# 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
Silver Spring, MD

# 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

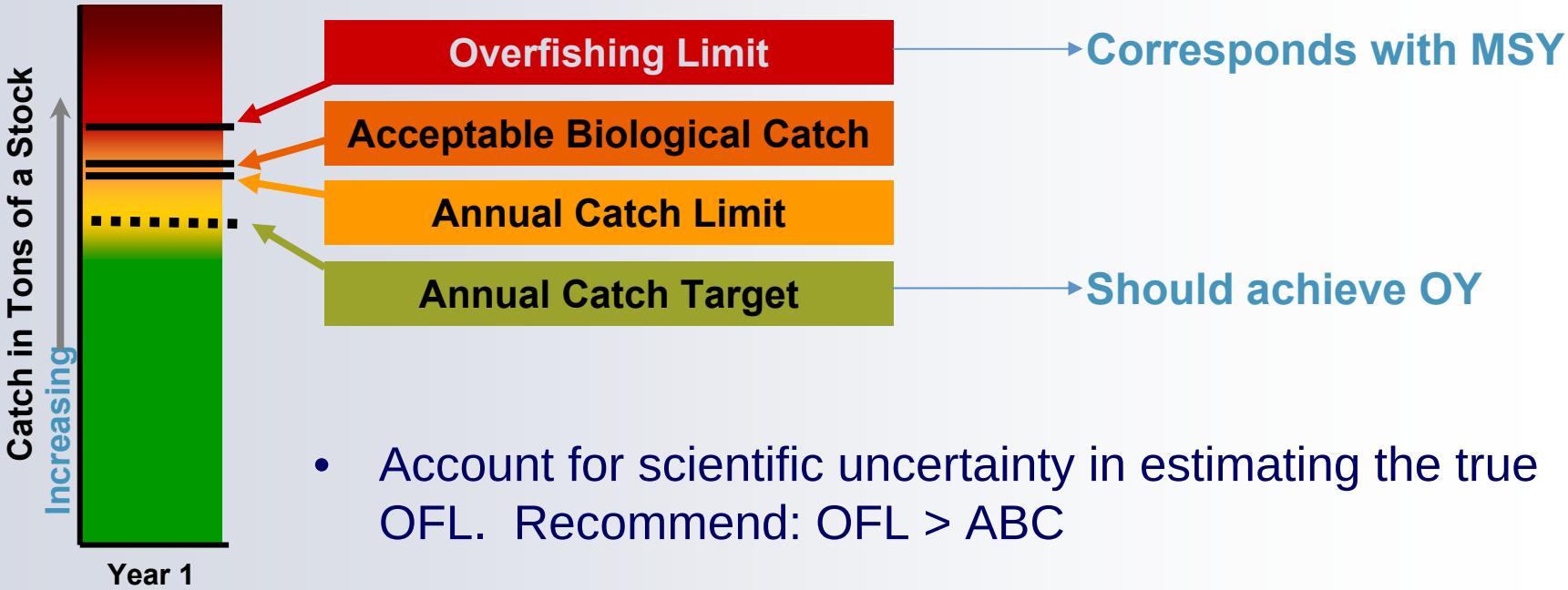
- Themes from comments received (Feb-Apr 2007)
  - Improve fisheries data
  - Develop guidelines for Optimum Yield - incorporate ecosystem considerations
  - Provide guidance on SSC role
  - Allow Councils flexibility in developing ACLs and AMs
  - AMs should provide short cycle-time; prefer inseason 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
# OFL ≥ ABC ≥ ACL ≥ ACT




- Account for scientific uncertainty in estimating the true OFL. Recommend: OFL > 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: ACL > ACT

