Science, Service, Stewardship

Proposed Revisions to the Magnuson-Stevens Act National Standard 1, 3, & 7 Guidelines

March 30, 2015

NOAA FISHERIES SERVICE

Proposed Rule Next Steps

- Published on January 20, 2015.
- Accepting comments until June 30, 2015.
- Proposed rule was widely distributed.
- Presentations – all are open to public
  - Council Coordination Committee (February).
  - National Scientific & Statistical Committee Meeting (February).
  - Silver Spring (March).
  - Council Meetings (March and April).
  - MAFAC (April).
- Council Coordination Committee follow-up in June.

Background

- The Magnuson-Stevens Fishery Conservation and Management Act (MSA) includes 10 National Standards which guide all fisheries management actions (see Appendix A for complete list).
- National Standard 1 (NS1) states that conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield (OY) from each US fishery.
- The NS1 guidelines were last updated in 2009 following passage of the MSA Reauthorization Act of 2006.
- The 2009 NS1 guidance addressed new MSA requirements for annual catch limits (ACLs) and accountability measures (AMs) to end and prevent overfishing.

Need/Basis for Action

- Address experience gained and concerns raised during the implementation of ACLs and AMs.
- Based on input from a wide range of perspectives:
  - Advanced notice of proposed rulemaking and extensive comment period (May to Oct. 2012)
  - Managing Our Nation's Fisheries (May 2013)
  - National Research Council study (Sept. 2013)
  - Marine Fisheries Advisory Committee Recreational Fishing Workgroup (Dec. 2013)
  - Commission on Saltwater Recreational Fisheries Management (Feb. 2014)
  - Council Coordination Committee meetings (2013 – 2014)

Overall Considerations

- Does not establish new requirements or require Councils to revise their current management plans; rather, it offers additional clarity and potential flexibility in meeting current MSA mandates.
- Maintains requirement that stocks in need of conservation and management must have ACLs, AMs, and other reference points.
- May address some of the topics being raised by Congress regarding MSA reauthorization.
- In application of proposed flexibilities, the NS2 requirement to use “best scientific information available” applies.

7 Major Elements

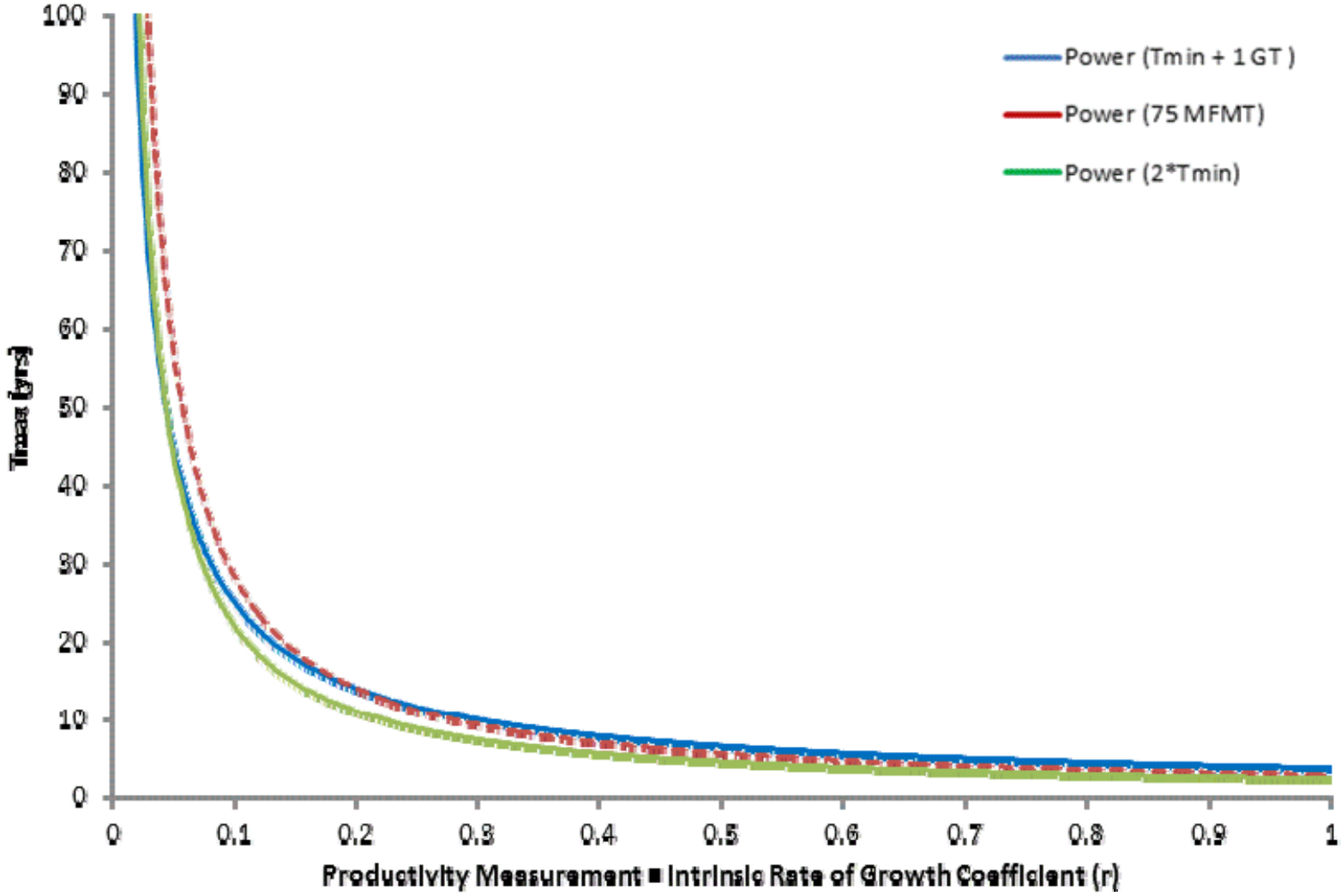
1. Increase flexibility in rebuilding programs within statutory limits.
2. Improve management of data limited stocks.
3. Clarify guidance on which stocks require conservation and management.
4. Enhance ecosystem approaches to management.
5. Provide more stability in annual catch limits.
6. Define depleted stocks.
7. Improve the routine review of management plans.

