NOAA
FISHERIES
SERVICE

2012 Federal Regulations for West Coast Salmon Fisheries

Applying in the Exclusive Economic Zone (3-200 nautical miles) off the Coasts of Washington, Oregon, and California

Ocean Salmon Hotline
800-662-9825
or
206-526-6667

revised May 9, 2012

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INTRODUCTION

General and annual regulations. This booklet provides fishermen with a quick reference guide to the Federal regulations governing commercial and recreational salmon fisheries in the exclusive economic zone (3-200 nautical miles off shore) off Washington, Oregon, and California.

General measures. Portions of parts 600 and 660 of Volume 50 of the Code of Federal Regulations (CFR) are reprinted in this booklet. Part 660 contains the regulations governing the ocean salmon fisheries. Part 600 contains general provisions governing all domestic fisheries; however, only those regulations pertinent to the ocean salmon fisheries are included in this booklet.

Annual management specifications. Management measures for 2012, and for seasons opening earlier than May 1, 2013, were recommended by the Pacific Fishery Management Council (Council). The Council's recommendations were implemented by a document filed with the Office of the Federal Register, effective May 1, 2012 [77 FR 25915, May 2, 2012].

Inseason management actions. Fishermen are advised to stay informed of inseason changes to the regulations and to consult Federal and/or State fishery management agencies for current information for the areas in which they are or will be fishing. State regulations, which may differ from Federal regulations, are in effect in State territorial waters (0-3 nautical miles off shore).

Actual notice of inseason changes to the Federal regulations will be provided as follows.

- **Ocean salmon hotline at (800) 662-9825 or (206) 526-6667**. Recorded messages summarize inseason changes to date.
- **U.S. Coast Guard Notice to Mariners broadcasts.** Announcements on Channel 16 VHF-FM and 2182 kHz designate the channel or frequency over which the Notice to Mariners will be immediately broadcast.
- Inseason changes to the Federal regulations are also published in the Federal Register.
- Announcements will be emailed to "Salmonlist" subscribers. Sign up at: http://www.nwr.noaa.gov/Salmon-Harvest-Hatcheries/Salmon-Fishery-Management/signup.cfm

For more information. Current information on the ocean salmon regulations may be obtained from the Federal and State fishery management agencies. Federal Register reprints are available from the offices listed below.

National Marine Fisheries Service
Northwest Regional Office
7600 Sand Point Way N.E.,
Building 1
Seattle, WA 98115-0070
(206) 526-6150
www.nwr.noaa.gov

National Marine Fisheries Service
Southwest Regional Office
501 West Ocean Boulevard,
Suite 4200
Long Beach, CA 90802-4213
(562) 980-4000
swr.nmfs.noaa.gov

Pacific Fishery Management Council
7700 NE Ambassador Place,
Suite 101
Portland, OR 97220-1384
(503) 820-2280
(866) 806-7204
www.pcouncil.org

Washington Dept. Fish and Wildlife
wdfw.wa.gov/fishing/
General: (360) 902-2700
Fishing Hotline: (360) 902-2500

Oregon Dept. Fish and Wildlife
www.dfw.state.or.us/resources/fishing
General: (503) 947-6000
Fishing Hotline: (503) 947-6001

California Dept. Fish and Game
http://www.dfg.ca.gov/marine/
General: (707) 576-3456
Fishing Hotline: (707) 576-3429

National Marine Fisheries Service - Fisheries Violation Hotline: (800) 853-1964

Internet Sources. Federal Digital System— FDsys: www.gpo.gov/fdsys/

Code of Federal Regulations— e-CFR: ecfr.gpoaccess.gov

Email. Sign up for email updates on Salmon Fishery Management at: http://www.nwr.noaa.gov/Salmon-Harvest-Hatcheries/Salmon-Fishery-Management/signup.cfm

Disclaimer. Any discrepancies between the regulations in this booklet and those in the Federal Register, including any inseason changes, will be resolved in favor of those published in the Federal Register.

CODE OF FEDERAL REGULATIONS

The Code of Federal Regulations (CFR) sections excerpted below are provided as a convenient reference to rules that govern ocean salmon fishing in the Exclusive Economic Zone (EEZ) off the west coast of the United States. The complete CFR can be found online at: http://ecfr.gpoaccess.gov

Authority. 16 U.S.C. 1801 *et seq.* (see Magnuson–Stevens Fishery Conservation and Management Act).

Sources. These excerpts from the CFR are taken from the e-CFR (ecfr.gpoaccess.gov), updated through April 6, 2012.

50 CFR Chapter VI

Part 660–Fisheries Off WestCoast States and in the Western Pacific

Subpart A–General

§660.1 Purpose and scope.
§660.2 Relation to other laws.
§660.3 Reporting and recordkeeping.

Subpart H–West Coast Salmon Fisheries

§660.401 Purpose and scope.
§660.402 Definitions.
§660.403 Relation to other laws.
§660.404 Recordkeeping and reporting.
§660.405 Prohibitions.
§660.406 Exempted fishing.
§660.407 Treaty Indian fishing.
§660.408 Annual actions.
§660.409 Inseason actions.
§660.410 Conservation objectives.
§660.411 Notification and publication procedures.

Part 600–Magnuson-Stevens Act Provisions

Subpart A–General

§600.5 Purpose and scope.
§600.10 Definitions.
§600.15 Other acronyms.

Subpart H–General Provisions for Domestic Fisheries

§600.705 Relation to other laws.
§600.725 General prohibitions.
§600.730 Facilitation of enforcement.
§600.735 Penalties.
§600.740 Enforcement policy.
§600.745 Scientific research activity, exempted fishing, and exempted educational activity.

§660.1 Purpose and scope.

(a) The regulations in this part [Part 660] govern fishing for Western Pacific and West Coast fishery management unit species by vessels of the United States that operate or are based inside the outer boundary of the EEZ off Western Pacific and West Coast States.

(b) General regulations governing fishing by all vessels of the United States and by fishing vessels other than vessels of the United States are contained in part 600 of this chapter.

§660.401 Purpose and scope.

This subpart [which includes sections 660.401-660.411] implements the Fishery Management Plan for Commercial and Recreational Salmon Fisheries Off the Coasts of Washington, Oregon, and California developed by the Pacific Fishery Management Council. These regulations govern the management of West Coast salmon fisheries in the EEZ.

§600.5 Purpose and scope.

(a) This part [Part 600] contains general provisions governing the operation of the eight Regional Fishery Management Councils established by the Magnuson-Stevens Act and describes the Secretary's role and responsibilities under the Act. The Councils are institutions created by Federal law and must conform to the uniform standards established by the Secretary in this part.

(b) This part also collects the general provisions common to all domestic fisheries governed by this chapter.

§§660.402 and 600.10 Definitions.

In addition to the definitions in the Magnuson-Stevens Act, the terms used in parts 660 and 600 of this chapter have the following meanings:

Administrator means the Administrator of NOAA (Under Secretary of Commerce for Oceans and Atmosphere) or a designee. [§600.10]

Advisory group means a Scientific and Statistical Committee (SSC), Fishing Industry Advisory Committee (FIAC), or Advisory Panel (AP) established by a Council under the Magnuson-Stevens Act. [§600.10]

Aggregate or *summary form* means confidential data structured in such a way that the identity of the

submitter cannot be determined either from the present release of the data or in combination with other releases. [§600.10]

Allocation means direct and deliberate distribution of the opportunity to participate in a fishery among identifiable, discrete user groups or individuals. [§600.10]

Anadromous species means species of fish that spawn in fresh or estuarine waters of the United States and that migrate to ocean waters. [§600.10]

Assistant Administrator means the Assistant Administrator for Fisheries, NOAA, or a designee. [§600.10]

Authorized officer means:

(1) Any commissioned, warrant, or petty officer of the USCG;

(2) Any special agent or fishery enforcement officer of NMFS;

(3) Any officer designated by the head of any Federal or state agency that has entered into an agreement with the Secretary and the Commandant of the USCG to enforce the provisions of the Magnuson-Stevens Act or any other statute administered by NOAA; or

(4) Any USCG personnel accompanying and acting under the direction of any person described in paragraph (1) of this definition. [§600.10]

Barbless hook means a hook with a single shank and point, with no secondary point or barb curving or projecting in any other direction. Where barbless hooks are specified, hooks manufactured with barbs can be made barbless by forcing the point of the barb flat against the main part of the point. [§660.402]

Catch, take, or *harvest* includes, but is not limited to, any activity that results in killing any fish or bringing any live fish on board a vessel. [§600.10]

Center means one of the five NMFS Fisheries Science Centers. [§600.10]

Commercial fishing means fishing with troll fishing gear as defined annually under §660.408, or fishing for the purpose of sale or barter of the catch. [§660.402]

Council means the Pacific Fishery Management Council. [§660.402]

Data, *statistics*, and *information* are used interchangeably. [§600.10]

Dealer means the person who first receives fish by way of purchase, barter, or trade. [§600.10]

Director means the Director of the Office of Sustainable Fisheries, 1315 East–West Highway, Silver Spring, MD 20910. [§600.10]

Discard means to release or return fish to the sea, whether or not such fish are brought fully on board a fishing vessel. [§600.10]

Dressed, head–off length of salmon means the shortest distance between the midpoint of the clavicle arch and the fork of the tail, measured along the lateral line while the fish is lying on its side, without resort to any force or mutilation of the fish other than removal of the head, gills, and entrails. [§660.402]

Dressed, head–off salmon means salmon that have been beheaded, gilled, and gutted without further separation of vertebrae, and are either being prepared for on–board freezing, or are frozen and will remain frozen until landed. [§660.402]

Exclusive Economic Zone (EEZ) means the zone established by Presidential Proclamation 5030, 3 CFR part 22, dated March 10, 1983, and is that area adjacent to the United States which, except where modified to accommodate international boundaries, encompasses all waters from the seaward boundary of each of the coastal states to a line on which each point is 200 nautical miles (370.40 km) from the baseline from which the territorial sea of the United States is measured. [§600.10]

Exempted educational activity means an activity that would otherwise be considered fishing, conducted by an educational institution accredited by a recognized national or international accreditation body, of limited scope and duration, that is otherwise prohibited by this chapter VI, but that is authorized by the appropriate Regional Administrator or Director for educational purposes, i.e., the instruction of an individual or group, and authorized capture of only the amount of fish necessary to demonstrate the lesson. [§600.10]

Exempted or *experimental fishing* means fishing from a vessel of the United States that involves activities otherwise prohibited by this chapter VI, but that are authorized under an exempted fishing permit (EFP). The regulations in §600.745 refer exclusively to exempted fishing. References elsewhere in this chapter to experimental fishing mean exempted fishing under this part. [§600.10]

Fish means:

(1) When used as a noun, means any finfish, mollusk, crustacean, or parts thereof, and all other forms of marine animal and plant life other than marine mammals and birds.

(2) When used as a verb, means to engage in "fishing," as defined below. [§600.10]

Fishery means:

(1) One or more stocks of fish that can be treated as a unit for purposes of conservation and management and that are identified on the basis of geographic, scientific, technical, recreational, or economic characteristics, or method of catch; or

(2) Any fishing for such stocks. [§600.10]

Fishery management area means the EEZ off the coasts of Washington, Oregon, and California, bounded on the north by the Provisional International Boundary between the United States and Canada, and bounded on the south by the International Boundary between the United States and Mexico. The northeastern, northern, and northwestern boundaries of the fishery management area are as follows:

(1) Northeastern boundary–that part of a line connecting the light on Tatoosh Island, WA, with the light on Bonilla Point on Vancouver Island, British Columbia, southerly of the International Boundary between the United States and Canada (at 48°29´37˝N. lat., 124°43´33˝ W. long.), and northerly of the point where that line intersects with the boundary of the U.S. territorial sea.

(2) Northern and northwestern boundary is a line connecting the following coordinates (The line joining these coordinates is the provisional international boundary of the U.S. EEZ as shown on NOAA/NOS Charts #18480 and #18002.):

N. lat.	*W. long.*
48°29´37.19˝	124°43´33.19˝
48°30´11˝	124°47´13˝
48°30´22˝	124°50´21˝
48°30´14˝	124°52´52˝
48°29´57˝	124°59´14˝
48°29´44˝	125°00´06˝
48°28´09˝	125°05´47˝
48°27´10˝	125°08´25˝
48°26´47˝	125°09´12˝
48°20´16˝	125°22´48˝
48°18´22˝	125°29´58˝
48°11´05˝	125°53´48˝
47°49´15˝	126°40´57˝
47°36´47˝	127°11´58˝
47°22´00˝	127°41´23˝
46°42´05˝	128°51´56˝
46°31´47˝	129°07´39˝

(3) The southern boundary of the fishery management area is the U.S.–Mexico International Boundary, which is a line connecting the following coordinates:

N. lat.	*W. long.*
32°35´22˝	117°27´49˝
32°37´37˝	117°49´31˝
31°07´58˝	118°36´18˝
30°32´31˝	121°51´58˝

(4) The inner boundaries of the fishery management area are subject to change if the Secretary assumes responsibility for the regulation of the salmon fishery within state waters under section 306(b) of the Magnuson-Stevens Act. [§660.402]

Fishery management unit (FMU) means a fishery or that portion of a fishery identified in an FMP relevant to the FMP's management objectives. The choice of an FMU depends on the focus of the FMP's objectives, and may be organized around biological, geographic, economic, technical, social, or ecological perspectives. [§600.10]

Fishery resource means any fish, any stock of fish, any species of fish, and any habitat of fish. [§600.10]

Fishing, or *to fish* means any activity, other than scientific research conducted by a scientific research vessel, that involves:

(1) The catching, taking, or harvesting of fish;

(2) The attempted catching, taking, or harvesting of fish;

(3) Any other activity which can reasonably be expected to result in the catching, taking, or harvesting of fish; or

(4) Any operations at sea in support of, or in preparation for, any activity described in paragraphs (1), (2), or (3) of this definition. [§600.10]

Fishing vessel means any vessel, boat, ship, or other craft that is used for, equipped to be used for, or of a type that is normally used for:

(1) Fishing; or

(2) Aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation, or processing. [§600.10]

Freezer trolling vessel means a fishing vessel, equipped with troll fishing gear, that has a present capability for:

(1) On board freezing of the catch.

(2) Storage of the fish in a frozen condition until they are landed. [§660.402]

Harass means to unreasonably interfere with an individual's work performance, or to engage in

conduct that creates an intimidating, hostile, or offensive environment. [§600.10]

Industry means both recreational and commercial fishing, and includes the harvesting, processing, and marketing sectors. [§600.10]

Land or *landing* means to begin transfer of fish from a fishing vessel. Once transfer begins, all fish onboard the vessel are counted as part of the landing. [§660.402]

Magnuson-Stevens Act means the Magnuson-Stevens Fishery Conservation and Management Act, as amended (16 U.S.C. 1801 *et seq*.), formally known as the Magnuson-Stevens Act. [§600.10]

Metric ton (mt) means 1,000 kg (2,204.6 lb). [§600.10]

nm means nautical mile (6,076 ft (1,852 m)). [§600.10]

Official number means the documentation number issued by the USCG or the certificate number issued by a state or by the USCG for an undocumented vessel. [§600.10]

Operator, with respect to any vessel, means the master or other individual aboard and in charge of that vessel. [§600.10]

Optimum yield (OY) means the amount of fish that:

(1) Will provide the greatest overall benefit to the Nation, particularly with respect to food production and recreational opportunities, and taking into account the protection of marine ecosystems;

(2) Is prescribed as such on the basis of the maximum sustainable yield from the fishery, as reduced by any relevant economic, social, or ecological factor; and

(3) In the case of an overfished fishery, provides for rebuilding to a level consistent with producing the maximum sustainable yield in such fishery.

