



Proposed Revisions to the National Standard 1 Guidelines:

Adding Guidance on Annual Catch Limits and Other Requirements



**Presentation to the
Regional Fishery Management Councils
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**NOAA Fisheries Service
Office of Sustainable Fisheries
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Statutory Requirements





National Standard (NS) 1

- “Conservation and management measures shall **prevent overfishing** while achieving, on a continuing basis, the **optimum yield** from each fishery for the United States fishing industry.”
 - MSA Section 301(a)(1)





2007 MSA Amendments

- The Magnuson-Stevens Fishery Conservation and Management Reauthorization Act (*MSRA*) amended the Magnuson-Stevens Fishery Conservation and Management Act (*MSA*) on January 12, 2007.
- New requirements to end and prevent overfishing through the use of:
 - “annual catch limits” (ACLs), and
 - “measures to ensure accountability” (accountability measures or AMs).





Annual Catch Limits (ACLs)

- Fishery management plans shall “establish a mechanism for specifying annual catch limits in the plan (including a multiyear plan), implementing regulations, or annual specifications, at a level such that overfishing does not occur in the fishery, including measures to ensure accountability.”

MSA Section 303(a)(15)





ACLs (cont.)

- Required for all managed fisheries except*:
 - Species with annual life cycles, unless subject to overfishing
 - Stocks managed under an international agreement to which the U.S. is party
- Implementation in fishing year*:
 - 2010 for fisheries subject to overfishing
 - 2011 for all other fisheries
- May not exceed a Council's Scientific and Statistical Committee's (SSC) fishing level recommendation**

*MSA sec. 303 note, MSRA sec. 104(b)

**MSA sec. 302(h)(6)





New SSC requirements

- “Each scientific and statistical committee 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.”

MSA Section 302(g)(1)(B)





For “overfished” stocks

- Effective July 12, 2009*, within **2** years of an “overfished” or “approaching overfished” stock status notification, Councils (or Secretary for Atlantic HMS) must “prepare **and implement**” management measures to:
 - **Immediately** end overfishing
 - Rebuild affected stocks
 - “as quickly as possible”
 - “not to exceed 10 years”, unless biological or environmental circumstances, or management under an international agreement dictates otherwise

MSA Sec. 304(e)

*MSA sec. 303 note, MSRA sec. 104(b)





NMFS Objectives in Revising the NS 1 Guidelines





Strong, Yet Flexible, Guidelines

- Ensure that the MSA mandate for ACLs and AMs to end and prevent overfishing is met and account for U.S. fisheries diversity:
 - Biological and ecological
 - Management approaches
 - Scientific knowledge
 - Monitoring capacity
 - Overlap in management jurisdiction
 - Resource users





Incorporate New Terms

- Provide guidance on new requirements for ACLs, AMs, and acceptable biological catch (ABC)
- Explain their relationship to existing requirements
 - Maximum sustainable yield (MSY)
 - Optimum yield (OY)
 - Status determination criteria (SDC) for defining “overfishing” and “overfished”





Consider Public Input

- Themes from comments received (Feb-Apr 2007)
 - Improve fisheries data
 - Develop guidelines for Optimum Yield - incorporate ecosystem considerations
 - Provide guidance on SSC role
 - Allow Councils flexibility in developing ACLs and AMs
 - AMs should provide short cycle-time; prefer inseason adjustments to corrective ones
 - ACLs for rebuilding stocks must ensure rebuilding
 - Protect sectors (e.g. commercial/recreational) from each other
 - Ensure ongoing review of management effectiveness
 - How ACLs will work for stocks shared with states





