

COASTAL PELAGIC SPECIES MANAGEMENT TEAM REPORT ON COASTAL PELAGIC SPECIES FISHERY MANAGEMENT PLAN CATEGORIES

In November 2018, the Council noted a perceived lack of clarity regarding the meaning and use of the “Active” and “Monitored” stock management categories and the organizational structure of stocks within the Coastal Pelagic Species Fishery Management Plan (CPS FMP). This has led to some concern over the FMP not plainly describing management intent behind the categories, particularly regarding regular review of Monitored stock status and control rules. The Council directed the CPSMT to provide feedback on a proposed draft purpose and need statement concerning CPS management categories as part of a potential FMP amendment to eliminate confusion over the intent and application of these categories, and to consider a draft process and timeline for the June 2019 meeting. Accordingly, this report presents the Council’s motion and proposed purpose and need statement for reference, and consistent with the Council’s request under item 4, a CPSMT draft purpose and need statement, three potential options to inform further potential scoping, and a draft process and timeline for implementation.

At the November 2018 meeting, the Council decided to:

1. Consider a process to remove the CPS management unit species categories of “Active” and “Monitored,”
2. Consider characterizing the CPS management unit species as being “In the fishery,” “Ecosystem Component,” or “Prohibited” species, consistent with National Standard 1 guidelines and other Council FMPs,”
3. Direct the SSC to periodically review and evaluate the quantity and quality of data to inform CPS stock assessments, similar to the categories for groundfish described in November Agenda Item E.5.a, Supplemental SSC Report 1, and
4. Direct the CPSMT to:
 - a. Consider and provide feedback on the following draft Purpose and Need statement and a draft process and timeline for the Council’s consideration at the June 2019 meeting.
 - b. In drafting the process and timeline, consider the workload associated with:
 - i. Developing proposed changes to the FMP structure and language to clarify the description of the management strategies for CPS fisheries, and
 - ii. Retain the flexibility to consider revising the management strategies for a particular stock through a routine process (e.g., through a regular specifications and management process, rather than an FMP amendment).

Draft Purpose and Need - The terms used to label the CPS stock management categories (i.e., “Active” and “Monitored”) appear to cause confusion relative to the intent and application of those categories, and this lack of clarity may lead to a perception of non-compliance with NS1 guidelines. Therefore, the purpose of the proposed action is to clearly demonstrate compliance with NS1 guidelines and eliminate any confusion associated with these management category terms. The proposed action will also promote consistency with terminology across the Council’s fishery management plans (FMPs),

clarify the management strategies that the Council intends to use for the stocks managed under the CPS FMP, and provide flexibility relative to a process to consider revisions to stock-specific management strategies.

The CPSMT reviewed the Council motion and the draft Purpose and Need statement, and offers the following alternative version for consideration:

The purpose of this proposed action is to consider a process to amend the CPS FMP to eliminate confusion associated with the terms used to label management unit stocks (MUS) in the CPS FMP and the description of those management categories.

The proposed action is needed to ensure the text in the CPS FMP describing the different management approaches for stocks listed in the plan clearly reflects that all are in fact “managed”; to support flexibility relative to a process to consider revisions to stock-specific management strategies; and to promote consistency in terminology across the Council’s FMPs.

The CPSMT thinks this alternative language accomplishes the objectives laid out in the Council’s motion. Regarding compliance with NS 1 guidelines, the CPSMT notes the CPS FMP, and the harvest policies and control rules within, are currently compliant with the guidelines that were finalized and published in January 2009. After an extensive public process, the Council adopted Amendment 13 to the CPS FMP in June of 2010 and submitted it for review by the Secretary of Commerce. Amendment 13 to the CPS FMP specifically addressed compliance with the NS1 guidelines. The final rule implementing Amendment 13 to the CPS FMP was published in *Federal Register* Volume 76, No. 2019 on November 14, 2011. Accordingly, it is our view that it is not necessary to refer to NS1 guidelines in the Purpose and Need statement and that doing so may add to the potential for confusion on this topic. Nonetheless, the Council’s intention was noted and the options presented here are reflective of that.

