

## COASTAL PELAGIC SPECIES MANAGEMENT TEAM REPORT ON FISHERY MANAGEMENT PLAN (FMP) HOUSEKEEPING- FINAL ACTION

At its November 2022 meeting, the Council adopted changes in the FMP housekeeping amendment for public review (Agenda Item H.3, Attachment 1). The CPSMT further reviewed and discussed housekeeping changes to the FMP at its winter meeting from January 24-26, 2023. The CPSMT considered additional changes from both internal review and public input.

Changes to the text in all five chapters of the FMP and reorganization within chapters 2-5 are proposed. The intent of these proposed changes was to help make the FMP more clear and easier to follow, without substantially changing the FMP itself. Structural housekeeping changes, including name changes for headers, were needed to better integrate the various changes that were made to the FMP from previous amendments. Minor changes addressed corrections that had not been previously made during prior amendments and clarification of text. All changes were evaluated based on a conservative approach, including them only if necessary.

Additional details for specific changes to sections and text that may need rationale follows (this report). Clear rationales for each change by chapter and line were created to document changes completely and thoroughly. Some changes previously adopted in November 2022 are no longer warranted. Other new changes have been identified and are indicated in this report and highlighted in Attachment 3.

### **Items for April Briefing Book**

Attachment 1- Public Review Draft underline/strikethrough

Attachment 2- Public Review Draft cleaned-up version

Attachment 3- CPSMT Revised Public Review Draft underline/strikethrough/highlight

Attachment 4- CPSMT Revised Public Review Draft cleaned-up version

CPSMT Report 1- Rationale documentation

### **Summary of Proposed FMP Changes**

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 text in its proposed final form is in Attachment 2.

Attachment 1 has the following formatting:

Deleted text shown in ~~strikethrough~~

Inserted text shown in underline

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

Attachment 3 shows additional changes since the Public Review Draft versions from November 2022. A clean copy is in Attachment 4.

Attachment 3 has the following formatting:

If a change is no longer warranted, text is highlighted in **YELLOW**

For new proposed changes, text is highlighted in **GREEN**, with changes formatted as for Attachment 1 above.

Specific changes and rationale are found below starting on page 3, however, there were several overarching changes made across the FMP:

- Abbreviations (Chapter 1, Line 3- changing Council to Pacific Fishery Management Council) and acronyms (Chapter 1, Line 33- spelling out MSA as Magnuson-Stevens Fishery Conservation and Management Act) were spelled out and used in remainder of document
- Added a list of acronyms with definitions (start of FMP)
- Hyperlinks were added to each FMP Amendment (e.g., Line 49 for Amendment 8) or to the final rule that implemented the FMP amendment and any associated regulations (e.g., Line 59 for the FR that implemented Amendment 8)
- Removed “chub” from the rest of the FMP after it was already defined and understood that Pacific mackerel is also known as chub mackerel in Chapter 1 (Chapter 1, line 188)
- Updated section numbers when sections were moved around per proposed CPSMT changes (Chapter 5, Line 41)

Note that line numbers may be slightly different between the following rationale and Attachment 3. Rationales were developed based on line numbers presented in Attachment 1. As additional changes were made, line numbers may have shifted slightly in Attachment 3.

## **Formatting**

The CPSMT understands that Council staff has been working on updating the formatting of the FMP to make it consistent and clearer across all sections and the CPSMT recommends those changes be incorporated in the final production of the FMP.

PFMC  
03/17/23

## Chapter 1

Line 90/91: Revised text to provide clarity on the change in management line dividing the subareas A and B for Pacific sardine during Amendment 11.

Line 113- Added a reference that Amendment 12 added EFH for Krill.

Line 166-Reorganized paragraph to follow timeline of events and added text reflecting the Council was obligated to make a rebuilding plan for Pacific sardine. Note: text was slightly revised from the public review version for clarity.

Line 174- Updated reference to proposed section number

Line 188 (Table 1-1)- Added northern subpopulation to Pacific sardine in Table 1-1 for stocks managed in the FMP. On page A-9 of Appendix A to the current FMP, it states that “It is generally accepted that sardine off the West Coast of North America form three subpopulations or stocks. A northern subpopulation (northern Baja California to Alaska), a southern subpopulation (off Baja California), and a Gulf of California subpopulation were distinguished on the basis of serological techniques (Vrooman 1964). A recent electrophoretic study (Hedgecock et al. 1989) showed, however, no genetic variation among sardine from central and southern California, the Pacific coast of Baja California, or the Gulf of California. A fourth, far northern subpopulation, has also been postulated (Radovich 1982). Although the ranges of the northern and southern subpopulations overlap, the stocks may move north and south at similar times and not overlap significantly. The northern stock is exploited by U.S. fisheries and is included in this FMP.” Therefore, this change specifically incorporates the fact that the FMP only includes the northern stock into the main body of the FMP.

