



New England Fishery Management Council

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COUNCIL SOLICITING CONTRACT WORK **Northeast Multispecies Control Rule Development** **DRAFT**

Project Description

The New England Fishery Management Council (NEFMC) requires the services of an independent contractor to develop alternatives for Northeast Multispecies (Groundfish) Acceptable Biological Catch (ABC) control rules. This is a medium-term, temporary contractor role, commencing on or about March 1, 2020 and continuing until completion. The contractor will work closely with representatives of the Council's Scientific and Statistical Committee (SSC), the Council's Plan Development Team (PDT), and the Groundfish Committee. This contract will focus on groundfish stocks with analytic assessments.

Project Background

The Northeast Multispecies Fishery Management Plan (FMP) manages thirteen groundfish species. Some species have separate geographic stocks. The FMP establishes the procedures for determining the catches that are allowed in the fishery.

The Magnuson-Stevens Act was amended in 2006 to require that the SSC recommend an ABC for every stock. Annual Catch Limits (ACLs) established by the Council cannot exceed this ABC. These ACLs limit catches by fishermen, both recreational and commercial. ABC's are calculated based on an ABC Control Rule. Control Rules are established by the Council in consultation with its SSC. Control rules are intended to account for the scientific uncertainty in the overfishing limit (OFL) and the Council's risk policy and are to be based on a comprehensive analysis that shows how the control rule prevents overfishing. The National Standard Guidelines (50 CFR 600.310) provide further discussion of this concept.

The current ABC Control Rules were adopted by Amendment 16 to the FMP, implemented in 2010. The specific control rule language and rationale can be found in Amendment 16 (available here: <https://www.nefmc.org/library/amendment-16>). In brief, there are four elements to these rules:

- a) ABC should be determined as the catch associated with 75% of FMSY.
- b) If fishing at 75% of FMSY does not achieve the mandated rebuilding requirements for overfished stocks, ABC should be determined as the catch associated with the fishing mortality that meets rebuilding requirements (Frebuild).
- c) For stocks that cannot rebuild to BMSY in the specified rebuilding period, even with no fishing, the ABC should be based on incidental bycatch, including a reduction in bycatch rate (i.e., the proportion of the stock caught as bycatch).
- d) Interim ABCs should be determined for stocks with unknown status according to case-by-case recommendations from the SSC.

While these control rules have been used since 2010, there are number of reasons that changes may be necessary. First, the National Standard Guidelines have been modified since their adoption. As a result the application of some of these control rules is unclear. For example, when sub-paragraph (c) was adopted, the understanding was that if an ABC for a stock was set at 0, all fishing in the stock area that might catch this stock would have to be prohibited. Recent court decisions and revisions to the National Standard Guidelines indicate that is not the case. The control rule was designed to identify a small ABC that would allow non-targeted fishing to continue. Current legal interpretations and policy guidance remove the need to identify an incidental bycatch ABC. In addition, when this provision was adopted, the understanding was that Frebuild had to be recalculated after every stock assessment. If rebuilding progress lagged for any reason, it was possible that a stock could not rebuild by the end of a rebuilding period even in the absence of fishing. Revisions to the National Standard Guidelines make it clear that Frebuild need not be recalculated after every assessment, making it unlikely that Frebuild will approach 0.

In addition to changes in policy, experience with the control rules suggests revisions may be needed. At times the PDT and SSC have struggled with determining which paragraph applied to a specific situation. It is not clear when each paragraph should be applied. The SSC has also applied ad hoc methods such as holding the ABC constant over a two or three year period. The rationale for this approach has not always been clear. It can also be viewed as a modification to a control rule established by the Council.

Finally, the current control rules may not reflect best practices or lessons learned from experience in New England and other regions. For example, until a stock is overfished, the target fishing mortality does not decline. The National Standard Guidelines suggest “The ABC control rule should consider reducing fishing mortality as stock size declines below Bmsy and as scientific uncertainty increases.” In some cases, the control rule has not been successful in preventing overfishing.

Expected Responsibilities and Deliverables

ABC Control Rules are established by the Council, in consultation with its SSC. For this reason, the contractor is expected to identify a suite of potential ABC control rules for groundfish stocks evaluated with analytic assessments. While the control rule issues have not been confined to those stocks, this contract is limited because a research track assessment at the NEFSC is expected to address stocks with empirical assessments later this year. The candidate control rules should consider, at a minimum, the legal requirements of the Magnuson-Stevens Act (MSA), relevant policy guidance for implementation of the MSA, the Council’s Risk Policy, and the performance of groundfish assessments and associated catch projections.

