# National Standard 1 Guidelines

## MAFAC meeting

### Seattle, WA

### May 22, 2012

# National Standard 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.

# History of Addressing Overfishing

❖ 1976 – Magnuson Fishery Conservation and Management Act

- Established the 1st 7 National Standards.
- MSY
- OY

❖ 1989 – NS1 guidelines

- Directed Councils to include measureable definitions of overfishing.

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# History of Addressing Overfishing

❖ 1996 – Sustainable Fisheries Act

- Objective and measureable criteria for determining overfished status.

- Annual Report to Congress on Status of Fisheries

- Rebuilding requirements

❖ 2007 – MSA Reauthorization

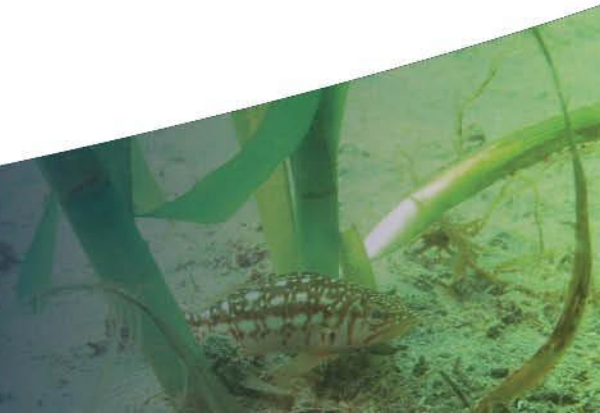- Annual catch limits

- Accountability measures

# National Standard 1 Guidelines

❖ Codified at 50 CFR 600.310

❖ Last revised January 16, 2009

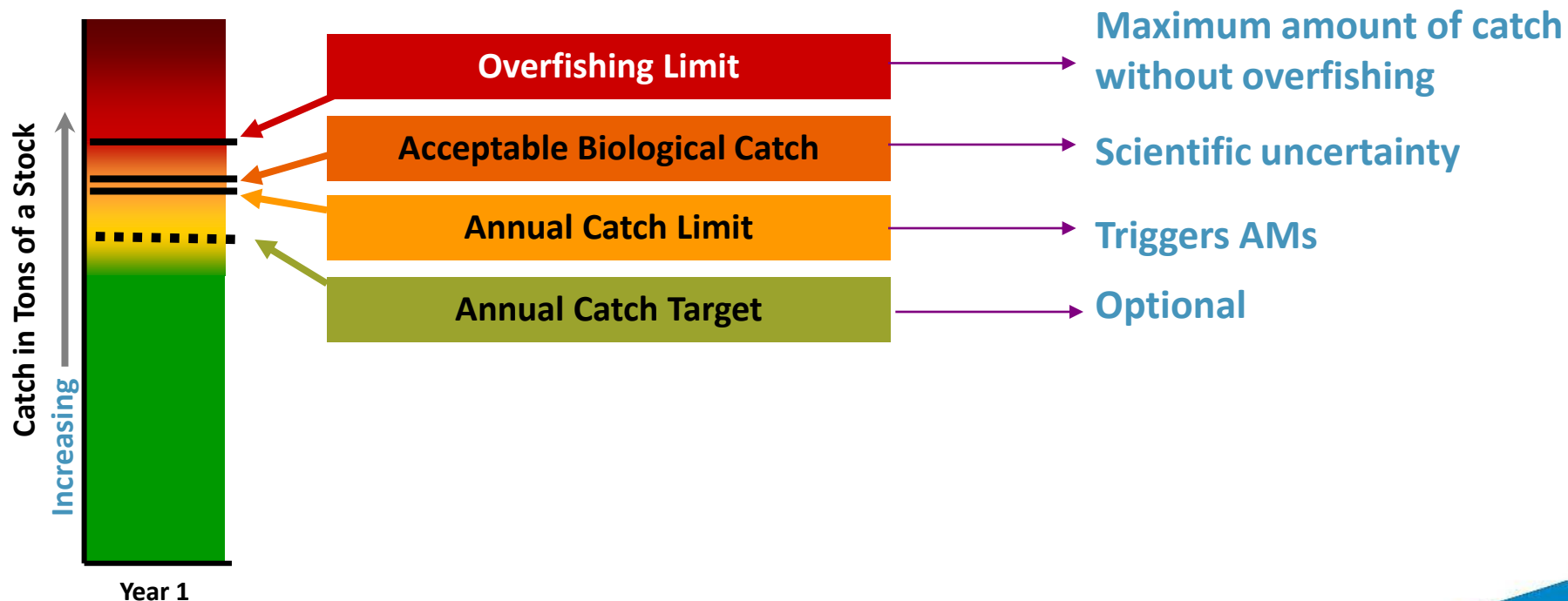- ▪ Annual catch limits
- ▪ Accountability measures

