

FISHERY MANAGEMENT PLAN (FMP) AMENDMENTS TO IMPLEMENT ANNUAL CATCH LIMIT (ACL) REQUIREMENTS

The Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (MSRA) established several new fishery management provisions pertaining to National Standard 1 (NS1) 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 amend the guidelines for NS1. (Agenda Item D.3.a, Attachment 1). NMFS has provided an overview of the amended NS1 guidelines in the presentation presented in Agenda Item D.3.a, Attachment 2.

The MSRA and amended NMFS guidelines introduce new fishery management concepts including overfishing levels (OFLs), 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 overfishing. One important change in the final guidelines is that ACTs are no longer mandatory, rather they are included as an optional accountability tool intended for the management of fisheries without inseason monitoring and harvest controls. These important aspects of the MSRA are required to be implemented by 2011 for most species and by 2010 for those species designated as being subject to overfishing. It is anticipated the Council will need to amend the Groundfish Fishery Management Plan (FMP) to accommodate the new NS1 guidelines. Regarding timing to complete this endeavour, it is important to note that current groundfish management involves no stocks subject to overfishing.

Under this agenda item, the Council is scheduled to review the amended NS1 guidelines as they pertain to Council operation in general and to specifically scope out initial issues and a proposed timeline for potentially amending its groundfish FMP. It may be prudent for the Council to identify changes to FMP terminology and processes prior to the next biennial specifications process. A possible schedule is attached as Agenda Item F.7.a, Attachment 1, that accommodates this.

Precautionary harvest control rules exist for the actively managed species in the FMP, control rules which provide a solid foundation for the implementation of new fishery management provisions such as the OFL and the ACL, which are analogous to the current definition of acceptable biological catch (ABC) and optimum yield (OY), respectively in the FMP. The Council should consider a new definition and control rules for specifying an ABC which, under the new NS1 guidelines, factors scientific uncertainty into the specification. Likewise, the Council should consider the necessity of deciding control rules for specifying an ACT given the inseason adjustment process used to manage groundfish fisheries.

Finally, there may be consideration for classifying some FMP species as Ecosystem Component species. According to the new NS1 guidelines, Ecosystem Component species do not require specification of reference points (i.e., harvest specifications) but should be monitored to the extent that any new pertinent scientific information becomes available (e.g., catch trends, vulnerability, etc.) to determine changes in their status or their vulnerability to the fishery. For this classification, such species should: 1) be a non-target species or stock; 2) not be determined to be subject to overfishing, approaching overfished, or overfished; 3) not be likely to become

subject to overfishing or overfished, according to the best available information, in the absence of conservation and management measures; and 4) not generally be retained for sale or personal use. There are a number of dwarf rockfish species and other groundfish FMP species that are largely unexploited and appear to meet the criteria for an Ecosystem Component classification.

The Council should consider the new NS1 guidelines and consider the comments of Council advisory bodies and the public before providing guidance on the scope and schedule for amending the groundfish FMP to comply with mandates of the MSRA and the new NS1 guidelines.

Council Action:

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

Reference Materials:

1. Agenda Item D.3.a, Attachment 1: Final rule to amend the NMFS guidelines for National Standard 1 (74 FR 3178).
2. Agenda Item D.3.a, Attachment 2: NMFS presentation on NMFS guidelines for National Standard 1.
3. Agenda Item F.7.a, Attachment 1: Draft Schedule for Council action on a Groundfish Fishery Management Plan amendment for National Standard 1 guideline changes.

Agenda Order:

- a. Agenda Item Overview
- 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

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03/19/09