Recognizing that there has been some confusion related to the topic of CPS FMP management categories and how particular stocks are managed under those categories, e.g., the discussion of the Monitored management category and management of the Central Subpopulation of Northern Anchovy, the CPSMT notes that the action under this agenda item and the information presented in this report reflect administrative (i.e., framework) changes only to the FMP. Accordingly, references to changing or eliminating categories should be understood as changes to terms and their application and not as changes to current management practices (i.e., frequency of stock assessment or harvest control rules) of any of the stocks in the FMP. References to or discussion of changes to categories in this report do not pertain to the “Prohibited Harvest” category, as that is a unique and necessary category for krill, and there has been no confusion about its purpose or function.

Background

The apparent confusion surrounding the Active and Monitored management categories in the CPS FMP may result, in part, from the lack of a clear understanding of the intent of these management categories confounded by the differences in language used to describe the management of stocks in the CPS FMP and in other FMPs within the Council’s purview. Further, the term and description

for the Monitored management category shares similarities with the language used to describe Ecosystem Component (EC) species, and this might lead to the perception of non-compliance with NS1 guidelines. The brief background information presented here is intended to provide sufficient context for the options described. The CPSMT has previously reported to the Council on CPS management categories (November 2018 Council Meeting Agenda Item E.5.a, [CPSMT Report 1](#), and September 2016 Agenda Item E.3.a, [CPSMT Report 1](#) and Supplemental [CPSMT PowerPoint](#)).

Stocks managed in the CPS FMP are listed in section 1.2.1 *Fishery Management Unit*, Table 1-1, which includes all the stocks in both the Active and Monitored management categories. Table 1-2 lists EC species under the CPS FMP, and Table 1-3 lists EC species shared among all four FMPs under the Council's purview. The CPS FMP goes on to describe "Categories of Management" in section 1.3. CPS stocks are classified under one of three management categories: "Active," "Monitored," and "Prohibited Harvest." All species/stocks (i.e., fishery management unit species/stocks), regardless of management category (Ecosystem Component is not a management category), are considered as being "in the fishery."

The primary function of the Active and Monitored management categories is to use available agency and Council resources in the most efficient and effective manner, recognizing that certain CPS stocks may require less intensive management. Category assignment considers the conservation and management needs of specific CPS stocks, the available resources for assessing and managing CPS stocks in light of their highly dynamic abundance cycles, and the need to assess some of them annually to optimize yield in a precautionary manner. CPS management categories do not characterize the type of stock assessment or scientific information available to inform assessments. They also do not *strictly* prescribe the frequency of assessment or harvest policy specification, and generally accommodate both of these processes without the need for stock reclassification.

The CPS FMP states that stocks in the Active management category are assessed on a regular, scheduled basis with annual harvest specifications because these stocks typically support intensive fisheries, necessitating this type of management approach. In contrast, the management of stocks in the Monitored management category is typically based on long-term harvest strategies deemed sufficient for the conservation and management of these stocks, in part because these stocks are relatively lightly fished. The CPS FMP also specifies regular review and the potential to move stocks between Active and Monitored management categories.

Potential Options for Council Consideration

The CPSMT presents three options below that individually could achieve the objectives outlined in the draft purpose and need statement. Estimated CPSMT time and Council meetings necessary to implement these options are indicated.

Option 1. Retain Management Categories and Names, and Revise FMP Language (Six months of CPSMT time, plus three Council meetings)

This option would entail the least change and time to accomplish. It retains the current management categories and their names, i.e., Active, Monitored, and preserves the current FMP structure that characterizes stocks by management category based on the need to revise management

specifications on a frequent and scheduled basis or on an infrequent and as-needed basis. In meeting the draft Purpose and Need objectives, this option would aim to improve clarity and consistency of terms or other language within the CPS FMP and relative to the Council's other FMPs. It maintains the existing flexibility for the Council to pursue revisions to CPS management strategies/categories through formal processes described in the FMP. The management categories serve a practical function and that is preserved under this option: the FMP can be more concise by collectively addressing stocks with similar management.

