

**DRAFT ACTION PLAN FOR ANNUAL CATCH LIMIT AMENDMENTS TO THE GROUND FISH FMPs
OF THE BERING SEA/ALEUTIAN ISLANDS AND GULF OF ALASKA
June 17, 2009**

PROPOSED ACTION Amend the Groundfish FMPs of Bering Sea/Aleutian Islands (BSAI) and Gulf of Alaska (GOA) to comply with the Magnuson-Stevens Reauthorization Act (MSRA).

PROBLEM STATEMENT/OBJECTIVE On January 16, 2009, NMFS issued final guidelines for National Standard 1 of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). They provide guidance on how to comply with new annual catch limit (ACL) and accountability measure (AM) requirements for ending overfishing of fisheries managed by federal fishery management plans (FMPs). Annual catch limits are amounts of fish allowed to be caught in a year. A legal review of the groundfish FMPs found there were inadequacies in the FMP texts that need to be addressed. Several work groups (e.g., ABC/ACT Control Rules, Vulnerability Evaluations) have been created to produce reports on how to carry out the more technical components of the guidelines. Statutory deadlines require compliance with the MSA by the start of the 2011 fisheries although these reports have not been finalized.

This action is necessary to facilitate compliance with requirements of the MSA to end and prevent overfishing, rebuild overfished stocks, and achieve optimum yield.

ANALYSIS An EA for one amendment to the BSAI and GOA Groundfish FMPs is required; categorical exclusions are planned for six housekeeping amendments.¹

RANGE OF ALTERNATIVES²

Alternative 1: Status Quo. The Groundfish FMPs remain unchanged.

Alternative 2: Action Alternative. Revise the BSAI and GOA Groundfish FMPs to meet the National Standard 1 guideline requirements for annual catch limits.

Action 1: Identify Stocks in the Fishery

Option 1: Status quo. Target species, other species, prohibited species, forage fish, and nonspecified species are in the fishery. [*Annual catch limits required for all stocks*].

Option 2: Target species and other species are in the fishery; forage fish and prohibited species are under an Ecosystem Component category; nonspecified species are removed from the FMPs. [*Annual catch limits and accountability measures required for target and other species. Other management measures apply to target, forage fish, and prohibited species. No management of nonspecified species.*]

Rejected options:

Option 3: Target species and other species are in the fishery. [*Forage fish, prohibited species, and nonspecified species would be removed from the FMPs. Annual catch limits and accountability measures required for target and other species.*]

Option 4: Target species and other species are in the fishery; forage fish, prohibited species, and nonspecified species are under an Ecosystem Component category. [*Annual catch limits and accountability measures required for target and other species. Other management measures apply to target, forage fish, and prohibited species and may apply to nonspecified species.*]

¹ Federal regulations are not required to be revised therefore an RIR/IRFA is not required.

² The Council may revise these alternatives during its review of the draft analysis.

Action 2: Housekeeping: Amend the FMP text to explain current practices.

These include adding text to the FMPs to describe:

- Specification of Minimum Stock Size Thresholds (MSSTS). This description is currently incorporated into the annual Stock Assessment and Fishery Evaluation (SAFE) reports.
- Measures that are taken if and when a stock drops below MSST. This is an ongoing evaluation and a management response will occur when needed.
- Accountability measures that are triggered if an ACL (ABC) is exceeded; reference the current in-season management system which has a more timely response than what would occur in the following year.
- Ecological factors that are considered by the Council in reducing Optimum Yield from Maximum Sustainable Yield.
- How the tier levels for Acceptable Biological Catch and Overfishing Level (OFL) are based on the scientific knowledge about the stock/complex and the scientific uncertainty in the estimate of OFL and any other scientific uncertainty.
- How the stock assessments account for all catch

APPLICABLE LAWS NEPA, MSA

STAFF RESOURCES

NPFMC Jane DiCosimo
NOAA AKR Sue Salveson, Melanie Brown
NOAA AFSC Dr. Grant Thompson, Dr. Anne Hollowed, Dr. Paul Spencer, Dr. Olav Ormseth
NOAA Habitat No habitat implications
NOAA PR Kaja Brix
NOAA GCAK Clayton Jernigan
HQ Galen Tromble, Rick Methot, Mark Milliken, Mark Nelson

MAJOR ISSUES

- The Council and NMFS have placed this amendment (along with Crab FMP amendment) among its highest priorities for action. Statutory deadline of January 1, 2011 for implementation of ACL/AM requirements for groundfish requires final action no later than April 2010.
- NMFS identified that no changes to federal regulations will result from the proposed action, therefore, a Regulatory Impact Review (RIR) and Regulatory Flexibility Analyses (IRFA/FRFA) is not required
- Improvements to uncertainty calculations and management of vulnerable species beyond meeting legal requirements (i.e., non-specified species) will require separate trailing plan amendments.
- The Council (Non-Target Species Committee) will reevaluate its previous tasking priorities for revising management of (1) BSAI skates (scheduled for October 2009 final action), (2) BSAI/GOA squids (scheduled for December 2009 final action), (3) BSAI/GOA sharks and sculpins (scheduled for February 2010 final action), (4) BSAI/GOA octopods (not scheduled), and (5) BSAI/GOA grenadiers (not scheduled). The committee will meet on September 15, 2009.
- The Groundfish Plan Teams will review/comment on technical analyses and proposed actions at their 2009 meetings.

TIMELINE TO IMPLEMENTATION³

January 2009	<i>NMFS HQ issues final guidelines for National Standard 1.</i>
April 2009	<i>NMFS HQ issues draft working group reports (e.g., ABC/ACT Control Rules, Vulnerability Evaluations) on how to carry out the technical components of the guidelines.</i>
April/May	<i>Interagency staffs meet numerous times to coordinate NPFMC response.</i>
May 2009	<i>Annual Catch Limit Work Shop at AFSC coordinates SSC and Groundfish Plan Teams response(s).</i>
June 2009	<i>Council approves draft action and tasks staff with preparation of analysis</i>
August 2009	AFSC releases technical analyses on 1) incorporating uncertainty into stock assessments and 2) groundfish vulnerable to overfishing
September 2009	Groundfish Plan Teams reviews draft alternatives and technical analyses on uncertainty and vulnerability
October 2009	AFSC staff presents progress report on technical analyses to SSC
November 2009	Release of initial review draft of EA
November 2009	Groundfish Plan Team review of EA
February 2010	Council conducts final action and selects a preferred alternative; staff submits final EA for NMFS review
March 2010	NMFS publishes 2010/2011 harvest specifications
April 2010	Council staff submits EA to NMFS for Secretarial review; NMFS publishes NOA (and proposed rule if necessary) to implement ACL amendments
September 2010	PTs recommends proposed 2011 and 2012 harvest specifications based on new ACL amendments; SOC approves ACL amendments (any regulations to follow)
October 2010	Council recommends proposed 2011 and 2012 harvest specifications based on new ACL amendments; NMFS publishes final rule implementing ACL amendments, if necessary
November 2010	PTs recommends final 2011 and 2012 harvest specifications
December 2010	Council recommends final 2011 and 2012 harvest specifications
Late 2010	NMFS publishes inseason adjustment to correct mis-specified 2011 harvest specifications that were published March 2010, if needed
January 1, 2011	Revised harvest specifications are in effect

³ Timelines for action in 2009 could be delayed by one or more meetings if AFSC vulnerability analysis is not completed by August 1, 2009.