Key Proposals





Themes of Proposals

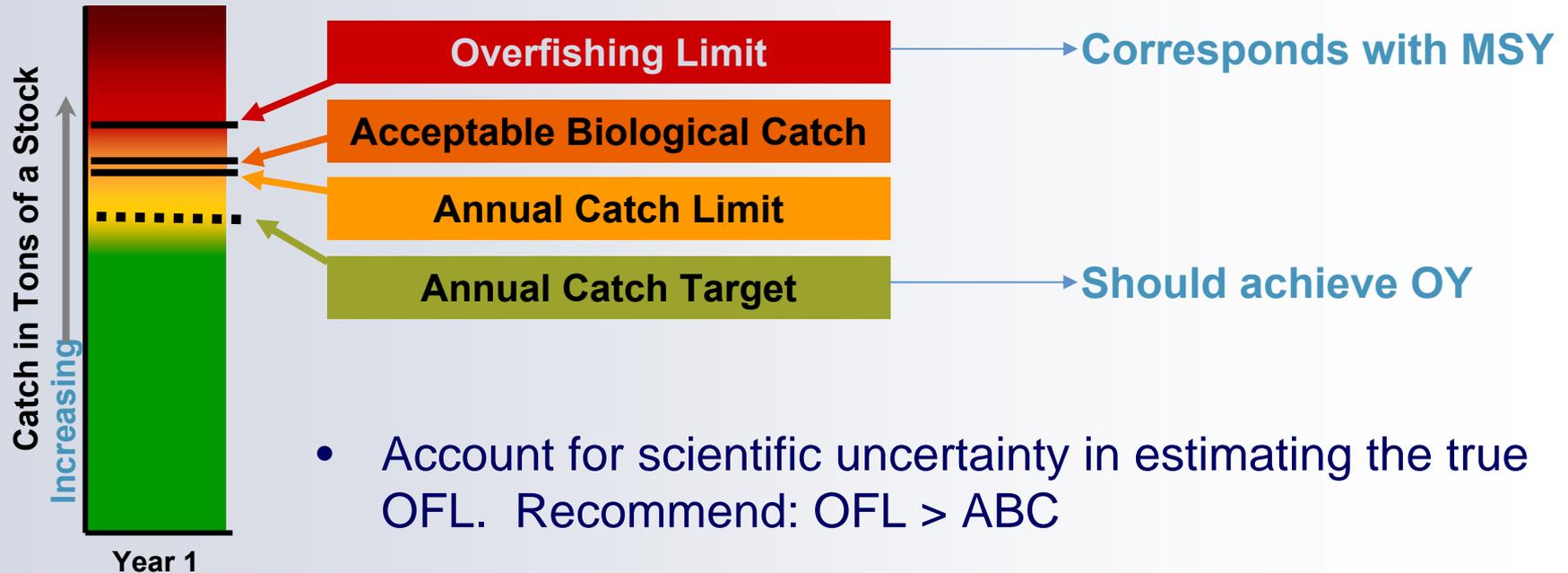
- Revised system of limits and targets
- Incorporating both scientific and management uncertainty to reduce the risk of overfishing
- Accountability





