

GROUND FISH MANAGEMENT TEAM REPORT ON REVISING COUNCIL OPERATING PROCEDURE 9

In September 2013 we suggested that the Council consider the criteria proposed to determine whether a “new” management measure should be included for analysis alongside the harvest specifications or be held off for the separate process ([Agenda Item G.7.b, Supplemental GMT Report 2](#)). For ease of reference, we excerpt the relevant portions of that report below.

Our main message in September was that the Council should recognize the purpose of the criteria and have some discussion about the framework and alternatives to it. The criteria will play an important role in shaping discussions on workload management and priority each cycle. We also laid out the fundamental choice between using restrictive criteria that are simpler to apply and a more flexible approach that could involve more intensive workload planning. Under either approach the Council will want to consider whether the right criteria are listed—any criteria listed imply that law (e.g., regulation) or some other preference (e.g., Council policy) would give priority to some management measures over others. The Council discussed a desire to craft the criteria to allow for a more flexible, case-by-case consideration of management measures each cycle but made no final recommendations.

We discussed the COP 9 criteria again at our October meeting. If the Council remains interested in a flexible approach, we think the GMT’s suggested language would work. The language wouldn’t open the door fully but would instead prompt proponents to put forth, and the Council to consider, reasons why a particular management measure would be more efficiently considered alongside the harvest specifications than in the separate process.

Lastly, we also discussed the proposed criteria in the context of the actual proposed list of management measures for this cycle (Agenda Item H.10.b, GMT Report). In looking at that list, our thoughts turned to the total workload of all the management measures that could qualify to be analyzed with the harvest specifications. It struck many of us that criteria like “new” or “routine” are rarely perfect and will be less important to achieving improvements in this process than will be the assessment of how much analysis is necessary for each item and of how many items can be analyzed, reviewed, and implemented at one time. Nonetheless we continue to support the COP 9 approach and believe it will make such exercises more direct and transparent.

Relevant Excerpts from September 2013 [Agenda Item G.7.B, Supplemental GMT Report 2](#)

In June, the GMT expressed concern with the portion of the COP that is being proposed as criteria for determining whether management measures should be considered in the biennial harvest specification and management measures analysis or analyzed in a separate process considered by the Council at the June meeting in even years. . . The GMT thinks the revised COP 9 criteria in the September briefing book ([Agenda Item G.7.a, Attachment 3](#)) which states “Council will provide initial fishery management guidance, including a preliminary range of new

management measures necessary to keep catch within the annual catch limits (ACL) or address a habitat or protected resource concern” is an improvement.

The Council may wish to fashion these criteria more as strict rules, or more as a flexible standard. The latter would involve the Council having more direct consideration of how a particular item fits within the analysis, timing, workload, etc. Such discussions might take more time, and it can be difficult to apply standards consistently and fairly. A stricter rule, on the other hand, could be more quickly and consistently applied, with the downside that it might be overly restrictive in certain cases.

If the Council wishes to go with a stricter set of criteria, we recommend there be some discussion of what the criteria would be. For instance, it was unclear to some of us why habitat issues would be included. Some habitat issues might require extensive analysis. As it is now, the proposed criteria imply that by law or some policy that certain issues receive priority. The Council may want to discuss these criteria.

If the Council wishes to go with a more flexible approach, then additional language might be added to this section to allow the Council to have additional discussion on what management measures could be analyzed in the biennial process on a case by case basis. Some items may be better evaluated within the suite of alternatives in the biennial analysis but might not fit into the proposed criteria. The Council could consider adding more flexible language such as, “the Council may include other management measures if the timing or information presented in the harvest specifications would improve the efficiency of the analysis, implementation, or otherwise aid the Council’s consideration.” As it is now, one major limitation on what could be included comes from the scope of what has been previously and adequately analyzed in the Tier 1 Environmental Impact Statement (EIS) or elsewhere. And like now, consideration of additional analysis workload would be a major consideration in deciding whether to include a specific management measure in the analysis.

If the Council decides to adopt the proposed language in COP 9, the Council may wish to consider the language “... keeping catch within the ACL...” and whether it might be better to revise the language to “... keeping catch within a specification.” The term, specification, is defined in groundfish regulations (50 CFR 660.10) and includes annual catch targets, fishery harvest guidelines (ACL less tribal, research, groundfish mortality from non-groundfish fisheries, and EFPs), allocations, area apportionments, harvest guidelines (e.g., recreational HG for overfished species), etc. New management measures may be needed to keep catch within these specifications, which are broader than simply ACLs, and should be included for analysis during the harvest specification and management measures process.