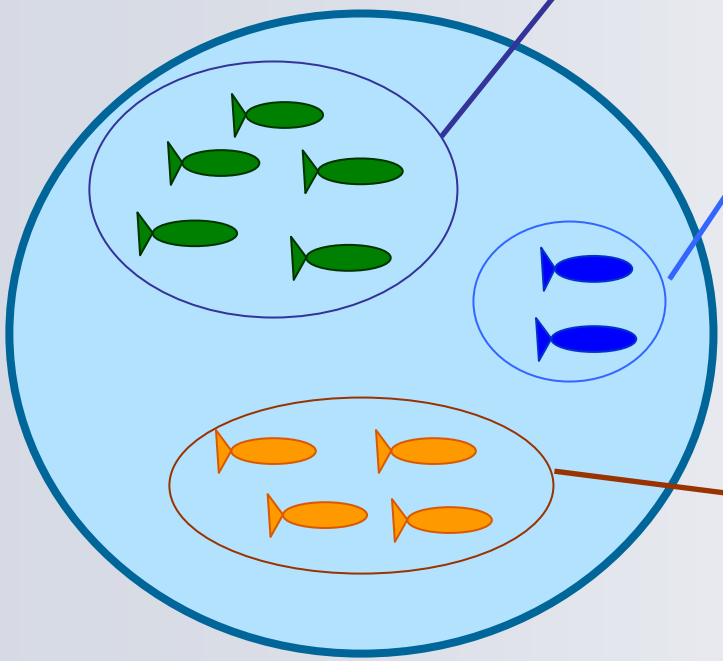
# Applying ACLs for each “managed fishery”

- 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”

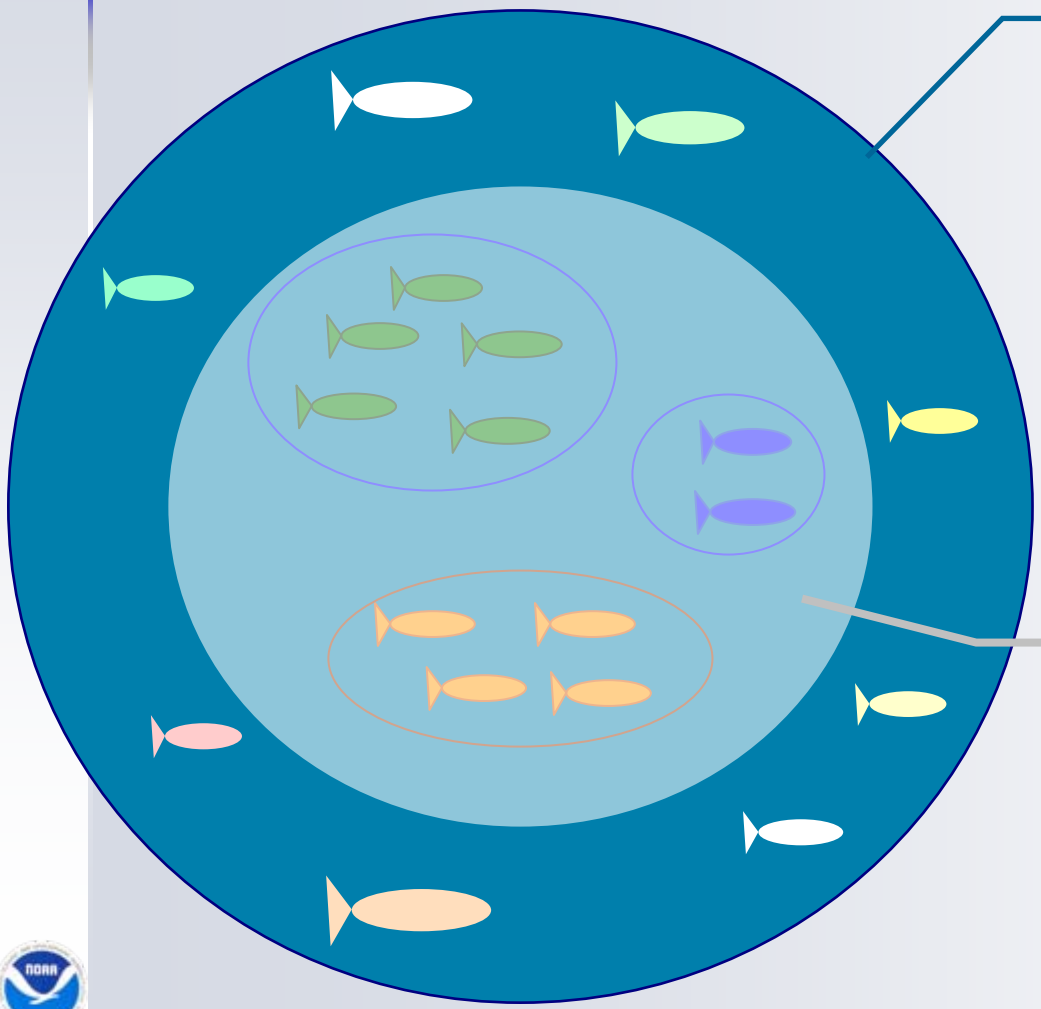


Target stocks

Non-target stocks retained for sale or personal use

Non-target stocks *not* retained that are, or could likely become, subject to overfishing or overfished