E1: Increase Flexibility in Rebuilding Programs

Proposed Revisions:

- Calculating Tmax
- Adequate progress
- Interim measures
- Extending rebuilding timelines
- Discontinuing rebuilding plans

Rebuilding: Comparison of T_{max} Calculations



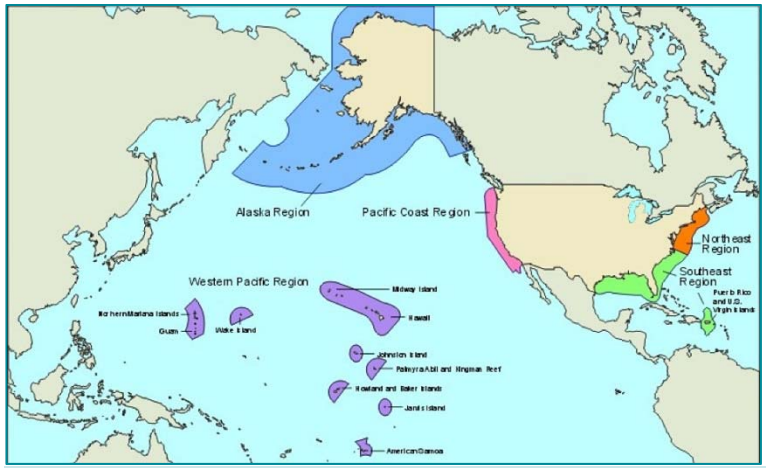
E2: Improve Management of Data Limited Stocks

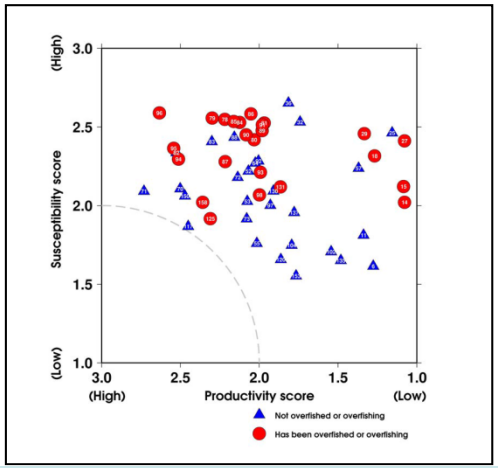
Clarifies that alternative approaches to setting status determination criteria for data-limited stocks are allowed when maximum sustainable yield can not be calculated.

