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134th SSC



WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL

Developing a Process to Incorporate Non-Governmental Sources of Information into Federal Fisheries Management

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1 Introduction

The Western Pacific Regional Fishery Management Council's Scientific and Statistical Committee proactively addressed section 201 of the Modernizing Recreational Fisheries Act of 2018. The SSC formed a subgroup at its 131st meeting in March 12-14, 2019 to discuss the existing process by which fishery information are incorporated in fishery management decisions and identify the different nodes by which the non-governmental institutions can provide their information to the fishery management process. The Council, at its 176th meeting in March 19-21, 2019, directed staff to develop the process paper based on the SSC subgroup recommendations. At the 132nd and the 178th meeting, the SSC and the Council, respectively, will receive the draft report for the regional process that will incorporate non-government sources of information in federal fishery management decisions. If approved, this will be delivered to NMFS for consideration in the drafting of the report that will be submitted to Congress.

2 Section 201 Modernizing Recreational Fisheries Act

Title II, Section 201 of the Modern Fish Act, passed by Congress in December 2018, requires the Secretary of Commerce to work with the SSCs and Commissions (not later than 1 year after enactment) on a report facilitating greater incorporation of data, analysis, stock assessments and surveys from state agencies and nongovernmental sources into fisheries management decisions. The actual language of the Act is shown below

Title II. Recreation Fishery Information, Research, and Development

Sec. 201. Cooperative data collection

(a) Improving data collection and analysis –

(1) In general

Not later than 1 year after the date of enactment of the Modernizing Recreational Fisheries Management Act of 2017, the Secretary shall develop, in consultation with the science and statistical committees of the Councils established under section 302(g) and the Marine Fisheries Commissions, and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives a report on facilitating greater incorporation of data, analysis, stock assessments, and surveys from State agencies and nongovernmental sources described in paragraph (2), to the extent such information is consistent with section 301(a)(2), into fisheries management decisions.

(2) Content

In developing the report under paragraph (1), the Secretary shall—

(A) identify types of data and analysis, especially concerning recreational fishing, that can be used for purposes of this Act as the basis for establishing conservation and management measures as required by section 303(a)(1), including setting standards for

the collection and use of that data and analysis in stock assessments and surveys and for other purposes;

(B) provide specific recommendations for collecting data and performing analyses identified as necessary to reduce uncertainty in and improve the accuracy of future stock assessments, including whether such data and analysis could be provided by nongovernmental sources; and

(C) consider the extent to which the acceptance and use of data and analyses identified in the report in fishery management decisions is practicable and compatible with the requirements of section 301(a)(2).

3 Existing Policies and Processes

3.1 Western Pacific Stock Assessment Review

The Western Pacific Stock Assessment Review (WPSAR) is the peer-review system agreed upon and managed by the Council, PIRO, and PIFSC. The WPSAR is the peer review system for the Western Pacific established in 2008 to conform to the MSA requirement to establish a body other than the Council's Scientific and Statistical Committee to conduct an objective and independent peer-review of scientific products used for management (§600.310(b)(2)(v)(C)). The WPSAR framework consists of two tiers: Tier 1 is a scientific review panel comprised of a SSC member (as the Chair) and two Center for Independent Expert reviewers that reviews benchmark stock assessment; and Tier 2 is a scientific review done by the SSC to review assessment updates. The reviews are open to the public where the public can offer information that can be considered in the revision of the scientific products that is being reviewed.

3.2 Fishery Ecosystem Plan Teams

The second process is through documentation of the most recent research pertaining to the different aspects of the fisheries and ecosystem through the Fishery Ecosystem Plan Team and the Annual Stock Assessment and Fishery Evaluation (SAFE) Reports that the Council use to monitor the status of the fishery and source document for compiling information used to develop FMP amendments. The Fishery Ecosystem Plan Team is created by the Fishery Ecosystem Plans. The Archipelagic Plan Team is responsible for monitoring the fisheries and management objectives of the American Samoa, Marianas (includes Guam and Commonwealth of Northern Mariana Islands), Hawaii, and Pacific Remote Island Area Fishery Ecosystem Plans. Similarly, the Pelagic Plan Team monitors the fisheries and the management objectives of the Pelagic Fisheries Ecosystem Plan.

The Fishery Ecosystem Plan Team is comprised of individuals from the academia, State/Territorial, and federal agencies with expertise on the different fields of marine fisheries from individual species life history to oceanography and human dimensions. The members provide the modules for the Annual SAFE and include the most recent information from their respective fields. This information is documented in the Annual SAFE Report.

