

GROUND FISH MANAGEMENT TEAM REPORT ON MID-BIENNIUM HARVEST SPECIFICATIONS ADJUSTMENTS, FINAL ACTION

The Groundfish Management Team (GMT) was briefed on this agenda item by Mr. John DeVore on our November 7, 2017 webinar. At this meeting, the Pacific Fishery Management Council (Council) was tasked with taking final action on adopting a policy alternative for the mid-biennium harvest specification adjustments (also known as “greenlight”). If the Council decides to incorporate the policy into the Pacific Coast Groundfish Fishery Management Plan (FMP), they can also choose to identify it as a new management measure for the 2019-2020 biennium, and include the associated impact analysis for species identified as likely candidates for mid-biennial adjustment as part of the 2019-2020 biennial harvest specifications and management measures analytical documentation.

It is the GMT’s understanding that Council and National Marine Fisheries Service (NMFS) staff are working on draft FMP language, provided in [Agenda Item F.5., Attachment 1, November 2017](#) and incorporating input from the [Agenda Item F.5.a, Supplemental NMFS Report 1, November 2017](#). Since the FMP language is not yet available, the **GMT recommends that if the Council moves forward with the mid-biennium adjustment framework, that final action be postponed until that language is available.** However, the Council should make the decision at this meeting on how prescriptive the framework should be, to help in drafting the FMP language and any overwinter analysis.

With the recent rebuilding of several stocks (e.g., bocaccio, canary rockfish, darkblotched rockfish, and Pacific ocean perch; [POP]), the GMT is unsure that this action would provide the benefit that it might have several years ago. Although there could be benefits to increasing mid-biennium yields of one or more stocks in the first year, the GMT notes that would come at the cost of reduced yields in subsequent years. The long-term yields with or without the mid-biennium adjustment are expected to be similar, but the pre-emptive workload would be greater for implementing the framework into the FMP, with additional workload necessary to implement the policy during the biennium.

The GMT believes other management measures under consideration in Agenda Item F.9. will likely better address current concerns from industry, and provide more immediate benefits. Time and effort may be better spent on those measures. For example, there are currently several rulemakings and activities in process ([Agenda Item F.1.a, NMFS Report 2, November 2017](#)), in addition to the potential new management measures (including this item) being considered via the 2019-2020 biennial harvest specifications and management measures analysis (Agenda Item F.9 at this meeting). The GMT believes focus should stay on issues related to those processes.

Below, the GMT does provide comments and recommendations on the framework, timing, FMP language, and stock prioritization, to help inform the Council if they choose to move forward with this action.

Framework

In [Agenda Item F.5.a, Supplemental NMFS Report 1, November 2017](#), NMFS proposed a set of seven questions to help establish the management measures that would be available within the framework, if adopted. In general, if the Council moves forward with the mid-biennium adjustment framework, the GMT believes limiting the changes to harvest specifications or management measures would simplify analyses and provide benefits more quickly to industry. Being as simple and as prescriptive as possible, may resolve the analytical complexity as well as streamline the regulatory process. Below we describe our rationale, including relevant examples for specific stocks. **Note, the GMT only recommends the following framework policies if the Council chooses to implement the greenlight.**

1. Should the same P that applied in the biennial process be applied throughout the framework?*

The P* decision is made by the Council when setting the allowable biological catch (ABC) from the overfishing level (OFL), to account for management uncertainty and the probability of overfishing. A majority of West Coast groundfish stocks have a P* of 0.45. However, some stocks (e.g., sablefish and shortspine thornyhead) have a P* of 0.40. **The GMT recommends the Council have the ability to adjust the P* in a mid-biennium adjustment.**

The GMT recommends that, if a stock's default P* is less than 0.45, the stock assessment authors provide ten-year projections under both the default P* and a P* of 0.45. While some stocks could see modest changes by liberalizing the P*, others may see larger gains. As such, assessing the potential difference for the specific stock will inform the decision to potentially alter the P*. For example, the difference between a P* of 0.45 and a P* of 0.40 for lingcod south of 40°10' N. latitude is only 35 metric tons (mt) for 2018 (847 and 812 mt, respectively). However, for sablefish coastwide, there is a 359 mt difference between a P* of 0.45 and 0.40 for 2018.

2. Should the same off-the-top deductions be applied to the new annual catch limit (ACL) as was done in the biennial process?

The GMT sets off-the-top deductions for incidental open access and research each biennium at the historical maximum, generally from the most recent ten years. However, more recent total mortality estimates from the West Coast Groundfish Observer Program will be available when considering a mid-biennium adjustment. **As such, the GMT recommends considering adjustments to off-the-top deductions at the time of the greenlight action.**

Tribal off-the-top values are set by request from the Tribes through the biennial specifications process, for all species except sablefish. **If the greenlight is implemented, the GMT recommends revisiting the tribal off-the-top deductions.** For sablefish, ten percent of the ACL north of 36° N. latitude is allocated to the tribal fishery. Therefore, a mid-biennium adjustment would proportionally increase the treaty allocation. For species other than sablefish, the Tribes have the ability to recommend new set-asides inseason to prosecute the treaty fisheries. Regardless of whether the greenlight is used, the tribes will only recommend new set-asides on an as-needed basis.

