

FISHERY MANAGEMENT PLAN AMENDMENT 23 – IMPLEMENTING ANNUAL CATCH LIMIT REQUIREMENTS

The Magnuson-Stevens 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. 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 overfishing. One important change in the final guidelines is that ACTs are no longer mandatory, rather they are included as an optional accountability tool intended for the management of 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 being subject to overfishing. There are no groundfish species currently subject to overfishing, so 2011 is the implementation goal.

Precautionary harvest control rules exist for the actively managed species in the fishery management plan (FMP), control rules which provide a solid foundation for the implementation of new fishery management provisions such as the OFL and the ACL, which are analogous to the current definition of acceptable biological catch (ABC) and optimum yield (OY), respectively in the FMP. However, a new definition and control rules for specifying an ABC which, under the new NS1 guidelines, factors scientific uncertainty into the specification, will likely take considerably more thought.

The Scientific and Statistical Committee (SSC) provided a conceptual framework in April for factoring scientific uncertainty in the ABC rule for stocks with a history of multiple assessments. They recommended quantifying assessment variability as a basis for evaluating the size of a scientific uncertainty buffer (i.e., the difference in yield between the OFL and the ABC) and the risk of overfishing the stock. The SSC also recommended establishing a status determination criterion for groundfish stocks that would define overfishing as exceeding the OFL. Further, the SSC outlined the following tasks they thought should be done as part of Amendment 23:

- Evaluate the efficacy of current in-season monitoring as an accountability measure, which should be documented in the FMP amendment.
- Document the history of current harvest control rules to identify precautionary adjustments currently in place.
- Review current rebuilding plans and analytical methods to ensure compliance with NS1 guidelines.
- Categorize all FMP groundfish species as “stocks in the fishery” or “ecosystem component species”.

- Assign vulnerability scores to all species in the FMP. A stock's vulnerability is a combination of its productivity, which depends upon its life history characteristics, and its susceptibility to fishery. These scores could potentially be used in conjunction with the meta-analytical results to tier uncertainty buffers.

A working group of NMFS scientists, termed the Vulnerability Evaluation Working Group, convened recently to develop methodologies for determining a stock's vulnerability. Their report entitled, "Use of productivity and susceptibility indices to determine the vulnerability of a stock: with example applications to six U.S. fisheries" (Agenda Item E.6.a, Attachment 1), provides a description of a proposed methodology for determining the vulnerability of a fish stock to exploitation, which may be helpful to the Council and its advisors as Amendment 23 control rules and stock evaluation methodologies are developed.

Many of the other tasks outlined by the SSC will likely occur in the 2011-12 biennial specifications process; however, some tasks, such as classifying stocks as in the fishery or as "ecosystem component" species, may be completed sooner. According to the new NS1 guidelines, ecosystem component species do not require specification of reference points (i.e., harvest specifications) but should be monitored to the extent that any new pertinent scientific information becomes available (e.g., catch trends, vulnerability, etc.) to determine changes in their status or their vulnerability to the fishery. For this classification, such species should: 1) be a non-target species or stock; 2) not be determined to be subject to overfishing, approaching overfished, or overfished; 3) not be likely to become subject to overfishing or overfished, according to the best available information, in the absence of conservation and management measures; and 4) not generally be retained for sale or personal use. There are a number of dwarf rockfish species that are largely unexploited and appear to meet the criteria for an ecosystem component classification (Agenda Item E.4.a, Attachment 2).

The Council decided in April to proceed with Amendment 23 to incorporate these new NS1 guidelines in the FMP. The Council endorsed the tasks outlined by the SSC and also recommended frameworking these guidelines in the FMP per SSC advice. Expeditious progress on Amendment 23 would synchronize best with the biennial specifications process which starts in November (see Agenda Item E.2). While it is unlikely Amendment 23 will be finalized by November, making as much progress as possible by then should be the goal. The task at this meeting is to begin development of frameworking alternatives for Amendment 23. The Council should consider the new NS1 guidelines and consider the comments of Council advisory bodies and the public before providing guidance on developing preliminary Amendment 23 alternatives.

Council Action:

Provide guidance on the development of preliminary Amendment 23 alternatives.

Reference Materials:

1. Agenda Item E.4.a, Attachment 1: The report of the NMFS Vulnerability Evaluation Working Group entitled, "Use of productivity and susceptibility indices to determine the vulnerability of a stock: with example applications to six U.S. fisheries".
2. Agenda Item E.4.a, Attachment 2: Table of west coast groundfish species that are candidate "ecosystem component" species.

Agenda Order:

- a. Agenda Item Overview
- b. Reports and Comments of Management Entities and Advisory Bodies
- c. Public Comment
- d. **Council Action:** Guidance on Developing Preliminary Amendment Alternatives

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