

Comprehensive ABC Control Rule Amendment

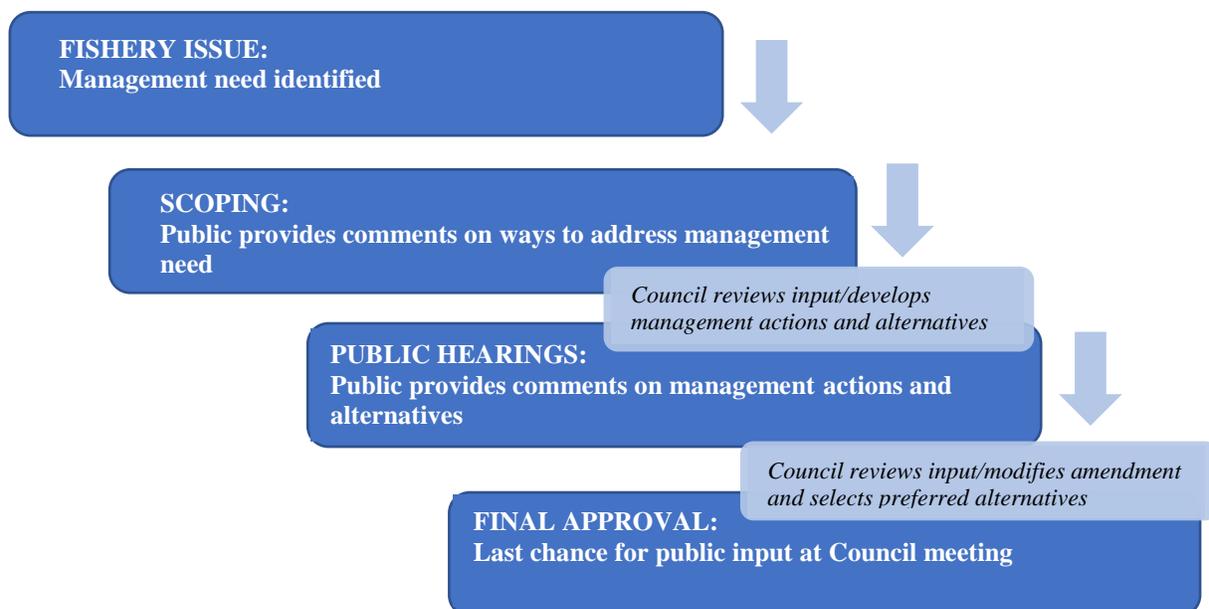
Scoping Document (Modifications to the Allowable Biological Catch Control Rule)



What is Scoping?

Scoping is the first stage of the process to amend a fishery management plan (FMP) after an issue has been identified (see steps in the process below). Scoping has two main purposes: (1) to inform you that the Council may propose new regulations or change existing ones and (2) to allow you the opportunity to comment on the issue or identify other issues that may need the Council's attention. You will have more opportunity to provide comments as the amendment is developed; however, scoping is the first and best opportunity to make suggestions for the Council to consider before an amendment is developed.

Council Process- *Fishery Management Plan Amendment*



What is an ABC Control Rule?

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires that Fishery Management Councils establish scientifically-based fishing limits that prevent overfishing. Under the MSA, Councils are obligated to specify an Allowable Biological Catch (ABC) that is below the level at which overfishing will occur (referred to as the Overfishing Level or OFL) and that also accounts for scientific uncertainty. The ABC control rule is an integral part of this process, as it determines how the two key factors - scientific uncertainty and the risk of overfishing - are evaluated and applied to the available fishery information to determine the recommended ABC. In simple terms, the ABC control rule is an established set of guidelines that determines how much reduction, or buffer, is required between the OFL and the ABC.

Council Scientific and Statistical Committees (SSC) are responsible for evaluating scientific uncertainty and applying the Council's risk tolerance policy to the available scientific information to determine the reduction between ABC and OFL (the buffer). The ABC control

rule provides critical guidance to the SSC in completing this task across the range of stock characteristics and available scientific information for the fisheries managed by a Council.

Councils are responsible for determining the acceptable risk of overfishing. They do this through a risk policy that determines their tolerance that overfishing might occur for a given catch level and fishery. Usually this is expressed in terms of a percentage, and, also according to the MSA, it is always below 50%. Councils are also responsible for establishing the ABC control rule itself. In this way, a Council provides the guidance and direction that its SSC needs to determine specific ABCs.

What issues are being considered in the Comprehensive ABC Control Rule Amendment?

