

North Pacific Fishery Management Council Standardized Management Actions

Council Coordinating Committee (CCC) — May 2009 in Boston, MA

The NPFMC maintains Fishery Management Plans (FMPs) for:

- (1) Groundfish of the Bering Sea/Aleutian Islands;
- (2) Groundfish of the Gulf of Alaska; and,
- (3) Bering Sea/Aleutian Islands King and Tanner crab;
- (4) Alaska Scallops;
- (5) The Southeast Alaska troll salmon fishery (delegated to State of Alaska); and
- (6) the pending Arctic FMP.

Halibut is managed through regulatory amendment processes under the Northern Pacific Halibut Act of 1982. The vast majority of effort is focused on the two major groundfish FMPs, the crab FMP, and halibut fishery regulations. The NPFMC develops numerous plan and regulatory amendments to these three FMPs each year, in addition to annual rulemaking to establish catch specifications for the groundfish fisheries.

Most all amendment and regulatory packages are a joint effort between Council staff and NOAA Fisheries staff (Region and Science Center). Depending on the issue, Council staff will take the lead role with support from NMFS (for most major allocation issues for example), in other cases NMFS staff will take a lead role with support from Council staff.

The State of Alaska supplies information and resources to a more limited degree.

Most of our actions, whether plan or regulatory amendments, are packaged as [analysis and impact reviews] EA/RIR/IRFAs, with some EIS documents (for major, 'significant' actions); i.e. [Nat'l. Environmental Protection Act] NEPA is the vehicle for our actions, but each analytical document incorporates [fisheries act] MSA requirements, National Standards, EO12866 requirements, Regulatory Flexibility Act requirements, etc., resulting in a single supporting analytical document for each action submitted for Secretarial review.

When doing an EIS, the Council review and decision process is synchronized to fit within the NEPA process requirements. For example, once an analysis is complete, and the Council approves its release for public comment prior to final Council decision, NMFS publishes it as a draft EIS for public comment, coinciding with the Council's own public comment period.

Following a Council decision, the analytical package is finalized and published as a final EIS, pending an approval decision by the Secretary. A Secretarial comment period is of course incorporated in this process prior to a final record of decision (ROD).

For minor amendments or regulatory changes, the time from Council consideration to final action by the Council might be as short as three Council meetings:

- (1) Council defines a problem, identifies alternatives to address the problem, and initiates formal analysis;
- (2) Council reviews the analysis and approves it for public comment period;
- (3) Council makes final decision for submittal to Secretary.

Following the Council's final decision, NMFS develops the remainder of the package (with Council staff input), including proposed regulations to accompany the package. This process can take several months depending on the complexity of the Council recommendation and the associated regulations, which have to undergo several layers of internal review at NMFS prior to NMFS declaring "the package complete and ready for submittal by the Council".

More typically an amendment or regulatory package is developed over the course of many Council meetings, often starting as a discussion paper, evolving into a formal plan or regulatory amendment, being reviewed and adjusted by the Council (adding, deleting, or altering alternatives and options, for example), coming back at a subsequent meeting for another review, and finally resulting in a Council final decision.

Once again, the timeline between a Council final action and formal submittal to the Secretary is dependent upon the complexity of the action, and the realities of workload and priorities within the NMFS Regional Office to develop the implementing regulations, which must be completed prior to formal submittal by the Council. This can take a few months for a simple management action, several (six to seven) months for a complex allocation package, or more than a year for actions which involve assignment of licenses or quotas (and include for example an appeals process).

For our annual specifications process (setting annual catch limits), which could be described as a type of framework, the Council votes each October to recommend proposed catch limits, which are implemented early in the upcoming year and also for the following year. The specifications for the following year stay in place until updated and superceded by the next cycle of the two-year harvest specification process. For many years the Council and NMFS Regional Office prepared an EA to underpin this specifications process.

Beginning in 2005 the Council and NMFS prepared an EIS to support this process, which assessed different harvest strategies for the North Pacific groundfish stocks (covering the full range of potential catch limits). Since that time we have been tiering from that EIS (with Supplemental Information Reports, or SIRs, annually) to support that process. The timeline each year for this process and associated documentation is very short.

It is likely that we will have to prepare a supplemental EIS at some point in the future.

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North Pacific Fishery Management Council

Report on Efforts to Address Ecosystem Based Fisheries Management

The North Pacific Council has implemented restrictive measures over the years to minimize fishing-related impacts to the marine environment by preventing the overharvest of fish resources, conserving benthic habitat, and protecting marine mammals and seabirds. For more than a decade, the Council has kept abreast of ecosystem changes in the region through the annual Ecosystem Considerations section of the [stock assessments] SAFE Report, and has used its Ecosystem Committee to provide guidance on implementing ecosystem approaches. In the last few years, the Council has been actively implementing ecosystem-based management off Alaska in a more comprehensive manner.

