

GROUND FISH MANAGEMENT REPORT ON AMENDMENT 24 (IMPROVEMENTS TO THE GROUND FISH MANAGEMENT PROCESS)

The Groundfish Management Team (GMT) reviewed the Amendment 24 Workgroup report and thank the Workgroup for the excellent report. The Workgroup participants on the GMT reported that the discussions were productive and constructively focused on how improvements could be made.

Our recommendation to the Council remains to be that we should continue to move ahead with the general approach recommended in the Workgroup report. However, there are some issues within that general approach that we do not think can be answered now. Our recommended next step would be for the Council to task the Workgroup to continue working on certain issues discussed below and to bring more detail back in March. Progress toward the new approach in time for the 2015-16 cycle would still be possible, depending, of course, on the answers the Workgroup and others might bring back.

In this report we aim to give enough detail to explain why that additional attention is needed. To do so, we first break the issues involved into three main pieces:

1. Structuring National Environmental Policy Act (NEPA) analysis so that a Tier 1 Environmental Impact Statement (EIS) covers multiple biennial cycles.
2. Considering the analysis and review requirements for making changes under the Tier 1 EIS.
3. In light of those requirements, assessing workload and prioritizing how much can be done each biennial cycle.

In other words, the approach involves building a Tier 1 NEPA analysis that evaluates the environmental impacts expected from making biennial adjustments over a number of years. Each biennial cycle then proceeds largely as it did in 2013-14 in terms of the Council's consideration of stock assessments and management measures. The major differences will be that the Council more directly considers how proposed changes from the prior cycle fit within the scope of the Tier 1 analysis, and then also uses a separate process for prioritizing and considering certain management measures.

What the Process Might Look Like?

GMT discussions were marked by some confusion about what the new process might look like. As we now understand it, with a Tier 1 EIS, the biennial process itself would not need to change much. The path forward, from the Council's perspective, looks a lot like the approaches started with the 2013-14 and the program improvement and enhancement (PIE rule) processes for follow up to Amendments 20 and 21.

Two main features of the 2013-14 process serve as foundations of the new approach. First, the pre-standing harvest policy/rationale stays in place unless the Council chooses to change it (e.g. maintain same p-star value). Leaving those policies in place may result in new overfishing limits,

allowable biological catch, annual catch limits (OFLs-ABCs-ACLs) after stock assessments are updated, yet the Council does not need to consider a full suite of alternatives for each stock. If the Council wishes to make changes for a stock, then more extensive analysis would be needed. Spiny dogfish, longnose skate, and sablefish are examples from 2013-14 of where the Council chose to consider changes from the 2011-12 policies and for which more extensive analysis and review was needed and conducted.

The second feature of the Council's 2013-14 process focused on maintaining a narrow scope to the changes, including limiting the number of management measure changes that were considered. With the new process, discussions on how to keep the scope "narrow" could be changed to discussions on how to keep the scope "manageable." In addition, the GMT supports the Workgroup recommendation that the Council consider a separate process for management measures that are less directly related to harvest specifications. This process, like the one used for the PIE rule process, would be used to assess workload and set priorities. With all sectors involved instead of just the trawl sector, the priority setting would likely be more difficult than with the PIE process. Nonetheless, it may be the best way to have transparent and direct discussion about workload and priorities across all the Council's groundfish conservation and management objectives. Without such discussions, priorities are likely to be set implicitly or, perhaps, inconsistently.

Is an Fishery Management Plan (FMP) amendment needed?

This is another question that arose quickly in the GMT's discussions. The Workgroup report explains that an amendment would not be necessary, yet could be beneficial. It concluded that the Groundfish FMP framework is flexible enough so that the majority of recommended changes could be implemented without an FMP amendment. Before deciding on whether or not to pursue an FMP amendment, we think more discussion is needed on the specific areas that would possibly benefit from a FMP amendment. It is essentially a question at the center of issue #2: what it takes to make changes and how to determine whether changes fall within or beyond the scope of the Tier 1 EIS. We discuss this issue more below.

We also note that the Council will likely be considering an FMP amendment as part of the stock complex evaluation that is scheduled for the upcoming year. The 2015-16 process itself might be used as a "learn as you go" approach on what is and what is not needed in terms of an FMP amendment. If such an approach were followed, there would of course be limits to the changes that could be made to the FMP, while possibly applying those changes at the same time. **Again, this is an area we highlight for additional attention.**

Building the NEPA approach – Looking at Environmental Impact

The approach we recommend pursuing—i.e. an approach like that of the North Pacific Fishery Management Council (NPFMC)—is based on a Tier 1 EIS and then an evaluation, each time harvest specifications are adjusted, of how information or circumstances have changed relative to environmental impacts. If changes of some level have occurred, then a supplemental EIS is needed before harvest specifications can be adjusted. Being able to gauge what changes require supplementation will therefore be very important to the approach. **More attention is needed on the standards and criteria that will be used to gauge change.**

