CONSIDERATIONS FOR FRAMEWORKING A MID-BIENNIUM HARVEST SPECIFICATIONS ADJUSTMENTS PROCESS

The Council is considering a new Groundfish Fishery Management Plan (FMP) framework that would allow an increase in a stock's harvest specifications in the second year of a biennial management cycle in cases when a new assessment indicates a substantial increase in the available harvest of that stock. The Council is considering allowing such an increase for any stock when such an increase in the harvestable surplus of the stock would bring a substantial benefit to fisheries and fishing-dependent communities. Such an increase entails a process cost in terms of resources to do additional impact analysis to comply with the National Environmental Policy Act (NEPA) requirements for such an action, Council agenda time to determine whether to trigger the increase, and the resources necessary to implement an extra rulemaking to codify the increase. The Council requested Council staff to develop a draft process and schedule for future implementation of potential adjustments. This document provides a draft process and schedule for implementation of a future mid-biennium harvest specifications adjustment and also explores process efficiencies to make this process achievable. Finally, draft FMP amendment language to framework this process is offered for Council consideration.

Process Efficiencies

The key to achieving a meaningful mid-biennium harvest specifications increase is the ability to decide to do so immediately after a stock assessment is adopted and do the rulemaking as expeditiously as possible. The later in the year new harvest specifications and management measures are implemented, the less benefit is realized by fishing participants and fishing-dependent communities. Therefore, a process should be established where the Council decides this adjustment in one meeting and, ideally, notice and comment rulemaking is waived. That standard can only be achieved with advanced analysis of biological, socioeconomic, and other impacts associated with the harvest increase. A change in how the Council and the National Marine Fisheries Service (NMFS) prioritizes stock assessments and NEPA analyses may be warranted.

An early decision to be made is which stocks that may be undergoing a future assessment should be the subject of advanced impact analysis to facilitate a mid-biennium increase in harvest specifications. Clearly, target stocks with high value in the fishery (e.g., sablefish) or stocks that constrain access to target stocks (e.g., yelloweye rockfish) are strong candidates for more in-depth analysis. However, since the NEPA analyses need to be done prior to the stock assessment, one process efficiency to consider is to prioritize stock assessments for more than one cycle.

Currently, stock assessments are done during odd years. The Council prioritizes stocks for assessment the year before the assessments are conducted. However, if the Council prioritized stock assessments for two assessment cycles (i.e., the stocks to be assessed the following year and those stocks to be assessed in the subsequent cycle two years later), the Council could identify stocks to be the subject of advanced impact analysis in the second cycle and therefore candidates for a mid-biennium harvest increase. The Council could revise the out-year assessment schedule every other year as new information is provided; however, more certainty in the future stock assessment schedule would facilitate mid-biennium harvest increases. Advanced planning would

also benefit sampling priorities and data collections by NMFS and state agencies to better inform future assessments. The selection of stocks for advanced analysis could also be informed by the projected increase of the stock from the previous assessment. For instance, the 2013 cowcod stock assessment (Dick and MacCall, 2013) projects the stock would reach target biomass by the start of 2019. Such a prediction compels consideration of assessing this stock in 2019 and considering a mid-biennium harvest increase in 2020.

The selection of stocks for advanced impact analysis could also be informed by scoping of previous analyses, especially the range of ACLs analyzed for FMP Amendment 24, to decide what additional analysis is needed to supplement previous assessments. The Council could then adopt the range of ACLs for detailed analysis, when the stock selection is made, with a better understanding of the analytical burden. There should also be an early decision on the range of management measures to analyze in preparation for a potential mid-biennium harvest increase. The Council has already indicated they would prefer maintaining status quo allocations and default harvest control rules[1] in the second year of a biennial management cycle for such increases in allowable harvest. Such analyses could be done in the biennial specifications process preceding the new stock assessment. Expedited rulemaking would likely require any increase in harvest specifications a year earlier than would otherwise occur be limited to the range previously analyzed.

Another process efficiency would require changing the stock assessment terms of reference to include alternative 10-year harvest projections in assessments that assume an increase in harvest levels a year earlier than would otherwise be anticipated (for those assessments for a stock previously selected for a potential mid-biennium harvest adjustment). In other words, the default harvest control rule would be applied a year earlier using the new science under this alternative projection scenario. The Council would then understand the tradeoffs of implementing a mid-biennium increase from a biological perspective with the predicted depletion, spawning biomass, and harvest specification trajectories under both scenarios at the time a new assessment is adopted and a mid-biennium increase is being considered.

