

## 7.0 CONSISTENCY WITH THE GROUND FISH FMP AND MAGNUSON-STEVENSON ACT NATIONAL STANDARDS

### 7.1 FMP Goals and Objectives

The groundfish FMP goals and objectives are listed below. The way in which Amendment 16-2 addresses each objective is briefly described in italics below the relevant statement.

#### Management Goals.

Goal 1 - Conservation. Prevent overfishing by managing for appropriate harvest levels and prevent any net loss of the habitat of living marine resources.

Goal 2 - Economics. Maximize the value of the groundfish resource as a whole.

Goal 3 - Utilization. Achieve the maximum biological yield of the overall groundfish fishery, promote year-round availability of quality seafood to the consumer, and promote recreational fishing opportunities.

Objectives. To accomplish these management goals, a number of objectives will be considered and followed as closely as practicable:

#### Conservation.

Objective 1. Maintain an information flow on the status of the fishery and the fishery resource which allows for informed management decisions as the fishery occurs.

*Measures in this amendment may affect this objective. Currently, stock assessments depend, in part, on data derived from fisheries. Reduction or elimination of fisheries would affect the availability of these data and require new, fishery independent assessment methods.*

Objective 2. Adopt harvest specifications and management measures consistent with resource stewardship responsibilities for each groundfish species or species group.

*Measures in this amendment indirectly affect this objective. Rebuilding plans establish a strategy based on specific targets. Harvest specifications adopted subsequently must be consistent with the rebuilding strategy.*

Objective 3. For species or species groups which are below the level necessary to produce MSY, consider rebuilding the stock to the MSY level and, if necessary, develop a plan to rebuild the stock.

*Rebuilding plans directly address this objective.*

Objective 4. Where conservation problems have been identified for nongroundfish species and the best scientific information shows the groundfish fishery has a direct impact on the ability of that species to maintain its long-term reproductive health, the Council may consider establishing management measures to control the impacts of groundfish fishing on those species. Management measures may be imposed on the groundfish fishery to reduce fishing mortality of a nongroundfish species for documented conservation reasons. The action will be designed to minimize disruption of the groundfish fishery, in so far as consistent with the goal to minimize the bycatch of nongroundfish species and will not preclude achievement of a quota, harvest guideline, or allocation of groundfish, if any, unless such action is required by other applicable law.

*Measures in this amendment do not affect this objective.*

Objective 5. Describe and identify EFH, adverse impacts on EFH, and other actions to conserve and enhance EFH, and adopt management measures that minimize, to the extent practicable, adverse impacts from fishing on EFH.

*Although actions specifically intended to conserve or enhance EFH are not part of the proposed action, habitat impacts are discussed in the EIS as part of the evaluation of alternatives. New EFH protection measures could be implemented as part of a separate, future action in support of rebuilding.*

## Economics.

Objective 6. Attempt to achieve the greatest possible net economic benefit to the nation from the managed fisheries.

*Net benefits are evaluated for the different alternatives considered in the EIS. Inclusion of an alternative based on the Mixed Stock Exception requires an assessment of net economic benefit to the nation under National Standard 1 guidelines. Rebuilding plan implementation should increase net benefits in the long term.*

Objective 7. Identify those sectors of the groundfish fishery for which it is beneficial to promote year-round marketing opportunities and establish management policies that extend those sectors fishing and marketing opportunities as long as practicable during the fishing year.

*Management measures required to achieve the rebuilding targets identified in this amendment may require re-evaluation of the feasibility of year-round fisheries. Implementation of management measures is not part of the proposed action, but measures affecting the objective of a year-round fishery could be implemented in the future in order to achieve targets adopted by this amendment.*

Objective 8. Gear restrictions to minimize the necessity for other management measures will be used whenever practicable.

*Although the adoption of rebuilding plan-specific management measures is not part of the proposed action, gear restrictions are discussed in the EIS as part of the evaluation of the alternatives. New gear restrictions may be implemented as part of a separate, future action in support of rebuilding targets.*

## Utilization.

Objective 9. Develop management measures and policies that foster and encourage full utilization (harvesting and processing) of the Pacific Coast groundfish resources by domestic fisheries.