Owner, with respect to any vessel, means:

(1) Any person who owns that vessel in whole or in part;

(2) Any charterer of the vessel, whether bareboat, time, or voyage;

(3) Any person who acts in the capacity of a charterer, including, but not limited to, parties to a management agreement, operating agreement, or any similar agreement that bestows control over the destination, function, or operation of the vessel; or

(4) Any agent designated as such by a person described in paragraph (1), (2), or (3) of this definition. [§600.10]

Pacific Coast Salmon Plan (PCSP or Salmon FMP) means the Fishery Management Plan, as amended, for commercial and recreational ocean salmon fisheries in the EEZ (3 to 200 nautical miles offshore) off Washington, Oregon, and California. The Salmon FMP was first developed by the Council and approved by the Secretary in 1978. The Salmon FMP was amended on October 31, 1984, to establish a framework process to develop and implement fishery management actions; the Salmon FMP has been subsequently amended at irregular intervals. Other names commonly used include: Pacific Coast Salmon Fishery Management Plan, West Coast Salmon Plan, West Coast Salmon Fishery Management Plan. [§660.402]

Plugs means artificial fishing lures made of wood or hard plastic with one or more hooks attached. Lures commonly known as "spoons," "wobblers," "dodgers," and flexible plastic lures are not considered plugs, and may not be used where "plugs only" are specified. [§660.402]

Recreational fishing means fishing with recreational fishing gear as defined annually under §660.408 and not for the purpose of sale or barter. [§660.402]

Recreational fishing gear will be defined annually under §660.408. [§660.402]

Region means one of the six NMFS Regional Offices responsible for administering the management and development of marine resources in the United States in their respective geographical regions. [§600.10]

Regional Administrator means the Administrator of one of the six NMFS Regions described in Table 1 to §600.502, or a designee. [§600.10]

Retain on board means to fail to return fish to the sea after a reasonable opportunity to sort the catch. [§600.10]

Salmon means any anadromous species of the family Salmonidae and genus *Oncorhynchus*, commonly known as Pacific salmon, including, but not limited to:

Chinook (king) salmon, *Oncorhynchus tshawytscha*
Coho (silver) salmon, *Oncorhynchus kisutch*
Pink (humpback) salmon, *Oncorhynchus gorbuscha*
Chum (dog) salmon, *Oncorhynchus keta*
Sockeye (red) salmon, *Oncorhynchus nerka*
Steelhead (rainbow trout), *Oncorhynchus mykiss*
[§660.402]

Science and Research Director (also referred to as "Center Director") means the Director of one of the six NMFS Fisheries Science Centers described in

Table 1 to §600.502, or a designee. [§600.10]

Scientific research activity is, for the purposes of this part, an activity in furtherance of a scientific fishery investigation or study that would meet the definition of fishing under the Magnuson-Stevens Act, but for the exemption applicable to scientific research activity conducted from a scientific research vessel. Scientific research activity includes, but is not limited to, sampling, collecting, observing, or surveying the fish or fishery resources within the EEZ, at sea, on board scientific research vessels, to increase scientific knowledge of the fishery resources or their environment, or to test a hypothesis as part of a planned, directed investigation or study conducted according to methodologies generally accepted as appropriate for scientific research. At–sea scientific fishery investigations address one or more issues involving taxonomy, biology, physiology, behavior, disease, aging, growth, mortality, migration, recruitment, distribution, abundance, ecology, stock structure, bycatch and catch estimation of fish species considered to be a component of the fishery resources within the EEZ. Scientific research activity does not include the collection and retention of fish outside the scope of the applicable research plan, or the testing of fishing gear. Data collection designed to capture and land quantities of fish for product development, market research, and/or public display are not scientific research activities. For foreign vessels, such data collection activities are considered scientific research if they are carried out in full cooperation with the United States. [§600.10]

Secretary means the Secretary of Commerce or a designee. [§600.10]

State means each of the several states, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, the Northern Mariana Islands, and any other Commonwealth, territory, or possession of the United States. [§600.10]

Support means any operation by a vessel assisting fishing by foreign or U.S. vessels, including supplying water, fuel, provisions, fish processing equipment, or other supplies to a fishing vessel. [§600.10]

Total length (TL) of salmon means the shortest distance between the tip of the snout or jaw (whichever extends furthest while the mouth is closed) and the tip of the longest lobe of the tail, without resort to any force or mutilation of the salmon other than fanning or swinging the tail. [§660.402]

Treaty Indian fishing means fishing for salmon and steelhead in the fishery management area by a person authorized by the Makah Tribe to exercise fishing rights under the Treaty with the Makah, or by the Quileute, Hoh, or Quinault Tribes to exercise fishing rights under the Treaty of Olympia. [§660.402]

Troll fishing gear will be defined annually under §660.408. [§660.402]

U.S. observer or *observer* means any person serving in the capacity of an observer employed by NMFS, either directly or under contract, or certified as a supplementary observer by NMFS. [§600.10]

Vessel of the United States or *U.S. vessel* means:

(1) Any vessel documented under chapter 121 of title 46, United States Code;

(2) Any vessel numbered under chapter 123 of title 46, United States Code, and measuring less than 5 net tons;

(3) Any vessel numbered under chapter 123 of title 46, United States Code, and used exclusively for pleasure; or

(4) Any vessel not equipped with propulsion machinery of any kind and used exclusively for pleasure. [§600.10]

Whole bait means a hook or hooks baited with whole natural bait with no device to attract fish other than a flasher. [§660.402]

§600.15 Other acronyms.

(a) *Fishery management terms.*
- (11) FMP - fishery management plan
- (16) TAC - total allowable catch

(b) *Legislation.*
- (2) CZMA - Coastal Zone Management Act
- (3) ESA - Endangered Species Act
- (7) MMPA - Marine Mammal Protection Act
- (9) NEPA - National Environmental Policy Act

(c) *Federal agencies.*
- (2) DOC–Department of Commerce
- (8) NMFS–National Marine Fisheries Service
- (9) NOAA–National Oceanic and Atmospheric Administration
- (13) USCG–United States Coast Guard

§660.2 Relation to other laws.

NMFS recognizes that any state law pertaining to vessels registered under the laws of that state while operating in the fisheries regulated under this part, and that is consistent with this part and the FMPs implemented by this part, shall continue in effect with respect to fishing activities regulated under this part.

§660.403 Relation to other laws.

(a) The relation of this part to other laws is set forth in §600.705 of this chapter, §660.2, and paragraphs (b) and (c) of this section.

(b) Any person fishing subject to this subpart who also engages in fishing for groundfish should consult Federal regulations in subpart C through G for applicable requirements of that subpart, including the requirement that vessels engaged in commercial fishing for groundfish (except commercial passenger vessels) have vessel identification in accordance with §660.20.

(c) Any person fishing subject to this subpart is bound by the international boundaries of the fishery management area described in §660.402, notwithstanding any dispute or negotiation between the United States and any neighboring country regarding their respective jurisdictions, until such time as new boundaries are published by the United States.

§600.705 Relation to other laws.

(a) *General*. Persons affected by these regulations should be aware that other Federal and state statutes and regulations may apply to their activities. Vessel operators may wish to refer to USCG regulations found in the Code of Federal Regulations title 33–Navigation and Navigable Waters and 46–Shipping; 15 CFR part 904, subpart D–Permit Sanctions and Denials; and title 43–Public Lands (in regard to marine sanctuaries).

(b) *State responsibilities*. Certain responsibilities relating to data collection and enforcement may be performed by authorized state personnel under a state/Federal agreement for data collection and a tripartite agreement among the state, the USCG, and the Secretary for enforcement.

(c) *Submarine cables*. Fishing vessel operators must exercise due care in the conduct of fishing activities near submarine cables. Damage to the submarine cables resulting from intentional acts or from the failure to exercise due care in the conduct of fishing operations subjects the fishing vessel operator to the criminal penalties prescribed by the Submarine Cable Act (47 U.S.C. 21) which implements the International Convention for the Protection of Submarine Cables. Fishing vessel operators also should be aware that the Submarine Cable Act prohibits fishing operations at a distance of less than 1 nautical mile (1.85 km) from a vessel engaged in laying or repairing a submarine cable; or at a distance of less than 0.25 nautical mile (0.46 km) from a buoy or buoys intended to mark the position of a cable when being laid or when out of order or broken.

(d) *Marine mammals*. Regulations governing exemption permits and the recordkeeping and reporting of the incidental take of marine mammals are set forth in part 229 of this title.

(e) *Halibut fishing*. Fishing for halibut is governed by regulations of the International Pacific Halibut Commission set forth at part 300 of this title.

§660.3 Reporting and recordkeeping.

Any person who is required to do so by applicable state law or regulation must make and/or file all reports of management unit species landings containing all data and in the exact manner required by applicable state law or regulation.

§660.404 Recordkeeping and reporting.

(a) This subpart recognizes that catch and effort data necessary for implementation of any applicable fishery management plan are collected by the States and Indian tribes of Washington, Oregon, California, and Idaho under existing data collection requirements. Except as provided in paragraph (b) of this section, no additional catch reports will be required of fishermen or processors so long as the data collection and reporting systems operated by State agencies and Indian tribes continue to provide NMFS with statistical information adequate for management.

(b) Persons engaged in commercial fishing may be required to submit catch reports that are specified annually under §660.408.

§660.405 Prohibitions.

(a) In addition to the general prohibitions specified in §600.725 of this chapter, it is unlawful for any person to do any of the following:

(1) Take and retain or land salmon caught with a net in the fishery management area, except that a hand–held net may be used to bring hooked salmon on board a vessel.

(2) Fish for, or take and retain, any species of salmon:

(i) During closed seasons or in closed areas;

(ii) While possessing on board any species not allowed to be taken in the area at the time;

(iii) Once any catch limit is attained;

(iv) By means of gear or methods other than recreational fishing gear or troll fishing gear, or gear authorized under §660.408(k) for treaty Indian fishing;

(v) In violation of any action issued under this subpart; or

(vi) In violation of any applicable area, season, species, zone, gear, daily bag limit, or length restriction.

(3) Fish for salmon in an area when salmon of less than the legal minimum length for that area are on board the fishing vessel, except that this provision does not prohibit transit of an area when salmon of less than the legal minimum length for that area are on board, so long as no fishing is being conducted.

(4) Remove the head of any salmon caught in the fishery management area, or possess a salmon with the head removed, if that salmon has been marked by removal of the adipose fin to indicate that a coded wire tag has been implanted in the head of the fish.

(5) Take and retain or possess on board a fishing vessel any species of salmon that is less than the applicable minimum total length, including the applicable minimum length for dressed, head–off salmon.

(6) Possess on board a fishing vessel a salmon, for which a minimum total length is extended or cannot be determined, except that dressed, head–off salmon may be possessed on board a freezer trolling vessel, unless the adipose fin of such salmon has been removed.

(7) Fail to return to the water immediately and with the least possible injury any salmon the retention of which is prohibited by this subpart.

(8) Engage in recreational fishing while aboard a vessel engaged in commercial fishing. This restriction is not intended to prohibit the use of fishing gear otherwise permitted under the definitions of troll and recreational fishing gear, so long as that gear is legal in the fishery for which it is being used.

(9) Take and retain, possess, or land any steelhead taken in the course of commercial fishing in the fishery management area, unless such take and retention qualifies as treaty Indian fishing.

(10) Sell, barter, offer to sell, offer to barter, or purchase any salmon taken in the course of recreational salmon fishing.

(11) Refuse to submit fishing gear or catch subject to such person's control to inspection by an authorized officer, or to interfere with or prevent, by any means, such an inspection.

(12) Take and retain Pacific halibut (*Hippoglossus stenolepis*) except in accordance with regulations of the International Pacific Halibut Commission at part 300 of this title. Pacific halibut that cannot be retained lawfully must be returned to the water immediately and with the least possible injury.

(13) Violate any other provision of this subpart.

(b) The fishery management area is closed to salmon fishing except as opened by this subpart or superseding regulations or notices. All open fishing periods begin at 0001 hours and end at 2400 hours local time on the dates specified, except that a fishing period may be ended prior to 2400 hours local time through an inseason action taken under §660.409 in order to meet fishery management objectives.

(c) Under the Pacific Coast groundfish regulations at §660.330, fishing with salmon troll gear is prohibited within the Salmon Troll Yelloweye Rockfish Conservation Area (YRCA). It is unlawful for commercial salmon troll vessels to take and retain, possess, or land fish taken with salmon troll gear within the Salmon Troll YRCA. Vessels may transit through the Salmon Troll YRCA with or without fish on board.The Salmon Troll YRCA is an area off the northern Washington coast. The Salmon Troll YRCA is intended to protect yelloweye rockfish. The Salmon Troll YRCA is defined by straight lines connecting specific latitude and longitude coordinates under the Pacific Coast Groundfish regulations at §660.70.

§600.725 General prohibitions.

It is unlawful for any person to do any of the following:

(a) Possess, have custody or control of, ship, transport, offer for sale, sell, purchase, land, import, or export, any fish or parts thereof taken or retained in violation of the Magnuson-Stevens Act or any other statute administered by NOAA and/or any regulation or permit issued under the Magnuson-Stevens Act.

(b) Transfer or attempt to transfer, directly or indirectly, any U.S.–harvested fish to any foreign fishing vessel, while such vessel is in the EEZ, unless the foreign fishing vessel has been issued a permit under section 204 of the Magnuson-Stevens Act, which authorizes the receipt by such vessel of U.S.–harvested fish.

(c) Fail to comply immediately with enforcement and boarding procedures specified in §600.730.

(d) Refuse to allow an authorized officer to board a fishing vessel or to enter areas of custody for purposes of conducting any search, inspection, or seizure in connection with the enforcement of the Magnuson-Stevens Act or any other statute

administered by NOAA.

(e) Dispose of fish or parts thereof or other matter in any manner, after any communication or signal from an authorized officer, or after the approach by an authorized officer or an enforcement vessel or aircraft.

(f) Assault, resist, oppose, impede, intimidate, threaten, or interfere with any authorized officer in the conduct of any search, inspection, or seizure in connection with enforcement of the Magnuson-Stevens Act or any other statute administered by NOAA.

(g) Interfere with, delay, or prevent by any means, the applicable), and catch for purposes of enforcing the Magnuson-Stevens Act or any other statute administered by NOAA and this chapter.

(h) Resist a lawful arrest for any act prohibited under the Magnuson-Stevens Act or any other statute administered by NOAA.

(i) Make any false statement, oral or written, to an authorized officer concerning the taking, catching, harvesting, landing, purchase, sale, offer of sale, possession, transport, import, export, or transfer of any fish, or attempts to do any of the above.

(j) Interfere with, obstruct, delay, or prevent by any means an investigation, search, seizure, or disposition of seized property in connection with enforcement of the Magnuson-Stevens Act or any other statute administered by NOAA.

(k) Fish in violation of the terms or conditions of any permit or authorization issued under the Magnuson-Stevens Act or any other statute administered by NOAA.

(l) Fail to report catches as required while fishing pursuant to an exempted fishing permit.

(m) On a scientific research vessel, engage in fishing other than recreational fishing authorized by applicable state or Federal regulations.

(n) Trade, barter, or sell; or attempt to trade, barter, or sell fish possessed or retained while fishing pursuant to an authorization for an exempted educational activity.

(o) Harass or sexually harass an authorized officer or an observer.

(p) Fail to show proof of passing the USCG Commercial Fishing Vessel Safety Examination or the alternate NMFS safety equipment examination, or fail to maintain the vessel safety conditions necessary to pass the examination, when required by NMFS pursuant to §600.746.

(q) Fail to display a Commercial Fishing Vessel Safety Examination decal or a valid certificate of compliance or inspection pursuant to §600.746.

(r) Fail to provide to an observer, a NMFS employee, or a designated observer provider information that has been requested pursuant to §600.746, or fail to allow an observer, a NMFS employee, or a designated observer provider to inspect any item described at §600.746.

(s) Fish without an observer when the vessel is required to carry an observer.

(t) Assault, oppose, impede, intimidate, or interfere with a NMFS-approved observer.

