

GROUND FISH ADVISORY SUBPANEL REPORT ON  
MID-BIENNIUM ANNUAL CATCH LIMIT ADJUSTMENT AND REBUILDING HARVEST  
RATE ADJUSTMENT POLICIES

The Groundfish Advisory Subpanel (GAP) received a presentation from Mr. John DeVore about the two issues under this agenda item. Colloquially, the first item is to add a “green light” policy to allow mid-biennium harvest level increases in response to positive changes in the status of a stock; the second is consideration of using a “ramp up” policy to set harvest levels for a stock that has rebuilt above its overfished threshold.

**Green Light Policy**

A green light policy would allow increases to harvest levels mid-biennium in response to a new assessment that determined a stock had reached its biomass target. The GAP provided detailed comments about this issue at the June 2016 Council meeting under the omnibus package agenda item. In summary, use of a green light policy has been discussed within the groundfish policy context since at least development and implementation of the groundfish multi-year management process. At that time, National Marine Fisheries Service (NMFS) spoke against implementation of a green light policy and the topic languished for several years. The GAP re-initiated discussion of this topic in June 2015, when the canary rockfish assessment showed the stock was rebuilt. Based on the new assessment, the GAP was hopeful that the 2016 canary rockfish annual catch limit (ACL) could be increased mid-biennium. Unfortunately, there was no mechanism in place to do this without emergency action. Hence, no action was taken for 2016, but it was suggested that the 2017-2018 specifications process would provide an avenue to add a green light policy. That avenue was then blocked when it was concluded that it would be too burdensome to the specifications process if the green light policy was included. Therefore, in June 2016, with great urgency, the GAP requested this issue as a top priority on the Omnibus list.

The effects of not being able to increase the 2016 canary rockfish ACL are firmly in our minds, the GAP is concerned that similar effects will occur related to bocaccio and darkblotched rockfish when new assessments for these two species are concluded in 2017. As noted in our June 2016 omnibus agenda item statement, these are some of the effects from not increasing the 2016 canary rockfish ACL:

1. A higher ACL in 2016 may have allowed the F/V Seeker to cover its disaster tow. More recently, the F/V Ocean Hunter would have been able to continue fishing in 2016.
2. Nearshore fishermen in California could have increased their limits of other target species without the constraints of canary.
3. Sport fishermen in California could have accessed other areas or increased the bag limits with a higher canary ACL.

All groundfish sectors would benefit by a green light policy. Therefore, the GAP is adamant that development and implementation of a green light policy move forward with great urgency. In the simplest terms, this change seems pretty easy. The Groundfish Fishery Management Plan provides that if a new assessment determines a stock is worse off than anticipated in the current biennial specifications, then the ACL for that stock can be decreased for the second biennial management year. Therefore, simply changing two words, that is, “worse” to “better” and “decreased” to “increased,” in the GAP’s estimation should not be an onerous task.

### **Harvest Policy “ramp up”**

Similar to the green light policy, the GAP provided detailed comments about the need to consider establishing a ramp up policy in our June 2016 omnibus agenda item report. Those comments are summarized and expounded upon here. Under current Council harvest policy, when a stock drops below its biomass target (i.e.,  $B_{MSY}$ ) the stock enters a precautionary zone where harvest levels are lowered (“ramped down”) to slow stock depletion from crossing into the overfished zone. This is generally known as the 40-10 or 25-5 policy. The 40-10/25-5 policy adjusts the ACL downward for any species of groundfish when a stock assessment indicates that the current biomass is below target biomass. This policy at its extreme would set the ACL at a value of zero if the biomass was to fall to 10% (for non-flatfish species) or 5% (for flatfish species) of unfished biomass. By adjusting the ACL downward, this policy automatically has a built-in rebuilding component to bring the biomass back toward the target harvest level.

The current rebuilding policy dictates that when a stock is declared overfished a rebuilding plan is developed and the rebuilding plan dictates harvest levels until the stock rebuilds to its target biomass. In contrast to this Council policy, it is the GAP’s understanding that NMFS considers any stock to be no longer overfished once the stock is above the overfished threshold. National One Standard (NS1) Guidelines state that ACL for an overfished stock must be set consistent with the rebuilding plan: "(f) Acceptable biological catch, annual catch limits, and annual catch targets... (3) Specification of ABC... (ii) ABC for overfished stocks. For overfished stocks and stock complexes, a rebuilding ABC must be set to reflect the annual catch that is consistent with the schedule of fishing mortality rates in the rebuilding plan."

It is unclear from the GAP’s perspective whether a stock that rebuilds above the overfished threshold is still considered overfished. Therefore, the GAP thinks the Council has self-imposed a more restrictive rebuilding policy than required by current mandates. That is, once a stock is no longer overfished, restricting ACLs to rebuilding plan levels until the stock has reached its target biomass is more proscriptive than required by the MSA. Because consideration of establishing a ramp up policy requires a clear understanding of the legal requirements, the GAP recommends the Council request an opinion from NOAA General Counsel about when a stock is “rebuilt” in accord with Magnuson-Stevens Act and National Standard 1 requirements.

PFMC  
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