

Comprehensive Acceptable Biological Catch Control Rule Amendment

Public Hearing Summary

August 2022

Revisions to the Acceptable Biological Catch Control Rule and Specifications for Carry-Overs and Phase-Ins for the Dolphin Wahoo, Golden Crab, and Snapper Grouper Fishery Management Plans



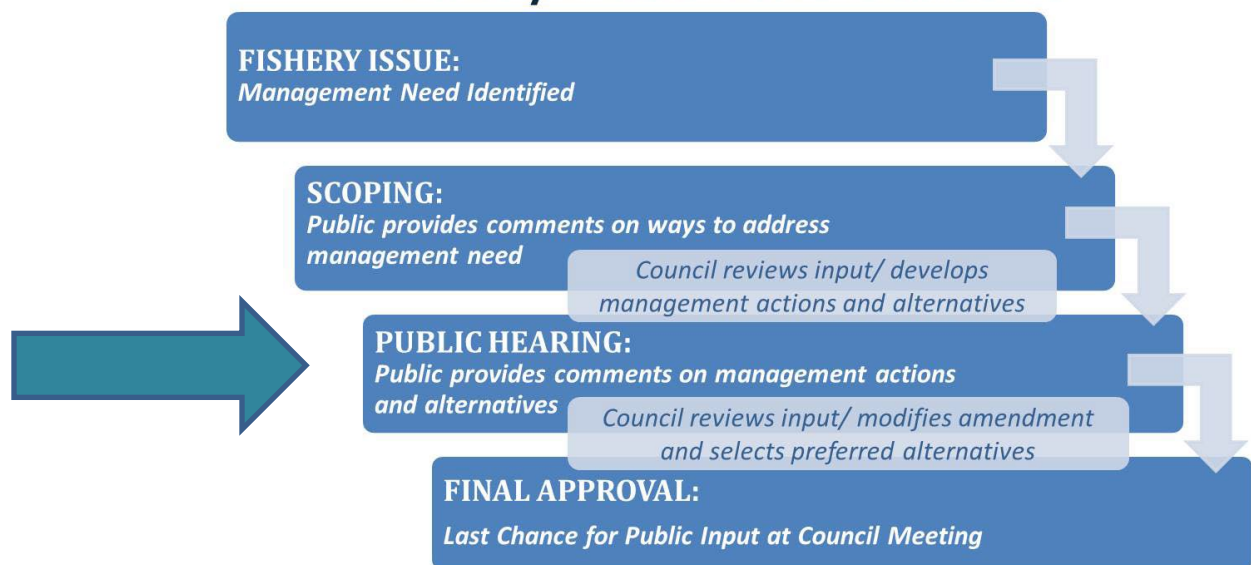
This public hearing summary includes the actions and alternatives being considered in the South Atlantic Fishery Management Council's (Council) Acceptable Biological Catch (ABC) Control Rule (CR) Amendment. For more information on the actions and potential effects, please see the most recent amendment draft on the [ABC CR Amendment webpage](#).

Written comments for the public hearing of the ABC CR Amendment will be accepted until 5:00 p.m. on August 26, 2022. Comments may be submitted in writing by mail at the South Atlantic Fishery Management Council (Council) address at the end of this document. Comments may also be submitted via fax (843-769-4520) with the subject "ABC CR Public Hearing" or online using the public comment form that can be found by clicking [HERE](#).

Where is this amendment in the development process?

Based on feedback received from stakeholders, including the public, advisory panels, the South Atlantic Fishery Management Council's (Council) Scientific and Statistical Committee (SSC), and the National Marine Fisheries Service, proposed actions and alternatives were developed to consider changes to the acceptable biological catch (ABC) control rule (CR) that would better distinguish roles of the Council and its SSC in determining risk and uncertainty components, addition of provisions for phasing in ABC changes, and addition of provisions for carrying over unharvest portions of annual catch limits. Changes to framework procedures are also being considered to include a procedure for implementing carry-overs when specified by the fishery management plan. Public hearings are being held to collect more feedback from stakeholders on the current alternatives or suggestions for additional alternatives. In addition to these public hearings, a public comment session is always held during the week of the Council meeting to address any amendments under development. One of the public hearings for the ABC CR Amendment is scheduled as part of the public comment session at the September 2022 Council meeting.

Council Process – *FMP/Plan Amendment*



Note: Public comment prior to final approval of the amendment is the last opportunity for public input during the Council amendment development process. However, additional public input is accepted during the federal regulatory process after the Council has submitted the document for Secretarial review.

What regions would be affected by this amendment?

Management of the federal dolphin wahoo fishery, located off the eastern United States (Atlantic) from Florida to Maine in the 3-200 nautical miles U.S. exclusive economic zone (EEZ), is conducted under the Fishery Management Plan (FMP) for the Dolphin and Wahoo Fishery of the Atlantic (Dolphin Wahoo FMP) (SAFMC 2003) (**Figure 1**).

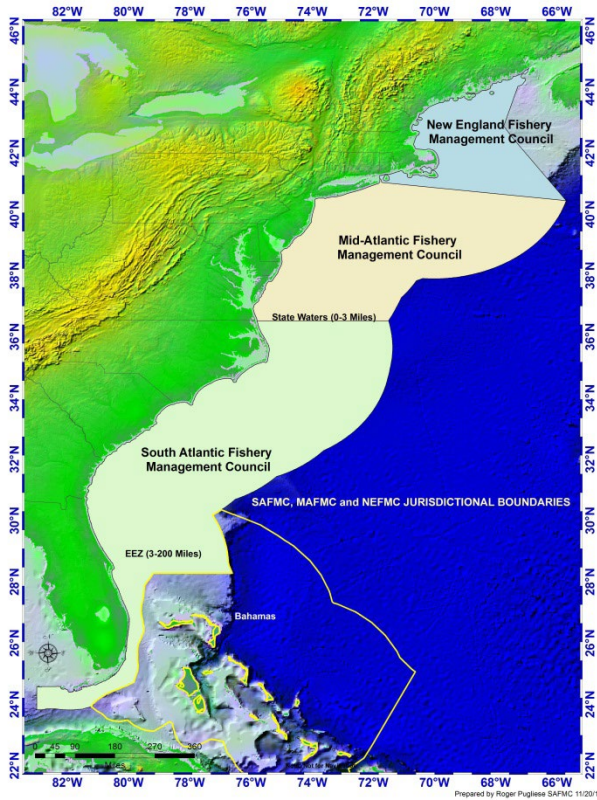


Figure 1. Jurisdictional boundaries of the Dolphin and Wahoo FMP for the Atlantic as managed by the South Atlantic Council.

Management of the federal golden crab fishery located off the southeastern United States (South Atlantic) in the 3-200 nautical miles U.S. exclusive economic zone (EEZ) is conducted under the FMP for the Golden Crab Fishery of the South Atlantic Region (Golden Crab FMP) (SAFMC 1995) (**Figure 2**).

Management of the federal snapper grouper fishery located off the southeastern United States (South Atlantic) in the 3-200 nautical miles U.S. exclusive economic zone (EEZ) is conducted under the FMP for the Snapper Grouper Fishery of the South Atlantic Region (Snapper Grouper FMP) (SAFMC 1983) (**Figure 2**). There are fifty-five species managed by the Council under the Snapper Grouper FMP.

