

2.0 PROCESS AND STANDARDS ALTERNATIVES

Section 2 presents alternative formats and procedures for developing rebuilding plans and implementing measures to rebuild overfished stocks. The following section presents five sets of options, organized around relevant issues. This allows the Council to structure a preferred alternative by combining options identified for each of the five issue categories.

This amendment also makes minor technical additions, corrections, and changes to the FMP. These changes are categorically excluded from analysis as described in Section 6.03.a.3(b)(2) of NAO 216-6. These changes are summarized in Section 2.2 and documented in the amendatory language found in Appendix A, along with those substantive changes to the FMP approved under the authority of the Magnuson-Stevens Act.

2.1 Issues and Options

Four issues related to the development and adoption of rebuilding plans are considered in this section of Part A:

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| Issue 1: | The form and required elements of rebuilding plans |
| Issue 2: | The process for periodically reviewing rebuilding plans. |
| Issue 3: | Defining events or standards that would trigger revision of a rebuilding plan. |
| Issue 4: | The status of rebuilding measures for species subsequently listed under the Endangered Species Act. |

A set of options have been developed for each of the issues identified above and are presented here in Section 2.1.

2.1.1 Issue 1- The Form and Required Elements of Rebuilding Plans

The MSA requires that Councils or the Secretary take action to end overfishing and rebuild any stock that is overfished or approaching an overfished condition. The standard convention for actions taken to rebuild a stock has been termed the "rebuilding plan." Options under this issue encompass the MSA mandate that rebuilding requirements take the form of an FMP amendment or regulation and the status quo where the rebuilding period was specified solely in policy documents.

Issue 1 of Part A to Amendment 16 covers the content that the Council will require and/or consider for inclusion in rebuilding plans. A central part of this issue is the question of what rebuilding parameters and other rebuilding plan elements will be set as part of an FMP or regulation and what related parameters and elements will be specified or explained in supporting policy documents. From the MSA and the NMFS 600 guidelines on the national standards it appears that the only specifically identified element of a rebuilding plan that must be set in the FMP or regulation is the rebuilding time (MSA 304(e)(4)(A)).^{1/} However, when a stock has been overfished, FMP amendments or regulations must be established which

^{1/} While only the target rebuilding time must be part of an FMP or regulatory amendment, there are two constraints placed on Council actions to rebuild overfished species. First, remedial actions must fairly and equitably allocate restrictions and recovery benefits among sectors (MSA 304(e)(4)(B)). This appears to be a more specific application of National Standard 6 and not a new requirement to which councils or the Secretary must respond. Second, for fisheries governed under international agreements, the rebuilding action should reflect traditional participation by fishermen of the US relative to those of other countries (MSA 304(e)(4)(C)). None of the West Coast groundfish species are currently governed under international agreements. The groundfish species most likely to be the subject of a future international agreement is Pacific whiting. Halibut and salmon fisheries do come under international agreements and could be affected by the need to substantially restrict groundfish mortality.

“end overfishing and to rebuild affected stocks” (MSA Section 304(e)(3)(b)).^{2/} Under the current FMP, actions required to “end overfishing and rebuild the affected stock” are generated as regulations under the annual management process, derived from the rules for specifying and managing for the OY. As specified in the National Standard Guidelines (600.310 (f)(1)), “in the case of an overfished fishery, [OY is constrained to an amount of harvest mortality] that provides for rebuilding to a level consistent with producing MSY in such fishery.” The FMP also specifies that OYs will be constrained by rebuilding needs and fishery management regulations established to meet OY. These actions therefore appear to meet the standards of Section 304(e)(3) for rebuilding actions that actions be in FMPs or regulations. However, under Amendment 12 to the Groundfish FMP, the Council set its rebuilding time targets during the annual specification process and did not include these time targets in the FMP or regulations. Thus the Council omitted from its FMP and regulations the single specifically-identified element that is required to be part of a rebuilding action. In addition, NMFS has published ancillary guidance describing a number of other parameters not identified in the MSA that should be included in rebuilding plans.^{3/}

