

# North Pacific Fishery Management Council

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National Marine Fisheries Service, NOAA  
ATTENTION: Wesley Patrick  
1315 East-West Highway, Room 13436  
Silver Spring, Maryland, 20910

SUBJECT: Comments on NMFS' Proposed Revisions to the National Standard Guidelines

Mr. Patrick:

Please accept this letter and the attached SSC comments as the North Pacific Fishery Management Council's formal comments on the proposed rule for revising the National Standard Guidelines (80 FR 2786). The Council appreciated your visit and presentation at our April meeting in Anchorage, which allowed for an initial exchange of ideas on the proposed changes and communicated to us your receptiveness to further improving the revised guideline language. What we provide in this letter consists of commentary on the portions of the proposed rule that we think are most likely to impact federal fishery management in the North Pacific. Additionally, where we believe alternative language would improve the intent of a proposed revision, provide greater clarity, or prevent unintended or undesired consequences, we provide specific alternative language in the attached SSC comments.

The Council is pleased to note that the revisions provide clarification in several areas:

- Confirmation of the validity of alternative approaches for characterizing /evaluating scientific uncertainty when determining ABC.
- Acknowledgement that stocks can be depleted outside of the effects of overfishing.
- Availability of additional options associated with stock rebuilding, especially as regards data-poor stocks.

The Council, however, also notes that the proposed guideline revisions may not accomplish their intended objectives where the new language is open to alternative interpretations. In order to effectively communicate Secretarial interpretation of the national standards, the guidelines should be specific and direct without being overly prescriptive. The Council appreciates that this is a difficult balance to strike; however, we note that lack of clarity may illicit confusion about the compliance of existing Council FMPs and management measures. The Council would like to highlight the following sections of the proposed rule where additional clarity would be helpful:

- The revisions referenced under Topic IV contain criteria for including stocks in FMPs that are very broad. These may limit discretion in determining which stocks should be placed in the FMP,

while de-emphasizing consideration of the costs of adding stocks to FMPs. The attached SSC comments provide an alternative streamlined approach that would be fully protective of target and non-target stocks, while also being more consistent with the language of the Act.

- The revisions referenced under Topic X leave unclear the adequacy or extent of analysis required for documenting how OY will produce the greatest benefits to the nation.
- The revisions referenced under Topic XIV provide important new guidance concerning flexibility in rebuilding timeframes, but they de-emphasize monitoring the progress of the stock relative to BMSY to such an extent that Councils may feel that the stock's biomass trajectory can be ignored entirely.

Finally, while the proposed rule explains that the intent of the revised guidelines is not to require the Councils to amend their FMPs, many of the new provisions (e.g., expanding the number and types of stocks in the FMP, revisiting FMP objectives, changing how OY is assessed and documented in the FMP) may be interpreted as inconsistent with existing Alaska FMPs. It appears that these revisions would require, or at least strongly encourage, amendments to the FMPs. If that is the case, then this proposed rule would have impacts that are more than technical in nature.

In conclusion, the Council very much appreciates your receptiveness to our comments on the proposed revisions. The differences between the topics initially considered in the ANPR and those in the proposed rule indicate that your interaction with the Councils between those two publications affected the planned revisions. If you have any questions or concerns about the comments we have provided do not hesitate to contact us.

Sincerely,  
Chris Oliver,  
Executive Director

Attached:  
"SSC Comments on Proposed Revisions ..."  
Editorial comments on redline document