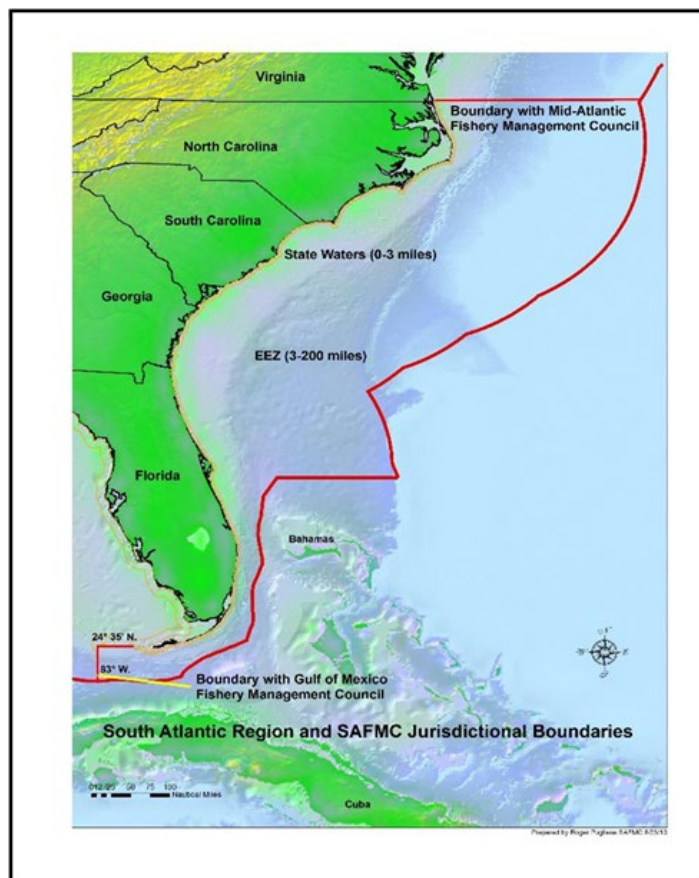


Figure 2. Jurisdictional boundaries of the Snapper Grouper and Golden Crab FMPs as managed by the South Atlantic Council.

Background

The South Atlantic Fishery Management Council (Council)'s Scientific and Statistical Committee (SSC) developed an acceptable biological catch (ABC) control rule (CR) in 2008. The ABC CR defines how scientific uncertainty and the Council's risk tolerance are addressed in determining the SSC's fishing level recommendations.

The current ABC CR for the Fishery Management Plans (FMP) for the Dolphin and Wahoo Fishery of the Atlantic and Golden Crab Fishery of the South Atlantic Region implemented by the Council through the Comprehensive Annual Catch Limit (ACL) Amendment (2012). The most recent revision of the ABC CR for the FMP for the Snapper Grouper Fishery of the South Atlantic Region (Snapper Grouper FMP) was through Amendment 29 to the Snapper Grouper FMP (2015).

Why is the Council considering action?

In applying the ABC CRs to different stocks and assessments from 2012-2016, the SSC began to express concerns that the rules lacked adequate resolution to distinguish differences in uncertainty levels across assessments, did not address continued developments in data poor assessment methods, and mixed uncertainty evaluation (an SSC role under the Magnuson-

Stevens Fishery Conservation and Management Act [MSA]) and risk tolerance determination (a Council role under the MSA). Additionally, the existing ABC CR does not provide a means to make use of 2016 revised guidelines for National Standard 1 that increased the flexibility available to regional fishery management councils for managing catch limits by allowing phasing in of catch level changes and carry-over of unharvested portions of the ACL.

What fishery management plans are included, and what actions are being proposed in this amendment?

The Comprehensive Acceptable Biological Catch Control Rule Amendment considers the following changes to the:

- Fishery Management Plan (FMP) for the Snapper Grouper Fishery of the South Atlantic Region (Amendment 45)
- FMP for the Dolphin and Wahoo Fishery of the Atlantic (Amendment 11)
- FMP for the Golden Crab Fishery of the South Atlantic Region (Amendment 11)

Action 1. Modify the acceptable biological catch control rule

Action 2. Allow phase-in of acceptable biological catch changes under the acceptable biological catch control rule

Action 3. Allow carry-over of unharvested portion of the annual catch limit under the acceptable biological catch control rule

Action 4. Modify framework procedures for the Snapper Grouper, Dolphin and Wahoo, and Golden Crab Fishery Management Plans

Action 1. Modify the Acceptable Biological Catch Control Rule

NOTE: Current ABC values will not change for any species through actions in this amendment. Rather, the new control rule will be prospectively applied through future management actions related to setting catch limits.

NOTE: Each alternative includes a general description of the proposed ABC CR (with reference to a descriptive table[s]), associated risk tolerance policy, and application of the CR to overfished stocks. Multiple sub-alternatives may be added to alternatives, and sub-alternatives are not mutually exclusive.

Alternative 1 (No Action).

- **Control Rule:** [Table 1](#)
- **Risk Tolerance:** The accepted risk of overfishing is determined by the acceptable biological catch criteria evaluated by the Scientific and Statistical Committee.
- **Overfished Stocks:** Standard application of the acceptable biological catch control rule to overfished stocks undergoing rebuilding is not specified.

Preferred Alternative 2.

- **Control Rule:** [Table 2](#)
- **Risk Tolerance:** The Council will specify the risk tolerance based on the stock biomass level and a stock risk rating. Default P* levels according to stock biomass levels and stock risk ratings are defined in [Table 3](#).
- **Overfished Stocks:** For overfished stocks, the Council will specify a stock rebuilding plan, considering recommendations from the Scientific and Statistical Committee and fishery management plan advisory panel, which will determine the acceptable biological catch while the rebuilding plan is in effect. Per requirements of the Magnuson-Stevens Act, the probability of success for rebuilding plans (1-P*) must be at least 50%.

Sub-Alternative 2a. Set the boundary between the high biomass and moderate biomass levels at 110% B_{MSY}, and set the boundary between moderate biomass and low biomass levels at the midpoint between 110% B_{MSY} and the minimum stock size threshold.

Sub-Alternative 2b. Allow the Council to deviate from the default risk tolerance (accepted probability of overfishing) by up to 10% for an individual stock, based on its expert judgment, new information, or recommendations by the Scientific and Statistical Committee or other expert advisors. Risk tolerance may not exceed 50%.

Sub-Alternative 2c. When requested by the Council, the Scientific and Statistical Committee will specify the acceptable biological catch for up to 5 years as both a constant value across years and as individual annual values for the same period of years.

Alternative 3.

- **Control Rule:** [Table 4](#)
- **Risk Tolerance:** Adjusted level/tier structure with similar terminology. Tiers 3 and 4 of Level 1 will be deleted, and the Council will specify an initial P^* between 30% and 50%, considering advice from the Scientific and Statistical Committee and fishery management plan's advisory panel. This initial P^* will be reduced according to adjustments defined in Tiers 1 (Assessment Information) and 2 (Uncertainty Characterization). The adjusted P^* will then be applied to derive acceptable biological catch.
- **Overfished Stocks:** For overfished stocks, the Council will specify a stock rebuilding plan, considering recommendations from the Scientific and Statistical Committee and fishery management plan's advisory panel, that will determine the acceptable biological catch while the rebuilding plan is in effect. Per requirements of the Magnuson-Stevens Act, the probability of success for rebuilding plans ($1-P^*$) must be at least 50%.

Sub-Alternative 3a. When requested by the Council, the Scientific and Statistical Committee will specify the acceptable biological catch for up to 5 years as both a constant value across years and as individual annual values for the same period of years.

Discussion

What do we get from stock assessments?

