

## STATUS OF BYCATCH AND MANAGEMENT MEASURES AMENDMENT

Situation: In September 1998, the Council amended its Pacific Coast Groundfish Fishery Management Plan (FMP) with Amendment 11 to bring the FMP into compliance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). National Marine Fisheries Service (NMFS) approved all of the amendment except for those provisions addressing bycatch, which were sent back to the Council for new development and more thorough analysis. The Council now must reconsider how to amend the FMP to meet the bycatch-related requirements of the Magnuson-Stevens Act. A discussion paper has been drafted (Attachment G.7.a.) for initial Council consideration and comment. Preliminary Council action on the FMP amendment is scheduled for April 2000.

In addition to the bycatch provisions, we are using this amendment to address the provisions of the emergency rule the Council recommended at its November 1999 meeting. In order to immediately implement rebuilding measures for the five overfished species, the Council had to develop management measures that were consistent with the FMP but outside the scope of the current regulatory authority. In order to make the necessary changes, NMFS used its emergency authority and incorporated the emergency regulatory changes into the 2000 annual specifications and management measures; however, those emergency regulations are only effective for six months. Emergency regulations may be renewed for a second six-month period, but only if the Council begins the necessary FMP and/or regulatory amendment to resolve the issues for the long term. We need to build flexibility into the FMP and regulations to manage both overfished and healthy groundfish stocks in 2001 and beyond. Part of this is revising the FMP language concerning routine management measures, so the Council may meet some of the overfishing and bycatch requirements of its FMP during the annual specifications and management measures process.

Council and NMFS staff also suggest using this FMP amendment as an opportunity to remove unused and unnecessary portions of the FMP. This amendment could update the FMP to remove provisions for limited entry permits with provisional "A" endorsements, "B" endorsements, and designated species "B" endorsements. These gear endorsements were used to smooth the transition from an open access system to the limited entry program, but all current limited entry permit holders now have "A" endorsements and the three lesser endorsements have either expired or are no longer useful. Removing these gear endorsements from the FMP's limited entry provisions would be a "housekeeping" measure.

According to the Council's current work schedule, the draft bycatch and management measures amendment would be reviewed by the Council at its April 2000 meeting and adopted for public comment. Final action is scheduled for the June 2000 meeting. At this time, the drafters are seeking any initial guidance the Council may want to offer.

**Council Action: Provide guidance on plan amendment as needed.**

Reference Materials:

1. Draft discussion paper for Groundfish FMP amendment issues (Attachment G.7.a.).
2. Letter to Mr. Will Stelle and Dr. Don McIsaac regarding Magnuson-Stevens Act bycatch requirements and response (Public Comment G.7.).

PFMC  
02/23/00