3.3 Council Process

The Council process through its various advisory groups and policies working with NMFS Pacific Island Fisheries Science Center (PIFSC) and Pacific Islands Regional Office (PIRO), already have the ability acquire information for consideration in the fishery management decisions. Fishery management decisions are required to be based on the best scientific information available per MSA National Standard 2 (§600.315). Scoping of information that will be used for fishery management decision is the first step in the development of fishery management plans as described in the Council’s Statement of Organization, Practices and Procedures (SOPP) (<http://www.wpcouncil.org/about/SOPP.pdf>). The public scoping is conducted in consultation with NMFS and the Teams (defined as member of the different advisory groups). During the scoping process, the public is asked to provide comments and information (including data from non-governmental sources) that can support the development of option and the analysis that would support the options to be presented to the Council for fishery management decisions. The information would range from actual data, studies conducted by non-governmental institutions, and public testimonies.

4 Recommendations for Revisions to Accommodate for MFA Provisions

4.1 Western Pacific Stock Assessment Review

The WPSAR would be an appropriate process as long as the submitted information is folded into an existing stock assessment schedule. Interested parties should be able to submit ancillary data and analyses based on the WPSAR assessment schedule to allow for evaluation for BSIA. The onus currently lies with the assessment author to know what the different data and analyses exist pertaining to their stock undergoing analysis. An assessment schedule could help to standardize the submission of data relevant to fisheries management to those performing official stock assessments. The reviewers also have a stake in ensuring that all possible data and scientific information are included into the assessment process, especially for recommending what is BSIA. Currently, the WPSAR terms-of-reference limits the reviewers from pointing to the previous assessment as to best available when the most recent assessment fails to pass the review. Including non-governmental scientific products in the WPSAR process allows for more flexibility for the panel reviewers to identify what science should be used for management.

The Council could potentially participate in a “call-out” for additional information relevant to stock assessments or other management projects to support Council actions via their website and published FR notices. The Council website could also include a more detailed description of the upcoming assessment schedule.

It may be advantageous to hold a “data preparation” phase prior to any WPSAR review process kicking off. For example, there exists a SEDAR process for benchmark approaches in the South East region, including data workshops with many fishermen in attendance as one of the first steps in the assessment procedure. The Council could add “data preparation workshops” as a step in the development of stock assessments in the Western Pacific Region. While the Council doesn’t necessarily need to do data preparations prior to every scheduled assessment because the data types are known and incorporation into a stock assessment may not change from year-to-year. It would be possible to schedule how often the Council is interested in holding a data workshop for different assessments/assessment schedules. Alternatively, a one-time data preparation workshop could be useful, and if there were substantial new data introduced

sometime in the future, a new data workshop would be triggered to evaluate these data. An important part of this process is getting buy-in from all involved in the data collection and stock assessment processes. Even during WPSAR, there are concerns that reviewers are unable to dig deep enough into the data to know if they are confident in their review decision(s). The data workshops would be able to help immensely with reviewers understanding the nature of the data to a sufficient extent.

4.2 Fishery Ecosystem Plan Teams

The call-out on the Council website paired with the FR notice, as mentioned previously, could be the best method. This can be done when the Council is developing alternatives for an assessment with Plan Team members. The Plan Team members can identify different sources of information (i.e. data, analysis, surveys, reports, etc.) that can be used to support development of alternatives for conservation and management measures. This can then be reviewed by the SSC when evaluating the analysis and the alternatives

The Plan Team can serve as a clearing house for information prior to SSC meetings or any kind of WPSAR review. However, this is more viable if the Plan Team were to meet more frequently, as there is a BSIA section in the annual SAFE report that is mostly updated by Plan team members. In evaluating information that would be used for fishery management, the Plan Team and the SSC should only consider peer reviewed and published information. The Plan Teams and the SSC are venues for public comment, and these comments can potentially be explored in the revision of the FEP or regulatory amendments after a thorough evaluation as applicable.

4.3 Council Process

The SSC meets a minimum of three times a year. This is the body that provides scientific recommendations to the Council when it makes fishery management decisions. The recent release of Procedure 01-101-10 “NOAA Fisheries Framework for Determining that Stock Status Determinations and Catch Specifications are Based on the Best Scientific Information Available” allows the SSC to provide input to the draft pre-final stock assessment prior to being finalized by the Pacific Island Fisheries Science Center. It states: “In the unusual case of significant ambiguity in peer reviewed assessment findings or disagreement by the SSC with the findings, NOAA Fisheries will consult with and consider any additional input provided by the SSC prior to finalizing the assessment results”. Comments are solicited from the public which may include additional information that would support the finalization of the stock assessment. However, any information brought up by the public at this stage when the SSC is making decisions on whether the stock assessment or scientific product is best available and was not brought up during the “data call” phase when the Council and NMFS announced that a stock assessment is scheduled to be generated will not be explored and incorporated in the final assessment for this would cause a significant delay in the finalization of the assessment. This would be noted and will be recommended by the Council to NMFS for future benchmark assessment.