Reference Points

$$\text{OFL} \geq \text{ABC} \geq \text{ACL} \geq \text{ACT}$$



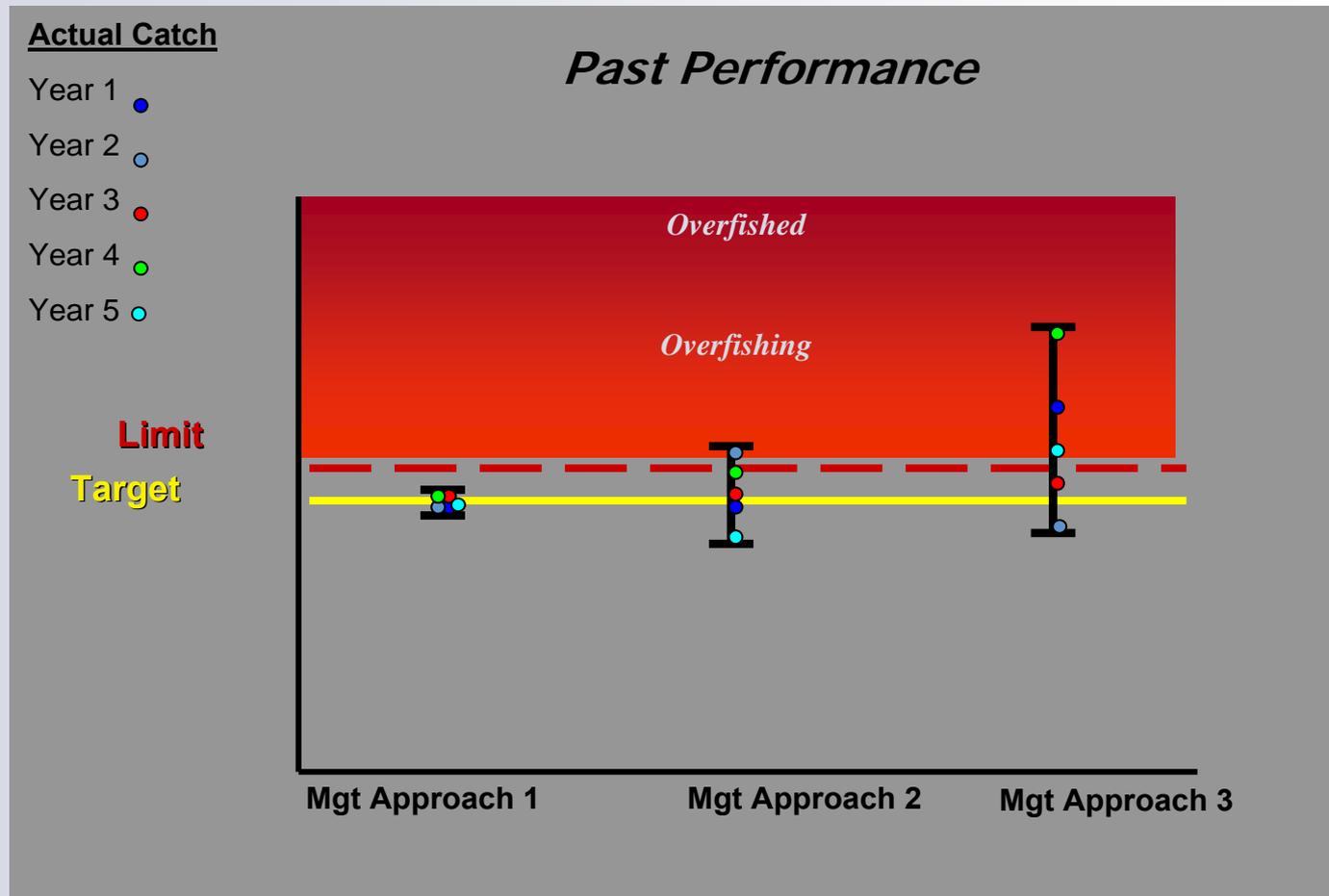
- Account for scientific uncertainty in estimating the true OFL. Recommend: $\text{OFL} > \text{ABC}$
- The ACL may not exceed the ABC.
 - ABC is one of the “fishing level recommendations” under MSA § 302(h)(6).
- Account for management uncertainty in controlling the actual catch to the target. Recommend: $\text{ACL} > \text{ACT}$





Management Uncertainty

Example, could assess past performance of achieving the target catch.





Applying ACLs for each “managed fishery”

- MSA section 302(h)(6) requires Councils develop ACLs for “each of its managed fisheries”
- FMPs vary in their inclusiveness of stocks:
 - Only target stocks of the fishery, vs.
 - Both target and non-target stocks for greater ecosystem considerations
- Propose a distinction between “the fishery” and stocks included for ecosystem considerations.





