



Pacific Fishery Management Council

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David W. Ortmann, Chairman | Donald O. McIsaac, Executive Director

March 10, 2010

Mr. William Michaels
National Marine Fisheries Service, NOAA
Office of Science and Technology F/ST4
1315 East-West Highway
Silver Spring, MD 20910

Re: Pacific Fishery Management Council Comments on National Marine Fisheries Service Proposed Revisions to the Guidance for National Standard 2 of the Magnuson-Stevens Fishery Conservation and Management Act

Dear Mr. Michaels:

The Pacific Fishery Management Council (Pacific Council) appreciates the opportunity to provide comments to the National Marine Fisheries Service (NMFS) on the proposed revisions to guidance for National Standard 2 (NS2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), including ways to revise guidelines on criteria for best scientific information available (BSIA) and review processes to ensure its application to fishery management.

At its March 2010 meeting, the Pacific Council reviewed the proposed rule and considered comments of its Scientific and Statistical Committee (SSC). The Pacific Council is generally supportive of the revisions and believes that existing west coast fishery management is in keeping with the proposed NS2 guidelines. The Pacific Council has a strong track record of following SSC advice on the use of BSIA and fishing level recommendations. The Pacific Council and the SSC have relied heavily on the effective peer review inherent in our Stock Assessment Review (STAR) process and would prefer to continue this process into the future.

The Pacific Council's STAR process and its SSC emphasize the importance of good science, peer review, and evaluation of uncertainty in assessment and management. Terms of Reference (TOR) for the STAR process are updated frequently and reflect the proposed guidelines, provide a rigorous review of the science in support of Pacific Council decision-making, eliminate potential conflicts of interest in the review process, and ensure the use of BSIA. However, the Pacific Council has some concern that ambiguous language in the provision could unintentionally constrain our procedures for review and evaluation of scientific information. Specifically, the recommended restrictions on SSC re-evaluation of peer-review reports appear to be counter to our current framework for assessment review. The proposed guidelines state that "*the SSC should not repeat the peer review process by conducting a subsequent detailed technical review*" (page 65726, third column). Our existing STAR process is hierarchical; our TOR specifies SSC leadership and participation in STAR Panels, and when necessary, STAR Panel work is re-evaluated in a subsequent panel and/or SSC meeting. Consequently, the Pacific Council and its

SSC recommend maintaining this flexibility to address situations that would benefit from additional analysis. This procedure is complementary, not duplicative, of the STAR Panel process, and assures broad identification of BSIA. The Pacific Council recommends deletion or clarification of the referenced language in the proposed rule that may restrict additional SSC evaluation.

Additionally, the Pacific Council discussed the language in the first column of page 65726 of the proposed NS2 guidelines which state that “*existing peer review processes [including our STAR process] may qualify as 302(g)(1)(E) review processes, but the Secretary, in conjunction with the relevant Councils, has not yet made that determination. If such a determination is made, the Secretary will announce the decision in the Federal Register.*” The Pacific Council is confident that the STAR process would be reviewed favorably and would ultimately qualify as effective peer review. The Pacific Council is requesting additional guidance from NMFS on the procedures and schedule envisioned for qualifying the STAR process.

The Pacific Council appreciates the opportunity to comment on the development of these important guidelines. This letter represents the Pacific Council’s formal comments on these proposed revisions to NS2 guidelines on the use of BSIA for the conservation and management of marine living resources. The materials and reports considered by the Pacific Council in March as well as the TORs for our STAR processes are available on the Pacific Council’s website for your review in support of our recommendations. The Pacific Council looks forward to further coordination with and support from NMFS as NS2 guidelines are revised and incorporated into west coast fishery management.

If you or your staff have any questions regarding this letter, please contact me or Mr. Mike Burner, the lead Staff Officer on this matter at 503-820-2280.

Sincerely,



D. O. McIsaac, Ph.D.
Executive Director

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- c: Council Members
 - Dr. Steve Murawski, Director of Science Programs and Chief Science Advisor
 - Mr. Barry Thom, NMFS, Acting Northwest Regional Administrator
 - Mr. Rod McInnis, NMFS, Southwest Regional Administrator
 - Dr. Usha Varanasi, Science Director, West Coast Fisheries Science Centers
 - Ms. Eileen Cooney
 - Dr. John Coon