



Revisions to the National Standard 1 Guidelines:

Guidance on Annual Catch Limits and Other Requirements

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**NOAA Fisheries Service
Office of Sustainable Fisheries
Silver Spring, MD**



Note: This presentation provides only a summary of the National Standard 1 guidelines. Any discrepancies between this presentation and the National Standard 1 guidelines as published in the *Federal Register* on January 16, 2009 (74 FR 3178) will be resolved in favor of the *Federal Register*.





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 of 2006 (*MSRA*) added new requirements for annual catch limits (ACLs) and accountability measures (AMs).
- 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

- Exceptions to ACL requirement*:
 - Species with a life cycle of approximately one year, 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)





Changes in final guidance

- ACTs and ACT control rules are optional accountability measures. For fisheries without inseason management control to prevent ACL from being exceeded, should utilize ACTs set below ACLs so catches do not exceed ACL.*
- If Council recommends $OFL=ABC=ACL$, Secretary may presume the proposal would not prevent overfishing, in the absence of sufficient analysis and justification. In most cases, expect ABC to be reduced from OFL to account for scientific uncertainty and reduce probability that overfishing might occur in a given year. **
- Clarification of statutory/mandatory provisions versus discretionary provisions.

*§ 600.310 (g)(2), **§ 600.310 (f)(3), **§ 600.310 (f)(5)(i)