Stock assessments typically provide two important types of information for management: 1) The current state of the population and exploitation (i.e., how large is the population relative to how large it should be to support fishing activities, and is the exploitation rate sustainable), and 2) Projections of the future state of the population for various exploitation levels (how would the population be expected to change under various management choices). Evaluation of the first type of information gives us a stock status (overfished/not and overfishing is/is not occurring). Projections of the future state of the population under different exploitation levels are used to estimate the overfishing limit (OFL) and acceptable biological catch (ABC). These projections are run many times, such that the results of each projection include robust estimates of variables like landings or population size, as well as measures of uncertainty. While uncertainty can be evaluated and expressed in many ways, the outcomes of concern to management primarily relate to stock size and exploitation, such as: "What is the probability that the current biomass of the stock is greater than 1 million pounds?" or "If 3,000 fish are harvested next year, what is the probability of the fishing mortality rate exceeding the rate that would provide maximum sustainable yield?"

What is an overfishing limit?

The overfishing limit (OFL), as specified by the Magnuson-Stevens Fishery Conservation and Management Act (MSA), is the estimated total amount of fish that can be removed from the stock given the current stock abundance and the fishing mortality rate that would provide maximum sustainable yield (MSY, or the largest long-term average catch that can be taken from a stock under current conditions). OFL is an annual value that can be expressed in numbers or weight of fish. To derive the OFL, projections are run with a 50% probability of overfishing occurring (i.e., $P^*=50\%$).

What is acceptable biological catch?

Acceptable biological catch (ABC) is the amount of fish that can be removed from a population after accounting for uncertainty and the Council’s risk tolerance (represented through the probability of overfishing occurring, denoted as P*). ABC must be less than or equal to OFL (Figure 3). Federal fishery management measures such as annual catch limits (ACL), trip limits, bag limits, size limits, etc., are developed to keep fishing removals at or below the ABC. To derive the ABC, projections are run with P* set at 50% or less (based on adjustments to the P* from the ABC control rule).

What is an ABC control rule?

An ABC control rule is the method used to determine how much buffer (or reduction from the OFL) is necessary to provide an acceptable risk of overfishing. Higher levels of uncertainty and lower levels of tolerance that overfishing will occur result in greater buffers between OFL and ABC and lower ABC levels.

The key components of the ABC control rule are uncertainty and risk. The control rule is developed by the Council and the SSC to define how those components are evaluated to determine ABC. The SSC is responsible for evaluating uncertainty and considering it when applying the ABC control rule. Risk specification is the responsibility of the Council and is based on the Council’s tolerance for overfishing occurring. Evaluating risk involves considering characteristics of the species, the stock, and the fishery. Per the MSA, the risk of overfishing (P*) cannot exceed 50%.

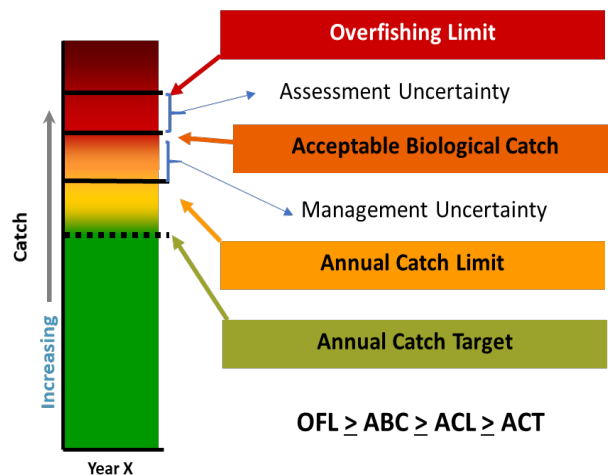


Figure 3. Illustrated general relationship between the overfishing limit (OFL), acceptable biological catch (ABC), annual catch limit (ACL), and annual catch target (ACT). The difference between OFL and ABC addresses assessment uncertainty, while the difference between ABC and ACL addresses management uncertainty.

All Action 1 alternatives would maintain these methods for deriving ABC using P* and OFL. Alternatives consider different approaches and responsibilities for characterizing scientific uncertainty in various scenarios and deriving accepted management risk (P*).

What are some of the differences between the alternatives?

Alternative 1 vs. Preferred Alternative 2

- Different structure and terminology for each.
- Under **Alternative 1**, P* is determined by the SSC based on the quality of information included in the assessment, uncertainty characterization, stock status, and vulnerability to overfishing characterized by the Productivity and Susceptibility Analysis (PSA). Under **Preferred Alternative 2**, the Council develops a stock risk rating in consultation with the SSC and advisory panel (AP). The stock risk rating is a scoring system similar to and based on the PSA, but with the addition of social, economic, and environmental factors. Then, P* is derived based on relative biomass and stock risk rating.
- **Preferred Alternative 2** allows the SSC to adjust or derive the uncertainty of stock assessment results when deemed appropriate, while **Alternative 1** requires use of the uncertainty as estimated by the stock assessment.
- **Preferred Alternative 2** specifies that ABC for overfished stocks will be determined according to a rebuilding plan with a probability of success (1-P*) of at least 50%. **Alternative 1** does not specify how ABC for overfished stocks should be determined (although common practice is for ABC for overfished stocks to come from the rebuilding plan).
- **Alternative 1** restricts data-limited methods that can be used to determine ABC for unassessed stocks to Depletion-Based Stock Reduction Analysis (DBSRA), Depletion-Corrected Average Catch (DCAC), Only Reliable Catch Stocks (ORCS; Snapper Grouper FMP only), or a decision tree. **Preferred Alternative 2** establishes a standing SSC work group that will evaluate ABC for each unassessed stock or complex, and gives the SSC discretion to use the data-limited method they deem most appropriate, provided adequate description and rationale.

Alternative 1 vs. Alternative 3

- Under **Alternative 1**, 4 (Dolphin Wahoo and Golden Crab FMPs) or 5 (Snapper Grouper FMP) levels defining different levels of assessment and methods for developing ABC. Under **Alternative 3**, there would be two levels: assessed stocks and unassessed stocks.
- Under **Alternative 3**, Tiers 3 (Stock Status) and 4 (PSA) of Level 1 would be deleted. Additionally, in Tier 1 (Assessment Information), classifications 4 (reliable catch history only) and 5 (unreliable catch records) would be deleted and the 10% potential adjustment for that tier would be redistributed among the remaining 3 tiers. The SSC recommended this change as stocks with only catch information or unreliable catch information could not be fully assessed and would have to be evaluated using data-limited methods (Level 2 under **Alternative 3**).
- Under **Alternative 1**, the SSC reduces P* of Level 1 stocks from an initial value of 50% according to the adjustments defined in each of the 4 Tiers. Under **Alternative 3**, the Council will specify an initial P* between 30% and 50%, considering advice from the Scientific and Statistical Committee and fishery management plan's advisory panel. This initial P* will be reduced according to adjustments defined in Tiers 1 (Assessment Information) and 2 (Uncertainty Characterization).
- **Alternative 3** specifies that ABC for overfished stocks will be determined according to a rebuilding plan with a probability of success (1-P*) of at least 50%. **Alternative 1** does

not specify how ABC for overfished stocks should be determined (although common practice is for ABC for overfished stocks to come from the rebuilding plan).

- **Alternative 1** restricts data-limited methods that can be used to determine ABC for unassessed stocks to DBSRA, DCAC, ORCS (Snapper Grouper FMP only), or a decision tree. **Alternative 3** establishes a standing SSC work group that will evaluate ABC for each unassessed stock or complex, and gives the SSC discretion to use the data-limited method they deem most appropriate, provided adequate description and rationale.

