

Amendment 105
to the Fishery Management Plan for Groundfish of the
Bering Sea and Aleutian Islands Management Area

Additions are in bold, deletions are in ~~strikeout~~.

1. Add the following new row in Table ES-2, Summary of Management Measures, to follow the row entitled “Attainment of TAC”:

ABC reserve	An ABC reserve (the difference between acceptable biological catch (ABC) and TAC, as reduced by any social, economic, and/or ecological considerations) for flathead sole, rock sole, and yellowfin sole, is accessible by eligible entities, in exchange for harvest quota of one or two of these three species.
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2. Section 3.2, Determining Harvest Levels, is revised to read as follows:

This section of the FMP provides the basis for determining harvest levels in the groundfish fisheries. Section 3.2.1 defines terms used in the harvest specification process. The maximum sustainable yield and optimum yield, which are specified indefinitely for the groundfish fishery as a whole, are addressed in Section 3.2.2. Harvest specifications that are made annually, such as the overfishing limit, acceptable biological catch (ABC), ~~and~~ total allowable catch, **ABC surplus, and ABC reserve**, are described in Section 3.2.3. Section 3.2.4 describes accountability measures.

The Council’s harvest strategy was reviewed in 2002 by Goodman et al. The report contains a historical overview of the Council’s approach to fishery harvest management, and an analysis of single-species, multispecies and ecosystem issues relating to the harvest strategy. The report is available by request from the Council office.

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3. In Section 3.2.1, Definition of Terms, add two new definitions, as follows:

Maximum sustainable yield (MSY) is the largest long-term average catch or yield that can be taken from a stock or stock complex under prevailing ecological and environmental conditions fishery technological characteristics (e.g., gear selectivity), and distribution of catch among fleets.

Optimum yield (OY) is the amount of fish which–

- a) will provide the greatest overall benefit to the Nation, particularly with respect to food production and recreational opportunities, and taking into account the protection of marine ecosystems;
- b) is prescribed as such on the basis of the MSY from the fishery, as reduced by any relevant economic, social, or ecological factor; and
- c) in the case of an overfished fishery, provides for rebuilding to a level consistent with producing the MSY in such fishery.

Maximum fishing mortality threshold (MFMT), also called the “OFL control rule”) is the level of fishing mortality (F), on an annual basis, used to compute the smallest annual level of catch that would constitute overfishing. Overfishing occurs whenever a stock or stock complex is

subjected to a level of fishing mortality or annual total catch that jeopardizes the capacity of a stock or stock complex to produce MSY on a continuing basis. The MFMT may be expressed either as a single number (i.e., a fishing mortality rate or F value), or as a function of spawning biomass or other measure of reproductive potential.

Overfishing limit (OFL) is the annual amount of catch that results from applying the MFMT to a stock or stock complex's abundance. The OFL is the catch level above which overfishing is occurring

Minimum stock size threshold (MSST) is the level of biomass below which the stock or stock complex is considered to be overfished. To the extent possible, the MSST should equal whichever of the following is greater: One-half the MSY stock size, or the minimum stock size at which rebuilding to the MSY level would be expected to occur within 10 years, if the stock or stock complex were exploited at the MFMT.

Acceptable biological catch (ABC) is a level of a stock or stock complex's annual catch that accounts for the scientific uncertainty in the estimate of OFL and any other scientific uncertainty. The ABC is set below the OFL.

Annual catch limit (ACL) is the level of annual catch of a stock or stock complex that serves as the basis for invoking accountability measures. ACL cannot exceed the ABC, and may be divided into sector- ACLs.

Total allowable catch (TAC) is the annual catch target for a stock or stock complex, derived from the ABC by considering social and economic factors and management uncertainty (i.e., uncertainty in the ability of managers to constrain catch so the ACL is not exceeded, and uncertainty in quantifying the true catch amount).

ABC surplus is the difference between the ABC and TAC for each of the following species: flathead sole, rock sole, and yellowfin sole.

ABC reserve is the ABC surplus for flathead sole, rock sole, and yellowfin sole, as reduced by any social, economic, and/or ecological considerations.

