

PLAN AMENDMENT TO ADDRESS BYCATCH AND MANAGEMENT MEASURE ISSUES

Situation: Proposed *Amendment 13 to the Pacific Coast Groundfish Fishery Management Plan* is intended to accomplish three primary objectives: (1) bring the FMP into conformance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) bycatch provisions; (2) authorize the Council to continue using the types of management measures implemented in the emergency rule; and (3) clean up outdated provisions relating to limited entry permits. At the March 2000 meeting, the Council received a progress report and briefly reviewed the initial draft of the proposed amendment. At this meeting, the Council has scheduled a more in-depth review, and if appropriate, will release the amendment package for public review and comment. The amendment will be distributed at the Council meeting as Supplemental Attachment B.13.a. Final action on the amendment is scheduled for the June meeting.

The Magnuson-Stevens Act requires every FMP "establish a standardized reporting methodology to assess the amount of bycatch occurring in the fishery, and include conservation and management measures that, to the extent practicable and in the following priority, minimize bycatch and minimize the mortality of bycatch which cannot be avoided." The Council submitted Amendment 11 to the groundfish FMP to bring the FMP into conformance, but in March 1999, the National Marine Fisheries Service (NMFS) disapproved the bycatch provisions of the FMP amendment. NMFS suggests the amendment package should (1) fully analyze the bycatch implications of the FMP's management measures; (2) describe the Council's past efforts and planned future efforts to reduce bycatch and to establish a standardized reporting methodology to assess the amount and type of bycatch occurring in the groundfish fishery; (3) analyze existing and possible future efforts to reduce bycatch in the groundfish fisheries; (4) discuss how bycatch is reduced to the maximum extent practicable under current management measures; (5) evaluate standardized reporting methodologies that might be used to assess bycatch rates in the groundfish fishery; and (6) analyze all practicable alternatives to the current year-round trip limit management system that could be expected to result in a reduction of bycatch rates.

In addition to the bycatch provisions, the amendment will 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.

This amendment would also update the FMP to remove provisions for limited entry permits with provisional "A", "B", 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.

Council Action:

- 1. Release draft for public review or provide comments to drafters.**

Reference Materials:

1. Draft bycatch amendment package (Supplemental Attachment B.13.a.).

PFMC
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