The following tables illustrates the range of possible elements that could be incorporated into an FMP by identifying (1) the parameters that describe the projected growth of the overfished stock towards its rebuilt state (see Section 1.3.2) and (2) other elements of rebuilding plans mentioned in the FMP, MSA, and/or identified through scoping. The way in which those elements would be incorporated into the FMP or regulations is another crucial consideration that is reflected in these options. A “flexible” approach would limit the number of numerically specified (as a quantity for example) parameters; instead, parameters are defined by a formula or algorithm relating the parameter to some other measure. In contrast, a “fixed” approach would specify the value of these parameters. By the same token, other elements of the rebuilding plan could be described generally or specifically. These parameters and elements are listed below with an indication of how they might be described under a flexible strategy versus a fixed strategy. Most of the parameters are defined and described in Section 1.3.2.

Parameters that describe the projected growth of the overfished stock towards its rebuilt state.		
Parameters	Example of a Fixed Specification	Example of a Flexible Specification
B_0	e.g., 1,000 mt	e.g., The product of SPR in an unfished state and the average recruitment during the early years of the fishery
B_{MSY}	e.g., 500 mt	e.g., one-half B_0
T_{TARGET}	50 years (or 2049)	$(T_{max}-T_{min})/2+T_{min}$
T_{MIN}	e.g., 41 years (or 2040)	e.g., The time the stock would be rebuilt in the absence of fishing with at least a 50% probability.

^{2/} CFR 50 Section 600.310 (e)(4)(ii) states that “in cases where overfishing is occurring Council action must be sufficient to end overfishing.”

^{3/} This document, interpreting National Standard 1 Guidelines, notes that “The MSFCMA requires the Secretary of commerce to ‘establish advisory guidelines (which shall not have the force and effect of law), based on the national standards, to assist in the development of fishery management plans.’” (Restrepo, et al. 1998, emphasis in original.)

Parameters	Example of a Fixed Specification	Example of a Flexible Specification
T_{MAX}	e.g., 58 years (or 2057)	e.g., The time needed to rebuild the stock with at least a 50% probability.
Mean Generation Time	e.g., 17 years	e.g., include explicit formula
P_{MAX} (The estimated probability of reaching T_{max} , may not be less than 50%.)	e.g., 52%	must remain >50%
P_{TARGET} (The estimated probability of reaching B_{MSY} on or before T_{TARGET})	e.g., 80%	e.g., must remain >50%
Rebuilding Harvest Strategy (The harvest control rule that will be followed to rebuild a stock in T_{TARGET} years with P_{TARGET} probability. A harvest control rule associates a given stock size (or stock size proxy) with a given level of fishing mortality and a given level of potential harvest.)	e.g., $E = 0.27$	e.g., A constant harvest rate sufficient to rebuild by T_{TARGET} with probability P_{TARGET}

Other elements of rebuilding plans mentioned in the FMP, MSA, and/or identified through scoping.

Element	Example of a Fixed Specification	Example of a Flexible Specification
Allocation (msa §304(E)(4)(b))	e.g., "A specified percentage of the OY will be allocated to limited entry trawl"	e.g., "Limited entry trawl fisheries will be given preference for available OY"
Bycatch	e.g., "Finfish excluders must be used by the shrimp trawl fleet"	e.g., "Bycatch will be minimized through future gear modifications"
Habitat	e.g., A specified portion of EFH for an overfished species is closed to fishing	e.g., "Measures to minimize impacts to overfished species' habitat will be evaluated"
Marine Protected Areas	e.g., A marine reserve will be created in an identified area	e.g., "Marine reserves will be evaluated as part of a species' rebuilding strategy"

Based on these considerations, the following options for the form and content of rebuilding plans have been identified by the Council:

Option 1a **There is no framework for specifying the form of rebuilding plans (status quo).** The FMP as amended by Amendment 12 directs the Council to prepare and adopt rebuilding plans as policy guidance documents as described in FMP Section 5.3.6 (Stock Rebuilding Requirements). However, the Court remanded Amendment 12 (see Section 1.3.2 of this document) without proposing specific changes to FMP language. For the purposes of describing the status quo, the remand can be interpreted to mean that all references in the FMP to rebuilding plans as policy documents submitted as part of the annual management process are struck out. Therefore, although the FMP describes the contents of rebuilding plans, it does not describe their form and there is no framework for rebuilding plan adoption. Currently management measures described in section 6.2 of the FMP—including automatic actions, notices, abbreviated rulemaking actions, and full rulemaking actions—are used to implement interim rebuilding plans.