Preferred Alternative 2 vs. Alternative 3

- Different structure and terminology for each. Under **Preferred Alternative 2**, four categories of stock assessments (or lack thereof) based on how well uncertainty is estimated. Under **Alternative 3**, two levels of stock assessments (or lack thereof): assessed and unassessed.
- Under **Preferred Alternative 2**, the Council develops a stock risk rating in consultation with the SSC and AP. Then, P^* is derived based on relative biomass and stock risk rating. Under **Alternative 3**, the Council will specify an initial P^* between 30% and 50%, considering advice from the SSC and AP. This initial P^* will be reduced according to adjustments defined in Tiers 1 (Assessment Information) and 2 (Uncertainty Characterization).
- **Preferred Alternative 2** allows the SSC to adjust or derive the uncertainty of stock assessment results when deemed appropriate, while **Alternative 3** requires use of the uncertainty as estimated by the stock assessment.
- **Preferred Alternative 2** overtly includes stock and fishery characteristics through the stock risk rating and uses them to determine P^* . **Alternative 3** does not specify a process for determining initial P^* .

Alternative 1 (No Action)

Alternative 1 (No Action) maintains the current control rules set in place for the Dolphin Wahoo FMP and Golden Crab FMP through the Comprehensive Annual Catch Limit Amendment (SAFMC 2011) and Amendment 29 to the Snapper Grouper FMP (2015).

These control rules are described below:

Level 1 – Assessed Stocks

Accepted probability of overfishing (P^*) initially set at 50%. Adjustments shown in Table 1 are subtracted from this initial value.

Table 1. Level 1 (Assessed Stocks) of the current acceptable biological catch control rule Dolphin Wahoo, Golden Crab, and Snapper Grouper Fishery Management Plans (FMP). Parenthetical values indicate (1) the maximum adjustment value for a dimension; and (2) the adjustment values for each tier within a dimension.

Tier	Tier Classification and Methodology to Compute ABC
1. Assessment Information (10%)	<ol style="list-style-type: none"> 1. Quantitative assessment provides estimates of exploitation and biomass; includes MSY-derived benchmarks. (0%) 2. Reliable measures of exploitation or biomass, no MSY benchmarks, proxy reference points. (2.5%) 3. Relative measures of exploitation or biomass, absolute measures of status unavailable. Proxy reference points. (5%) 4. Reliable catch history. (7.5%) 5. Scarce or unreliable catch records. (10%)
2. Uncertainty Characterization (10%)	<ol style="list-style-type: none"> 1. Complete. Key determinant – uncertainty in both assessment inputs and environmental conditions are included. (0%) 2. High. Key determinant – reflects more than just uncertainty in future recruitment. (2.5%) 3. Medium. Uncertainties are addressed via statistical techniques and sensitivities, but full uncertainty is not carried forward in projections. (5%) 4. Low. Distributions of FR_{MSYR} and MSY are lacking. (7.5%) 5. None. Only single point estimates; no sensitivities or uncertainty evaluations. (10%)
3. Stock Status (10%)	<ol style="list-style-type: none"> 1. Neither overfished nor overfishing. Stock is at high biomass and low exploitation relative to benchmark values. (0%) 2. Neither overfished nor overfishing. Stock may be in close proximity to benchmark values. (2.5%) 3. Stock is either overfished or overfishing. (5%) 4. Stock is both overfished and overfishing. (7.5%) 5. Either status criterion is unknown. (10%)
4. Productivity and Susceptibility Analysis (10%)	<ol style="list-style-type: none"> 1. Low risk. High productivity, low vulnerability, low susceptibility. (0%) 2. Medium risk. Moderate productivity, moderate vulnerability, moderate susceptibility. (5%) 3. High risk. Low productivity, high vulnerability, high susceptibility. (10%)

Level 2 – Unassessed Stocks; reliable landings and life history information available

OFL derived from “Depletion-Based Stock Reduction Analysis” (DBSRA). ABC derived from applying the assessed stocks rule to determine the adjustment factor if possible, or from expert judgment if not possible.

Level 3 – Unassessed Stocks; inadequate data to support DBSRA

ABC derived directly from “Depletion-Corrected Average Catch” (DCAC). Done when only a limited number of years of catch data for a fishery are available. Requires a higher level of “informed expert judgment” than Level 2.

Level 4 (Snapper Grouper FMP Only) – Unassessed Stocks. Only Reliable Catch Stocks (ORCS).

OFL and ABC derived on a case-by-case basis. Apply ORCS approach using a catch statistic, a scalar derived from the risk of overexploitation, and the Council’s risk tolerance level.

Level 4 (Dolphin Wahoo and Golden Crab FMPs)/Level 5 (Snapper Grouper FMP) – Unassessed Stocks

OFL and ABC derived on a case-by-case basis. Stocks with very low landings that show very high variability in catch estimates (mostly caused by the high degree of uncertainty in recreational landings estimates), or stocks that have species identification issues that may cause unreliable landings estimates. Use “decision tree”:

1. Will catch affect stock?
NO: Ecosystem Species (Council did this already, ACL Amend)
YES: Go to 2
2. Will increase (beyond current range of variability) in catch lead to decline or stock concerns?
NO: ABC = 3rd highest point in the 1999-2008 time series
YES: Go to 3
3. Is stock part of directed fishery or is it primarily bycatch for other species?
Directed: ABC = Median 1999-2008
Bycatch/Incidental: If yes, go to 4.
4. Bycatch. Must judge the circumstance:
If bycatch in other fishery: what are trends in that fishery? What are the regulations?
What is the effort outlook?

If the directed fishery is increasing and bycatch of stock of concern is also increasing, the Council may need to find a means to reduce interactions or mortality. If that is not feasible, will need to impact the directed fishery. The SSC’s intention is to evaluate the situation and provide guidance to the Council on possible catch levels, risk, and actions to consider for bycatch and directed components.

Preferred Alternative 2

Under **Preferred Alternative 2**, the ABC will be derived by applying P* to a stock projection analysis for assessed stocks or an OFL estimated using alternative methods for unassessed stocks, when possible (Table 2). If an OFL cannot be estimated, the SSC will derive the ABC directly.

Table 2. Acceptable biological catch control rule proposed in [Action 1-Preferred Alternative 2](#) for the Dolphin Wahoo, Golden Crab, and Snapper Grouper Fishery Management Plans.

Category	Criteria	ABC Determination
Category 1	Stock is assessed; scientific uncertainty is adequately incorporated.	The P* is applied to the assessment information to derive ABC.
Category 2	Stock is assessed; scientific uncertainty is not adequately evaluated or some assessment outputs may be lacking.	The SSC will adjust the measures of uncertainty, P* will then be applied to the assessment information.
Category 3	The stock is assessed; scientific uncertainty is not adequately evaluated and cannot be addressed by adjusting the available uncertainty measures.	The SSC will develop uncertainty measures as necessary to apply the P* to the available assessment information. Alternatively, the SSC may apply a direct buffer to the overfishing limit (or an overfishing limit proxy) to derive the ABC.
Category 4	No formal stock assessment accepted to provide OFL and ABC recommendations (reviewed through SEDAR or SSC).	OFL and ABC will be developed according to the strategy proposed by the SSC’s Data-Limited Working Group (https://safmc.net/wp-content/uploads/2022/05/SSC_May_2021_Report_with_Appendices.pdf). The SSC will attempt to estimate OFL and its uncertainty using available data, applicable methods, and expert judgement. If an OFL and its uncertainty are defined, the SSC will apply P* to derive ABC. If an OFL is unable to be defined, the SSC will directly recommend an ABC. The process of updating OFLs and ABCs for unassessed stocks will occur over time as directed by the Council. The current OFL and ABC for unassessed species and species complexes will be maintained until updated levels are recommended by the SSC and approved by the Council.