We recommend that the standards and criteria be identified and grounded in the best available science and ecosystem based fisheries management. NEPA's focus is on impacts to the

environment and includes considerations of socioeconomic aspects of the environment. An EIS is supposed to explore and disclose direct, indirect, and cumulative impacts. Consideration of those same impacts is a large part of what is meant by ecosystem based fisheries management. In Agenda Item K.3 tomorrow, the Council will consider how to continue advancing its approach to ecosystem-based fisheries management in the California Current. We would point to the discussion in Chapter 4 of the draft Fishery Ecosystem Plan (FEP) and its connections to NEPA. That chapter broadly outlines our understanding of where direct, indirect, and cumulative impacts arise in the California Current. In addition, the indicators displayed in the Draft Annual State of the California Current Ecosystem Report might also be used to help evaluate how the expected ecosystem level impacts have or have not changed from biennial cycle to biennial cycle. **The connections to the FEP should be another area of additional exploration.** Time allowing, we may address these issues more under Agenda Item K.

The major benefit of taking a close look at how we have analyzed direct, indirect, and cumulative impacts over recent cycles, and how we might better ground those in the best available science, is that doing so will help differentiate between minor changes and major changes and between minor impacts and major impacts. Such perspective could be very valuable for gauging the level of analysis that is necessary. With such context, the smaller impact of something like a change in bag limits can be differentiated from more significant impacts that arise from the choice of where to set the harvest specifications.

Such perspective can also help keep a common thread going between analyses and decisions over time. That common thread focuses on the changes in our understanding from last time and speaks to a more explicit and direct definition of what we mean by direct, indirect, and cumulative impacts to the environment.

What do we need to produce a Tier 1 EIS

Council staff, National Marine Fisheries Service (NMFS), and others have produced and contributed to several NEPA analyses related to this FMP over the past decade. Biological opinions are being considered now on how the fisheries impact protected species. The 5-year essential fish habitat (EFH) review going on now is another example. A lot of analysis on the environmental impact of the groundfish fisheries has been done and is being done. **Another question for additional attention is what it takes in terms of additional analysis—i.e. a gap analysis—to produce an adequate Tier 1 EIS.** Many people associate Tier 1 documents as very large documents. It may be that the groundfish library of analysis already in existence has answered many of the questions needing to be answered. We cannot say for sure until the gap analysis is produced.

Gauging the import of considering changes

Once a Tier 1 EIS is established, then a key question becomes what type of changes can be made in subsequent biennial cycles. The Council may wish to consider a change because of conservation and management need. With the Tier 1 approach, the question of whether the change falls within the scope of the Tier 1 analysis is added to the analysis the Council needs to consider in evaluating whether the change is desirable under the goals and objectives of the FMP and acceptable under the Magnuson-Stevens Act.

The Workgroup report and discussions focused a lot on following default rules as a way of maintaining the scope of the Tier 1 analysis. There have been vigorous discussions among the Workgroup members, the GMT, and the Scientific and Statistical Committee (SSC) about that question. Part of the problem is that default rules are viewed at different levels of generality, from the broad “prevent overfishing and achieve optimum yield” of National Standard 1 to the specific policy of setting p-star at 0.45. The tradeoff involved with default rules is that it may or may not also limit the discretion of the Council to make changes and achieve policy goals. How default rules meet the standards that govern the question of what changes are within and beyond the Tier 1 analysis is something that is not clear to all of us at this time and will not likely be clear to the Council at this point. **This too is an area for additional discussion and report back in March.**

Additional discussions that need to take place

As discussed in the Workgroup report, considering changes in rebuilding plans has been a major effort over recent biennial cycles. It is a specific instance of the general issue involving how changes should be analyzed under a Tier 1 EIS approach. In listening to the SSC discussion on this matter, we understand SSC members will scope what analysis is available and may be realistically achievable in time to inform the 2015-16 process. **The GMT requests to be part of the discussion the SSC holds on this issue at its March meeting.**

Summary

In summary we recommend that the Council request additional consideration and advice from the Amendment 24 Working Group or other appropriate experts on the following matters:

- Specific areas of the FMP where amendments might be beneficial and provide details on those benefits.
- More attention is needed on the standards and criteria that will be used to gauge acceptable changes.
- Feasibility of a “learn as you go” approach during the 2015-16 process on what is and what is not needed in terms of an FMP amendment and on identifying criteria for gauging acceptable changes under a Tier 1 EIS.
- The connections to the FEP, IEA, annual ecosystem reports, and other NEPA analyses produced at the Council.
- Specific needs for producing an adequate Tier 1 EIS (i.e. a gap analysis).

In addition, the GMT:

- Requests to be part of the SSC’s March discussion on evaluating changes in rebuilding plans.
- Supports the Workgroup recommendation that the Council consider a separate process for management measures that are less directly related to harvest specifications.
- Recommends continued progress toward the new approach.