



Pacific Fishery Management Council

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Darr Wolford, Chairman | Donald O. McIsaac, Executive Director

October 12, 2012

Mr. Wesley Patrick
NMFS, NOAA
1315 East-West Highway
Room 13436
Silver Spring, MD 20910

RE: NOAA-NMFS-2012-0059 (National Standard 1 Guidelines)

Dear Mr. Patrick:

The Pacific Fishery Management Council (Pacific Council) considered matters associated with the advance notice of proposed rulemaking (ANPR) for consideration of revisions to National Standard 1 (NS1) Guidelines at its June, 2012 Pacific Council meeting. At that time, the Pacific Council took statements from four of its formal advisory bodies, considered public testimony, and discussed submitting comments in response to the ANPR. A statement by the Salmon Technical Team, not present at the June, 2012 Council meeting, was also prepared *post-hoc*.

Our comments on the ANPR in this letter present the Pacific Council input on this important management guidance for those issues formally reviewed and concurred in by the Pacific Council at its June meeting. The statements of the Pacific Council advisory bodies are a matter of public record, and are available on our website at <http://www.pcouncil.org/resources/archives/briefing-books/june-2012-briefing-book/#administrativeJune2012>. While these additional advisory body comments may provide some useful perspectives and contextual background to any revision of the NS1 Guidelines, they contain language or recommendations that do not necessarily represent the position of the Pacific Council.

The issues raised by NS1 Guidelines are complex and extremely important in determining the success of marine fishery management on the West Coast. Please note the comments below are somewhat cursory, as the Pacific Council and advisory bodies have had limited time to consider the issues outlined in the ANPR. Thus, the Pacific Council strongly urges a thorough vetting of issues through workshops and conferences to provide broad input prior to the development of any final proposed rule and that sufficient time be taken to ensure that the Regional Fishery Management Councils are fully involved in the development of any modifications. It is expected that issues raised in the ANPR will be the subject of extensive cross-stakeholder discussion at the Managing Our Nation's Fisheries III national conference scheduled for the first week of May, 2013, and suggest that it would be premature for significant decision-making prior to that time.

The Pacific Council and its advisors used the issues listed in the ANPR as a guide in identifying several areas of concern regarding the current NS1 Guidelines. Issue 2 (Overfishing and Multi-year Impacts), Issue 3 (Annual Catch Limits and Optimum Yield), and Issue 7 (Acceptable Biological Catch Control Rules) garnered the most attention and concern.

Issue 1 (Stocks in a Fishery): This issue could use additional discussion and clarification in the NS1 Guidelines, especially in regard to the concept of ecosystem component versus actively managed stocks. It is not clear in the guidelines whether or not ecosystem component stocks require a description of essential fish habitat. This is an important clarification to make, as ecosystem stocks generally have different habitat requirements than stocks in the fishery.

Issue 2 (Overfishing and Multiyear Impacts): This issue is one of the most critical parts of the NS1 Guidelines. The Pacific Council believes a less rigid system regarding annual catch limits with a multi-year approach can be designed to provide more stability and flexibility in annual harvests without compromising stock conservation objectives. Using a purely annual basis for catch limits tends to increase variability and instability in the fisheries due to variability within stock assessments and differences that may only be statistical noise. Maximum sustainable yield (the basis for determining overfishing in the Magnuson-Stevens Fishery Conservation and Management Act) is not determined on an annual basis, but is a multi-year concept. A multi-year average catch limit could smooth out some of the unnecessary variability. We recommend various alternatives to the status quo approach be developed and subjected to concentrated analysis.

Issue 3 (Annual Catch Limits and Optimum Yield): The balance between conservation objectives for rebuilding stocks while taking into account socioeconomic objectives and optimum yield could use further discussion and clarification. The emphasis on rebuilding stocks seems to be treated independently from the socioeconomic objectives and can lead to a loss in community benefits with little or no apparent benefit to conservation. Also, the rebuilding paradox where fisheries are increasingly restricted to avoid catching any additional rebuilding fish from a stock that is increasing in abundance needs to be addressed. Constant harvest rate strategies rather than constant catch scenarios are one way of addressing this issue.

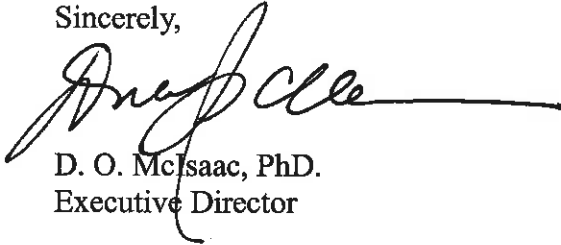
Issue 7 (Acceptable Biological Catch Control Rules): There is some concern with improving the consistency and understanding of the various control rules used and the appropriate weighting of uncertainty in the process. It could help implementation and understanding if the NS1 Guidelines clarified the criteria for deciding what is termed an overfishing probability (P^*). The lack of clear guidelines on deciding P^* or the acceptable biological catch (ABC) has led to confusing and inconsistent P^*/ABC decisions and their relationship to annual catch limits (ACL). Further, the P^* probability is not actually the probability of overfishing; the probability of overfishing involves far more variables than simply the probability of the overfishing limit being estimated incorrectly. Clear guidelines would enable more tractable debate on harvest levels that would separate scientific uncertainty from other considerations deciding the ACL.

Also, the ability to consider carryover (unharvested or overharvested allocations) from one year to the next within the rule is very important. This flexibility is a key element to ensure success of the Pacific Council's catch shares program. With the carryover ability, fishermen are less

likely to push the limits of their allocations in any year and increase the risk of exceeding the catch limit on some stock. Knowing that they will not have to give up a portion of their fishing opportunity, or can even save opportunity for the following year, makes it more likely that they will regularly leave buffers that ensure against any unintended overfishing.

Thank you for this opportunity to comment at an early stage on these important management and conservation issues. We look forward to thorough and productive discussions in formulating the final guidelines.

Sincerely,

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

D. O. McIsaac, PhD.
Executive Director

JCC:kam

Cc: Council Members
Regional Council Executive Directors
Mr. Chuck Tracy
Pacific Council Staff Officers