Aleutian Islands Fishery Ecosystem Plan: In 2007, the North Pacific Council adopted a Fishery Ecosystem Plan for the Aleutian Islands area. The Fishery Ecosystem Plan (FEP) is a guidance document that looks holistically at the Aleutian Islands ecosystem, at the relationships between the different fisheries, physical and biological characteristics of the ecosystem, human communities, and socio-economic activities ongoing in the area. The document includes a non-quantitative risk assessment and discusses implications for management. The scope of the FEP encompasses all fisheries in the Aleutian Islands ecosystem, including groundfish, crab, scallop, and salmon FMPs as well as state fisheries.

Development of Fishery Ecosystem Plans for other large marine ecosystems off Alaska could improve the Council's understanding and ability to evaluate fishery management decisions affecting these ecosystems.

Alaska Marine Ecosystem Forum: To address non-fisheries issues, such as coastal development and other marine activities, the Council organized the Alaska Marine Ecosystem Forum to bring together representatives from the region's 15 state and federal agencies to meet twice per year to communicate issues and coordinate research and management activities. The Forum provides an opportunity to expand regional ecosystem-based management approaches across the full spectrum of state and federal marine agencies.

Arctic Ecosystem FMP: In February 2009, the Council adopted a precautionary fishery management plan for the Arctic region that prohibits all commercial fishing until the science is available to understand the impacts of developing a commercial fishery in the Arctic region. There is currently no federal management in the Arctic and limited knowledge of the Arctic ecosystem exists. Changing conditions in the Arctic, however, include climate warming trends and the retreat of sea ice, and may result in the expansion northward of the range of commercial species. The FMP is a proactive step to establish a policy and process for orderly fishery development in the case that fishing occurs in the future.

The Council's action was to close the Arctic to all commercial fishing, with the exception of existing artisanal fisheries, until such time as more information is available to describe the fishery resource(s) in the Alaskan Arctic waters, and to understand the ecological processes necessary for resource management.

North Pacific Fishery Management Council
Report on Progress to Implement ACL and AM Requirements
CCC Meeting, May 2009

Annual Catch Limits (ACLs):

The NPFMC's two Groundfish FMPs include a suite of catch limits for individual groundfish stocks. These catch limits include an overfishing limit (OFL), and acceptable biological catch limit (ABC) and a total allowable catch limit (TAC) where $TAC \leq ABC < OFL$. The OFL and ABC are set by the SSC, and the TAC is set by the Council. The ABC determination incorporates a tier system as a proxy for addressing scientific uncertainty. The groundfish ABC is the annual catch limit (ACL), and TAC meets the definition of an allowable catch target (ACT) per the guidelines — it is a target set not to exceed the ABC, and there are in-season accountability measures geared both to prevent the TAC from being exceeded (e.g. directed fishing closures) and to respond if the TAC is exceeded (e.g. prohibition of retention). Catch is monitored through comprehensive at-sea observer coverage, as well as an electronic catch reporting system. There are no recreational fisheries for groundfish in Federal waters, and commercial removals from state water fisheries and bycatch in non-target fisheries accrue towards the TAC, in most cases. Research catches are included as a removal in the stock assessments.

The state/federal [Bering Sea/Aleutian Islands] BSAI Crab FMP currently specifies annual OFLs (set by the SSC) and TACs (set by the State of Alaska) for individual stocks, where $TAC \leq OFL$. A portion of the fleet carries at-sea observers. A direct allocation of harvest shares prevents the TAC from being exceeded (catch is limited by individual/cooperative quota shares). Any harvest over the allotted quota results in forfeiture and/or fines. There are no recreational fisheries for FMP crab species. Crab bycatch in groundfish fisheries is limited by regulation and the numbers of crab caught in all fisheries (crab, groundfish, and scallop fisheries) are incorporated into the assessment and calculation of crab OFLs. Catch is monitored through comprehensive at-sea observer coverage, as well as an electronic catch reporting system.

The state/federal Alaska Scallop FMP specifies an OFL for weathervane scallops and annual guideline harvest levels (GHL) for stock areas that cumulatively are set well below the OFL. The upper end of the GHL in each management area is analogous to a TAC. The fishery operates as a cooperative and has 100% at-sea observer coverage. The GHL is prevented from being exceeded by directed fishing closures. There is no recreational fishery. The state water commercial fishery is managed under separate GHLs. Catches are reported on fish tickets at the time of landing.

The state/federal Salmon FMP is unique in that the catches for the thousands of stocks are limited by in-season management by the Alaska Department of Fish and Game. We believe that our Salmon FMP meets the alternative approach described in section (h)(3) on page 3211 of the final rule, which specifically mentions Pacific salmon. There are no recreational fisheries for salmon in Federal waters. The State manages the commercial and recreational salmon fisheries in-season based on escapement goals and in-season monitoring by area managers. Commercial and recreational fisheries are subject to in-season management changes, including season and

area closures and changes in bag limits. Salmon management by the State appears to meet the objectives of the NS1 guidelines to prevent overfishing.

