



## Mid-Atlantic Fishery Management Council

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Richard B. Robins, Jr., Chairman | Lee G. Anderson, Vice Chairman

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June 23, 2015

Dr. Wes Patrick  
National Marine Fisheries Service  
Acting Branch Chief – Fisheries Policy  
1315 East West Highway  
Silver Spring, Maryland 20910

### **Subject: Comments on Proposed Revisions to the National Standard Guidelines**

Dear Dr. Patrick:

Thank you for the opportunity to provide comments on the proposed revisions to the National Standard 1, 3, and 7 guidelines. We appreciate the agency's efforts to improve, clarify, and streamline the guidelines and to address our requests for greater flexibility. We received an overview of the proposed changes from Deb Lambert during our April 2015 Meeting. After reviewing the proposed rule and supporting documents, the Council has developed the following comments for your consideration:

- **Stocks Requiring Conservation and Management:** The Council supports the addition of more specific criteria for determining which stocks should and should not be included in an FMP. However, the proposed rule suggests that conservation and management would only be guaranteed for stocks that are overfished, experiencing overfishing, or likely to exceed those biological reference points. This seems to overlook the benefits of managing stocks that were previously depleted or are important components of the marine environment. Although it is necessary for the councils to have some flexibility in determining which stocks to manage, the factors outlined in sections 600.305(c)(1)(i)–(x) provide insufficient guidance for evaluating stocks that do not “require” conservation and management based on the criteria above. Overall, we agree with the consolidation of guidance related to this issue into a single section and feel that it could be much more useful to the councils if the language is clarified.
- **Ecosystem Component Species:** The Council has concerns about the proposed changes relative to the designation and management of ecosystem component (EC) and non-target species. After removing the list of criteria for classifying EC species, the only remaining criteria for EC designation is that “they do not require conservation and management.” These changes seem contrary to many of the suggestions on this topic provided by the councils in response to the Advance Notice of Proposed Rulemaking (ANPR) regarding the National Standard 1 (NS1) Guidelines<sup>1</sup>. In general, the councils requested clarification on the concept

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<sup>1</sup> [http://www.nmfs.noaa.gov/sfa/laws\\_policies/national\\_standards/documents/ns1\\_anpr\\_comments\\_summary.pdf](http://www.nmfs.noaa.gov/sfa/laws_policies/national_standards/documents/ns1_anpr_comments_summary.pdf)

and role of EC species and additional guidance on how EC species should be managed and monitored. Instead, the revised guidelines provide the councils with almost no instruction on what type of management, if any, is required for these species other than stating that they do not require ACLs or AMs. If the term *ecosystem component species* is going to remain in the guidelines, the Council requests that NMFS clarify the meaning and intent of these classifications.

- **Calculating  $T_{Max}$ :** The Council supports the addition of two alternative methods for calculating  $T_{max}$ . We recommend that additional guidance be provided regarding when each method should be used.
- **Discontinuing Rebuilding Plans:** The Council supports the addition of provisions to allow rebuilding plans to be discontinued before the stock reaches  $B_{msy}$  if certain criteria are met. This change addresses concerns that have been expressed by many Mid-Atlantic stakeholders.
- **FMP Review:** The Council recognizes the importance of periodically reviewing the objectives and performance of fishery management plans (FMPs), and we agree that measurable goals and objectives are important. However, FMP reviews are complex tasks that demand significant time and resources, and the need for such reviews varies over time and across fisheries. In most cases, it wouldn't make sense for a council to review all of its FMPs at the same time intervals. Therefore, we support the decision not to define the term "regularly," and we recommend that NMFS consider modifying this section to give the councils additional flexibility to conduct FMP reviews on an as-needed basis rather than on a pre-set timeline.
- **"Depleted" Definition:** The Council supports the inclusion of a definition for "depleted" stocks in the NS1 guidelines, but we would note that this addition is unlikely to have much impact without a corresponding revision to the Magnuson-Stevens Act.
- **Multi-Year Overfishing Determinations:** The Council supports the addition of an option to determine the overfishing status of a stock based on a multi-year approach, provided that (1) the overfishing limit is sufficiently precautionary or scientific uncertainty is low, (2) management uncertainty is low, and (3) the spawning stock biomass is healthy. This option makes sense for many fisheries and will enable the councils to account for variability in stock size from year to year.
- **Phase-In ABC Control Rules:** The Council approves of the new provisions that would allow councils to phase in changes to the ABC over a period of up to three years. Provided that there is still sufficient buffer from the overfishing limit, this change is unlikely to jeopardize the sustainability of fisheries and could potentially enable greater stability for many fishing communities.

- **Carryover ABC Control Rules:** The Council is concerned that there is insufficient guidance on the new provisions for carryover. Carryover without limit and without information on the biological stability of the stock is risk prone and could result in overfishing. While there may be cases where carryover is appropriate, the requirement that Councils must demonstrate how carryover will not result in overfishing may be inadequate without additional guidance for the limited situations where this practice could be used safely.

In light of the breadth and scope of comments that have been submitted by the regional fishery management councils, we recommend that a revised draft be distributed for further comment before the guidelines are finalized.

Once again, we appreciate the opportunity to provide input on the proposed revisions. Please feel free to contact me if you have any questions or need clarification on any of these issues.

Sincerely,

A handwritten signature in black ink, appearing to read "R B Robins, Jr.", with a stylized flourish at the end.

Richard B. Robins, Jr.  
Chairman

CC: Dr. Christopher M. Moore  
Dr. Lee Anderson  
Mid-Atlantic Fishery Management Council  
Mr. John Bullard, GARFO  
RFMC Executive Directors