

FISHERY MANAGEMENT PLAN (FMP) AMENDMENTS TO IMPLEMENT ANNUAL CATCH LIMIT (ACL) REQUIREMENTS

The Magnuson-Steven Fishery Conservation and Management Reauthorization Act of 2006 (MSRA) established several new fishery management provisions pertaining to National Standard 1 (NS1) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), which states “Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry.” On January 16, 2009, the National Marine Fisheries Service (NMFS) published a final rule in the Federal Register to implement the new MSRA requirements and amend the guidelines for NS1. (Agenda Item C.3.a, Attachment 1). NMFS has provided an overview of the amended NS1 guidelines in the presentation presented in Agenda Item C.3.a, Attachment 2.

The MSRA and amended NMFS guidelines introduce new fishery management concepts including overfishing levels (OFLs), annual catch limits (ACLs), annual catch targets (ACTs), and accountability measures (AMs) that are designed to better account for scientific and management uncertainty and to prevent and end overfishing. One important change in the final guidelines is that ACTs are no longer mandatory, rather they are included an optional accountability tool intended for the management for fisheries without inseason monitoring and harvest controls. These important aspects of the MSRA are required to be implemented by 2011 for most species and by 2010 for those species designated as overfished. It is anticipated the Council will need to amend some or all of its Fishery Management Plans (FMPs) to accommodate the new NS1 guidelines. Regarding timing to complete this endeavour, it is important to note that current CPS management involves no stocks undergoing overfishing and no stocks are designated as overfished.

Under this Agenda Item, the Council is scheduled to review the amended NS1 guidelines as they pertain to Council operation in general and to specifically scope out initial issues and a proposed timeline for potentially amending its FMP governing coastal pelagic species. The Council is scheduled to discuss specific NS1 issues relative to salmon management under Agenda Item D.6. on Wednesday, March 11, 2009. The Council is tentatively scheduled to discuss the same topic for groundfish and highly migratory species management at its April meeting in Millbrae, California.

As the Council has stated in previous letters to NMFS on MRSA implementation, the Council has a strong history of preventing overfishing and rebuilding overfished species through science-based approaches to setting harvest specifications and inseason fishery monitoring and control, and the Council’s Coastal Pelagic Species (CPS) FMP is no exception.

Precautionary harvest control rules exist for the actively managed species in the CPS FMP (Pacific sardine and Pacific mackerel), control rules which provide a solid foundation for the implementation of new fishery management provisions such as OFLs and ACLs. The CPS FMP’s monitored stocks are either exempt from the new requirements because of their short life-cycle (market squid) or are currently harvested at relatively low levels (anchovy, jack mackerel). ACLs for monitored stocks may be appropriately implemented with greater flexibility but greater precaution than the actively managed species because they are assessed with less frequency.

Unique to the CPS FMP is the “prohibited harvest” stock category which currently includes all species of krill in the West Coast Exclusive Economic Zone. Although the Council prohibited the harvest of krill in recognition of its import ecosystem functions, the broad harvest prohibition may have more management implications than was intended for the “ecosystem component” species category described in the NS1 guidelines. A summary of issues and timelines related to the amendment of the CPS FMP is included under Agenda Item C.3.a, Attachment 3.

Council Action:

- 1. Review final NMFS guidance on NS1.**
- 2. Discuss initial issues for CPS management and potential FMP amendment to meet the new NS1 guidelines.**
- 3. Provide guidance on the scope and schedule for amending the CPS FMP.**

Reference Materials:

1. Agenda Item C.3.a, Attachment 1: Final rule to amend the NMFS guidelines for National Standard 1 (74 FR 3178).
2. Agenda Item C.3.a, Attachment 2: NMFS presentation on NMFS guidelines for National Standard 1.
3. Agenda Item C.3.a, Attachment 3: Summary of Potential Issues and Timelines for amending the CPS FMP for compliance with NS1.
4. Agenda Item C.3.b, Supplemental CPSMT Report.
5. Agenda Item C.3.b, Supplemental CPSAS Report.

Agenda Order:

- a. Agenda Item Overview
 - b. Reports and Comments of Agencies and Advisory Bodies
 - c. Public Comment
 - d. **Council Action:** Scope and Plan FMP Amendments to Implement ACL Requirements
- Mike Burner

PFMC
02/20/09