

ADVANCE NOTICE OF PROPOSED RULEMAKING FOR
NATIONAL STANDARD 1 GUIDELINES

On May 3, 2012, the National Marine Fisheries Service (NMFS) issued an advance notice of proposed rulemaking (ANPR) regarding potential revisions to National Standard 1 Guidelines (§600.310). The ANPR provides background information and requests public comment on and recommendations for potential revisions to the guidelines by August 1, 2012 (Attachment 1).

National Standard 1, one of ten national standards in Section 301 of the Magnuson-Steven Fishery Conservation and Management Act (MSA), states: “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.”

The National Standard Guidelines were last updated in 2009 following the most recent reauthorization of the MSA. Along with the other regional councils, the Pacific Fishery Management Council (Council) has amended its fishery management plans (FMP) to meet the requirements of the updated National Standard 1 Guidelines to prevent overfishing. In the course of these amendments and following their implementation, some issues regarding the application of the guidelines have been identified. The ANPR identifies the following issues:

1. Further consideration of the criteria and utility for identifying ecosystem component species within an FMP which are not required to have biological reference points or annual catch limits (ACL).
2. Alternative definitions of overfishing which would take into account a longer, multi-year view.
3. Clarification of the relationship and importance of economic, social, and ecological factors in the determination of ACLs and their relationship to optimum yield (OY).
4. Further guidance on establishing OY in mixed stock fisheries where achieving the OY for some abundant stocks may be precluded.
5. Overly precautionary ACLs resulting from reductions due to both scientific and management uncertainty.
6. Determining how to apply management criteria to data poor stocks.
7. A review of acceptable biological catch (ABC) control rules that might aid in the improvement and consistency of their application and also in guidance for how to consider carry-over (unharvested allocations) from one year to the next within the rule.

The ANPR provides an early opportunity for the Council and its advisory bodies to provide their input with regard to issues concerning any needed revisions to the National Standard 1 Guidelines. After receiving stakeholder and public input, NMFS will likely issue a preliminary proposed rule with draft revisions and call for comments, followed sometime later by a final rule implementing any changes.

Council Action:

- 1. Review the ANPR for revisions to National Standard 1 Guidelines (Attachment 1) and Approve Comments for Submission by August 1, 2012.**

Reference Materials:

1. Agenda Item G.3.a, Attachment 1: Advance notice of proposed rulemaking; request for comments; consideration of revision to National Standard 1 Guidelines (77 FR 26239, May 3, 2012)
2. Agenda Item G.3.a, Attachment 2: Sec. 600.310 National Standard 1—Optimum Yield.

Agenda Order:

- a. Agenda Item Overview John Coon
- b. Reports and Comments of Advisory Bodies and Management Entities
- c. Public Comment
- d. **Council Action:** Provide Comments on the ANPR for National Standard 1 Guidelines

PFMC
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