

GROUND FISH MANAGEMENT TEAM REPORT ON CONSIDERATION OF 2015-2016 AND BEYOND HARVEST SPECIFICATIONS AND MANAGEMENT MEASURES

The Groundfish Management Team (GMT) reviewed the items in the briefing book under Agenda Item F.3. Additionally, Dr. Kit Dahl (Council staff) presented information to the GMT; we thank him for his time and information. Due to time constraints, the GMT focused our discussions on the Draft Annotated Outline/Analytical Framework for the Harvest Specifications and Management Measures and Amendment 24: Draft Environmental Impact Statement (DEIS; Agenda Item F.7.a. Attachment 1) and the Schedule for Developing Groundfish Harvest Specifications and Management Measures (Agenda Item F.7.a. Attachment 3).

Annotated Outline/Analytical Framework for the Harvest Specifications and Management Measures and Amendment 24

Some members of the GMT were sent an early version of the draft annotated outline/analytical framework of the DEIS and were given the opportunity to provide comments and edits. We appreciate the opportunity to provide early feedback and feel that good improvements to the document were made, particularly with regard to long term impacts to the environment. The GMT as a whole reviewed the updated annotated outline and had a discussion with Dr. Dahl, and provides the following additional input intended to further improve the analysis of setting harvest specifications and management measures over the long term (e.g., 10 year period).

The GMT had a constructive discussion with members of the Project Team on the draft annotated outline/analytical framework. Time restrictions require us to leave many comments unwritten and to focus only on the concerns that members of the team felt were important to express.

On the Draft Annotated Outline, our comments focus on two main topics. First is the structure of the Preliminary Alternatives. And second, we offer brief comments on the proposed Tier 1 EIS analyses of impacts (“impacts analysis”).

The Structure of the Preliminary Alternatives

We have comments on both the proposed No Action Alternative and the proposed Action Alternatives. Our comments are focused on how the two relate and then how they relate to the impacts analysis. We are proposing a different approach to both that involves a new set of Alternatives from what are proposed in the Draft Annotated Outline. The differences to the Preliminary Alternatives are not large, yet several members of the team found them important enough to mention. We explain the differences first before describing the new Alternatives.

The Baseline Issue and Suggested Approach

The first difference arises from the question of what is meant by “No Action” in the Draft Annotated Outline. In the classic National Environmental Policy Act (NEPA) model, the No Action Alternative is meant to serve as the environmental baseline against which the Action Alternatives are then compared for their effects on the environment. Yet the question of what represents the “baseline” can be more difficult when analyzing a “program” that is ongoing (and so the baseline has already been affected by the program and the proposed action does not

involve consideration of stopping the program) than the more common situation of a one-time “project” (where No Action means the baseline is the environment without the project in it). This is the very issue we see here with the current Tier 1 EIS. As part of that, we do not think the Preliminary No Action Alternative provides a meaningful baseline to compare and contrast the merits of doing something different.

To explain, as noted in Section 2.1.1 of the Draft Annotated Outline, guidance from the Council on Environmental Quality (CEQ) suggests that the No Action Alternative should represent “‘no change’ from current management direction or level of management intensity.” And from the GMT perspective, the current No Action Alternative does not do that. More so, the preliminary No Action Alternative assumes that the Council would ignore the best available science for 10 years and keep harvest specification “numbers” in place instead of updating them based on new science. We understand the intent of this approach--which is to create a scenario that can be contrasted against the other Alternatives--yet we think there is a better way of serving that need with the Action Alternatives.

This option starts with the CEQ guidance mentioned above and using a baseline that best reflects how the Council has managed groundfish. To do so, we would suggest choosing a window period (e.g., 2003-12) and using the actual performance of the fisheries over that period as the baseline. This would involve representing our best understanding of those actual events in various ways by using actual estimates of catch and stock status to describe economic and other impacts. And then comparison would be to what we expect to change over the next 10 years under the Action Alternatives, as to environmental impacts and other factors.