*Although management measures are not part of the proposed action, the effect of the alternatives on full utilization is evaluated as part of the EIS.*

Objective 10. Recognizing the multispecies nature of the fishery, and establish a concept of managing by species and gear or by groups of interrelated species.

*Rebuilding plans are species- or stock-specific, although, associated management measures will necessarily affect more abundant stocks that co-occur with overfished stocks. These effects are considered in evaluating the alternatives in the EIS.*

Objective 11. Strive to reduce the economic incentives and regulatory measures that lead to wastage of fish. Also, develop management measures that minimize bycatch to the extent practicable and, to the extent that bycatch cannot be avoided, minimize the mortality of such bycatch. In addition, promote and support monitoring programs to improve estimates of total fishing-related mortality and bycatch, as well as those to improve other information necessary to determine the extent to which it is practicable to reduce bycatch and bycatch mortality.

*Rebuilding plans must take into account total fishing mortality including bycatch mortality.*

Objective 12. Provide for foreign participation in the fishery, consistent with the other goals to take that portion of the OY not utilized by domestic fisheries while minimizing conflict with domestic fisheries.

*This objective is no longer relevant, because the fishery has been declared fully utilized.*

## Social Factors.

Objective 13. When conservation actions are necessary to protect a stock or stock assemblage, attempt to develop management measures that will affect users equitably.

*Rebuilding plans may discuss allocation among sectors. Potential allocation is discussed as part of the evaluation of alternatives in the EIS. Separate, future actions supporting the targets adopted in this amendment could affect allocation.*

Objective 14. Minimize gear conflicts among resource users.

*Measures in this amendment do not address this objective.*

Objective 15. When considering alternative management measures to resolve an issue, choose the measure that best accomplishes the change with the least disruption of current domestic fishing practices, marketing procedures, and environment.

*Disruption of fishing, marketing, and the environment is discussed as part of the evaluation of alternatives in the EIS. Some disruption is unavoidable.*

Objective 16. Avoid unnecessary adverse impacts on small entities.

*Rebuilding plan measures may entail adverse impacts, but these are necessary to rebuild overfished stocks. Impacts on small entities are discussed as part of the evaluation of alternatives in the EIS.*

Objective 17. Consider the importance of groundfish resources to fishing communities, provide for the sustained participation of fishing communities, and minimize adverse economic impacts on fishing communities to the extent practicable.

*The evaluation of alternatives in the EIS considers impacts to communities. Inclusion of an alternative based on the Mixed Stock Exception allows consideration of the tradeoff between stock rebuilding and community impacts.*

Objective 18. Promote the safety of human life at sea.

*The proposed action will not directly effect safety. Management measures needed to constrain harvests to rebuilding targets could affect safety. These management measures are not part of the proposed action; they are implemented as part of the annual/biennial harvest specification process (annual for 2004, biennial thereafter). The impacts of management measures are separately evaluated as part of this process, in an EA or EIS.*

## **7.2 National Standards**

A FMP or plan amendment and any pursuant regulations must be consistent with ten national standards contained in the Magnuson-Stevens Act (§301). These are:

National Standard 1 states that conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the OY from each fishery for the United States fishing industry.

*This amendment supports National Standard 1 by adopting rebuilding plans for four overfished species. Rebuilding plans lay out a strategy for stock rebuilding. Management measures implemented to achieve rebuilding must constrain harvests to a level below the overfishing threshold (maximum fishing mortality rate) for a given overfished species. Thus, in addition to establishing a strategy for stock rebuilding, they also dictate the implementation of measures to prevent overfishing.*

National Standard 2 states that conservation and management measures shall be based on the best scientific information available.

*Rebuilding plans are based on rebuilding analyses that use the most recent stock assessment data and incorporate statistical measures of the likelihood overfished stocks will recover within a mandated time period. These stock assessments and analyses are conducted by state and federal agency staff scientists with expertise in Pacific groundfish biology, ecology, and fishery science. They employ the best available data.*

National Standard 3 states that, to the extent practicable, an individual stock of fish shall be managed as a unit throughout its range, and interrelated stocks of fish shall be managed as a unit or in close coordination.