The CPSMT has previously identified elements in the CPS FMP that would benefit from "housekeeping" modifications. Some of these are relatively simple changes that fall within the scope of the draft Purpose and Need and would result in a more consistent use of terms, potentially minimizing a source of confusion. For example, inserting a line of text in Section 1.3 Categories of Management would support item #2 of the Council's motion:

"The CPS FMP includes three management categories or tiers for CPS fish stocks: 'Active' management, 'Monitored' management, and 'Prohibited Harvest' management. All stocks in these categories are considered 'in the fishery'."

As another example, the CPS FMP operational definition of EC species which states these species "are monitored to ensure these species are not likely to be subject to overfishing in the absence of CPS management measures" could be re-written such that the term 'monitored' would not be confused with the management strategies for Monitored stocks. A simple solution would be to adopt the Groundfish (GF) FMP wording.

From the GF FMP:

"Ecosystem Component Species are FMP species that are not actively managed in the fishery (i.e., no harvest specifications are specified for these species). Ecosystem component species are not targeted, are not generally retained for sale or personal use, are not subject to overfishing, and are not overfished or approaching an overfished condition (see section 4.4.4 for more detail). This FMP includes both EC species that are specific to the Groundfish FMP and EC species that are shared between all four of the Council's FMPs (referred to as "Shared EC Species")."

Under the present CPS FMP structure which this option maintains, an FMP amendment is not necessary to modify harvest control rules. If the Council desired to incorporate new information or pursue changes to any control rule or reference point for a specific stock, there is flexibility within the CPS FMP to allow the Council to do this through their formal processes. Although the Council has not utilized FMP mechanisms to move stocks between management categories, it may find this a useful approach to meet or accommodate future management needs. For instance, if the Council determined a Monitored stock should be subject to frequent (annual) harvest specification revisions, it would move it to the Active category. That would entail the development of a new control rule and an initial rule-making, either full or abbreviated, to designate management adjustments as routine. Once designated routine, measures can be modified through a single meeting notice procedure when consistent with the original purpose and analyses (CPS FMP 2.1.1).

Option 2. Retain Management Categories, Revise Category Names and FMP Language (Nine months of CPSMT time, plus three Council meetings)

The action under this option involves renaming one or both of the management categories, Active and Monitored, and improving their description to achieve the draft Purpose and Need objectives, and editing the CPS FMP and regulations to achieve consistency with the new terms. This option would retain the current CPS FMP framework structure that aligns categorization with the need to revise management specifications on a frequent and scheduled basis or on an infrequent and as-needed basis. It also maintains the existing flexibility to pursue changes to CPS management strategies described under Option 1. Also similarly, a formal process to modify harvest control rules for a particular stock or to reclassify a stock is required.

The term “Monitored” serves a unique purpose in the CPS FMP in that it defines a management category and not a management activity. When viewed across the Council’s FMPs there is potential for this distinction to be missed or misunderstood. For example, the Highly Migratory Species (HMS) FMP originally classified species caught incidentally as “monitored” and under revised NS 1 guidelines reclassified some as EC species. Similarly, the term “monitored” in the GF FMP is used in relation to EC species: “EC species do not require specification of reference points (i.e., OFLs, ABCs, and ACLs) but are monitored to the extent that any new pertinent scientific information becomes available....” Further, in the CPS FMP itself, “Monitored” is juxtaposed with the phrase “actively managed” which may lead to a general impression that Monitored stocks are not actively managed, however they clearly are. Changing the name would address this and narrow the use of the term.

Option 3. Eliminate Named Management Categories (One year of CPSMT time, plus three Council meetings)

This option eliminates both Active and Monitored management categories. The workload and timeline are the most extensive given the degree to which category labels have been used to collectively reference stocks and the underlying framework management approach in the FMP. With this option current harvest policies for each management unit species would be described individually.

In style, this option would produce a CPS FMP that generally resembles the GF and HMS FMPs. The FMPs would still differ in some ways, suiting the management needs unique to each. Like the HMS FMP, the CPS FMP designates some species as prohibited that are not management unit species. In contrast, the CPS Prohibited Harvest management category includes krill (Euphausiids), which were added under Amendment 12 as management unit species. The GF FMP uses “species category” to describe data availability or type of assessment, and there is nothing comparable in the CPS FMP. This is not an exhaustive list and is intended to demonstrate that even as the option seeks to achieve the Purpose and Need objective for consistency across FMPs, differences will remain.

