NATIONAL MARINE FISHERIES SERVICE REPORT

National Marine Fisheries Service (NMFS) Northwest Region will briefly report on recent regulatory developments relevant to groundfish fisheries and issues of interest to the Council.

NMFS Northwest Fisheries Science Center (NWFSC) will also briefly report on groundfish-related science and research activities.

Council Task:

Discussion.

Reference Materials:

1. Agenda Item H.1.b, Attachment 1: *Federal Register* Notices Published Since the Last Council Meeting.

Agenda Order:

a.	Agenda Item Overview	Kelly Ames
b.	Regulatory Activities	Frank Lockhart
c.	Fisheries Science Center Activities	John Stein and Michelle McClure
d.	Reports and Comments of Advisory Bodies and Management Entities	
e.	Public Comment	
f.	Council Discussion	

PFMC
02/12/13

Groundfish and Halibut Notices
10/16/2012 through 02/7/2013

Documents available at NMFS Sustainable Fisheries Groundfish Web Site
http://www.nwr.noaa.gov/Groundfish-Halibut/Groundfish-Fishery-Management/index.cfm

77 FR 63758. Fisheries off West Coast States; Biennial Specifications and Management Measures; Inseason Adjustments. Action: Final rule - 10/17/12

77 FR 65639. Pacific Coast Groundfish Fishery; Pacific Whiting and Non-Whiting Allocations; Pacific Whiting Seasons. Action: Reapportionment of tribal whiting allocation - 10/30/12

77 FR 66577. Pacific Coast Groundfish Fishery; Trawl Rationalization Program; Notice on Non-Whiting At-Sea Processing Prohibition Exemption - 11/6/12

77 FR 67974. Pacific Coast Groundfish Fishery; 2013-2014 Biennial Specifications and Management Measures. Action: Proposed rule; request for comments - 11/14/12

78 FR 72. Pacific Coast Groundfish Fishery Management Plan; Trawl Rationalization Program; Reconsideration of Allocation of Whiting - 1/2/13

78 FR 580. Pacific Coast Groundfish Fishery; 2013-2014 Biennial Specifications and Management Measures. Action: Final Rule This final rule establishes the 2013-2014 harvest specifications and management measures for groundfish - 1/3/13

78 FR 2254. Pacific Coast Groundfish Fishery; Application for an Exempted Fishing Permit. Action: Notice; receipt of EFP applications; request for comments - 1/10/13

78 FR 3848. Pacific Coast Groundfish Fishery; Trawl Rationalization Program; Emergency Rule Extension - 1/17/13

78 FR 7371. Pacific Coast Groundfish Fishery; Trawl Rationalization Program; Cost Recovery. Action: Proposed rule; request for comments - 2/1/13

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 130114034–3034–01]

RIN 0648–BC93

Magnuson-Stevens Act Provisions; Fisheries off West Coast States; Pacific Coast Groundfish Fishery; 2013 Tribal Fishery for Pacific Whiting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS issues this proposed rule for the 2013 Pacific whiting fishery under the authority of the Pacific Coast Groundfish Fishery Management Plan (FMP), the Magnuson Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), and the Pacific Whiting Act of 2006. This proposed rule would establish a formula, specifically [17.5 percent * (U.S. Total Allowable Catch)] plus 16,000 metric tons (mt), for determining the Pacific whiting tribal allocation for 2013 for Pacific Coast Indian tribes that have a Treaty right to harvest groundfish.

DATES: Comments on this proposed rule must be received no later than April 4, 2013.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2013–0013 by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal eRulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA–NMFS–2013–0013;* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* William W. Stelle, Jr., Regional Administrator, Northwest Region, NMFS, 7600 Sand Point Way NE., Seattle, WA 98115–0070, Attn: Kevin C. Duffy.
- *Fax:* 206–526–6736, Attn: Kevin C. Duffy.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Kevin C. Duffy (Northwest Region, NMFS), phone: 206–526–4743, fax: 206–526–6736 and email: *kevin.duffy@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Electronic Access

This proposed rule is accessible via the Internet at the Office of the Federal Register Web site at *https://www.federalregister.gov.* Background information and documents are available at the NMFS Northwest Region Web site at *http://www.nwr.noaa.gov/Groundfish/Groundfish-Fishery-Management/Whiting-Management* and at the Pacific Fishery Management Council's Web site at *http://www.pcouncil.org/.*

Background

The regulations at 50 CFR 660.50(d) establish the process by which the tribes with treaty fishing rights in the area covered by the FMP request new allocations or regulations specific to the tribes, in writing, during the biennial harvest specifications and management measures process. The regulations state that ''the Secretary will develop tribal allocations and regulations under this paragraph in consultation with the affected tribe(s) and, insofar as possible, with tribal consensus.'' The procedures NOAA employs in implementing tribal treaty rights under the FMP, in place since May 31, 1996, were designed to provide a framework process by which NOAA Fisheries can accommodate tribal treaty rights by setting aside appropriate amounts of fish in conjunction with the Pacific Fishery Management Council (Council) process for determining harvest specifications and management measures. The Council's groundfish fisheries require a high degree of coordination among the tribal, state, and federal co-managers in order to rebuild overfished species and prevent overfishing, while allowing fishermen opportunities to sustainably harvest over 90 species of groundfish managed under the FMP.

Since 1996, NMFS has been allocating a portion of the U.S. total allowable catch (TAC) (called Optimum Yield (OY) or Annual Catch Limit (ACL) prior to 2012) of Pacific whiting to the tribal fishery, following the process established in 50 CFR 660.50(d). The tribal allocation is subtracted from the U.S. Pacific whiting TAC before allocation to the non-tribal sectors.

To date, only the Makah Tribe has prosecuted a tribal fishery for Pacific whiting. The Makah Tribe has annually harvested a whiting allocation every year since 1996 using midwater trawl gear. Since 1999, the tribal allocation has been made in consideration of their participation in the fishery. In 2008 the Quileute Tribe and Quinault Indian Nation expressed an interest in commencing participation in the whiting fishery. Tribal allocations for 2009–2012 were based on discussions with all three tribes regarding their intent for those fishing years. The table below provides a history of U.S. OYs/ACLs and the annual tribal allocation in metric tons (mt).

Year	U.S. OY	Tribal allocation
2000	232,000 mt	32,500 mt.
2001	190,400 mt	27,500 mt.
2002	129,600 mt	22,680 mt.
2003	148,200 mt	25,000 mt.
2004	250,000 mt	32,500 mt.
2005	269,069 mt	35,000 mt.
2006	269,069 mt	32,500 mt.
2007	242,591 mt	35,000 mt.
2008	269,545 mt	35,000 mt.
2009	135,939 mt	50,000 mt.
2010	193,935 mt	49,939 mt.
2011	290,903 mt	66,908 mt.
2012	186,037 mt TAC [1]	48,556 mt.

[1] Beginning in 2012, the United States started using the term Total Allowable Catch, based on the Agreement between the Government of the United States of America and the Government of Canada on Pacific Hake/Whiting.

In exchanges between NMFS and the tribes during December 2012, and again in January, 2013, the Makah and Quileute tribes indicated their intent to participate in the tribal whiting fishery in 2013. The Quinault Indian Nation indicated that they are not planning to participate in 2013, but reserved the right to participate if circumstances changed. The Hoh tribe has not expressed an interest in participating to date.

Since 2008, NMFS and the co-managers, including the States of Washington and Oregon, as well as the Treaty tribes, have been involved in a process designed to determine the long-term tribal allocation for Pacific whiting. At the September 2008 Council meeting, NOAA, the states and the Quinault, Quileute, and Makah tribes met and agreed on a process in which NOAA would provide to the tribes and states of Washington and Oregon a

summary of the current scientific information regarding whiting, receive comment on the information and possible analyses that might be undertaken, and then prepare analyses of the information to be used by the co-managers (affected tribes, affected states, and NMFS) in developing a tribal allocation for use in 2010 and beyond. The goal was agreement among the co-managers on a long-term tribal allocation for incorporation into the Council's planning process for the 2010 season. An additional purpose was to provide the tribes the time and information to develop an inter-tribal allocation or other necessary management agreement. In 2009, NMFS shared a preliminary report summarizing scientific information available on the migration and distribution of Pacific whiting on the west coast. The co-managers met in 2009 and discussed this preliminary information.

In 2010, NMFS finalized the report summarizing scientific information available on the migration and distribution of Pacific whiting on the West Coast. In addition, NMFS responded in writing to requests from the tribes for clarification on the paper and requests for additional information. NMFS also met with each of the tribes in the fall of 2010 to discuss the report and to discuss a process for negotiation of the long-term tribal allocation of Pacific whiting.

In 2011, NMFS again met individually with the Makah, Quileute, and Quinault tribes to discuss these matters. Due to the detailed nature of the evaluation of the scientific information, and the need to negotiate a long-term tribal allocation following completion of the evaluation, the process continued in 2012 and will not be completed prior to the 2013 Pacific whiting fishery; thus the tribal allocation of whiting for 2013 will not reflect a negotiated long-term tribal allocation. Instead, it is an interim allocation not intended to set precedent for future allocations.

Tribal Allocation for 2013

It is necessary to propose a range for the tribal allocation, rather than a specific allocation amount, because the specific allocation depends on the amount of the coastwide TAC (United States plus Canada) and corresponding U.S. TAC for 2013 (73.88% of the coastwide TAC). The Joint Management Committee (JMC), which was established pursuant to the Agreement between the Government of the United States of America and the Government of Canada on Pacific Hake/Whiting (the Agreement), is anticipated to recommend the coastwide and corresponding U.S./Canada TACs no later than March 25, 2013.

In order for the public to have an understanding of the potential tribal whiting allocation in 2013, NMFS is using the range of U.S. TACs over the last ten years, 2003 through 2012, to project a range of potential tribal allocations for 2013. This range of TACs is 148,200 mt (2003) to 290,903 mt (2011).

As described above, the Makah tribe and Quileute Indian Nation have stated their intent to participate in the Pacific whiting fishery in 2013. The Makah tribe has requested 17.5% of the U.S. TAC, and the Quileute Indian Nation has requested 16,000 mt. Accommodating both requests results in a formula [17.5 percent* (U.S. TAC)] + 16,000 mt for application to the range of TACs. Application of this formula to the range of U.S. TACs over the last ten years results in a tribal allocation of between 41,935 and 66,906 mt for 2013. At the lower end of the range of U.S. TACs, this tribal allocation would represent 28 percent of the U.S. TAC, and at the higher end of the range, this tribal allocation would represent 23 percent of the U.S. TAC. NMFS believes that the current scientific information regarding the distribution and abundance of the coastal Pacific whiting stock suggests that these percentages are within the range of the tribal treaty right to Pacific whiting.

As described earlier, NOAA Fisheries proposes this rule as an interim allocation for the 2013 tribal Pacific whiting fishery. As with past allocations, this proposed rule is not intended to establish any precedent for future whiting seasons or for the long-term tribal allocation of whiting.

The rule would be implemented under authority of Section 305(d) of the Magnuson-Stevens Act, which gives the Secretary responsibility to ''carry out any fishery management plan or amendment approved or prepared by him, in accordance with the provisions of this Act.'' With this proposed rule, NMFS, acting on behalf of the Secretary, would ensure that the FMP is implemented in a manner consistent with treaty rights of four Northwest tribes to fish in their ''usual and accustomed grounds and stations'' in common with non-tribal citizens. *United States* v. *Washington,* 384 F. Supp. 313 (W.D. 1974).

Classification

NMFS has preliminarily determined that the management measures for the 2013 Pacific whiting tribal fishery are consistent with the national standards of the Magnuson-Stevens Act and other applicable laws. In making the final determination, NMFS will take into account the data, views, and comments received during the comment period.

The Office of Management and Budget has determined that this proposed rule is not significant for purposes of Executive Order 12866.

An IRFA was prepared, as required by section 603 of the Regulatory Flexibility Act (RFA). The IRFA describes the economic impact this proposed rule, if adopted, would have on small entities. A summary of the analysis follows. A copy of this analysis is available from NMFS and is published on the NMFS Web site under Groundfish Management (see **ADDRESSES**).

Under the RFA, the term ''small entities'' includes small businesses, small organizations, and small governmental jurisdictions. The Small Business Administration has established size criteria for all different industry sectors in the U.S., including fish harvesting and fish processing businesses. A business involved in fish harvesting is a small business if it is independently owned and operated and not dominant in its field of operation (including its affiliates) and if it has combined annual receipts less than $4.0 million for all its affiliated operations worldwide. A seafood processor is a small business if it is independently owned and operated, not dominant in its field of operation, and employs 500 or fewer persons at all its affiliated operations worldwide. A business involved in both the harvesting and processing of seafood products is a small business if it meets the $4.0 million criterion for fish harvesting operations. A wholesale business servicing the fishing industry is a small business if it employs 100 or fewer persons at all its affiliated operations worldwide. For marinas and charter/party boats, a small business is a business with annual receipts less than $7.0 million. For nonprofit organizations, the RFA defines a small organization as any nonprofit enterprise that is independently owned and operated and is not dominant in its field. The RFA defines small governmental jurisdictions as governments of cities, counties, towns, townships, villages, school districts, or special districts with populations of less than 50,000.

For the years 2007 to 2011, the total whiting fishery (tribal and non-tribal) has averaged harvests of 199,000 mt annually, worth $37 million in terms of ex-vessel revenues. As the U.S. OY/ACL has been highly variable during this time, so have harvests. During this

period, harvests have ranged from 122,000 mt (2009) to 248,000 mt (2008). In 2011, the harvest was approximately 231,000 mt. Ex-vessel revenues have also varied. Annual ex-vessel revenues have ranged from $16 million (2009) to $58 million (2008). Ex-vessel revenues in 2011 were about $53 million.

The prices for whiting are largely determined by the world market for groundfish, because most of the whiting harvested is exported. Average ex-vessel price for trawl harvested whiting in 2011 was $230 per mt. For 2012, average ex-vessel prices increased to $309 per mt, leading to $49 million in ex-vessel revenues based on total harvests of about 160,000 mt. Note that the use of ex-vessel values does not take into account the wholesale or export value of the fishery or the costs of harvesting and processing whiting into a finished product. NMFS does not have sufficient information to make a complete assessment of these values.

The Pacific whiting fishery harvests almost exclusively Pacific whiting. While bycatch of other species occurs, the fishery is constrained by bycatch limits on key overfished species. This is a high-volume fishery with low ex-vessel prices per pound. This fishery also has seasonal aspects based on the distribution of whiting off the west coast.

Since 1996, there has been a tribal allocation of the U.S. whiting TAC. There are four tribes associated with the whiting fishery: Hoh, Makah, Quileute, and Quinault.

This rule would establish the formula for determining 2013 interim tribal allocation. The alternatives are ''No-Action'' vs. the ''Proposed Action.'' The proposed allocation, based on discussions with the tribes, is for NMFS to allocate between 28 percent and 23 percent of the U.S. total allowable catch for 2013. NMFS did not consider a broader range of alternatives to the proposed allocation. The tribal allocation is based primarily on the requests of the tribes. These requests reflect the level of participation in the fishery that will allow them to exercise their treaty right to fish for whiting. Consideration of amounts lower than the tribal requests is not appropriate in this instance. As a matter of policy, NMFS has historically supported the harvest levels requested by the tribes. Based on the information available to NMFS, the tribal request is within their tribal treaty rights, and the participating tribe has on occasion shown an ability to harvest the amount of whiting requested. A higher allocation would, arguably, also be within the scope of the treaty right. However, a higher allocation would unnecessarily limit the non-tribal fishery. A no-action alternative was considered, but the regulatory framework provides for a tribal allocation on an annual basis only. Therefore, no action would result in no allocation of Pacific whiting to the tribal sector in 2013, which would be inconsistent with NMFS' responsibility to manage the fishery consistent with the tribes' treaty rights. Given that there are tribal requests for allocations in 2013, this alternative received no further consideration.

This proposed rule would affect how whiting is allocated to the following sectors/programs: Tribal, Shorebased Individual Fishing Quota (IFQ) Program—Trawl Fishery, Mothership Coop (MS) Program—Whiting At-sea Trawl Fishery, and Catcher-Processor (C/P) Coop Program—Whiting At-sea Trawl Fishery. The amount of whiting allocated to these sectors is based on the U.S. TAC. From the U.S. TAC, small amounts of whiting that account for research catch and for bycatch in other fisheries are deducted. The amount of the tribal allocation is also deducted directly from the TAC. After accounting for these deductions, the remainder is the commercial harvest guideline. This guideline is then allocated among the other three sectors as follows: 34 percent for the C/P Coop Program; 24 percent for the MS Coop Program; and 42 percent for the Shorebased IFQ Program.

The shorebased IFQ fishery is managed with individual fishing quotas for most groundfish species, including whiting. Annually quota pounds (QP) are allocated from the shorebased sector allocation based on the individual quota shares (QS) of each QS owner. (QP is expressed as a weight and QS is expressed as a percent of the shorebased allocation for a given species or species group.) QP may be transferred from a QS account to a vessel account or from one vessel account to another vessel account. Vessel accounts are used to track how QP is harvested (landings and discards) by limited entry trawl vessels of all IFQ species/species groups. Shorebased IFQ catch must be landed at authorized first receiver sites.

The IFQ whiting quota shares (QS) were allocated to a mixture of limited entry permit holders and shorebased processors. One non-profit organization received quota share based on the ownership of multiple limited entry permits. The MS coop sector can consist of one or more coops and a non-coop subsector. For a MS coop to participate in the Pacific whiting fishery, it must be composed of MS catcher-vessel (MS/CV) endorsed limited entry permit owners. Each permitted MS coop is authorized to harvest a quantity of Pacific whiting based on the sum of the catch history assignments for each member's MS/CV-endorsed permit identified in the NMFS-accepted coop agreement for a given calendar year. Each MS/CV endorsed permit has an allocation of Pacific whiting catch based on its catch history in the fishery. The catch history assignment (CHA) is expressed as a percentage of Pacific whiting of the total MS sector allocation. Currently the MS sector is composed of only a single coop. (Shorebased IFQ QS and MS sector CHA are not scheduled to begin trading until 2014, pending resolution of the *Pacific Dawn* v *Bryson* litigation where the rules used to allocate whiting QS and CHA are being challenged.)

The C/P coop program is a limited access program that applies to vessels in the C/P sector of the Pacific whiting at-sea trawl fishery and is a single voluntary coop. Unlike the MS coop regulations, where multiple coops can be formed around the catch history assignments of each coop's member's endorsed permit, the single C/P coop receives the total Pacific whiting allocation for the catcher/processor sector. Only C/P endorsed limited entry permits can participate in this coop. Currently, the shorebased IFQ Program is composed of 138 QS permits/accounts, 142 vessel accounts, and 50 first receivers. The mothership coop fishery is currently composed of a single coop, with six mothership processor permits, and 36 MS/CV endorsed permits, with one permit having two catch history assignments endorsed to it. The C/P coop is composed of 10 catcher-processor permits owned by three companies. There are four tribes that can participate in the tribal whiting fishery. The current tribal fleet is composed of 5 trawlers that either deliver to a shoreside plant or to a contracted mothership.

Participants in the whiting fishery include fish harvesting companies, fish processing companies, companies involved in both harvesting and processing of seafood products such as catcher-processors, organizations, and governmental jurisdictions.

These regulations directly affect IFQ Quota share holders who determine which vessel accounts receive QP, holders of mothership catcher-vessel-endorsed permits who determine how many co-ops will participate in the fishery and how much fish each co-op is to receive, and the catcher-processor co-op which is made up of three companies that own the catcher-processor permits. As part of the permit application processes for the non-tribal

fisheries, based on a review of the SBA size criteria, applicants are asked if they considered themselves a ''small'' business, and they are asked to provide detailed ownership information. Although there are three non-tribal sectors, many companies participate in two or more of these sectors. All mothership catcher-vessel participants participate in the shorebased IFQ sector, while two of the three catcher-processor companies also participate in both the shorebased IFQ sector and in the MS sector. Many companies own several QS accounts. After accounting for cross participation, multiple QS account holders, and for affiliation through ownership, there are 100 non-tribal entities directly affected by these proposed regulations, 82 of which are considered to be ''small'' businesses. These regulations also directly affect tribal whiting fisheries. Based on groundfish ex-vessel revenues and on tribal enrollments (the population size of each tribe), the four tribes and their fleets are considered ''small'' entities.

This rule will allocate fish between tribal harvesters (harvest vessels are small entities, tribes are small jurisdictions) and non-tribal harvesters (a mixture of small and large businesses). Tribal fisheries undertake a mixture of fishing activities that are similar to the activities that non-tribal fisheries undertake. Tribal harvests are delivered to both shoreside plants and motherships for processing. These processing facilities also process fish harvested by non-tribal fisheries. The effect of the tribal allocation on non-tribal fisheries will depend on the level of tribal harvests relative to their allocation and the reapportioning process. If the tribes do not harvest their entire allocation, there are opportunities during the year to reapportion unharvested tribal amounts to the non-tribal fleets. For example, last year, NMFS did such a reapportionment. On, October 4, 2012, NMFS announced: ''The best available information on October 2, 2012 indicates that at least 28,000 mt of the tribal allocation of 48,556 mt for the 2012 tribal Pacific whiting fishery will not be used by December 31, 2012. Recent conversations with tribal fishery managers indicate that reapportioning 28,000 mt, leaving a tribal allocation of 20,556 mt, will not limit tribal harvest opportunities for the remainder of year. Tribal harvests to date amount to less than 1,000 mt. In addition, the Quileute Tribe has not entered the fishery to date. Even if the Quileute Tribe enters the fishery, the remaining tribal allocation following reapportionment will allow for their participation.'' This reapportioning process allows unharvested tribal allocations of whiting to be fished by the non-tribal fleets, benefitting both large and small entities. See **ADDRESSES**.

NMFS believes this proposed rule would not adversely affect small entities. Nonetheless, NMFS has prepared this IRFA and is requesting comments on this conclusion.

There are no reporting, recordkeeping or other compliance requirements in the proposed rule.

No Federal rules have been identified that duplicate, overlap, or conflict with this action.

NMFS issued Biological Opinions under the ESA on August 10, 1990, November 26, 1991, August 28, 1992, September 27, 1993, May 14, 1996, and December 15, 1999 pertaining to the effects of the Pacific Coast groundfish FMP fisheries on Chinook salmon (Puget Sound, Snake River spring/summer, Snake River fall, upper Columbia River spring, lower Columbia River, upper Willamette River, Sacramento River winter, Central Valley spring, California coastal), coho salmon (Central California coastal, southern Oregon/northern California coastal), chum salmon (Hood Canal summer, Columbia River), sockeye salmon (Snake River, Ozette Lake), and steelhead (upper, middle and lower Columbia River, Snake River Basin, upper Willamette River, central California coast, California Central Valley, south/central California, northern California, southern California). These biological opinions have concluded that implementation of the FMP for the Pacific Coast groundfish fishery was not expected to jeopardize the continued existence of any endangered or threatened species under the jurisdiction of NMFS, or result in the destruction or adverse modification of critical habitat.

NMFS issued a Supplemental Biological Opinion on March 11, 2006 concluding that neither the higher observed bycatch of Chinook in the 2005 whiting fishery nor new data regarding salmon bycatch in the groundfish bottom trawl fishery required a reconsideration of its prior ''no jeopardy'' conclusion. NMFS also reaffirmed its prior determination that implementation of the Groundfish PCGFMP is not likely to jeopardize the continued existence of any of the affected ESUs. Lower Columbia River coho (70 FR 37160, June 28, 2005) and Oregon Coastal coho (73 FR 7816, February 11, 2008) were recently relisted as threatened under the ESA. The 1999 biological opinion concluded that the bycatch of salmonids in the Pacific whiting fishery were almost entirely Chinook salmon, with little or no bycatch of coho, chum, sockeye, and steelhead.

On December 7, 2012, NMFS completed a biological opinion concluding that the groundfish fishery is not likely to jeopardize non-salmonid marine species including listed eulachon, green sturgeon, humpback whales, Steller sea lions, and leatherback sea turtles. The opinion also concludes that the fishery is not likely to adversely modify critical habitat for green sturgeon and leatherback sea turtles. An analysis included in the same document as the opinion concludes that the fishery is not likely to adversely affect green sea turtles, olive ridley sea turtles, loggerhead sea turtles, sei whales, North Pacific right whales, blue whales, fin whales, sperm whales, Southern Resident killer whales, Guadalupe fur seals, or the critical habitat for Steller sea lions.

As Steller sea lions and humpback whales are also protected under the Marine Mammal Protection Act (MMPA), incidental take of these species from the groundfish fishery must be addressed under MMPA section 101(a)(5)(E). On February 27, 2012, NMFS published notice that the incidental taking of Steller sea lions in the West Coast groundfish fisheries is addressed in NMFS' December 29, 2010 Negligible Impact Determination (NID) and this fishery has been added to the list of fisheries authorized to take Steller sea lions (77 FR 11493). NMFS is currently developing MMPA authorization for the incidental take of humpback whales in the fishery.

On November 21, 2012, the U.S. Fish and Wildlife Service (FWS) issued a biological opinion concluding that the groundfish fishery will not jeopardize the continued existence of the short-tailed albatross. The FWS also concurred that the fishery is not likely to adversely affect the marbled murrelet, California least tern, southern sea otter, bull trout, nor bull trout critical habitat.

Pursuant to Executive Order 13175, this proposed rule was developed after meaningful consultation and collaboration with tribal officials from the area covered by the FMP. Consistent with the Magnuson-Stevens Act at 16 U.S.C. 1852(b)(5), one of the voting members of the Pacific Council is a representative of an Indian tribe with federally recognized fishing rights from the area of the Council's jurisdiction. In addition, NMFS has coordinated specifically with the tribes interested in the whiting fishery regarding the issues addressed by this rule.

List of Subjects in 50 CFR Part 660

Fisheries, Fishing, Indian fisheries.

Dated: February 27, 2013.

Alan D. Risenhoover,

Director, Office of Sustainable Fisheries, performing the functions and duties of the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 660 is proposed to be amended as follows:

PART 660—FISHERIES OFF WEST COAST STATES

■ 1. The authority citation for part 660 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.* and 16 U.S.C. 773 *et seq.*

■ 2. In § 660.50, paragraph (f)(4) is revised to read as follows:

§ 660.50 Pacific Coast treaty Indian fisheries.

* * * * *

(f) * * *

(4) *Pacific whiting.* The tribal allocation for 2013 will be 17.5 percent of the U.S. TAC plus 16,000 mt.

* * * * *

[FR Doc. 2013–04922 Filed 3–4–13; 8:45 am]

BILLING CODE 3510–22–P

Science, Service, Stewardship

NMFS Science Report

March 2013

NOAA FISHERIES SERVICE

NOAA
FISHERIES
SERVICE

Overview

- 2013 Hake Assessment
- National Bycatch Report Update
- Economic Data Collection Update

Science, Service, Stewardship

2013 Hake Assessment

As reported by the Joint Technical Committee

Dr. Allan Hicks

NOAA FISHERIES SERVICE

NOAA FISHERIES SERVICE

Hake/Whiting Agreement (treaty) Committees

- **AP** (Advisory Panel): consists of stakeholders and others knowledgeable of the fishery
- **JTC** (Joint Technical Committee): US-Canadian scientists responsible for the assessment and analysis
- **SRG** (Scientific Review Group): reviews the assessment and analyses
  - Reviewed the 2013 assessment February 19-22
- **JMC** (Joint Management Committee): decides on coast-wide TAC with input from other committees
  - JMC meeting on March 18 -19

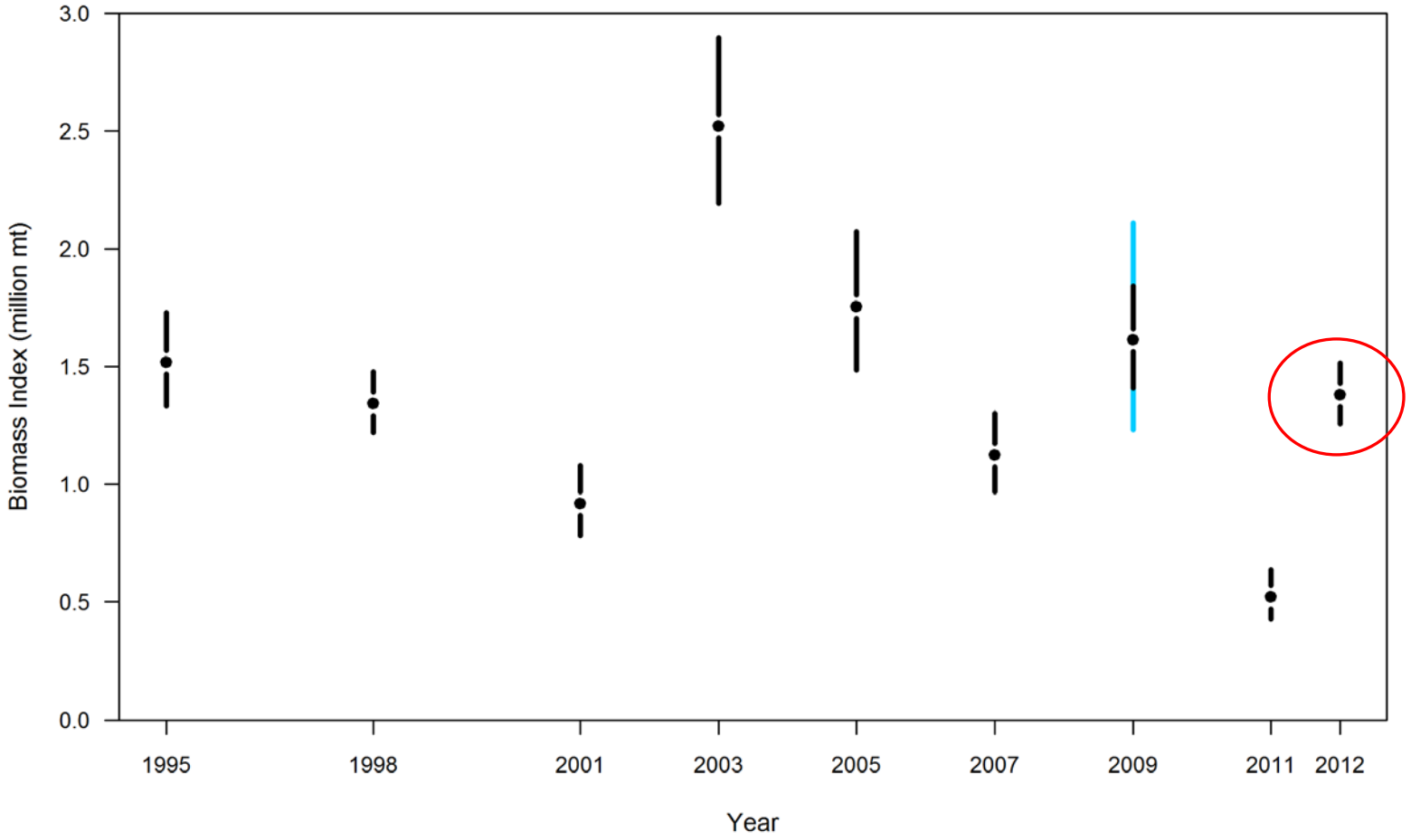
NOAA FISHERIES SERVICE

2012 Acoustic Survey

- A joint survey for Pacific hake and sardine (SaKe) was organized on short notice by the NW and SW Fishery Science Centers
- Survey estimate of 1.38 million metric tons
  - A 165% increase from the 0.52 million metric tons estimated in 2011
  - Roughly half of the estimated biomass was age-2 hake
- The model's median projected catch for 2013, using the default harvest rate, is 626,364 metric tons
  - More than 1.5 times the highest realized annual catch

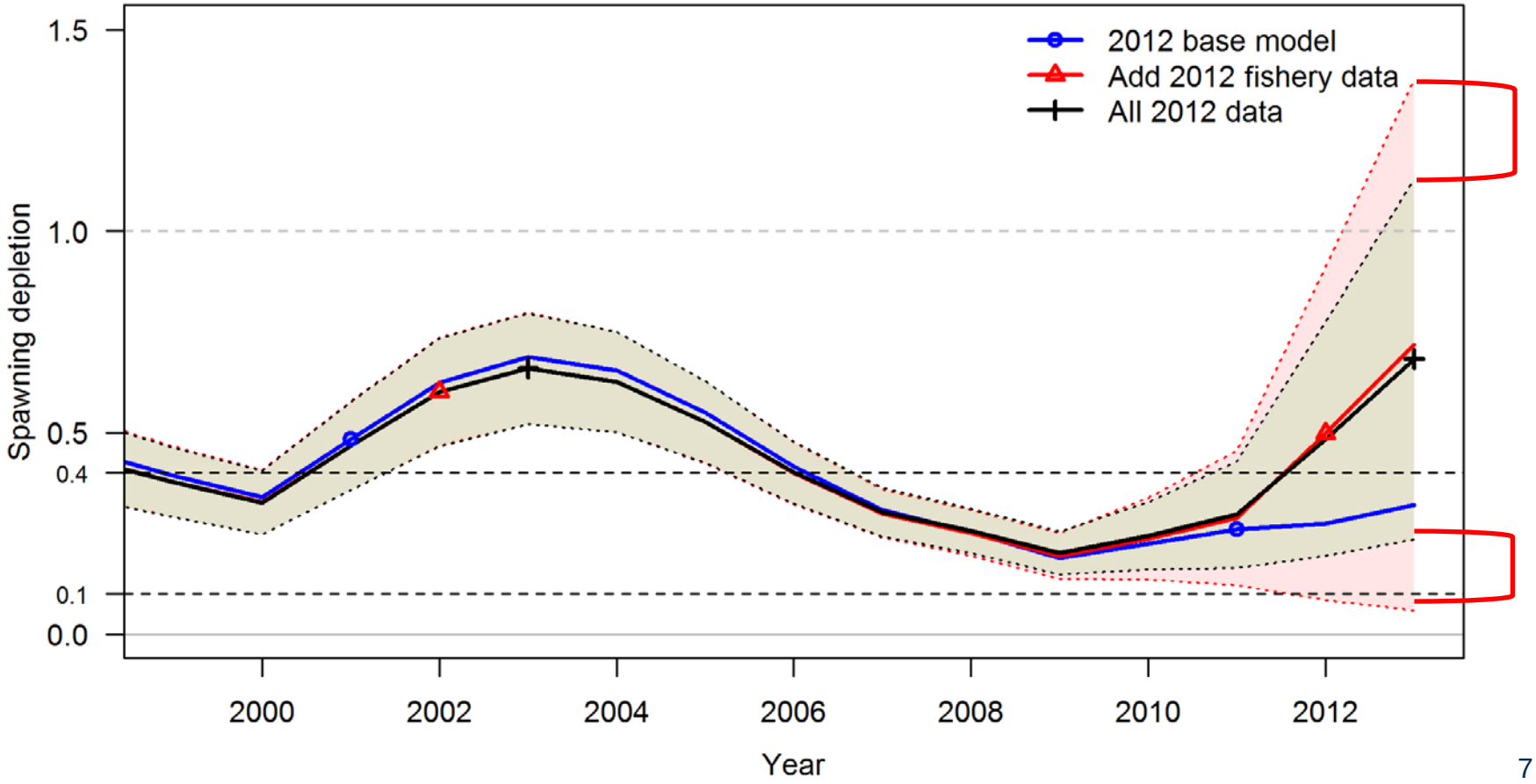
NOAA FISHERIES SERVICE

Survey Biomass Estimates



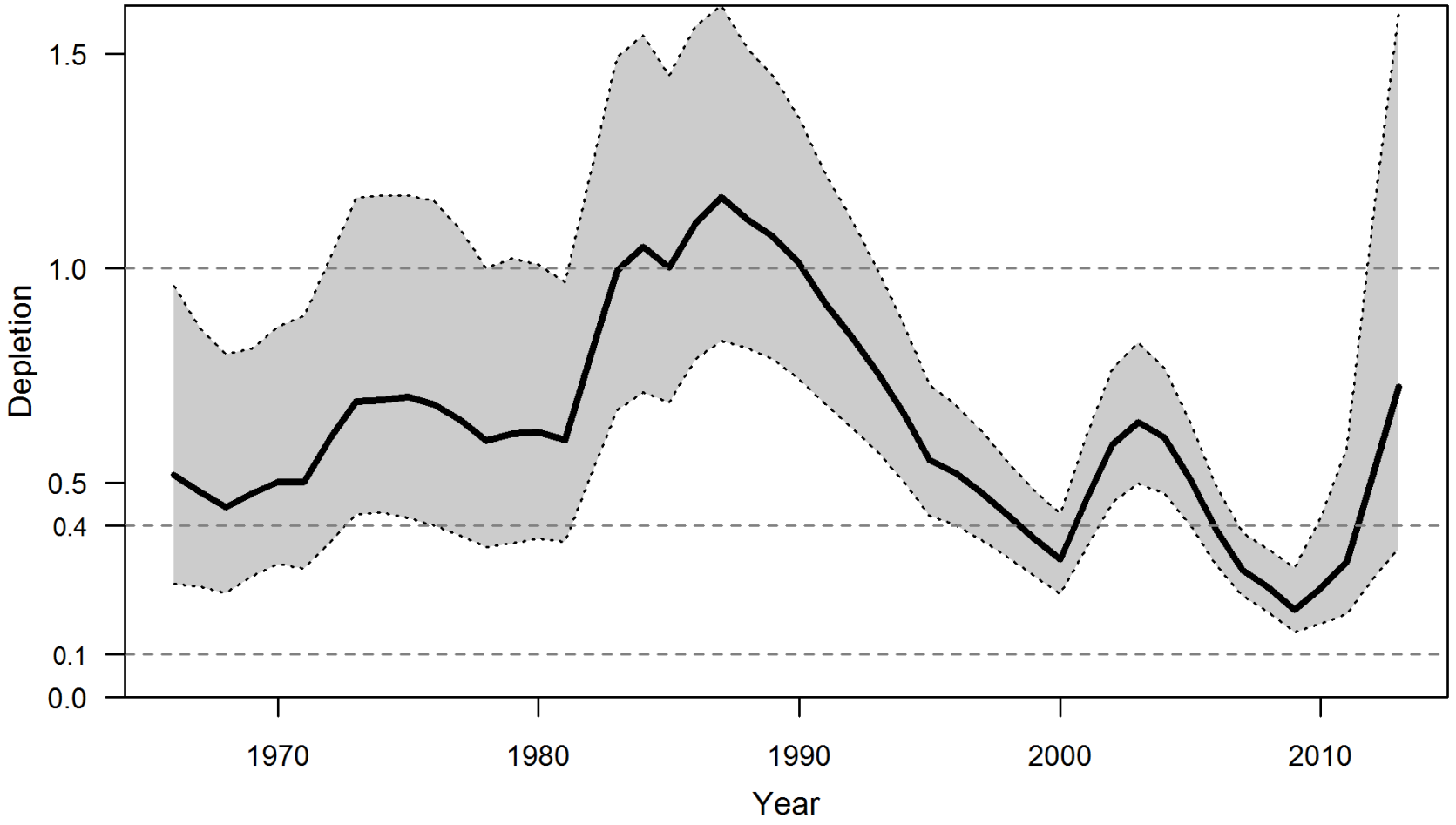
NOAA FISHERIES SERVICE

Depletion:
Changes from adding recent data (MLE)



NOAA FISHERIES SERVICE

Depletion:
Final Base Model (MCMC)



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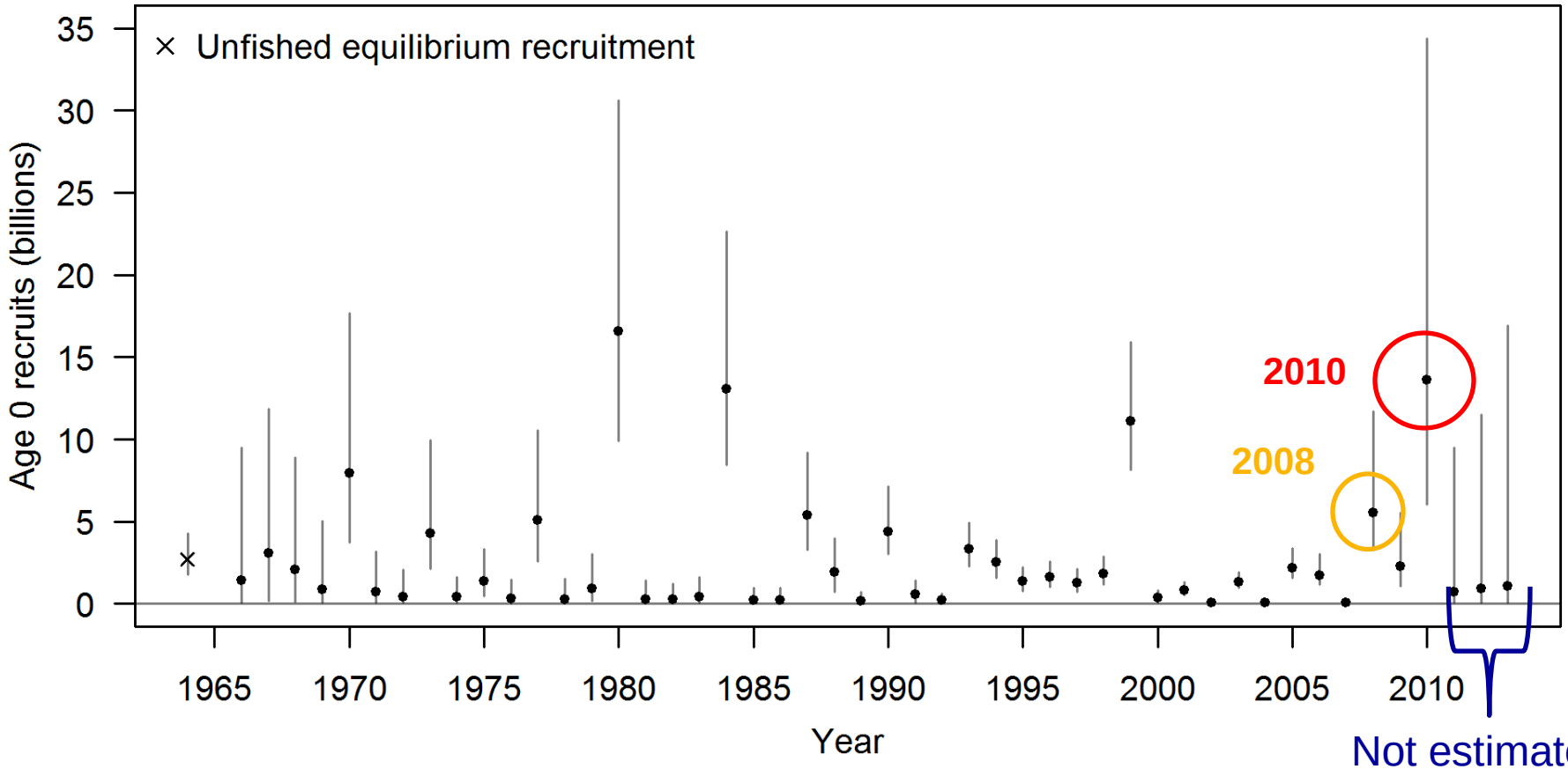
Recruitment



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High-Priority Recommendations

- Continue development of the MSE
- Improve understanding of life-history and biology
- Conduct research to improve the acoustic survey
  - An index of age-1 abundance
  - Target verification

Science, Service, Stewardship

National Bycatch Report Update

Jon McVeigh

Summer/Fall 2012

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National Bycatch Report Objectives

- First in a planned series of national bycatch reports designed to track and report on NMFS' efforts to monitor bycatch.
- The National Bycatch Report will serve as a cornerstone, aiding NMFS in meeting bycatch reduction mandates and stewardship obligations, by identifying trends in bycatch, guiding policy, and setting priorities for bycatch data collection.
- Future NBR updates and comprehensive reports will adhere to these objectives.