Option 1b **Require that specified elements of rebuilding plans are incorporated into the FMP by amendment.** For each overfished species, the FMP would be amended to specify the rebuilding period as numerical values for the following parameters: (1) T_{MIN} (2) T_{MAX} , (3) T_{TARGET} (4) P_{MAX} (the probability of rebuilding within T_{MAX}) and the rebuilding trajectory and/or the target control rule designed to achieve rebuilding by T_{TARGET} (specified as a date), (5) the rebuilding harvest control rule that will set annual harvest rates for species in question and which will be applied to the current stock assessment. The FMP would also include an estimate of B_{MSY} for each overfished species, described as either a numerical value, formula or algorithm. The FMP could be amended to include other elements currently described in Section 5.3.6.2 of the FMP (as identified in the preceding table).

Option 1c **Specified elements of rebuilding plans are incorporated into regulations at 50 CFR 660.** For each overfished species, regulations would be amended to incorporate the same set of elements as described under Option 1b.

(Tables 2-1a and 2-1b provide more detailed information about these options.) As noted above, rebuilding measures are actually implemented through the annual process of specifying management measures, as described in Section 6.2.1 of the FMP. These options identify different ways that substantive elements could be incorporated into the FMP, regulations, or both in order to obligate the Council and NMFS to manage towards identified targets and use certain measures.

What rebuilding measures and rebuilding plan parameters and elements are incorporated into the FMP or regulations, and the way in which they are incorporated (fixed or flexible), will mainly affect administrative workload; if more material is incorporated it will be correspondingly more difficult to make changes based on new information about the stock. (Issues 2 and 3 deal with the review and update of rebuilding measures.) FMP and regulatory amendments must be accompanied by substantial documentation, as required by the MSA, NEPA and other applicable law. These requirements apply to the initial amendment process and would also likely be required if parameters or elements need to be changed, based on new stock assessments, for example. Conversely, rebuilding elements that remain solely policy prescriptions to guide future Council decision making (during the annual specification of management measures, for example) could be updated by the Council with advance notice to the public and an opportunity for public comment, and as long as these changes are supported by the best available science and sufficiently documented. Although the management process may not change very much if rebuilding plan elements become part of the FMP or regulations (since the Council already adheres to interim rebuilding plans when developing annual management measures), public perceptions about the process could be influenced. If more elements are specified in the FMP or regulations, members of the public that are

skeptical that the Council will adhere to policies intended to rebuild stocks may be reassured. In addition, any changes to the rebuilding strategy, reflected in rebuilding plan elements, would be accompanied by a more extensive process with greater opportunity for public comment.

The administrative cost associated with a more involved process to incorporate rebuilding plan elements and subsequently update them can be measured as the direct value of the time and various expenses associated with the management process. Where administrative resources are limited, the costs can also be evaluated in terms of the lost opportunity for addressing other policy problems in the fishery. For example, the time and resources needed to amend a rebuilding plan may detract from managers' ability to improve capacity controls in the fishery. In this example the opportunity costs of the administrative action may be viewed as the difference in net benefits between the status quo capacity controls and the improved capacity controls that are delayed because of the need to modify a rebuilding plan.

2.1.3 Issue 2- The Process For Periodically Reviewing Rebuilding Plans

Although the MSA requires that the Secretary review rebuilding plans at least every two years (§304(e)(7)), an equivalent obligation is not assigned to the councils. Nonetheless, periodic Council review is advisable because changing environmental conditions and unanticipated events make it unlikely that overfished stocks will rebuild precisely to the trajectory that is forecast at the outset of the rebuilding period. Reviews allow the Council to decide if rebuilding measures need to be modified, which would likely entail an FMP or regulatory amendment, or both, depending on the options chosen above. Issue 4 is closely related to the periodic review process because options for the standards triggering a revision are outlined.