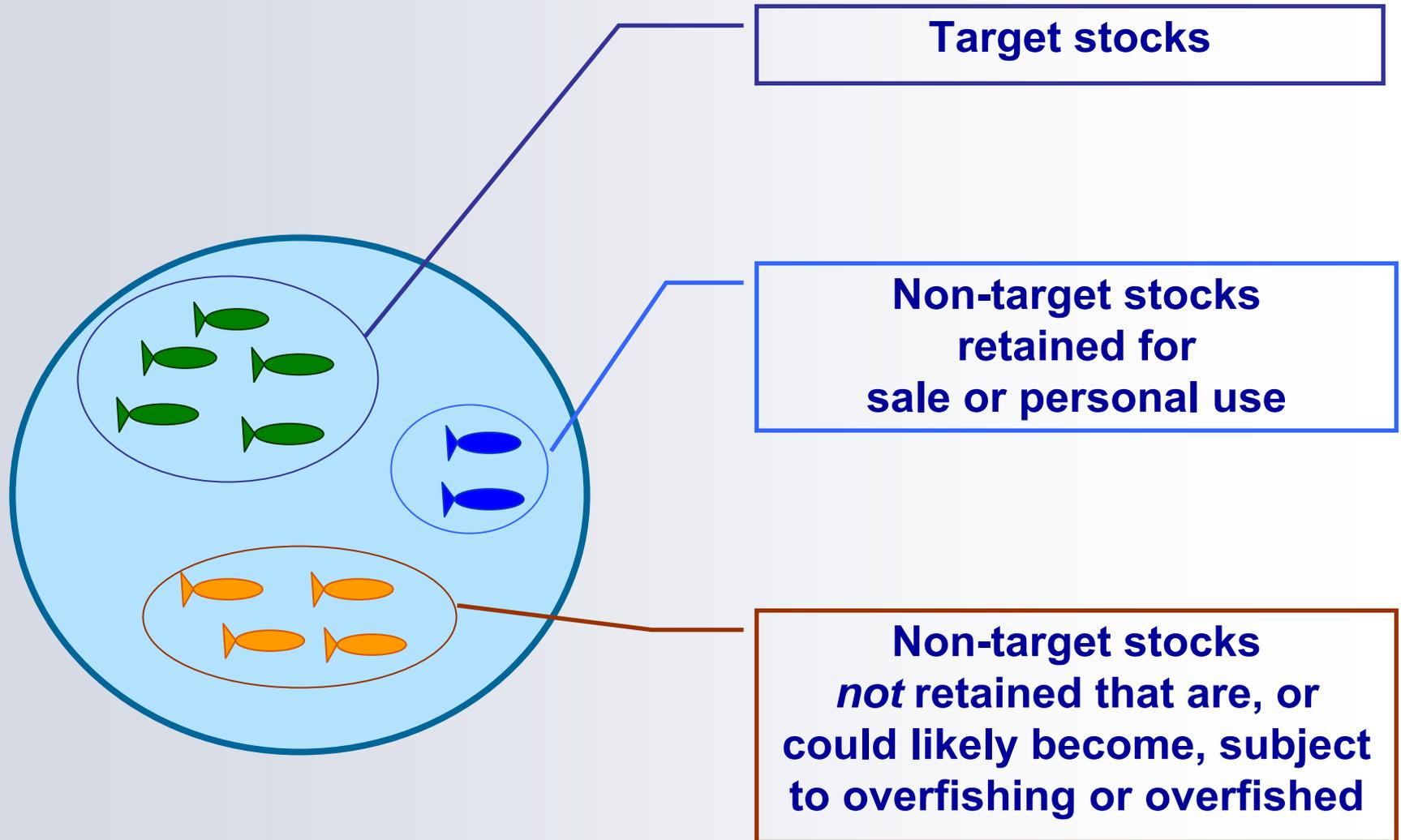
Proposed stock classification in FMPs

- **Stocks “in the fishery”:**
 - Target and non-target stocks retained for sale or personal use.
 - Other non-target stocks not retained but determined by a Council to need management as part of a fishery (e.g., concerns of overfishing, etc.).
- **“Ecosystem component” species:**
 - Non-target species/stocks included in the FMP to account for protection of the marine ecosystem and ecosystem approaches to management, consistent with MSA Sections 2(a)(11), 3(5), and 3(33).
 - Management would be applied to “the fishery” to protect these stocks with which the fishery interacts.
- All stocks in the FMP will be considered “in the fishery” unless otherwise specified through rulemaking.