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Key Accomplishments of First Edition

Published September, 2011

- Detailed bycatch estimates for 81 fisheries, 480 fish stocks, and 94 protected species.
- Provided comprehensive documentation of bycatch data sources and analytical estimation methods.
- Introduced four new tracking tools

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First Edition Tracking Tools

Performance Measures

- **Tier Classification System:** quantitative evaluation of the quality of bycatch data and estimation procedures.
- **Key Stocks:** stocks with high bycatch levels or special importance to management. (*All ESA listed species are key stocks)*

Monitoring Trends

- **Fisheries of Focus:** fisheries with one or more key stocks as bycatch and/or high bycatch levels.
- **Bycatch Estimation Improvement Plans:** developed for all Fisheries of Focus

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Schedule for NBR Updates and Comprehensive Reports

Year	Document Type	Data Years Included
2011	Comprehensive Report (First Edition)	2005
2013	Online Update	2010
2015	Online Update	2011-2012
2017	Comprehensive Report (Second Edition)	2013-2014 + Synthesis of 2010-2014
2019	Online Update	2015-2016
2021	Online Update	2017-2018
2023	Comprehensive Report (Third Edition)	2019-2020 + Synthesis of 2015-2020

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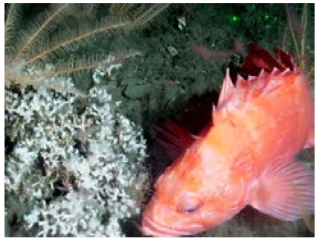
Contents of Biennial Updates

- Bycatch estimates for fish, sea turtles, marine mammals, seabirds, and invertebrates (in observed fisheries)
- A short national summary document for each update
- Updated data tables similar to those in the First Edition
- Regional summaries, including progress on addressing NBR recommendations
- Cross-references to regional Bycatch Implementation Plans



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Contents of Comprehensive Reports

- Bycatch estimates for fish, sea turtles, marine mammals, seabirds, and invertebrates for the two years following the last NBR update
- Updates for bycatch performance measures
- Synthesis discussion for all years of data presented since the last comprehensive report
- Summary of progress since First Edition in 2005
- Updated recommendations for improving bycatch data collection and estimation

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Review, Clearance, and Publication

- Updates/reports will be reviewed and cleared by NMFS
- Updates will be provided to Fishery Management Councils for comment
- Final updates/reports will be posted on the NMFS Bycatch webpage http://www.nmfs.noaa.gov/by_catch/index.htm
- Summary documents will be published as hard copies; data tables will be online and on CD with the summary document

Science, Service, Stewardship

Economic Data Collection

Dr. Todd Lee

NOAA FISHERIES SERVICE

STATUS DETERMINATION CRITERIA FOR DATA-MODERATE STOCKS

In September 2012, the Council adopted a final groundfish stock assessment plan and Terms of Reference (ToR) for the upcoming biennial cycle, which includes nine candidates for data-moderate assessments to be reviewed at an April 2013 Stock Assessment Review (STAR) Panel. Data-moderate assessments are more data-limited than full assessments, with inclusion of historical catches and abundance indices allowed, but not age or length composition data. Data-moderate assessments are designed to provide more information than data-poor situations, where catch-only methods are used only to determine overfishing limits for stocks with information that falls far below what is necessary to conduct a full assessment. One of the benefits of creating a the new category of data-moderate stock assessments as described in the ToR is that it provides for the expeditious review of more stock assessments.

Data-moderate assessments produce more information than data-poor methods, including an estimate of relative stock depletion (the ratio of current spawning output or biomass relative to initial, unfished spawning output or biomass). This is the metric used in a formal status determination of west coast groundfish stocks relative to an overfished threshold; an overfished status designation triggers the requirement for a Council to adopt a formal rebuilding plan. However, the Data-Moderate Assessment Methods Review Panel that met in June 2012 recommended that data-moderate assessment results should not be used in formal stock status determinations, based on concerns that this more uncertain analytical result could cause a stock to be declared overfished when, in fact, it may not be (i.e., a false negative status estimate) (see Agenda Item H.3.a, Attachment 1, September 2012). In this case, the Review Panel recommended that a two-stage process be developed where, if a data-moderate assessment estimate indicates a stock is overfished, there would be an evaluation of composition data followed by a full assessment if it is decided there is sufficient data. The Scientific and Statistical Committee (SSC) statement at the September Council meeting generally agreed with the Panel on this matter, stating that stock status estimates from data-moderate assessments should not automatically be accepted for use in status determinations and recommending a formal process be developed on how to use the estimates of stock status from data-moderate assessments in management (see Agenda Item H.3.b, Supplemental SSC Report, September 2012).

In September 2012, the Council also heard concerns from National Marine Fisheries Service scientists regarding potential problems with avoiding a stock status determination based on estimates from a data-moderate assessment. The Council indicated its intent to look at possible status determination criteria for data-moderate stocks and adopt a protocol for the current biennial cycle in advance of the April 2013 data-moderate assessment STAR Panel. The Council tasked staff to convene a workgroup of scientists from the Science Centers and the SSC to develop recommended stock status determination criteria and protocols and report back to the Council. The workgroup was formed and their recommendations were developed during a December 21, 2012 online webinar (Attachment 1). Figure 1 in Attachment 1 depicts a flow chart with a recommended protocol for making a stock status determination from a data-moderate stock assessment. The essence of this recommendation is to look more closely at the information on a data-moderate stock whose status is calculated to fall below the overfished threshold and, if more information can be secured, to conduct a full assessment in the next cycle;

if there is not more information that can be secured, then a stock status determination for an overfished designation would be adopted and development of a formal rebuilding plan would begin.

The Council task at this meeting is to consider the workgroup recommendations as well as those from the SSC, other advisory bodies, and the public before deciding status determination criteria for data-moderate stocks.

Council Action:

1. **Approve status determination criteria and protocol for data-moderate stocks for use in this biennial cycle.**

Reference Materials:

1. Agenda Item H.2.a, Attachment 1: Draft Summary Minutes of the Data-Moderate Status Determination Webinar.

Agenda Order:

a. Agenda Item Overview — John DeVore
b. Reports and Comments of Advisory Bodies and Management Entities
c. Public Comment
d. **Council Action:** Approve Status Determination Criteria for Data-Moderate Stocks

PFMC
02/14/13

DRAFT SUMMARY MINUTES

Data-Moderate Status Determination Webinar

Pacific Fishery Management Council

December 21, 2012

Attendees at Pacific Fishery Management Council
Mr. John DeVore, Pacific Fishery Management Council
Ms. Mercedes Krause
Ms. Sandra Krause, Pacific Fishery Management Council
Mr. Rod Moore, West Coast Seafood Processors Association

Attendees at NMFS Northwest Fisheries Science Center
Dr. Jason Cope, NMFS Northwest Fisheries Science Center
Dr. Martin Dorn, NMFS Alaska Fisheries Science Center
Dr. Vladlena Gertseva, NMFS Northwest Fisheries Science Center
Dr. Owen Hamel, NMFS Northwest Fisheries Science Center
Dr. Jim Hastie, NMFS Northwest Fisheries Science Center
Dr. Sean Matson, NMFS Northwest Region
Dr. Andrè Punt, University of Washington

Attendees at NMFS Southwest Fisheries Science Center
Mr. John Budrick, California Department of Fish and Wildlife
Dr. E.J. Dick, NMFS Southwest Fisheries Science Center
Mr. Gerald Draayer, NMFS Southwest Fisheries Science Center
Dr. John Field, NMFS Southwest Fisheries Science Center
Ms. Joanna Grebel, California Department of Fish and Wildlife
Mr. Bob Leos, California Department of Fish and Wildlife
Ms. Rosemary Kosaka, NMFS Southwest Fisheries Science Center

Attendees Listening Online
Ms. Kelly Ames, Pacific Fishery Management Council
Ms. Ashley Apel
Ms. Linsey Arnold, Oregon State University
Mr. Ryan Couch, NOAA General Counsel
Mr. Steven Corby
Ms. Alison Dauble, Oregon Department of Fish and Wildlife
Mr. Dan Erickson, Oregon Department of Fish and Wildlife
Ms. Elizabeth Fetherston
Ms. Alexa Fredston-Hermann, Environmental Defense Fund
Ms. Claudia Friess, The Ocean Conservancy
Mr. Craig Good, Oregon Department of Fish and Wildlife
Mr. Ed Hibsch, Pacific States Marine Fisheries Commission

Mr. Tom Jagielo
Ms. Meisha Key, California Department of Fish and Wildlife
Ms. Gway Kirchner, Oregon Department of Fish and Wildlife
Ms. Stacey Miller, NMFS Northwest Fisheries Science Center
Mr. Corey Niles, Washington Department of Fish and Wildlife
Dr. David Sampson, Oregon State University
Mr. Dan Waldeck, Pacific Whiting Conservation Cooperative
Mr. Louie Zimm

Mr. John DeVore called the webinar to order at 9 a.m. He went through a PowerPoint presentation that listed the topics to be discussed. The PowerPoint and the report of the review panel from the June 2012 Data-Moderate Assessment Methods Review Workshop are available on the Council's web site. Mr. DeVore's overview of discussion topics was not intended to be comprehensive, and he asked if other topics should be added. Dr. Hastie recommended that, if there is time, it would be worthwhile to discuss determination of overfishing status for stocks that have undergone tier 1 or 2 assessments, but are managed within a stock complex.

Diagnosing Unreliable Assessments

The first topic discussed was a concern about determining stock status, especially "false negatives", i.e., an incorrect estimate of a stock being overfished, from data-limited assessments. Diagnosing unreliable assessments or those that provide a false negative or a false positive estimate of depletion will be a critical aspect of the review process. At the data-moderate assessment methods workshop, plots of the time series of estimated biomass or depletion against a time series of index CPUE were evaluated for a number of test cases. Comparison of data-moderate and full assessment estimates of abundance showed that some stocks had a close correspondence between methods and others that did not. For instance, a data-moderate estimation of sablefish abundance indicated a lack of correspondence between the two methods, with the data-moderate abundance estimates being higher than those estimated from the most recent full assessment. Plotting data-moderate abundance estimates against trawl survey CPUE from the NWFSC combo shelf-slope survey showed a poor fit. The conclusion was that this was a diagnostic for determining an unreliable assessment and, in the case of sablefish, the inclusion of compositional data in a full assessment provided important additional information on abundance and depletion. Since compositional data are excluded in a data-moderate assessment, this treatment led to an inaccurate estimate of abundance and depletion. While identification of such a diagnostic tool is important, it is noted that these are new, relatively untested methods and status determination using these methods should proceed with caution. Data-moderate assessment reviews are designed to be expeditious, so simple criteria will need to be used for determining whether the assessment is adequate. For example, the April data-moderate assessment review panel is scheduled to review up to two assessments (using both accepted methodologies) for nine stocks. There will not be enough time to do an extensive review for any one assessment.

Data Evaluation

Evaluating data quality and suitability is an important part of the data-moderate assessment review process. In March, the SSC Groundfish Subcommittee will review the data for developing indices that will be used for data-moderate assessments this year. Dr. Hamel added that both the data and the methods used to construct abundance indices will be reviewed. Dr. Dorn mentioned that there will be a University of Washington Think Tank that will also provide opportunity for exploring methods for developing abundance indices. Dr. Hastie envisioned the March SSC review would evaluate the methodological approaches to constructing indices rather than the data. The STAR panel may be better placed to work out data issues, especially how the Washington historical catch is constructed since there will be a GMT and GAP representative in attendance. However, he understands the point that the data will need to be evaluated to decide whether the quality and quantity of data are sufficient to do an assessment. The question is whether a data-moderate assessment is an improvement over the data-poor, catch-only methods used to estimate OFLs.

Dr. Dick explained that the target for the April STAR panel is to produce assessments for nine stocks. However, there may be fewer than nine stocks assessed depending on the quality of the data and the ability of authors to get all nine stocks assessed. Mr. DeVore agreed and stated the Council motion was that these nine stocks be the priority for data-moderate assessments. They are under no illusion that all nine stock assessments are doable and will be produced. Dr. Hastie added it may turn out that both methodological approaches for each of the nine stock assessments will not be completed. Ideally, both methodological approaches will be available for each stock to better compare and contrast these methods. However, practicality is part of the plan.

Mr. DeVore recommended the documentation of the methods used to construct abundance indices be available by the February 7 briefing book deadline to give SSC members time to review prior to the meeting.

Mr. DeVore asked if documentation of the age and length compositional data should be part of the assessment. Clearly, reviewers will need to know of the availability of these data before recommending whether the data-moderate assessment results should be used to determine status or whether a future full assessment should be used. It was debated whether the data documentation should be available for the April STAR panel or the June SSC meeting. The SSC could be charged in June with making the determination that the data-moderate assessment results should be used for status determination or whether evaluation of compositional data in a full assessment should be recommended before making a status determination. Some believed it desirable to have the compositional data documentation available for the April STAR panel to begin deliberating that question there. However, if it is a tradeoff in doing as many of the nine stock assessments as possible or documenting compositional data, then doing the assessments should be the priority.

Dr. Dick said that some analysis might be needed to determine if compositional data are informative, while Mr. DeVore thought that this should be a subsequent step. The first question to ask concerns data availability. If the answer is yes, then the next step might be analyzing that data in a subsequent full assessment. Dr. Hastie said it is possible that some analysis of

compositional data could be done on a stock over the summer before deciding the next step in September. This evaluation could potentially be done during the September mop-up panel. Dr. Dorn countered that we really do not want to spend time this year on analysis of compositional data for the data-moderate stocks. Dr. Hastie recommended that further evaluation of compositional data would only be done on data-moderate stocks that are overfished (i.e., below the minimum stock size threshold (MSST)). Dr. Dorn said we have to discourage analysis of compositional data in this new data-moderate assessment process. Such analysis entails a more lengthy review which compromises the efficiencies desired in this new process. Dr. Gertseva agreed and said analysis of compositional data also requires evaluating assumptions regarding selectivity which takes considerable time in a full assessment review.

Mr. DeVore explained that there are major long-term consequences when a stock is declared overfished. Once that occurs, rebuilding must commence regardless of whether that status determination was based on a data-limited assessment or not. Further, the stock continues to be managed under a rebuilding plan even if subsequent assessments indicate the stock was never overfished. This reality should be central to the question of how we evaluate compositional data this year for data-moderate stocks. While we should be concerned about both false negative and false positive errors, there is a much greater impact when a false negative result indicates a stock is potentially overfished.

Policy Consistency

Any new policy with respect to using data-moderate assessment results for stock status determination should be consistent with how other data-limited assessments are used on the west coast and nationally. Mr. DeVore remarked that data-moderate assessments are tier 2 (or category 2) assessments and that other west coast groundfish assessments, such as cowcod, are similarly limited, yet have been used to determine status. Dr. Dorn argued that the cowcod result came after a fairly extensive review process as a full assessment reviewed in a STAR panel. Data were excluded in in the reviewt process to arrive at the result we have. Therefore, the cowcod process cannot be likened to the data-moderate process envisioned where such an extensive review process will not be done. On the other hand, data were removed from past cowcod assessments and arguably some of that data may be informative. It may well be that some of that data will be recommended in the 2013 full cowcod assessment.

Dr. Hastie made the point that if we don't trust the status determination result of a data-moderate assessment, how can we trust the OFL estimate. This is another aspect of policy consistency we need to keep in mind. Further, can we similarly trust or distrust any status result that indicates the stock is above the MSST (i.e., how do we consider the prospect of a false positive result)? Mr. DeVore remarked that there are two questions here. The first is how can we have confidence in an OFL estimate from a data-moderate assessment if we distrust the estimated status. Arguably the addition of an abundance index to catch data in a data-moderate assessment provides more information than the data-poor, catch-only methods used to determine OFLs for unassessed stocks. Dr. Hastie said another complication to this is if you estimate that a data-moderate stock is in the precautionary zone and you do not use the status estimate, then there is no basis for applying the 40-10 rule for non-flatfish or the 25-5 rule for flatfish stocks. This solidified the group's recommendation that status should be determined from a data-moderate stock assessment that indicates the stock is above MSST. Dr. Dorn clarified that the June 2012

data-moderate assessment methods review panel only focused on the question regarding status determination when a data-moderate assessment indicates a stock is below the MSST or potentially overfished (note: the Panel recommended data-moderate assessment results should not be used to determine whether a stock is overfished). Further debate by the group regarding the issue of deferring status for data-moderate stocks that are potentially overfished concluded that precautionary management and a commitment to do a full assessment in the next cycle for stocks in this category is recommended (see next section).

There is also the issue of recommending a policy that maintains consistency at the national level. There are similar assessments used in other regions that are data-limited where status is determined. Dr. Punt said that in some regions (e.g., the Caribbean) there are stocks that are declared overfished without a quantitative assessment. While this is an extreme example, there are assessments in the Southeast Atlantic and other regions where data-limited assessments are used to determine status. Dr. Dorn said data-limited groundfish assessments in the North Pacific are not used to determine status, but are used to set ABCs and OFLs. He said that what is being considered here is not extreme, and is still more rigorous that what is being done in other regions around the country.

Dr. Hastie said that we should also be cognizant of the NMFS Stock Assessment Improvement Plan (SAIP) guidelines. Level three assessments in the SAIP are defined as assessments that use a production model informed with catch data and at least one index of abundance. Level three assessments in the SAIP guidelines are characterized as the lowest level of a stock assessment which can be recommended for status determination. Clearly, an approved data-moderate assessment qualifies as a level three assessment under the SAIP. The argument was made that not using such an assessment for status determination conflicts with national NMFS policy. Dr. Punt added that his review of the Fisheries Stock Sustainability Index (FSSI) indicates a number of data-limited assessments for rebuilding stocks have been used nationally to determine status.

Dr. Cope asked if data-moderate stock assessment results would be used in a future meta-analysis to determine the scientific uncertainty parameter, sigma (σ)? The debate on this was inconclusive. Some thought that might not be a good idea since more parameters are fixed in data-limited assessments than full assessments. Dr. Dick pointed out that whether estimated uncertainty is lower [is more underestimated] for data-moderate than full assessments depends on which method is used to do a data-moderate assessment and what assumptions are made. This is part of a debate the SSC needs to have before the next spex cycle in anticipation of recalculating sigma values.

Proposed Process for Determining Status of Data-Moderate Stocks

Dr. Jim Hastie provided an overview of a flow chart depicting a proposed process for determining status of data-moderate stocks. The proposal is to defer a status determination when a data-moderate stock is indicated to be overfished and the SSC determines there are adequate compositional data to do a full assessment. This approach may be consistent with the national policy framework (e.g., the SAIP), with the commitment that a full stock assessment will be conducted in the next cycle. The group recommended that the SSC data review step evaluating whether there is enough data to conduct a full assessment should be done regardless of estimated status. In cases where the SSC determines there are insufficient compositional data to conduct a

full assessment, updates of data-moderate assessments should be considered. This allows monitoring stock abundance through continuing the modeled indices and catch time series.

There was a discussion about what level of critical evaluation the SSC will need to do to recommend whether there is enough data conduct a full assessment. It is one thing to document the availability of data and yet another to evaluate whether those data are informative. After some discussion, the thought was the SSC would make an initial determination in June based on documented data availability. If further data exploration or analysis is needed, that can be done over the summer for SSC consideration in September. Dr. Hastie and Dr. Dick said the Science Centers could probably provide resources to do some of the data analysis. It will be important to have the SSC provide some guidance on what analyses they will want to see to make their determination. There was a concern regarding the extra workload for assessment authors to both conduct the assessments and document the compositional data. Mr. DeVore volunteered to request the data from state agencies, RecFIN, and PacFIN, and provide the data documentation in time for the April STAR panel.

Dr. Hastie asked if anyone wanted to discuss overfishing criteria for tier 1 or 2 stocks managed in complexes. Mr. DeVore suggested that this topic is linked to the complex restructuring initiative. He recommended we take this up when the GMT and SSC Groundfish Subcommittee meets in Seattle on January 17.

Figure 1 depicts the proposed process for determining status of data-moderate stocks.
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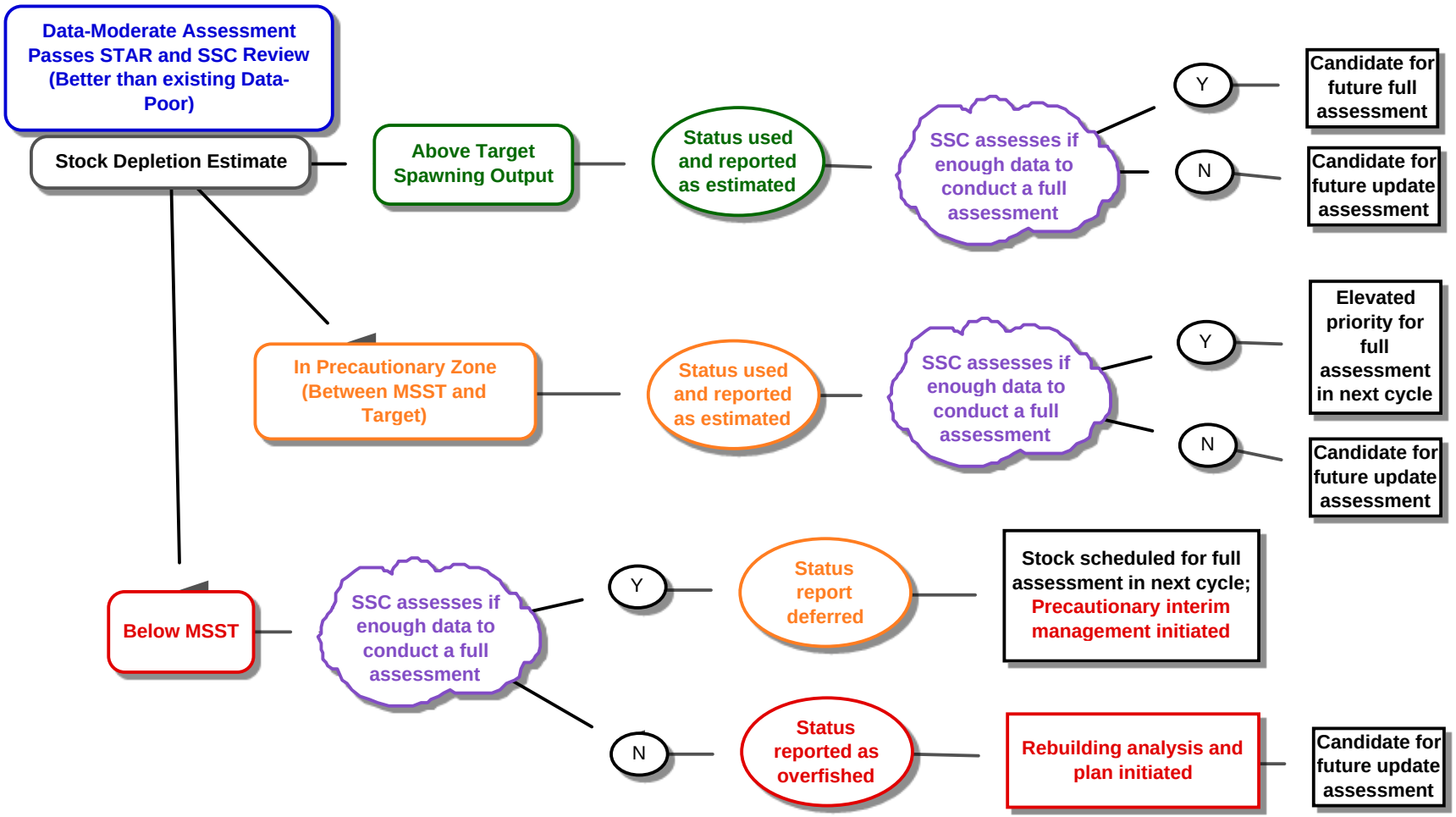


Figure 1. Proposed process for determining status of data-moderate stocks.

Agenda Item H.2.b
Supplemental GAP Report
March 2013

groundfish Advisory Subpanel Report on
Status Determination Criteria for Data-Moderate Stocks

The Groundfish Advisory Subpanel (GAP) received a briefing from Mr. John DeVore and Dr. Jim Hastie on status determination criteria for data-moderate stocks. The GAP realizes the Council has yet to formalize a process for determining status of data-moderate stocks given concerns that the assessments informing this category of stocks are more data-limited and therefore more uncertain than typical full assessments. The GAP also understands that data-moderate assessments meet the minimum national standards for determining stock status. The GAP considered the process for determining the status of data-moderate stocks by the science workgroup assigned to explore this issue as captured in Figure 1 of Agenda Item H.2.a, Attachment 1 as a reasonable one.

However, the GAP is concerned that the National Marine Fisheries Service (NMFS) recently decided that the estimated status determination of a data-moderate stock indicating a stock is overfished cannot be deferred until the next assessment cycle when a full assessment can be done (assuming a determination is made that there is adequate available data to do a full assessment). Therefore, the GAP recommends delaying the data-moderate assessments scheduled for this year until NMFS policy problems are resolved.

The GAP believes NMFS policy on this matter is flawed because there is a "penalty" associated with an overfished declaration that starts the management system down an irreversible pathway. Once a stock is declared overfished, there is a requirement to develop a rebuilding plan within two years. Further, as demonstrated by widow rockfish management in the last few management cycles, once a rebuilding plan is in place, there is a policy to stay on the rebuilding course until the stock attains its biomass target regardless of whether a subsequent assessment indicates the stock was never overfished. The NMFS decision should be reconsidered because it appears to conflict with the best available science standard that guides management decision-making. The GAP believesthat a more thorough evaluation of stock status than can be afforded from a data-moderate assessment should be done before contemplating whether a rebuilding plan is needed.

Dr. Hastie offered two alternatives that might allow this more thorough evaluation of stock status with either an out-of-cycle full assessment in 2014 or a full assessment in the next stock assessment cycle (2015) before the Council is committed to a long-term rebuilding strategy. There was no clear guidance on whether management is forced down an irreversible rebuilding pathway when the stock is officially declared overfished or when a rebuilding plan is implemented. If the former, then the alternatives that contemplate doing a full assessment before a rebuilding plan is implemented will not help prevent taking the long term rebuilding course. If the latter, then a full assessment can be done before the Council is committed to a rebuilding plan. However, without certainty that NMFS will allow a full assessment to be done before management is committed to a rebuilding plan, the GAP cannot recommend either alternative.

The GAP also notes that these two alternatives will tend to disrupt the process to decide 2015-16 harvest specifications.

The GAP also believes the Council should proceed cautiously with integrating data-moderate stock assessments in the management system. The methods for conducting these assessments and the diagnostics used to evaluate the reliability of assessment results have not been fully vetted. Further evaluation of the data and methods used to construct abundance indices informing data-moderate assessments and the types of sensitivity analyses and other diagnostic tools should be investigated in a workshop environment before embarking on a stock assessment plan that includes conducting data-moderate assessments. Before proceeding with data-moderate assessments, NMFS needs to resolve the policy issues that might prevent a more thorough evaluation of stock.

PFMC
03/09/13

Agenda Item H.2.b
Supplemental GMT Report
March 2013

GROUNDFISH MANAGEMENT TEAM REPORT ON STATUS DETERMINATION CRITERIA FOR DATA-MODERATE STOCKS

In general, the Groundfish Management Team (GMT) considers status determination a necessary and beneficial attribute of the category 2 ("data-moderate") stock assessments. Status provides information on how to manage a resource relative to a target biomass, thus allowing the Council greater resolution on how to consider risk in developing management measures. Admittedly, estimates of status from these methods are uncertain, thus there is an unknown level of false positives and negatives (i.e., where we assume that a stock is either above or below, respectively, the minimum stock size threshold (MSST) when it is really not). The recommendations coming out of the data-moderate webinar focus on false negatives, as we do in the majority of this report. The GMT is also concerned about false positives. This could be the case when catch is coming in near the overfishing level (OFL) contribution for stocks in complexes where OFL and acceptable biological catch (ABC) are overestimated due to incorrect status estimation. These cases should also be prioritized for closer examination in following cycles.

There are a variety of reasons to do data-moderate stock assessments (as outlined in September 2012 Supplemental GMT Report 2, Agenda Item H.3.b[1]). For example there are stocks (e.g. rex sole) that have data available that could inform a full assessment, but they are not a management priority, and the Council wishes to provide status information using less time and money. The GMT recognizes that the National Marine Fisheries Service (NMFS) proposed protocol to conduct a full assessment if the data-moderate assessment of a stock with additional data indicates a stock status is below the MSST is a reasonable approach given current constraints. Future decisions on what stocks to conduct full assessments on should include this consideration that an overfished status triggers a full assessment immediately following a data-moderate assessment. We anticipate this will require additional considerations during stock prioritization (e.g., a thorough compiling types and amounts of data available for stocks). However, we caution that it is hard to develop clear cut data availability criteria for doing a full assessment.

Applying an overfished status from a data-moderate stock is procedurally complex, especially when additional data to support a full assessment is available. The timelines for status determination of overfished species and implementation of a rebuilding plan is currently as follows. A stock assessment, which is adopted by the Council, determines a stock is overfished which typically occurs at the June, September, and November Council meetings of the odd year (e.g., 2013). NMFS sends a letter informing the Council that the assessment they just adopted, which indicated an overfished status, is indeed overfished as required by the Magnuson-Stevens Act (MSA), though it is not clear to us how long it takes for NMFS to issue the letter after the assessment is adopted by the Council. After the letter is received, the Council has two years to implement a rebuilding plan[2]. The Council can also implement the Points of Concern Framework

[1] http://www.pcouncil.org/wp-content/uploads/H3b_SUP_GMT_RPT_TWO_SEP2012BB.pdf
[2] Section 304 (e) of the Magnuson Stevens Act

in the Fisheries Management Plan (FMP) and reduce catches through management measure adjustments prior to the two year MSA deadline and or implementation of January 1 regulations (i.e., similar to what was done with petrale sole in 2010).
The GMT suggests that the revised approach for use of stock status estimates from data moderate assessments developed by NMFS may work better if the Council uses the entire two years allowed under the Magnuson-Stevens Act to develop and implement a rebuilding plan. That extra time could allow for a full assessment in the regular cycle (i.e., it would not have to be in an off year). The only time a stock assessment was performed outside the regular biennial cycle was the yelloweye assessment in 2006. That created considerable disruption in the biennial process and required emergency action to implement regulations by the start of the fishing season. If the Council deems that the off-year assessment is the best available alternative, the GMT recommends that the analysis of whether a full assessment can be completed needs to be done by June of the preceding year.

The GMT also recommends that the Council consider this change in concert with the changes considered under Amendment 24. Efficiencies envisioned under that process improvement could be undone if off-year assessments require emergency action and/or doing a separate rebuilding plan Environmental Impact Statement (EIS) and FMP amendment outside of the biennial cycle. This could also have ripple effects within the state regulatory processes as emergency actions are addressed within state regulations.

Finally, we note that there are potential issues that need to be addressed with two accepted methods to conduct data-moderate assessments. It is likely both methods will be performed on many of the assessed stocks. The GMT is not clear on what happens if the two do not agree on stock status, particularly if one is below MSST and one is above MSST. Currently it seems the SSC is charged to determine status based on the available information, and would therefore confront this issue. The GMT recommends clarifying this point. We also note that there is currently no rebuilding analysis in extended DB-SRA, while rebuilding analyses in the data-moderate Stock Synthesis (SS) would proceed similar to full SS assessments. Rebuilding in extended DB-SRA is certainly doable, but the different parameterization of the model would require new specifications, determination of acceptable rebuilding outputs and SSC review.

GMT Recommendations:

- Request a thorough description of all available data in the future when prioritizing species for either data-moderate or full assessments, particularly stocks with high vulnerability (e.g., China rockfish) that are more likely to be near MSST than stocks with low vulnerability (e.g., rex sole).
- Consider using up to two years to develop and implement rebuilding plans in order to allow for an additional assessment cycle within the existing biennial process and improvements being considered under Amendment 24.
- Develop a mechanism to determine status when two accepted data-moderate assessments disagree on whether a stock is overfished.

PFMC
03/08/13

NOAA FISHERIES
NW Fisheries Science Center

Use of Stock Status Results From Data-Moderate Assessments

Dr. James Hastie

March 8, 2013

Data-Moderate Assessment Adequacy

- Although the proposed D-M methods are much more limited than our Tier-1 assessments, they are considered by NMFS to be adequate for status determination
- More than 80 US assessments that use similar, or even slightly less data, have been used to determine status
  - And in some cases, initiate rebuilding plans

Overview of "Adequate" Data-limited Assessments in U.S.