Note: The SSC may provide an ABC that deviates from strict application of the approved ABC control rule if necessary to address scientific uncertainty, recruitment variability, declining population trends, or available information. If the SSC deviates from the ABC control rule, it must provide a written explanation describing why the deviation was necessary, how the alternative ABC recommendation is derived, and how the alternative ABC prevents overfishing, addresses scientific uncertainty and the Council’s specified risk tolerance level for the stock. As part of the SSC’s guidance on deviating from the ABC control rule, a recurring situation when this would be used is in developing ABC for an inter-regionally assessed stock (e.g. yellowtail snapper). For such stocks, the SSCs of all managing regions will cooperatively decide which control rule would be applied to develop ABC. The ABC recommendation to the South Atlantic Council would be the result of the cooperatively agreed upon control rule, including regional allocations as applicable.

For **Preferred Alternative 2**, the Council, with advice from the SSC and AP, will evaluate management risk for each stock through a stock risk rating. Stock risk ratings include information currently used in the PSA, but also incorporate socio-economic and environmental attributes. These recommendations will be revisited when new information becomes available (for example, a new stock assessment). The Council will specify the risk rating as low, medium,

or high risk of overfishing. A higher risk of overfishing would indicate that risk tolerance (the accepted probability of overfishing) should be lower. These stock risk ratings, along with relative biomass levels, will be used to determine the Council’s default risk tolerance (P*) for each stock.

The stock risk rating and stock biomass would be used together to derive P*, according to Table 3. For example, a stock with high biomass and medium stock risk rating would have a P* of 45%. This would be lower than the OFL, in accordance with MSA. The SSC can recommend the Council reconsider the stock risk rating. This could happen, for example, with the emergence of new scientific studies or new information from a stock assessment.

Table 3. Summary table of default risk tolerance (P*) levels based on stock risk ratings and relative biomass levels, proposed in [Action 1-Preferred Alternative 2](#). B_{MSY} is the stock biomass that would provide maximum sustainable yield. MSST is the minimum stock size threshold (if a stock’s biomass is below this threshold, it is overfished).

Stock Risk Rating	High Biomass Biomass exceeds B _{MSY} (or 110% B _{MSY} per Sub-Alternative 2a)	Moderate Biomass Biomass is ABOVE the midpoint between B _{MSY} and MSST	Low Biomass Biomass is below the midpoint between B _{MSY} and MSST
Low	45%	45%	40%
Medium	45%	40%	30%
High	40%	30%	20%

ABC includes both components of scientific uncertainty and management risk tolerance. Under **Preferred Alternative 2**, the ABC can be increased via greater risk tolerance from the Council (higher P*) OR less uncertainty in the projection results (i.e., a narrower distribution about OFL) determined by the SSC. The ABC can be decreased via lower risk tolerance from the Council (lower P*) OR more uncertainty in the projections results (i.e., a wider distribution about OFL) determined by the SSC.

Stock Risk Ratings and ABC Recommendations for Unassessed Stocks (Category 4)

- If **Preferred Alternative 2** is implemented, the SSC will work through groups of unassessed stocks to determine ABC recommendations.
- Prior to the SSC developing an ABC recommendation for a group of unassessed stocks, the SSC and AP will provide input on stock risk rating attributes. The Council will determine stock risk rating as described for assessed stocks using available (though, more limited) information.
- When possible, OFL will be defined and the ABC control rule will applied to the OFL and its distribution, as described for assessed stocks. However, in cases where OFL cannot be defined and the SSC recommends ABC directly, the SSC will describe in their report how they considered the Council’s stock risk rating in developing their recommendations.

Preferred Alternative 2 Sub-Alternatives

Preferred Alternative 2 can include one or more sub-alternatives. **Sub-Alternative 2a** would increase the relative biomass thresholds used to determine P* (see **Table 3**). A stock’s biomass

would need to be greater than the midpoint between 110% of the biomass that would provide maximum sustainable yield (B_{MSY}) and the minimum stock size threshold (MSST) to be considered “moderate” and would need to be greater than 110% B_{MSY} to be considered “high biomass”. Use of greater thresholds to qualify for greater P^* can have conservation benefits for the stock but lessens the probability of a higher ABC.

Sub-Alternative 2b would give the Council added flexibility, allowing them to deviate from the default P^* levels (**Table 3**) by up to 10%, provided that P^* does not exceed 50%. This could increase or decrease ABC, depending on the stock and information supporting deviation. However, any increase in ABC would still be constrained by the recommended OFL.

Sub-Alternative 2c would allow the Council to request that the SSC recommend ABC under two scenarios: as a constant value for 5 years and as individual annual values for 5 years. Recent amendments have considered constant catch levels at the request of stakeholders and advisers seeking management stability. However, these catch levels have had to be the lowest value from 5-year projections of annually evaluated ABCs, because the Council cannot set ABC higher than the SSC’s recommendation for that year. Inclusion of **Sub-Alternative 2c** would make requesting projections to support a constant ABC a more standard part of terms of reference given to analysts when developing stock assessments and the SSC when reviewing assessments and making ABC recommendations.

Action 1-Alternative 3

For Action 1-**Alternative 3**, the ABC will be derived by applying P^* to a stock projection analysis for assessed stocks or an OFL estimated using alternative methods for unassessed stocks, when possible. If an OFL cannot be estimated, the SSC will derive the ABC directly.

This control rule is described below:

Level 1 – Assessed Stocks

Accepted probability of overfishing (P^*) initially set by the Council between 30% and 50%. Adjustments below are subtracted from this initial value.

Table 4. Acceptable biological catch control rule proposed in [Action 1-Alternative 3](#). Level 1 (Assessed Stocks) of the acceptable biological catch control rule specified by the Comprehensive Annual Catch Limit Amendment for the Dolphin Wahoo, Golden Crab, and Snapper Grouper Fishery Management Plans. Parenthetical values indicate (1) the maximum adjustment value for a dimension; and (2) the adjustment values for each tier within a dimension.

Tier	Tier Classification and Methodology to Compute ABC
<p>1. Assessment Information (10%)</p>	<ol style="list-style-type: none"> 1. Quantitative assessment provides estimates of exploitation and biomass; includes MSY-derived benchmarks. (0%) 2. Reliable measures of exploitation or biomass, no MSY benchmarks, proxy reference points. (5%) 3. Relative measures of exploitation or biomass, absolute measures of status unavailable. Proxy reference points. (10%)
<p>2. Uncertainty Characterization (10%)</p>	<ol style="list-style-type: none"> 1. Complete. Key determinant – uncertainty in both assessment inputs and environmental conditions are included. (0%) 2. High. Key determinant – reflects more than just uncertainty in future recruitment. (2.5%) 3. Medium. Uncertainties are addressed via statistical techniques and sensitivities, but full uncertainty is not carried forward in projections. (5%) 4. Low. Distributions of FR_{MSYR} and MSY are lacking. (7.5%) 5. None. Only single point estimates; no sensitivities or uncertainty evaluations. (10%)

Level 2 – Unassessed Stocks

OFL and ABC will be developed according to the strategy proposed by the SSC’s Data-Limited Working Group (https://safmc.net/wp-content/uploads/2022/05/SSC_May_2021_Report_with_Appendices.pdf). The SSC will attempt to estimate OFL and its uncertainty using available data, applicable methods, and expert judgement. If an OFL and its uncertainty are defined, the SSC will apply P* to derive ABC. If an OFL or its uncertainty are unable to be defined, the SSC will directly recommend an ABC. The process of updating OFLs and ABCs for unassessed stocks will occur over time as directed by the Council. The current OFL and ABC for unassessed species and species complexes will be maintained until updated levels are recommended by the SSC and approved by the Council.