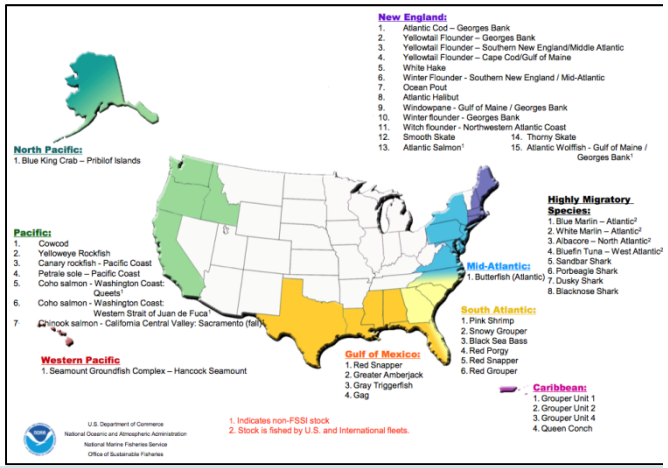
- The alternative approaches must promote sustainability. Some example approaches include:
  - Fish Density Ratio Control Rules
  - Only Reliable Catch Stocks (ORCS)
  - Restrepo's Sustainable Average Catch
  - Depleted Correction Adjusted Catch (DCAC)
- Data-limited stocks still require overfishing and overfished thresholds and related reference points like ABC, ACL, etc.
- Emphasizes use of assessed indicator stock(s) for management of data limited stock complexes

E3: Stocks that Require Conservation & Management

- Proposes that a stock requires conservation and management if the following two criteria are met:
  - Predominantly caught in Federal waters; and
  - Overfished or subject to overfishing, or likely to become overfished or subject to overfishing.
- Proposes 10 additional factors that may lead to determination that a stock requires conservation and management (next slide)







E4: Ecosystem Approaches to Management & OY

Clarify the concept of aggregate maximum sustainable yield (MSY) and how it can be used as an optional tool in fisheries management.

- Can be estimated using models that account for multi-species interactions or other factors.
- Can be used as a basis to specify OY for a fishery.

Clarify the guidance on OY and better describe the relationship between OY and annual catch limits.

- Annualized expression of OY = ACL, similar to MSY = OFL.

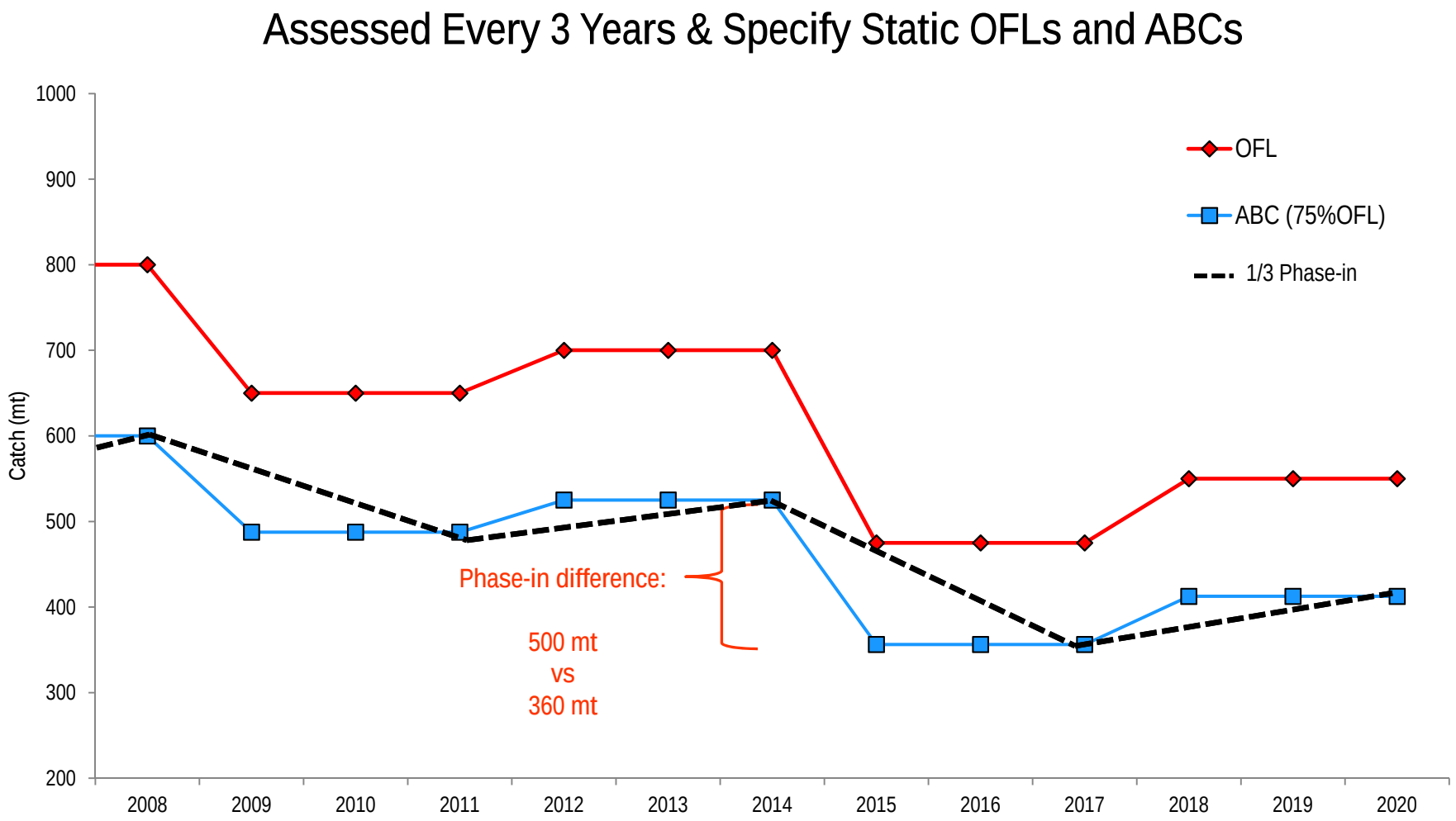
Clarify that qualitative analysis of economic, ecological and social factors are permissible when quantitative analysis is not possible.