Comparable to proposed PFMC Data-moderate

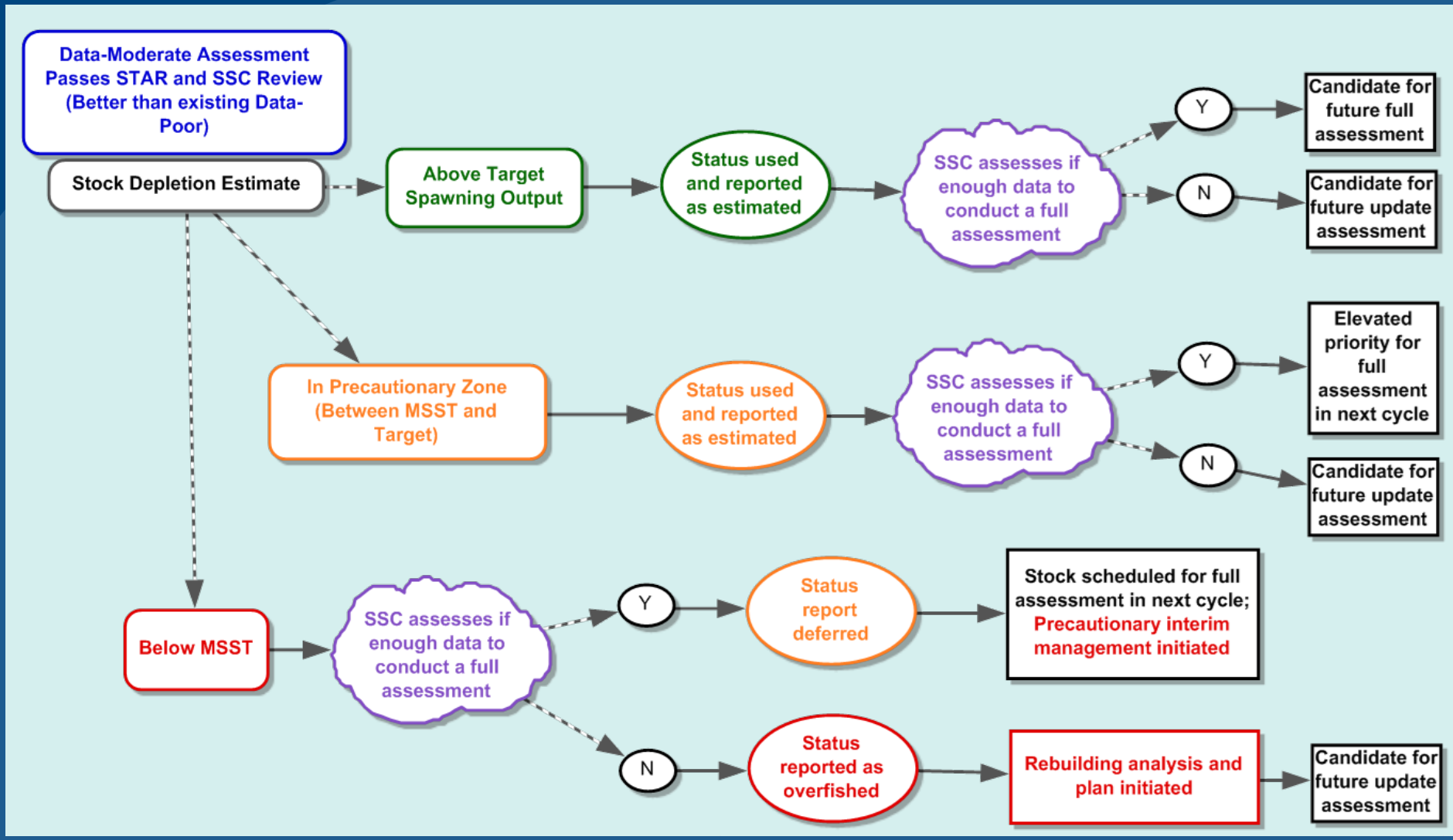
- 38 stocks in the Atlantic and Gulf of Mexico
- Include survey or fishery indices of abundance

Between PFMC Data-moderate and Data-poor

- 44 stocks from the Atlantic, Gulf of Mexico, and Central Pacific
- Assessment based on biomass dynamics

Ad-hoc D-M Comm. Recommendation

H.2.a, Attachment 1

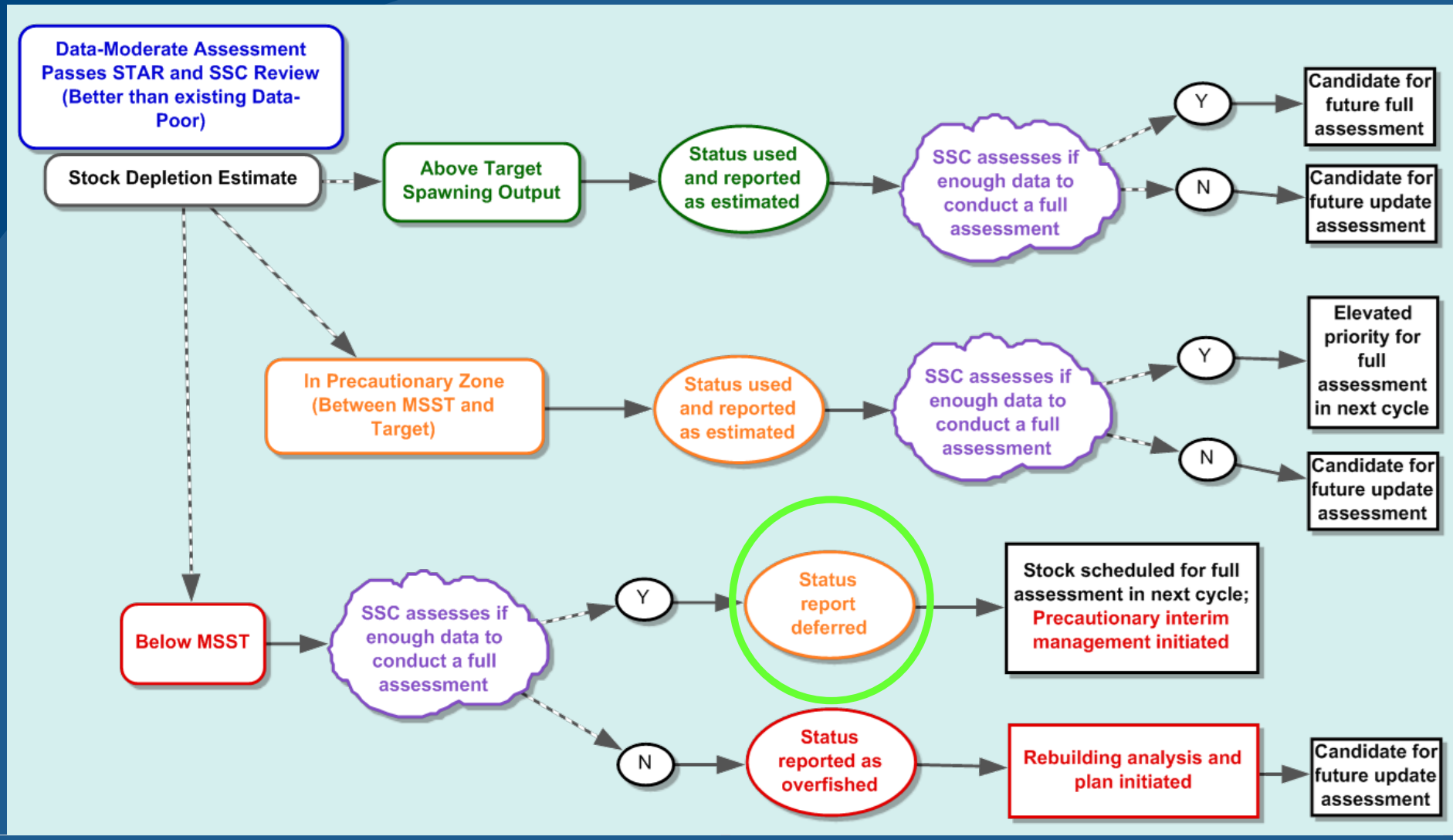


New Developments

- Since mid-January, concerns have arisen regarding the selective reporting of overfished status, that was part of the November NMFS Strawman and the recommendations of the Council's ad hoc committee (in cases where stock below MSST & more data available)

- NMFS and NOAA General Counsel now believe that status should be reported in all cases where the assessment is approved and is deemed to be adequate for estimating stock status

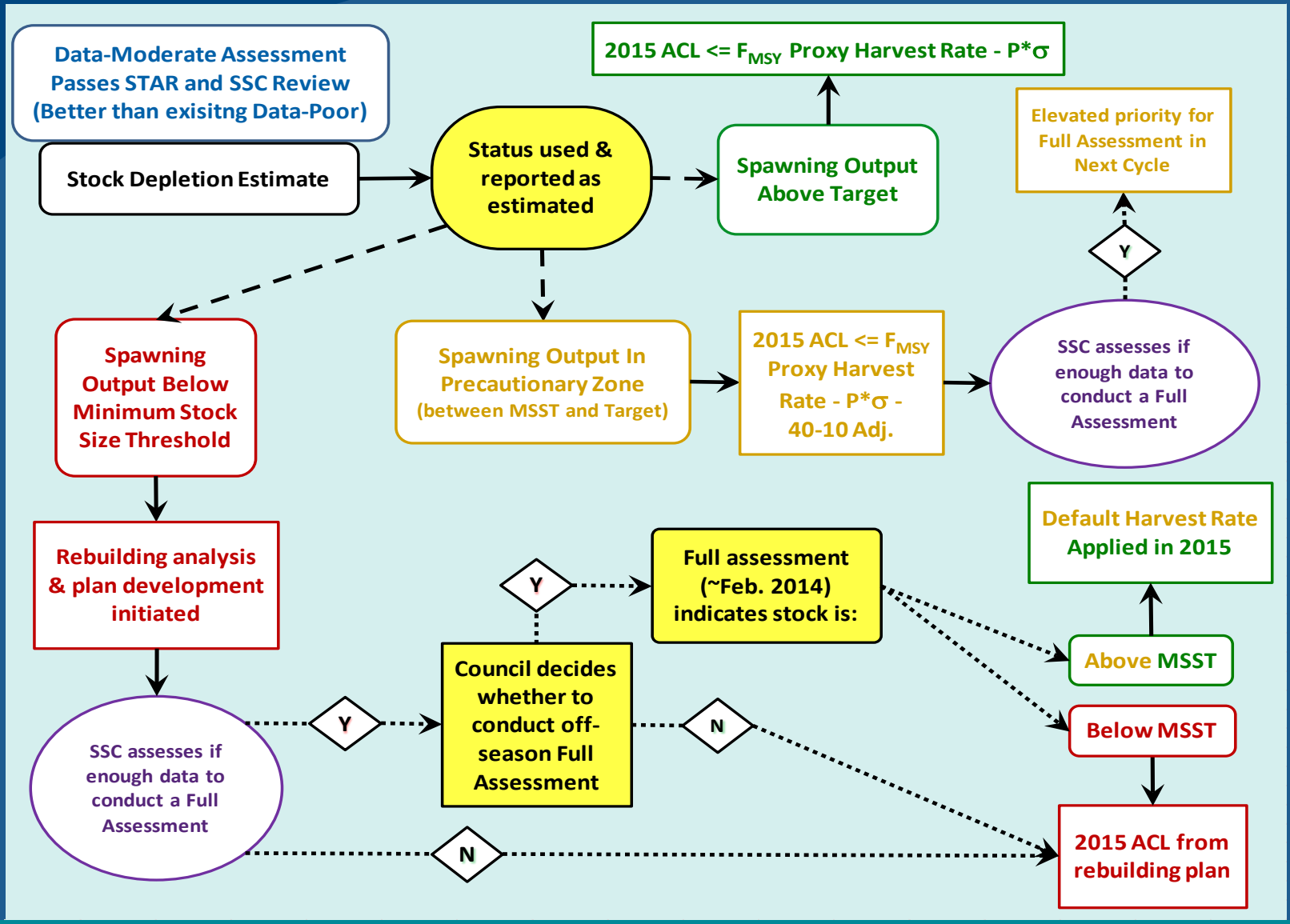
Ad-hoc D-M Comm. Recommendation



Two Current Alternatives

- To complete a process for determining that a rebuilding plan is not needed, the Council would need to:
  - Conduct/review/approve a full assessment PRIOR to the deadline for implementing a rebuilding plan (based on D-M)
  - Have that assessment show that the stock is above the MSST
- Under one alternative, Council would **complete full assessment review by Jan-Feb of following year** (e.g. 2014)
- SSC/Council would review/adopt in March
- Spex options would be narrowed at that point
- This alternative has had a fair amount of informal agency consideration
- It would complicate the Spex process, requiring some refocusing of analysis between March and May

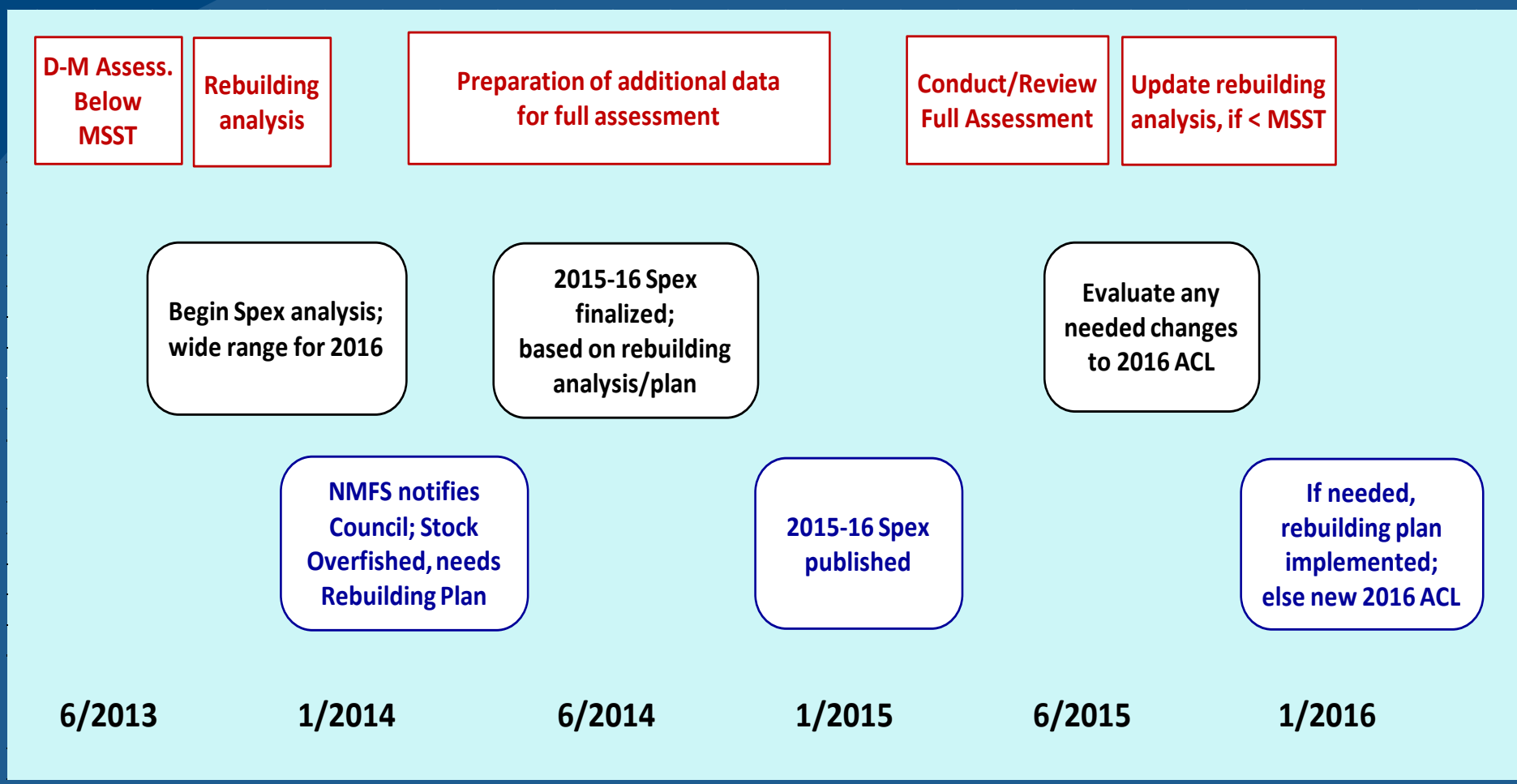
Alternative 1



Two Possible Alternatives (cont.)

- The Council has traditionally implemented its rebuilding plans in the 1st year of a biennial cycle (e.g. 2015), even though they have two years from notification (early 2014)
- Under a more-recently suggested alternative, the Council would **delay formal implementation of a rebuilding plan until the 2nd year of cycle** (e.g. 2016)
- Spex would include a **precautionary limit in the 1st year** and a **range of limits for the 2nd year** (as done with Pacific hake)
- A full assessment could be conducted/reviewed early in the next cycle (e.g. May, 2015)
- If stock above MSST, the 2nd-year (2016) ACL could be increased
- This alternative has had less agency review/discussion
- It would increase the range of alt.s in Spex analysis, but changes would not be needed until 2 years later, if at all

Alternative 2 Timeline



Summary

- The differences between these alternatives and the Committee recommendation affect a single, narrow class of results-- those with:
  - Stock status below MSST
  - Enough data to merit a full assessment
- We do not currently know-- how many:
  - of the scheduled D-M assessments will be approved by the STAR Panel and the SSC
  - of the approved assessments will indicate status below the MSST
  - of those that might be approved and below MSST would have sufficient data for a full assessment
- Both Science Centers are committed supporting the assessment needs of these alternative processes

Agenda Item H.2.b
Supplemental SSC Report
March 2013

Scientific and Statistical Committee Report on Status Determination Criteria for Data-Moderate Stocks

SSC Groundfish Subcommittee Report on Review of Proposed Methods for Constructing Abundance Indices

Dr. Vladlena Gertseva gave a summary of the Scientific and Statistical Committee (SSC) Groundfish Subcommittee meeting which occurred on March 5 to review proposed methods for constructing and analyzing abundance indices that may be used in data-moderate stock assessments later this year. The topics reviewed included 1) recreational catch-per-unit-effort indices, 2) design and methods used to construct an abundance index for the Northwest Fisheries Science Center (NWFSC) hook and line survey, 3) delta-GLMM method for constructing trawl survey indices, and 4) alternative methods for analysis of trawl surveys. The SSC endorsed some of the methods being developed, but made a number of specific recommendations to the analysts with an emphasis on ways to facilitate the review of the abundance indices during the data-moderate review panel meeting. Major recommendations are listed below (more detailed recommendations are contained in the SSC Groundfish Subcommittee report).

- The SSC agrees that the proposed approaches for developing recreational catch-per-unit-effort indices are adequate and recommends using them in data-moderate assessments. The SSC notes that sampling protocols for collecting "Type 3" data in RecFIN have not been consistent between the States over time, and this may have an effect on the indices derived from these data.

- The SSC recommends using the hook-and-line survey index in data-moderate assessments but only if the Fishing Time-related concerns are addressed in the analysis. The SSC further recommends revisiting the decision to not include hook-and-line survey sites within the Cowcod Conservation Areas, which is a major limitation of this dataset. Technology is now available to return cowcod to depth with relatively high survival.

- The SSC endorses the new software for the development of abundance indices from trawl survey data and recommends using it in stock assessments.

- A novel multi-step survey analysis approach was proposed to combine the triennial and NWFSC combo survey and to select survey observations that are most likely to be informative about trends in abundance for a particular species. The SSC recommended that this approach not be used in base-case runs for data-moderate assessments being developed this year. Depending on the outcomes from the Data-moderate Panel, this proposed method could be the focus for work during the 2014 "off year."

In addition, the SSC reviewed an updated prior for spawner-recruit steepness for rockfish and discussed its use in the 2013 assessment cycle. The SSC endorsed improvements made to the analysis and recommended using a prior estimated based on Tier 1 stocks (mean=0.779, SD=0.152) in this year assessments. For assessments that fix the steepness parameter, it should be set at the mean value (0.779) unless there is strong justification for an alternative value.

Proposed Status Determination Criteria

John DeVore gave a report on a webinar workshop on December 21, 2012, that developed a framework for status determination criteria for data-moderate stocks (Category 2). A status determination is a quantitative evaluation of whether the stock is below its minimum stock size threshold and is therefore overfished and whether fishing mortality is above F_{MSY} and therefore being subject to overfishing. Data-moderate assessments are intermediate between full assessments (Category 1), which have been used for status determination, and data-poor assessments (Category 3), which have not. Data-poor assessment methods such as Depletion Based-Stock Reduction Analysis (DB-SRA) do provide estimates of stock status, but these estimates are strongly dependent on the assumed distribution of depletion. Therefore, the SSC has previously recommended against using data-poor assessments for status determination.

Data-moderate assessments differ from full assessments in several ways. First, the input data are intentionally restricted to abundance indices. The assessment models are highly simplified and only a few key parameters are estimated. Review of these assessments focuses on identifying and rejecting those assessments that do not adequately fit the available abundance indices. The benefits of this approach are that more data-moderate assessments can be developed and reviewed during a single stock assessment cycle, but it should be recognized that these assessments are inherently less certain than full assessments. Previous workshops comparing data-moderate assessments and full assessments indicated that in most cases the agreement is quite good. However, there were cases when data-moderate assessments gave different results than full assessments (including both higher and lower estimates of depletion). Diagnostic tools have been developed to help identify data-moderate assessments with questionable performance.

The basic structure of the framework developed during the webinar workshop is that the process for data-moderate assessments would be different depending on estimated stock status and the availability of additional data. If stock status is estimated to be above the target biomass, no further assessment work would be required. If the stock is in the precautionary zone, the Council would adopt precautionary management measures, such as the 40-10 harvest control rule, and the stock would be given elevated priority for a full assessment. If the stock is estimated to be below the overfished level and additional data are available, the stock would be scheduled for full assessment in the next assessment cycle (and precautionary management measures would be implemented in the interim). The SSC considered the framework developed during the webinar workshop a reasonable approach that makes appropriate use of data-moderate assessments as a screening tool to identify stocks whose status is a potential concern, and prioritizes further assessment work to reduce uncertainty where possible.

The SSC recommends that stock status estimates from data-moderate assessments should not automatically be accepted for use in status determination. An evaluation of available information to conduct a full assessment should be a crucial element in deciding whether to adopt a status determination from a data-moderate assessment. Since an overfished status

determination cannot easily be undone, the SSC would prefer to not to make a recommendation to the Council on overfished status until results from a full assessment are available if it is determined that a full assessment can be conducted in the next assessment cycle.

Dr. Jim Hastie presented an alternative framework with the same overall structure and the same ultimate outcome, but in which stocks that are potentially overfished would be required to undergo a full assessment under a compressed time schedule. The SSC notes that a rushed timetable is not generally conducive to producing good science, and the Council and NMFS should anticipate the possibility that some assessment issues will not be addressed fully under the proposed schedule. In addition, a compressed time schedule might not allow additional data to be assembled, for example, by ageing additional otoliths to estimate age composition. Additional data would help to reduce the uncertainty of the assessment results and the status determination. While the SSC understands that the alternative framework was developed to accommodate statutory requirements, in the SSC's opinion it is not in accord with the principle of using best scientific information available.

PFMC
03/08/13

Please Note: This motion may have had language changes before it was seconded, it may have been changed by amendments, or not voted on. Please refer to the Final March 2013 Minutes and Voting Log for ultimate Finality.

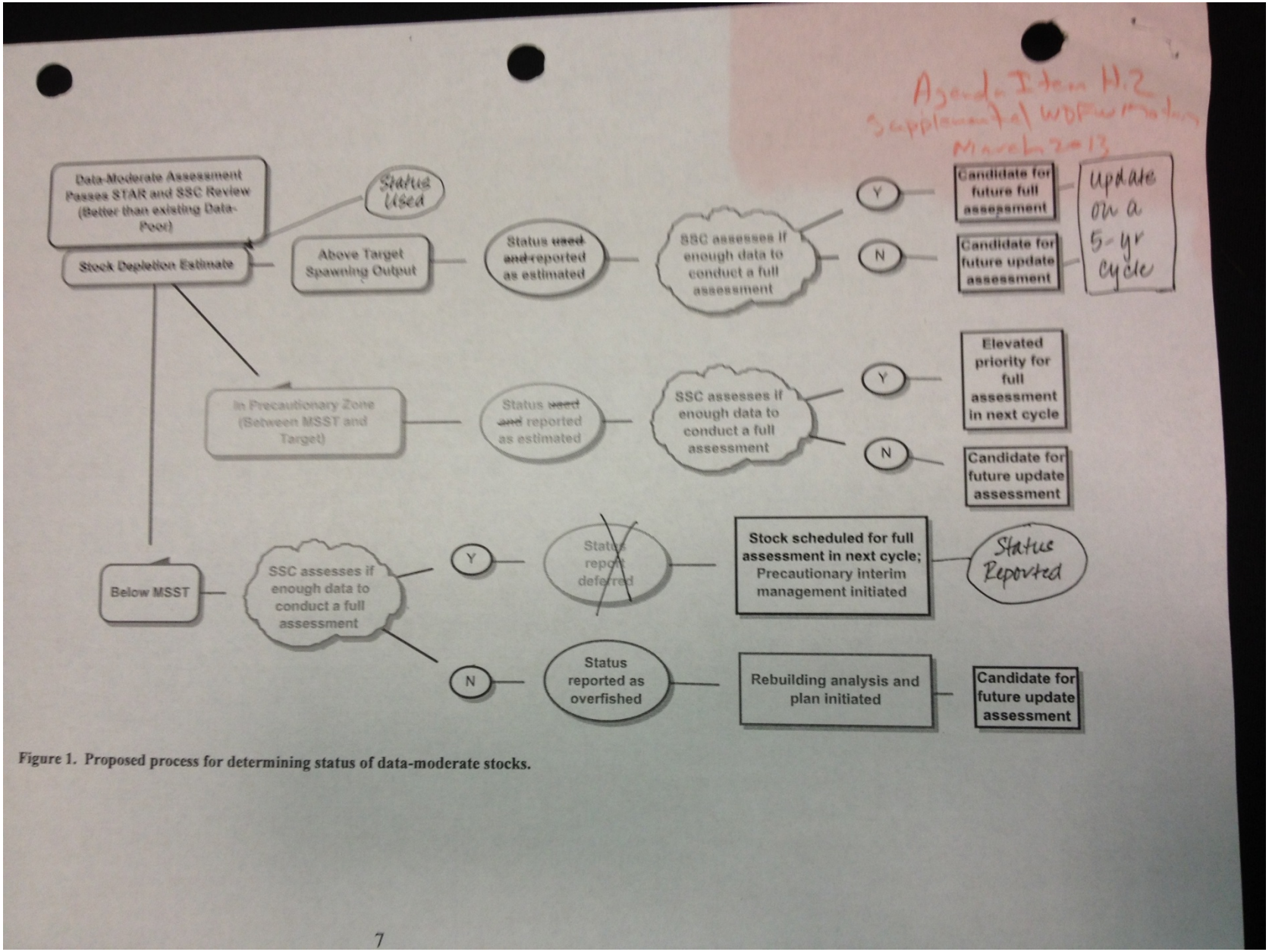


Figure 1. Proposed process for determining status of data-moderate stocks.

CONSIDERATION OF INSEASON ADJUSTMENTS, INCLUDING CARRYOVER

Management measures for groundfish are set by the Council with the general understanding these measures will likely need to be adjusted within the biennium to attain, but not exceed, the total catch limits. This agenda item will consider inseason adjustments to ongoing 2013 fisheries. Potential inseason adjustments include adjustments to rockfish conservation area boundaries and adjustments to commercial and recreational fishery catch limits. Adjustments are, in part, based on catch estimate updates and the latest information from the West Coast Groundfish Observer Program.

The Council has an informal policy of not liberalizing management measures until the June Council meeting, unless data errors or model errors warrant earlier consideration. Therefore, unless warranted by significant changes in current information relative to existing projections, liberalizations to Rockfish Conservation Area boundaries and commercial and recreational catch limits may not be considered under this agenda item.

Under this agenda item, the Council is expected to provide a recommendation to the National Marine Fisheries Service regarding the issuance of 2012 surplus carryover quota pounds (QP) into the 2013 individual fishing quota fishery. The surplus carryover provision allows up to 10 percent of the QP surplus in a vessel account to be carried over from one year to the next (see regulations at 660.140(e)(5)). The Groundfish Management Team is expected to provide a report on fishery performance in 2012 and projections for 2013 to inform decision-making. If a conservation concern is identified, the Council can recommend reducing the carryover percentage or eliminating the provision for the species in question for the year.

Council Action:

1. **Consider information on the status of 2013 fisheries and adopt final inseason adjustments, as necessary.**
2. **Consider data on surplus carryover QPs and recommend the amount of surplus carryover that should be issued.**

Reference Materials:

1. Agenda Item H.3.c, Public Comment.

Agenda Order:

a. Agenda Item Overview — Kelly Ames
b. Reports and Comments of Advisory Bodies and Management Entities
c. Public Comment
d. **Council Action:** Adopt Recommendations for Adjustments to 2013 Groundfish Fisheries, Including Carryover

PFMC
2/13/2013

Agenda Item H.3.b
Supplemental GAP Report
March 2013

GROUNDFISH ADVISORY SUBPANEL REPORT ON CONSIDERATION OF INSEASON ADJUSTMENTS, INCLUDING CARRYOVER

The Groundfish Advisory Subpanel (GAP) and the Groundfish Management Team (GMT) engaged in a joint discussion regarding potential inseason actions for 2013. The GMT discussion was led by Dr. Sean Matson. Having completed this meeting, the GAP wishes to recommend for inseason consideration the following:

TRAWL Rockfish Conservation Aarea (RCA) NORTH OF 40° 10' N TO 48° 10' N

The GAP recommends one change to the trawl RCA line for period 2:
Move the shoreward RCA boundary line north of 40° 10'N to 48° 10'N from 75 fathoms out to 100 fathoms for fishing period 2 (consistent with periods 3, 4 & 5).

Rationale

Making adjustments to the RCA lines is not a new concept and is a topic that has been discussed in the GAP and on the Council floor several times. We requested this last year. The GAP continues to be concerned that the current shoreward RCA configuration is too restrictive for the fishermen north of 40° 10' to effectively prosecute their intended fishing strategies. The GAP believes this is clearly demonstrated by the low percentage of catches compared to available annual catch limits (ACLs), such as lingcod, true cod, yellowtail rockfish and Dover sole.

The trawl fleet is 100 percent accountable for their catch under the rationalization program. If they encounter species of concern during their fishing operations in the RCA they are still required to cover their catch with quota pounds. They are specifically allocated pounds of these species in order to prosecute healthier fisheries. The likelihood of a "lightning strike" of a species of concern that will result in a shut down of the entire trawl fishery is slim. The exempted fishing permit nets (selective flatfish trawl) that the fleet is using are designed NOT to catch rockfish. Further, the data available from the RCA for the last two years (periods 3, 4, & 5) show that this scenario has not happened. While there is some evidence of higher canary bycatch in the area prior to implementation of the trawl individual quota (TIQ) program -- the data that represents pre-rationalization is really quite different than post catch share. That is, the fishing behavior prior to rationalization was effectively different than once the program was implemented – the penalty for overharvest of species of concern is quite severe now and this is born out in the tremendous decrease in bycatch of these species in the same area after implementation of the TIQ program.

There was some discussion that if the Council made this recommendation, due to workload and regulatory requirements, it may only result in a two-week opportunity for period 2. The GAP still recommends moving forward. Aside from the potential economic value gained by the addition of two weeks this year, the goal is to have this in place for 2014. This will be especially important this year with the reduction in available sablefish – if the fleet is to continue to access Dover sole

(the most abundant flatfish on the coast), then it needs more opportunity on the shelf as a way to help make up for the loss of sablefish revenues in the DTS Shelf fishery.

Carryover of sablefish and petrale IFQ

The GAP discussed the issue of carryover of sablefish and petrale quota. The GAP requests that carryover be issued as soon as possible. Preliminary data from 2012 suggests that ACLs will not be exceeded.

PFMC
03/09/13

GROUNDFISH MANAGEMENT TEAM REPORT ON
CONSIDERATION OF INSEASON ADJUSTMENTS, INCLUDING CARRYOVER

Summary

Action Items

Trawl Rockfish Conservation Area (RCA) Proposal: The Groundfish Management Team (GMT) analyzed a proposal from the Groundfish Advisory Subpanel (GAP) to move the shoreward trawl RCA boundary from 75 fathoms to 100 fathoms, between 40°10' and 48°10' N. latitude for Period 2. Analyses indicate the probability of encountering canary rockfish, darkblotched rockfish, and Pacific ocean perch, will likely be higher than if the 75 fm boundary remained in place. The GMT recommends the Council consider this boundary change, given the potential for bycatch and individual accountability afforded by the individual fishing quota (IFQ) program.

Eligible Surplus Carryover: The GMT provided projections of sablefish north of 36° N. latitude and petrale sole mortality for 2013. The GMT believes, based on these projections, that allowing eligible surplus carryover for the 2013 IFQ program may not cause ACLs or OFLs to be exceeded for either species; however the projections are based on preliminary data. For these species, the GMT recommends the Council action reflect their risk tolerance in the event final data indicate higher attainment than projected in this document. The Council could recommend a) issuing carryover up to 10 percent, b) reducing the eligible carryover percent, or c) forgoing carryover.

Maximum eligible surplus carryover (10 percent) could be issued for all other IFQ species for 2013 while maintaining catches below the ACL, based on the 2012 performance of the fishery and attainment rates.

Informational Items

Recreational: An update is given on opening dates and early catch expectations.

Research: The International Pacific Halibut Commission (IPHC) will be expanding their survey into northern California in 2013. Considerations for catch of rebuilding species are discussed though no updates to the scorecard are recommended.

Scorecard: An updated version of the scorecard is presented and discussed based on recent the most recent projections in the commercial and recreational fisheries.

Introduction

The GMT considered the most recent information on the status of ongoing fisheries, research, and requests from industry, and provides the following recommendations for 2013 inseason adjustments.

The GMT also received guidance from the National Marine Fisheries Service (NMFS) Northwest Region (NWR) regarding timing of implementation of inseason recommendations from this meeting. The NMFS anticipates implementing potential routine inseason adjustments to 2013 fishery management measures potentially as early as April 15, 2013.

2013 Action Items

The GMT received a request from the GAP to examine the following possible changes to the trawl RCA boundary for 2013:

- 40°10' - 48°10': Move shoreward boundary from 75 fathoms to 100 fathoms for Period 2.

Tables 1 and 2 highlight the changes proposed in this request.

Table 1. Current trawl RCA boundaries for the area north of 40°10' N. latitude.

<table>
<tr><th></th><th>Jan-Feb</th><th>Mar-Apr</th><th>May-Jun</th><th>Jul-Aug</th><th>Sept-Oct</th><th>Nov-Dec</th></tr>
<tr><td>North of 48°10' N. lat.</td><td>shore - modified 200 fm line</td><td>shore - 200 fm line</td><td colspan="2">shore - 150 fm line</td><td>shore - 200 fm line</td><td>shore - modified 200 fm line</td></tr>
<tr><td>48°10' N. lat. - 45°46' N.</td><td rowspan="2">75 fm line - modified 200 fm line</td><td>75 fm line – 150 fm line</td><td colspan="3">100 fm line - 150 fm line</td><td>75 fm line - 150 fm line</td></tr>
<tr><td>45°46' N. lat. - 40°10' N. lat.</td><td>75 fm line - 200 fm line</td><td colspan="3">100 fm line - 200 fm line</td><td>75 fm line - modified 200 fm line</td></tr>
</table>

Table 2. Requested trawl RCA boundaries for the area north of 40°10' N. latitude (proposed changes shaded gray, with bold and strikeout font).

	Jan-Feb	Mar-Apr	May-Jun	Jul-Aug	Sept-Oct	Nov-Dec
North of 48°10' N. lat.	shore - modified 200 fm line	shore - 200 fm line	shore - 150 fm line		shore - 200 fm line	shore - modified 200 fm line
48°10' N. lat. - 45°46' N. lat.	75 fm line - modified 200 fm line	~~75~~ **100 fm line** –150 fm line	100 fm line - 150 fm line			75 fm line - 150 fm line
45°46' N. lat. - 40°10' N. lat.		~~75~~ **100 fm line** - 200 fm line	100 fm line - 200 fm line			75 fm line - modified 200 fm line

Request

The GAP requested moving the shoreward boundary of the trawl RCA from 75 fathoms to 100 fathoms, between 40°10' and 48°10' N. latitude for Period 2 of 2013. The GAP cites the need to access Dover sole, petrale sole, and other flatfish in this area, which they estimate will increase otherwise low overall attainment in the fishery, and make fishing more economically viable. The GAP also spoke to their intent to use selective flatfish trawl gear in order to access these target species, and avoid canary rockfish, and other rebuilding rockfish species. The GAP spoke about exercising individual accountability under the Individual Fishing Quota (IFQ) program, and that several modifications to the RCA structure have been made in the first two years while maintaining low harvest levels of rebuilding species. We anticipate that the GAP will speak to these issues in detail in their statement.

Historic bycatch data

We examined time-weighted average bycatch rates prior to rationalization from the West Coast Groundfish Observer Program (WCGOP), from 2006 to 2010, (Figure 1, Table 3), which show increased bycatch rates of primarily canary rockfish, followed by darkblotched rockfish and Pacific ocean perch in Periods 2, in the area shoreward of 100 fathoms, versus the area shoreward of 75 fathoms; for yelloweye rockfish, the estimated bycatch rate is lower. These data indicate that if the shoreward RCA were moved from 75 fathoms to 100 fathoms during Period 2 of 2013, that the probability of encountering canary rockfish, darkblotched rockfish, and Pacific ocean perch, will likely be higher than if the status quo shoreward boundary remained in place. Although the amount of comparative increase in the rate is quite high for Pacific ocean perch, the rate itself remains considerably lower than canary rockfish at the current trawl RCA boundary during Period 2 (Table 3).

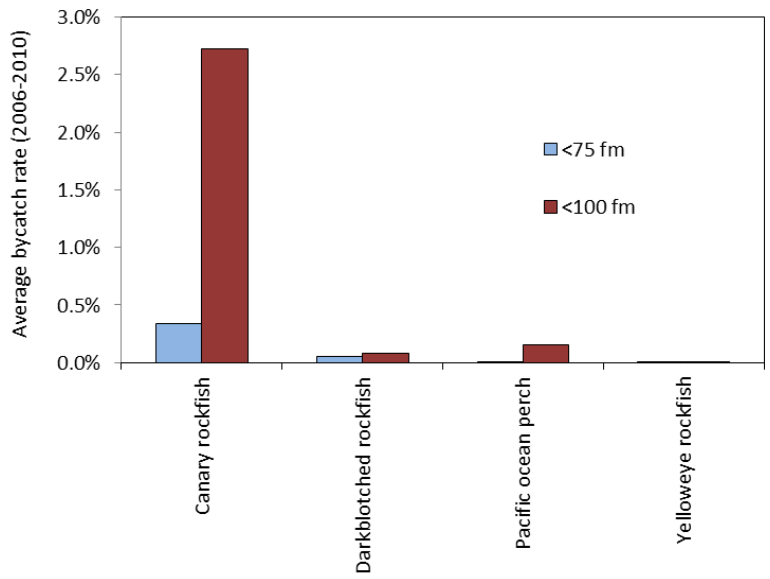


Figure 1. Comparison of historical (2006-2010) prior to rationalization, time weighted averaged bycatch rates of rebuilding species, for the area north of 40°10' N. latitude, during Period 2.

Table 3. Historical (2006-2010), time weighted averaged bycatch rates of rebuilding species, shoreward of the trawl rockfish conservation area (RCA), for the area north of 40°10' N. latitude during Period 2. Values in the "proposed/current" field larger than 100 percent express higher bycatch rates in the proposed area than the current area; values lower than 100 percent indicate the opposite. The "proposed-current" field indicates the subtractive change in bycatch rate between areas (<100fm rate, minus <75fm rate).

Species	**<75 fm**	**<100 fm**	**proposed – current**	**proposed/current**
Canary rockfish	0.3400%	2.7210%	2.3810%	800%
Darkblotched rockfish	0.0496%	0.0793%	0.0297%	160%
Pacific ocean perch	0.0005%	0.1509%	0.1504%	30180%
Yelloweye rockfish	0.0105%	0.0063%	-0.0042%	60%

Catch and attainment

Attainment of these rebuilding species was low under IFQ management in 2011 (Agenda Item F.6.b, Supplemental NMFS Report: West Coast Groundfish IFQ Fishery Catch Summary for 2011: First Look), at 14 percent, 36 percent, 39 percent and 10 percent respectively. It was also low for 2012, after other shoreward and seaward boundary changes to the trawl RCA were made during 2011 and early 2012. Preliminary attainment rates for these same species in 2012 are: 28 percent, 36 percent, 45 percent and 6 percent, respectively (as of March 9, 2013). Total catch of currently rebuilding species under IFQ was lower in 2011 than 2010 (pre-IFQ management). Although catch and attainment has increased for rebuilding species between 2011 and 2012, attainment of all rebuilding species (except petrale sole, which is managed as a target species

under the rebuilding program) is well below the sector allocation, after two years of IFQ management; average annual total catch of these rebuilding species is substantially lower for 2011 and 2012 than 2009 and 2010 (Table 4).

Table 4. Total annual catch of rebuilding species from 2009 and 2010, in the limited entry trawl and shoreside whiting fisheries, as well as 2011 and 2012, in the Shorebased IFQ Program, in metric tons. Two-year average catch, and average annual catch in 2011-12 as a percentage of that of 2009-10 is presented in the far right column ("post/pre IFQ"). Source = WCGOP Groundfish Mortality Report (2009-2010) and the Shorebased IFQ Program, vessel accounts system (2011-2012).

species	2009	2010	2009-2010 ave.	2011 IFQ	2012 IFQ	2011-2012 ave.	post/pre IFQ
Yelloweye rockfish	0.11	0.10	0.10	0.06	0.03	0.05	45.2%
Cowcod South of 40°10' N.	0.45	0.60	0.52	0.02	0.09	0.06	10.5%
Canary rockfish	11.16	6.07	8.62	3.69	7.23	5.46	63.3%
Bocaccio rockfish South of 40°10' N.	19.71	12.65	16.18	5.31	8.83	7.07	43.7%
Pacific ocean perch North of 40°10' N.	175.41	84.01	129.71	46.01	53.59	49.80	38.4%
Darkblotched rockfish	272.32	180.52	226.42	90.84	89.64	90.24	39.9%
Petrale sole	1881.91	773.33	1327.62	811.76	1057.54	934.65	70.4%

IFQ Observer data

Given the large difference in trawl bycatch rate estimates for canary rockfish between the current and proposed areas, we examined observer data from 2011 IFQ fishery for canary-positive hauls, by depth and latitude for inference of likelihood of a "disaster tow", given the available data (Figure 2). During 2011, the shoreward trawl RCA was only at 100 fathoms during Period 4 (July and August); aside from exceptions in depth due to RCA line routes; note that Figure 2 reflects this. We see that more than 96 percent (572 of 595) hauls shallower than 100 fathoms yielded less than 50 pounds of canary rockfish; 98 percent (585 of 595) of hauls shallower than 100 fathoms were smaller than 100 pounds. Ten hauls yielded more than 100 pounds, and the largest one yielded between 650 and 700 pounds. The average haul weight was 11.4 pounds, minimum was 0.01 pounds, and the standard deviation was 35.59 pounds.

