

HIGHLY MIGRATORY SPECIES MANAGEMENT TEAM REPORT ON
ADVANCE NOTICE OF PROPOSED RULEMAKING (ANPR) FOR
NATIONAL STANDARD 1 GUIDELINES

The Highly Migratory Species Management Team (HMSMT) reviewed the Federal Register advanced notice of proposed rulemaking on potential adjustments to the National Standard 1 (NS1) Guidelines. The HMSMT faced considerable challenges in interpreting the existing NS1 Guidelines with respect to developing the HMS Fishery Management Plan (FMP) Amendment 2 in 2010, and notes that there is ambiguity in the Guidelines that should be clarified to insure consistency among Councils and FMPs. In particular, the HMSMT believes that the definition of species to be considered as management unit species (MUS) versus ecosystem component (EC) species was ambiguous and left the HMSMT to develop classification criteria that seemed most relevant to the U.S. West Coast HMS Fisheries.

According to revised NS1 Guidelines (600.310(d)(1)) all stocks in an FMP are considered to be “in the fishery” by default unless they are identified as EC species. There are several criteria that should be met for a species to be included in the EC category (§660.310(d)(5)).

These are:

- Be a non-target stock/species;
- Not be subject to overfishing, approaching overfished, or overfished and not likely to become subject to overfishing or overfished in the absence of conservation and management measures; and,
- Not generally retained for sale or personal use, although retention is not by itself a reason for excluding a species from the EC category especially if EC classification is consistent with MSA conservation and management requirements.

In June 2010, the HMSMT established the following criteria to reclassify non-MUS as either EC species or not in the HMS FMP:

1. Classify as EC species any species with less than 1 mt average annual landings between 2000-2008 but with appreciable catch in observer data.
2. Absent other overriding factors, classify species with more than 1 mt and less than 5 mt of landings as EC species, and species with less than 1 mt average landings from 2000-2008 as not in the HMS FMP.

In addition, consideration of whether a species was being adequately managed under another authority (e.g. by CDFG) was factored into the HMSMT’s recommendations to include a species in the FMP.

The HMSMT suggests that some comparable language may be useful if the NS1 Guidelines are revised. Despite the ambiguous language, the HMSMT believes that in interpreting the

Guidelines, the appropriate recommendations regarding the classification of MUS and ECs were made to the Council in June 2010.

PFMC
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