

FMP AMENDMENTS TO IMPLEMENT ANNUAL CATCH LIMIT (ACL) REQUIREMENTS

The Magnuson-Steven Fishery Conservation and Management Reauthorization Act of 2006 (MSRA) established several new fishery management provisions pertaining to National Standard 1 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 revise the guidelines for National Standard 1. Agenda Item D3.a, Attachment 1 is the final rule package. Attachment 2 is a NMFS presentation summarizing its contents. (The attachments reproduce the March 2009 Agenda Items C.3.a Attachment 1 and Attachment 2, included with the analogous agenda topic for the Coastal Pelagic Species FMP.)

The revised National Standard 1 guidelines introduce new fishery management concepts including overfishing levels (OFLs), acceptable biological catch (ABC), 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 and end overfishing. The final rule describes the relationship of these new management tools to existing fishery management concepts such as ABC and optimum yield (OY). The MSRA set implementation deadlines of 2011 for most species and by 2010 for those species designated as overfished. This new framework would need to be integrated into the existing framework in the Highly Migratory Species Fishery Management Plan (HMS FMP) by amendment. Attachment 3 is a summary of the management framework excerpted from the 2008 HMS Stock Assessment and Fishery Evaluation (SAFE) and associated tables summarizing current stock status information.

As part of initial scoping the Council should determine which HMS management unit species are subject to the ACL/AM requirements.

§660.310(g)(2)(ii) (see page 3210 in Attachment 1) describes an exception to addressing ACL and AM requirements for “stocks or stock complexes subject to management under an international agreement.” The rule does not provide more specific guidance on what constitutes “subject to management.” There are 13 management unit species (MUS) identified in the HMS FMP: 5 tuna species, 5 shark species, 2 billfish species, and dorado (*Coryphaena hippurus*). Attachment 4 excerpts the list of MUS from HMS FMP Chapter 3. Regional fishery management organizations have adopted conservation measures related to tunas and sharks. The relevant conventions may also reference those stocks subject to management in their founding agreement. For example, Article 2 of the Western and Central Pacific Fisheries Commission (WCPFC) Convention states “The objective of this Convention is to ensure, through effective management, the long-term conservation and sustainable use of highly migratory fish stocks in the western and central Pacific Ocean.” The Convention further defines HMS as those species listed in Annex I to the United Nations Convention on the Law of the Sea. If the Annex I list (see Attachment 4) is used as the basis for determining applicability of the international exception, then all HMS FMP MUS would be exempted. However, this exception does not apply to other requirements, such as establishing the OFL and ABC.

The HMS FMP also includes a long list of species “included in the FMP for monitoring purposes” (see Attachment 4). Since they are listed separately from the MUS they may not be subject to ACL/AM requirements. The final rule includes the category of ecosystem component species. As part of initial scoping the Council may wish to discuss the status of the monitored species and whether they meet the criteria for ecosystem component species (see §660.310(d)(5), page 3205 in Attachment 1).

Once a list of species for which the requirements would be applicable is determined, then a preliminary list of required changes to the HMS FMP may be developed by comparing the current contents of the HMS FMP to the requirements enumerated in the final rule (see §660.310(c), page 3204 in Attachment 1). The Council also may wish to review the tentatively proposed schedule for meeting ACL/AM requirements for the HMS FMP (see Attachment 5).

Council guidance will provide the basis for any additional analysis and recommendations to be made by the HMSMT and HMSAS, which would be brought forward for Council action at a future meeting.

Council Task:

Conduct initial scoping on revisions to the HMS FMP to address revised National Standard 1 Guidelines and schedule for completing the action.

Reference Materials:

1. Agenda Item D.3.a, Attachment 1: Final Rule, Amendments to National Standard 1 Guidelines.
2. Agenda Item D.3.a, Attachment 2: Revisions to the National Standard 1 Guidelines; Guidance on Annual Catch Limits and Other Requirements; NMFS Presentation.
3. Agenda Item D.3.a, Attachment 3: Excerpt from 2008 HMS SAFE.
4. Agenda Item D.3.a, Attachment 4: HMS MUS, Monitored Species, and UNCLOS Annex I Species.
5. Agenda Item D.3.a, Attachment 5: Draft Schedule for Council Action on HMS FMP ACL Amendment.

Agenda Order:

- a. Agenda Item Overview Kit Dahl
- b. Reports and Comments of Management Entities and Advisory Bodies
- c. Public Comment
- d. **Council Action:** Scope and Plan FMP Amendments to Implement ACL Requirements

PFMC
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