

DRAFT SUMMARY MINUTES Ad Hoc Groundfish Management Process Committee

Pacific Fishery Management Council
Pacific States Marine Fisheries Commission
Large Conference Room
45 SE 82nd Drive, Suite 100
Gladstone, OR 97027
February 14, 2001

Call to Order

The Ad Hoc Groundfish Management Process Committee (GMPC) meeting was called to order by Dr. Donald McIsaac, Council Executive Director. He suggested a loose structure such that public comment would be encouraged throughout the meeting. He discussed the goals of the meeting, which included discussing alternative management scenarios to improve the groundfish management process and developing recommendations for the Council. After review by the Council at the March meeting, GMPC recommendations could be put out for public review, with Council action possibly in April 2001.

The summary of the January 11-12, 2001 GMPC meeting was reviewed. The GMPC suggested several edits, which will be incorporated into the meeting summary by Mr. Dan Waldeck.

The agenda was reviewed and approved.

Members in Attendance

Mr. LB Boydston, California Department of Fish and Game
Mr. Ralph Brown, Pacific Fishery Management Council
Ms. Eileen Cooney, National Oceanographic and Atmospheric Administration - General Counsel
Mr. Bob Eaton, Pacific Marine Conservation Council
Dr. Jim Hastie, National Marine Fisheries Service
Mr. Jim Lone, Chair, Pacific Fishery Management Council
Dr. Donald McIsaac, Executive Director, Pacific Fishery Management Council
Mr. Rod Moore, West Coast Seafood Processors Association
Mr. Bill Robinson, National Marine Fisheries Service

Others in Attendance

Mr. Barry Cohen, representative, Groundfish Advisory Subpanel
Mr. Brian Culver, Washington Department of Fish and Wildlife
Mr. Jim Glock, staff, Pacific Fishery Management Council
Mr. Jim Golden, Oregon Department of Fish and Wildlife, designee for Mr. Burnell Bohn
Mr. Rob Jones, Northwest Indian Fisheries Commission
Dr. Steve Ralston, National Marine Fisheries Service
Ms. Cyreis Schmitt, National Marine Fisheries Service
Mr. Dan Waldeck, staff, Pacific Fishery Management Council

Meeting Summary

Public Review of Annual Management Measures

The committee discussed the applicability of the GMPC review process to the issues raised in recent lawsuits involving the groundfish fishery. Notably, if extending the groundfish management process would provide more time for public review of and input to the process. A revised process could provide better opportunity to comment on the annual specifications and management measures before the Council takes final action, scoping of management options prior to the September Council meeting would also provide opportunity for public input.

However, the extended process discussed so far might not address all of the concerns noted in the recent lawsuits. Notably, it does not provide time for a proposed and final rule with comment to the Secretary of Commerce after the Council recommendation and before the Secretary approves final specifications and management measures. The revised timeline increases the opportunity for public review of annual specifications and management measures before final council action, but not after. It was suggested that a proposed rule could be published on preliminary specifications and management measures in September. However, publication before the September meeting would use old information, and publication after the meeting would not allow for timely input at the November meeting.

It is critical to provide enough specific detail about the proposed management measures, how they will work, and how the management measures will accomplish management goals.

The GMPC briefly discussed the “good cause” exception, which provides for waiving publication in the *Federal Register* for public comment before a final rule is issued if there is a compelling reason for expedient action and insufficient time for public process. Typically, NMFS perceives good cause for final action on specifications and annual management measures. A recent lawsuit challenges the appropriateness of waving prior public comment.

Finally, it was noted that no matter what revisions are made to the management process, it will be necessary to build in more time for public review. There is always a difficult trade-off between longer development and review time and the use of the most current data.

Altered Five Meeting Schedule (based on “timeline” from previous meeting)

The GMPC reviewed the timeline for an altered five meeting annual management schedule developed at the previous meeting. Generally, the committee views this schedule as a vast improvement over status quo. It was stressed that, to accommodate allocation decision making and development of new management measures, it would be beneficial to develop and review rebuilding technical analyses as early in the process as possible. It was suggested that, rather than June/September as indicated on the timeline, it might be better to adopt final rebuilding plans in November as it could be necessary to make adjustments based on economic and social impacts. These impacts would not be fully analyzed until after the September meeting.

In contrast, it was suggested that a generic economic analysis could be performed prior to the September meeting, this would be based on expected economic impacts of the total declines in available harvest. This argument was countered with the contention that information about specific impacts, rather than gross impacts, was necessary for management decision making.