This option in removing both “Active” and “Monitored” management categories avoids the potential confusion that may be associated with category names and any need to clarify a category’s intent or purpose. Current stock assessment priority and frequency, and the frequency for harvest management specifications would remain unchanged, and be described for each individual species instead of by category. As with the other options, the intent would be to support

the ability to make changes without an FMP amendment and to establish management procedures tailored to each stock. Additionally, like changing the name, eliminating “Monitored” and “Active” as management categories reduces potential confusion and narrows the use of the terms.

However, this option represents a significant departure from the current FMP structure. By removing the Active and Monitored management categories, this option removes the frameworked management process that the CPS FMP is structured under. Procedurally under the current FMP structure, the frameworked management structure allows the Council to move stocks between management categories with known implications and a public understanding of what that management framework will generally look like (i.e., either a regular assessment and harvest specification policy or a long-term harvest management approach). Instead, without the framework approach, management measures would be described for each CPS species individually and decisions to make substantive policy or technical changes would be made on a stock by stock basis.

Finally, under Agenda Item F.2, the Council is considering a stock assessment prioritization (SAP) process for CPS. The Council has expressed a particular desire for the opportunity to regularly review the data and science available to inform management of stocks with long-term harvest control rules. Each option (1-3) is consistent with that objective, but the CPSMT flags for the Council’s attention the need to consider its choice of options in conjunction with its decisions regarding SAP. At the outset of Amendment 8, the CPS FMP placed Pacific sardine and Pacific mackerel in the Active management category and northern anchovy and jack mackerel in the Monitored management category. Consequently, the CPS FMP prioritizes Pacific sardine and Pacific mackerel to undergo periodic stock assessments. If the Council chooses to maintain the concept of management categories but wishes to consider a SAP process that is external to the CPS FMP, the FMP description of the management categories may need to be amended accordingly. Alternatively, if the Council chooses to remove management categories, in whole or in part, then consideration for a SAP process will be needed whether that SAP is captured internally (status quo - framework approach) or externally to the FMP (like for groundfish stocks).

CPSMT Housekeeping Request (Three months of CPSMT time when paired with an option, or one year as a stand-alone task)

The CPSMT asks the Council to consider including, as part of any option or next step, direction to address the “housekeeping” or administrative amendments to the CPS FMP the CPSMT has previously noted. This would include: incorporating relevant portions of Amendments 8, 13, and other amendments into a new amendment; revising operational definitions; improving consistency across sections; and making format revisions.

Draft Process and Timeline

In the table below, the CPSMT proposes timeframes that accommodate its workload associated with the options presented for this task and takes into account other routine activities requiring team time and attention. Amending the FMP is typically a three-Council meeting process. If the Council desires to move forward, the June 2019 meeting could describe the scope of the action and be considered the first of the three-meeting process. Consideration and selection of a range of alternatives (ROA) would follow, but at which Council meeting would depend on the scope or options the Council chooses to pursue in June. For example, if the Council were to choose Option 1 and the CPSMT housekeeping request, the ROA and perhaps the preliminary preferred

alternative could be taken up by the Council at its April 2020 meeting. With one remaining meeting to select a final preferred option, final action could be accomplished during 2020. On the outside, the combination of Option 3 and the CPSMT housekeeping request would require 15 months of CPSMT time. Then the earliest the Council could take this up would be September 2020, or November 2020 if following the typical scheduling for CPS agenda items. Assuming the latter, final action would occur at the April 2021 Council meeting.

Option	CPSMT Time (months)	Council Meetings
1. Retain Management Categories and Names, and Revise FMP Language	6	3
2. Retain Management Categories, Revise Category Names and FMP Language	9	
3. Eliminate Management Categories	12	
CPSMT Housekeeping package Request	Plus 3 Stand alone: 12	

PFMC
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