(u) (1) Prohibit or bar by command, impediment, threat, coercion, interference, or refusal of reasonable assistance, an observer from conducting his or her duties as an observer; or

(2) Tamper with or destroy samples or equipment.

§600.730 Facilitation of enforcement.

(a) *General*. The operator of, or any other person aboard, any fishing vessel subject to parts 622 through 699 of this chapter must immediately comply with instructions and signals issued by an authorized officer to stop the vessel and with instructions to facilitate safe boarding and inspection of the vessel, its gear, equipment, fishing record (where applicable), and catch for purposes of enforcing the Magnuson-Stevens Act or any other statute administered by NOAA and this chapter.

(1) For the purposes of this section “freeboard” means the working distance between the top rail of the gunwale of a vessel and the water's surface. Where cut-outs are provided in the bulwarks for the purpose of boarding personnel, freeboard means the distance between the threshold of the bulwark cut-out and the water's surface.

(2) For the purposes of this section, “pilot ladder” means a flexible ladder constructed and approved to meet the U.S. Coast Guard standards for pilot ladders at 46 CFR subpart 163.003 entitled Pilot Ladder.

(b) *Communications.*

(1) Upon being approached by a USCG vessel or aircraft, or other vessel or aircraft with an authorized officer aboard, the operator of a fishing vessel must be alert for communications conveying enforcement instructions.

(2) VHF–FM radiotelephone is the preferred method for communicating between vessels. If the size of the vessel and the wind, sea, and visibility conditions allow, a loudhailer may be used instead of the radio.

Hand signals, placards, high frequency radiotelephone, or voice may be employed by an authorized officer, and message blocks may be dropped from an aircraft.

(3) If other communications are not practicable, visual signals may be transmitted by flashing light directed at the vessel signaled. USCG units will normally use the flashing light signal "L" as the signal to stop. In the International Code of Signals, "L" (.–..) means "you should stop your vessel instantly." (Period (.) means a short flash of light; dash (–) means a long flash of light.)

(4) Failure of a vessel's operator promptly to stop the vessel when directed to do so by an authorized officer using loudhailer, radiotelephone, flashing light signal, or other means constitutes prima facie evidence of the offense of refusal to permit an authorized officer to board.

(5) The operator of a vessel who does not understand a signal from an enforcement unit and who is unable to obtain clarification by loudhailer or radiotelephone must consider the signal to be a command to stop the vessel instantly.

(c) *Boarding*. The operator of a vessel directed to stop must:

(1) Guard Channel 16, VHF–FM, if so equipped.

(2) Stop immediately and lay to or maneuver in such a way as to allow the authorized officer and his/her party to come aboard.

(3) Except for fishing vessels with a freeboard of 4 feet (1.25 m) or less, provide, when requested by an authorized officer or observer personnel, a pilot ladder capable of being used for the purpose of enabling personnel to embark and disembark the vessel safely. The pilot ladder must be maintained in good condition and kept clean.

(4) When necessary to facilitate the boarding or when requested by an authorized officer or observer, provide a manrope or safety line, and illumination for the pilot ladder.

(5) Take such other actions as necessary to facilitate boarding and to ensure the safety of the authorized officer and the boarding party.

(d) *Signals*. The following signals, extracted from the International Code of Signals, may be sent by flashing light by an enforcement unit when conditions do not allow communications by loudhailer or radiotelephone. Knowledge of these signals by vessel operators is not required. However, knowledge of these signals and appropriate action by a vessel operator may preclude the necessity of sending the signal "L" and the necessity for the vessel to stop instantly. (Period (.) means a short flash of light; dash (–) means a long flash of light.)

(1) "AA" repeated (.– . –) is the call to an unknown station. The operator of the signaled vessel should respond by identifying the vessel by radiotelephone or by illuminating the vessel's identification.

(2) "RY–CY" (. – . – . —— . – . – . -—) means "you should proceed at slow speed, a boat is coming to you." This signal is normally employed when conditions allow an enforcement boarding without the necessity of the vessel being boarded coming to a complete stop, or, in some cases, without retrieval of fishing gear which may be in the water.

(3) "SQ3" (... — . – . . . —) means "you should stop or heave to; I am going to board you."

§600.735 Penalties.

Any person committing, or fishing vessel used in the commission of a violation of the Magnuson-Stevens Act or any other statute administered by NOAA and/or any regulation issued under the Magnuson-Stevens Act, is subject to the civil and criminal penalty provisions and civil forfeiture provisions of the Magnuson-Stevens Act, to this section, to 15 CFR part 904 (Civil Procedures), and to other applicable law.

§600.740 Enforcement policy.

(a) The Magnuson-Stevens Act provides four basic enforcement remedies for violations, in ascending order of severity, as follows:

(1) Issuance of a citation (a type of warning), usually at the scene of the offense (see 15 CFR part 904, subpart E).

(2) Assessment by the Administrator of a civil money penalty.

(3) For certain violations, judicial forfeiture action against the vessel and its catch.

(4) Criminal prosecution of the owner or operator for some offenses. It shall be the policy of NMFS to enforce vigorously and equitably the provisions of the Magnuson-Stevens Act by utilizing that form or combination of authorized remedies best suited in a particular case to this end.

(b) Processing a case under one remedial form usually means that other remedies are inappropriate in that case. However, further investigation or later review may indicate the case to be either more or less serious than initially considered, or may otherwise reveal that the penalty first pursued is inadequate to serve the purposes of the Magnuson-Stevens Act.

Under such circumstances, the Agency may pursue other remedies either in lieu of or in addition to the action originally taken. Forfeiture of the illegal catch does not fall within this general rule and is considered in most cases as only the initial step in remedying a violation by removing the ill–gotten gains of the offense.

(c) If a fishing vessel for which a permit has been issued under the Magnuson-Stevens Act is used in the commission of an offense prohibited by section 307 of the Magnuson-Stevens Act, NOAA may impose permit sanctions, whether or not civil or criminal action has been undertaken against the vessel or its owner or operator. In some cases, the Magnuson-Stevens Act requires permit sanctions following the assessment of a civil penalty or the imposition of a criminal fine. In sum, the Magnuson-Stevens Act treats sanctions against the fishing vessel permit to be the carrying out of a purpose separate from that accomplished by civil and criminal penalties against the vessel or its owner or operator.

§660.406 Exempted fishing.

(a) NMFS may allow such exempted fishing in the fishery management area as may be recommended by the Council, the Federal Government, state government, or treaty Indian tribes having usual and accustomed fishing grounds in the fishery management area.

(b) NMFS will not allow any exempted fishery recommended by the Council unless NMFS determines that the purpose, design, and administration of the exempted fishery are consistent with the goals and objectives of the Council's fishery management plan, the national standards (section 301(a) of the Magnuson-Stevens Act), and other applicable law.

(c) Each vessel participating in any exempted fishery recommended by the Council and allowed by NMFS is subject to all provisions of this subpart, except those portions which relate to the purpose and nature of the exempted fishery. These exceptions will be specified in a permit issued by the Regional Administrator to each vessel participating in the exempted fishery and that permit must be carried aboard each participating vessel.

§600.745 Scientific research activity, exempted fishing, and exempted educational activity

(a) *Scientific research activity.*[Not reproduced in this document. See e-CFR (ecfr.gpoaccess.gov) or contact NMFS Northwest Region for information.]

(b) *Exempted fishing.*–[Not reproduced in this document. See e-CFR (ecfr.gpoaccess.gov) or contact NMFS Northwest Region for information.]

§660.407 Treaty Indian fishing

Except as otherwise provided in this subpart, treaty Indian fishing in any part of the fishery management area is subject to the provisions of this subpart, the Magnuson-Stevens Act, and any other regulations issued under the Magnuson-Stevens Act.

§660.408 Annual actions.

(a) *General.* NMFS will annually establish specifications and management measures or, as necessary, adjust specifications and management measures for the commercial, recreational, and treaty Indian fisheries by publishing the action in the Federal Register under §660.411. Management of the Pacific Coast salmon fishery will be conducted consistent with the standards and procedures in the Salmon FMP. The Salmon FMP is available from the Regional Administrator or the Council. Specifications and management measures are described in paragraphs (b) through (o) of this section.

(b) *Annual catch limits.* Annual Specifications will include annual catch limits (ACLs) determined consistent with the standards and procedures in the Salmon FMP.

(c) *Allowable ocean harvest levels.* Allowable ocean harvest levels must ensure that conservation objectives and ACLs are met, as described in §660.410, except that where the *de minimis* fishing control rules described in §660.410(c) apply, conservation objectives may not be met, provided ACLs are met. The allowable ocean harvest for commercial, recreational, and treaty Indian fishing may be expressed in terms of season regulations expected to achieve a certain optimum harvest level or in terms of a particular number of fish. Procedures for determining allowable ocean harvest vary by species and fishery complexity, and are documented in the fishery management plan and Council documents.

(d) *Allocation of ocean harvest levels* —(1) *Coho and Chinook from the U.S.-Canada border to Cape Falcon* —(i) *Overall allocation schedule.* Initial allocation of coho and Chinook salmon north of Cape Falcon, OR, will be based on the following schedule:

Allowable non-treaty ocean harvest (thousands of fish)	Percentage[1]	
	Commercial	Recreational
Coho:		
0–300	25	75
>300	60	40
Chinook:		
0–100	50	50
>100–150	60	40
>150	70	30

[1]The percentage allocation is tiered and must be calculated in additive steps when the harvest level exceeds the initial tier. For example, for a total allowable ocean harvest of 150,000 Chinook, the recreational allocation would be equal to 50 percent of 100,000 Chinook plus 40 percent of 50,000 Chinook or 50,000 + 20,000 = 70,000 Chinook.

(ii) *Deviations from allocation schedule*. The initial allocation may be modified annually in accordance with paragraphs (d)(1)(iii) through (viii) of this section. These deviations from the allocation schedule provide flexibility to account for the dynamic nature of the fisheries and better achieve the allocation objectives and fishery allocation priorities in paragraphs (d)(1)(ix) and (x) of this section. Total allowable ocean harvest will be maximized to the extent possible consistent with treaty obligations, state fishery needs, conservation objectives, and ACLs. Every effort will be made to establish seasons and gear requirements that provide troll and recreational fleets a reasonable opportunity to catch the available harvest. These may include single-species directed fisheries with landing restrictions for other species.

(iii) *Preseason trades*. Preseason species trades (Chinook and coho) may be made if they are based upon the recommendation of the commercial and recreational Salmon Advisory Subpanel representatives for the area north of Cape Falcon; simultaneously benefit both the commercial and recreational fisheries or benefit one fishery without harming the other; and are supported by a socio–economic analysis that compares the impacts of the recommendation to those of the standard allocation schedule to determine the allocation that best meets the allocation objectives. This analysis will be made available to the public during the preseason process for establishing annual management measures. Preseason trades will use an exchange ratio of four coho to one Chinook as a desirable guideline.

(iv) *Commercial allocation*. The commercial allowable ocean harvest of Chinook and coho derived during the preseason allocation process may be varied by major subareas (i.e., north of Leadbetter Point and south of Leadbetter Point) if there is need to do so to decrease impacts on weak stocks. Deviations in each major subarea will generally not exceed 50 percent of the allowable ocean harvest of each species that would have been established without a geographic deviation in the distribution of the allowable ocean harvest. Deviation of more than 50 percent will be based on a conservation need to protect the weak stocks and will provide larger overall harvest for the entire fishery north of Cape Falcon than would have been possible without the deviation.

(v) *Recreational allocation*. The recreational allowable ocean harvest of Chinook and coho derived during the preseason allocation process will be distributed among the four major recreational subareas as described in the coho and Chinook distribution sections below. The Council may deviate from subarea quotas to meet recreational season objectives, based on agreement of representatives of the affected ports and/or in accordance with section 6.5.3.2 of the Pacific Coast Salmon Plan, regarding certain selective fisheries. Additionally, based upon the recommendation of the recreational Salmon Advisory Subpanel representatives for the area north of Cape Falcon, the Council will include criteria in its preseason salmon management recommendations to guide any inseason transfer of coho among the recreational subareas to meet recreational season duration objectives.

(A) *Coho distribution*. The preseason recreational allowable ocean harvest of coho north of Cape Falcon will be distributed to provide 50 percent to the area north of Leadbetter Point and 50 percent to the area south of Leadbetter Point. In years with no fishery in Washington State management area 4B, the distribution of coho north of Leadbetter Point will be divided to provide 74 percent to the subarea between Leadbetter Point and the Queets River (Westport), 5.2 percent to the subarea between Queets River and Cape Flattery (La Push), and 20.8 percent to the area north of the Queets River (Neah Bay). In years when there is an Area 4B (Neah Bay) fishery under state management, 25 percent of the numerical value of that fishery shall be added to the recreational allowable ocean harvest north of Leadbetter Point prior to applying the sharing percentages for Westport and La Push. The increase to Westport and La Push will be subtracted from the Neah Bay ocean share to maintain the same total harvest allocation north of Leadbetter Point. Each of the four recreational port area allocations will be rounded, to the nearest hundred fish, with the largest quotas

rounded downward, if necessary, to sum to the preseason recreational allowable ocean harvest of coho north of Cape Falcon.

(B) *Chinook distribution*. Subarea distributions of Chinook will be managed as guidelines based on calculations of the Salmon Technical Team with the primary objective of achieving all–species fisheries without imposing Chinook restrictions (i.e., area closures or bag limit reductions). Chinook in excess of all–species fisheries needs may be utilized by directed Chinook fisheries north of Cape Falcon or by negotiating a preseason species trade of Chinook and coho between commercial and recreational allocations in accordance with paragraph (d)(1)(iii) of this section.

(vi) *Inseason trades and transfers*. Inseason transfers, including species trades of Chinook and coho, may be permitted in either direction between commercial and recreational fishery quotas to allow for uncatchable fish in one fishery to be reallocated to the other. Fish will be deemed uncatchable by a respective commercial or recreational fishery only after considering all possible annual management actions to allow for their harvest that are consistent with the harvest management objectives specific in the fishery management plan including consideration of single species fisheries. Implementation of inseason transfers will require consultation with the pertinent commercial and recreational Salmon Advisory Subpanel representatives from the area involved and the Salmon Technical Team, and a clear establishment of available fish and impacts from the transfer. Inseason trades or transfers may vary from the guideline ratio of four coho to one Chinook to meet the allocation objectives in paragraph (d)(1)(ix) of this section.

(vii) *Other inseason provisions*. Any increase or decrease in the recreational or commercial allowable ocean harvest resulting from an inseason restructuring of a fishery or other inseason management action does not require reallocation of the overall non–treaty allowable ocean harvest north of Cape Falcon between the recreational and commercial fisheries. Inseason redistribution of subarea quotas within the recreational fishery or the distribution of allowable coho catch transfers from the commercial fishery among subareas may deviate from the preseason distribution. Inseason management actions may be taken by the Regional Administrator to assure meeting the primary objective of achieving all–species fisheries without imposing Chinook restrictions in each of the recreational subareas north of Cape Falcon. Such actions might include, but are not limited to: Closure from 0 to 3, 0 to 6, 3 to 200, or 5 to 200 nm from shore; closure from a point extending due west from Tatoosh Island for 5 nm, then south to a point due west of Umatilla Reef Buoy, then due east to shore; closure from North Head at the Columbia River mouth north to Leadbetter Point; change in species that may be landed; or other actions as prescribed in the annual management measures.

(viii) Selective fisheries. Deviations from the initial gear and port area allocations may be allowed to implement selective fisheries for marked salmon stocks as long as the deviations are within the constraints and process specified in section 6.5.3.2 of the Pacific Coast Salmon Plan.

(ix) *Allocation objectives*. The goal of allocating ocean harvest north of Cape Falcon is to achieve, to the greatest degree possible, the following objectives for the commercial and recreational fisheries. When deviation from the allocation schedule is being considered, these objectives will serve as criteria to help determine whether a user group will benefit from the deviation.

