



Procedure for addressing changes under Annex IV, Chapter 5, Paragraphs 11(b) and (c)

February 16, 2023

Background

Chapter 5, paragraphs 11(b) and 11(c) contemplate reductions or increases to exploitation rate caps for southern coho in certain circumstances. Specifically, they state:

Each Party may:

11 (b). Request additional reductions in exploitation rates determined under Paragraph 9(b)-(d) to meet critical conservation concerns not adequately addressed by the exploitation rate caps. The requesting Party shall describe the measures taken in its own fisheries to respond to the conservation concern and make its request in a timely manner relative to pertinent management planning processes. The Southern Panel shall develop bilateral guidance to indicate how this could be implemented in a responsible and timely manner during a Party's domestic preseason planning process.

11 (c). Request increases in the MU-specific exploitation rate caps determined under Paragraph 9(b)-(d) if the Party can demonstrate that the exploitation rate caps prevent it from accessing its own stocks to meet its fishery management objectives or from harvesting other allocations as provided under this Treaty. The Southern Panel shall develop bilateral guidance to indicate how this could be implemented in a responsible and timely manner during a Party's domestic preseason planning process.

The Southern Panel created a working group in early 2021 to develop the guidance noted above.¹ This document provides the Panel's recommended guidance based on the working group's input, Commission guidance, and Panel discussions.

Guidance for Invoking Paragraphs 11(b) or 11 (c) in Chapter 5

Preamble

The Parties will only use the provisions in Annex IV, Chapter 5, Paragraphs 11(b) and (c) in exceptional circumstances. Any changes implemented are only in effect for the time period and MU(s) specified in the request. Additionally, the use of these provisions does not negate the exploitation rate (ER) caps or status determinations required by Chapter 5. The accompanying flowchart (Figure 1) provides a graphic description of this process.

¹ USA: Laurie Peterson, Ashton Harp, Jeromy Jording, Denise Hawkins, and Joe Oatman; Canada: Laura Brown, Don Hall, and Linda Higgins.

Process

- 1) Initiation: The Requesting Party's Panel Section Chair shall provide a written request to the Receiving Party's Panel Section Chair to facilitate a decision by March 31. Such requests may include:
 - Description of steps taken by the Requesting Party:
 - For 11(b): describe the measures taken in its own fisheries to respond to the relevant conservation concern for specific MUs.
 - For 11(c): provide information on catch, effort, expected ERs on specific MUs. Demonstrate that the ER caps prevent the Requesting Party from accessing its own stocks to meet its fishery management objectives or from harvesting other allocations provided under the Treaty.
 - Available scientific advice - e.g., risk assessment, modelled impacts on MUs, predicted conservation consequences.
 - Available advice from other PSC Panels or Technical Committees, management entities, and stakeholders.
 - Other relevant supporting information.
- 2) Engagement of Panel members is the responsibility of each Party.
- 3) Bilateral discussion: The Parties, as represented by the Panel Chairs, discuss the request bilaterally.
- 4) Response: The Receiving Party's Panel Section Chair sends a written response to the Requesting Party's Panel Section Chair.
 - If "Yes" to the request:
 - The bilateral Panel Section Chairs jointly implement the change.
 - The bilateral Panel Section Chairs jointly send a written notification and accompanying information to the Chair and Vice Chair of the Pacific Salmon Commission to document implementation of the change.
 - If "No" to the request:
 - The Requesting Party does not pursue the request and notifies the Receiving Party. The exploitation rates identified in Chapter 5, Paragraph 9 (b-d), remain in effect.
OR
 - The Requesting Party pursues the request, and each Panel Section Chair sends their Party's recommendation to the Chair and Vice Chair of the Pacific Salmon Commission. In absence of agreement by the Commission by March 31 to adjust exploitation rates identified in Chapter 5, Paragraph 9 (b-d), the rates identified in that Paragraph remain in effect.
- 5) Each Party shall be responsible for communicating Panel and/or Commission decisions to their respective management entities. All bilateral communications to the Chair and Vice Chair of the Commission will also be conveyed to the Secretariat. The Southern Panel and Secretariat shall be responsible for maintaining records of decisions and documentation as per the PSC bylaws.

