

GROUND FISH FISHERY MANAGEMENT PLAN (FMP) AMENDMENT 16 - REBUILDING PLANS

Situation: There are nine overfished groundfish species on the west coast managed under Council interim rebuilding measures adopted at previous meetings as either rebuilding plans or rebuilding strategies for yet-to-be completed rebuilding plans. As a result of litigation, the Federal District Court for the Northern District of California ruled in August 2001 that rebuilding plans for all nine species are required to be formally adopted as either fishery management plan (FMP) amendments or regulatory amendments, not as the policy documents the Council had adopted. Additionally, the court ruled that the process of adopting the framework for rebuilding plans was inadequate under the National Environmental Policy Act (NEPA). This effectively means there are no approved rebuilding plans in place at this time.

The Council decided in November 2001 that a FMP amendment package should be prepared to framework the process and standards for incorporating rebuilding plans into the FMP or into regulations. Subsequently, a draft amendment package (FMP Amendment 16) was prepared with a Process and Standards for Rebuilding Plans section and elements of rebuilding plans for darkblotched rockfish, Pacific ocean perch (POP), lingcod, and cowcod. This document was considered by Council in June 2002, and a motion was passed restructuring the alternatives in the Process and Standards section. In November 2002 the Council chose preferred alternatives for all process and standards issues, except a part of Issue 1: the form and required elements of rebuilding plans. Although the Council recommended adopting rebuilding plan elements as regulations, the Council did not decide which elements should be so adopted. The Council also provided guidance on alternatives that should be analyzed in the individual species' rebuilding plans as well as other analytical elements.

Since the June 2002 meeting, a new organization for the Amendment 16 rebuilding plan package has been developed and a slightly different process is proposed for incorporating rebuilding plan elements in regulations. The first component, the Process and Standards for Rebuilding Plans, would now be analyzed in an Environmental Assessment and be labeled as number 16-1 of the amendment package (Attachment 2). Four individual species' rebuilding plans would be included in a second component, analyzed in a single draft EIS as Amendment 16-2. The remaining rebuilding plans would be incorporated in one or more subsequent EIS documents, all of which would be part of an Amendment 16 package. The numbering and organizational approach for Amendment 16 drafts would then be:

- Amendment 16-1: Process and Standards for Rebuilding Plans
- Amendment 16-2, Part I: Introduction to Species Specific Groundfish Rebuilding Plans (not available at this time)
- Amendment 16-2, Part II: Darkblotched Rockfish Rebuilding Plan
- Amendment 16-2, Part III: Pacific Ocean Perch Rebuilding Plan
- Amendment 16-2, Part IV: Canary Rockfish Rebuilding Plan
- Amendment 16-2, Part V: Lingcod Rebuilding Plan
- Amendment 16-2, Part VI: Environmental Overview (not available at this time)
- Amendment 16-2, Part VII: Combined and Cumulative Effects (not available at this time)
- Amendment 16-3: Rebuilding Plans for Cowcod, Yelloweye Rockfish, and Widow Rockfish (tentatively scheduled for first consideration at the November 2003 Council meeting)
- Amendment 16-4: Rebuilding Plans for Bocaccio Rockfish and Pacific Whiting (tentatively scheduled for first consideration at the November 2003 Council meeting or later)

The anticipated schedule for Council activity on Amendment components 16-1 and 16-2 is a two-meeting process, with approval of public review drafts at the April Council meeting, public review between the April and June Council meetings, and final Council action at the June Council meeting. A more detailed workplan timeline for completing rebuilding plans is contained within a groundfish workplanning matrix shown in Attachment 1.

The Council should consider the organization of the Amendment 16 package, the proposed timeline for completing rebuilding plans, and choose a preferred alternative for Issue 1 in the Process and Standards for Rebuilding Plans EA.

Draft rebuilding plans for darkblotched rockfish, POP, lingcod, and canary rockfish are presented to the Council in Attachments 3-6 in this exhibit and are labeled Parts II-V of the Amendment 16-2 package. These draft rebuilding plans are not currently ready for formal public review since they have incomplete or missing elements (e.g., minimal or missing socioeconomic analyses). However, the Council is asked to consider whether the rebuilding plan analyses and other content are appropriate and provide guidance on elements that should be included in the public review draft of this amendment package. It is recommended that the darkblotched rockfish rebuilding plan (Attachment 3) be used as a template in these discussions.

Council staff has prepared two PowerPoint presentations to use at the Council meeting to navigate consideration of the Amendment 16 package and to bring a focus on the elements where the Council should provide guidance.

Council Action:

1. Adopt Amendment 16 Elements for Public Review.

Reference Materials:

1. Proposed Timeline for Completing Groundfish and Annual Specifications NEPA documents and Rebuilding Plans (Exhibit E.5, Attachment 1).
2. Draft Amendment 16-1 to the Pacific Coast Groundfish Fishery Management Plan; Process and Standards for Rebuilding Plans; Including Environmental Assessment and Regulatory Analyses (Exhibit E.5, Attachment 2).
3. Draft Amendment 16-2, Part II to the Pacific Coast Groundfish Fishery Management Plan; Draft Darkblotched Rockfish Rebuilding Plan (Exhibit E.5, Attachment 3).
4. Draft Amendment 16-2, Part III to the Pacific Coast Groundfish Fishery Management Plan; Draft Pacific Ocean Perch Rebuilding Plan (Exhibit E.5, Attachment 4).
5. Draft Amendment 16-2, Part IV to the Pacific Coast Groundfish Fishery Management Plan; Draft Canary Rockfish Rebuilding Plan (Exhibit E.5, Attachment 5).
6. Draft Amendment 16-2, Part V to the Pacific Coast Groundfish Fishery Management Plan; Draft Lingcod Rebuilding Plan (Exhibit E.5, Attachment 6).

Agenda Order:

- a. Process and Standards
- b. Rebuilding Plans Kit Dahl
John DeVore
 - i. Darkblotched Rockfish
 - ii. Pacific Ocean Perch
 - iii. Lingcod
 - iv. Canary Rockfish
- c. Reports and Comments of Advisory Bodies
- d. Public Comment
- e. **Council Action:** Adopt Amendment 16 Elements for Public Review

PFMC
03/25/03