Major aspects of the NS1 guidelines



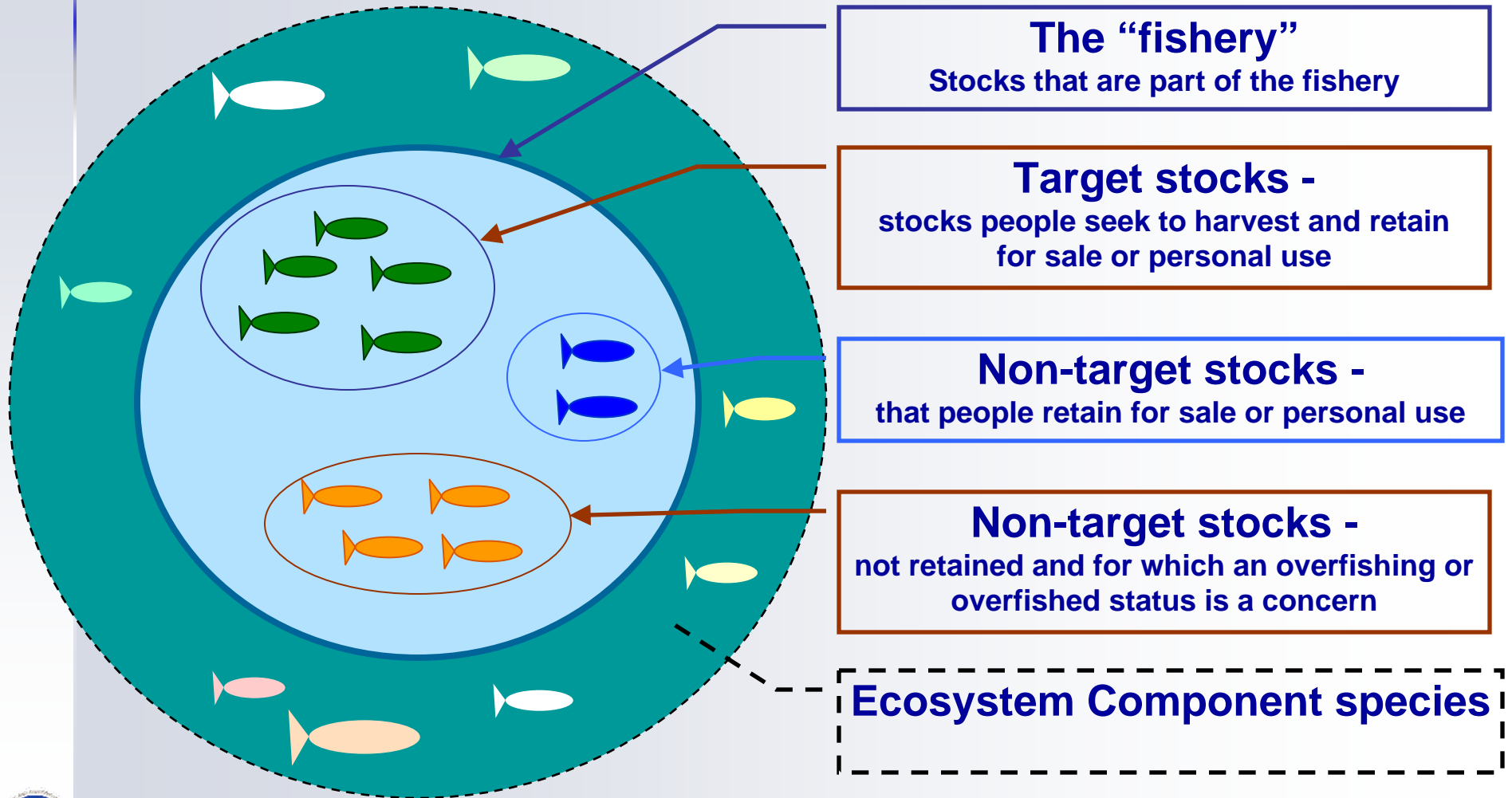
Stock classification in FMPs

- All stocks in FMP are considered “in the fishery” unless specified as ecosystem component (EC) species.
- EC classification is not required but is discretionary.
- To be considered for possible EC classification, species should, among other considerations:
 - Be a non-target species or non-target stock;
 - Not be determined to be subject to overfishing, approaching overfished, or overfished;
 - Not be likely to become subject to overfishing or overfished, according to the best available information, in the absence of conservation and management measures; and
 - Not generally be retained for sale or personal use.





Example of the kind of stocks that may fall into the two classifications.





ACLs Apply to Stocks “in the Fishery”

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

§ 600.310 (c)(4)

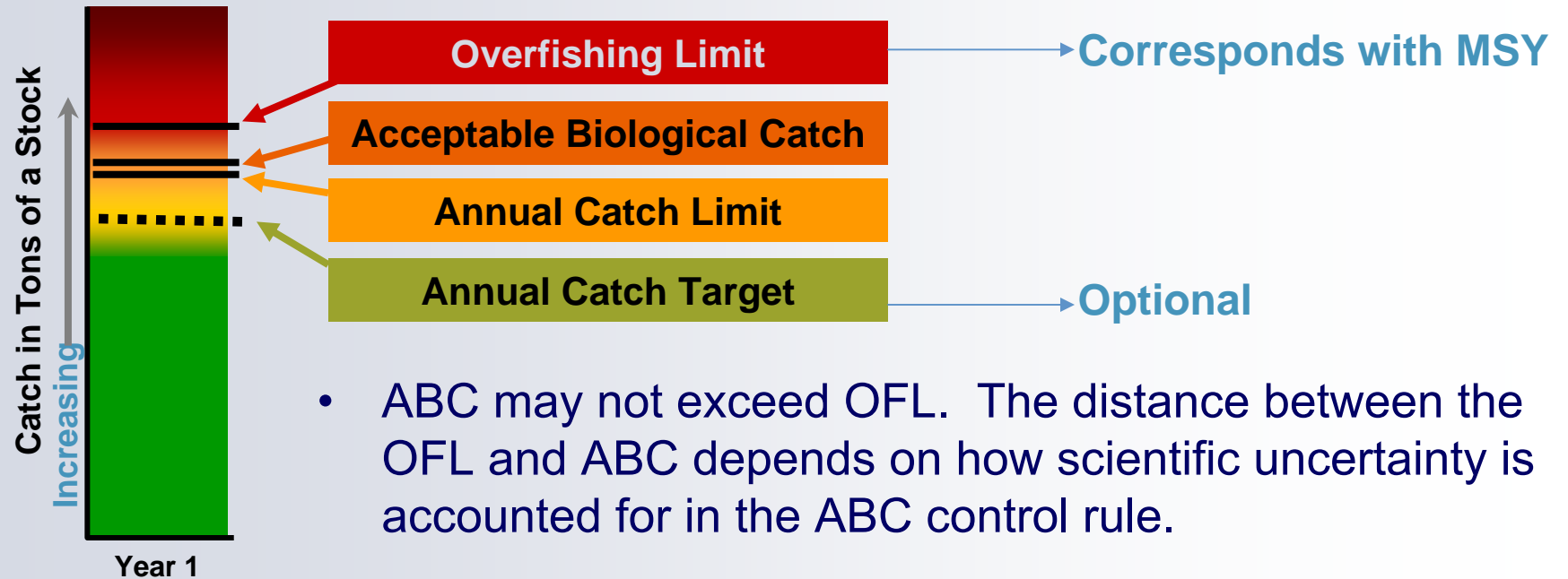
§ 600.310 (f)





Definition Framework

$$\text{OFL} \geq \text{ABC} \geq \text{ACL}$$



- ABC may not exceed OFL. The distance between the OFL and ABC depends on how scientific uncertainty is accounted for in the ABC control rule.
- The ACL may not exceed the ABC.
 - ABC is one of the fishing level recommendations under MSA section 302(h)(6).





