

COUNCIL COMMENTS ON PROPOSED REVISIONS TO NATIONAL STANDARD 2
GUIDELINES—SCIENTIFIC INFORMATION

The National Marine Fisheries Service (NMFS) is proposing revisions to its guidelines for National Standard 2 (NS2) to the Magnuson-Stevens Fishery Conservation and Management Act (MSA). National Standard 2 states that “Conservation and management measures shall be based upon the best scientific information available” [MSA, Section 301(a)]. The Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (MSRA) called for an improved use of science in decision making, a stronger role of the Scientific and Statistical Committee (SSC), and the establishment of optional peer review processes for scientific information. In response, on December 11, 2009, NMFS published a proposed rule in the *Federal Register* ([74 FR 65724], Agenda Item D.2.a, Attachment 1) to revise guidelines on criteria for best scientific information available (BSIA) and review processes to ensure its application to fishery management.

The proposed rule closely follows the recommendations of a 2004 report of the National Research Council of the National Academies regarding the evaluation of BSIA on the principles of relevance, inclusiveness, objectivity, transparency, timeliness, verification, validation and peer review. The proposed guidelines recognize the dynamic natural and social complexities in place in fisheries management and are not intended to be overly prescriptive or to prevent flexibility for regional differences.

The proposed rule also provides guidance on the role of the SSC and peer review in fishery management. As stated in MSA section 302(g)(1)(B), each SSC “shall provide its Council ongoing scientific advice for fishery management decisions, including recommendations for acceptable biological catch, preventing overfishing, maximum sustainable yield, and achieving rebuilding targets, and reports on stock status and health, bycatch, habitat status, social and economic impacts of management measures, and sustainability of fishing practices.” Further, MSA section 302(h)(6) states that “each Council shall ...develop annual catch limits for each of its managed fisheries that may not exceed the fishing level recommendations of its scientific and statistical committee or [a peer review process].” Although the Council has a strong track record of following SSC advice on fishing level recommendations and the use of BSIA, and the Council and the SSC have relied heavily on the effective peer review inherent in the Stock Assessment Review (STAR) process, the Council and its advisory bodies will need to carefully consider the proposed guidelines to ensure the continued use of BSIA in Council decision making.

The SSC is scheduled to review the proposed rule on Friday, March 5 (see SSC Agenda for March 2010) and will likely provide detailed comments to the Council. Comments on the proposed rule are due on Thursday, March 11, 2010, so the Council will need to provide final comments on the proposed rule under this agenda item.

Council Action:

Discuss and Approve Comments on the Proposed Rule.

Reference Materials:

1. Agenda Item D.2.a, Attachment 1, Proposed rule regarding revised guidelines for National Standard 2 – Scientific Information (74 FR 65724).
2. Agenda Item D.2.b, Supplemental SSC Report.

Agenda Order:

- a. Agenda Item Overview
- b. Reports and Comments of Management Entities and Advisory Bodies
- c. Public Comment
- d. **Council Action:** Discuss and Approve Comments on the Proposed Rule

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