

*Draft Sample*  
**FACT SHEET**

for  
POTENTIAL MAGNUSON-STEVENSON ACT REAUTHORIZATION ISSUES

**Topic**

Stocks later determined never overfished should not be held to rebuilding provisions.

**Relevant MSA Sections**

Section 304(e) Rebuilding of Overfished Fisheries

**Issue Essence Statement**

The data and scientific approaches used to determine stock status typically evolve and improve, and revisions to past stock status are common. The best available science used to declare a stock overfished may later be improved and show that the stock was never overfished. In these cases, continuing to manage the fishery under the rebuilding plan restrictions may no longer be necessary. However, the MSA does not explicitly exempt stocks from rebuilding plans when it is later determined the stock was never overfished.

**Objectives of Legislative Change**

Objectives of legislative changes should include ensuring that the best available science is used in determining whether a stock rightfully triggered an overfished status designation with the necessity of constructing and maintaining a rebuilding plan.

**Relevance and Impacts to the Pacific Council and West Coast Fisheries**

This issue has only affected the Groundfish Fishery Management Plan to date. In 2000, a stock assessment indicated that widow rockfish were below the minimum stock size threshold (MSST) that triggers an overfished status designation. Accordingly, the stock was declared overfished and a rebuilding plan put in place. However, subsequent assessments in 2005 and 2007 estimated that the biomass had never dropped below the MSST and thus the stock had never been overfished. Despite the best available science, uncertainty regarding MSA requirements and the assessment results resulted in the fishery remaining under a restrictive rebuilding plan until 2013, when the stock reached target biomass. At the time, the Council discussed what might happen under an opposite scenario, where a new scientific assessment might find a past point where the stock was below the MSST but was not currently.

Continuing to manage widow rockfish under a rebuilding plan, even though the stock was never overfished, resulted in social and economic impacts to fishing communities and industry. It also represented a significant expenditure of Council resources to construct and maintain a rebuilding plan. Further, the trawl rationalization program design was

influenced by the overfished declaration of widow rockfish. For example, the Council developed formal, long-term intersector allocations and established initial allocation of quota share with the intent of covering only the incidental catch of widow rockfish in fisheries that target healthy stocks, instead of treating widow rockfish as a target stock with an allocation based on equal allocation and catch history components. The Council is scheduled to reconsider the initial allocation of widow rockfish quota share in 2014.

*Council Floor Discussions*

[This section to list Council meetings in which this topic came up in Council floor discussions, for example in this draft sample, [September 2005](#), [November 2008](#)]

*Relevant Statements from Advisory Bodies*

[Agenda Item G.9.c, Supplemental GAP Report, September 2013](#)

[Agenda Item F.8.b, Supplemental SSC Report, September 2005](#)

[Agenda Item H.3.c, Supplemental GAP Report, November 2005](#)

**Perspectives or Positions of Other Entities**

*MONF3 Findings*

This finding was developed during Session 1, Topic 2: Rebuilding Program Requirements and Timelines. There was general agreement among the speakers, panelists, and public commenters that stocks that are later determined to have never been overfished should no longer be subject to the MSA rebuilding requirements. A related finding under Session 1, Topic 2 recommended that uncertainty in assessments be acknowledged so that policy makers were provided the flexibility to not “chase noise.”

[Other related findings to be completed]

*Other Regional Fishery Management Councils*

[To be completed]

*NMFS*

[To be completed]

*Fishing Industry*

[To be completed]

*Non-Governmental Organizations*

[To be completed]

## References

### *MONF3 Conference*

Session 1, Topic 2 Description: <http://tinyurl.com/MONF3-Session1>

Session 1, Topic 2 Papers: <http://tinyurl.com/MONF3-Session1-Papers>

Conference Findings: [http://www.managingfisheries.org/2013\\_materials\\_post-conference.html](http://www.managingfisheries.org/2013_materials_post-conference.html)

Conference Proceedings (available in late 2013)