Option 2a **The Council reviews rebuilding plans at least every two years (status quo).** Periodic review is required (with a two-year maximum interval). The Council may propose revisions to existing plans at any time in accordance with the amendment process appropriate for the form of the plan (see Issue 1). Rebuilding plans are reviewed with respect goals 1-5 defined in Section 5.3.6.1 of the current FMP. These goals are: (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, including adverse impacts on fishing communities; (3) fairly and equitably distribute both the conservation burdens (overfishing restrictions) and recovery benefits among commercial, recreational and charter fishing sectors; (4) protect the quantity and quality of habitat necessary to support the stock at healthy levels in the future; and (5) promote widespread public awareness, understanding and support for the rebuilding program.

Option 2b **The Council reviews rebuilding plan goals 2-5 every two years, but goal 1 only with new stock assessments.** As with option 2a, rebuilding plans are reviewed at least every two years to determine the success of the management measures in meeting rebuilding plan goals 2-5 defined in Section 5.3.6.1 of the FMP. New stock assessment data will be used to determine the success of the management measures in meeting the rebuilding plan goal 1. The Council may propose revisions to existing plans at any time, although in general this will occur only during the annual management process. Any revisions to the rebuilding plan must also be approved by NMFS.

Option 2c **The Council reviews rebuilding plan goals 2-5 every two years; goal 1 is reviewed after stock assessments conducted according to a schedule described in the rebuilding plan.** This is the same as Option 2b except that a schedule for stock assessments is specified in the rebuilding plan and driven by the stock dynamics. For example, more frequent reviews and assessments would be conducted for more

productive stocks. The schedule is also structured so that stock assessments and rebuilding plan reviews occur more often as T_{TARGET} draws closer.

Option 2d **The Council reviews rebuilding plan goals 2-5 every two years; goal 1 is reviewed after stock assessments conducted according to a pre-specified schedule described in the FMP.** This is the same as the preceding option except that the FMP would specify the following assessment schedule for all overfished stocks: every 4 years when T_{max} is 20 years or more away and then every 2 years until the stock is rebuilt.

Option 2e **The Council will defer review to the Secretary.** The Council may propose revisions to existing plans at any time but these must be approved by NMFS. Each year the Council will compare actual harvest mortality to the harvest mortality goals identified in the rebuilding plan. They will also evaluate progress in rebuilding the stock biomass to the MSY level after each new stock assessment. This would be described in annual SAFE documents and the ongoing social and economic impacts of harvest policies necessary to rebuild overfished species would be evaluated in aggregate as part of annual specification of harvest regulations, which is supported by a NEPA analysis. The SAFE document should assist the Secretary in conducting MSA-mandated two-year reviews (§304(e)(7)). A draft of any Secretarial review will be provided to the Council so that they can make comments before it is finalized.

For options 2b, 2c, 2d, and 2e the Council's annual SAFE document will provide (1) the most recent information available on the best estimate of total fishing mortality for comparison to target fishing mortality levels described in the rebuilding plan; (2) the most recent assessment of stock size compared to the expected stock size for the rebuilding trajectory; (3) information on allocation and the social and economic status of the fishery. As noted, this information, and the record of Council actions to protect habitat and promote public awareness of rebuilding programs, would also support the MSA-mandated Secretarial review.

New assessments can result in better estimates of biological parameters or fisheries descriptors. Once incorporated into a new rebuilding analysis, this can result in a dramatic change in rebuilding parameters such as the estimated probability that a stock can rebuild in the time specified, in comparison to previous analyses. For example, as a result of the most recent canary rockfish assessment (Methot and Piner 2002) scientists concluded that the stock was less productive (in terms of expected recruitment) than previously thought because of a new estimate of the steepness of the spawner-recruit curve. This in turn increased the estimated value for T_{MIN} , and thus other rebuilding parameters. In addition, a new estimate of selectivity (the size or age classes typically removed by fishing) for a given fishery or the removals allocated to different fisheries with different selectivity patterns can change the estimated rebuilding time even though total catch remains the same. Again citing the most recent canary rockfish assessment, if the estimated proportion of total catch taken by recreational fisheries increases, the target rebuilding year will be delayed because of the generally smaller size (corresponding to younger fish) that recreational fishers take in comparison to commercial fisheries.