The contractor will be expected to provide a detailed report that includes the following items:

1. An overview of ABC control rules used in other fisheries of the U.S. This should include a brief discussion of the rationale for the adoption of these rules and should identify strengths and weaknesses of different approaches.
2. Potential ABC control rules that are designed to address the following situations:
 - a) Stocks that are not overfished and are not in a rebuilding plan.
 - b) Stocks that are overfished or are in a rebuilding plan.

- c) Stocks assessed with multiple models.
 - d) Stocks where catch projections have proven unreliable.
 - e) Stocks with an assessment bias, as determined by retrospective analyses.
3. Using simulation analyses, a comparison of the performance of the control rule alternatives across a range of metrics. This analysis should include a comparison to the existing control rules. Desired metrics will be identified in concert with the Council's SSC, PDT, and Groundfish Committee. At a minimum, these will include:
- a) Probability of overfishing
 - b) Probability of the stock being overfished
 - c) Variability in yield

The contractor will be expected to work closely with the Council's PDT and SSC. This will include periodic meetings to update progress. The contractor will also be expected to brief the Groundfish Committee during the period of the contract, and to deliver a final report to the Committee. Necessary office space and equipment will be provided by the contractor; approved travel expenses will be reimbursed by the Council.

Desired Experience and Demonstrated Skills

1. Familiarity with the U.S. federal fisheries management system, including an understanding of the key relevant statutes (e.g. Magnuson-Stevens Fishery Conservation and Management Act, National Environmental Policy Act, Administrative Procedures Act, Endangered Species Act, etc.) and regulatory guidance. Familiarity with federal fisheries management in New England is preferred but not required.
2. General understanding of fishery management programs at the state and national levels.
3. Familiarity with the use of scientific information in the fishery management process. In particular, the successful candidate will have extensive experience with analytic stock assessments and the use of simulation techniques to evaluate various ABC control rules. Familiarity with the stock assessment and projection models used for Northeast Multispecies stocks is preferred.
4. Ability to research and compile fisheries management policies and scientific research with minimal supervision.
5. Strong writing and speaking skills. Demonstrated ability to summarize complex policies and procedures in clear, easily read documents, or through concise verbal discussions.
6. Advance degree in a fisheries technical field.
7. Demonstrated ability to summarize conflicting information in an objective manner.
8. Candidates employed by advocacy organizations or by organizations that are parties in fishery lawsuits related to this issue will not be considered.
9. The successful candidate will not have a conflict of interest, defined as any financial or non-financial interest which conflicts with the actions or judgments of an individual because it:
 - a. Could impair the individual's objectivity;
 - b. Could create an unfair competitive advantage for any person or organization;
 - c. Could create the appearance of either item listed above.

Application Submission Contact

Interested professionals are encouraged to submit a letter of interest, current resume or CV, examples of similar work completed for other organizations or publications, and budget with expected expenses. In addition, applicants should describe the approach that would be used to meet the requirements of this project, including deliverables. Travel expenses need not be included as approved travel will be reimbursed by the Council. Letters of interest and supporting materials should be received **no later than XXXXX18**, and addressed to Thomas Nies, NEFMC, 50 Water Street, Mill 2, Newburyport, MA 01950, or by e-mail tnies@nefmc.org. Questions concerning this proposal should be directed to the same address.

This work will be funded under New England Fishery Management Council Award # FNA20NMF4410001. Compliance with the Magnuson-Stevens Fishery Conservation and Management Act (P.L. 109-479 as amended) and the Council's standard contract terms and conditions will be expected.

NEFMC takes affirmative action toward ensuring equal opportunities; the Council encourages women-owned businesses, protected veterans, and individuals with disabilities to submit letters of interest and other requested materials for consideration under this announcement.

Disclaimer

1. All costs associated with the preparation and presentation of the proposal will be borne by consultants submitting letters of interest.
2. Materials submitted will not be returned.
3. Respondents must disclose any relevant conflicts of interest, and will be expected to comply with all federal grant contracting requirements.
4. The Council reserves the right to accept or reject any or all letters of interest received; negotiate with all qualified potential candidates; cancel or modify the RFP in part or in its entirety; and/or change the application guidelines, when it is in its best interests.