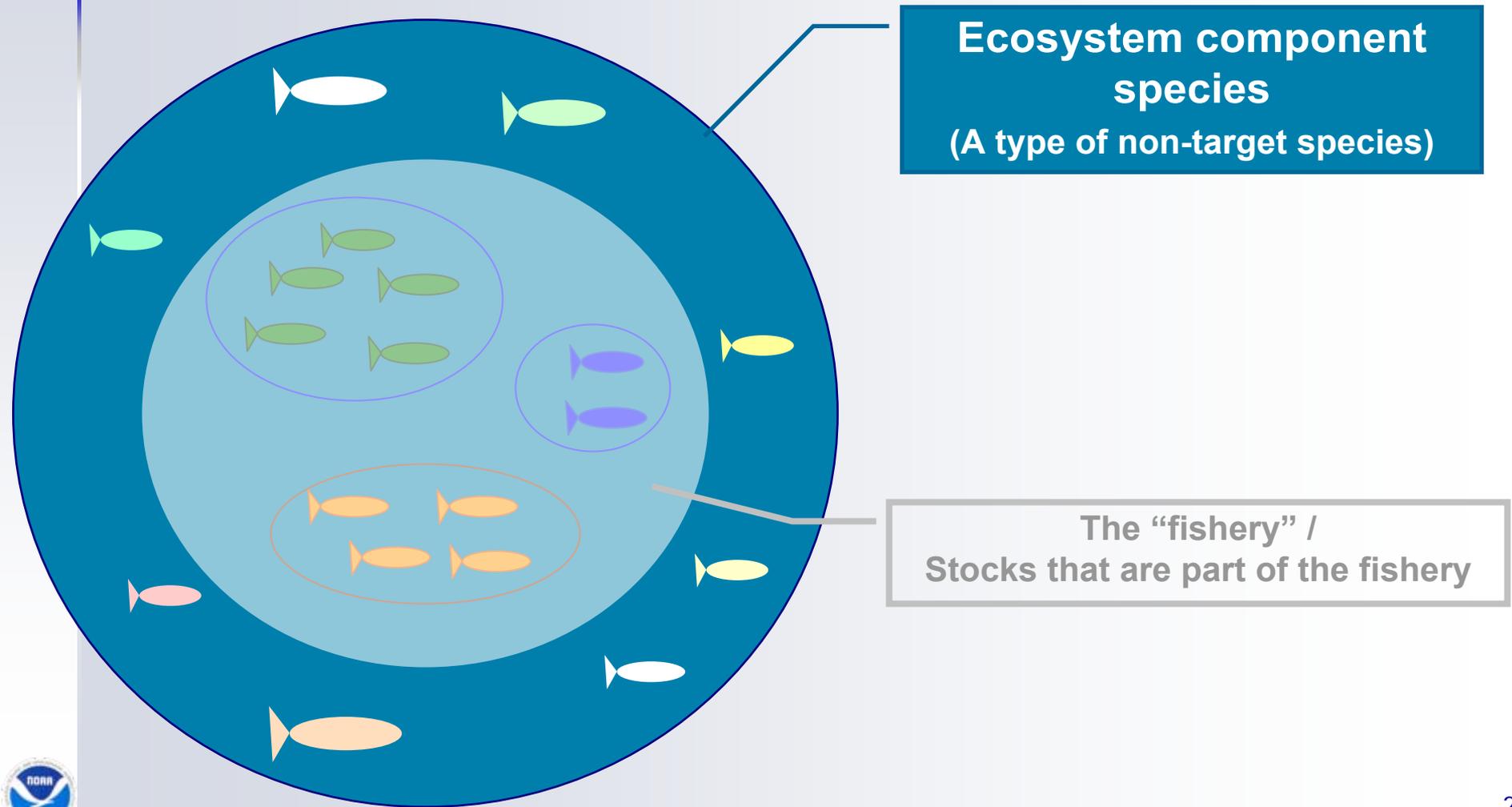


Stocks “in the Fishery”





“Ecosystem Component” Species





ACLs Apply to Stocks “in the Fishery”

- In practice, overfishing is determined at the stock level. Therefore, NMFS proposes that ACLs also be applied at the stock level.
- ACLs would apply only to stocks “in a fishery.”
- ACLs would not apply to “ecosystem component species.”





Acceptably low risk of overfishing

- Managers establish a policy, in consultation with the SSC, to use in specification of ABC and ACT such that there is an acceptably low risk that overfishing will occur.
- ABC control rule
 - A specified approach to setting the ABC for a stock as a function of the scientific uncertainty in the estimate of OFL.
- ACT control rule
 - A specified approach to setting the ACT for each stock such that the risk of exceeding the ACL due to management uncertainty is at an acceptably low level.

