



New England Fishery Management Council

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John F. Quinn, J.D., Ph.D., *Chairman* | Thomas A. Nies, *Executive Director*

MEMORANDUM

DATE: January 3, 2020
TO: Thomas Nies
FROM: Scientific and Statistical Committee
SUBJECT: **ABC Control Rule Regulations**

The SSC Chair asked for guidance on whether the SSC can deviate from the Council's ABC Control Rule. In brief, the SSC can deviate from the ABC control rule, but must explain the explicit reasons for the deviation in each instance.

The issue is partly addressed in the guidelines for NS1. While the SSC has latitude to deviate from the control rule, the SSC is supposed to explicitly describe the elements of uncertainty that led to the deviation. Determinations of what is acceptable risk are the purview of the Council; the SSC is not supposed to make judgments based on its opinion of whether management should be conservative or not. The Guidelines state:

“...each Council must establish an ABC control rule that accounts for scientific uncertainty in the OFL and for the Council's risk policy...Councils and their SSC should develop a process by which the SSC can access the best scientific information available when implementing the ABC control rule (i.e., specifying the ABC). The SSC must recommend the ABC to the Council. An SSC may recommend an ABC that differs from the result of the ABC control rule calculation, based on factors such as data uncertainty, recruitment variability, declining trends in population variables, and other factors, but must provide an explanation for the deviation.”

In addition, the ABC process adopted in Amendment 16 for groundfish includes additional guidance. Here are some of the key sections from Amendment 16:

“ABC recommendations for the next three fishing years, based on either Fcontrol rule (stocks not in a rebuilding program) or Freb (stocks in a rebuilding program). The PDT recommendation should report the catch that results from the point estimates of the target fishing mortality rate and projected stock size. If the PDT recommends reducing the ABC from this amount, the recommendation should include an explicit discussion of the biological uncertainties that are taken into account in developing the recommendation...Guided by terms of reference prepared by the Council, the SSC will review the PDT ABC recommendations

and will either approve those recommendations or will provide an alternative recommendation. In either case, the SSC will explicitly describe the elements of scientific uncertainty that were considered in developing its recommendation.”

The regulatory text implementing Amendment 16 does not use the exact same language that is in the Amendment, but the meaning is the same. Here are the key parts of the regulation:

“(A) ABC recommendations. The PDT shall develop ABC recommendations based on the ABC control rule, the fishing mortality rate necessary to rebuild the stock, guidance from the SSC, and any other available information. The PDT recommendations shall be reviewed by the SSC. Guided by terms of reference developed by the Council, the SSC shall either concur with the ABC recommendations provided by the PDT, or provide alternative recommendations for each stock of regulated species or ocean pout and describe the elements of scientific uncertainty used to develop its recommendations. Should the SSC recommend an ABC that differs from that originally recommend by the PDT, the PDT shall revise its ACL recommendations if necessary to be consistent with the ABC recommendations made by the SSC. In addition to consideration of ABCs, the SSC may consider other related issues specified in the terms of reference developed by the Council, including, but not limited to, OFLs, ACLs, and management uncertainty.”