Progress Report:

In 2009, the Council will develop an analysis to specify ABCs for stocks under the **Crab FMP** and **Scallop FMP**. A workshop to explore alternatives and options is scheduled for mid-May, and a work plan and alternatives will be discussed by the Council in June. In addition to establishing the ACL for these two FMPs, the FMP texts will be revised to better describe the determination of the OYs and specification process and other management issues. The Scallop FMP will need to be amended to explicitly remove the mention of pink, spiny and rock scallops from the FMP text. The FMP management measures only apply to the commercial weathervane scallop fishery; there are no fisheries for the other scallop species, which are rare in federal waters.

The Council and NMFS Alaska Region and Alaska Fisheries Science Center will coordinate the FMP amendment changes for the Crab and Scallop FMPs, for implementation before the beginning of the fishing year, (June 2011 for scallops, and October 2011 for crabs). An action plan will be discussed by the Council at its June meeting.

The **Groundfish FMPs** will be amended to describe how the current specification process meets the requirements to the mandatory NS1 Guideline provisions, including:

- A description of the specification of minimum stock size thresholds (MSST) defining when a stock is considered overfished. This description is currently incorporated into the annual SAFE reports.
- A description of measures that are taken if and when a stock drops below MSST.
- A description of accountability measures that are triggered if an ACL (i.e., the ABC) is exceeded.
- A description of how catch from all sources -- including bycatch, scientific research (including EFPs), and all fishing activities -- is counted against the OY. The groundfish FMPs describe OY as a range of landings for all species combined (BSAI = 1.4 to 2.0 million mt; GOA = 116,000 to 800,000 mt). For individual stocks, the catch from sources other than federal commercial fisheries is currently accounted for in the SAFE reports and incorporated into the assessments. This amount is generally very low, and when added to the total yearly groundfish catch overall, is less than the maximum of the OY range.
- A description of how the Tier levels for ABC and OFL are based on the scientific knowledge about the stock or stock complex and the scientific uncertainty in the estimate of OFL and any other scientific uncertainty. Although some effort is underway to examine more explicit use of uncertainty in the setting of groundfish ABCs, additional action is not required to comply with NS1 guidelines.
- A description of how OY is derived from MSY and how the OY will produce the greatest benefit to the Nation. Text will also be added regarding ecological factors that are considered by the Council in reducing OY from MSY.

The groundfish FMPs will also need to be amended to define the stocks in the fishery and to add an Ecosystem Component category. The current target and other species categories would be defined as 'in the fishery'. The current forage fish category and prohibited species category would be included in the Ecosystem Component species category. The non-specified category is considered outside of the fishery and would be examined to determine if any should be included as EC species (e.g., grenadiers). Individual species in the non-specified category not considered appropriate for inclusion as EC species category would be removed from the FMPs (e.g., sea anemones, barnacles).

The Council will need to review a draft of the analysis to amend the Groundfish FMP no later than December 2009, with final action no later than April 2010 to ensure Secretarial approval prior to the beginning of the catch specification process for the 2011 fishing year, which begins January 1.

The **Salmon FMP** will be reviewed to ensure that the existing language is consistent with the MSA and the NS1 alternative approach, and the FMP will be amended if necessary. The Council may consider withdrawing the FMP, given that management in the EEZ may no longer be necessary for conservation and management due to changes in international treaties as well as State management policies.

Ending Overfishing

No stocks are subject to overfishing in the North Pacific.

Progress report: No action is necessary.

Rebuilding Status

To date, there have been four stocks that were deemed 'overfished' (Bering Sea Tanner crab, Bering Sea opilio crab, St. Matthew blue king crab, and Pribilof blue king crab) when the stocks fell below minimum stock size threshold (MSST) following years of poor recruitment. Rebuilding plans were implemented for these crab stocks. To date, one stock is fully rebuilt above Bmsy (Tanner crab). Two stocks are no longer overfished but not yet fully rebuilt to Bmsy (opilio crab and St. Matthew blue king crab). One stock, Pribilof blue king crab, remains well below MSST ('overfished') despite not having a fishery since 1999, establishment of a no-trawl zone to protect the stock since 1995, and closures of other fisheries to limit bycatch.

Progress Report:

In 2009, the crab plan team will develop an analysis to review and revise the Pribilof Islands blue king crab rebuilding plan through an FMP amendment. The Council is tentatively scheduled to review this analysis in December 2009, with final action scheduled for February or April 2010. The Council may also need to revise the rebuilding plans for Bering Sea opilio crab and St. Matthew blue king crab as it does not appear these stocks will be rebuilt by 2010 (Tmax for both rebuilding plans).

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End of Chris Oliver & NPFMC Combined Add'l. Reports to CCC