E5: Provide for More Stable Catch Levels in Fisheries

- Multi-year overfishing definitions
  - Status determinations
- Phase-in of stock assessment results
  - Reacting to stock assessment information
- Carryover unused portion of the ACLs
  - Assessment projections & safety at sea



Stable Fisheries: Phase-in Example



E6: Define Depleted Stocks

An overfished stock or stock complex is considered depleted when:

- Declined below MSST
  - it has not experienced overfishing at any point over a period of two generation times of the stock, or
- Overfished stock
  - when a rebuilding stock or stock complex has reached its targeted time to rebuild, and the stock's biomass has shown no significant signs of growth - despite being fished at or below catch levels that are consistent with the rebuilding plan.

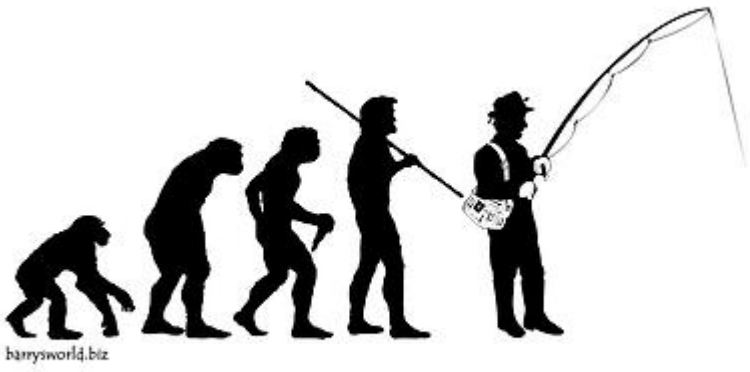
Must still prevent overfishing and rebuilding plans would still be required for depleted stocks.

Councils may identify or recommend habitat improvement and other environmental mitigation.

E7: Improve the Routine Review of FMPs

Recommend that Councils:

- Reassess the objectives of their fisheries on a regular basis to reflect the changing needs of the fishery over time.
- Consider the management objectives of their plans and their management framework to determine the relevant factors to determine OY.
- Periodically review their plans and determine if stocks are appropriately identified.



Summary

Proposed revisions:

- Improve, clarify, and streamline the NS1 Guidelines.
- Provide additional flexibility within current MSA statutory requirements.
- Specifically address input received by the Councils, commercial and recreational fishing industry, environmental organizations, National Research Council, and NOAA Fisheries.
- Will result in better managed and more sustainable fisheries.



Questions?

For additional information go to:
http://www.nmfs.noaa.gov/sfa/laws_policies/national_standards/ns1_revisions.html