4.4 Principles of the Process

In addressing the process for incorporating non-government sources of information, the process should follow the following principles:

- If a non-government author wants his/her science or data to be considered for a fishery conservation and management measure, the author should provide the information to the Council. A standardized solicitation for scientific information channeled through the Council website and meeting notices in the Federal Register may provide an avenue for authors to do so;
- Science from non-governmental sources related to stocks under Council management should be added as supplemental materials during the review of a scheduled stock assessment for consideration when the panel evaluates what is potentially the best scientific information available;
- Data preparation workshops should be considered for inclusion into the WPSAR process prior to the development of scheduled stock assessments to determine the range and quality of these available data sets to be used in the assessment; and
- The Plan Team, in the development of the annual SAFE report, should update references of the most recent scientific information that can be used in the development of amendments for conservation and management measures.

4.5 Process Flow Chart

Figure 1 below is the conceptual chart that describes the stages of the incorporation process:

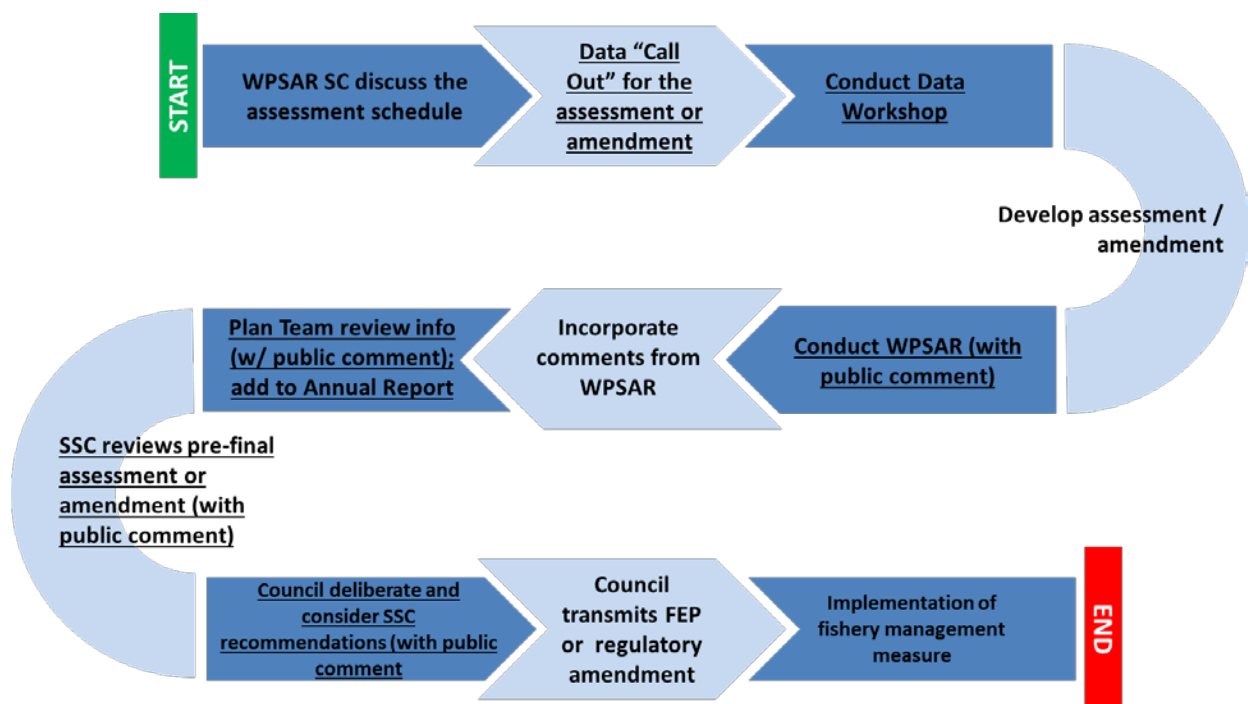


Figure 1. Process for incorporating non-government sources of information into federal fishery management decisions

There are six opportunities for the non-government sources of information to be brought into the fishery management decision (underlined phases). It the information is to be

incorporated into the science used in management, it is critical to bring in the information at the data call out or at the WPSAR review phase. Once the product has been developed, it would be difficult to incorporate new information without delaying the fishery management timeline.

5 Actions Needed to Address Section 201 of the MFA

The following actions are needed to ensure that the region is in compliance with section 201 of the Modernizing Recreational Fisheries Act:

- Revise the WPSAR Policy to include in the task prior to the WPSAR review a public notification for data for species that will be assessed;
- Conduct a data workshop if necessary prior to developing a stock assessment;
- Plan Teams to incorporate in the Annual SAFE Report the available information from the different institutions they represent in terms of the most recent publications;
- Implement NMFS Procedure 01-101-10