Line 234- NEW: Changed “should” to “could” and UNDO: the citation added in November is not appropriate or accurate here. Maintain the deletion of the previous citation as well. After further review, the original citation and the proposed change in citation are both not appropriate. In the NS guideline updates in 2016, the criteria in the FMP were removed from the regulations ([Final Changes to NS Guidelines](#)) but the Council has not changed the criteria in how they evaluated whether a species should be listed as an EC species.

Line 274- Moved definition of bycatch from chapter 5 to the definition section of Chapter 1 and new proposal to change definition to match how bycatch is defined at 50 CFR 600.350(c)

Line 318- Corrected definition from Overfishing level to overfishing limit

Line 340 and 341- Added “or stock” to reflect that the CPS FMP includes both entire species and specific stocks of species.

Line 348 - NEW change: “Standard” to “Standardized” to align with language in MSA

Line 351- Updated Southwest to West Coast Region for NMFS to correct region naming.

Line 355- UNDO: “Exists in specie” is a specific term in the Coast Guard and enforcement regulations.

## Chapter 2

Line 1-2 The chapter title was changed to capture the entirety of the contents of chapter 2, including sections added over the years through various amendments, not just framework management.

Line 3-6 An introductory paragraph added to align with other chapters which have summaries at the beginning indicating what is included in the chapter.

Line 7 The original name of the chapter was Framework Management. Since this chapter contains more than that, and the title of Chapter 2 was changed, this new section was created to house and highlight framework management.

Line 8 Words added to align with the new section created specifically for framework management, clarifying there are two frameworks and they are described in this section.

Line 9 UNDO: No strong reason to change “procedures” to “measures:” although results of framework management may be management measures, the framework itself describes procedures.

Line 15-28 Language moved but maintained (justification for moving noted in the place it was moved to - lines 101-114)

Line 29-75 Moved the point-of-concern framework section under the newly created framework section to group the two frameworks in the same section, distinct from other actions.

Line 76-99 Moved the socioeconomic framework section under the newly created framework section to group the two frameworks into the same section, distinct from other actions.

Line 87 NEW: change “sociobiological” to “biological” to better relate to the framework and align with other PFMC FMPs (Groundfish). “Sociobiological” is not defined in the FMP, but is a dated term that is more often currently referred to as behavioral ecology and is looked at in terms of evolutionary theory. Replacing it with “biological” is more actionable and helpful to related future Council work.

Line 101-114 Moved language from the chapter introduction to this section where it is more relevant and helps introduce the types of actions

Line 117 UNDO: Accurate to leave as is, not all actions are rulemaking

Line 123 UNDO: The word “directed” should not be added here because it is not accurate that only the directed fishery may be closed if the ACL or ACT were reached.

Line 161 UNDO: The addition of the word “notices” is not needed. It is accurate to say “rules” as there are proposed rules and final rules.

Line 374 Removed the word “below” because it was confusing - it was unclear if “below” was referencing below in the document or below in the water. The sentence still made sense without it so the word was removed to improve clarity.

Line 187-257 Language moved but maintained (justification for moving noted in the place it was moved to lines 29-99)

### Chapter 3

Lines 3-4 - sentence added referencing details on analysis and purpose of LE capacity goal and permit transferability

Lines 17-19, 21, 24-29 - added/modified text to clarify time period of actions.

Line 21 - NEW: added/modified text to clarify time period of actions.