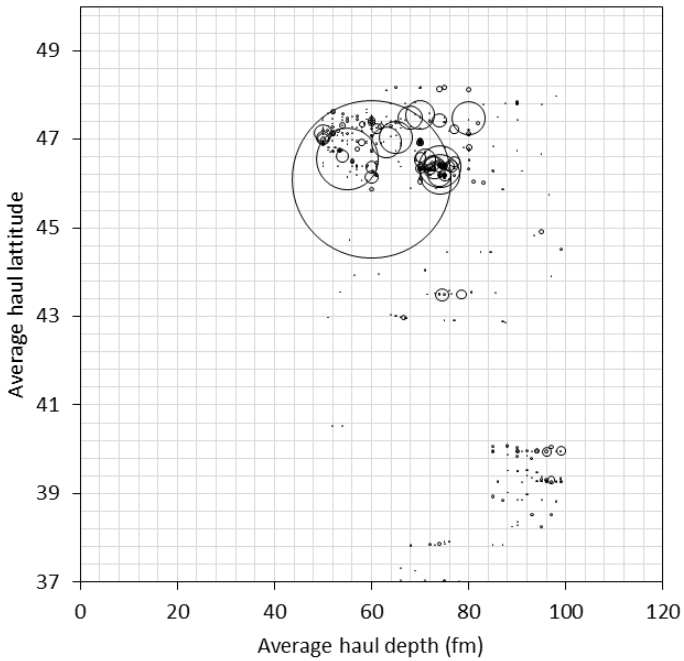


Figure 2. Relative weights of canary rockfish per haul using trawl gear, north of 40°10' N. latitude, shoreward of the RCA, during 2011 under IFQ, plotted versus average haul latitude and average haul depth (fm); bubble width represents weight of canary rockfish per haul.

These data, together with low catch of rebuilding species during the first two years of IFQ, suggest that the probability of a "disaster tow", i.e. one tow which would catch enough of a rebuilding species so that it would lead to exceeding the IFQ fishery allocation is relatively low, assuming similar fisher behavior as during 2011 and 2012. The same shoreward boundary change was made for periods 3 through 5 during 2012 at the March 2012 Council meeting, without conservation incident. It is important to note that the difference in historical canary rockfish bycatch rates between the area shoreward of 75 fathoms versus shoreward of 100 fathoms was lower for the boundary change in periods 3 through 5 than the one currently proposed (Agenda Item F.5.b, GMT Statement, March 2013).

Fishing behavior, and bycatch rates in these areas and time periods, could potentially be different than those observed during pre-IFQ or during 2011 the first year of the program, given the variation in catch among months that was observed for many species within and between years under IFQ management so far. The Council should consider the potential impact of individual accountability as well as the data when making this decision.

- **The GMT recommends that the Council consider moving the shoreward trawl RCA boundary from 75 fm to 100 fm, between 40°10' and 48°10' N. latitude for Period 2.**

Short-term Surplus Carryover for Non-Whiting Species (from 2012 to 2013)

The GMT was tasked with providing a report on fishery performance in 2012 and projections for 2013 to inform decision-making regarding issuance of eligible surplus carryover for non-whiting species from 2012 to the 2013 IFQ fishery. We were provided guidance and information from the NMFS, Northwest Region (NWR) regarding surplus carryover quota pounds (QP) from the 2012 fishery. The 2013 projections are based on preliminary 2012 data and will be finalized this spring.

The GMT provided projections of sablefish north of 36° N. latitude and petrale sole catch for 2013. The GMT believes, based on these projections, that allowing eligible surplus carryover for the 2013 IFQ program may not cause ACLs or OFLs to be exceeded for either species. The Council may wish to provide guidance to NMFS on their risk tolerance in the event final data indicate higher attainment than projected in this document. The Council could recommend a) issuing carryover up to 10 percent, b) reducing the eligible carryover percent, or c) forgoing carryover for any IFQ species.

Maximum eligible surplus carryover (10 percent) could be issued for all other IFQ species for 2013 while maintaining catches below the ACL, based on the 2012 performance of the fishery and attainment rates.

The GMT previously discussed the issue of carryover in June 2012 (Agenda Item D.8.b, Supplemental GMT Report) and September 2012 (Agenda Item H.5.b., Supplemental GMT Report). These discussions included basis for allowing eligible surplus carryover for sablefish from 2011 to 2012 (September 2012 statement), and discussions regarding long-term solutions to carryover provisions (September and June 2012 statements) and meaning (or penalty) of exceeding ACLs relative to exceeding OFLs (June statement).

Catch of Sablefish and Petrale sole during 2012

Table 5 displays the GMT's best estimates of sablefish mortality for 2012 compared to the ACL and OFL. The percent attainment of the sablefish ACL north of 36° N. latitude is estimated 88 percent. Note that 85.5 mt surplus carryover was allowed for sablefish north of 36° N. latitude in 2012 from the 2011 IFQ fishery. At the time of making that decision, projected ACL attainment for sablefish was 95 percent of the ACL (Agenda Item H.5.b., Supplemental GMT Report, September 2012), or seven percent higher than the current estimate (Table 5).

Table 5. The GMT's best estimate for sablefish mortality north of 36° N. latitude in 2012, compared to the ACL.

Sector	Estimate	Allocations	% of Allocation	ACL	% of ACL	OFL	% of OFL
IOA	17	17	100%				
Tribal	514	535	96%				
Research	30	16	188%				
Recreational	1	6.1	16%				
LE DTL	265	273	97%				
LE Primary	1364	1549	88%				
OA	278	433	64%				
IFQ	2235	2467	91%				
At-Sea whiting	5	50	10%				
Totals	**4,692**	**5,346**	88%	**5,347**	**88%**	**8,623**	**62%**

Table 6 shows the GMT's best estimates of petrale sole mortality for 2012 compared to the ACL and OFL. The percent attainment of the petrale sole ACL during 2012 was 97.5 percent (Table 6). Note that 28.2 mt surplus carryover was allowed for petrale sole in 2012 from the 2011 IFQ fishery. Also note that the IFQ sector allocation for 2012 was 1054.6 mt, which puts preliminary attainment for this sector at 100.28 percent, including carryover pounds from 2011 that were caught in 2012. In aggregate, the sector did not exceed the total QP issued for the year. We note that discard pounds may continue to come into the database from WCGOP, which represents one of the reasons that the numbers shown in Table 6 are not yet final.

Table 6. The GMT's best estimate for petrale sole mortality in 2012, compared to the respective ACLs.

Sector name	Total catch	ACL	% of ACL	OFL	% of OFL
Shorebased IFQ (whiting and non-whiting)	1057.5				
Nearshore (Open Access)	0.00				
Non Nearshore (Limited Entry)	0.7				
Non Nearshore (Open Access)	0.5				
Non Nearshore Non Sablefish (Open Access)	0.0				
Non Fixed Gear Directed Open Access	0.0				
Incidental Open Access	0.1				
Exempted Trawl (With Groundfish Landings)	0.2				
EFP and Miscellaneous	1.7				
Treaty Shoreside Nonwhiting Groundfish	69.1				
Recreational total catch	0.9				
Estimated total catch all sectors	**1131.49**	**1160**	**97.5%**	**1,279**	**91%**

Projected Catch of Sablefish North of 36° N. latitude during 2013

Table 7 displays the GMT's best estimates of sablefish mortality for 2013 compared to the respective ACLs and coastwide OFL. These estimates are prior to any potential inseason action recommended by the Council and any potential issuance of sablefish surplus carryover from the 2012 shorebased IFQ fishery. In our estimate for 2013, we assumed 100 percent attainment of set-asides, the same amount of recreational catch as 2012, DTL fishery catch was taken from November 2012 projections, and we assumed average historical attainment for the sablefish primary fishery. We assumed the annual attainment rate from 2012 in the IFQ sector, and 2012 catch in the at-sea whiting sector. Under these conditions, the GMT's best estimate of the percent attainment of the sablefish ACL is 92 percent north of 36° N. latitude.

The GMT acknowledges there are many variables that could influence projected attainment of the shorebased IFQ allocations (for example market conditions, weather, etc.) and there is uncertainty in the estimates. Should the entire shorebased trawl allocation be attained in 2013, the north ACL attainment would be 96.3 percent.

Table 7. The GMT's best estimate for sablefish mortality north of 36° N. latitude in 2013 compared to the respective ACLs, prior to surplus carryover issuance.

Sector	Estimate a/	Allocations b/	% of Allocation	ACL	% of ACL	OFL a/	%OFL
EFP	10	10	100%				
IOA	35	35	100%				
Tribal	401	401	100%				
Research	26	26	100%				
Recreational	1	6.1	16%				
LE DTL /	185.3	205	90%				
LE Primary	1,096	1,154	95%				
OA	279.63	300	93%				
IFQ	1,663	1,828	93%				
At-Sea whiting	5	50	10%				
Totals	**3,698**	**4,015**	92%	**4,012**	**92%**	**6,621**	**71.4**

a/Coastwide OFL, the percent OFL includes the 2013 projected mortality in the south

Projected Catch Petrale Sole during 2013

Table 8 displays the GMT's best estimates of petrale sole mortality for 2013 compared to the respective ACLs. This estimate is prior to any potential issuance of shorebased carryover from the 2012 IFQ fishery into the 2013 IFQ fishery, and was mostly taken from the GMT's Scorecard shown at the end of this statement. The only addition to the GMT's scorecard is the item we termed "Additional IFQ". This value of 6.5 mt was added to the GMT's scorecard value based on the outcome of the 2012 fishery (Table 6). Here, we show that the 2012 IFQ fishery may have exceeded their allocation by 0.28 percent, based the preliminary data provided by NMFS, Northwest Region. Hence, we assumed that the 2013 shorebased IFQ fishery would emulate the 2012 estimated total mortality shown in Table 6, and also exceed their allocation by 0.28 percent, or 6.5 mt.

Projected attainment of the petrale sole ACL during 2013, under conditions shown in Table 8 (e.g., 100.28 percent attainment of the shorebased trawl allocation and projected mortality shown in the GMTs overfished species scorecard for all other fisheries) is estimated at 99 percent (or

27.3 mt below the ACL). The GMT notes that the projected attainment of the petrale sole OFL during 2013 is estimated at 94.6 percent.

Table 8. Projected petrale sole catch for 2013, prior to surplus carryover issuance. Values are taken from the GMT scorecard for overfished species, with the exception of "Additional IFQ". This value was projected from the 2012 IFQ catch, which exceeded the IFQ allocation by 0.28 percent.

Sector	2013 Estimate a/	ACL	% ACL	OFL	% OFL
EFP	0				
Research	11.6				
Incidental OA	2.4				
Tribal	220				
IFQ	2,318				
At-Sea whiting	5				
Non-Trawl	2.2				
Additional IFQ a/	6.5				
Totals	**2,565.7**	**2,592**	**99.0%**	**2,711**	**94.6%**

Projected Catch (Including Eligible Surplus Carryover) of Sablefish and Petrale Sole during 2013

Table 9 displays the projections for ACLs and OFLs for petrale sole and sablefish under the assumption that preliminary surplus carryover is allowed for 2013. The NMFS report from June 2012 indicated that issuance of surplus carryover would be consistent with the conservation requirements of the Magnuson-Stevens Act as long as projected catches were not expected to exceed the ACL (Agenda Item D.8.b, NMFS Report, June 2012). The GMT notes that the preliminary projected impacts would not be expected to exceed ACL or OFL for either species. Note that only the coastwide OFL is provided for sablefish in the 2013-2014 FEIS; therefore, we also show projected catches for sablefish south of 36^{o} N latitude (taken from the 2013-2014 FEIS). **Based on the 2013 preliminary projections relative to ACLs and OFLs for sablefish and petrale sole (Table 9), the GMT recommends considering sablefish and petrale sole surplus carryover for 2013.**

Table 9. Projected petrale sole and sablefish catch from Tables 7 and 8 with and without estimated carryover, along with 2013 ACL and OFLs. Estimated projections for sablefish south of 36° N. latitude were taken from the 2013-14 FEIS. Percentages in parentheses represent our preliminary estimates of ACL and OFL attainments.

Species	2013 Estimated Catch	2013 Estimated Eligible Surplus Carryover	Total Include Carryover	ACL	OFL
Petrale sole	2,565.7	22.9	2,588.6	2,592 (99.8%)	2,711 (94.6%)
Sablefish N. 36°	3,698	120.8	3819	4,012 (95.2%)	6,621 (73.22%)
Sablefish S. 36°	1,029	NA	1,029	1,439 (71.5%)	

Comments Regarding Long-Term Carryover Provisions – looking ahead to September

Lastly, some on the team would like to reiterate the view that the carryover could potentially be run automatically over a multi-year period, without inseason consideration like this, and with minimal risk to the Council's harvest goals. Biologically speaking, over a given multi-year period the average catch under carryover will remain below the average IFQ allocation unless there's a net "borrowing" of quota pounds (QP) over that period. If small departures in catch from the annual IFQ allocations are of concern, then it is such net deficits that should be of most concern. As stated in the GMT's report in November 2012 (Agenda Item I.5.b, Supplement GMT Report), we have some basic equations and simulations to show why this is so. And like we offered there, we could be prepared to present analysis for Science and Statistical Committee (SSC) review. Such analysis might fit nicely within the Tier 1 Environmental Impact Statement (EIS) being considered for the 2015-16 cycle.

Informational Items

Scorecard updates

The scorecard has been updated to reflect updates to the nearshore and non-Nearshore models based on updated bycatch information from the WCGOP. The mortality estimates for bocaccio, canary and cowcod in the California recreational fishery have been revised in the scorecard to reflect actual impacts in 2012. Mortality estimates from 2008-2010 used to project mortality for 2013-2014 did not include the most recent impacts in 2011 and 2012, which were higher than those used in the model. Estimates from 2012 are still below the respective harvest guidelines and are expected to be more representative of anticipated impacts for this fishery.

Research

The GMT was informed that the International Pacific Halibut Commission (IPHC) will be expanding their survey into northern California in 2013, 15-17 stations (map of stations in Agenda Item G.2.b Attachment 1). The team looked at the station locations and the overfished species impacts from the standard IPHC survey over the last several years. The additional stations will likely only increase canary and yelloweye rockfish impacts; however the team believes these additional impacts will be within the research set asides and/or the residuals in the scorecard. As in previous years, the GMT will work with IPHC to track their catch of overfished species by trip during the course of their survey.

Recreational Fisheries
Recreational fisheries in Washington and Oregon are open; however effort and overfished species impacts in January and February are relatively low during these months. The first California recreational fishery opened on March 1, in the southern management area. Areas north of Pt. Conception will not open until May 1, at the earliest.

Previous industry request which they have deferred until June
Industry submitted a proposal to increase the shortspine thornyhead cumulative two-month 2,000 pound trip limit to 3,000 pounds for the limited entry non-trawl fixed gear fishery north of 34°27' N latitude. However, the Council has an informal policy not to liberalize management measures until the June Council meeting, unless data errors or model errors warrant earlier consideration. Therefore, Industry has deferred their proposal until the June 2013 meeting.

GMT Recommendations:

1. **The GMT recommends that the Council consider moving the shoreward trawl RCA boundary from 75 to 100 fm between 40°10' and 48°10' N. latitude for Period 2**

2. **The GMT recommends issuing the maximum eligible surplus carryover (10 percent) for all non-whiting species, except petrale and sablefish north of 36° N. latitude.**

3. **For petrale and sablefish north of 36° N. latitude, the GMT recommends the Council action reflect their risk tolerance in the event final data indicate higher attainment than projected in this document. The Council could recommend a) issuing carryover up to 10 percent, b) reducing the eligible carryover percent, or c) forgoing carryover.**

Attachment 1. Scorecard for March 2013. Allocations[a] and projected mortality impacts (mt) of overfished groundfish species for 2013.

Fishery	Bocaccio b/		Canary		Cowcod b/		Dkbl		Petrale		POP		Yelloweye	
Date: 9 March 2013	Allocation a/	Projected Impacts	Allocation a/	Projected Impacts	Allocation a/	Projected Impacts	Allocation a/	Projected Impacts	Allocation a/	Projected Impacts	Allocation a/	Projected Impacts	Allocation a/	Projected Impacts
Off the Top Deductions	8.4	8.4	17.5	17.5	0.1	0.1	20.8	20.8	234.0	234.0	16.5	**16.7**	5.8	5.8
EFPc/	6.0	6.0	1.5	1.5	0.0	0.0	0.2	0.2	0.0	0.0	0.0	0.0	0.0	0.0
Research d/	1.7	1.7	4.5	4.5	0.1	0.1	2.1	2.1	11.6	11.6	5.2	5.2	3.3	3.3
Incidental OA e/	0.7	0.7	2.0	2.0	--	--	18.4	18.4	2.4	2.4	0.4	**0.6**	0.2	0.2
Tribal f/			9.5	9.5			0.1	0.1	220.0	220.0	10.9	10.9	2.3	2.3
Trawl Allocations	74.9	74.9	52.5	52.5	1.0	1.0	281.4	281.4	2,323.0	2,323.0	126.8	126.8	1.0	1.0
---SB Trawl	74.9	74.9	26.2	26.2	1.0	1.0	266.7	266.7	2,318.0	2,318.0	109.4	109.4	0.6	0.6
---At-Sea Trawl			8.6	8.6			14.7	14.7	5.0	5.0	17.4	17.4		
a) At-sea whiting MS			3.6	3.4			6.1	6.1			7.2	7.2		
b) At-sea whiting CP			5.0	4.8			8.6	8.6			10.2	10.2		
Non-Trawl Allocation	236.7	**125.5**	46.0	**27.2**	1.9	**0.8**	14.8	**3.5**	35.0	2.2	6.7	0.2	11.2	**10.4**
Non-Nearshore	72.3		3.5										1.1	
LE FG				**0.9**				**2.8**				0.2		**0.4**
OA FG				**0.1**				0.5				0.0		0.1
Directed OA: Nearshore	0.9	0.5	6.2	**7.2**		0.0		0.2					1.2	**1.1**
Recreational Groundfish														
WA			3.1	0.9				--		--		--	2.9	2.9
OR			10.8	4.7				--		--		--	2.6	2.5
CA	163.5	**125.0**	22.4	**13.4**		**0.8**		--		--		--	3.4	3.4
TOTAL	320.0	**208.8**	116.0	**97.2**	3.0	**1.9**	317.0	**305.7**	2,592.0	2,559.2	150.0	**143.7**	18.0	**17.2**
2013 Harvest Specification	**320**	**320**	**116**	**116**	**3.0**	**3.0**	**317**	**317**	**2,592**	**2,592**	**150**	**150**	**18**	18
Difference	0.0	**111.2**	0.0	**18.8**	0.0	**1.1**	0.0	**11.3**	0.0	32.8	0.0	**6.3**	0.0	**0.8**
Percent of OY	100.0%	65.3%	100.0%	**83.8%**	100.0%	64.7%	100.0%	**96.4%**	100.0%	98.7%	100.0%	**95.8%**	100.1%	**95.7%**
Key			= not applicable											
	--		= trace, less than 0.1mt											
			= Fixed Values											
			= off the top deductions											

a/ Formal allocations are represented in the black shaded cells and are specified in regulation in Tables 1b and 1e. The other values in the allocation columns are 1) off the top deductions, 2) set asides from the trawl allocation (at-sea petrale only) 3) ad-hoc allocations recommended in the 2013-14 EIS process, 4) HG for the recreational fisheries for canary and YE.

b/ South of 40°10' N. lat.

c/ EFPs are amounts set aside to accommodate anticipated applications. Values in this table represent the estimates from the 13-14 biennial cycle, which are currently specified in regulation.

d/ Includes NMFS trawl shelf-slope surveys, the IPHC halibut survey, and expected impacts from SRPs and LOAs.

e/ The GMT's best estimate of impacts as analyzed in the 2013-2014 Environmental Impact Statement (Appendix B), which are currently specified in regulation.

f/ Tribal values in the allocation column represent the the values in regulation. Projected impacts are the tribes best estimate of catch.

December 27, 2012

Dan Wolford, Chairman
Pacific Fishery Management Council
7700 NE Ambassador Pl. Suite 101
Portland, Oregon 97220-1384

RE: 2013 Groundfish Inseason Request

Mr. Chairman and members of the Council,

Limited Entry (LE) Fixed Gear fishermen from Point Conception (34° 27') northward are requesting an increase in the Shortspine Thornyheads trip limit from the current 2,000 lbs. per 2 month period up to 3,000 lbs. per 2 month period, to be implemented as soon as is possible.

LE Fixed Gear fishermen are struggling financially due to the very soft Sablefish market as ex-vessel prices for Fixed Gear Sablefish are well down from the past 2 years and available markets have decreased dramatically recently. Further exacerbating the financial impacts to these fishermen will be the virtual elimination of the directed Blackgill rockfish fishery beginning January 1st, 2013. Trip limits are dropping from the previous 40,000 lbs. per 2 month period down to 1,375 lbs. per 2 month period. Blackgill rockfish have been a critically important component for Fixed Gear especially from Morro Bay to Fort Bragg. In down market years for Thornyhead or Sablefish these fishermen have in the past been able to target Blackgill to buffer the financial hit but will no longer have that option.

Thus LE Fixed Gear fishermen are seeking regulatory relief in the form of an increase in the trip limits of Shortspine Thornyhead for 2013 and beyond. The current market for this species is strong especially in the live-market fishery.

Thank You for your consideration of this important matter.

William Diller
F/V TKO

Roger Cullen
F/V Dorado

Brett Cunnigham
F/V Tommy Lynn 2

Steve Hackleman
F/V Ruth Anne II

David Rose
F/V Taurus

Cisco's Sportfishing Inc.
4151 South Victoria Ave.
Oxnard, CA 9303
805.382.1612

January 12, 2013

Pacific Fisheries Management Council
7700 NE Ambassador Place, Suite 101
Portland, Oregon 97220-1384

To Members of the Council,

My name is Doug Vernand. I am the current owner of Channel Islands Sportfishing Center operating out of Channel Islands Harbor in Oxnard California. I have been in the fishing industry, both commercial and sportfishing , for over 50 years. At this time we have 13 sportfishing vessels operating from our landing. In addition there are also many private boats that come from several other counties to use our facilities to go fishing.

This letter is to express my concern in the loss of 10 fathoms in moving the "line" from 60 fathom into 50 fathoms for the taking of Rockfish.

To many this might seem to be a small move, however I feel in the long run it would have a great negative impact on both our business and the fishery itself.

Vessels operating in our area fish for both pelagic and groundfish, however a larger percentage of our fishing is for groundfish. With the moving in of "the line" the areas we fish becomes smaller and smaller placing more pressure on those fish and creating a weaker fishery. Many in our industry are having a rough time keeping their business going with current fuel prices and the

slower economy. If fishermen stop coming because of smaller and fewer fish it would be more than many could adjust too.

I realize that the importance of this issue is not just economics. All of us in the industry are concerned and involved in keeping our waters as healthy and productive as possible.

We all know the need for size limits, bag limits and constructive regulations to reach this goal.

At the present time ALL boats in our fleet are equipped with and using Descending Devices. With these devices we are now able to send back down incidental catches of restricted species. These devices have been proven to work.

With this capability we urge the Council to move the restrictions back to the deeper water for what we believe will be the healthier choice for both the fishery and industry.

Thank you for your consideration,

Doug Vernand
Owner
Channel Islands Sportfishing
Baitall Inc.
Gentlemen Sportfishing Inc.
Pacific Islander Sportfishing

Ranger 85 Sportfishing Inc.

Coral Sea Sportfishing

4151 South Victoria Avenue

Oxnard, CA 93035

RECEIVED

JAN 14 2013

PFMC

January 1, 2013

Pacific Fishery Management Council

7700 NE Ambassador Place, Suite 101

Portland, Oregon 97220-1384

Members of the Council,

My name is Frank T. Ursitti. I own and operate 2 CPFV's here in Southern California. I have been in the industry for over 35 years. I participate on both groundfish and pelagic fisheries with my customers throughout the year.

This letter is in reference to the overall loss of 10 fathoms in moving the "line" from 60 fathoms into 50 fathoms.

While at first glance this may not seem an extreme measure, it has impacted my business as well as putting the fleet in jeopardy as well.

Shifting the effort into yet a more concentrated zone has long lasting negative impact that will not be quantifiable for several years both in terms of revenue loss as well as groundfish impact.

We have now mandated our fleet concentrate their effort in yet a smaller area further impacting the groundfish resource in the "shallows". Over time, this will mean smaller fish, less fish, and ultimately fewer fishermen willing to partake in the activity of Sportfishing.

We have seen vessels go out of business in record numbers these past 12 months and this trend will likely continue with further restrictions with regards to resource access. There once

existed a viable winter time fishery for the recreational angler that was essential for the fiscal health of our fleet. Please do not mistake the message I am sending, as I do not wish to make this sound as if my rationalization is strictly from an economic standpoint.

We recognize the reason for the emergency action and more than ever in my time in this industry see an attitude of conservation from both the boat operators as well as the fisherman we serve.

We are acutely aware that we must adhere strictly to limits and apply the best science available to not just maintain, but to rebuild groundfish stocks in order to keep us all on the water.

Our fleet, coast wide through the use of descending devices, has acknowledged the issues facing us and have come together in finding a solution to better manage the resource and allow us greater access.

These devices are in use on each and every CPFV up and down are coast and are working. We are documenting their use in our logs as well as to our observers in the field.

We urge the Council at this time to give credit for the use of descending devices and, when appropriate, allow access to deeper water.

We understand there is a process and stand ready to assist in any way that we can in an attempt to help move the process along swiftly.

Thank you for your consideration,

Frank T. Ursitti

Ranger 85

Coral Sea

Sea Jay Sportfishing

2034 Pericles Plc.

Oxnard, CA 93033

January 1, 2013

Pacific Fishery Management Council

7700 NE Ambassador Place, Suite 101

Portland, Oregon 97220-1384

Members of the Council,

My Name is John Fuqua I currently own and operate a CPFV out of the Channel Islands. I have been operating vessels in the Channel Islands for 20 years. I participate in both surface and ground fishing.

This letter is in reference to the overall loss of 10 fathoms in moving the "line" from 60 fathoms into 50 fathoms.

The move does not affect me directly as it will others but it will affect me in other ways.

It will put added pressure on areas that I target on a regular basis. By putting pressure on areas that I fish it will not only affect my opportunity now but in the future by added pressure now.

I have spent years trying to avoid the ground fish issues. I am directly referring to Cow Cod and Boccaccio issues. Yet here it is again.

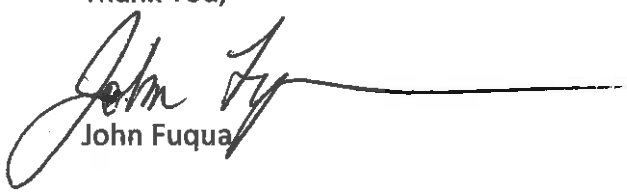
I do not agree with the assessments that have been made on ground fish, however I have learned to live with the determination of the council. I also am aware of the continuing effort of the council to insure proper science and better under standing of what is actually there and best determination for rebuilding and over fished stocks.

Currently I am using descending devices to release ground fish, although they are not needed on a regular basis. There is one rigged and ready. I have even been using them in the shallows to release fish the shallows.

These devices are in use on each and every CPFV up and down are coast and are working. We are documenting their use in our logs as well as to our observers in the field.

I urge the Council at this time to give credit for the use of descending devices and, when appropriate, allow access to deeper water.

Thank You,



John Fuqua

AMENDMENT 24: IMPROVEMENTS TO THE GROUNDFISH MANAGEMENT PROCESS

A special informational briefing on this agenda item, scheduled for the morning of the first day of the Council meeting, will provide additional time before the Agenda Item H.4 floor session to consider key information that might otherwise be presented in the agenda item overview. In addition to what is described below, please refer to the material available from that presentation (to be available on the Council's website at http://www.pcouncil.org/resources/archives/briefing-books/march-2013-briefing-book/) in considering this agenda item.

Since 2012, under Council direction, Council and National Marine Fisheries Service (NMFS) staffs and the Council's Ad Hoc Amendment 24 Workgroup have developed recommendations to address serious problems with the groundfish biennial harvest specifications and management measures process. At the November 2012 meeting, the Council was presented with the Ad Hoc Amendment 24 Workgroup Report to help the Council adopt alternatives for a new biennial process to address various problems with the current process. At that meeting, the Council made some decisions and expressed its intent to make final decisions on new ways of conducting the biennial specifications process at the March 2013 Council meeting to the extent possible, so that the next process that begins with the June 2013 Council meeting could be conducted in an orderly manner. While true final action cannot be accomplished until the Council views the completed analytical documents described below, agreement on the conceptual approach for the upcoming and future biennial cycles should occur at this meeting.

The most significant issue that needed resolution was finding a different way to conduct National Environmental Policy Act (NEPA)-compliant analyses, as the workload associated with a full Environmental Impact Statement process every two years had become untenable. Other issues beyond the need for a more efficient NEPA-compliant process included streamlining the analytical process to reduce the arduous workload associated with implementing status quo harvest policies and adjusting routine management measures, increased efficiency in adopting new harvest specifications and management measures, and the need to define a more frontloaded schedule for the decision-making process. Attachment 1 summarizes the challenges with the current biennial process, potential solutions identified to date, and whether these solutions require a fishery management plan (FMP) amendment and/or a change to Council Operating Procedure (COP) 9 outlining the biennial process.

In dealing with the most onerous problem, the Workgroup recommended preparing a comprehensive "Tier 1" NEPA document to evaluate the impacts of periodically adjusting harvest specifications and associated management measures over several biennial cycles. This would allow smaller, more focused "Tier 2" NEPA analyses in subsequent biennial periods to focus on impacts not evaluated in the Tier 1 document. The Council agreed with the Workgroup recommendation to use this approach to achieve necessary streamlining of the NEPA-compliant process starting with the 2015-2016 biennium. Attachment 2, a Council staff white paper, describes how this solution can be implemented for use in the next biennial management cycle (beginning in September 2013) and the Council action necessary at this meeting, including adoption of a specific range of alternatives to be analyzed in a Tier 1 document.

In November 2012, the Council agreed on changes to the current process for adopting new management measures during the biennial specifications process, towards a goal of reducing workload. Council staff believe this could be implemented by modifying Council Operating Procedure 9 without the need for an amendment to the Groundfish FMP; however, consultation with NMFS and National Oceanic and Atmospheric Administration General Counsel has yet to occur to confirm this interpretation. New management measures are those measures intended to have permanent effect and for which the impacts have not been previously analyzed. The Council recommended only considering new management measures during the biennial process that are needed to address a conservation issue (e.g., a new groundfish conservation area designed to prevent an annual catch limit (ACL) from being exceeded). New management measures designed to achieve objectives other than conservation would be considered in a separate two-meeting process, prioritized, and scheduled by the Council as needed (i.e., no pre-determined schedule established). The Council should confirm their intent to implement this change and schedule revision of Council Operating Procedure 9 on the June 2013 meeting agenda consistent with this decision.

The Ad Hoc Amendment 24 Workgroup also recommended the use of "default" harvest control rules as a way to reduce the workload associated with implementing specifications calculated using the same harvest control rules applied during the last biennial period. Harvest control rules are the various rules and definitions used by the Council to establish acceptable biological catches (ABCs) and ACLs. For example, the ABC harvest control rule most consistently used by the Council is the application of P* and sigma values to an estimate of the overfishing level for a stock; the "40-10" and "25-5" precautionary adjustments are considered ACL harvest control rules. The Workgroup recommended default harvest control rules that would be described in the FMP, which would reduce the Council's ability to change them in future biennial cycles. In November 2012, the Council did not recommend implementing default harvest control rules that would reduce future decision-making flexibility by, for example, prescribing them in the Pacific Coast Groundfish FMP in a way that would require an FMP amendment to change them. The Council also rejected changes to the current biennial process based on the North Pacific harvest specifications process, where the Scientific and Statistical Committee (SSC) determines ABCs.

Attachment 2 describes a default harvest control rule mechanism that differs from the type of default policies and procedures recommended in the November Amendment 24 Workgroup Report and rejected by the Council. Under this mechanism, revision of default harvest control rules could be accomplished in a two-meeting process and not require any FMP changes to do so. Future workload is reduced under this mechanism since analysis is limited to only those stocks and stock complexes where the Council chooses to depart from a default harvest control rule. This mechanism, described more fully in Attachment 2, also differs from the Amendment 24 Workgroup recommendation in their November 2012 report in that future ABCs would be decided using the same process as is currently used, where the SSC chooses the sigma value and the Council chooses the P* value, which, in combination, determine the size of the ABC buffer.

The Council also requested the SSC provide guidelines on when an overfished species rebuilding plan needs revising, because the best available science suggests the current objectives in the rebuilding plan would not be met. At this meeting, the SSC will brief the Council on progress to date on this assignment.

Council Action:

1. **Decide on as many of the preferred approach changes as possible for the upcoming and subsequent groundfish biennial cycles:**
    a. **Confirm Tier 1/Tier 2 approach for NEPA.**
    b. **The approach for consideration of routine and new management measures related to biennial harvest specifications.**
2. **The schedule and process for completing improvements to the groundfish management process, including matters to be described in revisions to COP #9.**
3. **Consider adopting the range of alternatives for analysis for the Tier 1 NEPA document as described in the Staff White Paper (Attachment 2) with any proposed changes.**
4. **Provide guidance, if necessary, on further consideration of new methods suggested by the SSC to support rebuilding plan revision rules.**

Reference Materials:

1. Agenda Item H.4.a, Attachment 1: Groundfish Biennial Process Improvements, Including Amendment 24 (Summary Table).
2. Agenda Item H.4.a, Attachment 2: Initial Proposal (Proposed Action & Alternatives) for a 10-year (2015-2024) NEPA Evaluation of Establishing and Adjusting Groundfish Harvest Specifications ("Tier 1" NEPA Document), Council Staff White Paper.

Agenda Order:

a. Agenda Item Overview Kit Dahl
b. Reports and Comments of Advisory Bodies and Management Entities
c. Public Comment
d. **Council Action:** Decide on Improvements in the Groundfish Management Process

PFMC
02/20/13

Table 1. Groundfish Biennial Process Improvements, Including Amendment 24.

Issue	Solution	FMP Change	COP Change
Enormous workload associated with completing an EIS every two years	Prepare a comprehensive "Tier 1" NEPA document evaluating the impacts of periodically adjusting harvest specifications and associated management measures over several biennial cycles. Smaller scoped analyses for subsequent biennial periods would focus on impacts not evaluated in the Tier 1 document.	No	No
Impracticable workload when new management measures[1] are analyzed with harvest specifications	Exclude consideration of new management measures during the biennial process unless the measure is needed to address a conservation issue. New management measures designed to achieve objectives other than conservation would be considered in a separate two meeting process, prioritized and scheduled by the Council as needed (i.e., no pre-determined schedule established).	Maybe	Yes
Current process to arrive at ACLs requires heavy analytical burden, even if status quo harvest control rules are being implemented	Analyze default harvest control rules which could be implemented in the absence of Council action	Yes	Yes
Earlier Council decision-making is necessary to facilitate analysis	Adopt frontloaded schedule, similar to 2013-2014	No	Yes
Guidance desired on considerations for revising harvest control rules a) P* b) Reductions to ACLs c) Use of ACTs d) Revisions to existing rebuilding plans e) Development of new rebuilding plans	With the help of SSC, draft guidance for Council consideration	Maybe	No

[1] New management measures are those measures intended to have permanent effect and for which the impacts have not been previously analyzed.

Council Staff White Paper: Initial Proposal (Proposed Action & Alternatives) for a 10-year (2015-2024) NEPA Evaluation of Establishing and Adjusting Groundfish Harvest Specifications ("Tier 1" NEPA Document)

Background

In March 2012 the Council directed the Ad Hoc Amendment 24 Workgroup to gather information and develop recommendations to support the Council's choice of alternatives for improving the current biennial harvest specifications and management measures process described in the Pacific Coast Groundfish Fishery Management Plan (Groundfish FMP). In November 2012 the Council supported many of the Workgroup recommendations, including developing a "Tier 1" NEPA document that evaluates the environmental impacts of periodically adjusting harvest specifications over a 10-year period. Biennial adjustments would then be subject to more focused analysis to address NEPA and other applicable laws. For the purpose of discussion, this document describes the proposed action (and purpose and need) and a set of alternatives that would be evaluated in the Tier 1 document. The Council also recommended several procedural changes which do not constitute "a major Federal action" subject to NEPA. These changes will be documented in a revised Council Operating Procedure 9. As described below, the Tier 1 NEPA document (an EA or EIS) would evaluate the effects of establishing and adjusting harvest specifications over a 10-year period.

Needed Process Improvements

The Tier 1 NEPA document is a component in a variety of process improvements to address current problems. Four general issues and potential solutions have been identified with respect to the biennial groundfish harvest specifications process. These are summarized below to provide context for the Tier 1 NEPA document. For each issue the need for an FMP amendment or a revision to the current Council Operating Procedure (COP) on management cycles is noted.

1. Earlier decision-making is needed to facilitate analysis. **Potential Solution**: Adopt frontloaded schedule, similar to the 2013-14 biennial process. An FMP amendment is ***not needed*** to implement this and a ***revised COP is advisable***.
2. Untenable workload when new management measures are analyzed with new specifications. **Potential Solution**: Routine and available measures are analyzed coincident with harvest specifications process. New measures are only allowed if necessary to keep catch within ACL. All other new measures are proposed in separate two-meeting process. An FMP amendment ***may be needed*** to implement this and a ***revised COP is advisable***.
3. The FMP's open framework requires heavier analytical burden each biennium. **Potential Solution**: Analyze default harvest control rules in the Tier 1 NEPA document, which could be implemented in the absence of Council action. An FMP amendment ***will be needed*** to implement this and a ***revised COP may be advisable***.
4. The Council desires clearer guidelines to inform harvest control rule revisions, specifically:
    a. Determination of stock-specific P* values
    b. Circumstances and magnitude for reducing the ACL below the ABC
    c. The use of annual catch targets (ACTs)
    d. Revisions to current overfished species rebuilding plans

e. e) Development of new plans

Potential Solution: With the help of SSC, draft guidance for Council consideration in a white paper and also included in Tier 1 (need timeline). An FMP amendment ***may be needed*** to implement this and a ***revised COP is not needed***.

Proposed Action for the Tier 1 NEPA Document

Using the "best available scientific information," the proposed action is to establish harvest specifications (including the overfishing limit, acceptable biological catch, and annual catch limits for each management unit[1]) for 10 years (2015-24)[2] consistent with the policies and procedures the Council has established for these actions and the requirements of the Pacific Coast Groundfish Fishery Management Plan (Groundfish FMP); the Magnuson-Stevens Act (MSA)—particularly the 10 National Standards enumerated in §301(a) of the MSA; and other applicable law.

