

FURTHER REFINEMENT OF AMENDMENT 16 - REBUILDING PLANS

Situation: There are nine overfished groundfish species on the West Coast, eight of which are being managed under Council interim rebuilding measures. The Council and NMFS must formally adopt rebuilding plans for all nine species; no final rebuilding plans are currently in place.

The Council has been briefed on the intent to incorporate rebuilding plans for overfished groundfish species into the groundfish fishery management plan (FMP) as Amendment 16. The amendment includes the process and standards for developing and implementing rebuilding plans and several individual species' rebuilding plans. Based on guidance provided by the Council at its June 2002 meeting, the process and standards options, from which the Council will choose a preferred alternative, have been revised. Chapter 2 of the draft amendment, which describes these alternatives, is included as Attachment 1.

The revised options cover the following aspects of rebuilding plan adoption and review, (1) the form and required elements of rebuilding plans; (2) periodic review of rebuilding plan measures; (3) standards used to evaluate the progress of stock rebuilding; and (4) the relation between rebuilding measures and "no jeopardy" standards, which could apply if a stock were listed under the Endangered Species Act (ESA). Several issues relate to the Council's choice of a preferred alternative (representing a combination of these options).

First, the Council must determine what specific elements will be incorporated into either the FMP or into regulations. The first issue, as revised, has three options. The two action options identify five numerically-specified parameters which would be incorporated into either the FMP or federal regulations. (The Council could also choose to develop an option that specifies certain elements adopted by regulation and others by FMP amendment.) Second, the Council may decide how often rebuilding plans would be reevaluated, and specific standards for any reevaluation. The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), at §304(e)(7), requires a two-year review schedule under the auspices of the Secretary of Commerce (Secretary). The Council may wish to assume this task on behalf of the Secretary. The 5 options under (2) above present different criteria for determining how frequently different measures in rebuilding plans would be reviewed. The five options under (3) above identify evaluation standards, based on specific parameters related to stock rebuilding. Finally, the Council may choose whether to implement provisions that anticipate ESA-listing of an overfished stock. If a stock were listed, management would be determined to a large degree by requirements of the ESA and management based on the Magnuson-Stevens Act would have to be adjusted to accommodate these requirements. Anticipating this possibility would obviate the need for an amendment to address this issue.

The Council may also wish to provide guidance on the schedule for completion of the process and standards component of Amendment 16 and any rebuilding plans that will be included in the amendment package. (The June draft package included rebuilding plans for four overfished species.) Note that adoption of individual rebuilding plans is contingent on the Council choosing a preferred alternative based on the set of options described in Attachment 1 (or any modification of the options presented). A public review draft of the amendment package can be finished once the Council finalizes a set of process and standards options (whether or not a preferred alternative is chosen). In addition, the (draft) rebuilding plans need modifying to include information not provided in the original rebuilding analyses, many individual rebuilding plan alternatives require further analysis, and the final contents of individual rebuilding plans also depend on the preferred alternative chosen by the Council for the process and standards.

Council Action:

- 1. Provide direction for final revisions.**

References Materials:

1. Process and Standards Alternatives (Chapter 2 of Amendment 16), (Exhibit G.10, Attachment 1).

Agenda Order:

- a. Agendum Overview
- b. Reports and Comments of Advisory Bodies
- c. Public Comment
- d. **Council Action:** Provide Direction for Final Revisions

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Groundfish Fishery Strategic Plan (GFSP) Consistency Analysis

Rebuilding overfished species, as mandated by the Magnuson-Stevens Fishery Conservation and Management Act, was a primary motive for developing and implementing the GFSP. Many sections of the GFSP describe how rebuilding plans factor into short- and long-term Council priorities for conducting groundfish conservation and management. GFSP objectives such as developing sustainable and effective harvest policies (Sec. II.A.2), achieving fleet capacity reduction (Sec. II.A.3.(b)), allocating groundfish resources (Sec. II.A.4), developing an effective Observer Program (Sec. II.A.5), and development of marine reserves as a groundfish management tool (Sec. II.A.6) are grounded by the need to accomplish the goal of rebuilding overfished groundfish stocks.

PFMC
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