The choice between these options will mainly affect administrative burden, and to a certain degree, the distribution of that burden among agencies. Under Options 2a through 2d the Council would formally review rebuilding measures at least every two years; these reviews would provide much of the information needed by the Secretary for his MSA-mandated biennial review. Although the Council would not conduct a formal review under Option 2e, the analyses and information resulting from annual specification process would allow the Council and the Secretary to evaluate rebuilding progress and performance. More frequent review would increase administrative burden; and if such reviews required more extensive revision of the FMP or regulations (depending on the options chosen under Issue 1) this too would result in a heavier workload.

2.1.4 Issue 3- Amending Rebuilding Plans and Adequacy of Progress

Issue 2 contemplates periodic reevaluation of rebuilding measures. It is expected the rebuilding plans would be revised (and necessary FMP or regulatory amendments made) when these periodic reviews reveal a significant discrepancy between current stock status (most likely expressed as the probability of achieving rebuilding within the target time period) and that projected in the original rebuilding plan or in earlier reviews. In most cases the harvest strategy can be adjusted during the annual specification process (or at any other time if necessary) so that rebuilding targets can be met, although this could also require an FMP or regulatory amendment (based on the option chosen under Issue 1). However, there may be times when new information results in a change to some other crucial parameter (B_0 for example), affecting a whole range of other parameters. In these cases the rebuilding plan would be revised, and the FMP and/or regulations amended to change those elements incorporated therein. The options outlined below detail various standards that could be used to decide if such revisions and emendations are necessary.

- Option 3a** **No standards to evaluate rebuilding progress (status quo).** Currently, the FMP does not describe a standard to evaluate the adequacy of rebuilding measures and determine if rebuilding parameters or management measures need to be changed.
- Option 3b** **A standard based on a minimum P_{MAX} value.** If the probability of achieving T_{MAX} falls below 50% (the required minimum value), then progress will be considered inadequate and harvest strategy (constant harvest level or exploitation rate) must be adjusted to increase the probability of rebuilding within the maximum time to at least 50%. Other needed changes to rebuilding measures would also be considered. Depending on what options are chosen under Issues 1 and 2, FMP and/or regulatory amendments may be required.
- Option 3c** **A standard based on the specified P_{MAX} value.** This option is identical to option 3b except that the probability of achieving T_{MAX} established in the rebuilding plan (as modified during previous reviews) is used as the standard. If the measured value is below this value then the procedures identified under option 3b would be implemented.
- Option 3d** **Rebuilding plans will be revised whenever new information from stock assessments or rebuilding analyses reveals a significant change in rebuilding parameters.** The Council, in consultation with the SSC and GMT, will determine on a case-by-case basis whether there has been a "significant" change in a parameter.
- Option 3e** **A specific standard for determining when progress has been adequate is established for each plan.** No generic standard is identified in the FMP for all overfished species. Instead, the FMP would require that each rebuilding plan identify such a standard from a list of possibilities based on the options outlined above.

These options encompass a range of standards that could be used to evaluate progress in rebuilding overfished stocks.

Options 3b and 3c bracket a range of other possible policies; for example, a required rebuilding plan revision could be triggered by some other probability value, such as one halfway between the specified value (P_{MAX}) and the minimum value (50%). Generally, a standard that allows the probability to deviate significantly from the specified value risks triggering a sudden, substantial change in the harvest policy with attendant disruptive effects on fisheries. For example, if a specified P_{MAX} of 80% declines over several years to a value below 50%, the required harvest policy change at that point would result in a sudden large reduction in that year's OY, with attendant effects on the fishery. On the other hand, this

strategy, by giving relatively wide latitude for changes in P_{MAX} , would lessen the frequency of required revisions to the rebuilding plan (and attendant FMP and regulatory amendments), reducing administrative burden.

Options 3d and 3e would allow relatively more flexibility by giving the Council some control over when and whether to revise rebuilding plans. Option 3e emphasizes a procedural approach that relies on judgements made as part of the Council process. Like the choice of other more flexible components of a rebuilding process and standards framework, there is some risk that the public will not trust these judgements. Option 3e maintains flexibility by allowing standards to better match the characteristics of a particular overfished stock.