This is, in fact, what the Draft Annotated Outline proposes doing in Chapter 3 in the description of the Affected Environment. The problem is that the baseline used there does not match the Preliminary No Action Alternative. The reason for the mismatch arises, as we understand it, from the worry that “No Action” would mean “not amending” the fishery management plan (FMP) with what have been referred to as “default rules.” So the preliminary Tier 1 Alternatives have arisen out of varying concerns about the need for contrasting scenarios and to amend the FMP to clarify that starting point of each biennial cycle.

It is a question of law and National Marine Fisheries Service (NMFS) NEPA policy—that is, outside of the GMT’s purview—yet the intent of our suggestion is that No Action can be described as the 2003-12 baseline, and then have another way of creating the contrasting analysis scenario for which the preliminary No Action is meant to serve.

The Action Alternatives

The issues with the Preliminary Action Alternatives are related. One concern is that we do not think it could be said that there would be any real difference between preliminary Alternatives 1 and 2, because there is no way of forecasting how the Council’s decisions would be different between the two. The Council’s harvest specifications decisions from cycle to cycle are driven by information--from assessments and other sources--and policy considerations that could only be assumed to be the same under either Action Alternatives.

Another concern is that the Preliminary Alternatives 1 and 2 do not match to the “bookends” in the proposed Tier 1 impact analysis, which is different than the typical NEPA model that

involves comparing and contrasting the impacts between Alternatives (i.e. the bookends and what they bracket map to multiple alternatives). The Project Team has come up with a creative way of exploring impacts, yet the concern some team members share is that the setup may be interpreted to being analyzing the effects of “no change” from the harvest policies the Council has followed over recent cycles. And again, doing so by comparing those effects against a “No Action” scenario that leaves harvest specifications unchanged for 10 years. This strikes some of us as problematic.

The proposal presented here is meant to address the perceived problematic parts of the setup without changing the overall plan for analyzing impacts. To create the needed contrast in the analysis scenarios, the recommendation involves creating two alternatives. For non-rebuilding stocks the alternatives would set up a range of P-star values between 0.45 and 0.25. For rebuilding stocks, the contrast would come from comparing and contrasting the rebuilding policies in place for 2013-2014 with a different approach that is likely to be analyzed as part of the Management Strategy Evaluation (MSE) that the Scientific and Statistical Committee (SSC) is considering to help the Council consider what are being referred to as Rebuilding Revision Rules.

Many of us had been under the impression, until this meeting, that the matter had been settled. We do our best to provide specifics, yet time has been short. We see several advantages of ranging the Alternatives using P-star, yet cannot explain them or the differences from the Draft Annotated Outline in much detail. In brief, P-star is an easy policy choice to range over and do so consistently between stocks. And it would also provide more analysis of the P-star approach, which has been of interest to many since it was added to the FMP with Amendment 23.

The other point we emphasize is that the differences on the impacts analysis proposed by the Project Team would be minimal. The proposal is more for a structure that better matches that analysis to the Council’s recent management history with the FMP and the traditional NEPA model of comparing and contrasting alternatives to an existing baseline.

The Effect on the Council’s Policy Discretion

As before, the Council may be worried that bracketing a range of P-star values might limit the policy discretion. We do not have time to say any more than that the proposal described here would not affect that discretion any more than would the analysis of Preliminary Alternatives 1 or 2. For that matter, we would say that Preliminary Alternatives 1 and 2 cannot be distinguished on their effect on the Council’s policy discretion. And, again, the main reason is because we do not expect that the results of the impacts analysis will differ between any of the alternatives.

A Sketch of the Proposed Alternatives

	No Action/Baseline	Alternative 1	Alternative 2
Non-rebuilding stocks	2003-12 Window Period	Set harvest using P-star of 0.45	Set harvest using P-star of 0.25
Rebuilding		Set SPR rate on a biennial basis to maintain probably of $T_{\text{target}} = 0.5$ (chase noise)	Consider holding SPR rate as long as probability of T_{target} remains between 0.4 and 0.6.

The Difference Between a Strategic and Tactical Policy Change

Lastly, we look to the terms “strategic” and “tactical” for a helpful distinction. While we may be using the terms somewhat loosely, considering a “tactical” change is one we would describe as evaluating alternative options for achieving a fixed goal. A strategic change, in contrast, would be one where the alternatives considered are meant to evaluate changes in the policy goals themselves.