(A) Provide recreational opportunity by maximizing the duration of the fishing season while minimizing daily and area closures and restrictions on gear and daily limits.

(B) Maximize the value of the commercial harvest while providing fisheries of reasonable duration.

(x) *Fishery allocation priorities*. The following fishery allocation priorities will provide guidance in the preseason process of establishing final harvest allocations and structuring seasons that best achieve the allocation objectives. To the extent fish are provided to each fishery by the allocation schedule, these priorities do not favor one user group over the other and should be met simultaneously for each fishery. Seasons may be structured that deviate from these priorities consistent with the allocation objectives.

(A) At total allowable harvest levels up to 300,000 coho and 100,000 Chinook: For the recreational fishery, provide coho for a late June through early September all–species season; provide Chinook to allow access to coho and, if possible, a minimal Chinook–only fishery prior to the all–species season; and adjust days per week and/or institute area restrictions to stabilize season duration. For the commercial fishery, provide Chinook for a May and early June Chinook season and provide coho for hooking mortality and/or access to a pink fishery, and ensure that part of the Chinook season will occur after June 1.

(B) At total allowable harvest levels above 300,000 coho and above 100,000 Chinook: For the recreational fishery, relax any restrictions in the all–species fishery and/or extend the all–species season beyond Labor Day as coho quota allows; provide Chinook for a Memorial Day through late June Chinook–only fishery; and adjust days per week to ensure continuity with the all–species season. For the commercial fishery, provide coho for an all–species season in late summer and/or access to a pink fishery; and leave adequate Chinook from the May through June season to allow access to coho.

(2) *Coho south of Cape Falcon*

(i) *Allocation schedule*. Preseason allocation shares of coho salmon south of Cape Falcon, OR, will be determined by an allocation schedule, which is based on the following formula. The formula will be used to interpolate between allowable harvest levels as shown in the table below.

Allowable ocean harvest (thousands of fish)	Commercial		Recreational	
	Number (thousands)	Percentage	Number (thousands)	Percentage
2,700	2,230	82.6	470	17.4
2,600	2,140	82.3	460	17.7
2,500	2,050	82.0	450	18.0
2,400	1,960	81.7	440	18.3
2,300	1,870	81.3	430	18.7
2,200	1,780	80.9	420	19.1
2,100	1,690	80.5	410	19.5
2,000	1,600	80.0	400	20.0
1,900	1,510	79.5	390	20.5
1,800	1,420	78.9	380	21.1
1,700	1,330	78.2	370	21.8
1,600	1,240	77.5	360	22.5
1,500	1,150	76.7	350	23.3
1,400	1,060	75.7	340	24.3
1,300	970	74.6	330	25.4
1,200	880	73.3	320	26.7
1,100	790	71.8	310	28.2
1,000	700	70.0	300	30.0
900	610	67.8	290	32.2
800	520	65.0	280	35.0
700	434	62.0	266	38.0
600	348	58.0	252	42.0
500	262	52.4	238	47.6
400	176	44.0	224	56.0
350	133	38.0	217	62.0
300	100	33.3	200	66.7
200	[1]33	[1]16.5	[1]167	[1]83.5
100	([1])	([1])	([1])	([1])

[1]An incidental coho allowance associated with any commercial all–salmon–except–coho fishery will be deducted from the recreational share of coho during periods of low coho abundance when the commercial allocation of coho under the schedule would be insufficient to allow for incidental hooking mortality of coho in the commercial all–salmon–except–coho fishery.

(A) Up to 350,000 allowable ocean harvest: The first 150,000 fish will be allocated to the recreational fishery. Additional fish will be allocated 66.7 percent to troll and 33.3 percent to recreational. The incidental coho mortality for a commercial all–salmon–except–coho fishery will be deducted from the troll allocation. If the troll allocation is insufficient for this purpose, the remaining number of coho needed for this estimated incidental coho mortality will be deducted from the recreational share.

(B) From 350,000 to 800,000 allowable ocean harvest: The recreational allocation is equal to 14 percent of the allowable harvest above 350,000 fish, plus 217,000 fish. The remainder of the allowable ocean harvest will be allocated to the troll fishery.

(C) Above 800,000 allowable ocean harvest: The recreational allocation is equal to 10 percent of the allowable harvest above 800,000 fish, plus 280,000 fish. The remainder of the allowable ocean harvest will be allocated to the troll fishery.

(ii) *Geographic distribution*. Allowable harvest south of Cape Falcon may be divided and portions assigned to subareas based on considerations including, but not limited to, controlling ocean harvest impacts on depressed, viable natural stocks within acceptable maximum allowable levels; stock abundance; allocation considerations; stock specific impacts; relative abundance of the salmon species in the fishery; escapement goals; and maximizing harvest potential.

(iii) *Recreational allocation at 167,000 fish or less.* When the recreational allocation is at 167,000 fish or less, the total recreational allowable ocean harvest of coho will be divided between two major subareas with independent impact quotas. The initial allocation will be 70 percent from Cape Falcon to Humbug Mountain and 30 percent south of Humbug Mountain. Coho transfers between the two impact quotas may be permitted on a one–for–one basis, if Chinook constraints preclude access to coho. Horse Mountain to Point Arena will be managed for an impact guideline of 3 percent of the south of Cape Falcon recreational allocation. The recreational coho fishery between Humbug Mountain and Point Arena may be closed when it is projected that the harvest impact between Humbug Mountain and Point Arena, combined with the projected harvest impact that will be taken south of Point Arena to the end of the season, equals the impact quota for south of Humbug Mountain. The recreational fishery for coho salmon south of Point Arena will not close upon attainment of the south of Humbug Mountain impact quota.

(iv) *Oregon coastal natural coho*. The allocation provisions in (d)(2) of this section provide guidance only when coho abundance permits a directed coho harvest, not when the allowable harvest impacts are insufficient to allow coho retention south of Cape Falcon. At such low levels, allowable harvest impacts will be allocated during the Council's preseason process.

(v) *Inseason reallocation.* No later than August 15 each year, the Salmon Technical Team will estimate the number of coho salmon needed to complete the recreational seasons. Any coho salmon allocated to the recreational fishery that are not needed to complete the recreational seasons will be reallocated to the commercial fishery. Once reallocation has taken place, the remaining recreational quota will change to a harvest guideline. If the harvest guideline for the recreational fishery is projected to be reached on or before Labor Day, the Regional Administrator may allow the recreational fishery to continue through the Labor Day weekend only if there is no significant danger of impacting the allocation of another fishery or of failing to meet an escapement goal.

(e) *Management boundaries and zones*. Management boundaries and zones will be established or adjusted to achieve a conservation purpose or management objective. A conservation purpose or management objective protects a fish stock, simplifies management of a fishery, or promotes wise use of fishery resources by, for example, separating fish stocks, facilitating enforcement, separating conflicting fishing activities, or facilitating harvest opportunities. Management boundaries and zones will be described by geographical references, coordinates (latitude and longitude), depth contours, distance from shore, or similar criteria.

(f) *Minimum harvest lengths*. The minimum harvest lengths for commercial, recreational, and treaty Indian fishing may be changed upon demonstration that a useful purpose will be served. For example, an increase in minimum size for commercially caught salmon may be necessary for conservation or may provide a greater poundage and monetary yield from the fishery while not substantially increasing hooking mortality. The removal of a minimum size for the recreational fishery may prevent wastage of fish and outweigh the detrimental impacts of harvesting immature fish.

(g) *Recreational daily bag limits*. Recreational daily bag limits for each fishing area will specify number and species of salmon that may be retained. The recreational daily bag limits for each fishing area will be set to maximize the length of the fishing season consistent with the allowable level of harvest in the area.

(h) *Fishing gear restrictions*. Gear restrictions for commercial, recreational, and treaty Indian fishing may be established or modified upon demonstration that a useful purpose will be served. For example, gear restrictions may be imposed or modified to facilitate enforcement, reduce hooking mortality, or reduce gear expenses for fishermen.

(i) *Seasons* –(1) *In general*. Seasons for commercial and recreational fishing will be established or modified taking into account allowable ocean harvest levels and quotas, allocations between the commercial and recreational fisheries, and the estimated amount of effort required to catch the available fish based on past seasons.

(2) *Commercial seasons*. Commercial seasons will be established or modified taking into account wastage of fish that cannot legally be retained, size and poundage of fish caught, effort shifts between fishing areas, and protection of depressed stocks present in the fishing areas. All–species seasons will be established to allow the maximum allowable harvest of pink salmon, when and where available, without exceeding allowable Chinook or coho harvest levels and within conservation and allocation constraints of the pink stocks.

(3) *Recreational seasons*. If feasible, recreational seasons will be established or modified to encompass Memorial Day and Labor Day weekends, and to avoid the need for inseason closures.

(j) *Quotas* (by species, including fish caught 0–3 nm seaward of Washington, Oregon, and California). Quotas for commercial, recreational, and treaty Indian fishing may be established or modified to ensure that allowable ocean harvests are not exceeded. Quotas may be fixed or adjustable and used in conjunction with seasons. Any quota established does not represent a guaranteed ocean harvest, but a maximum ceiling on catch.

(k) *Selective fisheries*. —(1) *In general.* In addition to the all-species seasons and the all-species-except-coho seasons established for the commercial and recreational fisheries, species selective fisheries and mark selective fisheries may be established.

(2) *Species selective fisheries.* Selective coho-only, Chinook-only, pink-only, all salmon except Chinook, and all salmon except coho fisheries may be established if harvestable fish of the target species are available; harvest of incidental species will not exceed allowable levels; proven, documented

selective gear exists; significant wastage of incidental species will not occur; and the selective fishery will occur in an acceptable time and area where wastage can be minimized and target stocks are primarily available.

(3) *Mark selective fisheries.* Fisheries that select for salmon marked with a healed adipose fin clip may be established in the annual management measures as long as they are consistent with guidelines in section 6.5.3.1 of the Pacific Coast Salmon Plan.

(l) *Treaty Indian fishing.*

(1) NMFS will establish or modify treaty Indian fishing seasons and/or fixed or adjustable quotas, size limits, gear restrictions, and/or area restrictions taking into account recommendations of the Council, proposals from affected tribes, and relevant Federal court proceedings.

(2) The combined treaty Indian fishing seasons will not be longer than necessary to harvest the allowable treaty Indian catch, which is the total treaty harvest that would occur if the tribes chose to take their total entitlement of the weakest stock in the fishery management area, assuming this level of harvest did not create conservation or allocation problems on other stocks.

(3) Any fixed or adjustable quotas established will be consistent with established treaty rights and will not exceed the harvest that would occur if the entire treaty entitlement to the weakest run were taken by treaty Indian fisheries in the fishery management area.

(4) If adjustable quotas are established for treaty Indian fishing, they may be subject to inseason adjustment because of unanticipated Chinook or coho hooking mortality occurring during the season, catches in treaty Indian fisheries inconsistent with those unanticipated under Federal regulations, or a need to redistribute quotas to ensure attainment of an overall quota.

(m) *Yurok and Hoopa Valley tribal fishing rights*. For purposes of section 303 of the Magnuson-Stevens Act, the federally reserved fishing rights of the Yurok and Hoopa Valley Indian Tribes as set out in a legal opinion[1] dated October 4, 1993, by the Office of the Solicitor, Department of the Interior, are applicable law. Under section 303 of the Magnuson-Stevens Act, allowable ocean harvest must be consistent with all applicable laws.

(n) *Inseason notice procedures*. Telephone hotlines and USCG broadcasts will provide actual notice of inseason actions for commercial, recreational, and treaty Indian fishing.

(o) *Reporting requirements*. Reporting requirements for commercial fishing may be imposed to ensure timely and accurate assessment of catches in regulatory areas subject to quota management. Such reports are subject to the limitations described herein. Persons engaged in commercial fishing in a regulatory area subject to quota management and landing their catch in another regulatory area open to fishing may be required to transmit a brief report prior to leaving the first regulatory area. The regulatory areas subject to these reporting requirements, the contents of the reports, and the entities receiving the reports will be specified annually.

§660.409 Inseason actions.

(a) *Fixed inseason management provisions*. NMFS is authorized to take the following inseason management actions annually, as appropriate.

(1) *Automatic season closures based on quotas*. When a quota for the commercial or the recreational fishery, or both, for any salmon species in any portion of the fishery management area is projected by the Regional Administrator to be reached on or by a certain date, NMFS will, by an inseason action issued under §660.411, close the commercial or recreational fishery, or both, for all salmon species in the portion of the fishery management area to which the quota applies as of the date the quota is projected to be reached.

(2) *Rescission of automatic closure*. If a fishery is closed under a quota before the end of a scheduled season based on overestimate of actual catch, NMFS will reopen that fishery in as timely a manner as possible for all or part of the remaining original season provided NMFS finds that a reopening of the fishery is consistent with the management objectives for the affected species and the additional open period is no less than 24 hours. The season will be reopened by an inseason action issued under §660.411.

(3) *Adjustment for error in preseason estimates*. NMFS may, by an inseason action issued under §660.411, make appropriate changes in relevant seasons or quotas if a significant computational error or errors made in calculating preseason estimates of salmon abundance are identified, provided that such correction can be made in a timely manner to affect the involved fishery without disrupting the capacity to meet the objectives of the fishery management plan.

[1] Copies of the Solicitor's Opinion are available from the Director, Southwest Region, NMFS.

(b) *Flexible inseason management provisions.*

(1) The Regional Administrator will consult with the Chairman of the Council and the appropriate State Directors prior to taking any of the following flexible inseason management provisions, which include, but are not limited to, the following:

(i) Modification of quotas and/or fishing seasons.

(ii) Modification of the species that may be caught and landed during specific seasons and the establishment or modification of limited retention regulations.

(iii) Modification in recreational bag limits and recreational fishing days per calendar week.

(iv) Establishment or modification of gear restrictions.

(v) Modification of boundaries, including landing boundaries, and establishment of closed areas.

(2) Fishery managers must determine that any inseason adjustment in management measures is consistent with fishery regimes established by the U.S.-Canada Pacific Salmon Commission, conservation objectives and ACLs, conservation of the salmon resource, any adjudicated Indian fishing rights, and the ocean allocation scheme in the fishery management plan. All inseason adjustments will be based on consideration of the following factors:

(i) Predicted sizes of salmon runs.

(ii) Harvest quotas and hooking mortality limits for the area and total allowable impact limitations, if applicable.

(iii) Amount of commercial, recreational, and treaty Indian catch for each species in the area to date.

(iv) Amount of commercial, recreational, and treaty Indian fishing effort in the area to date.

(v) Estimated average daily catch per fisherman.

(vi) Predicted fishing effort for the area to the end of the scheduled season.

(vii) Other factors, as appropriate.

§660.410 Conservation objectives, ACLs, and de minimis control rules.

(a) *Conservation objectives.* Annual management measures will be consistent with conservation objectives described in Table 3–1 of the Salmon FMP or as modified through the processes described below, except where the ACL escapement level for a stock is higher than the conservation objective, in which case annual management measures will be designed to ensure that the ACL for that stock is met, or where the de minimis control rules described in paragraph (c) of this section apply.

(1) *Modification of conservation objectives.* NMFS is authorized, through an action issued under §660.411, to modify a conservation objective if—

(i) A comprehensive technical review of the best scientific information available provides conclusive evidence that, in the view of the Council, the Scientific and Statistical Committee, and the Salmon Technical Team, justifies modification of a conservation objective or

(ii) Action by a Federal court indicates that modification of a conservation objective is appropriate.

(2) *ESA-listed species.* The annual specifications and management measures will be consistent with NMFS consultation standards or NMFS recovery plans for species listed under the Endangered Species Act (ESA). Where these standards differ from those described in FMP Table 3–1, NMFS will describe the ESA-related standards for the upcoming annual specifications and management measures in a letter to the Council prior to the first Council meeting at which the development of those annual management measures occurs.

(b) *Annual Catch Limits.* Annual management measures will be designed to ensure escapement levels at or higher than ACLs determined through the procedures set forth in the FMP.