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4. In Section 3.2.3.4, Total Allowable Catch, Reserves, and Apportionments, a new section to read as follows:

Section 3.2.3.4.4 ABC Reserve for Flathead Sole, Rock Sole, and Yellowfin Sole

During the annual harvest specification process, an ABC surplus (the difference between the ABC and TAC) amount will be designated for flathead sole, rock sole, and yellowfin sole. Similarly, an ABC reserve for flathead sole, rock sole, and yellowfin sole will be established equal to the ABC surplus, minus any discretionary buffer determined to be necessary based on economic, social, and/or ecological considerations. If a discretionary buffer is not determined to be necessary, the ABC reserve will be set at the ABC surplus for each species. Setting the ABC reserve less than or equal to the ABC surplus ensures that the total amount of each species that is accessible would not exceed the ABC.

The amount of ABC reserve that each eligible entity can access is determined during the harvest specifications process. Amendment 80 cooperatives and CDQ groups are the only entities eligible to access the ABC reserve. The CDQ program is allocated 10.7 percent of the ABC reserve of each species, as CDQ ABC reserve. Each species will be allocated

among the six CDQ groups based on current allocation schedules established in Sections 305(i)(1)(B) and (C) of the Magnuson-Stevens Act. Eligible Amendment 80 cooperatives will be allocated an amount of the remaining ABC reserve for each species in proportion to each cooperative's share of the Amendment 80 QS pool. These allocations are designated as Amendment 80 ABC reserve.

The Amendment 80 ABC reserve and the CDQ ABC reserve can be accessed by Amendment 80 cooperatives and CDQ groups through an equivalent exchange of an entity's annual allocation of flathead sole, rock sole, or yellowfin sole for the entity's ABC reserve of another of the three species. These exchanges must be submitted and approved by NMFS. Each Amendment 80 cooperative or CDQ group is limited to three ABC reserve transactions during a fishing year.

5. Section 3.7.4.5, Other Groundfish Allocations, is revised to read as follows:

Section 305(i)(1)(B) of the Magnuson-Stevens Act governs allocations of groundfish to the CDQ Program. The Magnuson-Stevens Act requires that 10.7 percent of the TAC for each species in a directed groundfish fishery in the BSAI, except pollock and sablefish, shall be allocated to the CDQ Program. **The CDQ Program is also allocated 10.7% of the flathead sole, rock sole, and yellowfin sole ABC reserves.** The Magnuson-Stevens Act also requires that 7.5 percent of the trawl allocation of the sablefish TAC shall be allocated to the CDQ Program.

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6. Section 3.7.5.8.2, Transfers of CQ, is revised to read as follows:

1. Annual allocations to the cooperative will be transferable among non-AFA trawl CP cooperatives. Inter-cooperative transfers must be approved by NMFS. Cooperatives may transfer CQ after a delivery to cover any potential overages, provided that the CQ account of the cooperative conducting the lease has a zero or positive balance before starting a fishing trip and at the end of the year.
2. Specific requirements for reporting, monitoring and enforcement, and observer protocols will be developed in regulations for participants in the non-AFA trawl CP sector.
3. **Flathead sole, rock sole, and yellowfin sole allocations to the Amendment 80 cooperative can be exchanged for equivalent amounts of Amendment 80 ABC reserves of those flatfish species, pursuant to the process outlined in Section 3.2.3.4.4.**

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7. Appendix A is amended to add the following text in Section A.1, Amendments to the FMP, in chronological amendment order, as follows:

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Amendment 105, implemented on _____ :

Modifies the annual harvest specifications process to:

- 1. Create an ABC surplus and an ABC reserve for flathead sole, rock sole, and yellowfin sole and allocate the ABC reserve for each species.**
- 2. Enable Amendment 80 cooperatives and Western Alaska Community Development Quota (CDQ) groups to exchange harvest quota of one or two of three flatfish species (flathead sole, rock sole, or yellowfin sole) for an equivalent amount of their allocation of the ABC reserve of one other of these species.**

8. Revisions as necessary to the Table of Contents.