Seven Pacific Coast groundfish species are currently "overfished" and managed under rebuilding plans implemented by secretarial amendment. Within the rebuilding plans, T_{TARGET} is the key rebuilding parameter. T_{TARGET} is the projected year by which an overfished species will be rebuilt. Any change to T_{TARGET} must be demonstrated by the need to rebuild the stock in as short a time as possible, taking into account the status and biology of the stock, the needs of fishing communities, and the interaction of the stock within the marine ecosystem.

Every 2 years the Council will consider the best available scientific information (principally new or updated stock assessments) and determine whether it is necessary to adjust any harvest control rule or management measures necessary to achieve but not exceed annual catch limits (ACLs).[3] Adjustments to harvest specifications must be consistent with the MSA and the Groundfish FMP.

In the absence of explicit Council action, harvest specification values will be implemented based on default harvest control rules. The Council will establish criteria for determining these default rules. During any biennial decision-making process the Council may depart from these default values by deciding to modify the harvest control rule for one or more management unit.

Purpose and Need

The purpose of the proposed action is to conserve and manage Pacific Coast groundfish fishery resources to prevent overfishing, to rebuild overfished stocks, to ensure conservation, to facilitate long-term protection of essential fish habitat (EFH), and to realize the full potential of the Nation's fishery resources (MSA §2(a)(6)). These harvest specifications are set consistent with the optimum yield (OY) harvest management framework described in Chapter 4 of the Groundfish FMP.

[1] Management units are stocks occurring throughout the west coast EEZ ("coastwide"), geographic subdivisions of stocks in the EEZ, and geographically subdivided stock complexes composed of more than one managed species.

[2] Estimates of harvest specification values for the whole 10-year period will be presented and evaluated as part of the NEPA evaluation of the proposed action. NMFS will determine the appropriate number of years, or period of time, for these values that should be published in Federal regulations as part of the proposed action. Since 2005 NMFS has published updated specifications values every 2 years.

[3] "Harvest control rule" means the methods adopted to determine harvest specifications, based on criteria in the MSA and Groundfish FMP. Harvest specifications are the numerical values determined by applying the harvest control rule (or harvest policy) to the best available scientific information about the status and characteristics of a stock or management unit.

This action is needed to streamline the administrative and regulatory processes involved in setting specifications for the Pacific Coast groundfish fishery, while, at the same time, maintaining consistency with the MSA and other applicable law. Identifying the specification and apportionment of harvest levels (described in Groundfish FMP Chapter 5) and related fishery regulations (described in Groundfish FMP Section 6.2), as needed, over a 10 year period will make the regulatory process more efficient and provide more information to stakeholders about the future status and management of fisheries. The application of default harvest control rules is expected to reduce the scope of evaluation required by the National Environmental Policy Act (NEPA) in subsequent biennial cycles. The initial evaluation of the range of impacts expected over 10 years will be followed up with focused evaluation when regulations are periodically adjusted. The long-term identification of harvest specifications should meet the following objectives:

- Maintain or improve the timeliness of scientific input into the decisionmaking process.
- Articulate and apply adaptive management principles, which are embodied in the Groundfish FMP, when evaluating the effects of periodic changes.
- Build workload assessment and priority setting into the process for identifying and recommending management measures, consistent with administrative resources and conservation objectives.
- Incorporate guidance on preparing efficient and timely National Environmental Policy Act (NEPA) reviews including tiering of environmental documents and incorporation by reference.[4]
- Include decisionmaking procedures for setting harvest specifications that allow reasonably accurate forecasts of impacts for a period longer than 2 years. This could involve the Council adopting default procedures for setting harvest specifications (which the Council could override if circumstances warrant).
- Present information to decisionmakers and the public in an effective and usable format.
- Ensure a transparent process where decisions and their rationale are clearly explained to the public and the public has the opportunity to provide meaningful input.
- Build an administrative record that effectively explains the rationale for the decision.

Establishing harvest specifications and management measures is intended to conserve and manage Pacific Coast groundfish fishery resources to prevent overfishing, to rebuild overfished stocks, to ensure conservation, to facilitate long-term protection of EFH, and to realize the full potential of the Nation's fishery resources (MSA §2(a)(6)). To the degree possible, periodic adjustments to these harvest specifications should involve small changes from the harvest management objectives of the previous period so as to minimize socioeconomic disruption.

Supplementing and/or Tiering from the Tier 1 NEPA Document in Response to Periodic Adjustment of Harvest Specifications

The adoption and adjustment of regulations for managing the groundfish fishery (including harvest specifications and management measures) is an ongoing, adaptive process. Changes in the type and intensity of environmental impacts tend not to differ substantially from one period to the next. With this view in mind the Tier 1 NEPA document evaluates the impacts of the ongoing action over a longer time period than 2 years. Biennial changes to the management program would then be subject to more focused analyses, as described below based on Council on Environmental Quality (CEQ) guidelines for supplementing and/or tiering from a previously prepared NEPA document.

[4] See the March 6, 2012 Memorandum from Nancy H. Sutley, Chair, Council on Environmental Quality, on this topic.

When harvest specifications (and related management measures) are periodically adjusted the agency will determine whether to supplement the Tier 1 document or prepare a tiered NEPA analysis. These methods and the circumstances where they could be applied a discussed below.

CEQ regulations identify two conditions that trigger the need to "supplement" a NEPA document: (1) Has the agency made substantial changes in the proposed action that are relevant to environmental concerns?; (2) Are there significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts? (See 40 CFR 1502.9(c)(1)). If the answer to these questions is "no," then no additional NEPA analysis is needed. The rationale for the agency's "no" finding must be adequately documented in the administrative record. Agencies, including NMFS, have used a "supplemental information report" (SIR) format to document these findings. Circumstances where the Tier 1 NEPA document would be supplemented could arise if the Council makes substantial changes to harvest policies, such as changing proxy values for F_{MSY} or adopting several new rebuilding plans for key stocks/

Alternatively, if circumstances have changed such that additional NEPA documentation may be required, the concept of "tiering," introduced in CEQ regulations, would be used: "Whenever a broad environmental impact statement has been prepared (such as a program or policy statement) and a subsequent statement or environmental assessment is then prepared on an action included within the entire program or policy (such as a site specific action) the subsequent statement or environmental assessment need only summarize the issues discussed in the broader statement and incorporate discussions from the broader statement by reference and shall concentrate on the issues specific to the subsequent action." (40 CFR 1502.20) If, when harvest specifications and management measures are periodically adjusted, it is determined that the Tier 1 NEPA document does not address the environmental impacts of the proposed action, a subsequent "Tier 2" NEPA document would be prepared. The Tier 2 document would be narrowly focused on those aspects of the proposal that may have environmental impacts different from those identified in the Tier 1 document. For example, the Tier 2 document could focus on changes to harvest control rules that were not analyzed in the Tier 1 document.

Potential Tier 1 Alternatives

The alternatives described here are intended to provide the underpinnings for a more efficient biennial harvest specifications process. A major contributor to the complexity and workload involved in the biennial process has been due to the preparation of an EIS every 2 years that comprehensively evaluates harvest specifications for all of the groundfish management units. The Tier 1 NEPA alternatives would allow more focused analyses in future biennial cycles. Through the Tier 1 NEPA analysis a range of potential environmental impacts would be described and evaluated, recognizing that changes in both policies and environmental conditions means that impacts cannot be precisely specified for the 10 years, 2015-2024. Table 1 provides a summary of the alternatives with respect to harvest specification setting procedures.

Current Groundfish FMP Harvest Specifications Framework

Federal regulations state "Harvest specifications include OFLs, ABCs, and the designation of OYs and ACLs. Management measures necessary to keep catch within the ACL include ACTs, harvest guidelines (HGs), or quotas for species that need individual management, and the allocation of fishery HGs between the trawl and nontrawl segments of the fishery, and the allocation of commercial HGs between the open access and limited entry segments of the fishery. These specifications include fish caught in state ocean waters (0–3 nm offshore) as well as fish caught in the EEZ (3–200 nm offshore). Harvest specifications are provided in Tables 1a through 2d of this subpart." (50 CFR 660.65)

The alternatives reference the current policies for setting harvest specifications as outlined in Chapter 4 of the Groundfish FMP:

- The F_{MSY} harvest rate is applied to projected exploitable biomass for determining the OFL.
- The OFL is reduced to the ABC by applying P* and sigma. The Council determines P* on a case-by-case basis for each biennial cycle. Sigma is determined by the SSC and may be periodically revised based on new scientific information.[5]
- For healthy stocks (above the B_{MSY} proxy, $B_{40\%}$ for non-flatfish or $B_{25\%}$ for flatfish) the ACL is set equal to the ABC.
- For stocks in the precautionary zone (below the B_{MSY} proxy but not overfished and managed under a rebuilding plan) the ACL is determined using the 40-10 rule for non-flatfish and the 25-5 rule for flatfish.
- For overfished/rebuilding stocks (fell below the minimum stock size threshold and not yet rebuilt to B_{MSY} proxy) a rebuilding plan identifies a target rebuilding year (T_{TARGET}) and associated harvest control rule (SPR harvest rate). Rebuilding plans may be revised in the following circumstances:
    - If new information shows that the target year in the rebuilding plan is less than the recomputed value of $T_{F=0}$ (the minimum possible rebuilding time) or greater than T_{MAX} (the maximum permissible rebuilding time).
    - If new information shows the harvest rate specified in the rebuilding plan would result in a target year later than the currently specified year (but less than T_{MAX}) with a probability $\geq$50%.
    - If new information indicates that the rebuilding plan is likely to result in disastrous short-term consequences to fishing communities.
    - According to section Groundfish FMP section 4.6.3.3, "the year in which the stock would be rebuilt based on the application of stock rebuilding measures that achieve rebuilding as soon as possible, taking into account the status and biology of the stock, the needs of fishing communities, and the interaction of the overfished stock within the marine ecosystem (T_{TARGET})."

Under all of the alternatives management measures (including apportionments and allocations) would be described in the Tier 1 document. Potential impacts resulting from application of the range of management measures used in the groundfish management program would be documented in the Tier 1 document. Periodically, these measures may be adjusted through full notice-and-comment rulemaking or inseason action in order to achieve but not exceed ACLs. Procedural changes for Council action on management measures would be described in a revised Council Operating Procedure #9.

Default Harvest Control Rules

The action alternatives described below include the identification of default harvest control rules while maintaining Council flexibility in decision-making. This involves the process for establishing and changing default harvest control rules as part of the biennial management framework described in the Groundfish FMP.

The concept of frameworking management regulations was described in the Amendment 24 Workgroup Report (Agenda Item I.2.a, Attachment 1, November 2012). Frameworks facilitate relatively rapid real-time fishery management because they allow periodic changes to the management program without amending the FMP. The FMP is largely an open framework document that describes the process steps for regulatory changes with little prescription of the rules that apply for making those changes.

[5] The Tier 1 NEPA document will assess the likely frequency of such changes, 2015-2024, and how changes would influence the determination of ABC/ACL values.

Frameworking allows the Council to adopt changes to rebuilding plans, new annual or biennial harvest specifications, and management measures without amending the FMP. This gives the Council great flexibility in recommending regulatory changes without the need for an FMP amendment.

The current framework for revising harvest specifications may not require an FMP amendment (the exception being the implementation of harvest specifications for a stock that is declared overfished requires an FMP amendment to establish a new rebuilding plan), but it does incur costs in terms of a longer decision-making process (i.e., at least three Council meetings and two Federal Register notices) and a more extensive NEPA analysis. However, if done properly, an FMP framework that incorporates default harvest control rules could substantially reduce the workload associated with adopting new harvest specifications. The concept is a simple one that does not necessarily reduce Council decision-making flexibility. Default harvest control rules for specifying new overfishing limits (OFLs), acceptable biological catches (ABCs), and annual catch limits (ACLs) could be incorporated in the FMP. Describing processes for determining and modifying default harvest control rules in the FMP also bolsters may reduce the risk of litigation in the future when the Council decides on the use of these default rules. For one, the Tier 1 NEPA document, evaluating default harvest control rules and their use over a 10-year period could forestall challenge to the adequacy of NEPA analyses for future biennial harvest specification setting. NOAA General Counsel guidance is that previously analyzed harvest specifications do not need additional analysis.

Any future departure from the default harvest control rules would likely be part of the rulemaking associated with the biennial process, with more focused NEPA analysis, as discussed above. Codifying the rules in the FMP means the process is defined in the FMP for what harvest specifications are implemented in the future in the absence of Council action. Currently, without such an explicit description it is assumed that harvest numerical harvest specifications simply roll over at the start of the next biennium in the absence of action. The Groundfish Stock Assessment and Fishery Evaluation (SAFE) document or SIR would document the harvest specifications resulting from the application of the default rules while, as mentioned above, a focused Tier 2 document would evaluate harvest specifications resulting from changes to default rules. This analytical and decision-making pathway is no less flexible than the current process for deciding new harvest specifications and entails the same level of Council process. However, it likely would entail less of a NEPA and rulemaking workload and certainly focuses the decisions on those stocks where added precaution is warranted.

Default rules could use the established F_{MSY} harvest rate (this could change without an FMP amendment according to best available science as determined by the SSC) applied to projected exploitable biomass for determining the OFL (this is what essentially occurs now). The default for establishing the ABC could specify a P* of 0.45 (the sigma could change according to best available science as determined by the SSC). As an example, default harvest control rules could determine the ACL as follows: ACL is set equal to the ABC for healthy stocks, ACL is based on application of the 40-10 rule for non-flatfish stocks and the 25-5 rule for flatfish stocks in the precautionary zone, and the ACL is determined using the harvest control rule prescribed in adopted rebuilding plans for overfished stocks.

The process for working with default harvest control is envisioned as follows. At the first meeting where new harvest specifications are considered (typically in November in odd years according to our current process), new harvest specifications can be determined based on the default harvest control rules. A key action at that meeting would be for the Council to decide whether the new harvest specifications using default harvest control rules should be implemented or whether there should be consideration for a departure from the default harvest control rules. The NEPA analysis would focus on those stocks and complexes where a departure from the default harvest control rules is being considered. This more focused NEPA analysis would analyze whatever range of alternative ABCs/ACLs the Council selected at

the first specifications meeting and the application of the default harvest control rules would constitute the No Action alternative for these stocks.

Description of the Alternatives

Status Quo – Rollover Current Harvest Specification Values Described in Federal Regulations

For all management units (including overfished species and non-overfished species) the harvest specification values (OFLs, ABCs, ACLs) in Table 2a to Part 660, Subpart C published in the Code of Federal Regulations for 2014 would be carried forward for the next 10 years.

Management measures (including apportionments and allocations) in place in December 2014 would be rolled over. Periodically, these measures may be adjusted through full notice-and-comment rulemaking or inseason action in order to achieve but not exceed the rolled over 2014 ACLs.[6]

The Groundfish FMP is not amended under this alternative.

Alternative 1 – Apply Harvest Control Rules from Previous Biennial Cycle in the Absence of Explicit Council Action

Initially, the harvest control rules (or harvest policies) from the previous biennial period would be applied to the most recent scientific information available (principally new stock assessments) to determine the harvest specifications for the next biennial period. The harvest specifications resulting from the application of current harvest policies will be presented to the Council to aide them in determining for which stocks they wish to change the harvest control rule. The Council could take explicit action to change any harvest control rule from that used in the previous cycle for use in the next biennial period. Normally, the Council would decide at the first meeting (usually November) during the biennial decision cycle which stocks they wish to consider a change to the harvest control rule.[7] All other harvest control rules would be applied without further Council deliberation. The Council would then take final action on any harvest control rule changes at the second meeting (usually April) during the biennial process. If a new assessment shows a change in stock status, the appropriate harvest control rule for the stock's new status would be applied as the default. Specifically:

- For a stock falling from healthy status to precautionary zone status, the precautionary reduction (40-10 or 25-5 rule) would be applied.
- Likewise, for stocks changing status from overfished/rebuilding or precautionary zone status to healthy status, the harvest control rule for healthy stocks (ACL equal to ABC) would be applied.

The default harvest control rules (those used in the last biennium) would be listed in appendix to the FMP, which could be revised without a formal amendment process (see Groundfish FMP Section 1.2) This alternative represents a way to characterize "no action" as the application of current harvest control rules (harvest policies) to "new science." This is expected to reduce the scope and complexity of required analyses during subsequent biennial decision cycles.

Overfished species will be managed according to rebuilding plan objectives (described by the target year and harvest control rule). When objectives are forecast not to be met, the need to revise the rebuilding plan is based on SSC advice. This could include the application of methods to better distinguish

[6] Section 6.2 in the Groundfish FMP describes Council and regulatory procedures for establishing and revising management measures.

[7] For stocks where the assessment is deferred to the "mop up" STAR panel the Council would have the option of deferring to the November meeting the decision changing the harvest control rule.

meaningful changes in the rebuilding trajectory from scientific uncertainty or projection "noise." Specifically, there could be circumstances when P_{TARGET} (the probability of rebuilding the stock by the target year using the current harvest control rule) falls below 50% but the SSC would advise that a revision (change in T_{TARGET} or harvest control rule) is not immediately necessary.

The Tier 1 NEPA document will evaluate the environmental impacts of "rolling over" harvest control rules based on the current 2013-14 harvest control rules over the next 10 years (Table 2 lists the potential default harvest control rules for this alternative based on the 2014 specifications.) The analysis would discuss the range of effects of potential changes in harvest control rules during the 10-year period based on the types and range of changes that have occurred historically. The analysis would also assume that healthy stocks are managed to prevent stock biomass from dropping below the B_{MSY} proxy and the Council could revise harvest control rules if new scientific information (e.g., new or updated stock assessments) forecasts that the stock biomass will drop below the B_{MSY} proxy so that stock biomass is projected to remain at or above the proxy for the remainder of the 10-year projection period. Similarly, precautionary zone stocks are managed to rebuild stock biomass to at least the B_{MSY} proxy.

In general, rebuilding plan objectives are determined by taking into account the need to achieve rebuilding as soon as possible, the status and biology of the stock, the needs of fishing communities, and the interaction of the overfished stock within the marine ecosystem. In the Tier 1 analysis ACLs for each of the next 10 years would be derived using information from the most recent stock assessments and rebuilding analyses applied to the harvest control rule specified in the current rebuilding plan (see Table 2). The analysis would also evaluate possible deviations from these trajectories based on historical changes in harvest control rules.

If rebuilding plan revisions trigger additional NEPA documentation, a focused Tier 2 NEPA analysis would be prepared evaluating the impacts. In any case, the administrative record will adequately document how the rebuilding plan revisions address the requirements in the MSA.

Proposed FMP Amendment Language for Alternative 1

Section 5.1 of the FMP would be amended to add the following paragraphs after bullet #8:

> Notwithstanding the above, for any stock (or other management unit) the Council does not need to take explicit action if they wish to continue the current harvest policy. In these cases the current harvest control rule (i.e., those used in the previous biennial period) is applied to the best available scientific information to determine the numerical values of the harvest specifications for each stock. For example, current F_{MSY} (or proxy value) is applied to the best current estimate of stock biomass to determine the OFL (as in bullet #1). The ABC is determined by applying the current uncertainty buffer (as in bullet #2). The ACL is determined as described in bullet #4 using the appropriate method for current stock status. Thus, if based on the best available science it is determined that stock status has changed from healthy to the precautionary zone, the methods outlined in Section 4.6.1 would be applied. For allocations not specified in the FMP, without explicit Council action the current allocations (expressed as a proportion of the fishery harvest guideline) will be used.
>
> The Council may take explicit action to depart from default harvest control rules (those from the previous biennial period with adjustments for changes in stock status), based on relevant considerations. Prior to adopting harvest specifications the Council will announce for which stocks they intend to take explicit action. Current harvest control rules (and related harvest policies as applicable) will be listed in an appendix to this FMP. The contents of this appendix can be changed through the biennial management process without an FMP amendment.

> Numerical values for these specifications will be presented to the Council and the public, usually by publication of the groundfish SAFE document (see Section 5.2).

The following paragraph would be added to Section 5.4 of the Groundfish FMP:

> Two meetings are required for the Council to adopted harvest control rules different from the default rules (as described in Section 5.2). At the first meeting the Council will identify those stocks for which they wish to consider a different harvest control rule. At the second meeting, the Council will take final action to determine, from among those identified at the previous meeting, which stocks a different harvest control rule will be applied to. This action occurs as part of the biennial harvest specifications process; the first meeting will normally be the November meeting of the biennial cycle and the second meeting the following April.

In addition to these changes, Section 4.6.3.4 may be revised based on SSC recommendations on rebuilding plan revision rules.

Alternative 2 – Revised Harvest Policies

This alternative is similar to Alternative 1 except that default harvest control rules would include a specified P* value. Two options are included in this alternative for analysis: A p* value of 0.45 and a p* value of 0.30. Likewise, for healthy stocks the ACL would be set equal to the ABC. (Table 2 lists the potential default harvest control rules for this alternative based on the 2014 specifications.) Furthermore, the Council would only consider changes to harvest control rules based on new stock assessment information. In all other cases the current harvest control rule would be "rolled over" for the next biennial period as described in Alternative 1.

The same policies and practices identified under Alternative 1 for revising rebuilding plan objectives (target year and harvest control rule) would apply under this alternative.

As with Alternative 1, the potential variation in ACLs and related environmental impacts would be evaluated principally by projecting ACLs from the initial policies (harvest control rules) and looking at historical changes in harvest control rules and estimates of stock status to describe potential variation in outcomes.

Proposed FMP Amendment Language for Alternative 2

As under Alternative 1, Section 5.1 of the FMP would be amended to add the following paragraphs after bullet #8 with some additional language relevant to the specifics of this alternative (underlined below):

> Notwithstanding the above, for any stock (or other management unit) in the absence of a new stock assessment the Council does not need to take explicit action if they wish to continue the current harvest policy. In these cases the current policies (i.e., those used in the previous biennial period) are applied to the best available scientific information to determine the numerical values of the harvest specifications. For example, current F_{MSY} (or proxy value) is applied to the best current estimate of stock biomass to determine the OFL (as in bullet #1). The ABC is determined by applying the current uncertainty buffer (as in bullet #2). The ACL is determined as described in bullet #4 using the appropriate method for current stock status. Thus, if based on the best available science it is determined that stock status has changed from healthy to the precautionary zone, the methods outlined in Section 4.6.1 would be applied. For allocations not specified in the FMP, without explicit Council action the current allocations (expressed as a proportion of the fishery harvest guideline) will be used.

In cases where a new stock assessment is available and in the absence of explicit Council action harvest control rules will be based on a P* value of [0.45 / 0.30] and, for healthy stocks an ABC set equal to the ACL and for precautionary zone stocks the application of the 40-10 rule for non-flatfish stocks and the 25-5 rule for flatfish stocks (see Section 4.6.1). The Council may take explicit action to depart from harvest control rules for newly assessed stocks (based on the policies described in the previous sentence) or, for stocks without a new assessment, harvest control rules from the previous biennial period, based on relevant considerations. Prior to adopting harvest specifications the Council will announce for which stocks they intend to take explicit action. Current harvest control rules (and related harvest policies as applicable) will be listed in an appendix to this FMP. The contents of this appendix can be changed through the biennial management process without an FMP amendment as a two-meeting process (see Section 5.4). Numerical values for these specifications will be presented to the Council and the public, usually by publication of the groundfish SAFE document (see Section 5.2).

The changes to Section 5.4 of the Groundfish FMP described under Alternative 1 would also be made under Alternative 2.

As in Alternative 1, Section 4.6.3.4 may be revised based on SSC recommendations on rebuilding plan revision rules.

Table 1. Comparison of default harvest control rules by alternative.

Overview: The action alternatives specify a procedure in the Groundfish FMP for establishing harvest specifications in the absence of a Council recommendation (i.e., no action is taken by the Council). If during the 10-year period covered by the Tier 1 NEPA analysis, the Council receives new information that compels a departure from the default harvest control rules, a focused evaluation of the impacts would be conducted. The revised harvest control rules would be updated through a two meeting process.

Stock Status	Status Quo	Alternative 1	Alternative 2
Non-overfished species specifications	2014 values in Federal regulations	Harvest control rules from the previous biennium[b], contained in an appendix to the FMP, are applied to the projected exploitable biomass If a new stock assessment shows a change in stock status, the harvest control rule appropriate to current status (as contained in the FMP) would be applied	If no new stock assessment, harvest control rules from the previous biennium[b], are applied to the projected exploitable biomass For any new stock assessment, the following rules, described in the FMP, would be applied: **Option 1**: P* = 0.45 **Option 2**: P* = 0.30 Healthy Zone: ACL = ABC Precautionary Zone: --Flatfish 25:5 --Non-flatfish 40:10

Stock Status	Status Quo	Alternative 1	Alternative 2
Overfished species specifications with existing rebuilding plans	2014 values in Federal regulations	Harvest control rule specified in the most recent rebuilding plan[c] , contained in an Appendix to the FMP, is applied to the projected exploitable biomass. If the best scientific information indicates rebuilding plan objectives may not be met, the SSC will advise the Council on the need to revise the rebuilding plan.	Harvest control rule specified in the most recent rebuilding plan[c], contained in an Appendix to the FMP, are applied to the projected exploitable biomass. If the best scientific information indicates rebuilding plan objectives may not be met, the SSC will advise the Council on the need to revise the rebuilding plan. If a stock assessment confirms rebuilt status, the following rules, which would be contained in the FMP, would be implemented: **Option 1**: P* = 0.45 **Option 2**: P* = 0.30 Healthy Zone: ACL = ABC
Species with a new overfished declaration	Develop rebuilding plan taking into account the required factors in the Magnuson-Stevens Act (MSA) and FMP. (No default harvest control rules applied)		

[a] Details of the harvest control rules by alternative can be found in Table 2

[b] The Tier 1 analysis would analyze the 2014 harvest control rules and any potential modifications as a result of new information since the 2013-2014 FEIS (2013 stock assessments, fishery conditions, etc).

[c] The existing rebuilding plans were developed taking into account the required factors in the MSA and FMP.

Table 2. Example of default harvest control rules for actively managed stocks and stock complexes in the west coast groundfish FMP for Alternative 1 (based on 2013-14 harvest specifications) and Alternative 2.

Stock or Stock Complex	OFL control rule	ABC control rule (default P*) a/		ACL control rule b/	
		Alt. 1	Alt.2	Alt. 1	Alt. 2
OVERFISHED STOCKS					
BOCACCIO S. of 40°10'	50% SPR	0.45	0.45	77.7% SPR	77.7% SPR
CANARY	50% SPR	0.45	0.45	88.7% SPR	88.7% SPR
COWCOD S. of 40°10'	50% SPR	0.45	0.45	82.7% SPR (Con), ACL=ABC (Mon)	82.7% SPR (Con), ACL=ABC (Mon)
DARKBLOTCHED	50% SPR	0.45	0.45	64.9% SPR	64.9% SPR
PACIFIC OCEAN PERCH	50% SPR	0.45	0.45	86.4% SPR	86.4% SPR
PETRALE SOLE	30% SPR	0.45	0.45	25-5 rule	25-5 rule
YELLOWEYE	50% SPR	0.45	0.45	76% SPR	76% SPR
NON-OVERFISHED STOCKS					
Arrowtooth Flounder	30% SPR	0.40	0.45	ACL=ABC	ACL=ABC
Black Rockfish (OR-CA)	50% SPR	0.45	0.45	1,000 mt constant catch	ACL=ABC
Black Rockfish (WA)	50% SPR	0.45	0.45	ACL=ABC	ACL=ABC
Cabezon (CA)	45% SPR	0.45	0.45	ACL=ABC	ACL=ABC
Cabezon (OR)	45% SPR	0.45	0.45	ACL=ABC	ACL=ABC
California scorpionfish	50% SPR	0.45	0.45	ACL=ABC	ACL=ABC
Chilipepper S. of 40°10'	50% SPR	0.45	0.45	ACL=ABC	ACL=ABC
Dover Sole	30% SPR	0.45	0.45	25,000 mt constant catch	ACL=ABC
English Sole	30% SPR	0.45	0.45	ACL=ABC	ACL=ABC
Lingcod N. of 40º10'	45% SPR	0.45	0.45	ACL=ABC	ACL=ABC
Lingcod S. of 40º10'	45% SPR	0.45	0.45	ACL=ABC	ACL=ABC
Longnose skate	45% SPR	0.45	0.45	2,000 mt constant catch	ACL=ABC
Longspine Thornyhead (coastwide)	50% SPR	0.45	0.45	NA	NA
Longspine Thornyhead N. of 34°27'	NA	NA	NA	ACL=(79% of OFL)*.75	ACL=ABC
Longspine Thornyhead S. of 34°27'	NA	NA	NA	ACL=(21% of OFL)*.5	ACL=ABC
Pacific Cod	3,200 mt	0.40	0.45	ACL=OFL*.5	ACL=ABC

Stock or Stock Complex	OFL control rule	ABC control rule (default P*) a/		ACL control rule b/	
Sablefish (coastwide)	45% SPR	0.40	0.45	NA	NA
Sablefish N. of 36°	NA	NA	NA	73.6% of ABC w/ 40-10 adj.	ACL = ABC w/ 40-10 adj.
Sablefish S. of 36°	NA	NA	NA	26.4% of ABC w/ 40-10 adj.	ACL = ABC w/ 40-10 adj.
Shortbelly	6,950 mt	0.40	0.45	50 mt constant catch	ACL=ABC
Shortspine Thornyhead (coastwide)	50% SPR	0.45	0.45	NA	NA
Shortspine Thornyhead N. of 34°27'	NA	NA	NA	ACL=66% of OFL	ACL=ABC
Shortspine Thornyhead S. of 34°27'	NA	NA	NA	ACL=(34% of OFL)*.5	ACL=ABC
Splitnose S. of 40°10'	50% SPR	0.45	0.45	ACL=ABC	ACL=ABC
Starry Flounder	30% SPR	0.40	0.45	ACL=ABC	ACL=ABC
Widow	50% SPR	0.45	0.45	1,500 mt constant catch	ACL=ABC
Yellowtail N. of 40°10'	50% SPR	0.45	0.45	ACL=ABC	ACL=ABC
STOCK COMPLEXES					
Minor Nearshore Rockfish North c/	Summed contribution of component OFLs	Summed contribution of component ABCs; P*=.45	Summed contribution of component ABCs; P*=.45	ACL=ABC	ACL=ABC
Minor Shelf Rockfish North c/	Summed contribution of component OFLs	Summed contribution of component ABCs; P*=.45	Summed contribution of component ABCs; P*=.45	ACL=968 mt	ACL=ABC
Minor Slope Rockfish North c/	Summed contribution of component OFLs	Summed contribution of component ABCs; P*=.45	Summed contribution of component ABCs; P*=.45	ACL=1,160 mt	ACL=ABC
Minor Nearshore Rockfish South c/	Summed contribution of component OFLs	Summed contribution of component ABCs; P*=.45	Summed contribution of component ABCs; P*=.45	ACL=990 mt	ACL=ABC
Minor Shelf Rockfish South c/	Summed contribution of component OFLs	Summed contribution of component ABCs; P*=.45	Summed contribution of component ABCs; P*=.45	ACL=714 mt	ACL=ABC
Minor Slope Rockfish South c/	Summed contribution of component OFLs	Summed contribution of component ABCs; P*=.45	Summed contribution of component ABCs; P*=.45	ACL=ABC	ACL=ABC
Other Flatfish d/	Summed contribution of component OFLs	Summed contribution of component ABCs; P*=.40	Summed contribution of component ABCs; P*=.45	ACL=4,884 mt	ACL=ABC
Other Fish e/	Summed contribution of component OFLs	Summed contribution of component ABCs; P*=.40 except dogfish; P*=0.3 for dogfish	Summed contribution of component ABCs; P*=.45	ACL=ABC	ACL=ABC ACL=ABC

Footnotes:
a/ SSC determines sigma for each stock category.
b/ The ACL control rule for stock complexes under either alternative would have the ACL = ABC.except for component stocks in the precautionary zone where the 40-10 or 25-5rule is applied to provide the ACL contribution to the stock complex ACL.

c/ Component OFLs based on 50% SPR for assessed stocks, DBSRA or DCAC for unassessed stocks.
d/ Component OFLs based on DBSRA or DCAC for unassessed stocks.
e/ Component OFLs based on 45% SPR for dogfish, DBSRA or DCAC for unassessed stocks.

RECENT HISTORY OF HARVEST CONTROL RULES FOR SETTING ANNUAL CATCH LIMITS/OPTIMUM YIELDS AND CONSIDERATIONS FOR DEVELOPING DEFAULT HARVEST CONTROL RULES

One concept forwarded for consideration under groundfish Amendment 24 is to describe the default harvest control rules (HCRs) concept in the groundfish fishery management plan (FMP) (see Agenda Item H.4.a, Attachment 2). Describing the framework for using default HCRs in the FMP has the advantage of reduced future workload in cases where the Council chooses to use default HCRs when deciding future harvest specifications, because without explicit Council action to choose an HCR when the default is applied a detailed NEPA analysis would not be needed if the impacts have been previously described (for example, in the Tier 1 document). When the Council chooses to depart from default HCRs a more focused, detailed NEPA analysis on those stocks and stock complexes would be provided in future biennial specifications analyses. Such departures from default harvest control rules would only require a two-meeting Council decision-making process.

The spex project team (Council, NWR, and NOAA GC staff) believe that this concept is inherently more efficient is predicated on the fact that for most actively managed stocks and stock complexes, the Council has frequently used the same HCRs for setting annual catch limits (ACLs) (or optimum yields (OYs) prior to implementation of Amendment 23) (Table 1 and Table 2)[1]. To gain the most efficient outcome, the initial choice of default HCRs should be based on an assessment of which set of rules would result in the fewest changes from defaults. The built-in precautionary buffers in the alternatives provided in Agenda Item H.4.a, Attachment 2 (e.g., ABC buffer, 40-10 and 25-5 rules) reduce the risk of exceeding OFLs or driving a stock to an overfished state, so the conservation objectives of the FMP are preserved by frameworking the use of default HCRs. These alternatives also contemplate an adaptive strategy where default HCRs change based on subsequent Council decisions and supporting NEPA analysis. Any new information that compels a change in harvest control rules (e.g., a new assessment or a new socioeconomic analysis) is therefore perpetuated into subsequent biennial cycles. This adaptive mechanism therefore always considers the best available science in the determination of default HCRs.

Another possible efficiency in deciding default HCRs, which should be more thoroughly explored, is identifying in the FMP those decisions that are science oriented rather than policy-oriented. For instance, the FMP could stipulate that the calculations used to determine a sigma value, which in combination with the policy choice of the overfishing probability (P*) determines the ABC, are determined by the Council's Scientific and Statistical Committee (SSC). Any SSC analysis of new sigma values would be presented in a Stock Assessment

[1] The ACL was incorporated into the FMP under Amendment 23, which was implemented in 2011. Prior to Amendment 23, the total catch optimum yield (OY) was the specification used as an annual limit for all fishing-related mortalities. ACLs and total catch OYs are analogous in this context.

Fishery Evaluation (SAFE) document or a Supplemental Information Report (SIR) and made available to the public ensuring a transparent process in communicating science-based decisions. Such science-based alternatives would not necessarily be analyzed in a NEPA document given the robust SSC review process applied to any new science used in Council decisions. Similarly, any apportionment of coastwide biomass used to determine area-specific harvest specifications (e.g., ACLs specified for lingcod, sablefish, and the thornyheads) is more appropriately provided in a stock assessment. Any framework establishing a process to use default HCRs should consider a less rigorous NEPA process than a full analysis of alternatives for science-based decisions that are subject to their own rigorous review process.

The spex project team concludes that describing the default HCRs concept in the FMP would result in a process efficiency that does not create risks to the conservation and socioeconomic objectives mandated in the Magnuson-Stevens Act and codified in the FMP. This mechanism will not reduce Council decision-making flexibility since default HCRs can be changed by the Council in a regulatory amendment requiring only a two-meeting process. The process efficiency afforded by this adaptive management decision-making mechanism will free up staff resources in the future to devote to other Council initiatives that have otherwise not been addressed due to the overly burdensome work load associated deciding and analyzing harvest specifications for all groundfish management units in our current process.

Table 1. Harvest control rules used to set annual catch limits (ACLs; post-Amendment 23) and annual optimum yields (OYs; pre-Amendment 23).

Stock	Post-Amendment 23		Pre-Amendment 23	
	2013-14	2011-12	2009-10	2007-08
OVERFISHED STOCKS				
BOCACCIO S. of 40^{0}10'	77.7% SPR	77.7% SPR	77.7% SPR	77.7% SPR
CANARY	88.7% SPR	88.7% SPR	88.7% SPR	88.7% SPR
COWCOD S. of 40^{0}10' a/	82.7% SPR (Con.)	82.7% SPR (Con.)	82.1% SPR	90% SPR
	ACL contrib. = Con. ACL (Mon.)	ACL contrib. = Con. ACL (Mon.)	OY contrib. = Con. OY (Mon.)	OY contrib. = Con. OY (Mon.)
DARKBLOTCHED	64.9% SPR	64.9% SPR	62.1% SPR	64.1% SPR 2007; 60.7% SPR 2008
PACIFIC OCEAN PERCH	86.4% SPR	86.4% SPR	86.4% SPR	86.4% SPR
PETRALE SOLE b/	25-5 rule	25-5 rule	40-10 rule	40-10 rule
YELLOWEYE c/	76% SPR	76% SPR	66.3% SPR 2009; 71.9% SPR 2010	55.4% SPR 2007; 60.8% SPR 2008
NON-OVERFISHED STOCKS				
Arrowtooth Flounder	ACL = ABC	ACL = ABC	OY = ABC	OY = ABC
Black Rockfish (OR-CA)	1,000 mt constant catch	1,000 mt constant catch	1,000 mt constant catch	1,000 mt constant catch
Black Rockfish (WA)	ACL = ABC	ACL = ABC	OY = ABC	OY = ABC
Cabezon (CA) d/	ACL = ABC	ACL = ABC	60-20 rule	60-20 rule
Cabezon (OR)	ACL = ABC	ACL = ABC	Managed in the Other Fish complex	Managed in the Other Fish complex
California scorpionfish	ACL = ABC	ACL = ABC	OY = ABC	OY = ABC *.8
Chilipepper S. of 40^{0}10'	ACL = ABC	ACL = ABC	OY = ABC *.95	2,000 mt constant catch
Dover Sole	25,000 mt constant catch	25,000 mt constant catch	16,500 mt constant catch	16,500 mt constant catch
English Sole	ACL = ABC	ACL = ABC	OY = ABC	OY = ABC
Lingcod N. of 40°10' e/	ACL = ABC	ACL = ABC	OY = ABC	OY = ABC
Lingcod S. of 40°10' e/	ACL = ABC	ACL = ABC	40-10 rule	OY = 612 mt (= 2006 OY)
Longnose skate	2,000 mt constant catch	1,349 mt constant catch	1,349 mt constant catch	Managed in the Other Flatfish complex
Longspine Thornyhead N. of 34°27'	ACL = (79% of OFL)*.75	ACL = (79% of OFL)*.75	OY = (79% of ABC) *.75	OY = (79% of ABC) *.75
Longspine Thornyhead S. of 34°27'	ACL = (21% of OFL)*.5	ACL = (21% of OFL)*.5	OY = (21% of ABC) *.5	OY = (21% of ABC) *.5
Pacific Cod	1,600 mt constant catch	1,600 mt constant catch	1,600 mt constant catch	1,600 mt constant catch
Sablefish N. of 36°	ACL = 73.6% of ABC w/ 40-10 adj.	ACL = 68% of ABC w/ 40-10 adj.	OY = 72% of ABC w/ 40-10 adj.	OY = 96.5% of ABC w/ 40-10 adj.
Sablefish S. of 36°	ACL = 26.4% of ABC w/ 40-10 adj.	ACL = 32% of ABC w/ 40-10 adj.	OY = 28% of ABC w/ 40-10 adj. *.5	OY = 3.5% of ABC w/ 40-10 adj.
Shortbelly	50 mt constant catch	50 mt constant catch	6,950 mt constant catch	13,900 mt constant catch
Shortspine Thornyhead N. of 34°27'	ACL = 66% of OFL	ACL = 66% of OFL	ACL = 66% of OFL	ACL = 66% of OFL

Stock	Post-Amendment 23		Pre-Amendment 23	
	2013-14	2011-12	2009-10	2007-08
Shortspine Thornyhead S. of 34°27'	ACL = (34% of OFL)*.5	ACL = (34% of OFL)*.5	ACL = (34% of OFL) *.5	ACL = (34% of OFL) *.5
Splitnose S. of 40^{0}10'	ACL = ABC	ACL = ABC	Managed in the Slope RF S complex	Managed in the Slope RF S complex
Starry Flounder	ACL = ABC	ACL = ABC	OY = ABC *.75	OY = ABC *.75
Widow	1,500 mt constant catch	600 mt constant catch	95% SPR	95% SPR
Yellowtail N. of 40^{0}10'	ACL = ABC	ACL = ABC	OY = ABC	OY = ABC
STOCK COMPLEXES				
Minor Nearshore Rockfish North	ACL = ABC	ACL = ABC	OY = 155 mt	OY = 142 mt
Minor Shelf Rockfish North	ACL = 968 mt	ACL = 968 mt	OY = 968 mt	OY = 968 mt
Minor Slope Rockfish North	ACL = 1,160 mt	ACL = 1,160 mt	OY = 1,160 mt	OY = 1,160 mt
Minor Nearshore Rockfish South	ACL = 990 mt (2012 ACL)	ACL = ABC	OY = 650 mt	OY = 564 mt
Minor Shelf Rockfish South	ACL = 714 mt	ACL = 714 mt	OY = 714 mt	OY = 714 mt
Minor Slope Rockfish South	ACL = ABC	ACL = 626 mt	OY = 626 mt	OY = 626 mt
Other Flatfish	ACL = 4,884 mt	ACL = 4,884 mt	OY = 4,884 mt	OY = 4,884 mt
Other Fish	ACL = ABC	ACL = ABC	OY = 5,600 mt (= ABC *.5)	OY = 7,300 mt (= ABC *.5)

a/ Cowcod rebuilding is managed south of 40º10' N lat. (Conception and Monterey INPFC areas). Since only the Conception area has been assessed, the rebuilding plan convention is to double the assessed area ACL/OY to include both areas.

b/ Petrale sole were declared overfished in 2010 and a rebuilding plan was implemented in 2011. Also beginning in 2011, new management reference points were decided for assessed flatfish which specified a $B_{25\%}$ biomass target and an MSST of $B_{12.5\%}$. The 25-5 rule, analogous to the 40-10 rule for currently assessed non-flatfish species, was implemented in 2011 which determines a precautionary reduction in the ACL from the ABC when the stock is below the biomass target.