(c) *De minimis control rules.* Klamath River fall Chinook and Sacramento River fall Chinook salmon have the same form of *de minimis* control rule described in the FMP, which allows for limited fishing impacts when abundance falls below $S_{MSY.}$ The control rule describes maximum allowable exploitation rates at any given level of abundance. The annual management measures may provide for lower exploitation rates as needed to address uncertainties or other year-specific circumstances. The *de minimis* exploitation rate in a given year must also be determined in consideration of the following factors:

(1) The potential for critically low natural spawner abundance, including considerations for substocks that may fall below crucial genetic thresholds;

(2) Spawner abundance levels in recent years;

(3) The status of co-mingled stocks;

(4) Indicators of marine and freshwater environmental conditions;

(5) Minimal needs for tribal fisheries;

(6) Whether the stock is currently in an approaching overfished condition;

(7) Whether the stock is currently overfished;

(8) Other considerations as appropriate.

(9) Exploitation rates, including *de minimis* exploitation rates, must not jeopardize the long-term capacity of the stock to produce maximum sustained yield on a continuing basis. NMFS expects that the control rule and associated criteria will result in decreasing harvest opportunity as abundance declines and little or no opportunity for harvest at abundance levels less than half of MSST.

§660.411 Notification and publication procedures.

(a) *Notification and effective dates.*

(1) Annual and certain other actions taken under §§660.408 and 660.410 will be implemented by an action published in the *Federal Register*, and will be effective upon filing, unless a later time is specified in the action.

(2) Inseason actions taken under §660.409 will be by actual notice available from telephone hotlines and USCG broadcasts, as specified annually. Inseason actions will also be published in the *Federal Register* as soon as practicable. Inseason actions will be effective from the time specified in the actual notice of the action (telephone hotlines and USCG broadcasts), or at the time the inseason action published in the *Federal Register* is effective, whichever comes first.

(3) Any action issued under this section will remain in effect until the expiration date stated in the action or until rescinded, modified, or superseded. However, no inseason action has any effect beyond the calendar year in which it is issued.

(b) *Public Comment*. If time allows, NMFS will invite public comment prior to the effective date of any action published in the Federal Register. If NMFS determines, for good cause, that an action must be filed without affording a prior opportunity for public comment, public comments on the action will be received by NMFS for a period of 15 days after filing of the action with the Office of the Federal Register.

(c) *Availability of data*. The Regional Administrator will compile in aggregate form all data and other information relevant to the action being taken and will make them available for public review during normal office hours at the Northwest Region, NMFS. For actions affecting fisheries occurring primarily or exclusively in the fishery management area seaward of California, information relevant to the action also will be made available for public review during normal office hours at the Southwest Region, NMFS.

2012 MANAGEMENT MEASURES

The 2012 management measures for commercial, recreational, and treaty Indian fishing for salmon in the fishery management area (as defined at §660.402.) off Washington, Oregon, and California are shown in Sections 1, 2, and 3, respectively. The specifications found in Sections 4 through 6 are also in effect. These management measures were published in the *Federal Register*, effective May 1, 2012 [77 FR 25915, May 2, 2012].

Section 1. Commercial Management Measures for 2012 Ocean Salmon Fisheries

Note: This section contains restrictions in parts A, B, and C that must be followed for lawful participation in the fishery. Each fishing area identified in part A specifies the fishing area by geographic boundaries from north to south, the open seasons for the area, the salmon species allowed to be caught during the seasons, and any other special retrictions effective in the area. Part B specifies minimum size limits. Part C specifies special requirements, definitions, restrictions, and exceptions.

A. Season Description

North of Cape Falcon, Oregon

U.S./Canada Border to Cape Falcon

- May 1 through earlier of June 30 or 31,700 Chinook quota.

Seven days per week (C.1). All salmon except coho (C.7). Chinook minimum size limit of 28 inches total length (B). Cape Flattery, Mandatory Yelloweye Rockfish Conservation Area, and Columbia Control Zones closed (C.5). See gear restrictions and definitions (C.2, C.3). An inseason conference call will occur when it is projected that 24,975 Chinook have been landed to consider modifying the open period to five days per week and adding landing and possession limits to ensure the guideline is not exceeded (C.8.f). Cape Flattery, Mandatory Yelloweye Rockfish Conservation Area, and Columbia Control Zones closed (C.5). Vessels must land and deliver their fish within 24 hours of any closure of this fishery. Under state law, vessels must report their catch on a state fish receiving ticket. Vessels fishing or in possession of salmon while fishing north of Leadbetter Point must land and deliver their fish within the area and north of Leadbetter Point. Vessels fishing or in possession of salmon while fishing south of Leadbetter Point must land and deliver their fish within the area and south of Leadbetter Point, except that Oregon permitted vessels may also land their fish in Garibaldi, Oregon. Oregon State regulations require all fishers landing salmon into Oregon from any fishery between Leadbetter Point, Washington and Cape Falcon, Oregon must notify ODFW within one hour of delivery or prior to transport away from the port of landing by either calling 541-867-0300 Ext. 271 or sending notification via e-mail to nfalcon.trollreport@state.or.us. Notification shall include vessel name and number, number of salmon by species, port of landing and location of delivery, and estimated time of delivery. Inseason actions may modify harvest guidelines in later fisheries to achieve or prevent exceeding the overall allowable troll harvest impacts.

U.S./Canada Border to Cape Falcon

- July 1 through earlier of September 17 or 15,800 preseason Chinook guideline (C.8) or a 13,280 marked coho quota (C.8)

July 1-4 then Friday through Tuesday July 6-August 21 with a landing and possession limit of 40 Chinook and 35 coho per vessel per open period; Friday through Monday August 24-September 17, with a landing and possession limit of 20 Chinook and 40 coho per vessel per open period (C.1, C.8.f). No earlier than September 1, if at least 5,000 marked coho remain on the quota, inseason action may be considered to allow non-selective coho retention (C.8.e). All Salmon except no chum retention north of Cape Alava, Washington in August and September (C.7). All coho must be marked except as noted above (C.8.e). Chinook minimum size limit of 28 inches total length; coho minimum size limit of 16 inches total length (B).See gear restrictions and definitions (C.2, C.3). Mandatory Yelloweye Rockfish Conservation Area, Cape Flattery and Columbia Control Zones, and beginning August 1, Grays Harbor Control Zone Closed (C.5). Vessels must land and deliver their fish within 24 hours of any closure of this fishery. Vessels fishing or in possession of salmon while fishing north of Leadbetter Point must land and deliver their fish within the area and north of Leadbetter Point. Vessels fishing or in possession of salmon while fishing south of Leadbetter Point must land and deliver their fish within the area and south of Leadbetter Point, except that Oregon permitted vessels may also land their fish in Garibaldi, Oregon. Under state law, vessels must report their catch on a state fish receiving ticket. Oregon State regulations require all fishers landing salmon into Oregon from any fishery between Leadbetter Point, Washington and Cape Falcon, Oregon must notify ODFW within one hour of delivery or prior to transport away from the port of landing by either calling 541-867-0300 Ext. 271 or sending notification via e-mail to nfalcon.trollreport@state.or.us. Notification shall include vessel name and number, number of salmon by species, port of landing and location of delivery, and estimated time of delivery. Inseason actions may modify harvest guidelines in later fisheries to achieve or prevent exceeding the overall allowable troll harvest impacts.

South of Cape Falcon, Oregon

Cape Falcon to Humbug Mt.

- April 1-August 29
- September 5-October 31 (C.9).

Seven days per week (C.1). All salmon except coho (C.7). Landing and possession limit of 100 Chinook per vessel per calendar week in September and October. Chinook minimum size limit of 28 inches total length (B). All vessels fishing in the area must land their fish in the State of Oregon. See gear restrictions and definitions (C.2, C.3) and Oregon State regulations for a description of special regulations at the mouth of Tillamook Bay.

In 2013 the season will open March 15 for all salmon except coho with a 28 inch minimum Chinook size limit and the same gear restrictions as in 2012. This opening could be modified following Council review at its March 2013 meeting.

Humbug Mt. to OR/CA Border (Oregon KMZ)

- April 1-May 31;
- June 1 through earlier of June 30, or a 2,000 Chinook quota;
- July 1 through earlier of July 31, or a 1,500 Chinook quota;
- Aug. 1 through earlier of Aug. 29, or a 1,000 Chinook quota;
- Sept. 5 through earlier of Sept. 30, or a 1,000 Chinook quota (C.9).

Seven days per week (C.1). All salmon except coho (C.7). Chinook minimum size limit of 28 inches total length (B). June 1 through September 30, landing and possession limit of 30 Chinook per vessel per day (C.8.f). Any remaining portion of the June and/or July Chinook quotas may be transferred inseason on an impact neutral basis to the next open quota period (no transfer to September quota allowed) (C.8.b). Prior to June 1, all fish caught in this area must be landed and delivered in the State of Oregon. Beginning June 1, all vessels fishing in this area must land and deliver all fish within this area or Port Orford, within 24 hours of any closure in this fishery, and prior to fishing outside of this area (C.1, C.6). Oregon State regulations require all fishers landing salmon from any quota managed season within this area to notify Oregon Dept. of Fish and Wildlife (ODFW) within 1 hour of delivery or prior to transport away from the port of landing by either calling (541) 867-0300 ext. 252 or sending notification via e-mail to KMZOR.trollreport@state.or.us. Notification shall include vessel name and number, number of salmon by species, port of landing and location of delivery, and estimated time of delivery. See gear restrictions and definitions (C.2, C.3).

- June 1-October 31

When otherwise closed to Chinook retention, collection of 200 genetic stock identification samples per week will be permitted (C.4). All salmon must be released in good condition after collection of biological samples.

In 2013 the season will open March 15 for all salmon except coho with a 28 inch minimum Chinook size limit and the same gear restrictions as in 2012. This opening could be modified following Council review at its March 2013 meeting.

OR/CA Border to Humboldt South Jetty (California KMZ)

- May 1-September 14

Closed except for sufficient impacts to collect 200 genetic stock identification samples per week (C.4). All salmon must be released in good condition after collection of biological samples.

- September 15 through earlier of September 30, or 6,000 Chinook quota (C.9).

Seven days per week (C.1). All salmon except coho (C.7). Chinook minimum size limit of 27 inches total length (B). Landing and possession limit of 25 Chinook per vessel per day (C.8.f). All fish caught in this area must be landed within the area and within 24 hours of any closure of the fishery and prior to fishing outside of this area. See compliance requirements (C.1) and gear restrictions and definitions (C.2, C.3). Klamath Control Zone closed (C.5.e). See California State regulations for additional closures adjacent to the Smith and Klamath rivers. When the fishery is closed between the OR/CA border and Humbug Mt. and open to the south, vessels with fish on board caught in the open area off California may seek temporary mooring in Brookings, Oregon prior to landing in California only if such vessels first notify the Chetco River Coast Guard Station via VHF channel 22A between the hours of 0500 and 2200 and provide the vessel name, number of fish on board, and estimated time of arrival (C.6).

Humboldt South Jetty to Horse Mt.

- May 1-September 30

Closed except for collection of the genetic stock identification samples noted above (C.4). All salmon must be released in good condition after collection of biological samples.

Horse Mt. to Point Arena (Fort Bragg)

- May 1-July 10

Closed except for sufficient impacts to collect 200 genetic stock identification samples per week (C.4). All salmon must be released in good condition after collection of biological samples.

- July 11 through Aug. 29;
- Sept. 1-30 (C.9).

Seven days per week (C.1). All salmon except coho (C.7). Chinook 27 inch total length minimum size limit (B). All fish must be landed in California and offloaded within 24 hours of the August 29 closure. During September, all fish caught in the area must be

landed north of Point Arena; all fish caught in the area when the California KMZ fishery is open must be landed between Horse Mt. and Point Arena. (C.1). See gear restrictions and definitions (C.2, C.3).

In 2013, the season will open April 16-30 for all salmon except coho, with a 27 inch minimum Chinook size limit and the same gear restrictions as in 2012. All fish caught in the area must be landed in the area. This opening could be modified following Council review at its March 2013 meeting.

Pt. Arena to Pigeon Pt. (San Francisco)

- May 1-June 4,
- June 27 through August 29;
- September 1-30 (C.9).

Seven days per week (C.1). All salmon except coho (C.7). Chinook minimum size limit of 27 inches total length prior to September 1, 26 inches thereafter (B). All fish must be landed in California and offloaded within 24 hours of the August 29 closure. During September, all fish caught in the area must be landed south of Point Arena. See gear restrictions and definitions (C.2, C.3).

- June 5-26

Closed except for sufficient impacts to collect 400 genetic stock identification samples per week (C.4). All salmon must be released in good condition after collection of biological samples.

Pt. Reyes to Pt. San Pedro (Fall Area Target Zone)

- October 1-12

Monday through Friday. All salmon except coho (C.7). Chinook minimum size limit 26 inches total length (B). All vessels fishing in this area must land and deliver all fish between Point Arena and Pigeon Point (C.1). See gear restrictions and definitions (C.2, C.3).

Pigeon Pt. to Point Sur (Monterey)

Same as Pt. Arena to Pigeon Pt.

Pt. Sur to U.S./Mexico Border (South of Monterey)

- May 1 through August 29
- September 1-30 (C.9).

Seven days per week (C.1). All salmon except coho (C.7). Chinook minimum size limit of 27 inches total length prior to September 1, 26 inches thereafter (B). All fish must be landed in California and offloaded within 24 hours of the August 29 closure. All fish caught in the area June 5-26 must be landed south of Pt. San Pedro; during September, all fish caught in the area must be landed south of Point Arena. See gear restrictions and definitions (C.2, C.3).

California State regulations require all salmon be made available to a CDFG representative for sampling immediately at port of landing. Any person in possession of a salmon with a missing adipose fin, upon request by an authorized agent or employee of the CDFG, shall immediately relinquish the head of the salmon to the state. (California Fish and Game Code §8226)

B. MINIMUM SIZE

(Inches) (See C.1)

	Chinook		Coho		Pink
Area (when open)	Total Length	Head-off	Total Length	Head-off	
North of Cape Falcon	28.0	21.5	16.0	12.0	None
Cape Falcon to OR/CA Border	28.0	21.5	-	-	None
OR/CA Border to Humboldt South Jetty	27.0	20.5	-	-	None
Horse Mt. to Pt. Arena	27.0	20.5	-	-	None
Pt. Arena to U.S./Mexico Border					
Prior to Sept. 1	27.0	20.5	-	-	None
Sept. 1 to October 12	26.0	19.5	-	-	None

Metric Equivalents: 28.0 in = 71.1 cm, 27.0 in = 68.6 cm, 26.0 in = 66.0 cm, 21.5 in = 54.6 cm, 20.5 in = 52.1 cm, 19.5 in = 49.5 cm, 16.0 in = 40.6 cm, and 12.0 in = 30.5 cm.

C. REQUIREMENTS, DEFINITIONS, RESTRICTIONS, OR EXCEPTIONS

C.1. Compliance with Minimum Size or Other Special Restrictions: All salmon on board a vessel must meet the minimum size, landing/possession limit, or other special requirements for the area being fished and the area in which they are landed if the area is open. Salmon may be landed in an area that has been closed more than 96 hours only if they meet the minimum size, landing/possession limit, or other special requirements for the area in which they were caught. Salmon may be landed in an area that has been closed less than 96 hours only if they meet the minimum size, landing/possession limit, or other special requirements for the areas in which they were caught and landed.

States may require fish landing/receiving tickets be kept on board the vessel for 90 days after landing to account for all previous salmon landings.

C.2. Gear Restrictions:

a. Salmon may be taken only by hook and line using single point, single shank, barbless hooks.
b. Cape Falcon, Oregon, to the OR/CA border: No more than 4 spreads are allowed per line.
c. OR/CA border to U.S./Mexico border: No more than 6 lines are allowed per vessel, and barbless circle hooks are required when fishing with bait by any means other than trolling.