Sub-Alternative 3a would allow the Council to request that the SSC recommend ABC under two scenarios: as a constant value for 5 years and as individual annual values for 5 years. Recent amendments have considered constant catch levels at the request of stakeholders and advisers seeking management stability. However, these catch levels have had to be the lowest value from 5-year projections of annually evaluated ABCs, because the Council cannot set ABC higher than the SSC’s recommendation for that year. Inclusion of **Sub-Alternative 3a** would make requesting projections to support a constant ABC a more standard part of terms of reference given to analysts when developing stock assessments and the SSC when reviewing assessments and making ABC recommendations.

Action 2. Allow phase-in of acceptable biological catch changes under the acceptable biological catch control rule

NOTE: Current ABC values will not change for any species through actions in this amendment. Rather, the new control rule will be prospectively applied through future management actions related to setting catch limits.

Sub-Action 2.1. Establish criteria specifying when phase-in is allowed.

Alternative 1 (No Action). Do not establish provisions to allow the phase-in of acceptable biological catch changes.

Alternative 2. Allow phase-in of increases to acceptable biological catch, as specified by the Council. Allow phase-in of decreases when a new acceptable biological catch is less than:

Sub-Alternative 2a. 60% of the existing acceptable biological catch.

Sub-Alternative 2b. 70% of the existing acceptable biological catch.

Sub-Alternative 2c. 80% of the existing acceptable biological catch.

Alternative 3. Allow phase-in of increases to acceptable biological catch at any stock biomass level, as specified by the Council. Allow phase-in of decreases to acceptable biological catch only:

Sub-Alternative 3a. if stock biomass exceeds the minimum stock size threshold.

Sub-Alternative 3b. if the stock biomass is greater than the midpoint between the biomass that provides maximum sustainable yield and the minimum stock size threshold.

Sub-Action 2.2. Specify the approach for phase-in of acceptable biological catch changes.

Alternative 1 (No Action). No phase-in of acceptable biological catch changes is allowed.

Alternative 2. Phase-in acceptable biological catch decreases over no more than 3 years, as specified in **Table 5**. Acceptable biological catch increases may be phased-in as specified by the Council with advice from the SSC and AP.

Alternative 3. Phase-in acceptable biological catch decreases over no more than 2 years, as specified in **Table 5**. Acceptable biological catch increases may be phased-in as specified by the Council with advice from the SSC and AP.

Alternative 4. Phase-in acceptable biological catch decreases over 1 year, as specified in **Table 5**. Acceptable biological catch increases may be phased-in as specified by the Council with advice from the SSC and AP.

Discussion

Sub-Action 2.1 specifies when phase-in would be allowed, addressing the National Standard guidance directing the Council to consider when phase-in is appropriate. Phase-ins are not required by any of the proposed sub-actions or alternatives. Multiple alternatives may be selected under Sub-Action 2.1 to address multiple criteria for allowing phase-ins. Phase-ins of ABC increases are allowed under all considered alternatives, as initial ABCs for those phase-ins would be less than the new recommended ABC levels.

Sub-Action 2.1-**Alternative 2** states that the difference between existing and new ABCs must exceed a minimum level (**Sub-Alternative 2a.** 40% difference; **Sub-Alternative 2b.** 30%; **Sub-Alternative 2c.** 20%) to justify phase-in of an ABC decrease. This alternative would specify and limit application of phase-ins for decreasing ABCs to “large changes.”

Sub-Action 2.1-**Alternative 3** specifies stock conditions that must be met to justify phase-in of an ABC decrease. **Sub-Alternative 3a** would require that a stock must not be overfished (biomass greater than the minimum stock size threshold (MSST)) to allow consideration of phasing in an ABC decrease. **Sub-Alternative 3b** sets a more conservative threshold, requiring stock biomass to be greater than the midpoint between MSST and B_{MSY} for that stock to be eligible for phasing in a decrease to its ABC.

Sub-Action 2.2 specifies the maximum time for phase-ins of ABC decreases and maximum levels of ABC that can be implemented during the phase-in period for ABC decreases. A longer phase-in period allows a more gradual change from the existing ABC to the new ABC, greater ABCs during the phase-in period, but a lower long-term new ABC after revised projections account for the higher catch limits during the phase-in period. A shorter phase-in period results in a more immediate change from the existing ABC to the new ABC, lower ABCs during the phase-in period, and a higher long-term ABC after revised projections account for the catch limits used during the phase-in period. The Council may use a shorter phase-in period than the maximum specified by this sub-action, if desired.

Sub-Action 4.2-**Alternative 2** allows phase-in decreases over no more than 3 years, which is the maximum phase in period allowed by the NS1 guidelines. The maximum allowable phase in period is shortened for **Alternative 3** (2 years) and **Alternative 4** (1 year). The time periods specified in Sub-Action 2.2-**Alternatives 2-4** are according to the number of years between the existing ABC and the long-term new ABC, which would remain in place following the phase-in period until changed by future actions.

The long-term new ABC would differ from the SSC’s initial recommended ABC in that the SSC’s initial recommended ABC would be based on projections that do not account for a phase-in period, while the long-term ABC would be based on projections that do account for a phase-in period. ABC requirements for different phase-in time periods are shown in **Table 5**. For example, a one-year phase-in does not indicate a within-year change to the ABC, but a single year in which (in the case of a phase-in decrease) the ABC may be less than or equal to the newly recommended OFL (which is greater than the SSC’s initially recommended ABC). Revised projections accounting for this one-year phase-in would then estimate a long-term ABC, which would be implemented in the second year and beyond.

Steps for Implementing ABC Decrease

1. SSC recommends a new ABC for a stock that is lower than the current ABC.
2. Council evaluates whether that stock is eligible for phase-in based on its most recent stock assessment and according to criteria defined by Sub-Action 2.1.
3. If eligible for phase-in, the Council may determine a phase-in schedule, subject to requirements defined in Sub-Action 2.2 and Table 5. All phase-in schedules considered would require revised projections to determine ABC after the phase-in period that include modified ABCs during the phase-in period.
4. Council revises ABC for the phase-in period and future years through an amendment to the FMP.

Table 5. Annual requirements for phase-in of decreases to acceptable biological catches (ABC) over a 3-year schedule (maximum time under Sub-Action 2.2-**Alternative 2**), 2-year schedule (maximum time under Sub-Action 2.2-**Alternative 3**), or 1-year schedule (maximum time under Sub-Action 2.2-**Alternative 4**).

	3-Year Schedule (Alternative 2)	2-Year Schedule (Alternative 3)	1-Year Schedule (Alternative 4)
Year 1	Modified ABC may not exceed the overfishing limit (OFL).	Modified ABC may not exceed the OFL.	Modified ABC may not exceed the OFL.
Year 2	Modified ABC may not exceed one-half the difference between the OFL and the new ABC recommendation.	Modified ABC may not exceed one-half the difference between the OFL and the new ABC recommendation.	NA
Year 3	Modified ABC may not exceed the original recommended year 3 ABC (based on the projections and analyses that triggered the phase-in).	NA	NA
Subsequent Years	ABC is based on revised projections that account for the phase-in during years 1-3.	ABC is based on revised projections that account for the phase-in during years 1 and 2.	ABC is based on revised projections that account for the phase-in during year 1.

Action 3. Allow carry-over of unharvested portion of the annual catch limit under the acceptable biological catch control rule

NOTE: Current ABC values will not change for any species through actions in this amendment. Rather, the new control rule will be prospectively applied through future management actions related to setting catch limits.

Sub-Action 3.1. Establish criteria specifying circumstances when an unharvested portion of the originally specified sector annual catch limit can be carried over from one year to increase the available harvest in the immediate next year. Carry-overs may not be delayed, and only amounts from the originally specified sector annual catch limit may be carried over.

