

## CONSISTENCY ANALYSIS FOR ANNUAL CATCH LIMIT FISHERY MANAGEMENT PLAN AMENDMENTS

The reauthorized Magnuson-Stevens Act (MSA) called for all Fishery Management Plans (FMP) to establish mechanisms for Annual Catch Limits (ACL), Accountability Measures (AM), and Acceptable Biological Catch (ABC) levels.

The National Marine Fisheries Service (NMFS) considered these new requirements in the context of the broad differences in the biology of marine fish species, the state of regional scientific knowledge of marine fish stocks, and other provisions of the MSA such as compliance with international treaties and agreements; and issued revised NS1 guidelines that provide for the definitional necessities to accomplish the new legislative requirements.

Notably, the NS1 guidelines provide specific flexibility for stocks that have statutory exceptions or which fall under limited circumstances which require different approaches to meet the ACL requirements. Exceptions are described in Section h(2) of NS1, and include short-lived species and those stocks under an international fishery agreement. Further, section h(3), entitled “*Flexibility in application of NS1 guidelines*” provides examples of “*circumstances that may not fit the standard approaches to specification of reference points and management measures set forth in these guidelines.*” Examples include species listed under the Endangered Species Act, aquacultured species, and stocks with unusual life histories such as Pacific salmon. Councils may propose alternative approaches, but must document their rationale for such alternative approaches.

At the September, 2009 Council meeting in Foster City, a question of consistent approach in addressing the new requirements across the four Fishery Management Plans (FMP) was brought up during agenda item E.5, Groundfish FMP Amendment 23. Council staff examined the approach being taken in each FMP, with regard to the key elements required by the new NS1 guidelines that would need treatment in an FMP Amendment. The attached consistency analysis matrix summarizes our findings and provides explanatory footnotes as necessary.

## General Consistency Analysis of Key Fishery Management Plan Amendment Elements to be Considered in Implementing New Magnuson Act Requirements and National Standard 1 Guidelines

Key FMP Amendment Elements	HMS FMP	CPS FMP	GF FMP	Salmon FMP
Changes in terminology				
OFL (Overfishing Limit)	Yes	Yes	Yes	Yes
ABC (Acceptable Biological Catch)	Yes <sup>1</sup>	Yes <sup>2</sup>	Yes	Yes
ACL (Annual Catch Limit)	Yes <sup>1</sup>	Yes <sup>3</sup>	Yes	Yes
ACT (Annual Catch Target)	Yes <sup>1,4</sup>	Yes <sup>4</sup>	Yes <sup>4</sup>	Yes <sup>4</sup>
SDC (Status Determination Criteria)	Yes <sup>5</sup>	Yes <sup>6</sup>	Yes	Yes <sup>7</sup>
International Exception	Yes <sup>8</sup>	No <sup>9</sup>	Yes <sup>10</sup>	Yes <sup>11</sup>
Ecosystem Component Species	Yes	Yes <sup>12</sup>	Yes	Yes
Accountability Measure Descriptions	Yes	Yes <sup>13</sup>	Yes	Yes
Miscellaneous FMP Changes	Yes <sup>14</sup>	N/A	N/A	Yes <sup>15</sup>

Note: The gap between OFL and ABC is a buffer to account for scientific uncertainty. The gap between ACL and ACT is a buffer to account for management uncertainty.

<sup>1</sup> Only applies to stocks that do not have an international exception.

<sup>2</sup> The SSC CPS Subcommittee is working on assessing scientific uncertainty and new harvest control rules for setting the ABC below the OFL. Additional analyses are required to determine the adequacy of the existing harvest control rule in this regard.

<sup>3</sup> Sector-specific ACLs might be considered for the directed versus live bait sectors.

<sup>4</sup> May be in place for some species and not others. For CPS and salmon, it is likely that alternatives utilizing ACT will be considered to account for management uncertainty. For salmon, ACTs may be used to account for a combination of scientific and management uncertainty.

<sup>5</sup> Current default reference points unlikely to change. If Regional Fishery Management Organizations adopt reference points for HMS, these may be incorporated into the FMP.

<sup>6</sup> SDCs exist for actively managed species and will be reviewed. SDCs for monitored stocks will need to be revisited to ensure consistency with NS1 guidelines. Existing but dated assessments of monitored species will provide information but a precautionary approach might be warranted. Recent work on market squid management will be considered as well.

<sup>7</sup> In addition to the criteria, it is likely that alternatives will consider changes to the actions required when criteria are met (i.e., de minimis fishery provisions).

<sup>8</sup> IATTC (Inter-American Tropical Tuna Commission; UNIA (United Nations Agreement on the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks); WCPFC (Western and Central Pacific Fisheries Commission).

<sup>9</sup> Although CPS are landed internationally, no international agreements currently exist.

<sup>10</sup> United States-Canada Pacific Whiting Treaty.

<sup>11</sup> PST (Pacific Salmon Treaty).

<sup>12</sup> Krill species are a candidate, but as “prohibited harvest” species in the FMP they may remain “in the fishery.” During the scoping process the Council was asked to consider and designate other forage fish that are not part of the directed fishery as EC species (e.g., Pacific saury, myctophids, Pacific sand lance, white bait smelt, and other smelts).

<sup>13</sup> Existing inseason actions may be updated to prove more streamlined inseason fishery tracking and management. Preseason AMs (restricting days open, trip limits, seasonal closures, etc.) were suggested during the scoping period.

<sup>14</sup> HMS stocks also appear in a WPRFMC FMP. Primary FMP to be determined.

<sup>15</sup> It is possible that management of some current FMP stocks would be deferred to the NPFMC (e.g., PST Chinook stocks), but none are deferred at this time.