Line 30 - Add “CPS” to text to clarify that sentence meaning, comparing non-CPS West Coast and Pacific fisheries with CPS fisheries

Lines 31-32, 35 - UNDO: text restored, present tense determined to be appropriate

Line 37 - corrected phrase from “day to day” to “day-to-day”

Line 44 - correct section number for Chapter 1 reference to goals and objectives of FMP

Line 54 - UNDO: original section number restored, determined to be appropriate

Lines 42, 88, 89, 92, 99, 100, 102, 116, 126, 129, 140, 147, 157, 171, 172, 192, 198, 200, 210, 211, 215, 219, 222, 223 - UNDO: section numbering restored from restoration of sections 3.3 and 3.4

Lines 61, 62, 64 - UNDO: These changes are rescinded to be consistent with regulations

Lines 66-67 - UNDO: section header restored, no need to remove

Line 72 - added “above” to clarify reference to Goal C

Line 73 - changed to present tense to clarify as current

Lines 79-80 - amended text to clarify reporting of fleet capacity relative to capacity goal in SAFE

Line 81 - added “make” to clarify text

Lines 82-87 - UNDO: section “Nature of the Interest Created” restored to original location as section 3.4. The passage deals with the administrative part of the permit. Most of this topic is covered at the beginning of this section, and so the original location is appropriate.

Line 87 - UNDO: deleted “part” from CFR reference to match formatting in rest of document

Line 96 - changed text to present tense, to conform with rest of paragraph

Lines 117, 119-121,124 - UNDO: These text changes were rescinded to be consistent with present tense found in regulations.

Lines 229-234 - UNDO: Section “Nature of the Interest Created” restored to original location (see lines 82-87 above).

#### Chapter 4

Lines 4-7: added CPS for clarification and removed specific section to generalize chapter 2.

Lines 9-10: UNDO - original citation was correct and appropriate.

Line 28: Overfishing Limits had been previously defined so made it an acronym to better match MSY, and ABC Control Rules.

Line 30: UNDO - upon review, inaccurate to add Fmsy in this sentence as it is a rate not an annual amount.

Lines 47-48: UNDO - this is fair to maintain in the context of this section.

Lines 74-77: re-organized for clarity, and removed the reference to unfavorable ecosystem conditions, as it appears redundant. Also, a NEW change: updating the CFR citation to be more specific than was proposed in the first draft: 600.310(j)(3)(i).

Lines 115-125: Updated CFR reference and removed outdated definitions and redundancy. UNDO: Retain deletion of “According to Federal regulations...” until it says “An MSY control rule is...” and remove quotes around the definition. This change keeps the MSY control rule defined in the FMP, but removes outdated regulatory reference. NEW: Update “MSY stock size” to align with regulations at 50 CFR 600.310(e)(1)(i)(C).

Line 125: UNDO: Moved MSY stock size reference up with new definition at Line 119.

Line 127: The word “most” was deleted as all of the CPS in the current FMP are important as forage. The word most and examples after gave the connotation that mackerels were not important as forage. There are many citations that show that sharks, HMS, and marine mammals feed on both jack and Pacific mackerel (e.g. A. Preti Dissertation and references therein).

Lines 133: aided clarity

Lines 134-138: No text was changed. This was moved so that the order matched the succeeding section. now 146-150.

Line 141: NEW: Added “stocks and fisheries” where “rules” had been previously deleted in the November 2022 version. Rules was the incorrect word here in the context of the rest of the sentence and the proposed addition provides clarity that harvest control rules apply to CPS stocks and fisheries.

Lines 146-150: Moved from Lines 134-138 above.

Lines 139-150: NEW: the deletion or additions of commas was done to aid clarity.

Lines 151-162: This text was moved up from Lines 254-267 to help the flow and ultimately made more sense here. Lines 265-267 were not moved up with this section and are proposed for deletion because it may be confusing. While it is merely an example of an alternative approach, it may be misinterpreted as suggestive.

Line 163: Added reference to COP 9 as per Council recommendation to include recommendation from CPSAS ([Agenda Item I.3.a, Supplemental CPSAS Report 1, November 2022](#)).

Line 170: Improved readability. NEW: the definition of overfishing was corrected to align with Amendment 13, national standard guidelines, and the definition of the overfishing section (Lines 50-61).

Lines 179-212: text was moved up and NEW: the section number was corrected. Was 321-354. As the default harvest control rule is used for northern anchovy and jack mackerel, this text was moved up so it would directly follow the default CPS harvest control rule section.

Lines 179-181: removed Market Squid from category using the general default rule and was instead given its own section (starting on line 355). This was done because Market Squid has a unique harvest control rule using egg escapement instead of a more traditional default control rule as is used for anchovy and jack mackerel.

Lines 191, 195, and 207: removed section numbers as redundant.

Line 213: added section numbers to improve differentiation. NEW: fixed section number so it was correct.

Line 214: Increased accuracy, removed outdated terminology.

Line 219: simple grammar fix.

