing Risk of Overfishing**
- **Many Stocks Have Provisions: Explicit or Implicit**
 - **Explicit: Klamath River Fall Chinook, PS Coho**
 - **Sacramento River Fall Chinook (Similar to Klamath)**
 - **Implicit: Washington Coast Coho**
- **Some Have No Provisions**
 - **Southern Oregon Coast Chinook**

Process to Revise SDC in FMP

- **SDC Definitions (e.g., $MSST = 0.5 * S_{MSY}$) Requires Plan Amendment**
 - **Exceptions: Objectives for Hatchery Stocks and Federal Court-Ordered Changes**
- **A Comprehensive Review of Best Scientific Information by STT, Scientific and Statistical Committee, and Council Could Justify a Modification to the Estimated Value and/or Conservation Objective**
(Notice and Comment Rulemaking)

Questions?