

**FISHERY MANAGEMENT PLAN AMENDMENT 23:  
 ANNUAL CATCH LIMITS AND ACCOUNTABILITY MEASURES**

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 (OY) 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 (74 FR 3178, see Agenda Item D.3.a, Attachment 1, April 2009).

The MSRA and amended NMFS guidelines introduce new fishery management concepts including overfishing limits (OFLs), an acceptable biological catch (ABC) to incorporate a scientific uncertainty buffer in specifications, 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. 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. There are no groundfish species currently subject to overfishing, so 2011 is the implementation goal. The Council decided in April to proceed with Amendment 23 to incorporate these new NS1 guidelines in the Fishery Management Plan (FMP).

The new terms and concepts recommended in the NS1 guidelines used the west coast groundfish FMP as a template. For instance, our current ABC control rule defines the overfishing limit and new OFL is defined exactly the same way. Likewise, our current OY has been used in groundfish management as an annual total catch limit since 1999 and is therefore directly analogous to the new ACL. The figure below compares the terms in our current harvest specification framework with those proposed in the Amendment 23 harvest specification framework.

<b>Current Harvest Specification Framework</b>		<b>Am. 23 Harvest Specification Framework</b>	
ABC	Overfishing Limit	OFL	Overfishing Limit
	Buffer accommodates scientific uncertainty, management uncertainty, socioeconomic concerns, rebuilding concerns, etc.	ABC	Buffer accommodates scientific uncertainty
OY		ACL	Buffer accommodates management uncertainty, socioeconomic concerns, rebuilding concerns, etc.
HG	Buffer accommodates ad hoc sector allocations and other management objectives	ACT	Buffer could accommodate inseason catch monitoring uncertainty, ad hoc sector allocations and other management objectives

Part of the Amendment 23 task is defining and frameworking the terms shown in the above figure by redefining our current ABC in the FMP as the new OFL and essentially defining the new ACL as a total catch OY. Precautionary adjustments already exist in the FMP for setting OYs below ABCs that consider scientific uncertainty, management uncertainty, socioeconomic concerns, rebuilding concerns, etc. The new ABC in the NS1 guidelines and contemplated under Amendment 23 only considers scientific uncertainty for specifying a buffer below the OFL. The Scientific and Statistical Committee (SSC) has provided a conceptual framework for factoring scientific uncertainty in the new ABC rule for stocks with a history of multiple, relatively data-rich assessments (i.e., category 1 stocks). They recommended quantifying assessment variability as a basis for evaluating the size of a scientific uncertainty buffer and the risk of overfishing the stock. Those stocks with data-poor assessments (i.e., category 2 stocks) would have a larger scientific uncertainty buffer than category 1 stocks, and those stocks without an assessment (i.e., category 3 stocks) would have a scientific uncertainty buffer that is larger still. The SSC will provide the documentation and results of the analysis for category 1 stocks and their recommendations for scientific uncertainty buffers for category 2 and 3 stocks in one or more supplemental reports at this meeting.

The ACT, which is also contemplated under Amendment 23, is an optional accountability measure intended for the management of fisheries without effective inseason monitoring and harvest controls. Agenda Item G.5.a, Attachment 1 evaluates the current groundfish management system and AMs in consideration for adding an ACT as an additional AM. Other considerations for managing some stocks with an ACT are also provided in Attachment 1.

Finally, there may be consideration for classifying some FMP species as Ecosystem Component (EC) species where, according to the new NS1 guidelines, there is no requirement to specify reference points (i.e., OFLs, ABCs, and ACLs). The GMT will address the process for categorizing EC species in their report on this item.

All of the frameworking provisions under Amendment 23 are defined and put in context within the FMP in draft FMP amendatory language (Agenda Item G.5.a, Supplemental Attachment 2); this language is offered in the form of something that could be adopted for public review. The Council should consider the comments of Council advisory bodies and the public on this draft language before adopting preferred amendatory language for public review.

At the April meeting, the Council expressed a desire to try to complete final action on Amendment 23 at the November 2009 meeting. That is now not possible. However, the Council could schedule a final decision on Amendment 23 at the March 2010 meeting, as recommended by the Groundfish Management Team in September.

### **Council Action:**

- 1. Adopt FMP amendatory language for Amendment 23 for public review.**
- 2. Schedule the timing of a final decision on Amendment 23.**

Reference Materials:

1. Agenda Item G.5.a, Attachment 1: Evaluation of the Effectiveness of the Current Groundfish Management System To Prevent Overfishing in Consideration of the Annual Catch Target Specification Under Amendment 23.
2. Agenda Item G.5.a, Supplemental Attachment 2: Draft Groundfish Fishery Management Plan Amendatory Language Proposed Under Amendment 23.

Agenda Order:

- a. Agenda Item Overview John DeVore
- b. Reports and Comments of Management Entities and Advisory Bodies
- c. Public Comment
- d. **Council Action:** Consider Preliminary Amendment Language for Public Review

PFMC  
10/19/09