The distinction has been helpful because it identifies the decisions that the Council makes on harvest specifications each biennial cycle as mostly “tactical” in nature. And it helps differentiate the “strategic” goals as those that are embodied by the FMPs F_{msy} and B_{msy} harvest policies. Given the uncertainty in the science, the biennial tactical decisions are very important. Described another way, the Council considers adaptive adjustments when feedback for doing so becomes available. That feedback often causes things to jump around relative to the last forecast of where a stock might be, and this creates new policy decisions every cycle. Yet those policy decisions are tactical in nature because they are focused, in most part, on achieving the FMP’s F_{msy} and B_{msy} policies. The uncertainty in these tactical decisions means that they are often difficult and open to considerable differences in policy judgment about the best course of action.

The distinction between strategic and tactical is also helpful in that it helps us describe our understanding of the Council’s intent for the Tier 1 EIS. We understand the Council’s interest to be in using the Tier 1 EIS to analyze impacts over a series of biennial cycles instead of just one. In other words, the analysis would be of a series of tactical decisions that are made toward the same general strategic goals.

The GMT also discussed ways of structuring the EIS so as to analyze changes that were more strategic in nature. We did not think the Council was interested in them at this time because of the main workload problem being addressed. We do wish to highlight, however, that strategic changes in fisheries management are being discussed more and more (e.g. “pretty good yield” and the “mixed stock exception”) around the Council’s advisory bodies and at the national level. The distinction between strategic and tactical has also helped us to differentiate these discussions from those the Council undertakes regularly every biennial cycle.

Lastly, if there were more time to design a “strategic” oriented Tier 1 EIS, the team might have suggested doing so. Analytical methods are available for undertaking such analysis. And key input data for such analysis is available as well. Yet, while the basic inputs and tools are

available, the team recognizes it would be a much more substantial effort--for workload, analysis needs, and review--than the Council can take on at this point in time.

The Impacts Analysis

As expressed the last time we wrote on this issue, there is interest among GMT members in connecting to ecosystem experts on this Tier 1 EIS. The Project Team solicited comments from such experts on the Draft Annotated Outline, yet as we understand it, it wasn't the feedback that we had interest in asking for. We did not have time to be specific in this report about the questions we would ask of those experts. Yet, we still recommend that there be an opportunity, in some forum, for a conversation between members of the Integrated Ecosystem Assessment team, the GMT, the SSC, and others with appropriate expertise in the fisheries on how this Tier 1 EIS could be designed.

Schedule for 2015-2016 and Beyond Harvest Specifications and Management Measures

The GMT reviewed the Proposed Schedule for Developing the 2015-16 and Beyond Groundfish Harvest Specifications and Management Measures (Agenda Item F.3.a. Attachment 3) and note that the schedule is similar to the front-loaded schedule that was used for 2013-2014. We believe this schedule is workable, given our experiences with the 2013-2014 process, and have the following thoughts for Council consideration. As we noted last cycle, all benchmarks or deadlines must be met to achieve the subsequent deadlines to attain the January 1 fishery start date. A delay in any one place could derail the timeline for everything after it.

During the 2013-2014 process, the Council adopted a narrow scope of action for management measures, intended to reduce the analysis, writing, and review time that was required. However the EIS still contained detailed analysis of 19 management measures and the expected efficiencies were not achieved. This proposed process would limit the number of new management measures for analysis during the biennial process and proposes that all other management measures be considered for prioritization in June of the even years. Those new management measures eligible for consideration in the biennial process must be needed to: a) keep catch within the annual catch limit (ACL), b) address a habitat or Essential Fish Habitat (EFH) concern, or c) address a protected resources concern. Management measures currently available in regulation can still be adjusted in the biennial process to achieve the ACL (e.g., season dates, bag and trip limits, etc.). Measures not meeting these criteria would be considered by the Council in June of the even years and a regulation implementation schedule would need to be developed.