NOTE: Multiple sub-alternatives may be selected under Sub-Action 3.1-Alternative 2.

Alternative 1 (No Action). Do not establish provisions to allow the carry-over of annual catch limits.

Alternative 2. Allow carry-over of the unharvested portion of a sector's annual catch limit if the stock status is known, the stock is neither overfished nor experiencing overfishing, an overfishing limit for the stock is defined, and

Sub-Alternative 2a. the stock biomass exceeds the midpoint between the B_{MSY} and MSST biomass levels (or proxies of these levels).

Sub-Alternative 2b. that fishery sector has experienced a regulatory closure due to landings being projected to exceed that sector's annual catch limit at least once in the previous 3 years.

Sub-Alternative 2c. the sum of total landings for all sectors over the previous 3 years is less than the sum of the total annual catch limits over those same years.

Sub-Alternative 2d. ABC decreases are not being phased-in.

Sub-Alternative 2e. there are both in-season accountability measures that restrict annual landings to the annual catch limit and post-season accountability measures that reduce the annual catch limit in the following year according to any landings overages in place for that stock and sector.

Sub-Action 3.2. Specify limits on how much of the unharvested portion of a sector annual catch limit may be carried over from one year to increase the sector annual catch limit in the next year.

Alternative 1 (No Action). No carry-over provisions are currently in place for the Snapper Grouper, Dolphin Wahoo, or Golden Crab Fishery Management Plans.

Alternative 2. Allow carry-over of the unharvested portion of a sector's annual catch limit. The acceptable biological catch and the total annual catch limit may be temporarily increased to allow this carry-over but may not exceed the overfishing limit or the total annual catch limit plus the carried over amount, whichever is less.

Multiple eligible sectors may use carry-over in the same year. Sector-specific amounts being carried over will be allocated entirely to the sector from which they came unless the sum of the specified total annual catch limit and all sector-specific amounts that could be carried over exceeds the overfishing limit. If the sum of the specified total annual catch limit and all sector-specific amounts that could be carried over exceeds the overfishing limit, the difference between the temporary acceptable biological catch and the specified total annual catch limit will be allocated according to sector allocation percentages defined in the fishery management plan.

Alternative 3. Allow carry-over of the unharvested portion of a stock's annual catch limit. The acceptable biological catch may be temporarily increased to allow this carry-over but may not exceed the overfishing limit, the total annual catch limit plus the carried over amount, **or the total annual catch limit plus 25% of the carrying-over sector's annual catch limit**, whichever is least.

Multiple eligible sectors may use carry-over in the same year. Sector-specific amounts being carried over will be allocated entirely to the sector from which they came unless the sum of the specified total annual catch limit and all sector-specific amounts that could be carried over exceeds the overfishing limit or 125% of the total annual catch limit, whichever is least. If the sum of the specified total annual catch limit and all sector-specific amounts that could be carried over exceeds the overfishing limit or 125% of the total annual catch limit, whichever is least, the difference between the temporary acceptable biological catch and the specified total annual catch limit will be allocated according to sector allocation percentages defined in the fishery management plan.

Discussion

This action addresses flexibility allowed under the revised NS 1 guidelines (Holland et al. 2020). Carry-over that does not exceed the original ABC can be accommodated under existing rules, using the buffer between the ACL and ABC. However, for many Council stocks, ACL=ABC, so there is no buffer available. Per the NS 1 guidance, an ABC CR may include provisions to increase the ABC in the next year to address an ACL underage.

Action 3 addresses carry-over eligibility criteria (Sub-Action 3.1) and constraints on the amount of unused ACL that may be carried over (Sub-Action 3.2). For effective timing, carry-overs

would need to be implemented using a faster process than is typically conducted for ABC revisions. The process for implementing carry-over is addressed in Action 4.

The NS 1 guidance addressing carry-overs indicates that Councils must state in their FMP when carry-over can and cannot be used. Sub-Action 3.1 specifies circumstances when carry-over would be allowed (though not required). Under Sub-Action 3.1-**Alternative 1**, no carry-over would be allowed. Sub-Action 3.1-**Alternative 2** addresses criteria defining eligibility for carry-over. Eligibility would be evaluated for an individual stock and individual sector that has a specified ACL. Base criteria for carry-over eligibility are that the stock is not overfished ($B > MSST$), overfishing is not occurring ($F < MFMT$), and the stock's OFL is defined. Additional criteria are considered through sub-alternatives. Multiple sub-alternatives under Sub-Action 3.1-**Alternative 2** could be selected and combined.

Sub-Action 3.1-**Sub-Alternative 2a** requires that the stock's biomass be above a more conservative threshold than MSST, the midpoint between MSST and B_{MSY} .

Sub-Action 3.1-**Sub-Alternative 2b** addresses carry-over following catch-based regulatory closures for a fishery sector. A sector must have experienced a catch-based regulatory closure during the prior 3 years to be considered eligible for carry-over. The amount that may be carried over would still be determined from the unused ACL in the immediately preceding year, as specified by Sub-Action 3.2.

Sub-Action 3.1-**Sub-Alternative 2c** bases eligibility on landings history for the entire fishery (all sectors) during the prior 3 years. The sum of all landings during the prior 3 years must be less than the sum of the total ACLs in effect during the same time period. If sector ACLs are specified in different catch units (e.g., one in pounds and another in numbers), landings will be converted and evaluated using the units used to specify ABC.

Sub-Action 3.1-**Sub-Alternative 2d**, would require that carry-overs only be applied for ABCs that are not undergoing a phase-in for an ABC decrease.

Sub-Action 3.1-**Sub-Alternative 2e**, would require that carry-overs only be applied to stocks and sectors that have both in-season accountability measures to limit harvest to the ACL and post-season accountability measures that would pay back ACL overages. The 2020 NS1 guidance recommends against applying carry-overs of underharvests to stocks that do not also have paybacks of overharvest, as this could lead to the long-term average harvest being greater than the ACL.

Sub-Action 3.2 addresses the amount of unused ACL that can be carried over. Carry-over would be applied on a sector-by-sector basis, and the amount that may be carried over may not exceed the amount of unused sector ACL in the prior year. Unharvested portions of the sector ACL will be evaluated using the same units of measurement (e.g., weight or numbers) used to specify catch limits for the sector. If necessary, carried over amounts will be converted to the same unit as the ABC to calculate the temporary revised ABC and compare to the OFL. Sub-Action 3.2-**Alternative 1** would not allow carry-over. Sub-Action 3.2-**Alternatives 2 and 3** specify the amount of unused ACL that can be carried over.

Both **Alternatives 2** and **3** under Sub-Action 3.2 would allow an ABC to be temporarily revised to allow a sector ACL increase that would accommodate the carried over amount. The sum of the sector ACLs (total ACL) may not exceed the revised ABC. Carry-overs are sector-specific, thus if only one sector is carrying over unused ACL, the carried-over amount is allocated completely to that sector, subject to limitations defined in **Alternatives 2** and **3**. If more than one sector is carrying over unused ACL in the same year, each sector's carry-over amount will be completely allocated to the sector from which it was derived, unless the sum of all carry-over amounts plus the total ACL specified in the FMP is greater than the OFL. In this case, the difference between the temporary revised ABC and the specified total ACL will be allocated using sector allocation percentages specified by the FMP. A revised sector ACL and revised ABC would remain in place for a single fishing year. Following a year that included carry-over, evaluations of carry-over amounts for future years would be based on the ABC and sector ACLs specified by the FMP, not the temporarily revised values.

Under Sub-Action 3.2-**Alternative 2**, a temporarily revised ABC may not exceed the OFL. The OFL places an upper limit on the amount of unused ACL that may be carried over. The carried over amount cannot exceed the difference between the OFL and the specified total ACL.