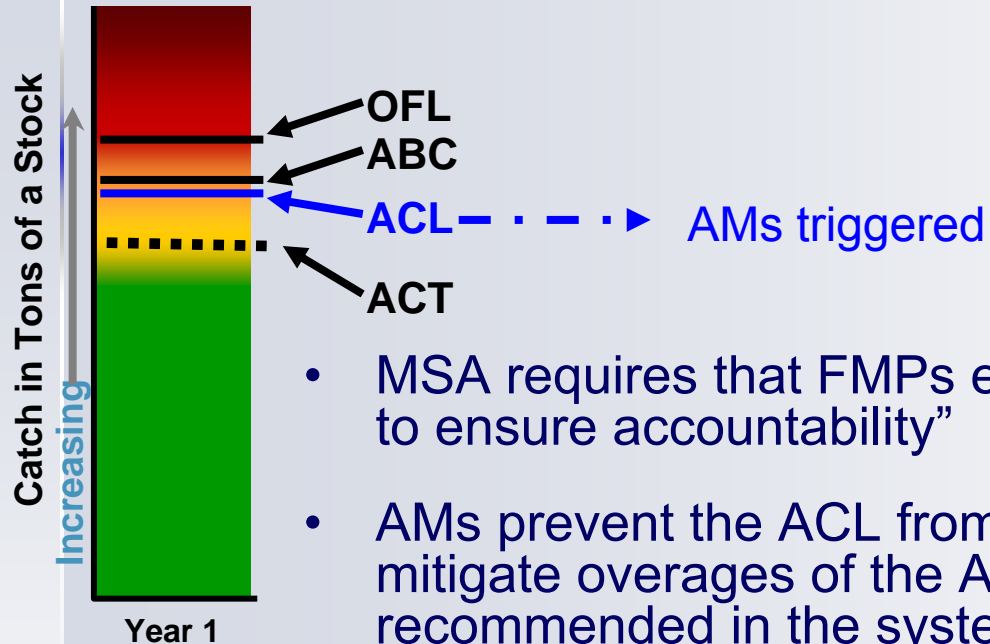
Approach for Setting Limits and AMs

- Councils must take an approach that considers uncertainty in **scientific** information and **management** control of the fishery.
- Scientific Uncertainty
 - 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 and any other scientific uncertainty. § 600.310 (f)(2)(iii)
 - Risk policy is part of ABC control rule: The determination of ABC should be based, when possible, on the probability that an actual catch equal to the stock's ABC would result in overfishing. This probability that overfishing will occur cannot exceed 50 percent and should be a lower value. § 600.310 (f)(4)
- Management Uncertainty
 - Address through a full range of AMs.
 - For fisheries without inseason management control to prevent the ACL from being exceeded, AMs should utilize ACTs that are set below ACLs so that catches do not exceed the ACL.
§ 600.310 (g)(2)





Accountability Measures (AMs)



- MSA requires that FMPs establish ACLs, “including measures to ensure accountability”
- AMs prevent the ACL from being exceeded and correct or mitigate overages of the ACL if they occur. ACTs are recommended in the system of accountability measures so that ACL is not exceeded.
- Two types of AMs:
 - Inseason measures to prevent exceeding the ACL
 - AMs for when the ACL is exceeded
 - Operational factors leading to an overage
 - Biological consequences to the stock, if any

§ 600.310 (g)(1)-(3)





