

**Annotated Agenda – Proposal  
MAFAC Meeting May 22-24, 2012  
Seattle, Washington**

- 1. Title of Discussion:** National Standard 1 Advance Notice of Proposed Rulemaking (ANPR)
- 2. Discussion Leader/Presenter:** Debra Lambert, Fishery Policy Analyst, NMFS Office of Sustainable Fisheries
- 3. Objective/Purpose:** [Informational and Action; Ecosystem Subcommittee]
- a) Inform MAFAC about the recent publication of an ANPR to revise the National Standard 1 (NS1) guidelines;
  - b) Solicit initial comments regarding the issues raised in the ANPR and other issues MAFAC thinks should be addressed within the guidelines; and
  - c) Invite MAFAC to provide additional comments in writing during the comment period.

**4. Background/Synopsis:**

NS1 of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) states: “Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield (OY) from each fishery for the U.S. fishing industry.” The MSA requires the Secretary of Commerce to establish advisory guidelines (which shall not have the force and effect of law) for each national standard to assist in the development of fishery management plans. The NS1 guidelines were last revised in January 2009 to reflect how to develop annual catch limits (ACLs) and accountability measures (AMs) as required by the MSA reauthorization in 2007.

Since 2007, the 46 Federal FMPs have been amended to implement ACLs and AMs to end and prevent overfishing. Based on experiences gained from implementing ACLs and AMs, NMFS is considering revising the NS1 guidelines. We published an [ANPR](#) on May 3, 2012, and seek comments and suggestions on potential revisions to the NS1 guidelines.

In the ANPR, we identify 11 issues that we are considering addressing in revised NS1 guidelines which are summarized below. We welcome comments on these issues as well as any additional ideas and solutions that could improve the NS1 Guidelines. Additionally, we welcome comments on the appropriateness and utility of developing technical guidance reports or policy directives to address some topics rather than changing the guidelines in the Code of Federal Regulations, 50 CFR 600.310.

National Standard 1 Guideline Issues:

- **Stocks in a fishery** – How should ecosystem component species be classified? Should guidance aid in determining which stocks are in need of conservation and management?
- **Overfishing and multi-year impacts** – Should we explore alternative definitions of overfishing that take a longer, multi-year view of fishing impacts on a stock’s ability to produce maximum sustainable yield?
- **ACLs and optimum yield (OY)** – There is great diversity in how Councils define OY. Should we clarify how ecological, economic, and social considerations are incorporated into the management process and more clearly describe the relationship between ACL and OY?
- **Mixed-stock fisheries and OY** – Optimum yield for a fishery and the conservation and management measures proposed to achieve it must prevent overfishing and rebuild stocks. However, many stakeholders believe that ACL and rebuilding requirements prevent achieving OY

for healthy stocks. Should further clarification on how to specify OY and how OY provides for rebuilding of stocks be added to the guidelines?

- **Scientific and management uncertainty** – Many stakeholders have expressed that accounting for both sources of uncertainty is overly precautionary. Should we clarify that the two types of uncertainty are complementary and not duplicative?
- **Data poor stocks** – The experience of the Councils and their Scientific and Statistical Committees in implementing acceptable biological catches (ABCs) and ACLs for data poor stocks may provide valuable information on how to improve the NS1 guidelines for data poor stocks.
- **ABC Control rules** – ABC control rules are a specified approach to setting the ABC that incorporates both scientific uncertainty and the Council's policy on the acceptable level of risk that overfishing might occur. A variety of ABC control rules have been implemented and a review of those control rules could improve the NS1 guidelines.
- **Catch accounting** – Should we clarify how to account for all sources of mortality (e.g., bycatch, scientific research catch, etc.) when establishing ABCs and ACLs?
- **Accountability measures** – Are improved guidelines needed on how to implement AMs?
- **ACL exceptions** – The MSA established that stocks that have a life cycle of approximately one year and stocks subject to international agreements are not required to have ACLs. The NS1 guidelines define these exceptions, but should NMFS consider clarifying these exceptions?
- **Rebuilding** – The NS1 guidelines do not currently prescribe what to do when, during the course of a rebuilding plan, if rebuilding progress is determined to be inadequate. We intend to improve guidance on how to evaluate the progress of rebuilding stocks and how to revise rebuilding plans in these situations.

#### 5. Options/Issues for Discussion:

- What were the major issues with the implementation of ACLs in Federal fisheries?
- Which issues should NMFS address when proposing revisions to NS1 guidelines?
- Does MAFAAC have suggestions regarding which issues should be addressed through technical guidance reports and/or policy directives rather than as revisions to 50 CFR 600.310?

#### 6. Preferred Recommendation:

Record of Decision:

Decision, Next Step(s) and/or Action:

Assigned to: Due Date: