

## 5.0 CONSISTENCY WITH FMP OBJECTIVES AND THE MAGNUSON-STEVENSONS ACT

### 5.1 FMP Goals and Objectives

The groundfish FMP goals and objectives are listed below. The way in which Amendment 16-1 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.

*As part of the changes to the FMP under this amendment, Goal 1 is changed to read "Prevent overfishing and rebuild overfished stocks by managing for appropriate harvest levels and prevent, to the extent practicable, any net loss of the habitat of living marine resources." This makes the goal more consistent with the Magnuson-Stevens Act and the purposes of this amendment.*

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 will not affect this objective. Procedures for periodically reviewing and changing rebuilding plans will depend on reliable information about resource status.*

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

*Measures in this amendment will not affect this objective. But specified procedures for the adoption and implementation of rebuilding plans will facilitate effective management of overfished species.*

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

*As part of the changes to the FMP under this amendment, Objective 3 is changed to read "For species or species groups that are overfished, develop a plan to rebuild the stock as required by the Magnuson-Stevens Act." This change makes the objective more clearly linked to the stock rebuilding requirements of the Act and the intent of this amendment. The standards and procedures in this amendment facilitate the adoption and implementation of rebuilding plans and, therefore, support 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 address this objective.*

Objective 5. Describe and identify essential fish habitat (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.

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

#### Economics.

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

*This amendment does not address this objective directly. 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.

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

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

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

#### 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.

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

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.

*Measures in this amendment do not address this objective. Rebuilding plans, which will be incorporated and implemented in subsequent amendments, are species- or stock-specific, although associated rebuilding measures will necessarily affect more abundant stocks that co-occur with overfished stocks.*

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.

*This amendment does not address this objective directly. The effect of harvest restrictions on bycatch rates could be addressed in rebuilding plans. Rebuilding plans must take into account total fishing mortality and rebuilding measures should also reduce bycatch.*

Objective 12. Provide for foreign participation in the fishery, consistent with the other goals to take that portion of the optimum yield (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.

*This amendment does not address this objective directly. Rebuilding plans may discuss allocation among sectors.*

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.

*This amendment does not address this objective directly. The environmental impact analysis of rebuilding plan measures considers disruption of fishing, marketing and the environment. Some disruption is unavoidable.*

Objective 16. Avoid unnecessary adverse impacts on small entities.

*This amendment does not address this objective directly. Rebuilding plan measures may entail adverse impacts, but these are necessary to rebuild overfished stocks.*

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.

*This amendment does not address this objective directly. The environmental impact analysis of rebuilding plan measures considers impacts to communities.*

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

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

Although Amendment 12, the original document specifying rebuilding plan form and content, was remanded in part, the goals and objectives for rebuilding plans enumerated in that document are still relevant. The amendment described five goals, which can be re-cast as objectives falling under the three FMP goals:

#### Conservation

1. Achieve the population size and structure that will support the maximum sustainable yield within the specified time period.
2. Protect the quantity and quality of habitat necessary to support the stock at healthy levels in the future.
3. Promote widespread public awareness, understanding and support for the rebuilding program.

#### Economics

4. Minimize, to the extent practicable, the social and economic impacts associated with rebuilding, including adverse impacts on fishing communities.

#### Utilization

5. Fairly and equitably distribute both the conservation burdens (overfishing restrictions) and recovery benefits among commercial, recreational and charter fishing sectors.

This amendment adheres to these objectives in establishing rebuilding plan elements and plan implementation and review procedures.

## 5.2 National Standards

An 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 optimum yield from each fishery for the United States fishing industry.

*This amendment supports National Standard 1 by facilitating the adoption and implementation of rebuilding plans. 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 that 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 optimum yield 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.

*This amendment and consequent rebuilding plans, to the degree that they specify allocation between sectors, will do so in a fair and equitable manner. Allocation decisions may be guided by rebuilding plan objectives and specific policies described in the plans. These decisions are made through the Council process and accordance with its established procedures and policies.*

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.

*This amendment and resulting 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.

*This amendment and resulting 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 measures described in this amendment is to allow overfished stocks to recover, differential impacts were considered when formulating them.*

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

*Rebuilding plans will be implemented, reviewed and updated in a consistent and specific manner based on the measures in this amendment. 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 this amendment and the individual rebuilding plans (organized around NEPA requirements) consider the socioeconomic impacts or 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. Rebuilding plan environmental impact analyses also evaluate the impact of the 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.

*This amendment does not directly affect safety. Cumulative effects of connected actions (rebuilding plan adoption) on safety are unlikely to differ in nature and intensity from the effects under current management. Management measures to rebuild overfished stocks will be implemented as part of rebuilding plan adoption and/or as part of the periodic harvest specification process. The effect of proposed management measures on safety is considered when these measures are developed.*

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

This amendment and associated rebuilding plans conform to Section 304(e)–Rebuild Overfished Fisheries. The procedural measures described in this EA address the requirement the Council “shall prepare a fishery management plan, plan amendment, or proposed regulations ... to end overfishing in the fishery and to rebuild affected stocks...” (§304(e)(3)). Pursuant rebuilding plans contain the elements required by Section 304(e)(4) and discussed in National Standard guidelines (50 CFR 600.310).