Lines 220-221: UNDO: reverted back to original as the proposed changes seemed to change the meaning and appear to be unnecessary.

Lines 254-267: Was moved up and is now Lines 151-162 (see previous comment above).

Line 298: UNDO: this is a required element of FMPs so warranted to have its own section header. NEW: section header number corrected.

Lines 303-312: renumbered section and incorporated minor directed fishery into this section to improve concision while eliminating some redundancies.

Lines 321-354: This was moved up and is now Lines 179-212.

Line 355: clarified title and renumbered.

Line 365-376: UNDO: Initial changes proposed in November 2022 were intended to increase clarity and accuracy by changing the tense and expanding agencies to include states (and tribes) other than California. However, some of those proposed changes should be undone as they could imply changes to squid management. Re-edited one phrase on line 367 to adjust to present tense. NEW: deleted the term freely as it does not add anything to the sentence and may be taken to mean that the rules may not be binding.

Line 384: renumbered.

Lines 428-429: Added reference to COP 9 as per Council guidance.

Lines 449-451: changed chapter reference to improve accuracy.

Lines 457-497: UNDO The most recent assessments are attached to the SAFE document (documenting the current estimates of biomass and status of the fishery). NEW: The SAFE is not the venue for initial recommendations of HG or quota, but rather where they are documented. The change in text reflects this documentation.

Lines 528-529: improved accuracy and added a link to Council's website rather than NMFS office since information is available electronically.

Lines 568-569: generalized the sources of data, which may be subject to change.

Line 573: changed chapter reference to improve accuracy.

Line 575: Added reference to COP 9 as per Council guidance.

## **Chapter 5**

Line 1 - NEW: Delete "bycatch" from title because this chapter does not discuss anything regarding bycatch. Title should now read "Incidental Catch and Allocation.

Line 4-5 - Moved definition of bycatch to Chapter 1 (line 274-275) with other definitions.

Line 5-6 - UNDO: deletion of the sentence "In the CPS fisheries, fish are caught and sold incidental to catching other species, because they sometimes school together." because this sentence is explaining that CPS fisheries have incidental catch and it should be kept in this chapter.

Line 10 - removed specific reference to section numbers because these section numbers may change with future amendments. UNDO: The word "with" should not have been removed so that the sentence makes sense with the proposed changes.

Line 12 - removed reference from Chapter 4.8 to Chapter 4 because these section numbers may change with future amendments.

Line 20-26 - Sections removed from later in the chapter and inserted here for better chapter flow and clarity. Updated section numbers to reflect the new location in the chapter.



Line 27-35 - Sections removed from later in the chapter and inserted here for better chapter flow and clarity. Updated section numbers to reflect the new location in the chapter.

Line 37 - deleted section title because it already is part of section **5.2.1 - Overfished Stocks**

Line 38 - Modified sentence so that it refers back to definition in chapter 1.

Line 41-52 - Sections moved from later in the chapter (Lines 92-103) and inserted here for better chapter flow and clarity. Updated section numbers to reflect the new location in the chapter.

Line 54 - deleted section title because it already is part of section **5.2.2 - Stocks Not Overfished**

Line 55 - Modified sentence so that it refers back to definition in chapter 1.

Line 62 - UNDO: The intent was to define the acronym 'EC' but the acronym was already defined in chapter 2 so therefore this edit is not needed.

Line 62-65 - Sections moved from later in the chapter (Line 104-107) and inserted here for better chapter flow and clarity. Updated section numbers to reflect the new location in the chapter.

Line 66 - Created 'Section 5.3 - Catch Allowances for Live Bait' because the next two subsections refer to live bait and it would make more sense to categorize this section pertaining to live bait

Line 68 - Cleared up sentence so that it refers back to definition in chapter 1.

Line 73 - Updated section number. Deleted 'Incidental' because there are no incidental restrictions for live bait (see CPS FMP Amendment 17).

Line 76-82 - Moved sections to line 20-26 for clarity and consistency.

Line 83-91 - Moved sections to line 27-35 for clarity and consistency.

Line 92-103 - Moved sections to line 41-52 for clarity and consistency.

Line 104-107 - Moved sections to line 62-65 for clarity and consistency.

Line 110 - UNDO: The intent of adding 'but as a small artisanal fishery' was to clarify the small sector of the CPS fishery that harvests a minor amount of CPS, but after further review we decided it was not needed.

Line 128-138 - Comported language for seasonal Pacific sardine allocation based on 50 CFR 660.511