



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest Region
7600 Sand Point Way N.E., Bldg. 1
Seattle, WA 98115

DEC 7 2000

Mr. James Lone
Pacific Fishery Management Council
2130 SW Fifth Avenue, Suite 224
Portland, OR 97201

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Dear Jim:

DEVC

I am writing to inform you that I have approved Amendment 12 to the Pacific Coast Groundfish Fishery Management Plan (FMP). As you know Amendment 12 provides a process by which the Council will develop overfished species rebuilding plans and take action on those plans through annual specifications and management measures and other regulatory processes. Amendment 12 also announces that the Pacific Coast groundfish resource is fully utilized by domestic harvesting and processing interests. The final rule to implement Amendment 12 will be published shortly in the Federal Register, and will remove references to foreign fishing from Federal groundfish regulations.

While considering approval or disapproval for Amendment 12, I also re-evaluated the overfished species rebuilding plans for lingcod, bocaccio, and Pacific ocean perch (POP), which I had approved on September 5, 2000. Those plans do not meet the guidelines and requirements of Amendment 12, so in approving Amendment 12, I am revoking my prior approval for those three plans. For the year 2001, the fisheries will continue to operate under the rebuilding measures described in the initial rebuilding plans, to be implemented through the 2001 annual specifications. This letter provides notice that the Council must revise the rebuilding plans for lingcod, bocaccio, and POP so that they conform with Amendment 12, and by January 1, 2002, submit those revised plans for NMFS review.

Through its work on Amendment 12, the Council charted a path for its rebuilding plans that will ensure that those plans conform with the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), yet adapt to the complexity of fisheries management for an 82-species FMP. Initial rebuilding plans for lingcod, bocaccio, and POP were submitted in March 2000, in accordance with the Magnuson-Stevens Act schedule, but before the final adoption of Amendment 12. Now that Amendment 12 has been approved and the Council has a more clear process for rebuilding plan development and contents, the Council needs to close the circle and bring its first three rebuilding plans into conformance with Amendment 12. The remainder of this letter provides a description of the



improvements needed to meet the requirements of Amendment 12, and suggestions for improving the process of rebuilding plan development.

In evaluating rebuilding plans that the Council submits in the future, I will be guided by Section 5.3.6.1 of the FMP, "Goals and Objectives of Rebuilding Plans," and by Section 5.2.6.2, "Contents of Rebuilding Plans," which clearly lists the needed contents of rebuilding plans. These guidelines will ensure that rebuilding plans are thorough in their discussion of biological and socio-economic issues associated with each rebuilding plan, and that the Council has a clear road map for its future harvest and allocation policies.

As with many Council efforts, one of the challenges of writing rebuilding plans will be to present complex scientific information in a way that is clear and readable for the public. However, I expect that providing that information in a consistent format and plain language will benefit not only the public, but Council members facing decisions on rebuilding measures as well. In meeting the FMP requirements for overfished species rebuilding plans, I suggest that you include the following information in each rebuilding plan:

- A description of the status of the "overfished" stock showing how it meets the definition of an "overfished" species, particularly including estimates of current abundance. The target biomass for a rebuilt stock must be identified.
- A description of which fisheries sectors and gear types catch the overfished stock, including a description of how much of the total catch (landed catch + discards) is attributed to each fishery sector or gear type.
- A description of the geographic distribution of the stock, particularly noting any habitat needs, and whether that habitat is adversely affected by human activity (fishing or non-fishing).
- A description of environmental or other life history factors that greatly influence the development of a rebuilding plan.
- A discussion of the regulatory changes that could be necessary and most effective in rebuilding the particular overfished stock and, if applicable, how those changes might integrate with rebuilding measures for other overfished stocks.

In addition to the above discussions and descriptions, each of the alternative rebuilding schedules that the Council considers during rebuilding plan development must include:

- Estimated time to rebuild to Fmsy under proposed harvest/retention levels;

- Harvest policy for that particular rebuilding schedule, (i.e. whether it would be a constant catch level, a constant catch rate based on biomass size, a variable rate based on rebuilding success, etc.);
- Trajectories of expected biomass abundance over the rebuilding period;
- Probability of reaching the target biomass within the rebuilding period.

The rebuilding scenario adopted by the Council must include a clear description of exactly what future actions and commitments were adopted by the Council and why that scenario was adopted over alternative scenarios. Providing this initial clarity will minimize confusion for the Council and the public as the Council returns each year to the rebuilding plans for guidance on regulatory changes. The rebuilding plans must include a reasonable range of alternatives and be accompanied by the appropriate National Environmental Policy Act document. Rebuilding plans must be accompanied by the management recommendations needed to initially implement the plans, such as optimum yields for the upcoming year, annual management measures, or other necessary regulations.

In addition to clarifying rebuilding plan content requirements, I would also like to make a "strawman" proposal for the upcoming Council family discussions on the groundfish management process. The January 2001 meetings on implementing the Strategic Plan and on the groundfish management process, as well as the March 2001 Scientific and Statistical Committee meetings will be considering ways to better integrate the rebuilding plan process into the stock assessment process and the annual management process. The following schedule may bring these processes together to provide the Council with more time to develop rebuilding measures and to consider needed allocations or other regulatory changes and to provide more time for public input:

- Winter months - stock assessments begin. As in the past, the Council would prioritize "species of concern" for new stock assessments.
- May-July - Stock Assessment Review (STAR) panel reviews stock assessments. This is usually the first indication that a stock may be overfished.
- September - Stock assessment teams (STATs) working on assessment for species that are suspected to be overfished provide draft rebuilding scenarios for the Council and the public at the September Council (the biological portions of the plan).
- November - Council adopts initial rebuilding measures as part of the annual specifications package (as we did for widow and

darkblotched rockfish in 2001). Council finalizes information on whether assessed species stock assessment indicates that species is overfished, and post-meeting, begins development of socio-economic portions of the plan.

- January (Year 2) - NMFS declares assessed species as overfished.
- April - Alternative rebuilding scenarios for overfished species proposed at Council meeting. Council determines the suite of regulatory changes that might be needed to implement the rebuilding scenarios (allocation, closed areas, etc.)
- June - Council considers regulatory changes to implement rebuilding plans, particularly measures needed outside of annual specifications and management measures process. Draft rebuilding plans are made available to the public.
- September - Council adopts final rebuilding plan, finalizes any changes to regulations needed to implement the plan. Draft specifications and management measures for Year 3 incorporate rebuilding measures from the finalized rebuilding plan
- November-January - Council finalizes annual specifications and management measures. NMFS drafts regulations to implement rebuilding plans. Council submits plans to NMFS. NMFS sends rebuilding plans out for NMFS public review process.

By proposing this schedule, I am hoping that the Council will have more time and opportunity to consider alternative regulatory schemes that will accomplish rebuilding and minimize the negative effects of rebuilding measures on fishing communities. The Council may wish to discuss this schedule at its April meeting, setting it out for comments from the public and from the Council's advisory committees.

I am encouraged by the commitment that the Council has shown to rebuild overfished species. This is certainly a difficult time for Pacific Coast groundfish fisheries. Through its rebuilding efforts and through the Strategic Plan, the Council has shown that it is meeting the difficulties of overfished species management head-on. NMFS looks forward to working with the Council on future rebuilding programs.

Sincerely,



Donna Darm
Acting Regional Administrator