Under Sub-Action 3.2-**Alternative 3**, a temporarily revised ABC may not exceed the OFL. A temporarily revised ABC also may not exceed the total ACL plus 25% of the sector ACL for the sector carrying over. This sub-alternative includes an additional limitation on the amount that may be carried over, making it more conservative than **Alternative 2** for ACL underages that are greater than 25% of the sector ACL or 25% of the total ACL (if both sectors are carrying over).

Action 4. Modify framework procedures for the Snapper Grouper, Dolphin Wahoo, and Golden Crab Fishery Management Plans

NOTE: Action 4 was added to this amendment to address implementation of carry-overs. This approach was taken to more specifically define the process of carry-over implementation within the FMPs' framework procedures. Current ABC values will not change for any species through actions in this amendment. Rather, the new control rule will be prospectively applied through future management actions related to setting catch limits.

Sub-Action 4.1. Modify Section I of the Snapper Grouper Framework Procedure to include a framework process to approve carry-overs.

Alternative 1 (No Action). Do not modify the Snapper Grouper Fishery Management Plan framework procedure.

Alternative 2. Modify the Snapper Grouper Fishery Management Plan framework procedure by adding language to accommodate carry-overs, as noted [below](#).

Sub-Action 4.2. Modify the Dolphin Wahoo Fishery Management Plan framework procedure to include a framework process to approve carry-overs.

Alternative 1 (No Action). Do not modify the Dolphin Wahoo Fishery Management Plan framework procedure.

Alternative 2. Modify the Dolphin Wahoo Fishery Management Plan framework procedure by adding language to accommodate carry-overs, as noted [below](#).

Sub-Action 4.3. Modify the Golden Crab Fishery Management Plan framework procedure to include a framework process to approve carry-overs.

Alternative 1 (No Action). Do not modify the Golden Crab Fishery Management Plan framework procedure.

Alternative 2. Modify the Golden Crab Fishery Management Plan framework procedure by adding language to accommodate carry-overs, as noted [below](#).

Language to be added to the Snapper Grouper, Dolphin Wahoo, and Golden Crab Fishery Management Plans through selection of Alternative 2 under Sub-Action 4.1, Sub-Action 4.2, and Sub-Action 4.3:

Single season adjustments to ABCs and ACLs to allow carry-over of unused sector ACL may be implemented through this framework procedure. This procedure is only available for use when the applicable ABC and ACLs were approved according to the ABC control rule authorizing carry-over and have been implemented pursuant to the FMP with the potential for carry-over already addressed. This process is authorized as follows:

- a. When specifying an ABC and ACL for a stock, or through specific action on an existing ABC and ACL, the Council will determine whether carry-over will be authorized, if annual conditions cause a stock ACL or sector ACL to qualify for carry-over. In doing so, the Council will consider potential need for, and benefits of, carry-over for stocks that could become eligible according to criteria specified in the ABC control rule. The Council will also determine the duration of time when the specified ABC and ACL are effective. An amendment or framework that specifies carry-over for a stock will include analysis of the relevant biological, economic, and social information necessary to meet the criteria and guidance of the existing ABC Control Rule.
 - i. To support potential carry-over justification, a Term of Reference will be added for stock assessments to project the maximum amount of landings beyond the ABC that could be carried over in one year while not resulting in overfishing nor the stock becoming overfished within the projection period.
- b. Following the conclusion of each fishing year, staff will notify the Council if any stocks and sectors for which carry-over is approved qualify based on the previous year's landings, potentially using preliminary landings estimates.
- c. If a sector qualifies for carry-over according to specifications of the ABC and annual landings meeting criteria specified in the ABC control rule, NOAA Fisheries will enact carry-over of eligible landings from the previous year.
- d. If the Council chooses to deviate from the criteria and guidance of the effective ABC control rule, this abbreviated process would not apply.

Discussion

Action 4 addresses the process by which catch limits would be temporarily adjusted to accommodate carry-over. This process would be incorporated into the framework procedures for each of the Snapper Grouper, Dolphin Wahoo, and Golden Crab FMPs.

Under existing procedures, the Council could ask the SSC to consider recommending a temporary, higher ABC to accommodate carry-over. This approach is not particularly efficient, given the timing of Council and SSC meetings and the need to implement carry-overs within a fishing year based on landings from the previous year.

Under **Alternative 2 in Sub-Actions 4.1-4.3**, single season adjustments to ABCs and ACLs to accommodate carry-overs would occur automatically for stocks for which: 1) the SSC has recommended be eligible for potential carry-over when recommending the ABC, 2) the Council

has decided be eligible for potential carry-over when specifying the ABC and ACL, and 3) annual conditions have fulfilled criteria specified in Action 3.

This procedure would not require additional public, SSC, or advisory panel comment, as comments relevant to the ABC being approved with potential for carry-over would be part of the development process for the amendment or framework in which the ABC and ACL are specified.

Steps for evaluating/implementing carry-over

1. SSC provides an ABC recommendation for a stock and includes with its recommendation notice that the stock's ABC is eligible for carry-over in years when it qualifies according to criteria in Sub-Action 3.1.
2. Council revises the ABC, based on the SSC's recommendation, through an amendment to the FMP. The action revising ABC in the amendment includes a statement that this stock's ABC will be carried over in years when it qualifies, subject to the constraints of Sub-Action 3.1 and Sub-Action 3.2.
3. One or both sectors underharvest the ACL, and all criteria for eligibility under Sub-Action 3.1 are met.
4. ABC and applicable sector ACL(s) are automatically increased according to the limitations of Sub-Action 3.2 in the next fishing year.
5. Sector ACL(s) automatically reverts to the value specified in the FMP when that sector is no longer eligible according to criteria in Sub-Action 3.1. The ABC automatically reverts to the value specified in the FMP when neither sector is eligible for carry-over or when the carried over amount does not exceed the buffer between ABC and total ACL.

Potential timing for ABC CR Amendment

	Process Step	Date
✓	Scoping	January 2019
✓	Develop amendment actions and alternatives	March 2019-June 2022
	Public hearings	August 2022
	Council reviews public hearing comments and revised analyses	September 2022
	Council reviews amendment and approves for formal review	December 2022
	Implementation	Sometime in 2023

Note: Opportunities to provide public comment include scoping, Council meetings, and public hearings. There are also opportunities to submit written comments via the Council’s online comment form throughout the process.

How to provide your comments to the Council

Public Hearing Webinar

Webinars will include a staff presentation and Q&A session followed by an opportunity to provide verbal comments on the record to the Council. There will be one webinar starting with the staff presentation on the following date:

- August 24, 2022 – starting at 6pm (Register [HERE](#))

Please don’t forget that registration is required!

The public hearing summary, presentation slides, and recorded presentation is available [HERE](#).

Council Meeting Public Comment Session

Public comments on the Acceptable Biological Catch Control Rule Amendment may also be given in-person or via webinar during the public comment session of the September 2022 Council Meeting. The public comment session will be held on September 14 at 4pm. Those intending to provide verbal public comment via webinar can register for the Council meeting webinar [HERE](#), and sign-up to comment [HERE](#).

Submitting Written Comments

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.net/public-hearings-scoping-2/> or directly [HERE](#).

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 August 26, 2022.

Comments by mail: Send comments to John Carmichael, 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 from the Public Hearing and Scoping Meeting page at link above or contact the Council office at 843/571-4366 (toll free 866/SAFMC-10) for additional information.

Is there something that wasn't covered or do you have additional questions? Contact us!

Questions about the ABC Control Rule Amendment?

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