



**Western  
Pacific  
Regional  
Fishery  
Management  
Council**

June 19, 2015

Dr. Wes Patrick  
National Marine Fisheries Service  
Acting Branch Chief – Fisheries Policy  
1315 East West Highway  
Silver Spring, MD 20910

**Re: Comments on Proposed Revisions to the National Standard Guidelines**

Dear Dr. Patrick:

The Western Pacific Regional Fishery Management Council is pleased to offer its review of the proposed changes to the National Standard Guidelines. The Council welcomes the proposed changes and believes that this will offer greater flexibility to Councils in the application of National Standard 1 to catch limited management of federal stocks

Most of our comments were generated by the Council's Scientific and Statistical Committee Subcommittee on NS1, which is attached. Herein we offer more amplified comments on the proposed rule

1. **Phase-in of ABC Control Rules.** Councils would be allowed “to develop an ABC control rule that would phase in changes to the ABC over a period of time not to exceed 3 years, so long as overfishing is prevented”. This reduces the impact of a reduction in ACL when applied incrementally rather than at one time. This approach is being adopted by the Council for the Main Hawaiian Islands Deep 7 bottomfish complex in specifying a new ACL.
2. **Carry-Over ABC Control Rules.** The ABC control rule “may include provisions for carry-over of some of the unused portion of the ACL from one year to increase the ABC for the next year, based on increased stock abundance resulting from the fishery harvesting less than the full ACL”. The Council sees this as part of the measure that

increase flexibility for fisheries, and which permit fishermen to maximize catches while not increasing the risk of overfishing.

3. **Optimal Yield.** The Council thinks that the concept Optimal Yield is redundant, but NMFS continues to insist that it is an integral concept of the Magnuson-Steven Act. Managing by catch limits is a different path from the use of Optimal Yield. The definition of OY as the 'greatest benefit to the nation' does not appear to consider subsistence uses which are prevalent in our region and no doubt in other parts of the country.
4. **Multi-year approach to definition of Overfishing.** The proposed rule allows for a multi-year approach to the definition of overfishing. If a fishery exceeds the maximum fishing mortality threshold (MFMT) for one year only then this would not qualify as overfishing. The Council welcomes this change which may provide additional flexibility to address the needs of fishing communities. It is not unusual for fishing mortality to occasionally 'spike' for a year, after several years being beneath the maximum fishing mortality threshold (MFFT). If the Council had to react every time this happened it could lead to management paralysis, especially if the biomass of the stock is above minimum stock size threshold (MSST) of MSY
5. **Indicator Stocks.** The proposed NS1 guidelines state that, "where practicable, stock complexes should be comprised of one or more indicator stocks, each of which has SDC and ACLs". These revisions are intended to reduce the practice of removing a stock from a complex once it has been assessed, so that the assessed stock can be used as an indicator for the complex". Many of the Western Pacific bottomfish and reef fish stocks are managed as stock complexes, and we could use indicator species that have good stock assessments. Selection of an indicator species for the Deep 7 bottomfish stock may be problematic given the diverse range of species and ecology. "Which species would you use for the indicator?" There is a possibility of over exploitation of particularly vulnerable species.
6. **Definition of "Depleted".** Fishermen would be glad to have this term used, because it acknowledges that not all biomass declines are due to fishing. However, the criteria used for this definition may be overly restrictive because it requires that overfishing may not have taken place for two mean generation times, which could be many years in terms of bottomfish and reef fish. Recent research indicates that 70% of abundance of species in their study was driven by factors outside of fishing. Further, few fisheries/species dynamics have the level of understanding needed to estimate what percentage of abundance is driven by fisheries vs "nature" because we don't have baseline or timelines to understand interactions. In addition, the management measures which must be conducted if a 'depleted' stock is identified are unclear. Rebuilding plans are required but if a stock is defined as depleted, it is clear that control of catches will be inadequate to rebuild the stock.
7. **Exception to the requirements for ACLs and AMs.** Existing NS1 guidelines say that "the life cycle exception applies to 'a stock for which the average length of time it takes for an individual to produce a reproductively active offspring is approximately 1 year and

that individual has only one breeding season in its lifetime”. This is too restrictive. “NMFS proposes to revise this exception to apply to ‘a stock for which the average age of spawners in the population is approximately 1 year or less’” The Council feels this is still too restrictive. It should be 2 or 3 years for the average age of spawners. The revised exception might apply to some Council managed small pelagics such as the big-eye scad and octopus

8. **Target time for rebuilding.** The minimum time for rebuilding is about 10 years, but that can be modified if age-at-maturity is known. Councils will now have three options for calculating  $T_{max}$ . The third option is  $T_{min}$  multiplied by two. Given the arbitrary nature of the rebuilding targets, the Council suggests that they should also reflect socio-economic goals, which ultimately may be of more interest to the fishermen.