*Pacific groundfish are managed on the basis of known stocks when these can be differentiated from the total range of the species. Overfished species are managed individually, in that harvest levels are determined for each stock; but managers recognize that many groundfish stocks share common habitats and ecosystems, and fishers may catch them as part of a multi-species complex. This allows unit management of interrelated stocks. Thus, management measures are applied to more abundant stocks co-occurring with overfished species that may limit harvests of the healthy stock below OY in order to ensure rebuilding of the associated overfished stocks.*

National Standard 4 states that conservation and management measures shall not discriminate between residents of different states. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be (A) fair and equitable to all such fishermen; (B) reasonably calculated to promote conservation; and (C) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges. The proposed measures will not discriminate between residents of different states.

*Rebuilding plans should contain a discussion of potential or likely allocations among sectors, and allocation decisions may be guided by rebuilding plan objectives and specific policies described in the plans. To the degree that rebuilding plans specify allocation between sectors, they will do so in a fair and equitable manner. These decisions are made through the Council process and in accordance with its established procedures and policies. In addition, the evaluation of alternatives in the EIS considers their effect on allocation between sectors.*

National Standard 5 states that conservation and management measures shall, where practicable, consider efficiency in the utilization of fishery resources; except that no such measure shall have economic allocation as its sole purpose.

*Rebuilding plans do not address this National Standard directly, except that no measures are intended to allocate groundfish resources solely for the purpose of economic efficiency.*

National Standard 6 states that conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches.

*Rebuilding plans recognize the differences between the various groundfish fishery sectors. Different sectors may have different catch levels for overfished species and capacity to avoid or minimize catch of overfished species. Although the primary purpose of targets described in this amendment are to allow overfished stocks to recover, differential impacts were considered when formulating them. Contingencies considered in the EIS include variation in stock assessment results, the effect of long-term changes in ocean conditions, and the stock-recruitment relationship for overfished groundfish stocks.*

National Standard 7 states that conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication.

*Rebuilding plan measures are implemented through the harvest specifications and management measures process developed for the whole groundfish fishery. This approach is intended to minimize cost and duplication.*

National Standard 8 states that conservation and management measures shall, consistent with the conservation requirements of this Act (including the prevention of overfishing and rebuilding of overfished stocks), take into account the importance of fishery resources to fishing communities in order to (A) provide for the sustained participation of such communities, and (B) to the extent practicable, minimize adverse economic impacts on such communities.

*The analyses supporting the adoption of individual rebuilding plans through this amendment (organized around NEPA requirements) consider the socioeconomic impacts of rebuilding to fishing communities. Rebuilding plans generally do not employ a policy that would rebuild stocks in the minimum time period, which would very likely require a complete cessation of many fisheries. This is meant to minimize impacts to communities by allowing some level of fishing mortality on overfished stocks while identifying a trajectory that will lead to their eventual recovery.*

National Standard 9 states that conservation and management measures shall, to the extent practicable, (A) minimize bycatch and (B) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch.

*Most overfished species are no longer targeted, and in many cases only constitute bycatch due to regulatory discards. Because rebuilding plans must account for total fishing mortality, strategies must minimize bycatch. The environmental impact analysis for this amendment evaluates the impact of alternative management measures on bycatch.*

National Standard 10 states that conservation and management measures shall, to the extent practicable, promote the safety of human life at sea.

*The proposed action will not directly effect safety. Management measures needed to constrain harvests to rebuilding targets could affect safety. These management measures are not part of the proposed action; they are implemented as part of the annual/biennial harvest specification process (annual for 2004, biennial thereafter). The impacts of management measures are separately evaluated as part of this process, in an EA or EIS.*

### **7.3 Other Applicable Magnuson-Stevens Act Provisions**

This amendment and associated rebuilding plans conform to Section 304(e)—Rebuild Overfished Fisheries. Rebuilding plans contain the elements required by Section 304(e)(4) and discussed in National Standards Guidelines (50 CFR 600.310).

Sections 1.2, 3.1, 4.1, and 5.1 constitute an EFH assessment of the proposed action's impacts, as required by 50 CFR 600.920 (e)(3). NMFS is currently preparing an EIS evaluating programmatic measures designed to identify and describe West Coast groundfish EFH, and minimize potential fishing impacts on West Coast groundfish EFH. According to the current schedule, NMFS will publish a draft EIS for this action in February 2005. Publication of the final EIS for this action is scheduled for December 2005, with implementation of any measures pursuant to the EIS occurring in 2006.