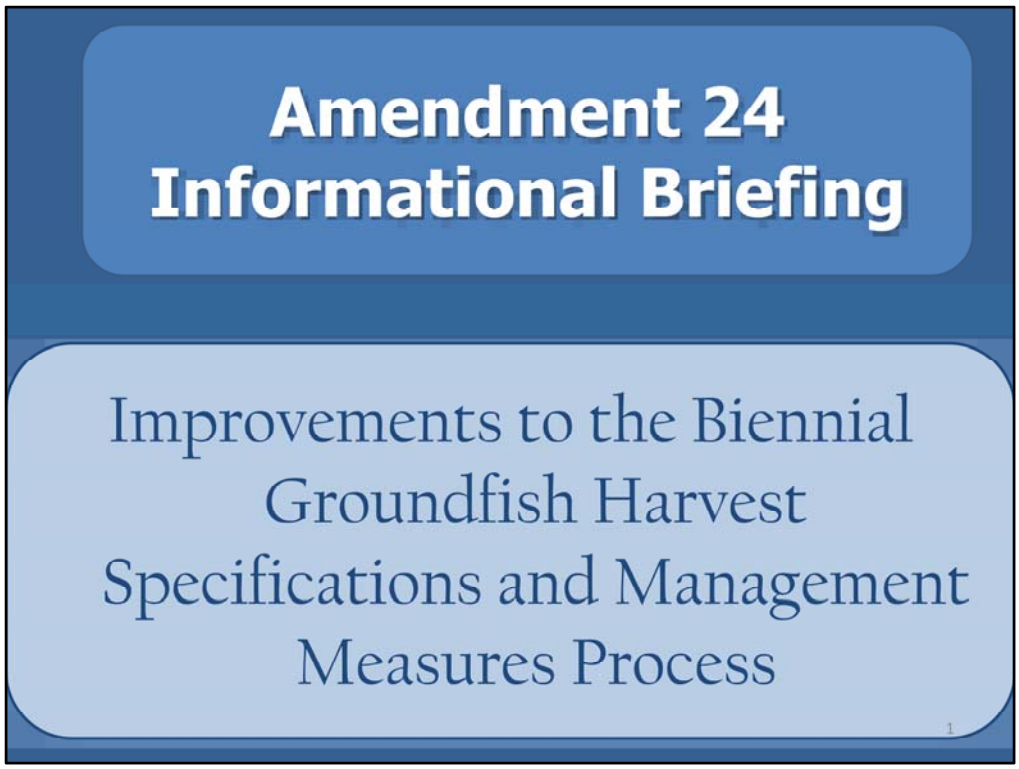
c/ The yelloweye rebuilding plan specified a harvest rate ramp-down strategy in 2007-10 with different annual harvest rates before resuming a constant harvest rate strategy in 2011.

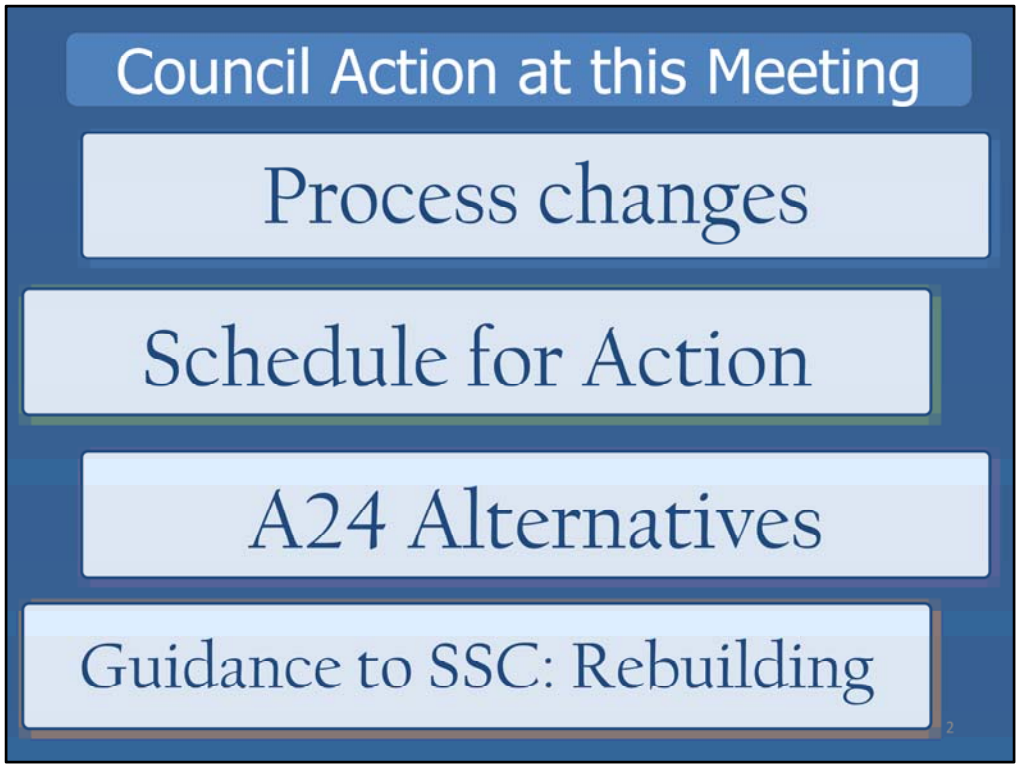
d/ Harvest specifications for the California substock of cabezon were based on the California state precautionary 60-20 rule prior to 2011. The 60-20 rule is analogous to the Council's 40-10 and 25-5 rules where stocks below the target (in this case $B_{60\%}$ according to California policy), there is a reduction in the ACL/OY from the ABC. The 2009 cabezon stock assessment indicated the stock had rebuilt to healthy levels, which compelled the Council to set the ACL equal to the ABC beginning in 2011.

e/ Lingcod were managed north and south of 40º10' N lat. in 2013-14, and north and south of 42º N lat. in 2007-12.

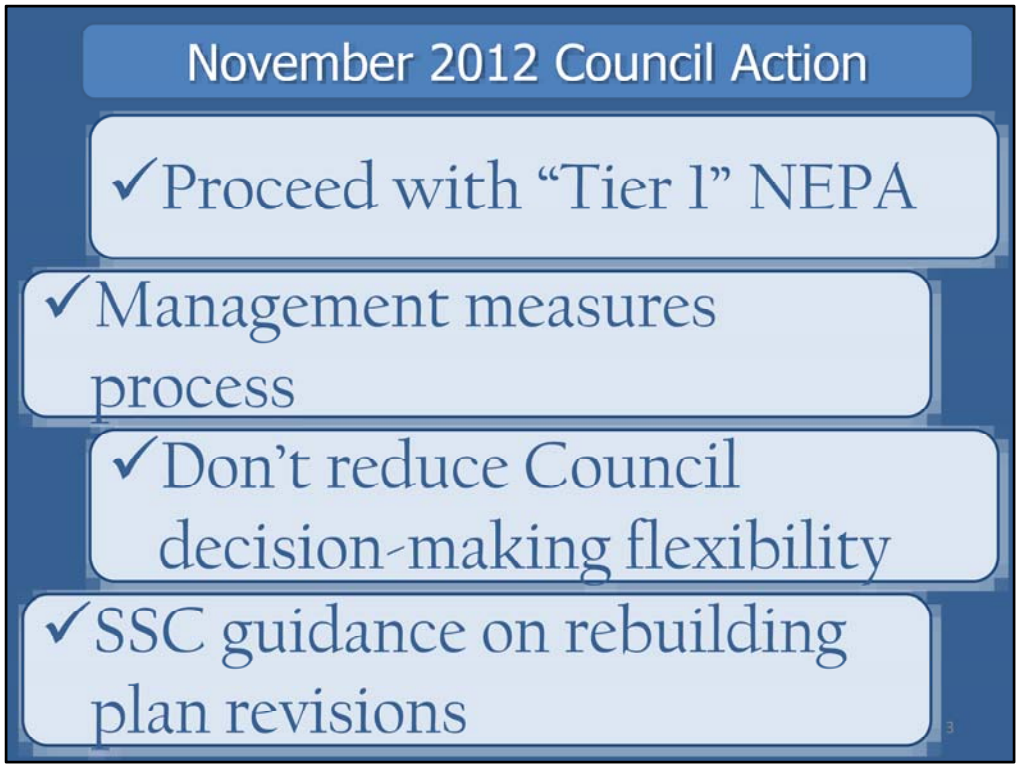
Table 2. Frequency of change of harvest control rules during 2007-2014 used to set annual catch limits (ACLs; post Am 23) and annual optimum yields (OYs; pre-Am 23).

Stock	Change in HCRs in 4 biennial periods (2007-14)
OVERFISHED STOCKS	
BOCACCIO S. of 40°10'	No change
CANARY	No change
COWCOD S. of 40°10'	Changed during 2007-10; no change in 2011-14
DARKBLOTCHED	Changed during 2007-10; no change in 2011-14
PACIFIC OCEAN PERCH	No change
PETRALE SOLE	Change in proxy Fmsy in 2011; no change thereafter
YELLOWEYE	Changed during 2007-10; no change in 2011-14
NON-OVERFISHED STOCKS	
Arrowtooth Flounder	No change
Black Rockfish (OR-CA)	No change
Black Rockfish (WA)	No change
Cabezon (CA)	Changed during 2007-10; no change in 2011-14
Cabezon (OR)	Changed during 2007-10; no change in 2011-14
California scorpionfish	Changed during 2007-08; no change in 2009-14
Chilipepper S. of 40°10'	Changed during 2007-10; no change in 2011-14
Dover Sole	Changed during 2007-10; no change in 2011-14
English Sole	No change
Lingcod N. of 40°10'	No change
Lingcod S. of 40°10'	Change after 2007-08; change after 2009-10 due to change in status
Longnose skate	Change after 2007-08 when stock removed from complex; changed again in 2013-14
Longspine Thornyhead N. of 34°27'	No change
Longspine Thornyhead S. of 34°27'	No change
Pacific Cod	No change
Sablefish N. of 36°	No change other than apportionment of biomass
Sablefish S. of 36°	No change other than apportionment of biomass
Shortbelly	Change after 2007-08; changed again after 2009-10
Shortspine Thornyhead N. of 34°27'	No change
Shortspine Thornyhead S. of 34°27'	No change
Splitnose S. of 40°10'	Changed during 2007-10; no change in 2011-14
Starry Flounder	Change after 2009-10; change in proxy Fmsy in 2011
Widow	Change after 2009-10; changed in 2011-12 and again in 2013-14
Yellowtail N. of 40°10'	No change
STOCK COMPLEXES	
Minor Nearshore Rockfish North	Changed after 2007-08; changed again after 2009-10; no change thereafter
Minor Shelf Rockfish North	No change
Minor Slope Rockfish North	No change
Minor Nearshore Rockfish South	Change in every biennial period
Minor Shelf Rockfish South	No change
Minor Slope Rockfish South	No change except in 2013-14 since SQ ACL > new ABC
Other Flatfish	No change
Other Fish	Changed after 2007-08; changed again after 2009-10; no change thereafter


Amendment 24
Informational Briefing
Improvements to the Biennial Groundfish Harvest Specifications and Management Measures Process
1

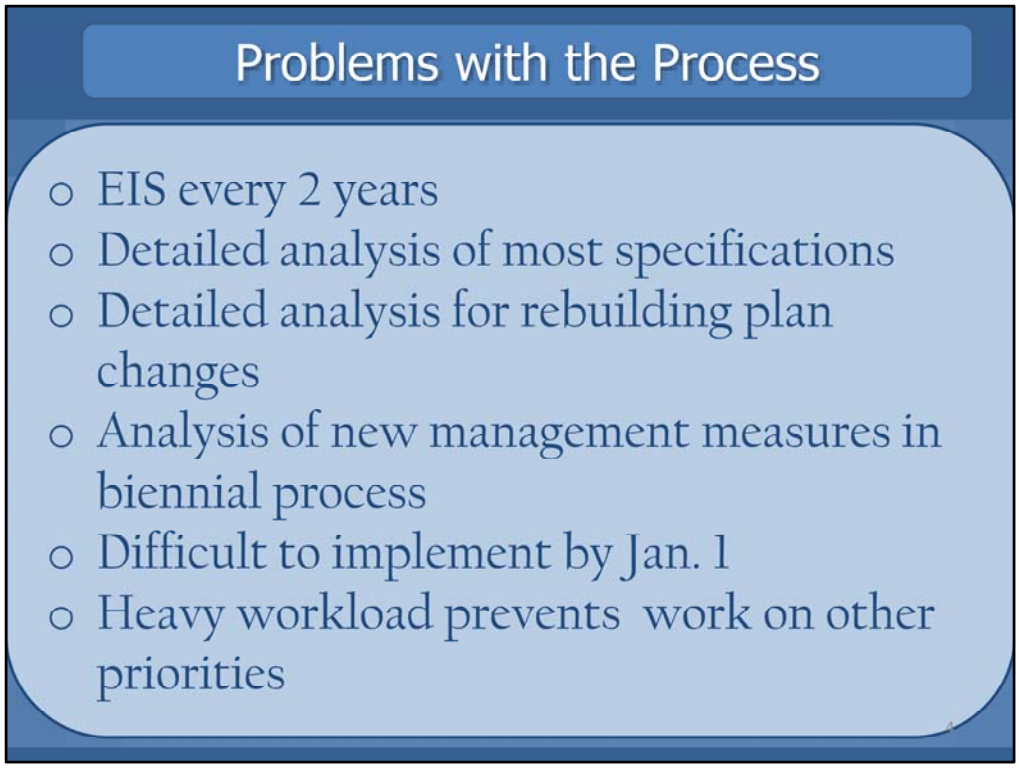


- On day 3 (Saturday) you have decisions in 4 categories to make
- I'll be speaking about these in more detail throughout this presentation

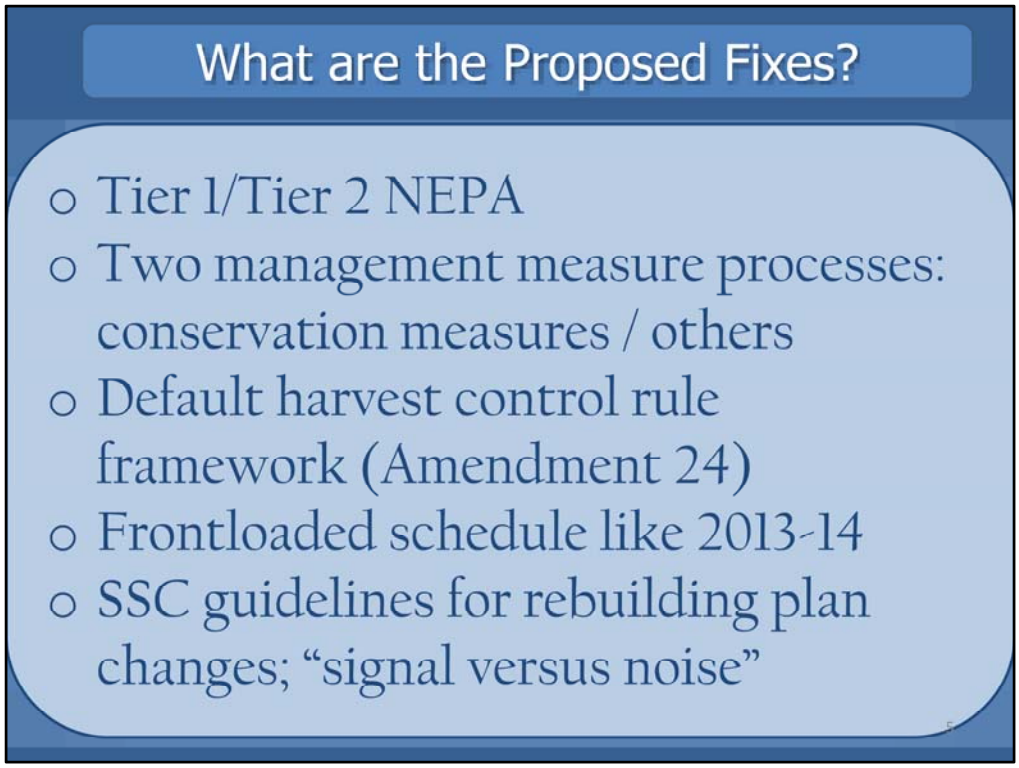


This guidance has been addressed by:

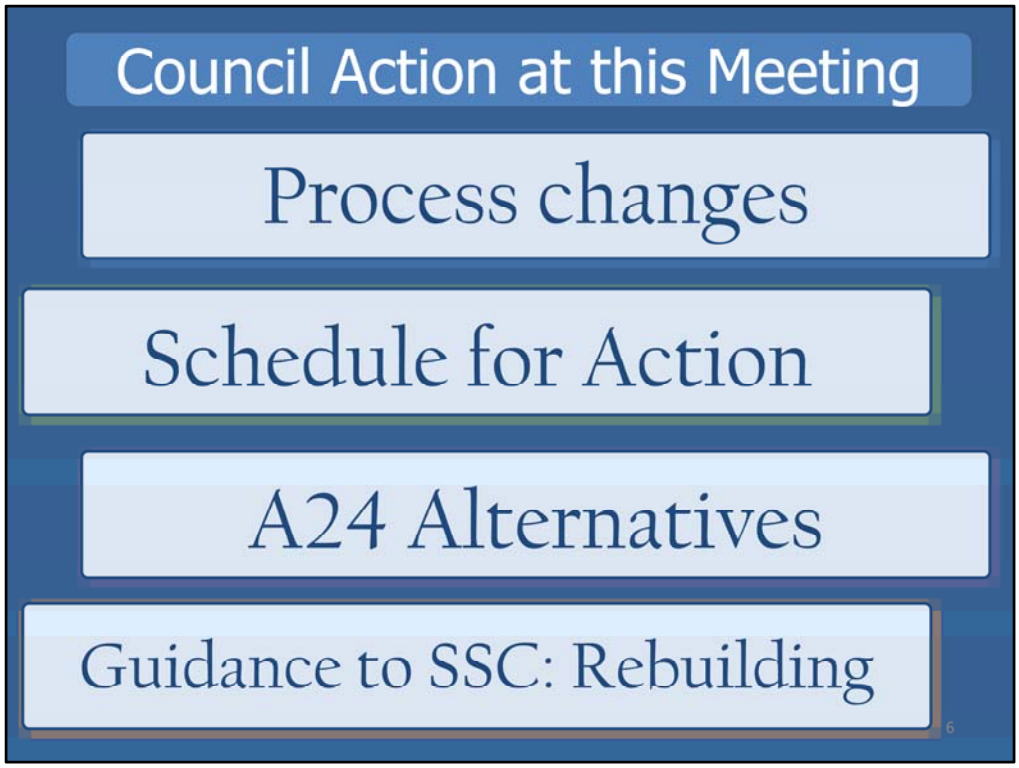
- Continued development of Tier 1 NEPA document (see Attachment 2)
- Management measures process to be captured in COP #9
- Flexibility retained in default harvest control rule (HCR) concept, not "hardwired" in FMP
- SSC to provide update at this meeting



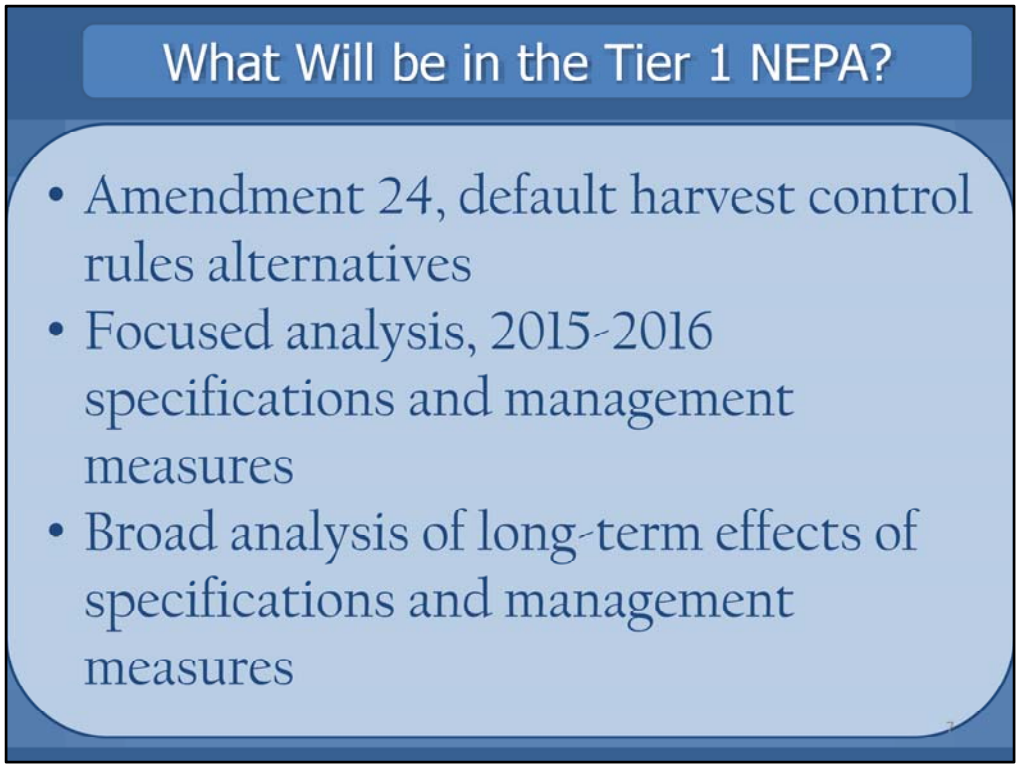
- "Routine" management measures have been previously analyzed and don't need additional analysis. Most management measures necessary to constrain catches to ACLs are routine
- The FMP provides the Council wide discretion in choosing harvest specifications, which means that a detailed analysis of each decision is required; same analysis often repeated in multiple cycles
- Even small changes to rebuilding plan objectives (target year) trigger detailed analysis, such as integrated alternatives
- The workload makes it difficult to get the regulations implemented by the start of the biennial period (Jan 1), even given more staff
- If the spex process can be streamlined this could free up staff time to devote to other groundfish management priorities



- Tier 1 NEPA document will evaluate impacts for 2015 and beyond. Spex are still set for each biennial period but this allows focused analysis on the issues and impacts unique to each biennial period. In November the Council supported this approach to NEPA.
- Management measures should be primarily tied to conservation objectives in the Groundfish FMP, mainly for achieving but not exceeding ACLs. In most cases routine measures can be applied, but if new measures are required (e.g., new YRCA), they can be identified in the spex process. Other measures considered in a separate process.
- The default harvest control rule (HCR) concept will be discussed in greater detail momentarily. Suffice to say, based on Council guidance in November, this approach does not reduce Council flexibility from what it has now.
- For a frontloaded schedule to work it is incumbent on the Council to make decisions in a timely manner.
- The SSC is developing methodologies to help inform decisions on rebuilding plan changes. The SSC will give a preliminary report at this meeting. These methodologies should be ready for Council use in the 2015-16 cycle. These methods will help to distinguish statistical "noise" from a true change in the estimated rebuilding year.



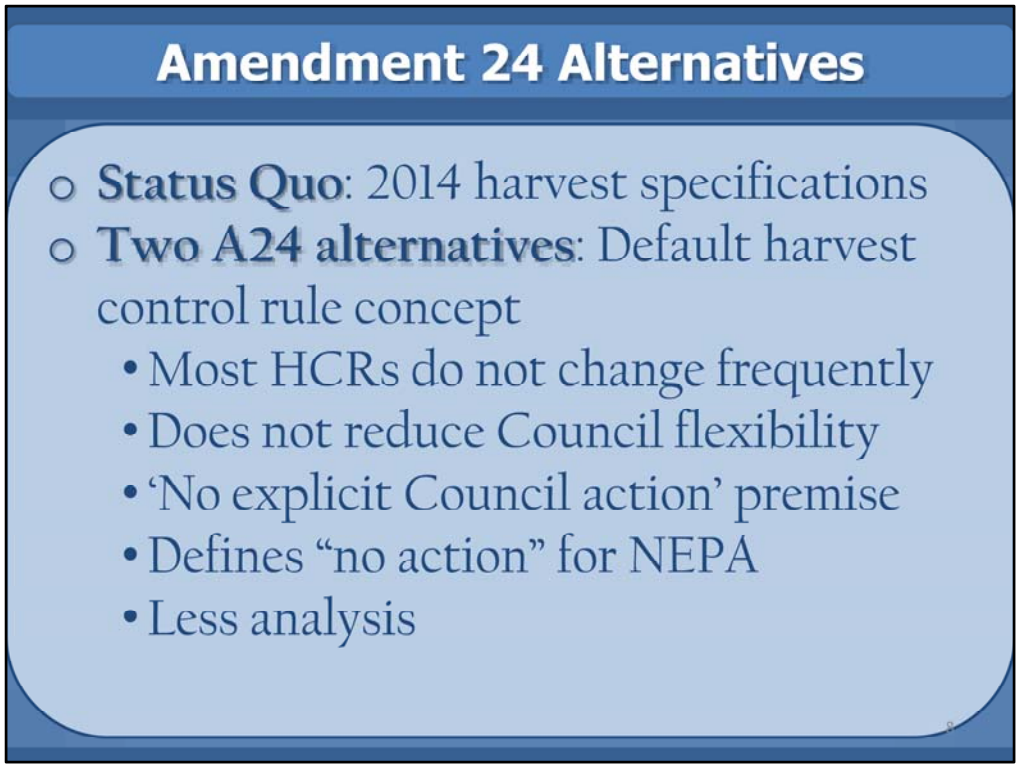
- The main process change has to do with focusing ACL/conservation related management measures during the biennial process and establishing a separate process for other management measures. Second, we recommend the Council follow the front-loaded decision schedule used for the 2013-14 spex.
- The Council will be deciding on a game plan to be used for decisions in this cycle. Technically the Council can change their preferred alternative until final action (June 2014); it is most orderly to follow this game plan in this cycle, similar to how the Council handled Amendment 23.
- At this meeting the Council should understand how the process will work in 2013 and 2014. As in past cycles, a detailed schedule will be presented for Council adoption at the June meeting.
- The Council should adopt the alternatives outlined in Attachment 2. This will allow the staff to begin developing the analysis. These alternatives may be modified or added to, to address Council objectives and other issues that may arise, for example due to reorganization of stock complexes. The Council will need to finalize the range of alternatives at the June meeting.
- Based on the SSC Report at this meeting, the Council may want to provide additional guidance on the methods being developed by the SSC to inform rebuilding plan revision decisions.



The Tier 1 NEPA document (likely an EIS but not yet formally confirmed) will include:

- analysis of Amendment 24, which primarily incorporates language into the FMP about the default HCR concept;
- a focused analysis on the 2015-16 harvest specifications and management measures; and
- a broader analysis covering the effects of setting harvest specifications and management measures over a longer period of 10 years.

The broader, 10-year analysis does not mean that harvest specifications will be established in regulations for the whole 10 year period. By the same token, no assumption is made about when the Tier 1 analysis needs to be updated (supplemented or replaced). It could be in less than or more than 10 years, depending on circumstances and impacts. An assessment of the need to update the Tier 1 analysis will be made periodically based on the information at hand.



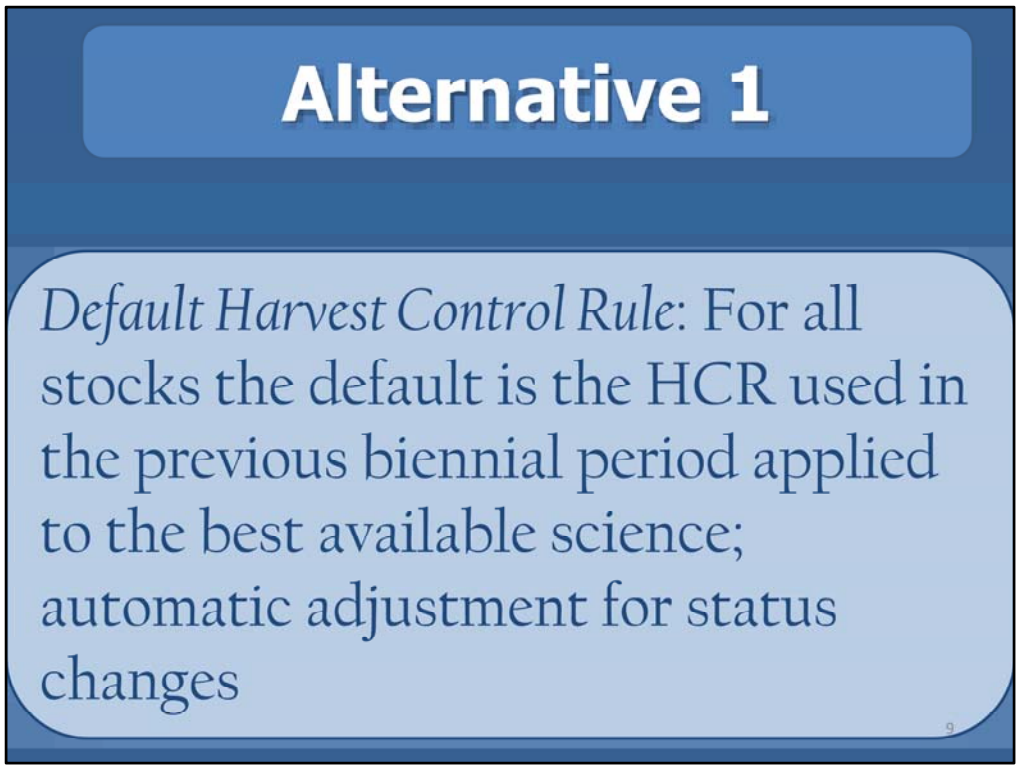
Staff recognize that even under status quo the Council and NMFS could adjust harvest specifications going forward based on new information. However, for the purposes of analysis it is assumed that the 2014 harvest specifications would stay in place for the 10 year period 2015-24. This provides a basis of comparison for the action alternatives and represents "true no action" based on what is currently in federal regulations.

In discussing the default HCR concept we use the term "harvest control rule" to mean the explicit methods used used to adjust harvest specifications in response to a change in estimated stock biomass and the term "harvest specification" to mean the numerical value determined by applying the harvest control rule.

The two action alternatives introduce the default HCR concept. Defaults are based on the idea that the Council does not change HCRs frequently, see Supplemental Attachment 3.

This concept doesn't prevent the Council from changing any or all harvest control rules during each biennial cycle. So the Council would have the same decision-making flexibility enjoyed now. Instead, the FMP would describe what happens if the Council doesn't take action to changes a HCR. This defines "no action" for the NEPA analysis. In comparison to the current situation we expect this to require less analysis, because wide decision-making discretion doesn't come into play when the Council doesn't take action and allows default HCRs to be implemented for one or more stocks.

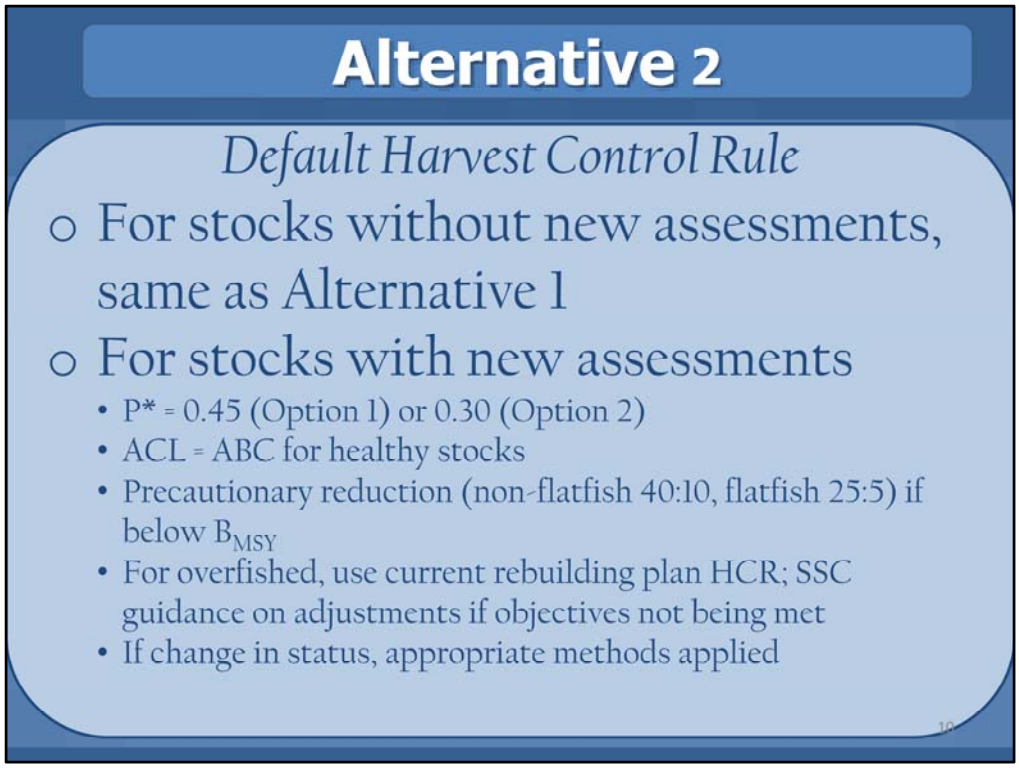
We recognize that the default HCRs will change from time to time; however, there is a significant workload saving by evaluating defaults in the Tier 1 NEPA document with focused NEPA analyses in subsequent Tier 2 NEPA documents.



Under both action alternatives it is assumed that the proposed management measures decision process will be used (along with other process changes such as front-loading the decision schedule).

In most circumstances "best available science" refers to information from the most recent stock assessment and, if appropriate, rebuilding analysis.

If new information shows that a stock has changed status the HCR appropriate for that status would be applied for the default. For example, if a stock falls below B_{MSY} (from "healthy" to "precautionary zone") the precautionary reduction would be applied, which is the 40:10 rule for non-flatfish and 25-5 for flatfish.



Action Alternative 2 differs from Alternative 1 in the way it treats stocks with new assessments. In these cases the default HCRs are set using the following rules.

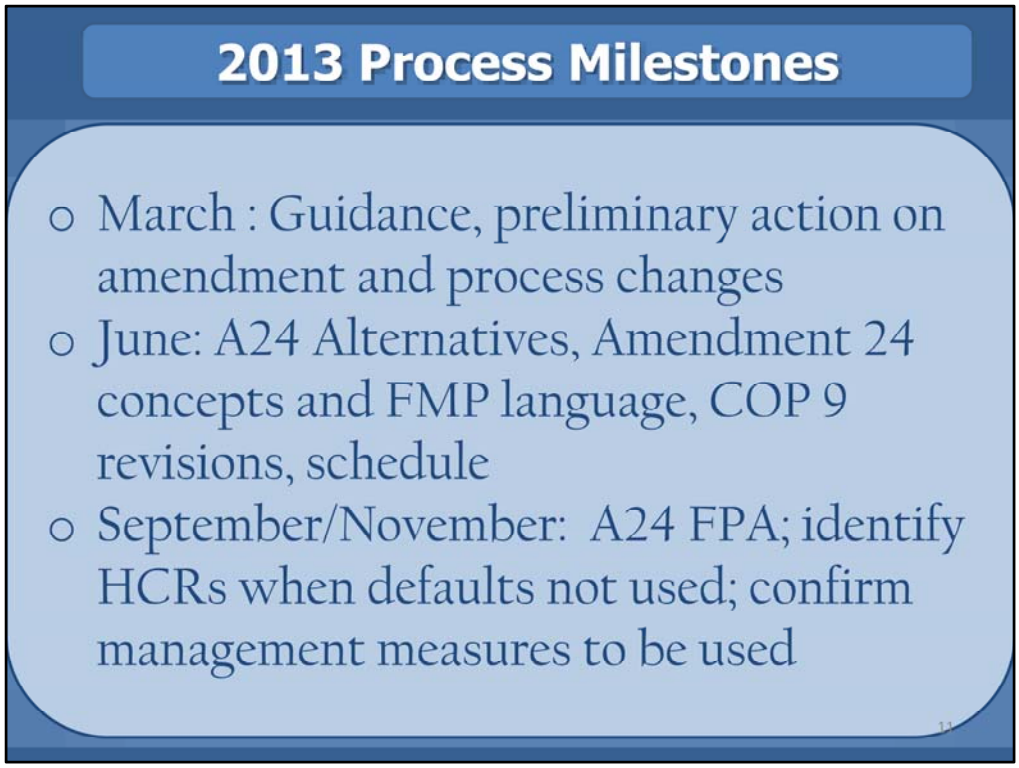
Two options are offered for the P* value that would be applied, 0.45, the maximum value permitted in the FMP, and 0.3, a more precautionary value. This is intended to bracket the range of potential Council decisions over the 10-year analytical period.

