

PRELIMINARY DESIGN OF REBUILDING PLAN:  
STAFF SUGGESTIONS FOR REBUILDING PLANS,  
INCLUDING POTENTIAL GOALS AND OBJECTIVES

This discussion paper is based on the assumption the Council needs to take final action on the FMP amendment at the November meeting, although the documents may not be completed and submitted until February or March. It is unlikely that any non-routine regulations can be in place at the beginning of 2000 unless by emergency rule. Therefore, a major question is then "when is the best time to change the rules?"

**Magnuson-Stevens Act and NMFS Guidance on Rebuilding Plans**

Section 303(a) of the Magnuson-Stevens Act lists required provisions of FMPs. Specific instructions are provided in Section 304(e):

*(2) If the Secretary determines at any time that a fishery is overfished, the Secretary shall immediately notify the appropriate Council and request that action be taken to end overfishing in the fishery and to implement conservation measures to rebuild affected stocks of fish. The Secretary shall publish each notice under this paragraph in the Federal Register.*

*(3) Within one year of an identification..., the appropriate Council shall prepare a fishery management plan, plan amendment, or proposed regulations for the fishery to which the identification or notice applies—*

*(A) to end overfishing in the fishery and to rebuild affected stocks of fish; or*

*(B) to prevent overfishing from occurring in the fishery whenever such fishery is identified as approaching an overfished condition.*

*(4) For a fishery that is overfished, any fishery management plan, plan amendment or proposed regulations ... shall*

*(A) specify a time period for ending overfishing and rebuilding the fishery that shall (i) be as short as possible, taking into account the status and biology of any overfished stocks of fish, the needs of fishing communities, recommendations by international organizations in which the United States participates, and the interaction of the overfished stock of fish within the marine ecosystem; and (ii) not exceed 10 years, except in cases where the biology of the stock of fish, other environmental conditions, or management measures under an international agreement in which the United States participate dictate otherwise;*

*(B) allocate both overfishing restrictions and recovery benefits fairly and equitably among sectors of the fishery;*

The NMFS guidance on reviewing FMP amendments<sup>1/</sup> lists the following questions that reviewers will consider.

- Has a rebuilding program been specified for each overfished stock?
- If the stock can be rebuilt in less than 10 years, are the measures sufficient to rebuild the stock within the time period specified by the Council?
- If the stock, in the absence of fishing, can be rebuilt in less than 10 years but the rebuilding time frame has been extended to 10 years, has it been adequately justified on the basis of economic or social factors? Has the Science Center certified that the rebuilding program will achieve the goal?
- If the stock cannot be rebuilt in 10 years, can the measures rebuild the stock within the time frame specified by the Council?
- Has the Science Center certified the calculation of the rebuilding time in the absence of fishing and the mean generation time?
- Has the Science Center certified that the measures will rebuild the stock within the given time frame?

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1/ Memorandum from Gary C. Matlock dated January 19, 1999

## The Form of the Rebuilding Plan

Our initial idea is to prepare the rebuilding plan/documentation in 3 parts: (1) an FMP amendment that specifies the time period and allocation issues anticipated (e.g., identify the sectors involved, or at least list the sectors that harvest the spp); (2) the source document that provides comprehensive stock assessment information, analysis of rebuilding schedules, etc.; (3) an environmental assessment (EA) that lists the alternatives and analyzes each. In addition, there may be implementing regulations, such as specific allocations, seasons or season framework, closed areas, etc. An analysis of the regulatory options would also be necessary, which could be included in the FMP EA or separate.

### (1) The FMP

The FMP will include mostly summary information and refer to a "source document" for the calculations and other details. The FMP amendment will (1) list each stock and its geographic distribution and specify rebuilding goals and objectives (including when the stock will be rebuilt, the target rebuilding biomass size, how overfishing restrictions and recovery benefits will be allocated fairly and equitably, etc.), (2) identify the types of management measures anticipated (such as direct allocation, gear restrictions, area closures, seasons, etc.), and (3) will describe the process the Council and NMFS will follow in implementing rebuilding measures and updating the rebuilding plan. A separate section will identify each species that has been declared overfished and summarize the available information, such as geographic distribution, historical harvesters and harvest trends, history of management, probable cause of overfished condition (e.g., environment or harvest), and conclusions of the most recent stock assessment. The amendment will summarize the scientific basis for the shortest possible rebuilding schedule (i.e., projected time to rebuild to  $B_{msy}$  if no fishing), the maximum rebuilding time allowed, and the basis for the selected rebuilding schedule.

### (2) The Source Document(s)

The source document will include the most recent stock assessment and a detailed description of the species (stock dynamics, description, etc (how productive is this stock, how long does it live, where is it, etc))

description of data quality and uncertainty, rebuilding at  $F = 0$  schedule, calculations, minimum and maximum rebuilding schedules; historical management measures; harvesters - groups, geographic, etc.; harvest shares; a general statement of the relative importance to each sector; co-catch patterns in various fisheries; description of allocation issues and alternatives, development of harvest sharing plan, establishment of sector priorities (e.g., recreational priority).

### (3) The EA/RIR

The EA/RIR will identify the alternatives considered by the Council, including any that were dismissed as unacceptable or untenable. The major alternatives will be described and analyzed; impacts on fishing sectors, communities, any other good information we can muster.

Some associated issues that should be addressed in the plan or discussion:

How to adjust if new assessment indicates the previous one was wrong (e.g., if it appears we were never overfished in the first place)

How to decide the regional extent of the rebuilding plan (e.g., does it apply to bocaccio coastwide?)

Do we treat lingcod as one stock or two?

When the stock is rebuilt, do we have to amend the FMP? (Is this even a realistic concern?)

How do we readjust the schedule if new information says the stock is less or more productive than previously believed, if the status is upgraded?

How do we decide whether to use the mixed stock exception?

NMFS is required to review the status at least every two years. The rebuilding plan should describe how that information will be used, how the Council will respond, etc. Include the review in the SAFE?

### **Problems to recognize (not complete)**

1. We don't have a system for monitoring recreational catch and revising recreational regulations inseason. Does the Council anticipate entering this arena?
2. For area closures it will be difficult to predict results (i.e., the reduction in catch that would result) because of fish movement and effort shifts to other areas (unless the area closed is very large). Geographic allocation would become an issue.

### **Possible Generic Rebuilding Goals and Objectives**

The goals of rebuilding programs are to (1) achieve the population size and structure that will support the maximum sustainable yield within the specified time period; (2) minimize, to the extent practicable, the social and economic impacts associated with rebuilding; (3) fairly and equitably distribute both the conservation burdens (costs) and benefits among commercial, recreational and charter fishing sectors; and (4) protect the quantity and quality of habitat necessary to support the stock at healthy levels in the future.

To achieve these rebuilding goals, the Council will (1) set harvest levels that will achieve the established rebuilding schedule; (2) identify present and historical harvesters of the stock; (3) develop harvest sharing plans for the rebuilding period and for when rebuilding is completed; (4) implement any necessary measures to allocate the resource in accordance with harvest sharing plans; (5) monitor fishing mortality and the condition of the stock at least every two years to ensure the goals and objectives are being achieved; (6) identify any critical or important habitat areas and implement measures to ensure their protection; and (7) promote public education regarding these goals, objectives and the measures intended to achieve them.

PFMC  
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