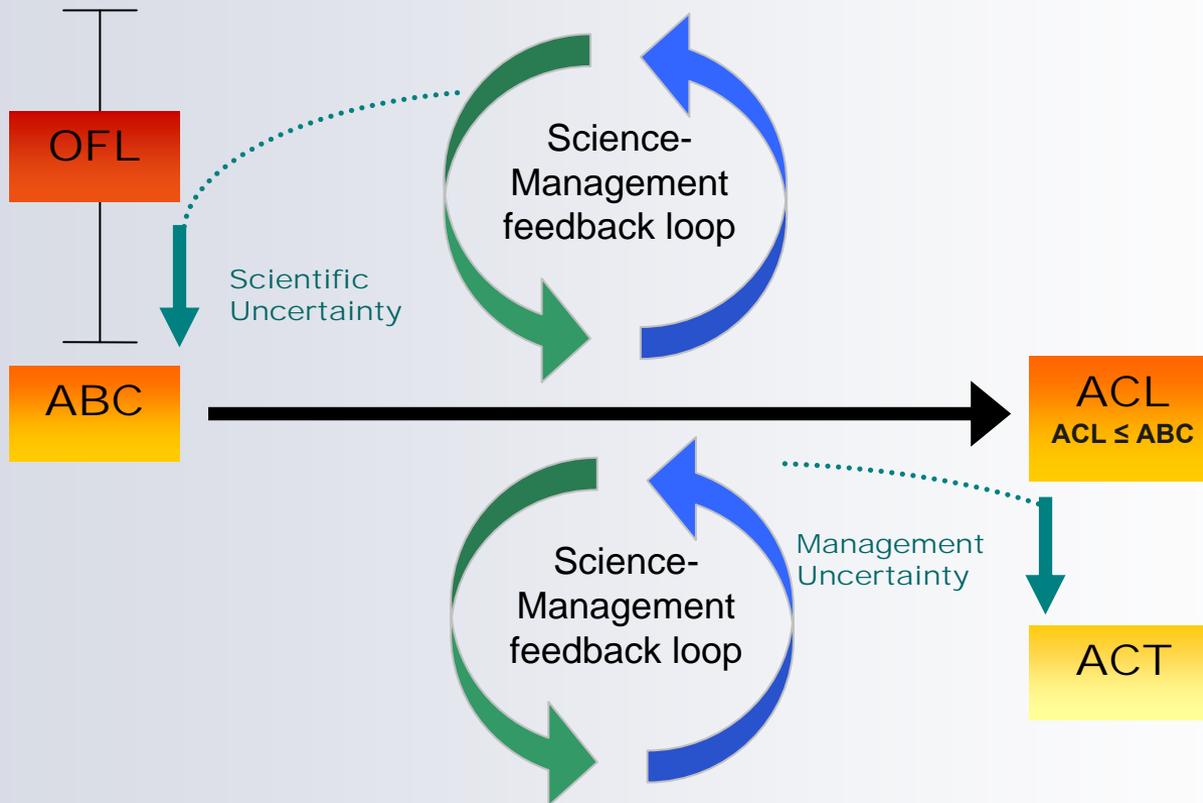




Roles in Setting ACLs

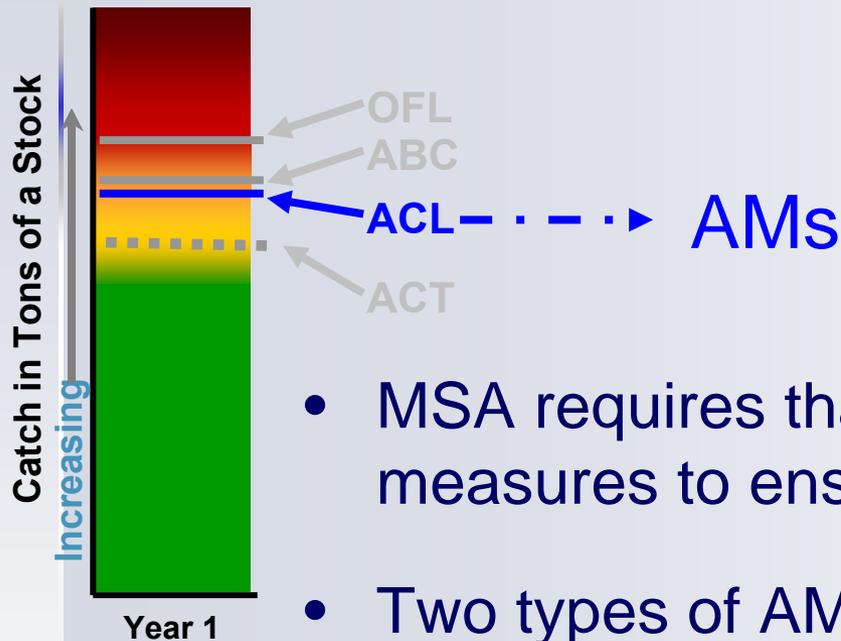
SSC Role

Council Role





Accountability Measures (AMs)



