

### **3.0 Proposed Action**

The Council intends to address a wide range of management issues through this amendment. In order to organize the measures proposed to address these issues, they are discussed in five broad categories:

- Clarification of status determination criteria and adoption of formal rebuilding programs for overfished stocks: The rebuilding programs in this section are the basis for development of management measures to rebuild overfished fisheries and end overfishing.
- Fishery program administration: measures developed to address issues that are primarily administrative in nature, though some may have biological, social, or economic impacts.
- Measures to reduce capacity: measures developed by the Council to control fishing capacity.
- Measures to achieve stock rebuilding: measures designed to comply with M-S Act requirements to rebuild overfished fisheries, and end overfishing where it is occurring.
- Measures that minimize, to the extent practicable, adverse effects of fishing on habitat
- Other issues: measures developed to alter restrictions on two exempted fisheries and one exempted gear.

#### **3.1 Clarification of Stock Status, Status Determination Criteria and MSY Control Rules**

This section establishes the underlying basis for the other management measures that are being considered. The criteria used to determine stock status and the target fishing mortality rates that result from the control rules and rebuilding strategies are used to define the biological objectives. Management measures - restrictions on fishing activity - are then designed to achieve those biological objectives. The stock biomass goals and maximum fishing mortality targets ultimately bound the catches that can be taken.

##### **3.1.1 Reasons Clarification Is Necessary**

Amendment 9 adopted overfishing definitions for the stocks managed by the Northeast Multispecies Fishery Management Plan (FMP) to bring the FMP into compliance with the requirements of the M-S Act. There has been considerable confusion, however, on the interpretation of the overfishing definitions adopted through Amendment 9. This confusion complicates the determination of stock status.

In brief, the Sustainable Fisheries Act amended the Magnuson-Stevens Act in 1996 to require that fishery management plans specify objective and measurable criteria for when the fishery to which the plan applies is overfished. The Council convened an Overfishing Definition Review Panel (Panel) in 1997 to provide the Council guidance on this requirement. The Panel reviewed existing overfishing definitions and concluded that many did not meet the new legal requirements, so revised overfishing definitions were recommended. The Panel's Overfishing Definition Report (OFD) was provided to the Council in June 1998 (Applegate et al. 1998) and the Council subsequently considered these recommendations for its management plans. The Council's adoption of new overfishing definitions was accomplished through the adoption of new FMPs or amendments to existing FMPs, and not merely by acceptance of the Panel's report. Amendment 9 to the Northeast Multispecies Fishery subsequently adopted overfishing definitions to meet SFA requirements that are based on the report of the Panel.