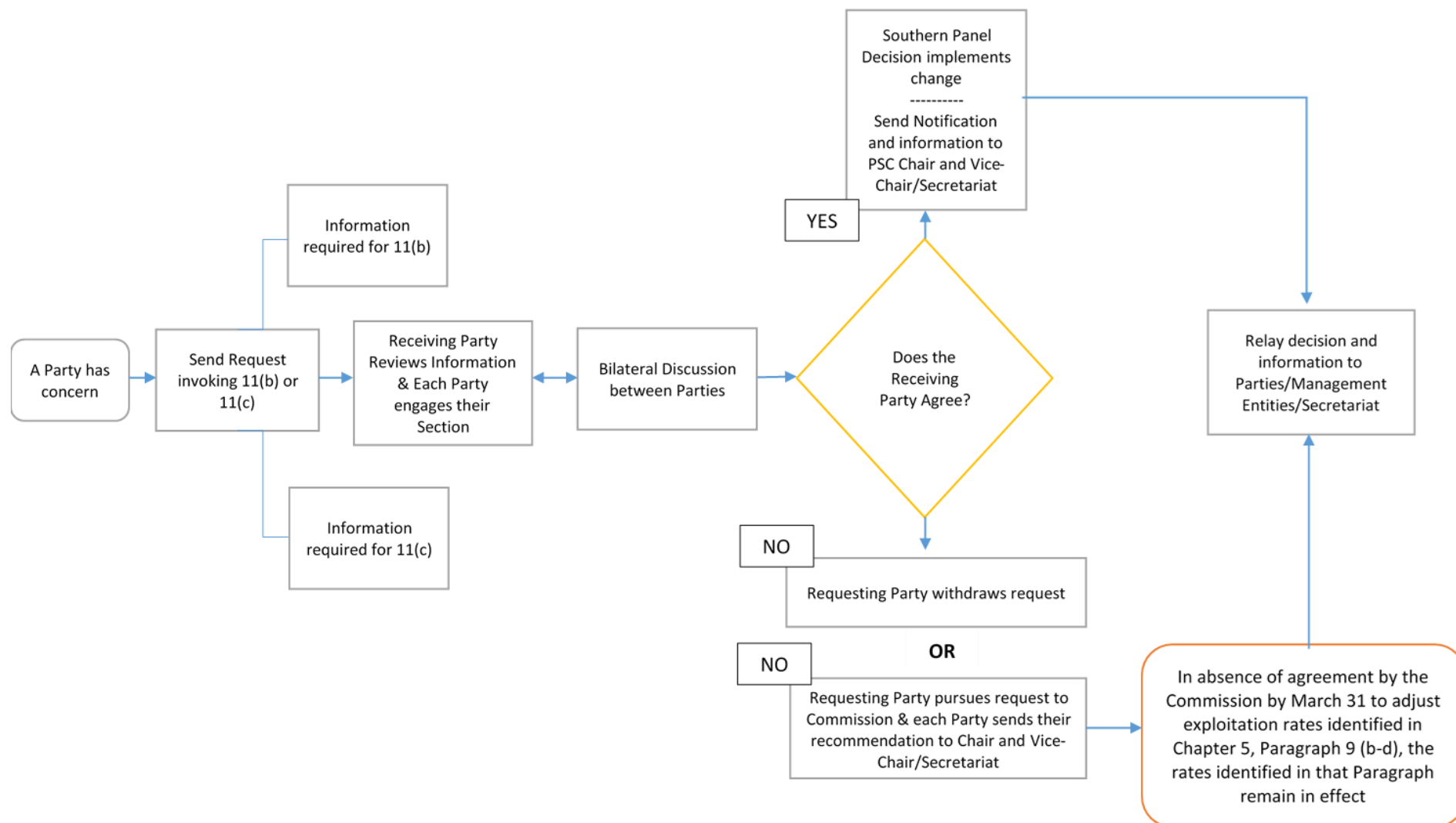


Figure 1. Flowchart with decision tree, outlining process steps for invoking paragraphs 11(b) or 11(c) within Chapter 5 (Coho) of the Pacific Salmon Treaty. Canadian and U.S. Southern Panel Chairs would serve as the points of contact for the receiving and requesting parties.