For healthy stocks the default HCR method could be less precautionary than Council practice since the ABC is the highest value that can be chosen for the ACL under current guidelines.

Note that to date the Council has applied the precautionary reduction in all cases where stock biomass has fallen below B_{MSY}, but the FMP does not require this. So while the automatic application of the precautionary reduction theoretically narrows discretion, in practice it does not differ from past Council practice.

For overfished species, the HCR in the current rebuilding plan would be used unless, based on guidelines being developed by the SSC, this HCR is unlikely to allow the stock to rebuild by the target year. In that case the Council would have to adjust either the HCR or the target year (preference should be given to adjusting the HCR).

For all stocks (i.e., even those without a new stock assessment) if a change in stock status is determined, the appropriate methods are applied for the new status for the default HCR. This is the same as Alternative 1.

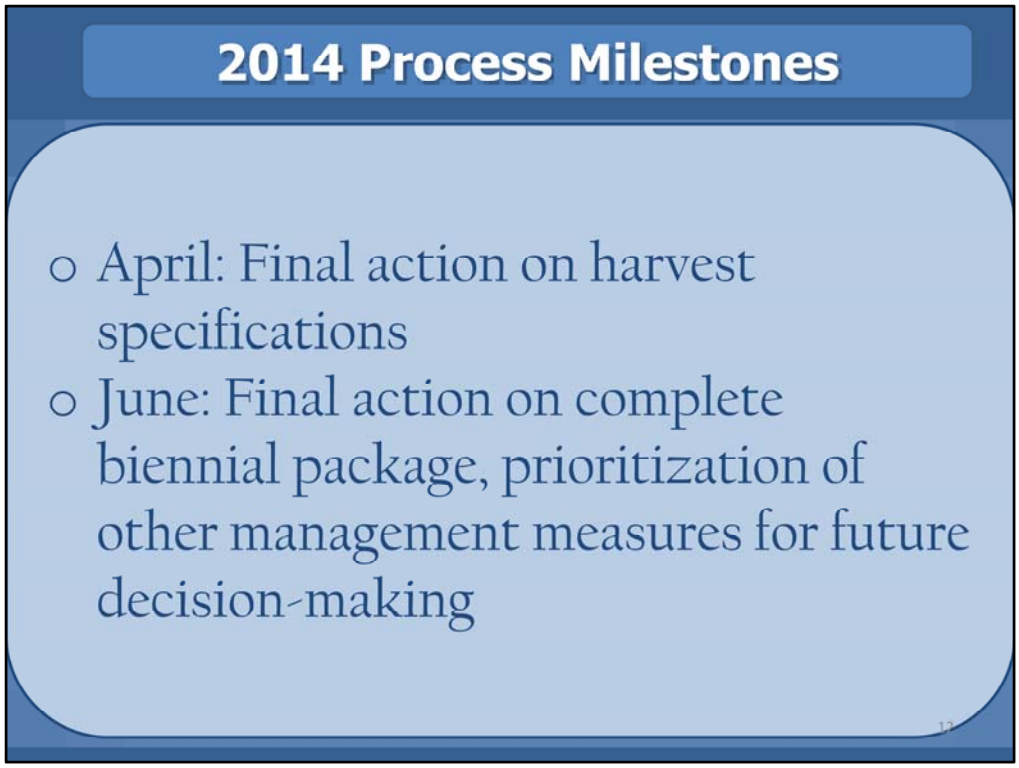


We expect the Council to commit to pursuing changes in the biennial process as reflected in the description of Council action at this meeting. (See situation summary) If you change later it will cause problems.

At the June meeting the Council would finalize the A24 alternatives for the full analysis, which would also be the basis for evaluating the 2015-16 harvest specifications. This includes the concepts and related FMP language changes embedded in Amendment 24, and COP revisions describing process changes not subject to an FMP amendment. As in past cycles, the Council also adopts a detailed scheduled for staff and committee activities, and Council decision-making through June 2014.

COP # 9 would be revised to reflect the focus on conservation-related management measures (related to ACLs) during the biennial process and the use of a separate process for other management measures. It would also describe Council decision-making about modifying default HCRs at the September and November meetings.

The September and November Council meetings would involve a similar range of decisions as was the case for those meetings in 2011. Important differences would be the decision on which stocks not to use the default HCR and identification of any new management measures needed to achieve but not exceed ACLs or to address other crucial conservation issues related to harvest specifications.

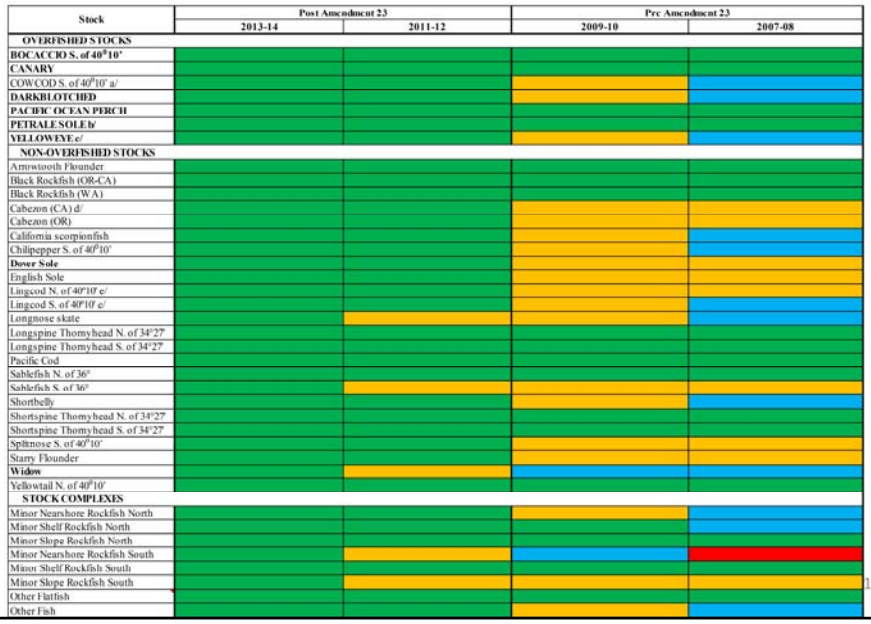


The 2014 April and June Council meetings look very similar to what occurred in 2011. The main difference is that in June the Council would identify other management measures not directly related to conservation. These are measures intended to improve the management program or fishery performance. Examples include changes to monitoring/control/surveillance (MCS) measures and measures to improve economic conditions for harvesters and other fishery participants.

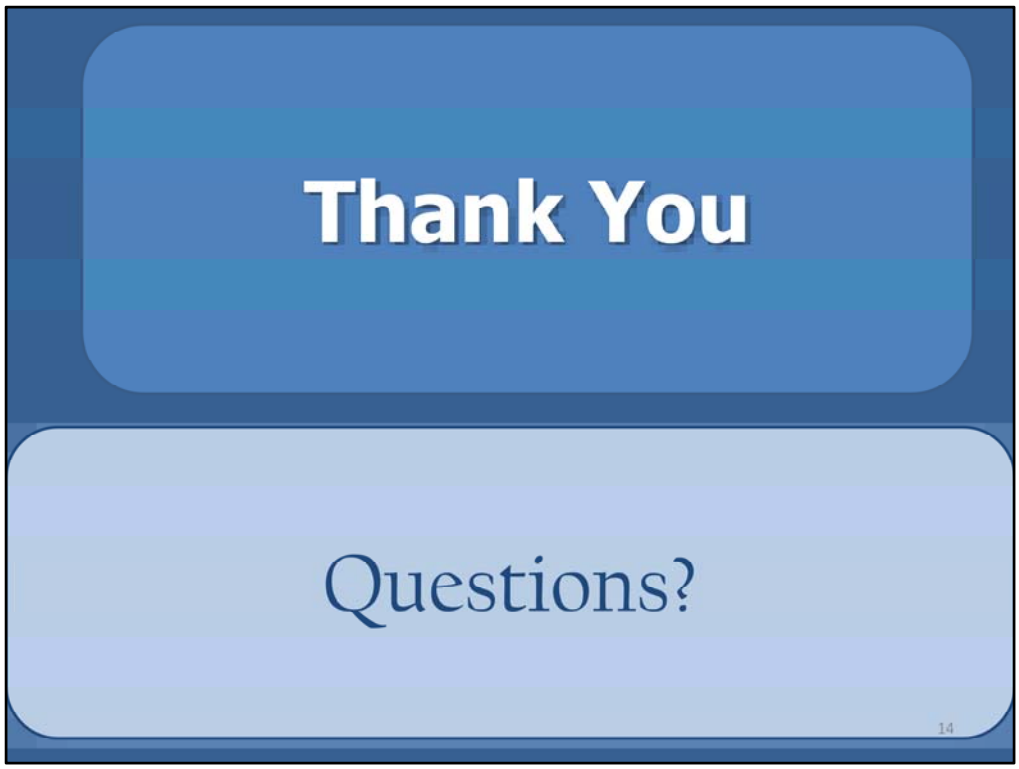
The Council would also set a decision-making schedule for these other measures. According to the FMP, adopting such measures requires two Council meetings to adopt.

As with the proposed regulations, Amendment 24 (and any other FMP changes) would be transmitted after the Tier 1 NEPA process is complete. Since the FMP currently doesn't prohibit the use of the default HCR concept, along with other process changes, the Council could operate under these rules in 2013-14 even if Secretarial approval of the amendment doesn't occur until late 2014.

Frequency of change of harvest control rules during 2007-2014 used to set ACLs and OYs



Stock	Post Amendment 23		Pre Amendment 23	
	2013-14	2011-12	2009-10	2007-08
OVERFISHED STOCKS				
BOCACCIO S. of 40°10'				
CANARY				
COWCOD S. of 40°10' a/				
DARKBLOTCHED				
PACIFIC OCEAN PERCH				
PETRALE SOLE b/				
YELLOWEYE c/				
NON-OVERFISHED STOCKS				
Arrowtooth Flounder				
Black Rockfish (OR-CA)				
Black Rockfish (WA)				
Cabezon (CA) d/				
Cabezon (OR)				
California scorpionfish				
Chilipepper S. of 40°10'				
Dover Sole				
English Sole				
Lingcod N. of 40°10' e/				
Lingcod S. of 40°10' e/				
Longnose skate				
Longspine Thornyhead N. of 34°27'				
Longspine Thornyhead S. of 34°27'				
Pacific Cod				
Sablefish N. of 36°				
Sablefish S. of 36°				
Shortbelly				
Shortspine Thornyhead N. of 34°27'				
Shortspine Thornyhead S. of 34°27'				
Splitnose S. of 40°10'				
Starry Flounder				
Widow				
Yellowtail N. of 40°10'				
STOCK COMPLEXES				
Minor Nearshore Rockfish North				
Minor Shelf Rockfish North				
Minor Slope Rockfish North				
Minor Nearshore Rockfish South				
Minor Shelf Rockfish South				
Minor Slope Rockfish South				
Other Flatfish				
Other Fish				


Thank You
Questions?
14

REPORT OF THE GROUNDFISH AMENDMENT 24 WORKGROUP

The Groundfish Amendment 24 Workgroup (Workgroup) met on February 28, 2013, via an on-line webinar. Attending were the following:

Workgroup Members
Ms. Sarah Biegel
Mr. Kevin Duffy
Ms. Joanna Grebel
Ms. Lynn Mattes
Ms. Mariam McCall
Mr. Rod Moore
Mr. Corey Niles

Council Staff
Ms. Kelly Ames
Mr. Kit Dahl
Mr. John Devore
Ms. Sandra Krause
Mr. Jim Seger
Mr. Chuck Tracy

Other Participants
Mr. Tommy Ancona
Mr. Seth Atkinson
Mr. John Budrick
Mr. Ryan Couch
Mr. Dan Erickson
Mr. Robert Jones
Ms. Rosemary Kosaka
Mr. Robert Leos
Mr. Tom Marking
Mr. Steve Marx
Mr. Joe Petersen
Ms. Becky Renko
Mr. Tom Rudolph
Mr. Sarah Williams
Mr. Louis Zimm

Mr. Dahl provided a preview of the draft presentation being prepared for the Council which covered the previous work done by the Workgroup, Council guidance received in November 2012, a proposed schedule for future Council action, and the Council staff material included in the current briefing book as Agenda items H.4.a Attachments 1, 2, and Supplemental 3. In response to questions, Mr. Dahl emphasized that these represent Council staff recommendations which were developed outside of the Workgroup process and are not meant to represent Workgroup recommendations.
In Workgroup discussion following the presentation, several points were emphasized:

- The purpose for moving forward with this effort is to diminish workload for the Council and its advisory bodies, Council staff, NMFS staff, and state agency staff.
- The Council has two avenues it can pursue: undertaking an extensive NEPA analysis for the 2015-2016 biennium with more succinct analyses in future years, which would not require an amendment to the Pacific Groundfish Fishery Management Plan (FMP); or developing an amendment to the FMP which, while still requiring extensive NEPA analysis in the short term, could mean less analysis in future years because the NEPA analysis accompanying the amendment would provide some degree of predictability through use of default Harvest Control Rules (HCR). There are time and workload burdens associated with each course of action. However, some Workgroup members do not believe there is a meaningful difference between the two "avenues" and see the main efficiencies coming from the design of the Tier 1 EIS.
- Council staff communicated that if the Council chooses to establish default Harvest Control Rules (HCR), then an amendment to the FMP will be required. Some on the Working Group do not see what in the FMP now is inconsistent with a rolling over of the harvest policy unless changed like happened in 2013-14, and consequently, are not convinced an FMP amendment is needed.
- Regardless of which course is chosen, there will need to be a change in the way management measures are developed and approved by the Council to achieve workload savings. Some management measures will be outside of the scope of the biennial adjustments and have to be considered in a separate analysis and process. There will be a need to define what is and what is not within the scope of the biennial process. For those outside of the scope, the Council would have to prioritize its list of management measures and schedule their consideration separately from the biennial specifications process, similar to what the Council has been doing with Program Improvement and Enhancement (PIE) measures in the groundfish trawl rationalization program.

The Workgroup also commented on the material presented in the briefing book attachments, with considerable discussion and some public comment on the identification of some species and species complexes as having a constant catch value as a default harvest control rule under Alternative 1 (see, for example, Agenda Item H.4.a Attachment 2, Table 1). The Workgroup suggested that additional explanatory material be added to clarify why these particular species/complexes had constant catch values associated with them in previous biennial specifications. Such explanations will be part of deciding whether an adjustment or decision not to adjust constant catch ACLs are within the scope of the Tier 1 EIS or not.

Finally, the Workgroup discussed future activity of the Workgroup. At this time, no activity or meetings are scheduled, subject to direction of the Council.

WORKGROUP RECOMMENDATIONS

1 Although there was no consensus on whether or not the Council should pursue an amendment to the FMP, the Workgroup continues to recommend that a Tier 1 EIS and supplemental approach should be taken to diminish workload.
2 The Workgroup recommends that the Council separate development and adoption of certain management actions from the biennial specifications process but highlights the need to work on the criteria for understanding what is within or outside the scope.
3 The Workgroup requests that the Council provide direction for future activity (if any) of the Workgroup.

PFMC
03/06/13

Agenda Item H.4.b
Supplemental GAP Report
March 2013

GROUNDFISH ADVISORY SUBPANEL REPORT ON AMENDMENT 24:
IMPROVEMENTS TO THE GROUNDFISH MANAGEMENT PROCESS

The Groundfish Advisory Subpanel (GAP) reviewed the report of the Ad Hoc Amendment 24 Workgroup (Agenda Item H.4.b) and received a briefing on the Workgroup's work and staff recommendations from Council staff, Dr. Kit Dahl and Mr. John Devore and GAP appointee to the Workgroup Rod Moore. After discussing the material and presentations, the GAP makes the following recommendations:

1 **The GAP agrees with the Workgroup recommendation that the Council separate development and adoption of non-routine management measures from the biennial specifications process.**

The GAP believes that treating non-routine measures similar to the way the Council has worked on the "PIE" rules for the trawl rationalization program will ease workload in the specifications process and allow a greater opportunity to ensure we get these done correctly. However, following this recommendation imposes potential requirements:

- The Council and advisory bodies will have to establish clear priorities for management measure consideration; and
- The Council will need to consider changes in Council Operating Procedures to establish schedules for consideration of such measures, similar to what is now done for exempted fishing permit requests.

2 **The GAP recommends preparation of a comprehensive Tier 1 Environmental Impact Statement (EIS) for the 2015 / 2016 biennium and beyond that can remain in effect for several biennial cycles.**

The purpose for considering Amendment 24 is to find ways to reduce overall work load. Although developing a Tier 1 EIS will increase work load in the short term, it should allow significantly reduced work load for several subsequent biennial cycles.

3 **The GAP recommends adoption of harvest control rules under Amendment 24 and suggests that the Council adopt the staff-recommended range of alternatives shown in Agenda Item H.4.a, Attachment 2 and the GAP Alternative attached to this report.**

The GAP agrees with the staff recommendation that amending the Groundfish FMP by establishing default harvest control rules will provide the most certainty and lead to the greatest potential reduction in work load. Alternative 1 in the staff recommendations is the most simple and flexible; however, it does not provide a clear mechanism for the Council to periodically examine existing harvest policies as it simply rolls over current policies unless some affirmative action is taken to do otherwise.

Alternative 2 in the staff recommendations, while still providing the Council with flexibility, does have a requirement that current harvest policies be examined in the light of new information, i.e. when a new stock assessment is approved. However, it contains only two potential values for P*, one of which was somewhat arbitrarily chosen on the advice of legal counsel that there had to be a contrast to analyze.

The GAP alternative (attached) contains all of the language of Alternative 2 but removes the two potential values for P* and substitutes the language that is already in the Groundfish Fishery Management Plan (FMP) (and already analyzed, adopted by the Council, and approved by NMFS) that "***In cases where the P* approach is used, the upper limit of P* values considered will be 0.45.***" This approach has the advantage of not requiring further extensive analysis to be included in the FMP amendment, so there is no need to choose between two particular P* values for the purposes of analysis in the amendment. It has the disadvantage of potentially requiring some additional analysis of a range of P* values when ABC's are being set based on new stock assessments. However, given that the Council has the flexibility under all alternatives to change default harvest policies including using different P* values and that the Council has on several occasions used different P* values to reduce risk of overfishing, the GAP does not view this as an unnecessary work load burden.

The GAP notes that none of the alternatives affect overfished or rebuilding species which would still be subject to the more intensive analysis required for rebuilding plans.

Given that Council action on this agenda item is to adopt alternatives for review, not to define a preliminary preferred alternative, the GAP believes that inclusion of its alternative provides a logical range of options for the Council and the public to consider.

AMENDMENT 24 – GAP ALTERNATIVE

As under Alternative 1, Section 5.1 of the FMP would be amended to add the following paragraphs after bullet #8 with some additional language relevant to the specifics of this alternative (underlined below):

"Notwithstanding the above, for any stock (or other management unit) in the absence of a new stock assessment the Council does not need to take explicit action if they wish to continue the current harvest policy. In these cases the current policies (i.e., those used in the previous biennial period) are applied to the best available scientific information to determine the numerical values of the harvest specifications. For example, current FMSY (or proxy value) is applied to the best current estimate of stock biomass to determine the OFL (as in bullet #1). The acceptable biological catch (ABC) is determined by applying the current uncertainty buffer (as in bullet #2). The ACL is determined as described in bullet #4 using the appropriate method for current stock status. Thus, if based on the best available science it is determined that stock status has changed from healthy to the precautionary zone, the methods outlined in Section 4.6.1 would be applied. For allocations not specified in the FMP, without explicit Council action the current allocations (expressed as a proportion of the fishery harvest guideline) will be used.

"In cases where a new stock assessment is available and in the absence of explicit Council action harvest control rules will be based on a P* value and, for healthy stocks an ABC set equal to the ACL and for precautionary zone stocks the application of the 40-10 rule for non-flatfish stocks and the 25-5 rule for flatfish stocks (see Section 4.6.1). ***In cases where the P* approach is used, the upper limit of P* values considered will be 0.45.*** The Council may take explicit action to depart from harvest control rules for newly assessed stocks (based on the policies described in the previous sentence) or, for stocks without a new assessment, harvest control rules from the previous biennial period, based on relevant considerations. Prior to adopting harvest specifications the Council will announce for which stocks they intend to take explicit action. Current harvest control rules (and related harvest policies as applicable) will be listed in an appendix to this FMP. The contents of this appendix can be changed through the biennial management process without an FMP amendment as a two-meeting process (see Section 5.4). Numerical values for these specifications will be presented to the Council and the public, usually by publication of the groundfish SAFE document (see Section 5.2)."

The changes to Section 5.4 of the Groundfish FMP described under Alternative 1 would also be made under the GAP Alternative.

As in Alternative 1, Section 4.6.3.4 may be revised based on SSC recommendations on rebuilding plan revision rules.

PFMC
03/09/13

Agenda Item H.4.b
Supplemental GMT Report
March 2013

GROUNDFISH MANAGEMENT TEAM REPORT ON AMENDMENT 24:
IMPROVEMENTS TO THE GROUNDFISH MANAGEMENT PROCESS

The Groundfish Management Team (GMT) reviewed the Council staff white paper (Agenda Item H.4.a. Attachment 2), the report from the Ad Hoc Workgroup (Agenda Item H.4.b. Supplemental Ad Hoc Amendment 24 Workgroup Report), and participated in the Council's informational briefing at this meeting. We offer the following comments:

The GMT is in favor of pursuing the general approach to National Environmental Policy Act (NEPA) described in Agenda Item H.4.a. Attachment 2. The most important step in developing the Tier 1 NEPA document is covering a broad range of impacts over the long term. The GMT notes that there will likely be a heavy workload and perhaps no efficiency savings in workload, analysis, or documentation while the Tier 1 NEPA document is developed in conjunction with the 2015-16 biennial harvest specifications and management measures process. Savings in workload and other efficiencies will be seen in subsequent biennial cycles. The subsequent Tier 2 (or other supplemental) NEPA document(s) will be focused on items that have changed since the Tier 1 analysis, or the previous analysis. It is the GMT's understanding that if impacts have not changed since the Tier 1 analysis, or previous supplemental analysis, they will not have to be reanalyzed and re-documented every two years, but may be incorporated by reference.

It is the GMT's understanding that the Tier 1 NEPA analysis and document is similar to what is currently being undertaken every two years. However, a broader range of alternatives may need to be considered, in order to evaluate impacts over the long term (for example, 10 or more years). The range of alternatives will need to include harvest specifications as well as management measures.

Default Harvest Control Rules (HCRs)

The GMT's discussions have involved a fair amount of deliberation and disagreement on the need for what are being described as "default harvest control rules (HCRs)" in the white paper. This arose, in large part, out of confusion about what is meant by that term and where the need is coming from.

After our discussions at this meeting, we think the concept may be better described as simply clarifying the starting point (e.g., the process invoked in the absence of Council action) for harvest specifications in subsequent biennial cycles. The need seems to be administrative and process-oriented, as opposed to substantive or policy-oriented. It seems a minor change and one that was already more-or-less followed in the 2013-14 and earlier processes. Moreover, the Council has changed harvest policies relatively infrequently in previous cycles, so there could be little difference in that regard. All in all, we do not see an intent to change to the Council's harvest policy framework for managing groundfish (i.e., its B_{msy} and F_{msy} reference points) or the core policy outcomes that framework is meant to achieve.

At the same time, the need for the default HCRs, as we understand it, is based on a perception that the Fishery Management Plan (FMP) as it is now is "largely an open framework . . . with little prescription of the rules" for changing harvest specification (Agenda Item H.4.a, Attachment 2). Some of the team disagree with that characterization and argue instead that the FMP is very much "closed", relative to the primary mandate of preventing overfishing. The FMP simply allows the Council flexibility to adapt to new data and methods, and leaves room to have the risk/policy discussions that arise from the uncertainty involved with assessing and forecasting the effects of harvest on a stock.

We also understand that the perceived need for default HCRs comes from the discretion the Council has to set catch below the overfishing limit (OFL). To some of us, the idea that this discretion is wide enough to involve large differences in our understanding of impacts to the marine environment is out of step with the best available science. The connection between that discretion and broader impacts to the marine environment should be explored in the Tier 1 Environmental Impact Statement (EIS).

We see benefit in an FMP Amendment to adopt the process for establishing default HCR. It could clarify and broaden understanding to have the policies that are in place spelled out, so that it is apparent what the Council's policies are for aligning with the Magnuson-Stevens Act and other applicable law, and what happens in the absence of explicit action to change a policy. However, there is still confusion, or misunderstanding, on some details of this, therefore the GMT would like to have dialogue with the project team between now and June for clarification.

As we stated in November (Agenda Item I.2.b, Supplemental GMT Report), the most important matter is what happens when the Council wishes to depart from the starting point created by the "default" HCR in future cycles. Neither Amendment 24 Alternative would limit the Council's discretion to make changes but changes will require rationale and analysis. The basics of the considerations used to determine this are described, in general terms, on p. 3-4 of Agenda Item H.4.a, Attachment 2. Big changes will require big analyses and smaller ones smaller analyses. The challenge will be differentiating between big changes and small changes. The discussion in Agenda Item H.4.a., Attachment 3 on page 2 of the Science and Statistical Subcommittee (SSC) Supplemental Report provides a good example. We agree the issues mentioned in those reports are "science" decisions. Yet it is not necessarily clear why a "science" decision would be a reason for not analyzing the relevant impacts/consequences of that decision. The Tier 1 EIS should help make such things clearer.

Another point that arose in the team's discussions is that the logic of default HCRs seems to be based on a premise that they will achieve the outcomes the Council wished them to, and also result in the other impacts initially analyzed in the Tier 1 EIS. Yet this might not be so. New information might show that impacts are different than thought, and in such a case, it is clear that a new NEPA analysis that evaluates those changed impacts would be required. Yet what about a situation where environmental impacts were unchanged but the default HCR is not achieving the policy goal the Council intended? In such a situation, it would not make sense to require more analysis to adjust the HCR in an attempt to better achieve the original goal than it would to leave the default in place. We do not believe that is the intent. Our lack of clarity is probably more a result of the fact that discussions are still happening at a general level.

To improve clarity, some think it is much better to place the emphasis on the "guideposts" set by policy goals/outcomes and impacts. For example, the Council's constant harvest rate strategy for overfished species is meant to achieve rebuilding by T_{target} without changing the harvest policy every two years and "following the noise" of each new assessment. Likewise, the harvest policies for non-overfished species are meant to prevent overfishing, achieve the greatest benefit to the nation (i.e., optimum yield), etc. which can be done with either constant catch (as with Dover sole) or with calculating OFL from assessments and then using P*/sigma to set ABC and then reduce the annual catch limit (ACL) as needed to account for management uncertainty. In short these are meant to rebuild or achieve optimum yield (OY) without overfishing, respectively, and that should be the focus of analysis. As explained in Agenda Item H.4.a. Attachment 2, NEPA requires new analysis when the understanding of impacts changes.

In sum, we believe that an FMP amendment is a relatively minor change from the Council's policy perspective but one that will have clarifying and administrative benefits. There is still a lot of confusion but we believe that things will be clearer once we get to the Tier 1 EIS and start discussing these matters in more specific terms. The design and building of the Tier 1 EIS will be most important in making this system work. For the reasons stated below, we do not recommend a particular FMP amendment language proposal.

Default HCRs and Rebuilding

Rebuilding is a special case of "default" policies that would benefit especially from clarification. The SSC's recommendation on Rebuilding Revision Rules (Agenda Item H.4.b, Supplemental SSC Report) is very much in line with what the team has been requesting (since 2010). We recommend the Council make the SSC's recommended process a priority and task the GMT to be involved with it.

The Tier 1 EIS

The GMT understands that the Project Team intends the Tier 1 EIS to analyze three core set of decisions and impacts:

A. The Process Changes/FMP amendment
B. The 2015-16 harvest specifications and related management measures
C. The Long-Term Impacts Analysis

This was not apparent to us until our discussion at this meeting. We discuss each below.

A. The Process changes/FMP amendment

In our discussions, we noted some confusion with the alternatives proposed in Attachment 2 and their intended role in the analysis of long-term impacts. They may not be intended for that purpose but instead to simply help the Council understand the different ways the process and FMP amendment could be structured. Either way, the process could be structured in a number of different ways, and process should not have environmental impact on its own. Implementation of the policy decisions (i.e., establishing the harvest specifications) is what will lead to impacts. The only reasonable assumption for analysis would be that the Council would make the same policy decisions under alternative processes.

The classic NEPA model is to compare and contrast alternatives against one another and also against the Status Quo/No Action alternative relative to their environmental impacts and how well they are expected to achieve the purpose and need for the proposed action. From this perspective, the Status Quo alternative in Attachment 2 seems artificial. We can think of no realistic scenarios where the Council would simply leave all the harvest specifications in place for 10 years without updating them. If the intent is to use these alternatives to explore the 10 year look at environmental impacts, then this Status Quo alternative does not seem like a reasonable baseline to use in comparing and contrasting the other alternatives. Yet we may not understand the intent. The Status Quo alternative may not have been intended for such use.

If the purpose of analyzing the alternatives is to determine which alternative would lead to fewer changes from the default, then we would also question the value of the information such an analysis might produce. For one, looking to how many changes have occurred in the past might not tell us what the future will be like. We only have two cycles where the P* based allowable biological catch (ABC) control rule has been in effect, and so, we really do not know how often the Council might wish to adjust P*. The number of new assessments is probably as good a predictor as any for how many changes there might be in a given cycle. And with the new data moderate methods being employed, the number of assessments could grow compared to what has been seen in recent cycles. More fundamentally, if the intent is to analyze which Alternative would lead to fewer changes and hence less analytical workload, then we question how informative such an inquiry would be. For one thing, as stated above, we are still not clear on what signifies a change needing analysis or how to differentiate and big change from a small one. Getting to the evaluation of these questions will be most helpful in improving understanding.

All in all, the GMT does not fully understand the purpose of analyzing the Amendment 24 alternatives in connection with the long-term impact analysis. The GMT does not understand why a NEPA analysis is required to change the process (i.e., the Amendment 24 alternatives). Upon initial review, it does not appear there would be environmental impacts associated with the proposed FMP framework. Again, implementation of the policy decisions (i.e., establishing the harvest specifications) is what will lead to impacts. Including the Amendment 24 process in the NEPA document seems circular: create NEPA analysis in which we are trying to use a NEPA analysis to predict how much analysis will be required under NEPA. We could be misunderstanding the Project Team's intent.

B. The 2015-16 harvest specifications and related management measures

The GMT reviewed the proposed schedule, which is similar to the front-loaded schedule used for 2013-2014. The GMT understands that this entails a large front-loaded effort. The GMT has some concerns over the potential volume of items to be analyzed for 2015-2016 (for example, reorganized stock complexes, any new overfished species, management measures that were deferred in 2013-2014), in conjunction with the Tier 1 EIS analysis. There is some worry that the quality and amount of analysis for 2015-16 or the 10-year impacts or both could suffer.

C. The Long-Term Impact Analysis

As noted above, it is this piece of the Tier 1 EIS that is most important to making the envisioned process work.

In November, we put forward some ideas under the Amendment 24 agenda item and the three ecosystem-related agenda items on connections between the Tier 1 EIS and the Fishery Ecosystem Plan (FEP) and related items. Many of these ideas were captured by the Ecosystem Plan Development Team (EPDT) in Initiative 9 in the Public Review Draft of the Fishery Ecosystem Plan's Initiatives Appendix[1].

On this note, we recommended that the Council consider requesting a working group to advise the Project Team on the design of the Tier 1 EIS and the best available information available to inform it. We envision that this group could include members of the GMT, SSC, EPDT, and others with expertise on the FMP and ecosystem issues.

Separating Out Management Measures

The GMT is generally in favor of separating out new and routine management measures. Management measures related to the objectives outlined in the FMP that have not been previously analyzed can be included in the biennial specifications. Those management measures will be discussed at the November, April, and June Council meetings. In June of the odd years (e.g., June 2013) the Council will need to prioritize the list of non-conservation management measures to be included in the biennial analysis.

A process for developing and analyzing new management measures, those not previously analyzed will need to be outlined. The GMT believes that new management measure can be dealt with in a two-meeting process. The GMT requests that a schedule of when the Council will entertain new management measures be laid out, so there are not new requests at every Council meeting, but rather at specific meetings.

GMT Recommendations:

1. **Continue pursuing a tiered or supplemental approach for National Environmental Policy Act (NEPA) analysis and documentation**
2. **Make the SSC's recommendation for evaluating Rebuilding Revision Rules a priority and task the GMT to play the role the SSC suggested**
3. **Consider forming an ad hoc group to work with the project team on the design of the Tier 1 EIS**

PFMC
03/09/13

[1] http://www.pcouncil.org/ecosystem-based-management/fep-public-review-draft

Agenda Item H.4.b
Supplemental SSC Report
March 2013

Scientific and Statistical Report on Amendment 24: Improvements to the Groundfish Management Process

Rebuilding Revision Rules

Under current Council practice, rebuilding plans may be revised every two-year assessment cycle, when the new assessments and rebuilding analyses are developed. Rebuilding plans have been revised if progress towards rebuilding is considered inadequate. In November 2012 the Council requested the Scientific and Statistic Committee (SSC) to provide guidelines on when an overfished species rebuilding plan needs revising. In response to this request, the Groundfish Subcommittee of the SSC (GFSSC) held a conference call on January 9, 2013 to develop recommendations on more effective policies and procedures for adopting and amending overfished species rebuilding plans.

The SSC discussed several approaches to evaluate adequacy of progress of Rebuilding Plans and determine whether a Rebuilding Plan should be revised. Formalized sets of approaches to automatically modify Rebuilding Plans are referred to as Rebuilding Revision Rules. The SSC identified Management Strategy Evaluation (MSE) as the best way to evaluate how different potential Rebuilding Revision Rules perform in terms of achieving Council objectives.

The first steps towards conducting an MSE are:

1. Identification of components of Rebuilding Revision Rules by the SSC groundfish subcommittee. Examples of such components include the time between assessment, and the range of probability of rebuilding to T_{TARGET} for which the spawning potential ratio used to determine ACLs would not be changed.
2. Development of initial set of candidate Rebuilding Revision Rules by the GMT; these would involve combining components identified in (1).
3. Identification of species on which the MSE will be based by the GMT.
4. Identification of statistics which quantify the performance of each candidate Rebuilding Revision Rule in terms of management objectives such as average catch during the rebuilding period, probability of rebuilding by T_{TARGET}, stability of catches, and frequency with which major changes to Rebuilding Plans are needed.

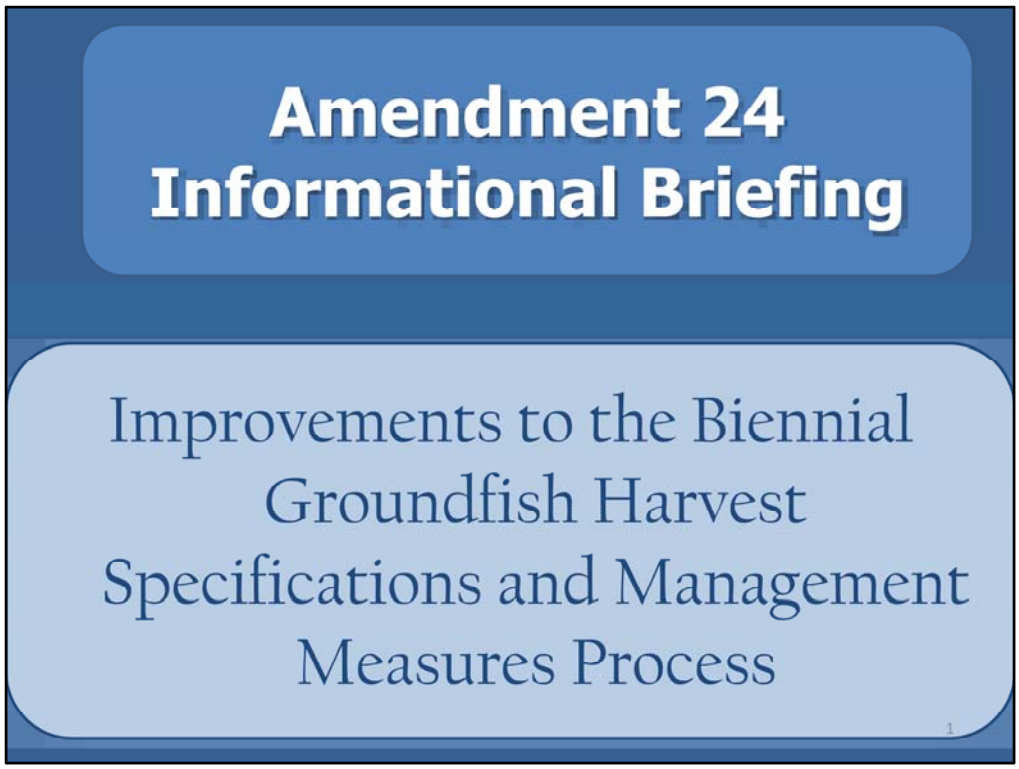
If these steps can be followed, preliminary results can be presented at the September or November Council meetings.

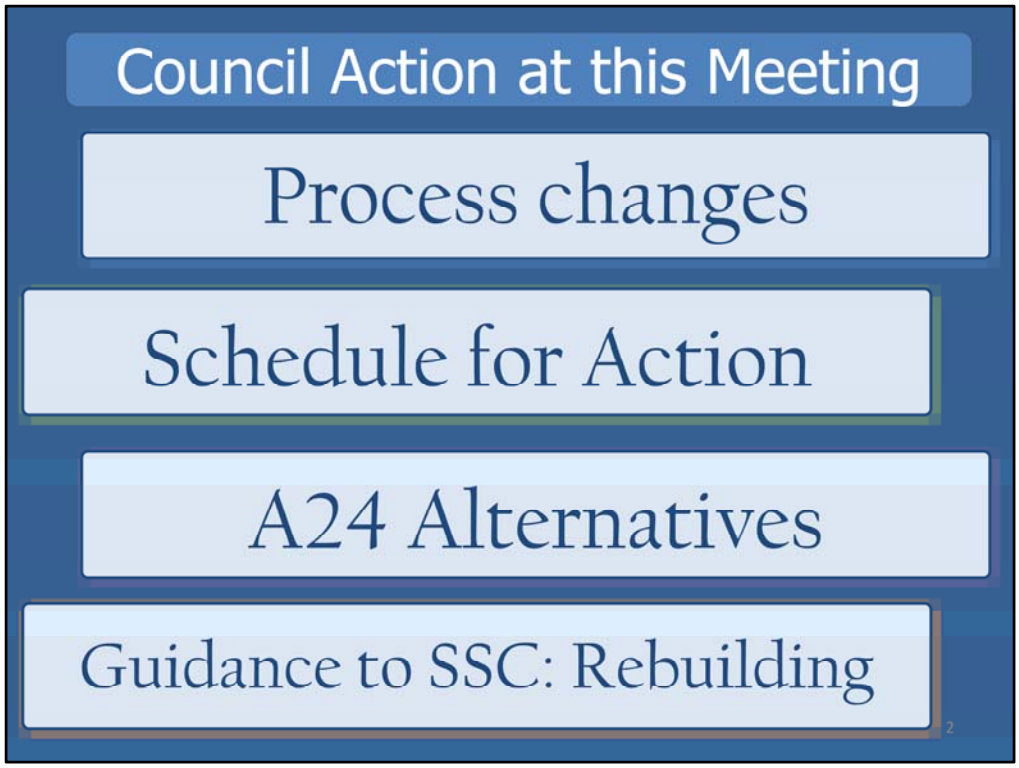
Default Harvest Control Rules

Council staff, Dr. Kit Dahl and Mr. John DeVore briefed the SSC on the concept of describing default harvest control rules (HCRs) in the Amendment 24 of the groundfish fishery management plan (FMP) to reduce future workload where the Council chooses to use default HCRs when deciding future harvest specifications.

