



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
 NATIONAL MARINE FISHERIES SERVICE
 Sustainable Fisheries Division F/NWR2
 7600 Sand Point Way N.E., Bldg. 1
 Seattle, WA 98115-0070

JUN 03 2010

Mr. David Ortmann, Chair
 Pacific Fishery Management Council
 7700 NE Ambassador Place, Suite 101
 Portland, Oregon 97220

Dear Mr. Ortmann:

The National Marine Fisheries Service (NMFS) is submitting these comments on Agenda Item B.2: Fishery Management Plan Amendment 23, Annual Catch Limits and Accountability Measures, for consideration by the Pacific Fishery Management Council (Council) and its' advisory bodies at the June, 2010 Council meeting.

First, NMFS suggests that Acceptable Biological Catch (ABC) control rules in the groundfish fishery management plan (FMP) be explicit enough so as to constitute reasonable control rules and mechanisms for specifying Annual Catch Limits (ACLs). The Magnuson Stevens Act (MSA), as amended, requires the each FMP to "establish a mechanism for specifying ACLs . . ." 303(a)(15). The National Standard 1 guidelines say that "The ABC control rule must articulate how ABC will be set compared to the OFL based on the scientific knowledge about the stock or stock complex and the scientific uncertainty in the estimate of OFL and any other scientific uncertainty." (f)(4) The proposed ABC control rule in FMP Amendment 23 for Category 1 stocks provides that "The SSC quantifies the variability in biomass estimates for category 1 species from stock assessments as a basis for evaluating the size of a scientific uncertainty buffer and the risk of overfishing the stock. The Council chooses the ABC from the SSC-recommended range, which is a risk-assessment policy decision." We note that previous drafts of proposed FMP Amendment 23 language included more description of the SSC's current approach to quantifying uncertainty for category 1 stocks, but that language has been omitted in the current version. For clarity, we recommend that this language be reinserted. Specifically, the language (slightly modified from section 4.4.1 of Agenda Item B.2.a Attachment 2) is as follows:

"Approaches to quantifying the variability on biomass estimates include using the standard error about the estimated biomass of a stock in the most recently approved assessment and estimating the between-assessment variance in biomass estimates for a stock with multiple assessments or for all category 1 stocks with multiple assessments in a meta-analysis. A proxy variance (sigma) can be calculated using this latter approach for all or some category 1 species. These approaches are not exclusive and the SSC may recommend additional approaches to quantifying scientific uncertainty for category 1 species, including approaches that are specific to individual stocks. Once scientific uncertainty is quantified, it is mapped to an estimated probability of overfishing



(P*). The Council chooses the ABC from the SSC-recommended range based on its choice of P*, which is a risk-assessment policy decision.”

The proposed ABC control rules for category 2 and 3 stocks are basically as follows: the SSC will recommend an OFL based on the appropriate information. For some category 2 and category 3 stocks the SSC may be able to quantify uncertainty, and in those cases the Council will choose a P* value that will be used in conjunction with SSC recommendations regarding scientific uncertainty to determine the difference between OFL and ABC. Amendment 23 as proposed also says that the scientific uncertainty "buffers" for category 2 and category 3 will in general be larger than for category 1 and category 2, respectively, and that "the SSC recommends the ABC" for these stocks. The determination of ABCs for category 2 and category 3 stocks in the proposed version of Amendment 23 is less detailed and clear when compared to category 1 stocks. The Scientific and Statistical Committee (SSC) report to the Council in April 2010 recommended that until a method for determining the appropriate value of sigma to represent scientific uncertainty for these stocks can be developed, one of two approaches may be used: 1) straight percentage reductions from OFL; 2) setting sigma for category 2 and 3 stocks at two and four times that for category 1 stocks, respectively. We suggest that the Council consider adding these options to FMP Amendment 23, with a statement that these approaches are not exclusive and that the SSC may develop and use additional approaches in the future.

In addition, we note that Amendment 23 contains language that is ambiguous regarding the role of the SSC in determining ABCs. The National Standard 1 Guidelines state that “the SSC must recommend the ABC to the Council.” 50 CFR 600.310(f)(3). In section 4.4, proposed Amendment 23 states that “[t]he ABC is decided by the Council based on its preferred level of risk aversion.” To make this statement consistent with the Guidelines and with language elsewhere in proposed Amendment 23, we suggest modifying this sentence to read: “[t]he ABC is adopted by the Council based on its preferred level of risk aversion in combination with the recommendations of the SSC regarding scientific uncertainty.”

The National Marine Fisheries Service (NMFS) suggests that the Council consider whether ABC control rules need to address sources of scientific uncertainty that the SSC has not yet determined how to quantify. This issue came up at the March Council meeting and has not been resolved in the context of the proposed FMP Amendment 23. The SSC has stated that to date it has developed methods to analyze only a portion of the potential sources of scientific uncertainty relevant to determination of the ABC but that in the future additional analyses will likely be developed. NMFS suggests that where scientific uncertainty cannot be specifically quantified as the SSC has done for uncertainty within and among stock assessments, the FMP should expressly state that other sources of uncertainty may be included in the determination of the ABC where the SSC can recommend an approach to analyze those sources of uncertainty.

It is not clear from proposed Amendment 23 how the FMP deals with management uncertainty. With respect to Accountability Measures, the FMP already includes a relatively extensive suite of measures that address management uncertainty in-season and between seasons. Language could be added to the proposed FMP Amendment 23, or alternatively in the Council record to explain how these measures address such uncertainty. Proposed Amendment 23 provides that the Council may adopt Annual Catch Targets (ACTs), but does not specify under what

circumstances that may be appropriate. Language in the amendment that clarifies when ACTs will be considered would improve the document and provide guidance during the development of specifications and management measures.

The proposed Amendment 23 FMP includes language explaining that stock complexes will be delineated as set forth in the NS1 guidelines. The Supplemental GMT Report from March 2010 states that based on the GMT's analysis of stock vulnerability to the fishery, fishery interactions, and stock distributions, "improvements can be made in the composition of the stock complexes. Such changes include rearranging current complexes and possibly adding other species into the FMP and consideration for constructing the complexes around indicator species." However, the GMT concluded that work to improve the stock complexes cannot be completed in a short time frame. In the proposed FMP Amendment 23, the Council should consider adding a statement to the existing description of stock complexes that they are using current stock complexes until its' advisory bodies can complete their analysis and provide recommendations regarding reconfiguration of those complexes according to the factors discussed in the NS1 guidelines.

If you have any questions on these matters, contact me at your convenience. I can be reached at 206-526-6142.

Sincerely,

A handwritten signature in blue ink that reads "Frank Lockhart". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Frank Lockhart
Assistant Regional Administrator

cc: Dr. Don McIsaac
Eileen Cooney
Mariam McCall