

FMP AMENDMENT 16-3: REBUILDING PLANS FOR BOCACCIO,
COWCOD, AND WIDOW AND YELLOWEYE ROCKFISH

Situation: The U.S. Secretary of Commerce has declared nine West Coast groundfish species overfished. In 2000, the Council adopted Groundfish fishery management plan (FMP) Amendment 12 to establish a framework for rebuilding overfished stocks pursuant to the 1996 Sustainable Fisheries Act. However, in August 2001 the Federal District Court for the Northern District of California remanded this amendment based on a successful legal challenge, ruling that the Council must formally adopt rebuilding plans as either FMP amendments or regulatory amendments, not as the policy documents the Council had adopted. Additionally, the court ruled the process of adopting the framework for rebuilding plans was inadequate under the National Environmental Policy Act (NEPA). In response, the Council developed Amendment 16-1, which establishes a legally-compliant framework for the adoption and implementation of rebuilding plans. This amendment was adopted by the Council at the September 2003 meeting and approved by NMFS on November 14, 2003. The Council developed Amendment 16-2, containing rebuilding plans for canary rockfish, darkblotched rockfish, lingcod, and Pacific ocean perch, concurrently with the framework, also adopting preferred alternatives at the September 2003 meeting. NMFS approved this amendment on January 30, 2004.

Amendment 16-3 contains rebuilding plans for bocaccio, cowcod, widow rockfish, and yelloweye rockfish. The Council adopted a set of alternatives for evaluation in a Draft Environmental Impact Statement (DEIS) at the November 2003 meeting. Council staff have written the DEIS, which was released for the required 45-day public comment period in advance of this Council meeting. The DEIS does not contain the Council's preferred alternative. (If it does not yet exist, an agency may release a DEIS without identifying the preferred alternative, 40 CFR 1502.14(e).) NMFS is under a federal court order to sign a Record of Decision for this action by September 15, 2004. Given this time constraint and staff workload in the period between the April and June Council meetings, releasing the DEIS in advance of identifying a preferred alternative creates a more efficient process while not substantially diminishing the public's opportunity to comment on Council action.

The Council task at this meeting is to consider final adoption of preferred alternatives for the species rebuilding plans in Amendment 16-3. The action alternatives are arrayed according to common sets of rebuilding probabilities (P_{MAX} values), ranging from lows of 60% for bocaccio, widow rockfish, and yelloweye rockfish and 55% for cowcod under Action Alternative 1, to a high of 90% for the three aforementioned species and 60% for cowcod under Action Alternative 4. However, according to the rebuilding framework implemented under Amendment 16-1, the rebuilding plans need to adopt the target year (T_{TARGET}) and harvest control rule corresponding to the selected rebuilding probabilities. Based on the rebuilding plans, the Council would then manage groundfish stocks to rebuild by the target year; the rebuilding probabilities would likely change over time, but must remain above 50%. The DEIS contains a reasonable range of alternatives, but the Council may choose to combine targets for individual species from the different action alternatives to identify their preferred alternative. Council staff will prepare the final EIS (FEIS), including specification and analysis of preferred alternatives and responses to comments received, at the end of the 45-day public comment period.

Amendment 16-1 also requires that a specific standard be established for each rebuilding plan for determining when rebuilding progress has been adequate. The Council should consider tasking the Scientific and Statistical Committee (SSC) with developing a Terms of Reference for the standards and criteria for periodic review of rebuilding plans to determine adequacy of rebuilding progress as has been done for Amendment 16-2 rebuilding plans. Those Terms of Reference could include elements contained in the SSC's Terms of Reference for development of groundfish stock assessments. A revised Terms of Reference is currently scheduled to be available for Council consideration in November 2004.

Council Action:

- 1. Adopt preferred alternatives for Amendment 16-3 species' rebuilding plans.**
- 2. Consider tasking the SSC with developing a Terms of Reference for the standards and criteria for periodic review of rebuilding plans.**

Reference Materials:

1. Exhibit C.12.a, Attachment 1: Amendment 16-3 to the Pacific Coast Groundfish Fishery Management Plan; Rebuilding Plans For Bocaccio, Cowcod, Widow Rockfish and Yelloweye Rockfish; Draft Environmental Impact Statement Including Regulatory Impact Review and Initial Regulatory Flexibility Analysis.
2. Exhibit C.12.a, Attachment 2: Appendices to Amendment 16-3 Draft Environmental Impact Statement (*on CD*).

Agenda Order:

- a. Agendum Overview
- b. Reports and Comments of Advisory Bodies
- c. Public Comment
- d. **Council Action:** Adopt Final Preferred Alternatives

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03/22/04