

GROUND FISH MANAGEMENT TEAM REPORT ON HARVEST SET-ASIDE FLEXIBILITY

The Groundfish Management Team (GMT) received a briefing from Ms. Jamie Goen from the National Marine Fisheries Service (NMFS) Northwest Region (NWR) and Mr. John DeVore, Council staff, on the outline environmental assessment (EA), under this agenda item, regarding increased flexibility in harvest set-asides (i.e., those amounts taken off the top for research or exempted fishing permits (EFPs) prior to allocating between non-trawl and the trawl sectors (i.e. the individual fishing quota [IFQ] and co-op fisheries).

Currently, the Council has the flexibility to allow for more or less harvest in either set-asides or non-trawl allocations without taking specific action to formally reapportion fish in regulations, as long as an annual catch limit (ACL) is not projected to be exceeded. There is not, however, flexibility to reapportion unused set-asides to the IFQ and co-op fisheries.

The action alternatives presented in the Environmental Assessment (EA) vary with respect to a couple of different elements. The first element relates to the flexibility to reapportion set-asides. One option would limit reapportionments to the proportions established by the trawl/non-trawl splits established by Amendment 21 or the biennial specifications (depending on the species). The other option would grant the Council flexibility to deviate from these proportions when reapportioning set-asides.

We understand that the “fair and equitable” allocation provisions of the Magnuson-Stevens Act would be a main consideration for the Council to consider in comparing these alternatives. Given that reapportionment is allocative in nature, the Council would want to explain how the reapportionment scheme meets those fair and equitable standards either in the development of the reapportionment framework or within the circumstances of a specific reapportionment decision.

The second element that differs between the EA’s action alternatives relates to the standard of proof required before making a reapportionment. One would require “accurate catch accounting methodology.” The “accurate catch accounting methodology” standard of proof is a new one for us. Our current inseason management paradigm relies on quota species monitoring (QSM), and other sources of information more properly characterized as the “best available information” approach included in Alternative 3. This standard of proof would allow reapportionment to be based on the model forecasts or other information the GMT uses to inform the Council’s inseason management actions. This “best available information” is often uncertain and leaves the Council with a “risk” or “policy” call on the possible consequences of the action. We note that the status quo approach described above relies on uncertain information and a risk call about whether an ACL will be exceeded or not.

We highlight that this risk is very relevant to the evaluation of whether allocative decisions are consistent with “fair and equitable” standards. Uncertainty about what a particular sector may use within a year, what a sector may “need” now or in the future, etc. is at the center of the Council’s difficult choices on how to divide up allowable catch among the various fishery sectors.

In sum, the scope of options presented in the EA looks fairly complete, but the GMT notes that there is no specific reason that the two elements we discuss above have to be bundled as they are in Alternative 2 and Alternative 3. The Council could mix and match these elements if desired.

PFMC
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