Performance Standards

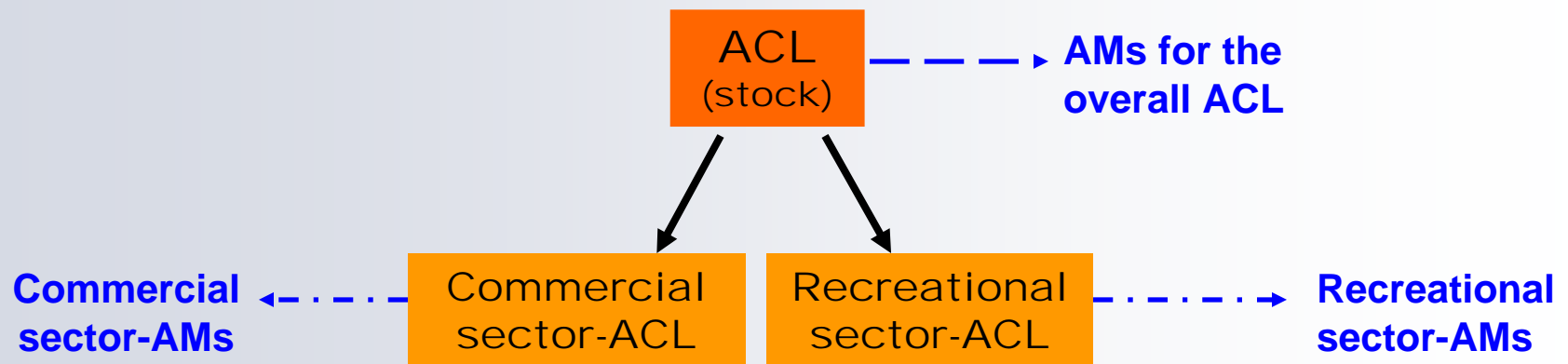
- Because of scientific and management uncertainty, there is always a chance that overfishing could occur.
- The system of ACLs and AMs should be re-evaluated and modified if necessary, if the ACL is exceeded more than once in the last 4 years.
- A higher performance standard could be used if a stock 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".
- If the management measures for different sectors differ in the degree of management uncertainty, then sector ACLs may be necessary so that appropriate AMs can be developed for each sector.
- The sum of sector-ACLs must not exceed the overall ACL.
- For each sector-ACL, "sector-AMs" should be established.
- AMs at the stock level may be necessary.





State-Federal Fisheries

- ACL should be specified for the entire stock and may be further divided (e.g., Federal-ACL and state-ACL)
- AMs required for portion of fishery under Federal authority
- Goal should be to develop collaborative conservation and management strategies (including AMs) with Federal, state, tribal, and/or territorial fishery managers.



§ 600.310 (f)(5)(iii) & (g)(5)



Forming Stock Complexes

- Stock complex = a group of stocks sufficiently similar in geographic distribution, life history, and vulnerabilities to the fishery such that the impact of management actions on the stocks is similar.
- May be formed for various reasons, including where:
 - stocks in a multispecies fishery cannot be targeted independent of one another and MSY cannot be defined on a stock-by-stock basis;
 - there is insufficient data to measure their status relative to SDC; or
 - it is not feasible for fishermen to distinguish individual stocks among their catch.
- The vulnerability of stocks to the fishery should be evaluated when establishing or reorganizing a complex.
- May be comprised of:
 - 1 or more indicator stocks, each with SDC and ACLs, and several other stocks;
 - several stocks without an indicator stock, with SDC and an ACL for the complex as a whole; or
 - 1 or more indicator stocks, each of which has SDC and management objectives, with an ACL for the complex as a whole (might be applicable to salmon species).





Indicator Stocks & Vulnerability

- An indicator stock is a stock with measurable SDC that can be used to help manage and evaluate more poorly known stocks that are in a stock complex. If one is used to evaluate the status of a complex, it should be representative of the typical status of each stock within the complex, due to similarity in vulnerability.
- A stock's vulnerability is a combination of its productivity, which depends upon its life history characteristics, and its susceptibility to the fishery.
 - Productivity – refers to capacity of the stock to produce MSY and to recover if the population is depleted
 - Susceptibility – potential for the stock to be impacted by the fishery, which includes direct captures, as well as indirect impacts to the fishery





Status Determination Criteria (SDC)

- SDC must be expressed in a way that enables the Council to monitor each stock or complex in the FMP, and determine annually, if possible, whether overfishing is occurring and whether the stock or complex is overfished.
- In specifying SDC, a Council must provide an analysis of how the SDC were chosen and how they relate to reproductive potential.
- Two approaches may be chosen for SDC to determine overfishing:
 - **Fishing mortality rate exceeds MFMT.** Exceeding the MFMT for a period of 1 year or more constitutes overfishing.
 - **Catch exceeds the OFL.** If the annual catch exceeds the annual OFL for 1 year or more, the stock or complex is considered subject to overfishing.

§ 600.310 (e)(2)(ii)





Fisheries Data

- In their FMPs, or associated public documents such as SAFE reports as appropriate, Councils must describe general data collection methods, as well as any specific data collection methods used for all stocks in the fishery, and EC species, including:
 - Sources of fishing mortality;
 - Description of the data collection and estimation methods used to quantify total catch mortality in each fishery; and
 - Description of the methods used to compile catch data from various catch data collection methods and how those data are used to determine the relationship between total catch at a given point in time and the ACL for stocks and stock complexes that are part of a fishery.





Summary of the Major Aspects of the NS1 Guidelines

- 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.
- NS1 guidelines:
 - 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
 - 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.