Generally, the choices reflected in these options represent tradeoffs between the rebuilding objectives, the social and economic needs of fishing communities, and benefits of the fishery to the nation. In developing rebuilding plans the Council chooses a harvest policy (harvest control rule) that accords with a given rebuilding time and probability. A determination that the rebuilding plan can be allowed to fall behind schedule so long as the probability of rebuilding in T_{MAX} is more than 50%, implies that administrative opportunity costs are sufficiently high and the short-term benefits to the community are likely to be sufficiently important that harvest levels specified in the control rule should be maintained as long as the minimum rebuilding standard is being met. (But as noted above, this approach could result in sudden large and disruptive changes in harvest policy.) In contrast, selection of a more rigid standard would entail frequent rebuilding plan revisions and FMP or regulatory amendments, implying that the administrative opportunity costs of frequent revision and amendment are low enough and potential lost opportunity from not re-evaluating the rebuilding program (in terms of future returns to the fishery for example) are so high that rebuilding measures should be re-evaluated whenever stock increases fall behind schedule.

2.1.5 Issue 4- ESA Listed Species

Option 4a **No special provisions (status quo).** There are no special provisions for rebuilding plans for species listed under the Endangered Species Act.

Option 4b **ESA jeopardy standards or recovery plans take precedence if they establish a higher standard.** A jeopardy standard or recovery plan for an overfished stock listed under the ESA will supercede the rebuilding plan only if that standard is more restrictive than what would be required for that species under the MSA. If the species were de-listed, but still not considered recovered under the MSA and the original rebuilding plan, then that plan would again determine harvest policy and other management measures until the stock is fully rebuilt. After de-listing, an the rebuilding plan may need to be revised to take into account the changed status of and new information about the overfished stock.

[The Council may wish to consider another option more closely modeled after provisions in the Salmon FMP. As part of Amendment 16 the FMP would be amended so that any rebuilding plan requirements, or other Council management objectives, would be superceded by jeopardy standards pursuant to a Biological Opinion for a listed species. Any such biological opinion would presumably take into account existing rebuilding measures in formulating jeopardy standards or recovery plan measures.]

Under Option 4a (status quo), if a groundfish stock is listed, the Council might have to develop another plan amendment to address the listing and jeopardy standard or recovery plan. Before such an amendment was approved there could also be some uncertainty about how these species should be managed in the event of a listing. Option 4b anticipates the possibility that a groundfish species could be listed under the ESA and establishes a contingency for dealing with such an event. This option is similar to a provision in the Salmon FMP under which escapement goals for a particular stock are automatically

replaced by the jeopardy standard or recovery plan when a stock is listed, except that measures under the MSA would take precedence if they establish a higher standard than the ESA. Option 4b would reduce future administrative costs by obviating the aforementioned plan amendment and by clarifying procedures and processes in the event of a listing. This would facilitate quicker reaction by the Council to any requirements of any such jeopardy standard or recovery plan.

2.2 Summary of Minor Technical Additions, Corrections and Changes to the FMP

As noted at the beginning of this chapter, various changes will be made to the FMP as part of this amendment that are not substantive in the sense of affecting fishery management policies, procedures or measures. They are therefore categorically excluded from analysis based on the criteria established in Section 6.03.a.3(b)(2) of NAO 216-6, and 40 CFR 1500.4(p), 1508.4 and other sections of CEQ regulations. These changes are summarized here.

The species list in section 3.1. of the FMP, Species Managed by this Fishery Management Plan, is not consistent with the groundfish species list in the annual specification and management measures (FR 67 10490; March 7, 2002) or the list at 50 CFR 660.302. The proposed measure would correct all misspellings and would specifically identify the following rockfish: chameleon (*Sebastes phillipsi*), dwarf-red (*Sebastes rufianus*), freckled rockfish (*Sebastes lentiginosus*), halfbanded (*Sebastes semicinctus*), pinkrose (*Sebastes simulator*), pygmy (*Sebastes wilsoni*), swordspine (*Sebastes ensifer*), widow (*Sebastes entomelas*), yelloweye (*Sebastes ruberrimus*) yellowmouth (*Sebastes reedi*), and yellowtail (*Sebastes flavidus*).