# “Ecosystem Component” Species



**Ecosystem component species**
**(A type of non-target species)**

The “fishery” /
Stocks that are part of the fishery

# ACLs Apply to Stocks “in the Fishery”

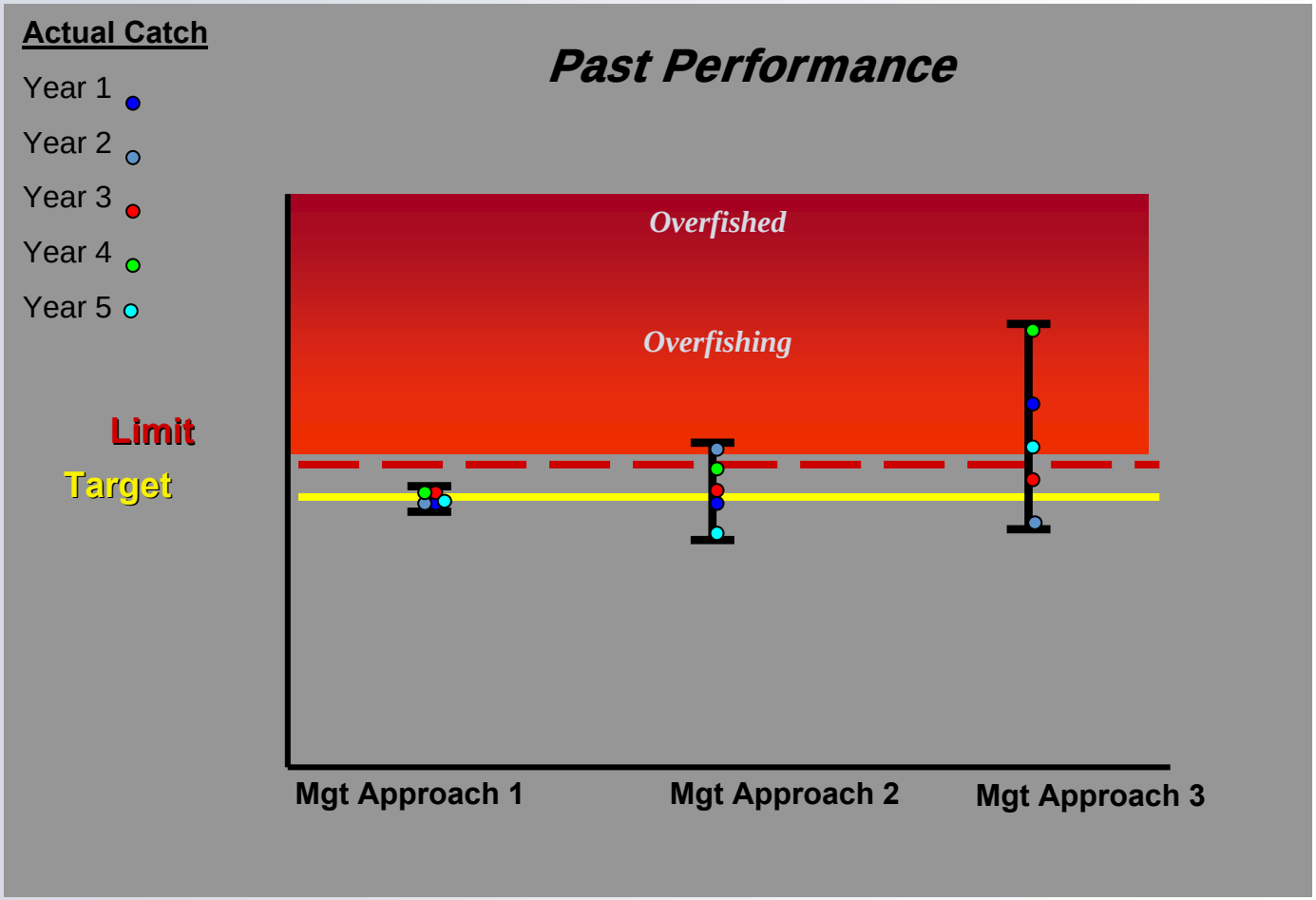
- In practice, overfishing is determined at the stock level. Therefore, NMFS proposes that ACLs also be applied at the stock level.
- ACLs would apply only to stocks “in a fishery.”
- ACLs would not apply to “ecosystem component species.”