Modification to the ABC Control Rule

The South Atlantic Fishery Management Council (Council) is considering modifying the Allowable Biological Catch (ABC) Control Rule to change how stock assessment uncertainty and risk of overfishing are applied to determine the ABC. Changes proposed in this amendment will simplify how stock assessment uncertainty is evaluated by the Council's SSC in developing ABC recommendations and clarify the role of the Council in setting the risk policy for overfishing.

Flexibility in Implementing ABC

The Council is also considering several provisions that will provide it greater flexibility in implementing ABCs. These changes are now allowed under the MSA and need to be implemented as part of the ABC control rule before they can be used by the Council. There are two flexibility provisions the Council is considering: phase-in and carry-over. Phase-in refers to how changes in the ABC are implemented. Phase-in actions would allow ABC changes to be "phased-in" or implemented over several years rather than all at once. Carry-over refers to transferring unharvested fish or unused catch from one year to the next. This could occur if a closure occurred during the year and the final catch tally showed that the entire available catch was not landed, or if regulations proved particularly effective in a year and catches proved less than expected.

Your input is important for the Council to determine whether further development of these issues should be pursued. While the MSA requires that the Council have an ABC control rule, and that the ABC incorporate assessment uncertainty and prevent overfishing, there is flexibility in specific provisions of the control and the details of how carry-over and phase-in will be applied. If the Council continues work on these issues, how would you recommend the Council proceed?

Why is the Council Considering Action?

Allowable Biological Catch Control Rule Modifications

Since the current ABC control rule was developed in 2011, there has been a considerable increase in scientific understanding of assessment uncertainty for assessed stocks and alternative methods of developing ABCs for unassessed stocks. Additionally, the SSC has expressed

concerns that the existing rule does not provide them adequate flexibility to address the type of assessment information and uncertainty evaluations that are now available. The Council has expressed concern with how the current rule combines both assessment uncertainty and risk of overfishing for ABC values. As a result, both the Council and the SSC believe the current rule should be modified so that they can better fulfill their obligations under the MSA. In the case of the SSC, the obligation is to address assessment uncertainty, and in the case of the Council, the obligation is to provide the tolerance for or risk of overfishing occurring.

Flexibility in Implementing ABC Changes

The MSA includes a series of National Standards that provide the underlying principles for federal fisheries management actions. Guidelines are developed for each of these National Standards to address details of management actions, including how they are developed and evaluated. Through recent revisions to these guidelines, the Councils were provided greater flexibility in managing catch levels. In this amendment the Council is considering implementing two kinds of provisions to allow it to better optimize fishery yield and access while still preventing overfishing.

Flexibility provisions addressing phase-in will allow the Council to implement ABC changes over several years, rather than making the change in a single year as currently required. For example, if a new assessment results in a catch reduction of 30%, under the current rule that change would need to take place all at once, regardless of the social or economic consequences. However, using a phase-in provision would allow the Council to implement the reduction in steps over several years, thereby giving the fishery a chance to respond and adjust. Phase-in periods from 1-3 years are under consideration, along with provisions that would dictate when phase in is allowed based on stock biomass levels and the amount of change in the ABC level.

Flexibility provisions addressing carry-over will allow the Council to transfer unused catch from one year to the next year. The intent is to ensure that the allowable harvest level is fully used, particularly if there is a fishery closure in the prior year or if regulations ended up leaving some fish unharvested. Like the phase-in provisions, the Council is considering conditions related to stock size for determining when carry-over will be allowed.

Possible Actions and Alternatives

The ABC Control Rule

This addresses the primary changes to the ABC Control rule. One approach proposes structuring the ABC control rule around categories based on the type of information and the scientific uncertainty evaluation available for a stock. Another proposes only minor changes in the control rule, by retaining the existing factors that are evaluated to determine ABC but dividing responsibilities for addressing them between the SSC (uncertainty factors) and the Council (risk of overfishing factors).

Other items under consideration:

- Allowing the SSC to deviate from the control rule when necessary due to data or assessment circumstances.
- Basing the ABC for stocks in rebuilding on the rebuilding plan chosen by the Council.
- Specifying a constant or fixed ABC for several years.

Determining the acceptable risk of overfishing

This addresses how the risk of overfishing is determined. Under the current rule, risk of overfishing is included along with uncertainty evaluated by the SSC. Similar to the ABC Control Rule, this includes an alternative that would divide the existing tiers based on uncertainty identified by the SSC and levels of risk considered by the Council. It can include an alternative to let the Council directly specify how much risk of overfishing they are willing to consider. These specifications can consider stock productivity and stock size. In practice, the Council would determine their acceptable level of risk for each stock through consultation with its advisory panels, prior to the SSC applying the control rule. Note that the MSA prohibits Councils from enacting catch limits with a greater than 50% chance of overfishing occurring.