- MSA requires that FMPs establish ACLs, “including measures to ensure accountability”
- Two types of AMs:
 - Inseason measures to prevent reaching the ACL
 - AMs to address an overage of the ACL
 - Operational factors leading to an overage
 - Mitigate biological harm to the stock, if any





Performance Standards

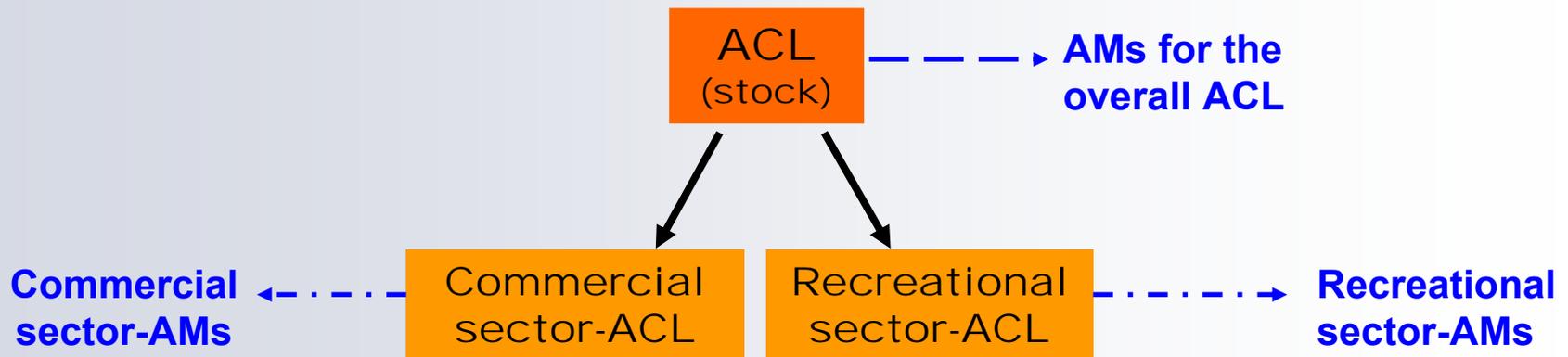
- Because of uncertainty, there is always a chance that overfishing could occur.
- To prevent chronic overfishing:
 - The system of ACLs and AMs should be re-evaluated and modified if the ACL is exceeded more than 1 in 4 years.
 - A higher performance standard could be used if a stock is particularly vulnerable to the effects of overfishing.





ACLs & AMs for a Fishery Sector

- **Optional** to sub-divide a stock's ACL into "sector-ACLs".
- The sum of sector-ACLs should not exceed the overall ACL.
- AMs required for the overall ACL to protect the stock as a whole.
- For each sector-ACL, "sector-ACTs" and "sector-AMs" should be established.
- Sector-AMs should be fair and equitable.





State-Federal Fisheries

- Could be a challenge to establish ACLs and AMs for stocks with most catch occurring in state waters.
- State-Federal collaboration to establish ACLs and AMs.
- Where agreement cannot be reached:
 - The ACL should be specified for the entire stock,
 - Identify a Federal portion of the ACL, and
 - Apply AMs to catch in Federal waters.
 - Similar approach as “sector-ACLs”.





Summary





Summary

- MSA requires:
 - ACLs and AMs to prevent overfishing,
 - ACLs not exceed fishing level recommendations of SSCs, and
 - ACLs and AMs in all managed fisheries, with 2 exceptions.
- NMFS proposes:
 - ACLs and AMs for all stocks and stock complexes in a fishery, unless the 2 MSA exceptions apply.
 - Clearly account for both scientific and management uncertainty in the ACL specification process.
 - AMs should prevent ACL overages, where possible, and always address overages, if they occur.
 - An optional “ecosystem component” category could allow flexibility in FMPs for greater ecosystem considerations.





Questions