In conclusion, it was noted that whether a final rebuilding plan is adopted in September or November will depend on the specific situation, and that “final” adoption in September did not foreclose the ability to make adjustments in November. The keys are to (1) get enough information into the rebuilding plans so as to know what management measures might be necessary to achieve rebuilding goals, (2) construct management alternatives that aim to achieve those goals, and (3) detail how the measures will achieve management goals.

Multi-Year Management Schedule

Mr. Bohn described his proposal for a “two-year” management schedule. He suggested this schedule would provide for integration of science, but also builds in time to make adjustments to harvest levels and management measures. The schedule would require “rolling over” the current year harvest levels and management measures for 2002, to transition to the revised schedule. Rolling over current year management is premised on the notion that the current management measures are conservative, well-considered, and based on the best available information.

Mr. Bohn noted that his proposal is not really a two-year cycle, but rather a different way of stretching out the process for crafting annual management.

The schedule would use 2001 assessment information for developing 2003 harvest levels and management measures, which could raise concerns if more recent assessments indicate significant

change (either positive or negative) in stock status.

Groundfish Management Process – Two-Year Schedule			
Management Year/Council Meeting	2002	2003	2004
April 2001	Discuss rolling over 2001 ABC/OY and management measures; rebuilding analysis for OF spp due		
June 2001	Prelim adopt (roll over) 2001 ABC/OY and management for 2002; prelim adopt RBP		
September 2001	Final adopt 2001 ABC/OY and management (w/ and needed adjustments) for 2002; final RBP	Prelim adopt ABC/OY for 2003	
November 2001		Final adopt ABC/OY for 2003 (published in FR)	
April 2002		Prelim adopt management measures for 2003	
June 2002		Final adopt management measures for 2003 (pub in FR)	
September 2002			Prelim adopt ABC/OY for 2004
November 2002			Final adopt ABC/OY for 2004
April 2003			Prelim adopt management measures for 2004
June 2003			Final adopt management measures for 2004

The committee also briefly discussed the possibility of a true multi-year approach in which OYs and management measures are adopted for 2 years, and not changed in the off year except for emergencies.

To complete the multi-year approach, the suite of other management components (resource surveys, assessments, STAR, rebuilding plans, GMT, GAP) would need to be added and discussion of how they fit into the management process would also be needed. These would need to be overlaid to complete the picture of how a multi-year management process could work. However, that would be a problem for assessment authors.

The committee discussed the need to balance the stability provided by multi-year harvest specifications with the timeliness of annual harvest specifications based on the most recent information. This could be complicated by the need to annually consider biological, economic, and social impacts; and the annual infusion of new information. It was suggested this complication could be lessened if the management information cycle were adjusted, (e.g., assessments done every other year).

In response to the proposal for rolling over the current years specifications and management measures, it was noted that, currently, the same ABC/OY specifications and basic management measures are used year-to-year unless significant change in stock status necessitates change in harvest levels. That is, roll over of specifications and measures already occurs where appropriate.

Currently, stock assessment models provide information that is used for the fishing year immediately following the assessment. However, if necessary, assessment models could be tailored to provide

information for a future year rather than the current year. However, concerns might arise if current information, approved by the Stock Assessment Review (STAR) process, was not used for management in the current fishing year.

It was stated that, while a multi-year management cycle might work for stable stocks, it could be problematic for overfished stocks. That is, there is a greater need to consider the most current information for management of rebuilding species. In addition, rolling over current year management (e.g., trip limits) could be inappropriate for species under rebuilding plans. Finally, the statute has a one year deadline for adopting rebuilding plans.

Dr. Ralston suggested that, rather than a September, November, April, June schedule as proposed by Mr. Bohn, an April through November schedule may be more practical as it coincides more closely with the assessment cycle, and could facilitate use of the most current assessment information.

A multi-year management cycle could necessitate amending the groundfish fishery management plan.

If assessments and other scientific information were isolated to specific years, multi-year management could provide more time for work on non-annual management and non-groundfish issues. This presumes that, in an emergency (e.g., significant change in stock health), quick action could be undertaken.

General Discussion

In general, the goal of revising the management process is to provide more time to perform the necessary analytical work and more time for public review/comment. However, extension of the process needs to be balanced with use of the best and most current information.