C.3. Gear Definitions:

Trolling defined: Fishing from a boat or floating device that is making way by means of a source of power, other than drifting by means of the prevailing water current or weather conditions.

Troll fishing gear defined: One or more lines that drag hooks behind a moving fishing vessel. In that portion of the fishery management area (FMA) off Oregon and Washington, the line or lines must be affixed to the vessel and must not be intentionally disengaged from the vessel at any time during the fishing operation.

Spread defined: A single leader connected to an individual lure and/or bait.

Circle hook defined: A hook with a generally circular shape and a point which turns inward, pointing directly to the shank at a 90º angle.

C.4. Vessel Operation in Closed Areas with Salmon on Board:

a. Except as provided under C.4.b below, it is unlawful for a vessel to have troll or recreational gear in the water while in any area closed to fishing for a certain species of salmon, while possessing that species of salmon; however, fishing for species other than salmon is not prohibited if the area is open for such species, and no salmon are in possession.
b. When Genetic Stock Identification (GSI) samples will be collected in an area closed to commercial salmon fishing, the scientific research permit holder shall notify NOAA OLE, USCG, CDFG and OSP at least 24 hours prior to sampling and provide the following information: the vessel name, date, location and time collection activities will be done. Any vessel collecting GSI samples in a closed area shall not possess any salmon other than those from which GSI samples are being collected. Salmon caught for collection of GSI samples must be immediately released in good condition after collection of samples.

C.5. Control Zone Definitions:

a. *Cape Flattery Control Zone* - The area from Cape Flattery (48º23'00" N. lat.) to the northern boundary of the U.S. EEZ; and the area from Cape Flattery south to Cape Alava (48º10'00" N. lat.) and east of 125º05'00" W. long.
b. *Mandatory Yelloweye Rockfish Conservation Area* – The area in Washington Marine Catch Area 3 from 48°00.00' N. lat.; 125°14.00' W. long. to 48°02.00' N. lat.; 125°14.00' W. long. to 48°02.00' N. lat.; 125°16.50' W. long. to 48°00.00' N. lat.; 125°16.50' W. long. and connecting back to 48°00.00' N. lat.; 125°14.00' W. long.
c. *Grays Harbor Control Zone* - The area defined by a line drawn from the Westport Lighthouse (46° 53'18" N. lat., 124° 07'01" W. long.) to Buoy #2 (46° 52'42" N. lat., 124°12'42" W. long.) to Buoy #3 (46° 55'00" N. lat., 124°14'48" W. long.) to the Grays Harbor north jetty (46° 36'00" N. lat., 124°10'51" W. long.).
d. *Columbia Control Zone* - An area at the Columbia River mouth, bounded on the west by a line running northeast/southwest between the red lighted Buoy #4 (46°13'35" N. lat., 124°06'50" W. long.) and the green lighted Buoy #7 (46°15'09' N. lat., 124°06'16" W. long.); on the east, by the Buoy #10 line which bears north/south at 357° true from the south jetty at 46°14'00" N. lat.,124°03'07" W. long. to its intersection with the north jetty; on the north, by a line running northeast/southwest between the green lighted Buoy #7 to the tip of the north jetty (46°15'48" N. lat., 124°05'20" W. long.), and then along the north jetty to the point of intersection with the Buoy #10 line; and, on the south, by a line running northeast/southwest between the red lighted Buoy #4 and tip of the south jetty (46°14'03" N. lat., 124°04'05" W. long.), and then along the south jetty to the point of intersection with the Buoy #10 line.
e. *Klamath Control Zone* - The ocean area at the Klamath River mouth bounded on the north by 41°38'48" N. lat. (approximately six 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 six nautical miles south of the Klamath River mouth).

C.6. Notification When Unsafe Conditions Prevent Compliance with Regulations: If prevented by unsafe weather conditions or mechanical problems from meeting special management area landing restrictions, vessels must notify the U.S. Coast Guard and receive acknowledgment of such notification prior to leaving the area. This notification shall include the name of the vessel, port where delivery will be made, approximate amount of salmon (by species) on board, the estimated time of arrival, and the specific reason the vessel is not able to meet special management area landing restrictions.

In addition to contacting the U.S. Coast Guard, vessels fishing south of the Oregon/California border must notify CDFG within one hour of leaving the management area by calling 800-889-8346 and providing the same information as reported to the U.S. Coast Guard. All salmon must be offloaded within 24 hours of reaching port.

C.7. Incidental Halibut Harvest: During authorized periods, the operator of a vessel that has been issued an incidental halibut harvest license may retain Pacific halibut caught incidentally in Area 2A while trolling for salmon. Halibut retained must be no less than 32 inches in total length, measured from the tip of the lower jaw with the mouth closed to the extreme end of the middle of the tail, and must be landed with the head on. License applications for incidental harvest must be obtained from the International Pacific Halibut Commission (phone: 206-634-1838). Applicants must apply prior to April 1 of each year. Incidental harvest is authorized only during May and June troll seasons and after June 30 if quota remains and if announced on the NMFS hotline (phone: 800-662-9825). ODFW and Washington Department of Fish and Wildlife (WDFW) will monitor landings. If the landings are projected to exceed the 30,568 pound preseason allocation or the total Area 2A non-Indian commercial halibut allocation, NMFS will take inseason action to prohibit retention of halibut in the non-Indian salmon troll fishery.

Beginning May 1, license holders may land or possess no more than one Pacific halibut per each four Chinook, except one Pacific halibut may be possessed or landed without meeting the ratio requirement, and no more than 20 halibut may be possessed or landed per trip. Pacific halibut retained must be no less than 32 inches in total length (with head on).

A "C-shaped" yelloweye rockfish conservation area is an area to be voluntarily avoided for salmon trolling. NMFS and the Council request salmon trollers voluntarily avoid this area in order to protect yelloweye rockfish. The area is defined in the Pacific Council Halibut Catch Sharing Plan in the North Coast subarea (Washington marine area 3), with the following coordinates in the order listed:

48°18' N. lat.; 125°18' W. long.;
48°18' N. lat.; 124°59' W. long.;
48°11' N. lat.; 124°59' W. long.;
48°11' N. lat.; 125°11' W. long.;
48°04' N. lat.; 125°11' W. long.;
48°04' N. lat.; 124°59' W. long.;
48°00' N. lat.; 124°59' W. long.;
48°00' N. lat.; 125°18' W. long.;
and connecting back to 48°18' N. lat.; 125°18' W. long.

C.8. Inseason Management: In addition to standard inseason actions or modifications already noted under the season description, the following inseason guidance applies:

a. Chinook remaining from the May through June non-Indian commercial troll harvest guideline north of Cape Falcon may be transferred to the July through September harvest guideline if the transfer would not result in exceeding preseason impact expectations on any stocks.
b. Chinook remaining from the June and/or July non-Indian commercial troll quotas in the Oregon KMZ may be transferred to the Chinook quota for the next open period if the transfer would not result in exceeding preseason impact expectations on any stocks.
c. NMFS may transfer fish between the recreational and commercial fisheries north of Cape Falcon if there is agreement among the areas' representatives on the Salmon Advisory Subpanel (SAS), and if the transfer would not result in exceeding preseason impact expectations on any stocks.
d. At the March 2013 meeting, the Council will consider inseason recommendations for special regulations for any experimental fisheries (proposals must meet Council protocol and be received in November 2012).
e. If retention of unmarked coho is permitted by inseason action, the allowable coho quota will be adjusted to ensure preseason projected impacts on all stocks is not exceeded.
f. Landing limits may be modified inseason to sustain season length and keep harvest within overall quotas.

C.9. State Waters Fisheries: Consistent with Council management objectives:

a. The State of Oregon may establish additional late-season fisheries in state waters.
b. The State of California may establish limited fisheries in selected state waters.

Check state regulations for details.

C.10. For the purposes of California Department of Fish and Game (CDFG) Code, Section 8232.5, the definition of the Klamath Management Zone (KMZ) for the ocean salmon season shall be that area from Humbug Mt., Oregon, to Horse Mt., California.

Section 2. Recreational Management Measures for 2012 Ocean Salmon Fisheries

Note: This section contains restrictions in parts A, B, and C that must be followed for lawful participation in the fishery. Each fishing area identified in part A specifies the fishing area by geographic boundaries from north to south, the open seasons for the area, the salmon species allowed to be caught during the seasons, and any other special retrictions effective in the area. Part B specifies minimum size limits. Part C specifies special requirements, definitions, restrictions, and exceptions.

A. Season Description

North of Cape Falcon, Oregon

U.S./Canada Border to Queets River • June 16 through earlier of June 30 or a coastwide **marked Chinook quota of 8,000** (C.5). Seven days per week. Two fish per day, all salmon except coho, **all Chinook must be marked with a healed adipose fin clip (C.1)**. Chinook 24-inch total length minimum size limit (B). See gear restrictions (C.2). Inseason management may be used to sustain season length and keep harvest within the overall Chinook recreational TAC for north of Cape Falcon (C.5).
Queets River to Leadbetter Point • June 9 through earlier of June 23 or a coastwide **marked Chinook quota of 8,000** (C.5). Seven days per week. Two fish per day, all salmon except coho, **all Chinook must be marked with a healed adipose fin clip (C.1)**. Chinook 24-inch total length minimum size limit (B). See gear restrictions (C.2). Inseason management may be used to sustain season length and keep harvest within the overall Chinook recreational TAC for north of Cape Falcon (C.5).
Leadbetter Point to Cape Falcon • June 9 through earlier of June 22 or a coastwide **marked Chinook quota of 8,000** (C.5). Seven days per week. Two fish per day, all salmon except coho, **all Chinook must be marked with a healed adipose fin clip (C.1)**. Chinook 24-inch total length minimum size limit (B). See gear restrictions (C.2). Inseason management may be used to sustain season length and keep harvest within the overall Chinook recreational TAC for north of Cape Falcon (C.5).
U.S./Canada Border to Cape Alava (Neah Bay) • July 1 through earlier of September 23 or 7,250 marked coho subarea quota with a subarea guideline of 4,700 Chinook (C.5). Seven days per week. All salmon except no chum beginning August 1; two fish per day. All coho must be marked (C.1). Beginning August 1, Chinook non-retention east of the Bonilla-Tatoosh line (C.4.a) during Council managed ocean fishery. See gear restrictions and definitions (C.2, C.3). Inseason management may be used to sustain season length and keep harvest within the overall Chinook and coho recreational TACs for north of Cape Falcon (C.5).
Cape Alava to Queets River (La Push Subarea) • July 1 through earlier of September 23 or 1,760 marked coho subarea quota with a subarea guideline of 2,050 Chinook (C.5). • September 29 through earlier of October 14 or 50 marked coho quota or 50 Chinook quota (C.5) in the area north of 47°50'00 N. lat. and south of 48°00'00" N. lat. Seven days per week. All salmon; two fish per day. All coho must be marked (C.1). See gear restrictions and definitions (C.2, C.3). Inseason management may be used to sustain season length and keep harvest within the overall Chinook and coho recreational TACs for north of Cape Falcon (C.5).
Queets River to Leadbetter Point (Westport Subarea) • June 24 through earlier of September 23 or 25,800 marked coho subarea quota with a subarea guideline of 25,600 Chinook (C.5). Sunday through Thursday. All salmon; two fish per day, no more than one of which can be a Chinook. All coho must be marked (C.1). See gear restrictions and definitions (C.2, C.3). Inseason management may be used to sustain season length and keep harvest within the overall Chinook and coho recreational TACs for north of Cape Falcon (C.5).
Leadbetter Point to Cape Falcon (Columbia River Subarea) • June 23 through earlier of September 30 or 34,860 marked coho subarea quota with a subarea guideline of 11,100 Chinook (C.5). Seven days per week. All salmon; two fish per day, no more than one of which can be a Chinook. All coho must be marked (C.1). See gear restrictions and definitions (C.2, C.3). Columbia Control Zone closed (C.4). Inseason management may be used to sustain season length and keep harvest within the overall Chinook and coho recreational TACs for north of Cape Falcon (C.5).

South of Cape Falcon, Oregon

Cape Falcon to Humbug Mt.

- Except as provided below during the all-salmon mark-selective **and non-mark-selective coho fisheries**, the season will be March 15 through October 31 (C.6).

All salmon except coho; two fish per day (B, C.1). See gear restrictions and definitions (C.2, C.3).

- Cape Falcon to OR/CA border all-salmon mark-selective coho fishery: July 1 through earlier of July 31 or a landed catch of 8,000 marked coho.

Seven days per week. All salmon, two fish per day. All retained coho must be marked (C.1). Any remainder of the mark selective coho quota may be transferred on an impact neutral basis to the September non-selective coho quota listed below (C.5.e). The all salmon except coho season reopens the earlier of August 1 or attainment of the coho quota, through August 31.

- Cape Falcon to Humbug Mt. **non-mark-selective coho fishery**: September 1 through the earlier of September 22 or a landed catch of 10,000 **non-mark-selective coho quota (C.5)**.

Sept. 1-3, then Thursday through Saturday thereafter; **all salmon**, two fish per day (C.5);
Sept. 4-5, then Sunday through Wednesday thereafter; **all salmon except coho**, two fish per day. The all salmon except coho season reopens the earlier of September 23 or attainment of the coho quota. Open days may be adjusted inseason to utilize the available coho quota (C.5).

Fishing in the Stonewall Bank yelloweye rockfish conservation area restricted to trolling only on days the all depth recreational halibut fishery is open (call the halibut fishing hotline 1-800-662-9825 for specific dates) (C.3.b, C.4.d).

In 2013, the season between Cape Falcon and Humbug Mt. opens March 15 for all salmon except coho, two fish per day (C.1). Chinook minimum size limit of 24 inches total length (B); and the same gear restrictions as in 2012 (C.2, C.3). This opening could be modified following Council review at its March 2013 meeting.

Humbug Mt. to OR/CA Border. (Oregon KMZ)

- Except as provided above during the all-salmon mark-selective coho fishery, the season will be May 1 through September 9 (C.6).

All salmon except coho, except as noted above in the all-salmon mark-selective coho fishery. Seven days per week, two fish per day (C.1). Chinook minimum size limit of 24 inches total length (B). See gear restrictions and definitions (C.2, C.3).

OR/CA Border to Horse Mt. (California KMZ)

- May 1 through September 9 (C.6).

All salmon except coho. Seven days per week, two fish per day (C.1). Chinook minimum size limit of 20 inches total length (B). See gear restrictions and definitions (C.2, C.3). Klamath Control Zone closed in August (C.4.e). See California State regulations for additional closures adjacent to the Smith, Eel, and Klamath rivers.

Horse Mt. to Point Arena (Fort Bragg)

- April 7 through November 11.

Seven days per week. All salmon except coho, two fish per day (C.1). Chinook minimum size limit of 20 inches total length (B). See gear restrictions and definitions (C.2, C.3).

In 2013, season opens April 6 for all salmon except coho, two fish per day (C.1). Chinook minimum size limit of 20 inches total length (B); and the same gear restrictions as in 2012 (C.2, C.3). This opening could be modified following Council review at its March 2013 meeting.

Point Arena to Pigeon Point (San Francisco)

- April 7 through November 11.

Seven days per week. All salmon except coho, two fish per day (C.1). Chinook minimum size limit of 24 inches total length through July 5; 20 inches thereafter (B). See gear restrictions and definitions (C.2, C.3).

In 2013, season opens April 6 for all salmon except coho, two fish per day (C.1). Chinook minimum size limit of 24 inches total length (B); and the same gear restrictions as in 2012 (C.2, C.3). This opening could be modified following Council review at its March 2013 meeting.