Approaches the Council could consider:

- Characterizing stocks as high, medium, or low risk of overfishing based on fishery and biological traits. The Council will characterize each managed stock, considering recommendations from scientific (SSC) and fishery advisors (APs)
- Allowing the highest risk level when stock biomass is high, e.g., at least 10% greater than the MSY biomass level.
- Allowing the Council to deviate from the default risk levels based on its expert judgment, new information, or recommendations of its advisors.
- Assigning unassessed stocks to the moderate biomass level, unless there is a recommendation from the SSC that justifies a different level.
- Specifying risk tolerance for each stock directly, considering recommendations of the SSC and the Council's advisory panels.

Determining the probability of rebuilding success for overfished stocks

This addresses the probability of rebuilding success, which is simply how likely it is that a stock will reach the MSY biomass level within a given time period. The MSA requires that rebuilding plans provide at least a 50% chance that a stock will rebuild in the future by the end of the rebuilding period chosen by the Council. The current control rule does not explicitly state how rebuilding success is determined.

Approaches the Council could consider:

- Specifying the probability of rebuilding success directly, based on recommendations of the appropriate fishery management plan advisory panel and the Scientific and Statistical Committee.
- Specifying a probability of rebuilding success based on the stock overfishing risk ratings as applied in Action 2. For example, the rebuilding probability could be set at 80% for high risk stocks, 70% for moderate risk stocks, and 60% for low risk stocks.

- Allowing the Council to deviate from the rebuilding probabilities by 10% to address unforeseen or unique circumstances.

Phase-in of ABC changes

This provides criteria for when phase-in is allowed and a process for implementing phased-in changes to the ABC. There is a limit to this flexibility however, as the MSA prohibits the Council from setting catch limits that exceed the overfishing level for the stock.

Approaches the Council could consider:

- Allowing phase-in when a new ABC is from 10-30% less than the existing ABC.
- Allowing phase-in only when the stock is at high biomass, defined as not being overfished, or perhaps as biomass greater than the midpoint between overfished and MSY biomass levels.
- Allowing the phase in to be implemented over 1-3 years.

Carry-over of unharvested catch

Action 5 address the carry-over flexibility provisions. Alternatives are being considered that specify criteria for when carry-over is allowed, limits on how much may be carried over, and an approach to enable efficient change in ABC levels as a result of the carry over.

Approaches the Council could consider:

- Allowing carry-over of uncaught fish if the stock is neither overfished nor experiencing overfishing or basing the biomass consideration on the midpoint between the overfished and MSY levels.
- Allowing carry-over for an individual fishery sector if that fishery sector experienced a regulatory closure due to exceeding (or was predicted to exceed) a catch limit.
- Allowing carry-over only when total landings (including all fishery sectors) are below the average landings limit over the prior 3 years.
- Prohibiting carry-over when ABC changes are phased-in.
- For those stocks having an unknown overfishing catch level, limiting carry over to 105%, 110%, or 120% of the original ABC.
- Limiting carry-over to 25% of a given fishery sector catch limit.

Proposed Timing of Amendment

Process Steps	Dates
Scoping webinar hearings	January 2019
Council reviews scoping comments and revise actions/alternatives	March 2019
Review and revise action/alternatives	June 2019
Approval for public hearings	June 2019
Public hearings	Summer 2019
Review public hearing comments and approve all actions/alternatives	September 2019
Final action to approve for secretarial review	December 2019

How do I comment?

Comments on this amendment will be accepted from January 9 – February 1, 2019.

The Council requests that written comments be submitted using the online public comment form for each amendment available from the Public Hearings and Scoping Meetings page at <https://safmc.wufoo.com/forms/acceptable-biological-catch-abc-control-rule/>.

Comments submitted using the online comment form are immediately posted to the Council’s website and available for all Council members and the public to view.

Written comments must be received by 5:00 PM on **February 1, 2019**.

Comments by mail: Send comments to Gregg Waugh, Executive Director, SAFMC, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405.

Comments by fax: 843/769-4520.

View presentations and access the public hearing and scoping documents at <http://safmc.net/safmc-meetings/public-hearings-scoping-meetings/> or contact the Council office at 843/571-4366 (toll free 866/SAFMC-10).

Two live, interactive webinars will be held beginning at 6 pm on January 23rd and January 24th. You will be able to ask questions and give oral public comments at that time. Online registration for the webinars is required. You can register at: <http://safmc.net/safmc-meetings/public-hearings-scoping-meetings/>.