What transpires over the next several years will influence the management process. If more stocks are declared overfished, management will likely focus on rebuilding stocks. If stocks stabilize, management could move toward multi-year management specifications and measures, especially for long-lived species where rapid population change is unlikely. However, for the near term, the need to rebuild overfished stocks will influence the management process.

Under multi-year management, it was suggested an "Ad Hoc Emergency Management Committee" might be useful to deal with problems as they arise. That is, move toward multi-year management, but institute policies for reacting to emergencies.

It was emphasized that extending annual management workload over four Council meetings will affect other Council responsibilities, (e.g., non-annual management groundfish issues, salmon, coastal pelagic species, and highly migratory species).

There was a brief discussion of the delayed season start, with questions raised about how a delay would affect data gathering, scientific input to the process, and fishing.

Next Steps

The committee needs to identify several alternatives for Council, Council advisory body, and public consideration. The alternatives discussed include:

- I. Status quo – not really an option as the charge of the committee was to develop alternatives to status quo.
- II. Altered Five Council Meeting Annual Management Process – detailed in the timeline.
- III. Altered Five Council Meeting Annual Management Process – same as II, but fishing year runs April 1 - March 31 rather than January 1 - December 31.
- IV. Multi-Year Management Process – September - April (Bohn).
- V. Multi-Year Management Process – June - November (Ralston).

All options could be one or two year cycles and/or include delayed start to fishing season.

The committee discussed the contrast between the Five Meeting and Multi-Year processes. Under the Bohn proposal, final ABCs and OYs are published in the *Federal Register* after two meeting (September - November), whereas management measures are not final until two meetings later (April - June). This could create a problem if ABCs and OYs need to be modified. Under the Five Meeting process, the Council takes action on ABCs and OYs (September), but the specifications are not published in the *Federal Register* until after final adoption of management measures (November). This provides opportunity to adjust ABCs and OYs if necessary. Two goals of revising the management process are to provide more time for public review and more flexibility in developing management measures. The Multi-Year proposal, could provide more time for public review, but might decrease flexibility, because ABC and OY specifications are published in the *Federal Register* well in advance of when annual management measures are finalized.

Transition Strategy

To prevent the November bind from occurring this year, it was suggested the process of presenting and addressing rebuilding information for darkblotched rockfish and widow rockfish start as early as possible. For example, initiate discussion of harvest levels at the June meeting and preliminary management measures at the September meeting.

For most species under the groundfish fishery management plan, there will not be substantial change in harvest levels. However, for widow rockfish, darkblotched rockfish, sablefish, and shortspine thornyhead determination of ABCs and OYs might not be possible until the September meeting.

For 2003, it would be helpful to decide earlier in the year the species to be assessed in 2002.

Information to Include in Report to the Council

There is the need to consider how many groundfish meetings per year, when should those meetings be scheduled, how should the science be scheduled? Consideration needs to be given to the optimal combination of these elements.

Other Council workload (non-annual groundfish management and non-groundfish issues) will need to be factored into the revised schedule.

The Committee also discussed whether they should narrow down the list of alternatives and/or select a preferred alternative. There was general agreement that all options should go forward for further consideration by the Council's advisory bodies. While the Committee did note that status quo is not preferred, no preferred alternative was identified.

It should be emphasized to the Council that, for this year, consideration of rebuilding information should begin as soon as possible. Several items will be critical to formulating management for 2002:

- widow rockfish and darkblotched rockfish rebuilding information;
- canary rebuilding plan and bycatch information from current year (i.e., effectiveness of management);
- resolving Pacific Ocean perch rebuilding analysis questions.

It was suggested the Council consider incorporating the groundfish management review into the Strategic Plan implementation process.

If Multi-Year Management goes forward, the Council might want to consider appointing an Ad Hoc Groundfish Emergency Committee to handle crises that might arise. That is, Multi-Year Management is premised on pre-determined harvest levels and management measures. An Emergency Committee would be charged with monitoring the fishery and determining when changes to harvest levels or

management measures are necessary.

However, for the near future, there was general agreement the fishery will remain unstable. Therefore, the prospect of moving to Multi-Year Management might be unlikely.

It was suggested that as the Council reviews the groundfish management process, it may also be prudent to review the makeup of the groundfish advisory committees.

Public Comment

There was no formal public comment period. Public comment was entertained during the course of the meeting and is captured in the meeting summary.

Adjournment

The GMPC adjourned at 3 p.m., Wednesday, February 14, 2001.

PFMC
02/28/01