Pigeon Point to U.S./Mexico Border (Monterey) • April 7 through October 7. Seven days per week. All salmon except coho, two fish per day (C.1). Chinook minimum size limit of 24 inches total length through July 5; 20 inches thereafter (B). See gear restrictions and definitions (C.2, C.3). In 2013, season opens April 6 for all salmon except coho, two fish per day (C.1). Chinook minimum size limit of 24 inches total length (B); and the same gear restrictions as in 2012 (C.2, C.3). This opening could be modified following Council review at its March 2013 meeting.
California State regulations require all salmon be made available to a CDFG representative for sampling immediately at port of landing. Any person in possession of a salmon with a missing adipose fin, upon request by an authorized agent or employee of the CDFG, shall immediately relinquish the head of the salmon to the state. (California Fish and Game Code §8226)

B. MINIMUM SIZE

(Inches) (See C.1)

Area (when open)	Chinook	Coho	Pink
North of Cape Falcon	24.0	16.0	None
Cape Falcon to Humbug Mt.	24.0	16.0	None
Humbug Mt. to OR/CA Border	24.0	16.0	None
OR/CA Border to Horse Mountain	20.0	-	20.0
Horse Mt. to Pt. Arena	20.0	-	20.0
Pt. Arena. to U.S./Mexico Border:			
Apr. 7 to July 5	24.0	-	24.0
July 6 to Nov. 11	20.0	-	20.0

Metric Equivalents: 28.0 in = 71.1 cm, 27.0 in = 68.6 cm, 26.0 in = 66.0 cm, 21.5 in = 54.6 cm, 20.5 in = 52.1 cm, 19.5 in = 49.5 cm, 16.0 in = 40.6 cm, and 12.0 in = 30.5 cm.

C. REQUIREMENTS, DEFINITIONS, RESTRICTIONS, OR EXCEPTIONS

C.1. Compliance with Minimum Size and Other Special Restrictions: All salmon on board a vessel must meet the minimum size or other special requirements for the area being fished and the area in which they are landed if that area is open. Salmon may be landed in an area that is closed only if they meet the minimum size or other special requirements for the area in which they were caught.
Ocean Boat Limits: Off the coast of Washington, Oregon, and California, each fisher aboard a vessel may continue to use angling gear until the combined daily limits of salmon for all licensed and juvenile anglers aboard has been attained (additional state restrictions may apply).

C.2. Gear Restrictions: Salmon may be taken only by hook and line using barbless hooks. All persons fishing for salmon, and all persons fishing from a boat with salmon on board, must meet the gear restrictions listed below for specific areas or seasons.

a. *U.S./Canada Border to Point Conception, California*: No more than one rod may be used per angler; and no more than two single point, single shank barbless hooks are required for all fishing gear. [Note: ODFW regulations in the state-water fishery off Tillamook Bay may allow the use of barbed hooks to be consistent with inside regulations.]

b. *Horse Mt., California, to Point Conception, California*: Single point, single shank, barbless circle hooks (see gear definitions below) are required when fishing with bait by any means other than trolling, and no more than two such hooks shall be used. When angling with two hooks, the distance between the hooks must not exceed five inches when measured from the top of the eye of the top hook to the inner base of the curve of the lower hook, and both hooks must be permanently tied in place (hard tied). Circle hooks are not required when artificial lures are used without bait.

C.3. Gear Definitions:

a. *Recreational fishing gear defined*: Angling tackle consisting of a line with no more than one artificial lure and/or natural bait attached. Off Oregon and Washington, the line must be attached to a rod and reel held by hand or closely attended; the rod and reel must be held by hand while playing a hooked fish. No person may use more than one rod and line while fishing off Oregon or Washington. Off California, the line must be attached to a rod and reel held by hand or closely attended; weights directly attached to a line may not exceed four pounds (1.8 kg). While fishing off California north of

Point Conception, no person fishing for salmon, and no person fishing from a boat with salmon on board, may use more than one rod and line. Fishing includes any activity which can reasonably be expected to result in the catching, taking, or harvesting of fish.

b. *Trolling defined*: Angling from a boat or floating device that is making way by means of a source of power, other than drifting by means of the prevailing water current or weather conditions.

c. *Circle hook defined*: A hook with a generally circular shape and a point which turns inward, pointing directly to the shank at a 90° angle.

C.4. Control Zone Definitions:

a. *The Bonilla-Tatoosh Line*: A line running from the western end of Cape Flattery to Tatoosh Island Lighthouse (48°23'30" N. lat., 124°44'12" W. long.) to the buoy adjacent to Duntze Rock (48°28'00" N. lat., 124°45'00" W. long.), then in a straight line to Bonilla Point (48°35'30" N. lat., 124°43'00" W. long.) on Vancouver Island, British Columbia.

b. *Grays Harbor Control Zone* - The area defined by a line drawn from the Westport Lighthouse (46° 53'18" N. lat., 124° 07'01" W. long.) to Buoy #2 (46° 52'42" N. lat., 124°12'42" W. long.) to Buoy #3 (46° 55'00" N. lat., 124°14'48" W. long.) to the Grays Harbor north jetty (46° 36'00" N. lat., 124°10'51" W. long.).

c. *Columbia Control Zone*: An area at the Columbia River mouth, bounded on the west by a line running northeast/southwest between the red lighted Buoy #4 (46°13'35" N. lat., 124°06'50" W. long.) and the green lighted Buoy #7 (46°15'09' N. lat., 124°06'16" W. long.); on the east, by the Buoy #10 line which bears north/south at 357° true from the south jetty at 46°14'00" N. lat., 124°03'07" W. long. to its intersection with the north jetty; on the north, by a line running northeast/southwest between the green lighted Buoy #7 to the tip of the north jetty (46°15'48" N. lat., 124°05'20" W. long. and then along the north jetty to the point of intersection with the Buoy #10 line; and on the south, by a line running northeast/southwest between the red lighted Buoy #4 and tip of the south jetty (46°14'03" N. lat., 124°04'05" W. long.), and then along the south jetty to the point of intersection with the Buoy #10 line.

d. *Stonewall Bank Yelloweye Rockfish Conservation Area*: The area defined by the following coordinates in the order listed:

44°37.46' N. lat.; 124°24.92' W. long.;
44°37.46' N. lat.; 124°23.63' W. long.;
44°28.71' N. lat.; 124°21.80' W. long.;
44°28.71' N. lat.; 124°24.10' W. long.;
44°31.42' N. lat.; 124°25.47' W. long.;
and connecting back to 44°37.46' N. lat.; 124°24.92' W. long.

e. *Klamath Control Zone*: The ocean area at the Klamath River mouth bounded on the north by 41°38'48" N. lat. (approximately six 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).

C.5. Inseason Management: Regulatory modifications may become necessary inseason to meet preseason management objectives such as quotas, harvest guidelines, and season duration. In addition to standard inseason actions or modifications already noted under the season description, the following inseason guidance applies:

a. Actions could include modifications to bag limits, or days open to fishing, and extensions or reductions in areas open to fishing.

b. Coho may be transferred inseason among recreational subareas north of Cape Falcon to help meet the recreational season duration objectives (for each subarea) after conferring with representatives of the affected ports and the Council's SAS recreational representatives north of Cape Falcon, and if the transfer would not result in exceeding preseason impact expectations on any stocks.

c. Chinook and coho may be transferred between the recreational and commercial fisheries north of Cape Falcon if there is agreement among the representatives of the Salmon Advisory Subpanel (SAS), and if the transfer would not result in exceeding preseason impact expectations on any stocks.

d. Fishery managers may consider inseason action permitting the retention of unmarked coho. Such a consideration may also include a change in bag limit of two salmon, no more than one of which may be a coho. If retention of unmarked coho is permitted by inseason action, the allowable coho quota will be adjusted to ensure preseason projected impacts on all stocks is not exceeded.

e. Marked coho remaining from the July Cape Falcon to OR/CA border recreational coho quota may be transferred inseason to the September Cape Falcon to Humbug Mt. non-mark-selective recreational fishery if the transfer would not result in exceeding preseason impact expectations on any stocks.

C.6. Additional Seasons in State Territorial Waters: Consistent with Council management objectives, the States of Washington, Oregon, and California may establish limited seasons in state waters. Check state regulations for details.

Section 3. Treaty Indian Management Measures for 2012 Ocean Salmon Fisheries

Note: This section contains restrictions in parts A, B, and C that must be followed for lawful participation in the fishery. Each fishing area identified in part A specifies the fishing area by geographic boundaries from north to south, the open seasons for the area, the salmon species allowed to be caught during the seasons, and any other special retrictions effective in the area. Part B specifies minimum size limits. Part C specifies special requirements, definitions, restrictions, and exceptions.

A. SEASON DESCRIPTIONS

U.S./Canada Border to Cape Falcon, Oregon

- May 1 through the earlier of June 30 or 27,500 Chinook quota.

All salmon except coho. If the Chinook quota for the May-June fishery is not fully utilized, the excess fish may be transferred into the later all-salmon season (C.5.a). If the Chinook quota is exceeded, the excess will be deducted from the later all-salmon season (C.5). See size limit (B) and other restrictions (C).

- July 1 through the earlier of September 15, or 27,500 preseason Chinook quota (C.5), or 47,500 coho quota.

All Salmon. See size limit (B) and other restrictions (C).

B. MINIMUM SIZE

(Inches)

	Chinook		Coho		
Area (when open)	Total Length	Head-off	Total Length	Head-off	Pink
North of Cape Falcon	24.0 (61.0 cm)	18.0 (45.7 cm)	16.0 (40.6 cm)	12.0 (30.5 cm)	None

C. REQUIREMENTS, DEFINITIONS, RESTRICTIONS, OR EXCEPTIONS

C.1. Tribe and Area Boundaries. All boundaries may be changed to include such other areas as may hereafter be authorized by a Federal court for that tribe's treaty fishery.

S'KLALLAM - Washington State Statistical Area 4B (All).

MAKAH - Washington State Statistical Area 4B and that portion of the FMA north of 48°02'15" N. lat. (Norwegian Memorial) and east of 125°44'00" W. long.

QUILEUTE - That portion of the FMA between 48°07'36" N. lat. (Sand Pt.) and 47°31'42" N. lat. (Queets River) and east of 125°44'00" W. long.

HOH - That portion of the FMA between 47°54'18" N. lat. (Quillayute River) and 47°21'00" N. lat. (Quinault River) and east of 125°44'00" W. long.

QUINAULT - That portion of the FMA between 47°40'06" N. lat. (Destruction Island) and 46°53'18"N. lat. (Point Chehalis) and east of 125°44'00" W. long.

C.2. Gear restrictions

a. Single point, single shank, barbless hooks are required in all fisheries.
b. No more than eight fixed lines per boat.
c. No more than four hand held lines per person in the Makah area fishery (Washington State Statistical Area 4B and that portion of the FMA north of 48°02'15" N. lat. (Norwegian Memorial) and east of 125°44'00" W. long.)

C.3. Quotas

a. The quotas include troll catches by the S'Klallam and Makah tribes in Washington State Statistical Area 4B from May 1 through September 15.
b. The Quileute Tribe will continue a ceremonial and subsistence fishery during the time frame of September 15 through October 15 in the same manner as in 2004-2011. Fish taken during this fishery are to be counted against treaty troll quotas established for the 2012 season (estimated harvest during the October ceremonial and subsistence fishery: 100 Chinook; 200 coho).

C.4. Area Closures

a. The area within a six nautical mile radius of the mouths of the Queets River (47°31'42" N. lat.) and the Hoh River (47°45'12" N. lat.) will be closed to commercial fishing.
b. A closure within two nautical miles of the mouth of the Quinault River (47°21'00" N. lat.) may be enacted by the Quinault Nation and/or the State of Washington and will not adversely affect the Secretary of Commerce's management regime.

C.5. Inseason Management: In addition to standard inseason actions or modifications already noted under the season description, the following inseason guidance applies:

a. Chinook remaining from the May through June treaty-Indian ocean troll harvest guideline north of Cape Falcon may be transferred to the July through September harvest guideline if the transfer would not result in exceeding preseason impact expectations on any stocks.

Section 4. Halibut Retention

Under the authority of the Northern Pacific Halibut Act, NMFS promulgated regulations governing the Pacific halibut fishery, which appear at 50 CFR part 300, subpart E. On March 22, 2012, NMFS published a final rule (77 FR 16740) to implement the IPHC's recommendations, to announce fishery regulations for U.S. waters off Alaska and fishery regulations for treaty commercial and ceremonial and subsistence fisheries, some regulations for non-treaty commercial fisheries for U.S. waters off the West Coast, and approval of and implementation of the Area 2A Pacific halibut Catch Sharing Plan and the Area 2A management measures for 2012. The regulations and management measures provide that vessels participating in the salmon troll fishery in Area 2A (all waters off the States of Washington, Oregon, and California), which have obtained the appropriate IPHC license, may retain halibut caught incidentally during authorized periods in conformance with provisions published with the annual salmon management measures. A salmon troller may participate in the halibut incidental catch fishery during the salmon troll season or in the directed commercial fishery targeting halibut, but not both.

The following measures have been approved by the IPHC, and implemented by NMFS. During authorized periods, the operator of a vessel that has been issued an incidental halibut harvest license may retain Pacific halibut caught incidentally in Area 2A while trolling for salmon. Halibut retained must be no less than 32 inches (81.28 cm) in total length, measured from the tip of the lower jaw with the mouth closed to the extreme end of the middle of the tail, and must be landed with the head on. License applications for incidental harvest must be obtained from the International Pacific Halibut Commission (phone: 206-634-1838). Applicants must apply prior to April 1 of each year. Incidental harvest is authorized only during May and June troll seasons and after June 30 if quota remains and if announced on the NMFS hotline (phone: 800-662-9825). ODFW and WDFW will monitor landings. If the landings are projected to exceed the 30,568 pound preseason allocation or the total Area 2A non-Indian commercial halibut allocation, NMFS will take inseason action to close the incidental halibut fishery.

Beginning May 1, IPHC license holders may possess or land no more than one Pacific halibut per each four Chinook, except one Pacific halibut may be possessed or landed without meeting the ratio requirement, and no more than 20 halibut may be possessed or landed per trip. Pacific halibut retained must be no less than 32 inches in total length (with head on).

NMFS and the Council request that salmon trollers voluntarily avoid a "C-shaped" YRCA (North Coast Recreational YRCA, also known as the Salmon Troll YRCA) in order to protect yelloweye rockfish. Coordinates for the Salmon Troll YRCA are defined in the Pacific Council Halibut Catch Sharing Plan in the North Coast subarea (Washington marine area 3). See Section 1.C.7. in this document for the coordinates.

Section 5. Geographical Landmarks

Wherever the words "nautical miles off shore" are used in this document, the distance is measured from the baseline from which the territorial sea is measured.

Geographical landmarks referenced in this document are at the following locations:
Cape Flattery, WA.....48°23'00" N. lat.
Cape Alava, WA.....48°10'00" N. lat.
Queets River, WA.....47°31'42" N. lat.
Leadbetter Point, WA.....46°38'10" N. lat.
Cape Falcon, OR.....45°46'00" N. lat.
Florence South Jetty, OR.....44°00'54" N. lat.
Humbug Mountain, OR.....42°40'30" N. lat.
Oregon-California Border.....42°00'00" N. lat.
Humboldt South Jetty, CA.....40°45'53" N. lat.
Horse Mountain, CA.....40°05'00" N. lat.
Point Arena, CA.....38°57'30" N. lat.
Point Reyes, CA.....37°59'44" N. lat.
Point San Pedro, CA.....37°35'40" N. lat.
Pigeon Point, CA.....37°11'00" N. lat.
Point Sur, CA.....36°18'00" N. lat.
Point Conception, CA.....34°27'00" N. lat.

Section 6. Inseason Notice Procedures

Actual notice of inseason management actions will be provided by a telephone hotline administered by the Northwest Region, NMFS, 206-526-6667 or 800-662-9825, and by U.S. Coast Guard Notice to Mariners broadcasts. These broadcasts are announced on Channel 16 VHF-FM and 2182 KHz at frequent intervals. The announcements designate the

channel or frequency over which the Notice to Mariners will be immediately broadcast. Inseason actions will also be filed with the Federal Register as soon as practicable. Since provisions of these management measures may be altered by inseason actions, fishermen should monitor either the telephone hotline or Coast Guard broadcasts for current information for the area in which they are fishing.

