

FISHERY MANAGEMENT PLAN AMENDMENTS TO IMPLEMENT ACL REQUIREMENTS

The Magnuson-Stevens Reauthorization Act (MSRA) of 2006 established new requirements to end and prevent overfishing through the use of annual catch limits (ACLs) and accountability measures (AMs). Federal fishery management plans (FMPs) must establish mechanisms for ACLs and AMs by 2010 for stocks subject to overfishing and by 2011 for all others, with the exceptions of stocks managed under an international agreement or stocks with a life cycle of approximately one year.

On January 16, 2009, NMFS published amended guidelines for National Standard 1 (NS1) of the MSRA to provide guidance on how to comply with new ACL and AM requirements (74 FR 3178; see Agenda Item C.3.a, Attachment 1). The NS1 Guidelines include recommendations for establishing several related reference points to ensure scientific and management uncertainty are accounted for when management measures are established. These reference points in NS1 are based on catch levels, however there is language allowing flexibility for certain situations, including salmon management:

There are limited circumstances that may not fit the standard approaches to specification of reference points and management measures set forth in these guidelines. These include, among other things, conservation and management of Endangered Species Act listed species, harvests from aquaculture operations, and stocks with unusual life history characteristics (e.g., Pacific salmon, where the spawning potential for a stock is spread over a multi-year period). In these circumstances, Councils may propose alternative approaches for satisfying the NS1 requirements of the Magnuson-Stevens Act than those set forth in these guidelines.

It appears the Salmon FMP will have to be amended to some degree to fully comply with the new NS1 guidelines. Council Operating Procedure (COP) 11 (Agenda Item D.6.a, Attachment 2) guides the FMP amendment process. At this time the Council should consider the timeline and schedule for completing an amendment, the scope of the amendment (what issues to address), and how the workload will be distributed. Council staff has identified some of the issues unique to salmon management and a range of possible schedules in Agenda Item D.6.a, Attachment 3.

Council Task:

- 1. Review final NMFS guidance on NS1.**
- 2. Discuss initial issues for salmon management and potential FMP amendment to meet the new NS1 guidelines.**
- 3. Provide guidance on the scope and schedule for amending the Salmon FMP.**

Reference Materials:

1. Agenda Item D.6.a, Attachment 1: Council Operating Procedure 11 – Plan Amendment Cycles
2. Agenda Item D.6.a, Attachment 2: Summary of Potential Issues and Timelines for amending the Salmon FMP for compliance with NS1.
3. *Agenda Item C.3.a, Attachment 1: Final rule to amend the NMFS guidelines for National Standard 1 (74 FR 3178).*

Agenda Order:

- a. Agenda Item Overview Chuck Tracy
- b. Reports and Comments of Agencies and Advisory Bodies
- c. Public Comment
- d. **Council Action:** Scope and Plan FMP amendments to Implement ACL Requirements

PFMC
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