The terms "maximum fishing mortality threshold" (MFMT) and "minimum stock size threshold" (MSST) are used in the National Standard Guidelines and are intended for use as benchmarks to decide if a stock or stock complex is being overfished or is in an overfished state. The terms used to describe these same thresholds in the FMP are different from those used in the National Standard Guidelines (i.e., MFMT is the same as the F_{MSY} control rule described in the FMP and MSST is the same as the overfished/rebuilding threshold described in the FMP.) To address consistency in terminology, the equivalent terms should be defined in Sections 4.1 and 4.4 of the FMP.

The National Standard Guidelines suggest that the annual SAFE document contain a description of each stock or stock complex (50 CFR 600.315 (e)(3)). Because the MFMT and MSST are important benchmarks used to determine if overfishing has occurred or if a stock or stock complex is in an overfished state, Section 5.2 of the FMP, should call for the MFMT and MSST for stocks or stock complexes to be listed in SAFE documents. In addition, the last paragraph of Section 5.2 regarding the SAFE document availability and completion schedule is out of date and does not reflect the SAFE document schedule for 2002 and beyond.

Sections 4.2, 4.3.1, and 4.5.1 of the FMP list, summarize and/or reference the F_{MSY} proxies adopted in 1998. The 1998 values are used throughout these sections as examples in the describing F_{MSY} proxies. In spring 2000, the Council's Scientific and Statistical Committee sponsored a workshop to review the Council's groundfish exploitation rate policy. For 2001 and beyond, the Council adopted the SSC's new recommendations for harvest policies of: F40% for flatfish and whiting, F50% for rockfish (including thornyheads) and F45% for other groundfish such as sablefish and lingcod (66 FR 2338, January 11, 2001). The 1998 F_{MSY} proxy values used as examples in the FMP should be updated to reflect the Council's current policy.

References to an at-sea observer program in Sections 4.3.1.3, 4.4.2, and 4.6 indicate that no observer program exists from which data are available to upgrade stock assessments and evaluate overfishing. This text is outdated and should be updated to reflect the implementation of an at-sea observer program in 2001.

Chapter 4 contains several references to Council use of the mixed stock exception for setting OYs. These references do not comply or reference the current standards for invoking the mixed stock exception. The text needs to be updated to reflect the standards for invoking the mixed stock exception.

Chapter 5 is designated to cover the annual management process but includes numerous references to the development of rebuilding plans, which will not be on an annual cycle. Additionally, discussion of some topics is spread through numerous sections. The topic for Chapter 4 is OYs. Chapter 4 is a one page chapter in which OYs are discussed in general terms. The specific considerations and constraints that go into establishing OYs are specified in Chapter 5. A reorganization of Chapters 4 and 5 is proposed to: (1) place in Chapter 4 all considerations and constraints that go into establishing OYs, including the process and standards for establishing rebuilding plans; (2) place all provisions related to the annual management process in Chapter 5; and (3) reorganize the sections to construct a more concise document. The proposed reorganization is documented in Appendix A.

The Council may either (1) not approve these changes to the FMP, which would maintain the status quo, or (2) approve any or all of these changes:

- a) revise the list of species managed under the FMP;
- b) address differences in the use of the terms maximum fishing mortality threshold (MFMT) and the minimum stock size threshold (MSST) and the National Standards Guidelines;
- c) change SAFE document Section 5.2 to include a description of the MFMT and MSST;
- d) update last paragraph of Section 5.2 regarding the SAFE document availability and completion schedule;
- e) update Sections 4.2, 4.3.1, and 4.5.1 of the FMP to include the Council adopted the SSC's new recommendations for harvest policies of: F40% for flatfish and whiting, F50% for rockfish (including thornyheads) and F45% for other groundfish such as sablefish and lingcod ;
- f) update the references to an at-sea observer program in sections 4.3.1.3 , 4.4.2 and 4.6; and
- g) reorganize Chapters 4 and 5 to produce a more concise document.