Draft Process and Schedule for a Mid-Biennium Harvest Specifications Increase

The Council requested staff develop a proposed process and schedule for implementing a mid-biennium harvest specifications increase. While the Council may be considering having a framework and analyses in place to consider a mid-biennium harvest specifications increase in 2020 based on results of a 2019 stock assessment, the following process and schedule is structured for a future mid-biennium harvest specifications adjustment in 2022 based on results from a 2021 assessment (Table 1). This is provided to display the entire process from deciding stock assessment priorities through implementation of a mid-biennium increase in harvest specifications. The schedule in Table 1 also presumes the Council decision to trigger a mid-biennium increase can be done in one meeting and notice and comment rulemaking can be waived to implement the increase early in 2022.

[1] It is worth noting that, under FMP Amendment 24, the default harvest control rule for an overfished stock switches from the harvest control rule specified in the rebuilding plan to ACL=ABC under the default P* when a new assessment indicates the stock is rebuilt.

Table 1. Proposed process and schedule for implementing a mid-biennium harvest specifications increase.

Date	Task
March - June 2018	Stock assessment priorities decided for 2019 and 2021 assessments. Stock X prioritized for a 2021 assessment and identified as a candidate for a mid-biennium harvest specifications increase in 2022.
June 2018 - Sept. 2019	Scoping of the analysis required to implement an increase in 2022 harvest specifications for Stock X.
Sept. 2019	Council decides range of 2022 ACLs for Stock X for advanced analysis
Sept. 2019 - April 2020	Advanced analysis conducted and reviewed by Scientific and Statistical Committee and other advisory bodies.
June 2020	Analysis completed and endorsed. Assessment for Stock X in 2021 confirmed.
Sept. or Nov. 2021	Assessment for Stock X is adopted (Nov. if reviewed at mop-up). Biological impacts of a mid-biennium increase are revealed using the new assessment. Council considers and triggers a mid-biennium increase.
Dec. 2021	Assuming notice and comment rulemaking is waived, final rule is published implementing an increase in harvest specifications in 2022 for Stock X.
Jan. 2022	Mid-biennium increase in harvest specifications is implemented.

Draft Fishery Management Plan Amendment Language

Section 5.5.1 of the FMP describes the framework for inseason adjustment of harvest specifications in cases where mid-biennium harvest specifications are decreased when the previous specifications are not adequately conservative to meet rebuilding plan goals. This is the logical place to describe the framework for mid-biennium harvest specification increases. The following excerpt of FMP Section 5.5.1 provides the proposed amendment language for the mid-biennium increase in harvest specifications.

FMP Excerpt of Section 5.5.1:

5.5.1 Inseason Adjustments to OFLs, ABCs, and ACLs

Under the biennial specifications and management measures process, stock assessments for most species will become available every other year, prior to the November Council meeting that begins the three-meeting process for setting specifications and management measures. The November Council meeting that begins that three-meeting process will be the November of the first fishing year in a biennial fishing period. If the Council determines that any of the OFLs, ABCs, ACLs, or OYs set in the prior management process are not adequately conservative to meet rebuilding plan goals for an overfished species, harvest specifications for that overfished species and/or for co-occurring species may be revised for the second fishing year of the then-current biennial management period. *Given a new stock assessment indicating a significantly higher harvestable surplus is available and if the Council determines that any of the OFLs, ABCs, ACLs, or OYs set in the prior management process are not adequately responsive to the needs of fishing communities, then harvest specifications for that species may be revised for the second fishing year of the then-current biennial management period. Adequate analysis of biological, socioeconomic, and other impacts of implementing higher harvest specifications in the second year of the affected biennial management period will need to be done to allow for expeditious rulemaking. It is anticipated the prospective analysis will be adequate to allow the Council to trigger a mid-biennium increase in harvest specifications in one meeting.*

PFMC
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Literature Cited

Dick EJ, MacCall AD. 2013. Status and productivity of cowcod, *Sebastes levis*, in the Southern California Bight, 2013. Portland, OR: Pacific Fishery Management Council.