

## PACIFIC FISHERY MANAGEMENT COUNCIL

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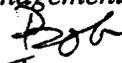
EXECUTIVE DIRECTOR  
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October 13, 2004

Mr. Robert Lohn  
Regional Administrator  
National Marine Fisheries Service  
Northwest Region  
7600 Sand Point Way NE, Bin C15700  
Seattle, WA 98115-0070

Re: Council recommendation for modifying the *Pacific Coast Groundfish Fishery Management Plan* amendatory language adopted under Amendment 17.

  
Dear Mr. Lohn:

The Pacific Fishery Management Council (Council) met September 13-17, 2004 in San Diego, California to consider, among other matters, Pacific Coast groundfish fishery management plan (FMP) amendatory language approved under Amendment 17. The Council wished to revisit the final Council action on Amendment 17 taken at its November 2002 meeting, as it did not appear the FMP amendatory language approved by the Secretary of Commerce (Secretary) accurately reflected what the Council had adopted.

The portion of Amendment 17 in question concerned the policy and process for considering potential modifications of specified optimum yields during a biennial management cycle. Throughout the developmental process for Amendment 17, there had been concern there may be a need to modify optimum yields based on new groundfish stock assessments or rebuilding analyses that become available midway through a biennial management cycle. The Council reviewed the original motion language, associated reference documents available at the November 2002 Council meeting, the Council transmittal letter, as well as the National Marine Fisheries Service (NMFS) approval letter and approved Amendment 17 language.

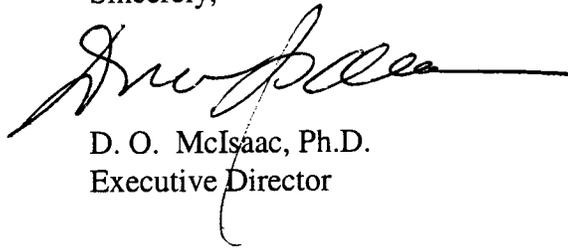
The Council confirmed the original action was to allow consideration of both decreases and increases of optimum yields due to new stock assessments for any species of concern to the Council. The language considered for Secretarial approval, and ultimately approved, only applied to potential decreases in optimum yields previously specified for overfished species, which was not recommended by the Council. Under Section 304(a)(3) of the Magnuson-Stevens Fishery Conservation and Management Act, the Secretary shall either approve, partially approve, or disapprove a Council recommendation, not add features the Council did not recommend. Therefore, it follows the associated amendment language that was actually approved by Secretarial action concerning adjustments to pre-specified optimum yields is null. Please acknowledge the attached language in brackets and gray highlight from FMP Section 5.7.1 is not in effect.

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The Council discussed moving forward to create an appropriate mid-cycle adjustment process to accommodate new scientific information. It is the Council's intent to develop the criteria, thresholds, mechanisms, and policy for considering mid-process optimum yield adjustments by early next year, prior to the next round of adopting groundfish stock assessments for management decision making. The Council tasked Council staff with beginning the process of developing the criteria and thresholds, and mechanisms for such mid-process adjustments, with general direction that adjustments be a rare event. Council staff will arrange for initial technical analyses and schedule a meeting of the Council's Ad Hoc Groundfish Information Policy Committee after the November 2004 Council meeting. A two-Council meeting process with an appropriate Environmental Assessment analysis is envisioned.

Should you have any questions on these matters, please don't hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "D. O. McIsaac", with a long horizontal flourish extending to the right.

D. O. McIsaac, Ph.D.  
Executive Director

JDD:kla

Enclosure

c: Council Members  
Dr. Steve Freese  
Ms. Eileen Cooney

## EXCERPT FROM THE PACIFIC COAST GROUND FISH FISHERY MANAGEMENT PLAN

### 5.7 Inseason Procedures for Establishing or Adjusting Specifications and Apportionments (previously 5.9)

#### 5.7.1 Inseason Adjustments to ABCs, OYs, HGs, and Quotas

Under the biennial specifications and management measures process, stock assessments for most species will become available every other year, prior to the November Council meeting that begins the three-meeting process for setting specifications and management measures. The November Council meeting that begins that three-meeting process will be the November of the first fishing year in a biennial fishing period. **[If the Council determines that any of the ABCs or OYs set in the prior management process are not adequately conservative to meet rebuilding plan goals for an overfished species, harvest specifications for that overfished species and/or for co-occurring species may be revised for the second fishing year of the then current biennial management period.]** Occasionally, new stock assessment information may become available inseason that supports a determination that an ABC no longer accurately describes the status of a particular species or species group. However, adjustments will only be made during the annual specifications process and a revised ABC announced at the beginning of the next fishing year.

The only exception is in the case where the ABC announced at the beginning of the fishing year **Beyond this process, ABCs, OYs, HGs, and quotas may only be modified in cases where a harvest specification announced at the beginning of the fishing period** is found to have resulted from incorrect data or from computational errors. If the Council finds that such an error has occurred, it may recommend the Secretary publish a notice in the *Federal Register* revising the **ABC incorrect harvest specification** at the earliest possible date.

NOTE: Gray highlight added for emphasis.