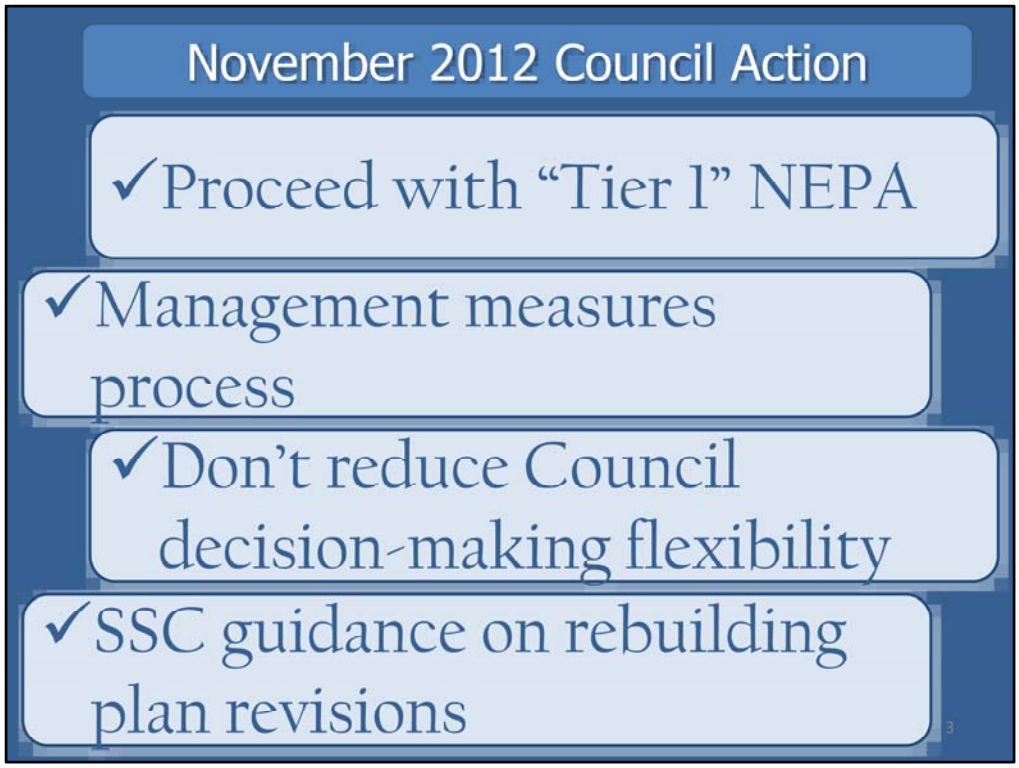
For the default HCRs, the SSC notes that three parameters (sigma value, F_{MSY}, and apportionment of coastwide biomass into regions) in current practice are scientific decisions and therefore will not need NEPA analyses if they are revised. To evaluate a reasonable range of 10-year annual catch limits (ACLs) within the plausible range of states of nature, the SSC recommends using ACL projections from decision tables in approved stock assessments.

PFMC
03/08/13


Amendment 24
Informational Briefing
Improvements to the Biennial Groundfish Harvest Specifications and Management Measures Process
1

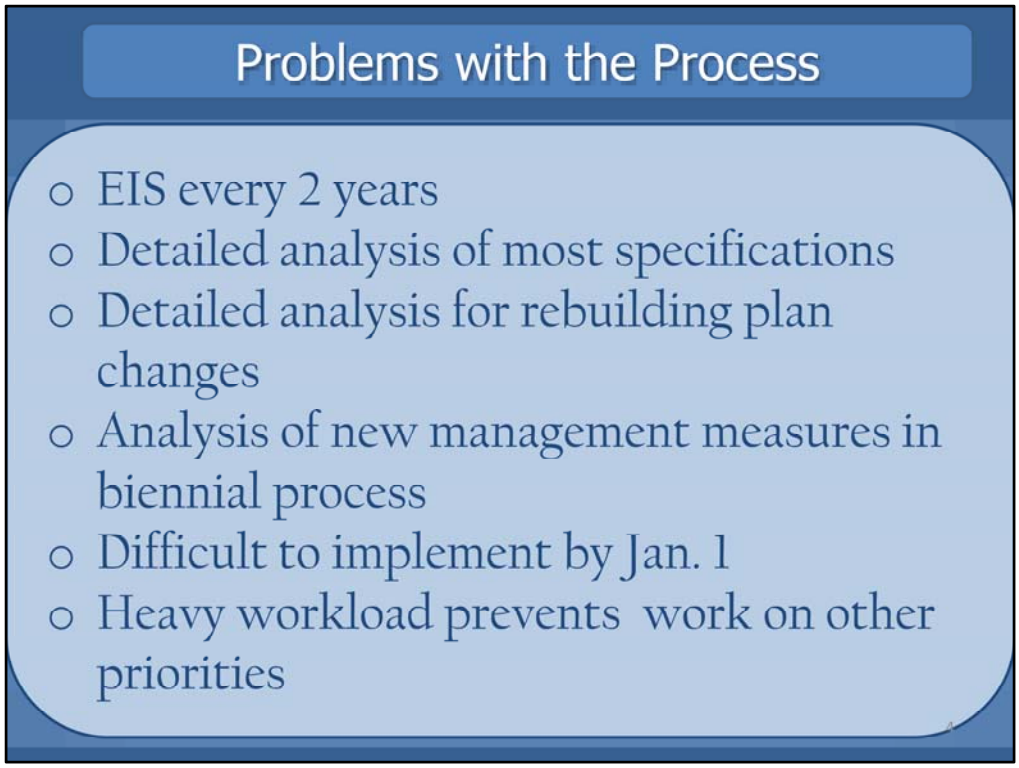


- On day 3 (Saturday) you have decisions in 4 categories to make
- I'll be speaking about these in more detail throughout this presentation

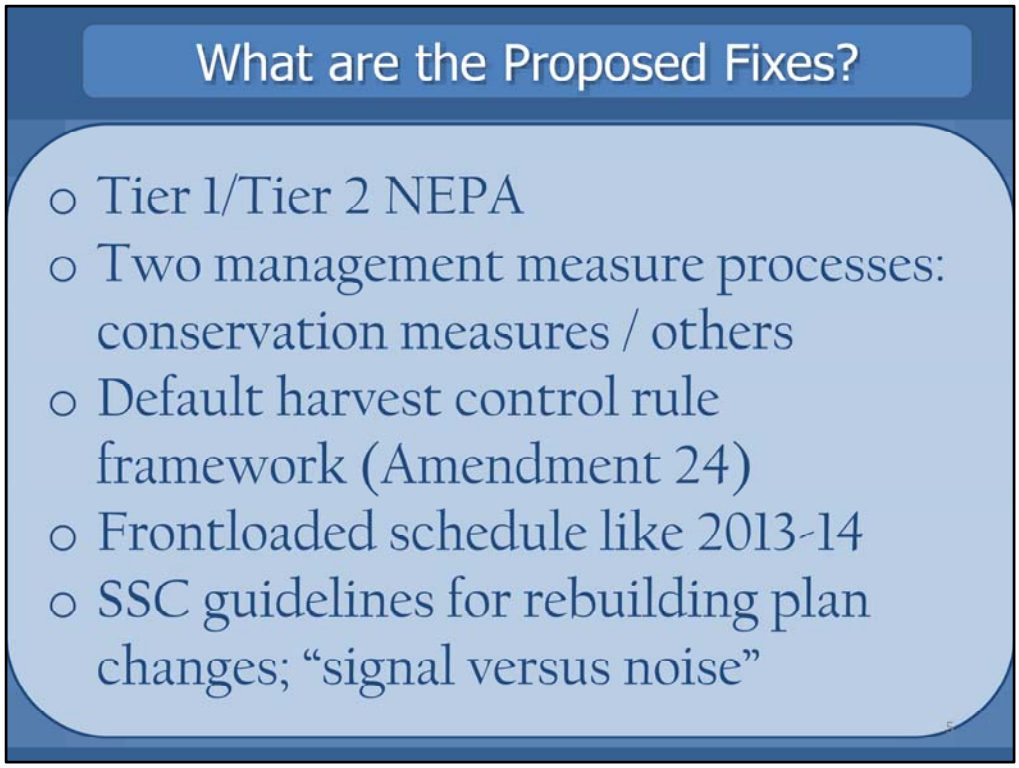


This guidance has been addressed by:

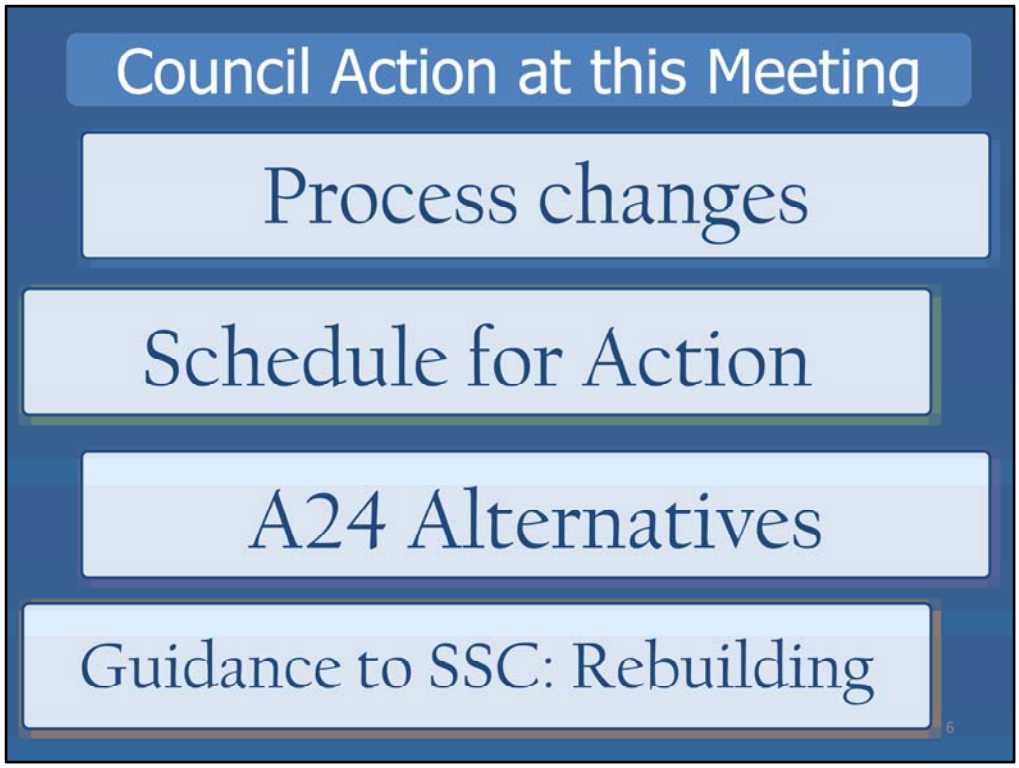
- Continued development of Tier 1 NEPA document (see Attachment 2)
- Management measures process to be captured in COP #9
- Flexibility retained in default harvest control rule (HCR) concept, not "hardwired" in FMP
- SSC to provide update at this meeting



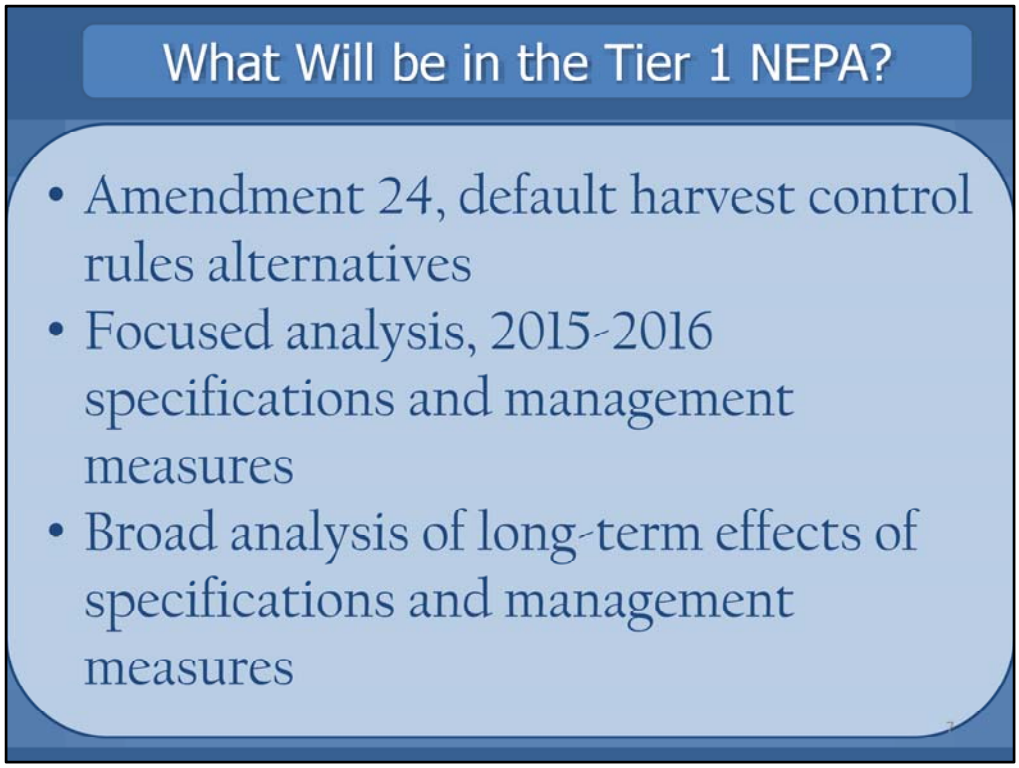
- "Routine" management measures have been previously analyzed and don't need additional analysis. Most management measures necessary to constrain catches to ACLs are routine
- The FMP provides the Council wide discretion in choosing harvest specifications, which means that a detailed analysis of each decision is required; same analysis often repeated in multiple cycles
- Even small changes to rebuilding plan objectives (target year) trigger detailed analysis, such as integrated alternatives
- The workload makes it difficult to get the regulations implemented by the start of the biennial period (Jan 1), even given more staff
- If the spex process can be streamlined this could free up staff time to devote to other groundfish management priorities



- Tier 1 NEPA document will evaluate impacts for 2015 and beyond. Spex are still set for each biennial period but this allows focused analysis on the issues and impacts unique to each biennial period. In November the Council supported this approach to NEPA.
- Management measures should be primarily tied to conservation objectives in the Groundfish FMP, mainly for achieving but not exceeding ACLs. In most cases routine measures can be applied, but if new measures are required (e.g., new YRCA), they can be identified in the spex process. Other measures considered in a separate process.
- The default harvest control rule (HCR) concept will be discussed in greater detail momentarily. Suffice to say, based on Council guidance in November, this approach does not reduce Council flexibility from what it has now.
- For a frontloaded schedule to work it is incumbent on the Council to make decisions in a timely manner.
- The SSC is developing methodologies to help inform decisions on rebuilding plan changes. The SSC will give a preliminary report at this meeting. These methodologies should be ready for Council use in the 2015-16 cycle. These methods will help to distinguish statistical "noise" from a true change in the estimated rebuilding year.



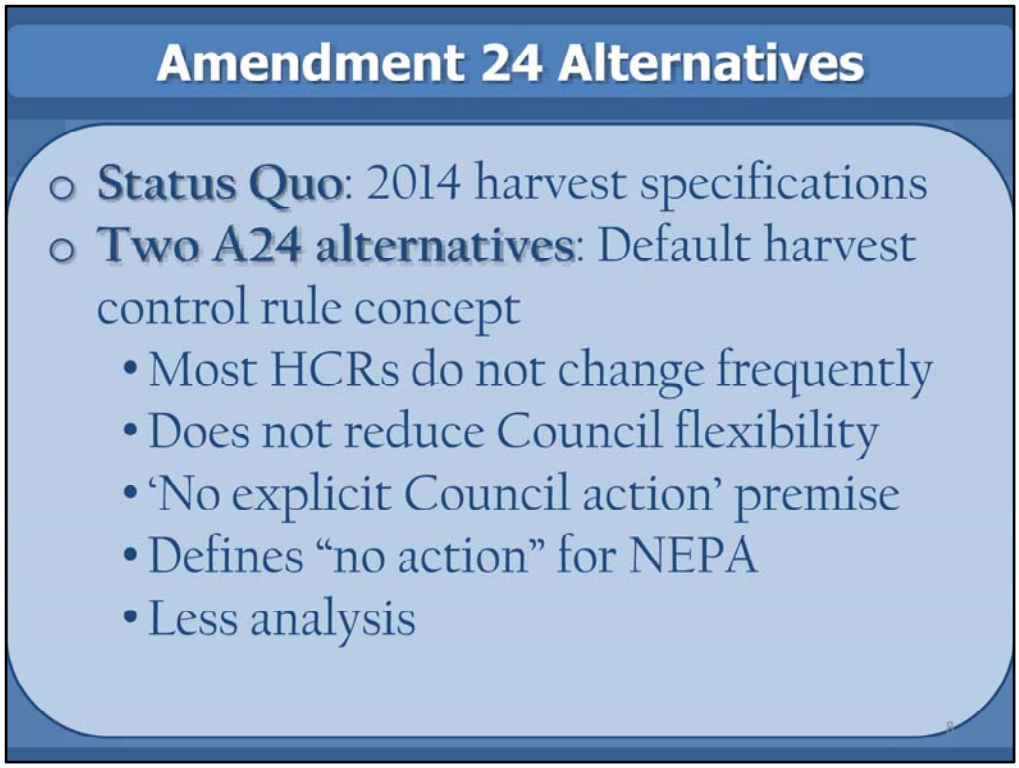
- The main process change has to do with focusing ACL/conservation related management measures during the biennial process and establishing a separate process for other management measures. Second, we recommend the Council follow the front-loaded decision schedule used for the 2013-14 spex.
- The Council will be deciding on a game plan to be used for decisions in this cycle. Technically the Council can change their preferred alternative until final action (June 2014); it is most orderly to follow this game plan in this cycle, similar to how the Council handled Amendment 23.
- At this meeting the Council should understand how the process will work in 2013 and 2014. As in past cycles, a detailed schedule will be presented for Council adoption at the June meeting.
- The Council should adopt the alternatives outlined in Attachment 2. This will allow the staff to begin developing the analysis. These alternatives may be modified or added to, to address Council objectives and other issues that may arise, for example due to reorganization of stock complexes. The Council will need to finalize the range of alternatives at the June meeting.
- Based on the SSC Report at this meeting, the Council may want to provide additional guidance on the methods being developed by the SSC to inform rebuilding plan revision decisions.



The Tier 1 NEPA document (likely an EIS but not yet formally confirmed) will include:

- analysis of Amendment 24, which primarily incorporates language into the FMP about the default HCR concept;
- a focused analysis on the 2015-16 harvest specifications and management measures; and
- a broader analysis covering the effects of setting harvest specifications and management measures over a longer period of 10 years.

The broader, 10-year analysis does not mean that harvest specifications will be established in regulations for the whole 10 year period. By the same token, no assumption is made about when the Tier 1 analysis needs to be updated (supplemented or replaced). It could be in less than or more than 10 years, depending on circumstances and impacts. An assessment of the need to update the Tier 1 analysis will be made periodically based on the information at hand.



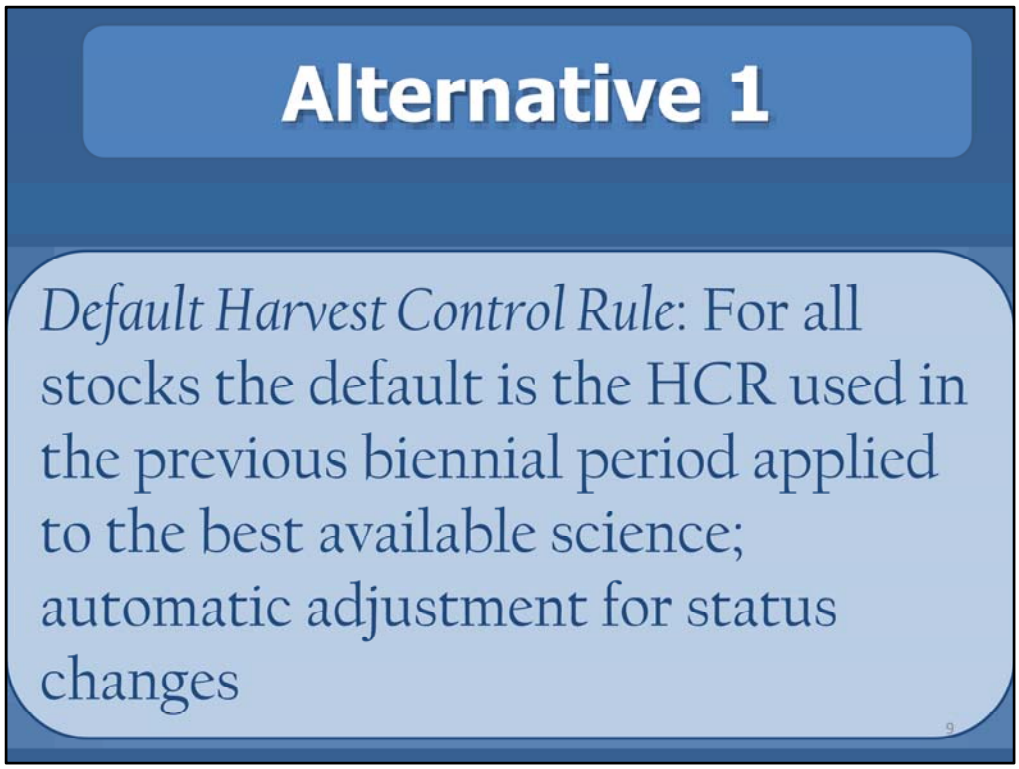
Staff recognize that even under status quo the Council and NMFS could adjust harvest specifications going forward based on new information. However, for the purposes of analysis it is assumed that the 2014 harvest specifications would stay in place for the 10 year period 2015-24. This provides a basis of comparison for the action alternatives and represents "true no action" based on what is currently in federal regulations.

In discussing the default HCR concept we use the term "harvest control rule" to mean the explicit methods used used to adjust harvest specifications in response to a change in estimated stock biomass and the term "harvest specification" to mean the numerical value determined by applying the harvest control rule.

The two action alternatives introduce the default HCR concept. Defaults are based on the idea that the Council does not change HCRs frequently, see Supplemental Attachment 3.

This concept doesn't prevent the Council from changing any or all harvest control rules during each biennial cycle. So the Council would have the same decision-making flexibility enjoyed now. Instead, the FMP would describe what happens if the Council doesn't take action to changes a HCR. This defines "no action" for the NEPA analysis. In comparison to the current situation we expect this to require less analysis, because wide decision-making discretion doesn't come into play when the Council doesn't take action and allows default HCRs to be implemented for one or more stocks.

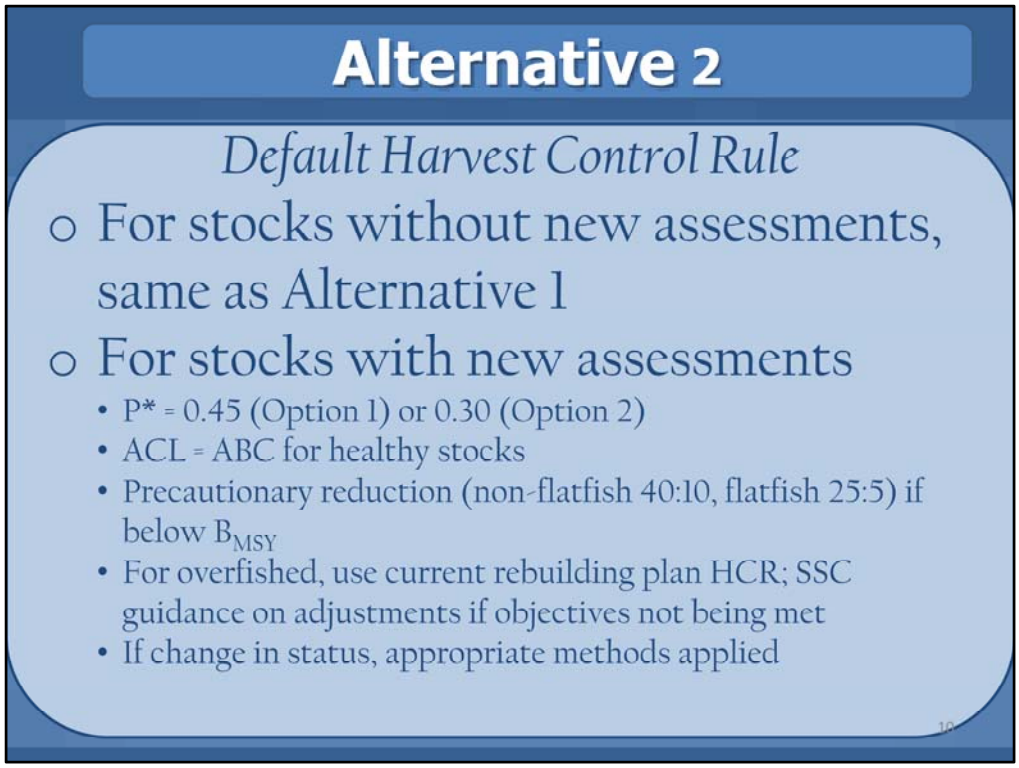
We recognize that the default HCRs will change from time to time; however, there is a significant workload saving by evaluating defaults in the Tier 1 NEPA document with focused NEPA analyses in subsequent Tier 2 NEPA documents.



Under both action alternatives it is assumed that the proposed management measures decision process will be used (along with other process changes such as front-loading the decision schedule).

In most circumstances "best available science" refers to information from the most recent stock assessment and, if appropriate, rebuilding analysis.

If new information shows that a stock has changed status the HCR appropriate for that status would be applied for the default. For example, if a stock falls below B_{MSY} (from "healthy" to "precautionary zone") the precautionary reduction would be applied, which is the 40:10 rule for non-flatfish and 25-5 for flatfish.



Action Alternative 2 differs from Alternative 1 in the way it treats stocks with new assessments. In these cases the default HCRs are set using the following rules.

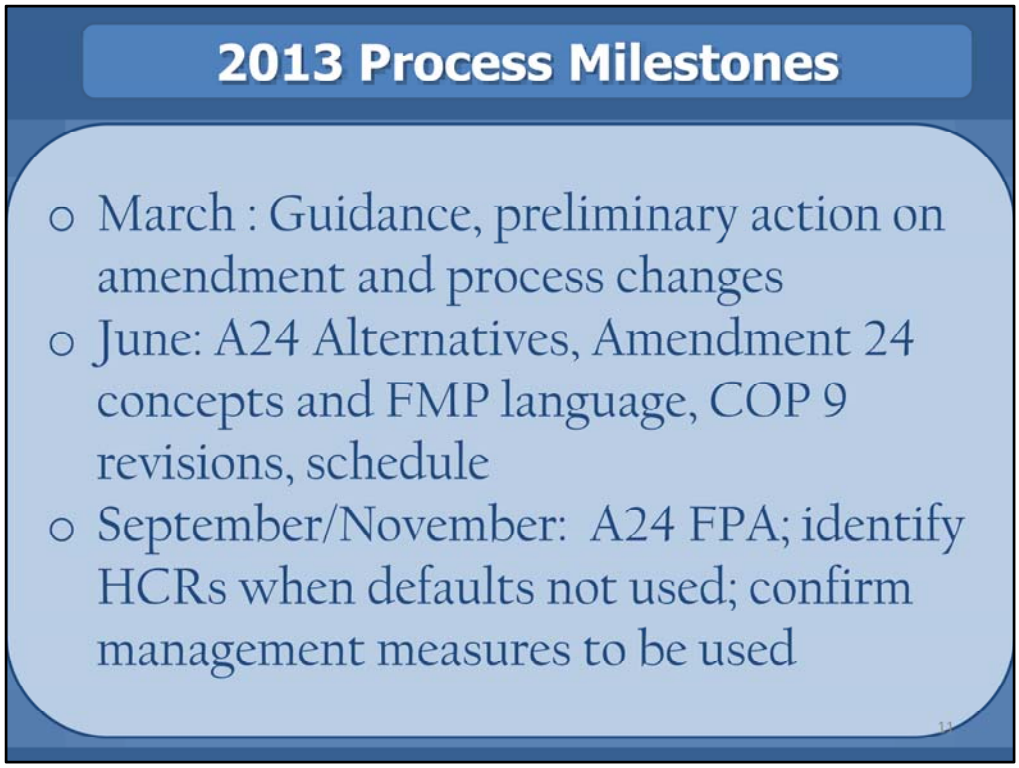
Two options are offered for the P* value that would be applied, 0.45, the maximum value permitted in the FMP, and 0.3, a more precautionary value. This is intended to bracket the range of potential Council decisions over the 10-year analytical period.

For healthy stocks the default HCR method could be less precautionary than Council practice since the ABC is the highest value that can be chosen for the ACL under current guidelines.

Note that to date the Council has applied the precautionary reduction in all cases where stock biomass has fallen below B_{MSY}, but the FMP does not require this. So while the automatic application of the precautionary reduction theoretically narrows discretion, in practice it does not differ from past Council practice.

For overfished species, the HCR in the current rebuilding plan would be used unless, based on guidelines being developed by the SSC, this HCR is unlikely to allow the stock to rebuild by the target year. In that case the Council would have to adjust either the HCR or the target year (preference should be given to adjusting the HCR).

For all stocks (i.e., even those without a new stock assessment) if a change in stock status is determined, the appropriate methods are applied for the new status for the default HCR. This is the same as Alternative 1.

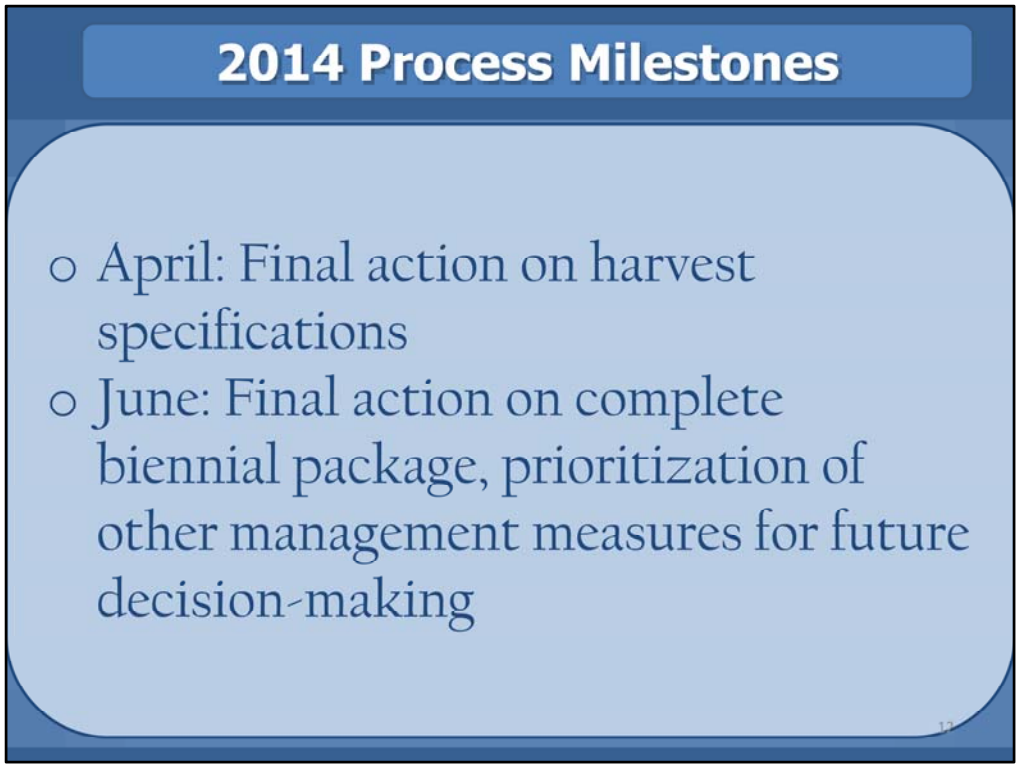


We expect the Council to commit to pursuing changes in the biennial process as reflected in the description of Council action at this meeting. (See situation summary) If you change later it will cause problems.

At the June meeting the Council would finalize the A24 alternatives for the full analysis, which would also be the basis for evaluating the 2015-16 harvest specifications. This includes the concepts and related FMP language changes embedded in Amendment 24, and COP revisions describing process changes not subject to an FMP amendment. As in past cycles, the Council also adopts a detailed scheduled for staff and committee activities, and Council decision-making through June 2014.

COP # 9 would be revised to reflect the focus on conservation-related management measures (related to ACLs) during the biennial process and the use of a separate process for other management measures. It would also describe Council decision-making about modifying default HCRs at the September and November meetings.

The September and November Council meetings would involve a similar range of decisions as was the case for those meetings in 2011. Important differences would be the decision on which stocks not to use the default HCR and identification of any new management measures needed to achieve but not exceed ACLs or to address other crucial conservation issues related to harvest specifications.

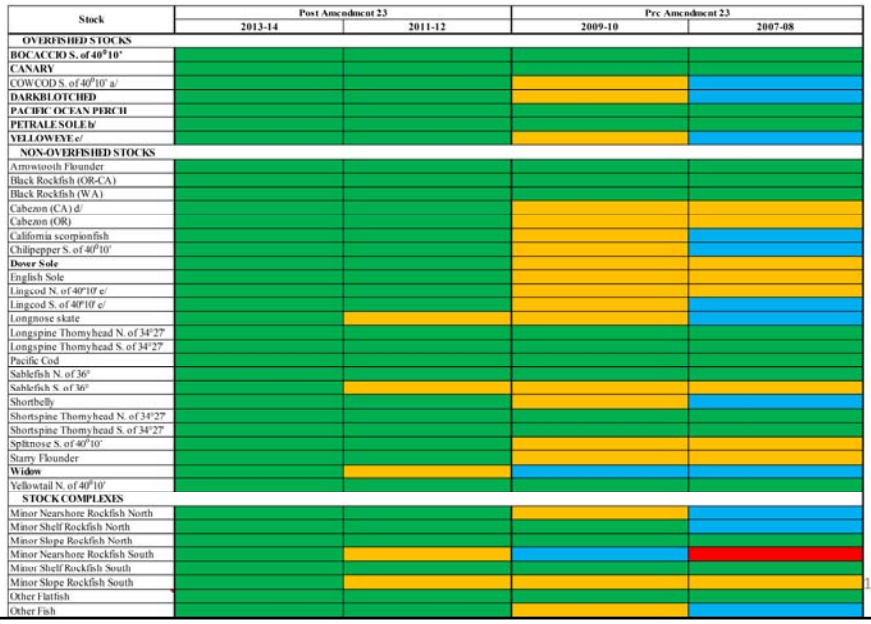


The 2014 April and June Council meetings look very similar to what occurred in 2011. The main difference is that in June the Council would identify other management measures not directly related to conservation. These are measures intended to improve the management program or fishery performance. Examples include changes to monitoring/control/surveillance (MCS) measures and measures to improve economic conditions for harvesters and other fishery participants.

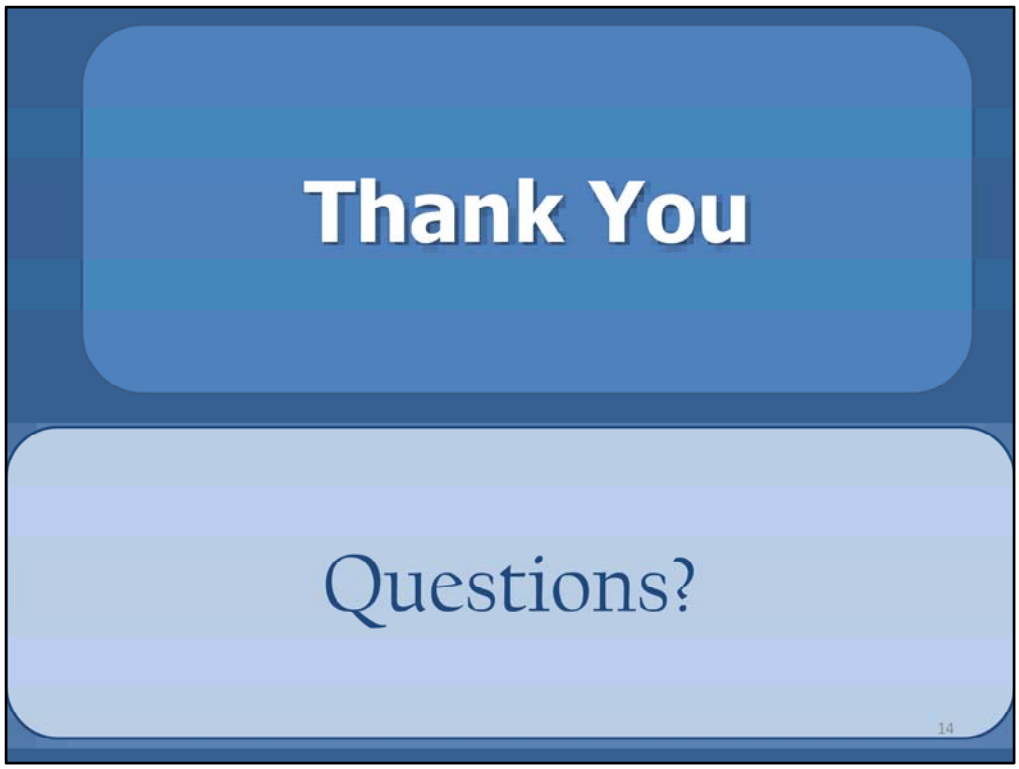
The Council would also set a decision-making schedule for these other measures. According to the FMP, adopting such measures requires two Council meetings to adopt.

As with the proposed regulations, Amendment 24 (and any other FMP changes) would be transmitted after the Tier 1 NEPA process is complete. Since the FMP currently doesn't prohibit the use of the default HCR concept, along with other process changes, the Council could operate under these rules in 2013-14 even if Secretarial approval of the amendment doesn't occur until late 2014.

Frequency of change of harvest control rules during 2007-2014 used to set ACLs and OYs



Stock	Post Amendment 23		Pre Amendment 23	
	2013-14	2011-12	2009-10	2007-08
OVERFISHED STOCKS				
BOCACCIO S. of 40°10'				
CANARY				
COWCOD S. of 40°10' a/				
DARKBLOTCHED				
PACIFIC OCEAN PERCH				
PETRALE SOLE b/				
YELLOWEYE c/				
NON-OVERFISHED STOCKS				
Arrowtooth Flounder				
Black Rockfish (OR-CA)				
Black Rockfish (WA)				
Cabezon (CA) d/				
Cabezon (OR)				
California scorpionfish				
Chilipepper S. of 40°10'				
Dover Sole				
English Sole				
Lingcod N. of 40°10' e/				
Lingcod S. of 40°10' e/				
Longnose skate				
Longspine Thornyhead N. of 34°27'				
Longspine Thornyhead S. of 34°27'				
Pacific Cod				
Sablefish N. of 36°				
Sablefish S. of 36°				
Shortbelly				
Shortspine Thornyhead N. of 34°27'				
Shortspine Thornyhead S. of 34°27'				
Splitnose S. of 40°10'				
Starry Flounder				
Widow				
Yellowtail N. of 40°10'				
STOCK COMPLEXES				
Minor Nearshore Rockfish North				
Minor Shelf Rockfish North				
Minor Slope Rockfish North				
Minor Nearshore Rockfish South				
Minor Shelf Rockfish South				
Minor Slope Rockfish South				
Other Flatfish				
Other Fish				


Thank You
Questions?
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