

COASTAL PELAGIC SPECIES MANAGEMENT TEAM REPORT ON FISHERY MANAGEMENT PLAN HOUSEKEEPING AMENDMENT

The Coastal Pelagic Species Management Team (CPSMT) met from September 27-29 at their fall meeting and discussed proposed housekeeping changes to the CPS Fishery Management Plan (FMP). The CPSMT also identified areas (see “Other Changes” section below) that warrant revision but could not determine whether they were within the scope of this action. This report describes the CPSMT’s recommendations for proposed FMP changes and areas where Council guidance is needed.

Summary of Proposed FMP Changes

Changes to the text in all five chapters of the FMP and reorganization within chapters 2-5 are proposed. The proposed changes are not intended to change the policy framework described in the FMP, change management, or otherwise be substantive changes, but rather to: remove or update descriptions that have become out of date, reflect current fishery management practice as described in National Standard 1 (NS1) Guidelines, and reorganize and revise the text to be more clear and concise. As much as possible, descriptive information is provided to make the FMP less likely to become dated in the future.

Attachment 1 shows proposed changes to the FMP in underline/strikethrough format. To make it easier to understand these changes, a clean copy of the FMP text in its proposed final form is in Attachment 2. Attachment 3 provides a comparison of the current and revised section header names and numbers for chapters 2-5.

Attachment 1 has the following formatting:

Deleted text shown in ~~strikeout~~

Inserted text shown in underline

Moved text shown in ~~DOUBLE STRIKETHROUGH~~ and DOUBLE UNDERLINE

The following is a summary of the main changes:

- Added a list of acronyms with definitions

Chapter 1

- Added hyperlinks to *Federal Register* (FR) notices and FMP amendments
- Added “Northern Subpopulation” to Pacific sardine in Table 1-1
- Added bycatch definition from the Magnuson–Stevens Fishery Conservation and Management Act (MSA)

Chapter 2

- Retitled to encompass all that is included in the chapter
- New paragraph of introductory text was added
- Revised section organization, names, and numbering

- Some text was moved among sections as part of the reorganization
- Several minor changes to the text were made for corrections or clarity

Chapter 3

- Added hyperlink to FMP amendment 10
- Section 3.4, Nature of the Interest Created, moved to end of chapter and sections renumbered
- Language changed to accurately reflect context of analyses (i.e., tense)

Chapter 4

- Added references to Council Operating Procedure 9 regarding assessment and management schedules
- Revised section organization, names, and numbering

Chapter 5

- Removed reference to bycatch in title of this chapter and its definition, which is now in Chapter 1, as the focus of the chapter is not bycatch
- A few sections were rearranged and subheadings removed to improve readability
- Re-ordered sardine allocation schedule so that it aligns with current July-June sardine fishery season

Other Changes

In the course of reviewing the FMP, the CPSMT identified areas that warrant revision but could not determine whether they were clearly within the above-described scope as non-substantive changes. These areas were:

- Definitions (Chapter 1 - Section 1.5)
 - Directed Fishery, Minor Directed Fishery – “Directed Fishery” is not clearly defined in regulation and requires additional review. “Minor Directed Fishery” is defined as part of the Amendment 16 rule. The CPSMT opted to consider these two terms together in determining whether to add them to the FMP and has left both terms out of the definitions at this time.
 - Incidental Catch – This term also is not currently defined in regulation and requires additional review.
 - Ecosystem Component (EC) Species – The definition currently in the FMP is no longer consistent with the revised NSI Guidelines that were updated in 2016, which substantially changed the definition of EC species under MSA.
- Harvest control rules and sardine temperature index (Chapter 4)
 - There are aspects of this section, i.e., F_{msy}/E_{msy} , a footnote changing the temperature index, and bounds on FRACTION, that need additional clarification. The CPSMT would like to explore ways to resolve these issues, including potentially moving some aspects into the Stock Assessment and Fisheries Evaluation (SAFE).
 - There are specific values given in the FMP in some harvest control rules. The CPSMT would also like to explore ways to better manage the ability to make changes to specific values used in the control rules for setting harvest specification

without the need to amend the FMP as is outlined in Chapter 2. Doing so would make the CPS FMP more similar to the [Groundfish FMP](#) that allows for harvest control rule changes to be made without amending the FMP as long as the scientific basis for new changes are well-documented in the SAFE.

- The CPSMT questions if in section 5.2 (previously 5.1.6 “Guidelines and Criteria for Setting Incidental Catch Allowances”) the Directors of other state agencies should be listed in addition to the Director of the California Department of Fish and Wildlife who is currently listed (or just all fishery management agencies, including tribes?).

The above items and others that are found to need more analysis can be reviewed in depth by the CPSMT, NOAA General Counsel, and the public over the next several months for potential inclusion as part of this action, or potentially taken up in a separate action.

Formatting Issues

The CPSMT has some ideas for improvements regarding formatting issues that should be addressed, specifically with the chapter headers, to make it easier for readers to understand the FMP. The CPSMT also notes there is some inconsistent formatting throughout the FMP such as font size, text types, italics, etc. The Team focused on content rather than formatting for the current draft, recognizing that the Council may ask for additional changes as well after its initial review.

Recommendations

The CPSMT recommends that the Council adopt the draft FMP language shown in Attachments 1-2 for public review and provide guidance regarding the CPSMT bringing back further information on the other changes described above when this topic is next scheduled. The CPSMT recommends consideration of FMP housekeeping changes at the June 2023 Council meeting, given the CPSMT workload and CPS agenda item scheduling over the next several months.

PFMC
10/12/2022