In conclusion, the Council finds that the proposed rule gives SSCs and Councils more flexibility and more tools for federal fisheries management. Please contact our Executive Director, Kitty Simonds, if you have questions.

Sincerely



Kitty M. Simonds  
Executive Director



WESTERN  
PACIFIC  
REGIONAL  
FISHERY  
MANAGEMENT  
COUNCIL

**SSC Subcommittee on Proposed Revision of NS1  
May 21, 2015 Meeting**

On May 21, 2015, at 1 pm (Hawaii Time), the SSC Subcommittee on the proposed revision of NS1 met by phone. Present on the call were Chair of the Subcommittee Frank Camacho, SSC Chair Charles Daxboeck, SSC members Molly Lutcavage and Judy Amesbury, as well as Paul Dalzell, Council staff.

Lutcavage mentioned that Obama plans to veto the House Bill for the Magnuson Stevens Reauthorization. Dalzell said that won't affect the revision of NS1. The revision is separate from the reauthorization.

Topics discussed include the following:

1. **Phase-in of ABC Control Rules.** Councils would be allowed “to develop an ABC control rule that would phase in changes to the ABC over a period of time not to exceed 3 years, so long as overfishing is prevented” (p. 2794). This softens the blow of a reduction in ACL when and if applied at one time.
2. **Carry-Over ABC Control Rules.** The ABC control rule “may include provisions for carry-over of some of the unused portion of the ACL from one year to increase the ABC for the next year, based on increased stock abundance resulting from the fishery harvesting less than the full ACL” (P. 2794).
3. **Optimal Yield.** Dalzell said that use of the concept Optimal Yield is redundant, but NMFS continues to insist that it is an integral concept of the Magnuson-Stevens Act. Managing by catch limits is a different path from the use of Optimal Yield. The Council's SEEM analysis may act as a proxy for setting OY by the reduction of ABC to ACL. The definition of OY as the ‘greatest benefit to the nation’ does not appear to consider subsistence uses
4. **Multi-year approach to definition of Overfishing.** The proposed rule allows for a multi-year approach to the definition of overfishing (p. 2791). If a fishery exceeds the maximum fishing mortality threshold (MFMT) for one year only then this would not qualify as overfishing.
5. **Indicator Stocks.** The proposed NS1 guidelines state that, “where practicable, stock complexes should be comprised of one or more indicator stocks, each of which has SDC and ACLs”. These revisions are intended to reduce the practice of removing a stock from a complex once it has been assessed, so that the assessed stock can be used as an

indicator for the complex” (p. 2790). Many of our stocks are managed as stock complexes. We could use indicator species that have good stock assessments. Daxboeck cautioned against this with regard to the MHI Deep 7 saying, “Which species would you use for the indicator?” There is a possibility of over exploitation of particularly vulnerable species.

6. **Definition of “Depleted” (p. 2791).** Amesbury said the fishermen would be glad to have this term used, because it acknowledges that not all biomass declines are due to fishing. Dalzell stated that a paper by Ray Hilborn and co-authors indicates that 70% of abundance of species in their study was driven by factors outside of fishing. Further, few fisheries/species dynamics have the level of understanding needed to estimate what percentage of abundance is driven by fisheries vs “nature” because we don’t have baseline or timelines to understand interactions. However, Dalzell said this doesn’t really help the fishermen, because you still have to reduce catches and do a rebuilding plan.
7. **Exception to the requirements for ACLs and AMs.** Existing NS1 guidelines say that “the life cycle exception applies to ‘a stock for which the average length of time it takes for an individual to produce a reproductively active offspring is approximately 1 year and that individual has only one breeding season in its lifetime’” (p. 2795). This is too restrictive. “NMFS proposes to revise this exception to apply to ‘a stock for which the average age of spawners in the population is approximately 1 year or less’” (p. 2795). The Sub-committee feels this is still too restrictive. It should be 2 or 3 years for the average age of spawners. The revised exception might apply to some Council managed small pelagics such as the big-eye scad (aka Akule, Atule, Atulai)
8. **Target time for rebuilding.** Dalzell said the minimum time for rebuilding is about 10 years, but that can be modified if age-at-maturity is known. Councils will now have three options for calculating  $T_{max}$ . The third option is  $T_{min}$  multiplied by two. Camacho commented that this seems arbitrary, but Daxboeck said this is how they do it in New Zealand. Given the arbitrary nature of the rebuilding targets, should they not also reflect socio-economic goals?
9. **No requirement for Councils to revise existing FMPs.** Amesbury asked if all this means extra work for Council staff. Daxboeck said it will involve extra work for the SSC also. Dalzell said that the proposed rule doesn’t require revision of the existing FMPs (p. 2789).
10. In conclusion, the Sub-committee finds that the proposed rule gives SSCs and Councils more flexibility and more tools. The Sub-committee agrees that these changes are steps in the right direction.