3. Should harvest guidelines increase proportionally to the increase in the ACL (e.g., based on a ratio) or would the Council want to revise harvest guidelines (e.g., make new apportionments)?

The fishery harvest guidelines (HG) would be updated based on any changes under Step 2.

4. *Should there be default allocations described in the framework (e.g., for species with allocations set biennially, keep the same percentage sharing, raising all affected sectors on a pro-rata basis)?*

To expedite decision making, the GMT recommends using default allocations if a mid-biennium adjustment occurs. For some species (e.g., darkblotched rockfish and sablefish), the trawl/non-trawl allocations are hardwired into the FMP. Other allocations (e.g., yelloweye and canary rockfish) are set each biennium. Allocations for species with two-year allocations should be increased pro-rata. The GMT is particularly concerned that making changes to these allocations could significantly expand the list of corresponding management measures, increase the need for subsequent analysis, and potentially delay and subsequently decrease the benefit of a mid-biennium adjustment.

5. *Should the set-asides for the at-sea Pacific whiting sectors increase? Proportionally?*

The GMT recommends that the Council consider increasing set-asides determined within the biennial process for the at-sea sectors. Similar to the off-the-top-deductions, the GMT will have additional years of data when considering the greenlight adjustment for informing whether additional quota is needed. If darkblotched rockfish and POP set-aside amounts continue to be determined by the Amendment 21 formula, then those amounts will be increased based on that within-trawl rule.

6. *Would some or all of the routine management measures established in the biennial process be available for revision?*

Fishery regulations (e.g., trip limits) would likely need to be liberalized inseason to achieve potential greenlight gains. As with current inseason changes, the biological and economic impacts associated with more liberal regulations would need to be analyzed prior to implementation. Therefore, analyzing potential impacts of corresponding management measures to achieve higher ACLs for “greenlight” candidate stocks in the previous biennial harvest specifications and management measures would streamline the process.

7. *Would development of new measures be precluded by the framework due to the need for additional impacts analysis?*

The GMT recommends that new management measures be precluded by the framework, due to the potentially extensive workload required. The goal of the greenlight is to implement changes in time for sectors to benefit from the new stock status, and this could delay the regulations allowing the increase in allocation.

Timeline

Ideally, the “greenlight” adjustment could be implemented as quickly as possible by waiving notice and comment rulemaking (similar to how inseason currently occurs). However, as described in [Agenda Item F.5.a, Supplemental NMFS Report, November 2017](#), the likelihood of waiving notice and comment rulemaking cannot be predetermined and will be decided on a case-by-case basis.

If the legal requirements for waiving notice and comment are not met, then a proposed and final rulemaking would be necessary. Rulemakings take a minimum of six to nine months to be

completed after the Council takes action. Additionally, the Council would need to consider where in the overall NMFS list of rulemakings the action would fall.

Under ideal circumstances, and assuming that a stock assessment is adopted in September of an odd year, then the additional quota would not be available until March or June of the following even year, at the earliest (Table 1). If a new assessment is adopted in November, then the additional quota would not be available until sometime between May and August. Depending on affected species and sectors, the former timeline may provide some additional benefit. However, the latter timeline may not provide benefits in time to be useful for many fisheries. **Therefore, the GMT recommends that the Council carefully consider workload and timeline trade-offs when deciding if and how to move forward.**

Table 1. Modified proposed process and schedule for implementing a mid-biennium harvest specifications increase, based on Table 1 from Agenda Item F.5, Attachment 1.

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 (SSC) 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 identified using the new assessment. Council considers and triggers a mid-biennium increase.	
	Notice and comment rulemaking CAN be waived	<i>Notice and comment rulemaking <u>CANNOT</u> be waived</i>
Dec. 2021	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.	
March - Aug. 2022	<i>Proposed rule is published with comment period.</i>	
May - Sept. 2022	<i>Final rule publishes implementing an increase in the harvest specifications.</i>	

Stock Prioritization

Regardless of whether the Council chooses to implement a mid-biennium harvest adjustment policy, the GMT sees benefits in modifying the stock assessment prioritization process to include two assessment cycles. In addition to making this process more efficient, the GMT believes that providing an early indication of the stocks that may be assessed in the second cycle will allow the states and science centers to better structure their sampling and ageing programs. **The GMT therefore recommends moving to a two-cycle prioritization process starting in March of 2018, regardless of how the Council proceeds on the mid-biennium adjustment framework.**

Recommendations

The GMT recommends:

- 1. that if the Council moves forward with the mid-biennium adjustment framework, that final action be postponed until the FMP language is available.**

If the Council chooses to move forward with implementation of a mid-biennial adjustment framework, then the GMT recommends:

- 1. if a stock's default P* is less than 0.45, the stock assessment authors provide ten-year projections under both the default P* and a P* of 0.45.**
- 2. adjustments to off-the-top deductions be considered at the time of the greenlight action.**
- 3. revisiting the tribal off-the-top deductions if the greenlight is used.**
- 4. using default allocations in order to expedite decision making.**
- 5. set-asides determined within the biennial process be increased proportionally for the at-sea sectors.**
- 6. new management measures be precluded by the framework, due to the potentially extensive workload required.**
- 7. final action be postponed until March or April.**

Regardless of whether the Council moves forward with implementation of a mid-biennial adjustment framework, the GMT recommends:

- 8. moving to a two-cycle prioritization process starting in March 2018.**

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