

INITIAL CONSIDERATION OF REVISIONS TO THE GROUND FISH BIENNIAL MANAGEMENT PROCESS

Beginning in 2004 the Council has, every other year, gone through the decision-making process needed to set biennial groundfish harvest specifications and management measures for the next 2-year period. The biennial process displaced an annual process that was viewed as untenable due to a two-meeting process encompassing the September and November Council meetings, with only 6 weeks between the Council meetings and only 6 weeks between the November Council meeting and the January 1 start of the fishing year. Since 2004, the biennial process has become increasingly complex and time-consuming for a variety of reasons. As a result it has become difficult to get new management measures, in the form of Federal regulations implemented by January 1, the start of the management period. These difficulties are evidenced by the delayed implementation of regulations at the start of the 2009-2010 cycle (implemented March 1, 2009). The process for the 2011-2012 cycle has again proved challenging: the lengthy Council floor and Groundfish Management Team (GMT) sessions at the April and June Council meetings and severe workload difficulties after the June Council meeting are example symptoms of a process not working well. There are various situational reasons for some of the current cycle difficulties, such as the simultaneous implementation of the new management frameworks contained in Amendments 20, 21, and 23; the need to develop a new rebuilding plan for petrale sole and reevaluate existing rebuilding plans; and the need to respond to a court ruling just before the June Council meeting. However, it also seems apparent there are underlying process issues that have been part of every recent biennial cycle that create difficulties.

Very broadly, the biennial process may be divided into two overlapping components and associated areas of responsibility. First, is the Council decision-making process as described in the Groundfish Fishery Management Plan (FMP) modified by Amendment 17 (Agenda Item H.1.a, Attachment 1), which begins in June of the odd year with initial planning and stock assessment approvals, and culminates the following June when the Council takes final action on a package of harvest specifications and management measures. The second component involves submitting the Council decision to the National Marine Fisheries Service (NMFS) for the Secretarial review process and eventual implementation in Federal regulations and in some years, amendments to the FMP. While the specifics of this phase depend on the nature of the action, a variety of applicable laws establish parallel processes NMFS must coordinate in order to implement the action. Examples of concurrent processes include the Magnuson-Stevens Act process, the National Environmental Policy Act process, and the Administrative Procedures Act process; all have timelines of different length and different necessities. Also, the Council's regulatory deeming process is now part of the post-June Council meeting process.

In response to the voluminous difficulties in the 2011-12 cycle, Council staff, in consultation with our partners at NMFS, proposes that the Council engage in a comprehensive review of how the biennial process works, towards a goal of recommending improvements. To facilitate the Council's consideration of procedural changes to the biennial process, Council staff has prepared a draft white paper (Agenda Item H.1.a, Supplemental Attachment 2). It provides a problem description, presents initial analysis of some key problem areas, and lays out alternatives for

possible changes with a view towards making the process more efficient, transparent, and timely. Some alternatives focus on improvements that can be implemented in time for the 2013-2014 biennial cycle, which is scheduled to begin in June 2011. The draft white paper also considers conceptual solutions that may require an amendment to the groundfish FMP, something not accomplishable by June 2011. In considering improvements to the groundfish biennial management process, it is envisioned the Council will consider the initial draft white paper at this meeting, provide direction for further analysis over the winter, and consider a complete draft white paper at its April 2011 meeting for a decision on changes in the 2013-2014 cycle beginning at the June 2011 Council meeting, as well as a decision on whether to pursue changes for the long term that may require an FMP amendment.

In situations like this in the past, it has been useful to establish an ad hoc workgroup to help in the appropriate analytical tasks. At this meeting, the Council should consider appointing a small ad hoc workgroup for this purpose. Candidate membership includes representatives of the GMT, the Northwest Region, and the Groundfish Advisory Subpanel.

Under this agenda item, the Council should review the draft white paper, consider public and advisory body comments, and make recommendations to direct further efforts.

Council Action:

Consider and discuss the Council staff draft white paper alternatives for improving the harvest specifications and management measures process and direct further efforts.

Reference Materials:

1. Agenda Item H.1.a, Attachment 1: Relevant Excerpts from the Groundfish Fishery Management Plan.
2. Agenda Item H.1.a, Supplemental Attachment 2: Initial Consideration of Revisions to the Groundfish Biennial Harvest Specifications and Management Measures Process.

Agenda Order:

- a. Agenda Item Overview
- b. Reports and Comments of Advisory Bodies and Management Entities
- c. Public Comment
- d. **Council Action:** Review White Paper Recommendations and Direct Further Efforts

Kelly Ames

PFMC
10/18/10