# Acceptably low risk of overfishing

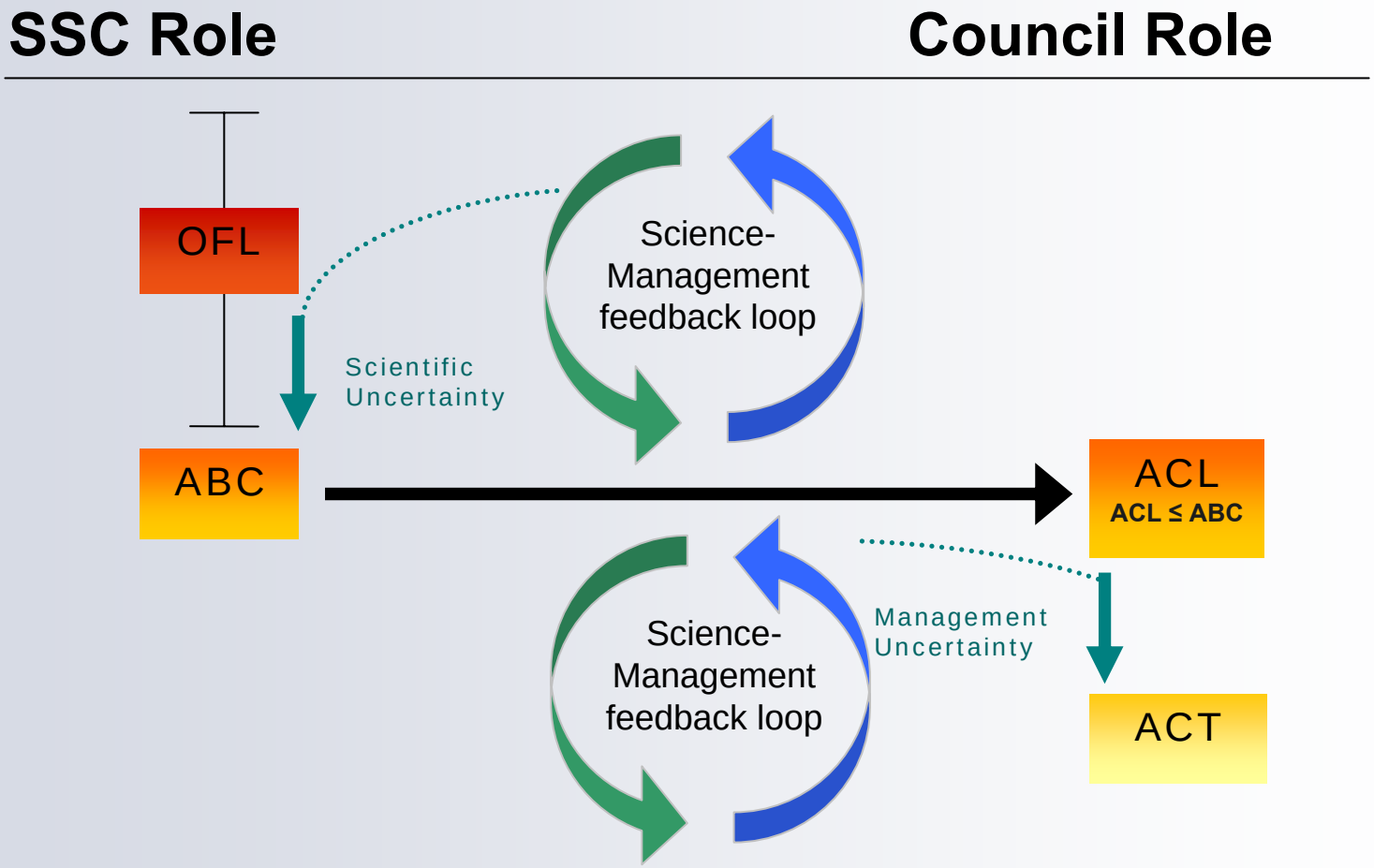
- Managers establish a policy, in consultation with the SSC, to use in specification of ABC and ACT such that there is an acceptably low risk that overfishing will occur.
- ABC control rule
  - A specified approach to setting the ABC for a stock as a function of the scientific uncertainty in the estimate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