After discussing the new process for considering management measures, the GMT recommends that those criteria be clearly outlined in the DEIS or other appropriate document, including examples of which measures are eligible for consideration within the biennial process. Further, the GMT recommends that the delineation not simply be referred to as those achieving or not achieving "conservation objectives" but rather are referred to by the criteria by which they are evaluated.

When adopting the schedule for 2015-2016, the Council should be aware of the data that will be available for work to begin on the projection models, if the process begins in November, compared to what would be available for analysis that begins in February. In most cases, data to

inform commercial models would be through 2011 if the analyses commenced in November 2013. In contrast, postponing the analysis until February 2014 would allow for inclusion of data from 2012. For the recreational fisheries, data to inform models would be through 2012 and may consider part of 2013 if the analysis commenced in November. If the analyses were conducted in February data from 2013 could be used. An additional consideration for the Council is the GMT's overwinter workload and the prioritization of non-harvest specifications and management measures analysis projects assigned to the GMT by the Council.

The GMT notes that the Council may also want to consider the implications of the proposed schedule change that is outlined in the Washington Department of Fish and Wildlife (WDFW) report (Agenda Item F.7.a. WDFW Report) with a DEIS available for review in March, rather than June. This would allow additional review and comment time for States and constituents.

Ecosystem Consideration Workgroup

In March 2013 the GMT recommended that the Council consider requesting a working group to advise the Project Team on the design of the Tier 1 EIS and the best available information available to inform it (http://www.pcouncil.org/wp-content/uploads/H4b_SUP_GMT_MAR2013BB.pdf). We continue to support the concept of involving members of the GMT, Scientific and Statistical Committee (SSC), Ecosystem Plan Development Team (EPDT), and others with expertise on the fishery management plan (FMP) and ecosystem issues in the discussion of the best approach for incorporating ecosystem information into the Tier 1 EIS. Specifically, ecosystem models could be used to explore relative impacts of alternative groundfish harvest levels on other trophic levels to increase the understanding of the differences between the proposed range of alternatives. With regard to the proposed schedule for developing the 2015-2016 and beyond, the GMT suggests that two or more meetings could be added to the schedule in early portion of the time period between November 7, 2013 and February 17, 2014 when the DEIS is being prepared, to facilitate this discussion.

Council Operating Procedure 9 (COP 9)

Due to other workload priorities, the GMT did not have the opportunity to review and discuss in detail the draft Council Operating Procedure 9 (COP 9) language. The Council could delay finalization of the COP 9 language until September. The GMT discussed whether a delay in finalizing COP 9 could have a ripple effect on the upcoming harvest specifications and management process. The GMT believes that if the Council adopts a detailed process and schedule at this meeting (i.e., Attachment 3) then there should not be a disruption.

There were two items that the GMT identified in our brief overview of COP 9. The COP states that in September of Year 1, the GMT will receive the last West Coast Groundfish Observer Program (WCGOP) data. The GMT typically receives two data products from WCGOP which informs the biennial analyses - the annual Groundfish Mortality Reports and bycatch models updated with the most recent bycatch rates. In recent years, the Groundfish Mortality Report has been delivered at the November Council meeting and the projection models in January. **The GMT recommends the COP be updated to reflect those delivery dates.**

Similar to the comments made above regarding the schedule, **the GMT also recommends that the criteria used to delineate which management measures are eligible for inclusion in the harvest specification and management measures process be outlined specifically in the COP** and not simply referred to as those achieving or not achieving “conservation objectives.”

Projection Models

The GMT did not receive the Scientific and Statistical Committee (SSC) report on their review of the groundfish projection models in time to review and address the SSC’s comments and concerns under this agenda item. Therefore, the GMT will review the report over the summer and work on addressing the SSC comments and concerns. The GMT plans to have the models ready in time to be used in the 2015 and beyond harvest specifications and management measures analysis.

Supplemental Public Comment

The GMT believes that contents of the letter from Mr. Bill James and the Port San Luis Commercial Fishermen’s Association (Agenda Item F.7.c Supplemental Public Comment) should be included in the harvest specification and management measures discussion at the September Council meeting. Some of these measures may fit the new criteria for inclusion in the biennial analyses while others may be more appropriate for the June 2014 prioritization. Such determination should be made in September.