

SCIENTIFIC AND STATISTICAL COMMITTEE REPORT ON FISHERY MANAGEMENT
PLAN (FMP) AMENDMENTS TO IMPLEMENT ANNUAL CATCH LIMIT (ACL)
REQUIREMENTS

Dr. Alec MacCall (NMFS) briefed the Scientific and Statistical Committee (SSC) on activities of the National Marine Fisheries Service (NMFS) National Standards 1 Working Group (NS1WG). The NS1WG has focused on implementation issues associated with the new annual catch limit (ACL) requirements.

Several aspects of the Council's Highly Migratory Species Fishery Management Plan (HMS FMP) will require amendment to comply with the new ACL requirements, namely:

- The FMP's control rules need modification to establish a scientific uncertainty buffer, i.e. a reduction in F (or catch) from that associated with estimated F_{MSY} to ensure that overfishing does not occur according to a Council-specified probability.
- Additional buffers may be needed to reflect economic, social, and/or ecological considerations.
- An explicit list of the species covered by the FMP that will require ACLs needs to be developed.

The conceptual development work needed to address Items 1 and 2 has commonality with other Council FMPs, e.g. the Groundfish and Coastal Pelagics Species FMPs. The SSC is willing to be fully engaged in this process as it develops for HMS as well as for other Council FMPs.

However, Item 3 involves considerations that are unique to the HMS FMP owing to the MSA's "ACL international exception." Although there is some ambiguity in the MSA language, the exception appears to alleviate the need for Council ACLs for species managed by the international regional fishery management organizations (RFMO) of which the U.S. is a member, e.g., Inter-American Tropical Tuna Commission (IATTC) or Western and Central Pacific Fisheries Commission (WCPFC).

The HMS FMP includes 62 species or species groups – 13 are "actively managed" while the others are "monitored." The SSC suggests the following process for dealing with Item 3, above.

- a. Start with the complete list of species included in the FMP.
- b. Eliminate those species more appropriately covered by another Council FMP or those found only in state waters and managed by a state management plan.
- c. Identify and eliminate the Ecosystem Component Species.
- d. Identify and eliminate the species that fall under the MSA's ACL international exception.
- e. For each of the remaining species, ACLs will need to be determined.

The HMSMT – working in conjunction with Council staff, the SSC HMS Subcommittee, and perhaps the WPFMC – may be best suited for developing the list of Council ACL species

(following the process outlined in the previous paragraph). Upon completion, the SSC could review this work.

The SSC notes that due to the aforementioned ambiguity in the MSA language, Step d, above, may require guidance from the Council. Some HMS are being actively assessed and managed by RFMOs (e.g. yellowfin and bigeye tunas). Other species – while clearly covered under the RFMO treaties – do not undergo regular stock assessment and are not being actively managed (e.g. several shark species). With respect to the latter group, the Council:

- f. may want to be proactive and develop ACLs for these species independent of the RFMOs; or
- g. due to workload and/or jurisdictional concerns, may want to eliminate them from the Council's ACL species list, and request (via NMFS/State Department) that the RFMOs provide ACL-like scientific buffers directly to the Council.

Depending upon the Council's guidance regarding the ACL international exception, the number of HMS requiring Council ACLs may be few or may be substantial. In either case, however, the species that comprise the Council ACL group (Item e, above) will most likely be "data poor" with respect to stock assessment and management. Development and evaluation of new stock assessment methods for these data-poor stocks may be necessary. The SSC expects to be fully engaged in this process.

Finally, the draft schedule for HMS FMP amendment (Agenda Item D.3.a, Attachment 5) calls for full implementation in early 2011. This should be workable if the Council's ACL list contains only a few species, but meeting the schedule may be challenging if the list is moderate to large. Additionally, the SSC notes that for HMS that are currently subject to overfishing (yellowfin and bigeye tunas), ACLs may be required in 2010. Meeting this requirement will require close coordination with the RFMOs that conduct the assessments and actively manage these stocks.

PFMC
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