# Management Uncertainty

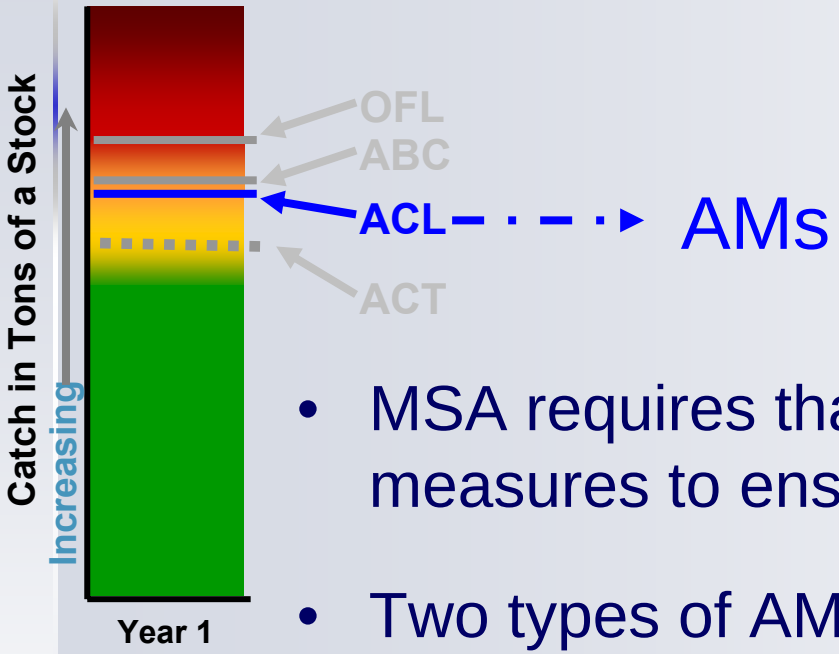
Example, could assess past performance of achieving the target catch.



# Roles in Setting ACLs



# Accountability Measures (AMs)



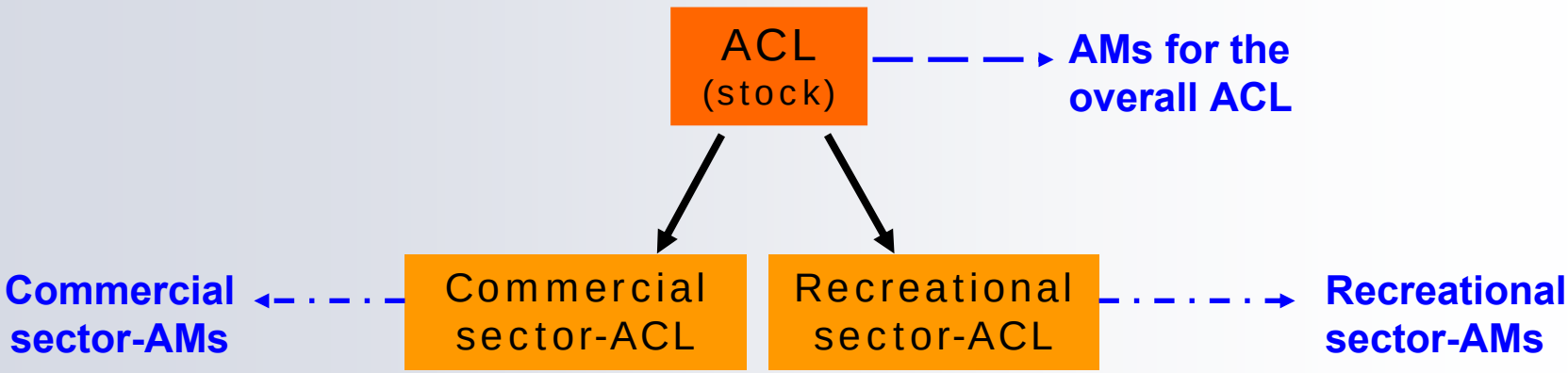

- MSA requires that FMPs establish ACLs, "including measures to ensure accountability"
- Two types of AMs:
  - Inseason measures to prevent reaching the ACL
  - AMs to address an overage of the ACL
    - Operational factors leading to an overage
    - Mitigate biological harm to the stock, if any

# 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

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- 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