Groundfish Retention in the Commercial Salmon Fishery

Commercial salmon trollers may retain incidental groundfish catch subject to the limits, restrictions, and closed areas detailed in the Code of Federal Regulations (CFR), at 50 CFR Part 660, Subparts C through F. The current management measures are described below; however, these limits and restrictions may change during the year so fishers must monitor the groundfish regulations at 50 CFR Part 660, Subparts C through F for the current restrictions. For a list of Federal groundfish species, see 50 CFR 660.11, Subpart C, under the definition for "groundfish." Salmon trollers that retain groundfish are considered to be participating in the open access groundfish fishery with non-trawl gear. [If the vessel is also registered to a Federal groundfish limited entry permit other restrictions may also apply.] Therefore, they must abide by the regulations for the open access groundfish fishery, including areas closed to groundfish fishing for vessels using non-trawl gears, or non-trawl rockfish conservation areas (RCAs). Groundfish regulations do not prohibit salmon trolling in the non-trawl RCA, but they do prohibit taking and retaining any groundfish that are intercepted inside the non-trawl RCA, except for yellowtail rockfish and lingcod caught north of 40°10' N. lat. Yellowtail rockfish caught north of 40°10' N. lat. may be retained both inside and outside the non-trawl RCA with a limit of up to 1 lb (0.45 kg) of yellowtail rockfish per 2 lb (0.91 kg) of salmon landed, with a cumulative limit of up to 200 lb (136 kg) per month. Lingcod caught north of 40°10' N. lat. May be retained both inside and outside the non-trawl RCA, but different limits apply depending on where fishing occurs. On a trip where any fishing occurs inside the RCA, no more than 1 lingcod per 15 Chinook, plus 1 lingcod, may be retained on that trip. On a trip where fishing occurs exclusively outside the RCA, only the cumulative limits, as announced in Table 3 (North) to Part 660, Subpart F, apply. Any lingcod caught under the landing ratio count towards the open access lingcod limits. Lingcod may only be retained when lingcod retention is allowed in the open access fishery and is not "CLOSED." In addition to yellowtail rockfish and lingcod, if you are salmon trolling exclusively outside the non-trawl RCA, you may retain groundfish up to the open access groundfish trip limits at Table 3 (North) to Part 660, Subpart F and Table 3 (South) to Part 660, Subpart F. If at any time during the trip, you troll for salmon inside the non-trawl RCA, you may not retain any groundfish during that entire trip, except for yellowtail rockfish and lingcod caught north of 40°10' N. lat., as described above and in Table 3 (North) to Part 660, Subpart F. Similarly, if at any time during the fishing trip, you participate in the salmon troll fishery inside the RCA, you may not then switch target strategies and retain groundfish other than yellowtail rockfish or lingcod (when the lingcod season is open) outside the RCA in the same trip. All groundfish species taken in the salmon troll fishery other than yellowtail rockfish and lingcod as described above, are subject to the open access limits, seasons, and non-trawl RCA restrictions listed in Table 3 (North) to Part 660, Subpart F and Table 3 (South) to Part 660, Subpart F and to the open access groundfish regulations at 50 CFR 660.380 Subpart F, and 50 CFR 660.333 Subpart F.

To protect yelloweye rockfish, the Salmon Troll Yelloweye Rockfish Conservation Area (YRCA) is an area closed to fishing with salmon troll gear as specified in groundfish regulations at 50 CFR 660.330 Subpart F. The Salmon Troll YRCA is an area off the northern Washington coast and is defined by straight lines connecting latitude and longitude coordinates. In addition to the Salmon Troll YRCA, the North Coast Commercial YRCA, also off the northern Washington coast, is a mandatory closed area on trips where groundfish are taken and retained, possessed or landed. There are also two voluntary closed areas: the North Coast Recreational YRCA and the South Coast Recreational YRCA. Coordinates for the YRCAs are specified in groundfish regulations at 50 CFR 660.70, Subpart C and, for the Salmon Troll YRCA, in salmon regulations at 50 CFR 660.405. (See Commercial Section 1.C.7. for the coordinates).

In addition, vessels participating in the salmon troll fishery that take and retain, or possess groundfish in federal waters (3-200 nautical miles offshore) are required to have a vessel monitoring system (VMS). If groundfish are taken and retained, or possessed on a trip that occurs both in federal and state waters or transits through federal waters with groundfish on

boards, VMS is required regardless of where the groundfish were taken from. Once installed and activated, the VMS unit must remain activated unless you have a valid exemption from the VMS requirements on file with NMFS Office of Law Enforcement (OLE). If the VMS requirement was triggered prior to salmon fishing, you may not turn the VMS unit off, even if no groundfish is taken and retained, or possessed on salmon trips. Part of the VMS requirements include a declaration report; a report to NMFS OLE declaring the type of gear to be used on a fishing trip. A new declaration report is only required before leaving port on a trip in which a different gear type will be used. Declaration reports for vessels that may take and retain, or possess groundfish can be found at 50 CFR 660.13, subpart C.

For current groundfish regulations, including groundfish trip limits, coordinates for closed areas (RCAs and YRCAs), and information on VMS requirements, visit NMFS website at "www.nwr.noaa.gov" and click on "Groundfish and Halibut" or call NMFS Northwest Region at 206-526-6140

KILLER WHALE ALERT

We Need Your Help!

We have limited information on killer whales when they are outside of the Puget Sound area, particularly during the period from November to June.

If you see killer whales PLEASE CONTACT NOAA Fisheries with the following information:

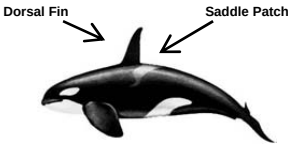
1) Time, date, location (latitude and longitude if possible).

2) Total number of whales.

3) Total number of male whales (very tall dorsal fin).

4) Whales with unusual marks (scars,fin deformities, etc.).

5) Direction the whale(s) are traveling. If possible, please take photographs. Photos taken from the side of the animal that clearly shows the saddle patch are most useful. Individual whales can be identified by their unique markings on their dorsal fin and saddle patch (see picture below).



Please Contact:
Dawn Noren at NOAA Fisheries NWFSC
Dawn.Noren@noaa.gov
or 206-302-2439 with your information
-or-
Orca Network - (866) ORCANET
(866) 672-2638

For current regulations and guidelines on vessel approach distances, see:

www.nwr.noaa.gov
www.bewhalewise.org

FIGURES AND MAPS

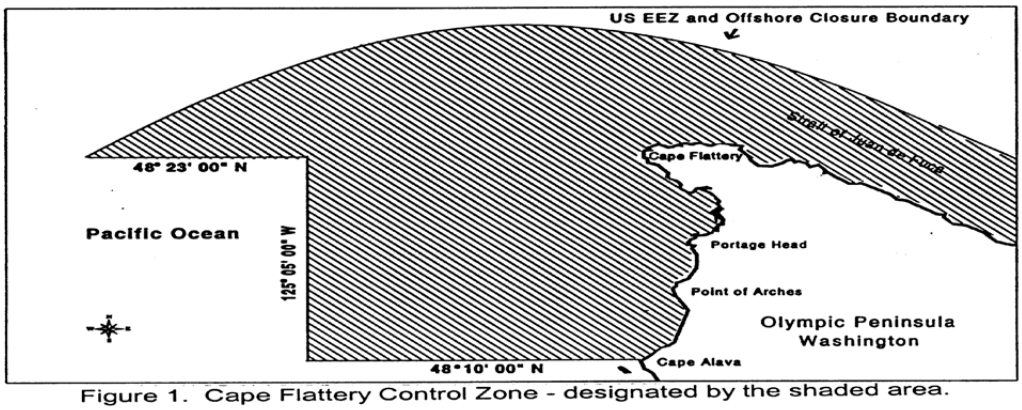


Figure 1. Cape Flattery Control Zone - designated by the shaded area.

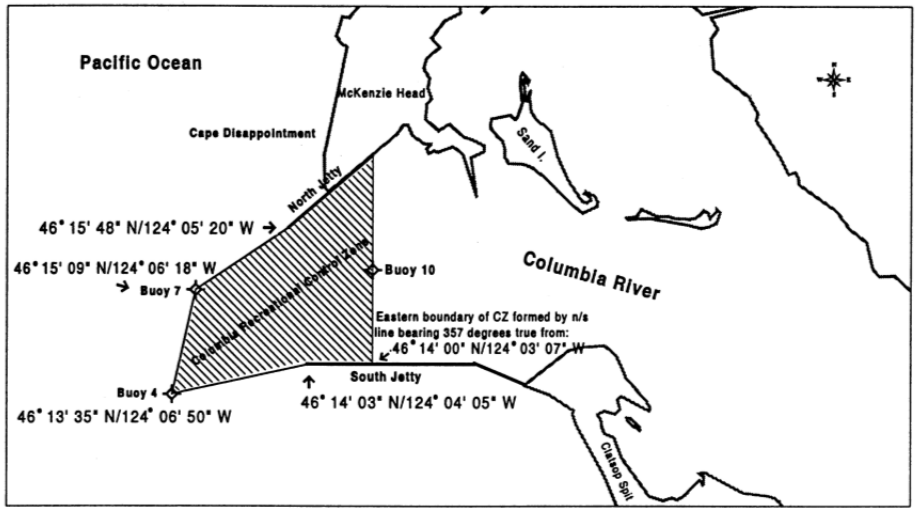


Figure 2. Columbia Control Zone - designated by the shaded area.

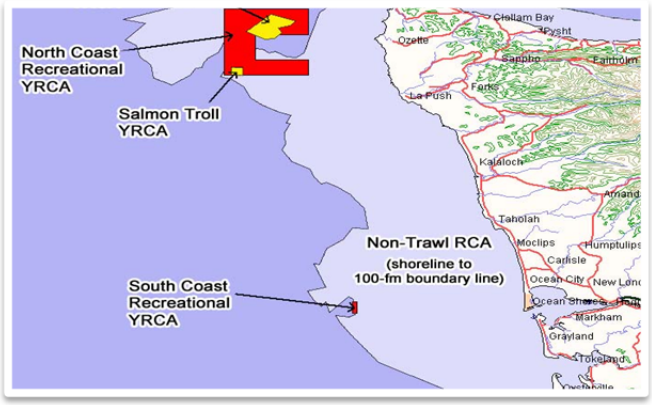


Figure 3. Rockfish conservation areas.

Cape Flattery
Cape Alava
Carroll Island
Destruction Island
Queets River
Copalis Head
WASHINGTON
Westport
Willapa Bay
Leadbetter Point
Columbia River
Tillamook Head
Cape Falcon
Astoria
Garibaldi
Cascade Head
Newport
Heceta Head
Heceta Banks
Florence
Coos Bay
Cape Arago
OREGON
Cape Blanco
Humbug Mountain
Sisters Rocks
Port Orford
Gold Beach
Mack Arch
House Rock
Brookings
KMZ AREA
Crescent City
Klamath River
Humboldt South Jetty
Eureka
Horse Mountain
Bruhel Pt.
Fort Bragg
Navarro Head
Point Arena
Fort Ross
Bodega Head
Bodega Bay
Point Reyes
San Francisco
Point San Pedro
Pillar Pt.
Pigeon Pt.
Santa Cruz
Point Sur
Monterey
CALIFORNIA
Point Lopez
Pt. Piedras Blancas
Morro Bay
Point Conception
Santa Barbara
Pitas Pt.
Point Mugu
Los Angeles
San Diego

CALENDARS

2012

JANUARY							FEBRUARY						
S	*M*	*T*	*W*	*T*	*F*	*S*	*S*	*M*	*T*	*W*	*T*	*F*	*S*
1	2	3	4	5	6	7				1	2	3	4
8	9	10	11	12	13	14	5	6	7	8	9	10	11
15	16	17	18	19	20	21	12	13	14	15	16	17	18
22	23	24	25	26	27	28	19	20	21	22	23	24	25
29	30	31					26	27	28	29			

MARCH							APRIL						
				1	2	3	1	2	3	4	5	6	7
4	5	6	7	8	9	10	8	9	10	11	12	13	14
11	12	13	14	15	16	17	15	16	17	18	19	20	21
18	19	20	21	22	23	24	22	23	24	25	26	27	28
25	26	27	28	29	30	31	29	30					

MAY							JUNE						
		1	2	3	4	5						1	2
6	7	8	9	10	11	12	3	4	5	6	7	8	9
13	14	15	16	17	18	19	10	11	12	13	14	15	16
20	21	22	23	24	25	26	17	18	19	20	21	22	23
27	28	29	30	31			24	25	26	27	28	29	30

JULY							AUGUST						
1	2	3	4	5	6	7				1	2	3	4
8	9	10	11	12	13	14	5	6	7	8	9	10	11
15	16	17	18	19	20	21	12	13	14	15	16	17	18
22	23	24	25	26	27	28	19	20	21	22	23	24	25
29	30	31					26	27	28	29	30	31	

SEPTEMBER							OCTOBER						
						1		1	2	3	4	5	6
2	3	4	5	6	7	8	7	8	9	10	11	12	13
9	10	11	12	13	14	15	14	15	16	17	18	19	20
16	17	18	19	20	21	22	21	22	23	24	25	26	27
23	24	25	26	27	28	29	28	29	30	31			
30													

NOVEMBER							DECEMBER						
				1	2	3							1
4	5	6	7	8	9	10	2	3	4	5	6	7	8
11	12	13	14	15	16	17	9	10	11	12	13	14	15
18	19	20	21	22	23	24	16	17	18	19	20	21	22
25	26	27	28	29	30		23	24	25	26	27	28	29
							30	31					

2013

JANUARY							FEBRUARY						
S	*M*	*T*	*W*	*T*	*F*	*S*	*S*	*M*	*T*	*W*	*T*	*F*	*S*
		1	2	3	4	5						1	2
6	7	8	9	10	11	12	3	4	5	6	7	8	9
13	14	15	16	17	18	19	10	11	12	13	14	15	16
20	21	22	23	24	25	26	17	18	19	20	21	22	23
27	28	29	30	31			24	25	26	27	28		

MARCH							APRIL						
31				1	2			1	2	3	4	5	6
3	4	5	6	7	8	9	7	8	9	10	11	12	13
10	11	12	13	14	15	16	14	15	16	17	18	19	20
17	18	19	20	21	22	23	21	22	23	24	25	26	27
24	25	26	27	28	29	30	28	29	30				

MAY							JUNE						
			1	2	3	4	30						1
5	6	7	8	9	10	11	2	3	4	5	6	7	8
12	13	14	15	16	17	18	9	10	11	12	13	14	15
19	20	21	22	23	24	25	16	17	18	19	20	21	22
26	27	28	29	30	31		23	24	25	26	27	28	29

JULY							AUGUST						
	1	2	3	4	5	6				1	2	3	
7	8	9	10	11	12	13	4	5	6	7	8	9	10
14	15	16	17	18	19	20	11	12	13	14	15	16	17
21	22	23	24	25	26	27	18	19	20	21	22	23	24
28	29	30	31				25	26	27	28	29	30	31

SEPTEMBER							OCTOBER						
1	2	3	4	5	6	7			1	2	3	4	5
8	9	10	11	12	13	14	6	7	8	9	10	11	12
15	16	17	18	19	20	21	13	14	15	16	17	18	19
22	23	24	25	26	27	28	20	21	22	23	24	25	26
29	30						27	28	29	30	31		

NOVEMBER							DECEMBER						
				1	2		1	2	3	4	5	6	7
3	4	5	6	7	8	9	8	9	10	11	12	13	14
10	11	12	13	14	15	16	15	16	17	18	19	20	21
17	18	19	20	21	22	23	22	23	24	25	26	27	28
245	25	26	27	28	29	30	29	30	31				