# Major aspects of the current NS1 Guidelines

# Definition Framework

OFL ≥ ABC ≥ ACL


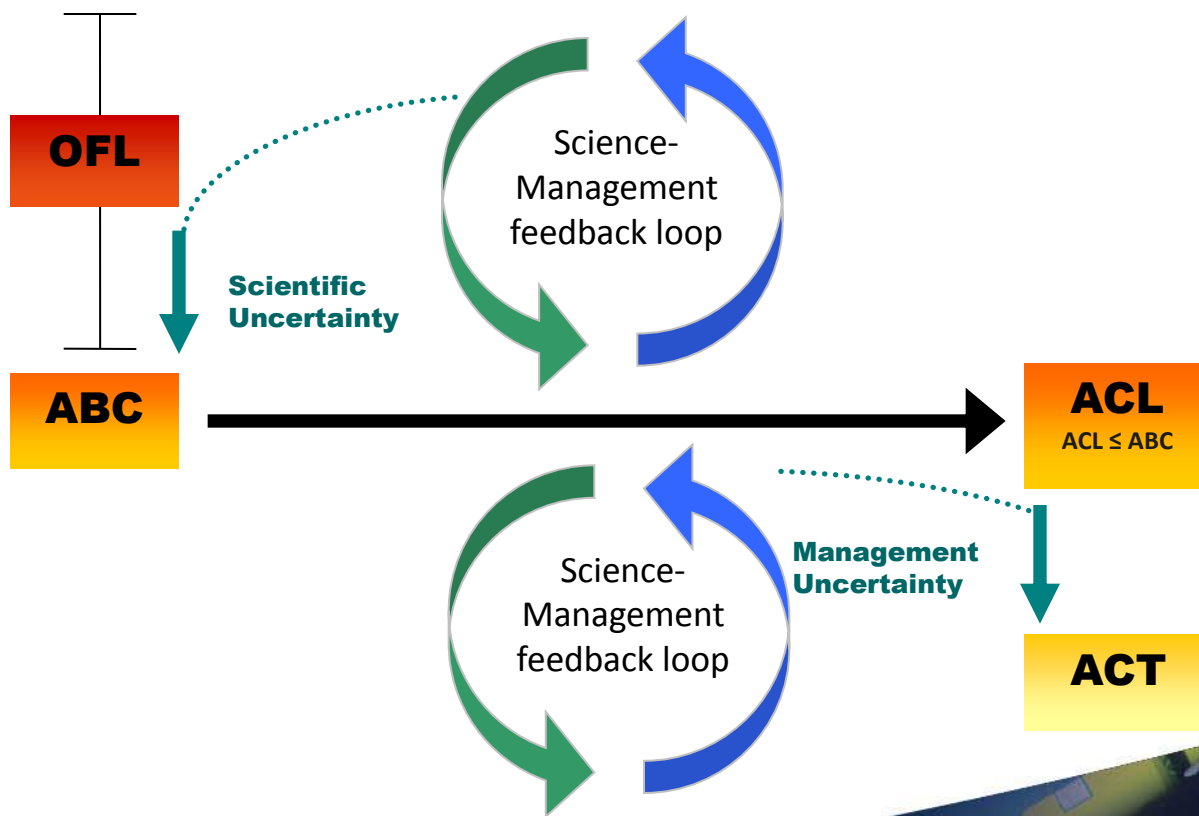
**Overfishing Limit** → Maximum amount of catch without overfishing

**Acceptable Biological Catch** → Scientific uncertainty

**Annual Catch Limit** → Triggers AMs

**Annual Catch Target** → Optional

Catch in Tons of a Stock

Increasing

Year 1

# Roles in setting ACLs



SSC Role

Council Role

OFL

Scientific Uncertainty

ABC

Science-Management feedback loop

ACL
ACL ≤ ABC

Science-Management feedback loop

Management Uncertainty

ACT

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# ACL Implementation and Concerns

❖ Since 2007, NMFS and Councils have implemented ACLs and AMs for all FMPs.

❖ Transformative process for Federal fisheries.

❖ Concerns and perceptions about ACLs.

❖ Several Bills have been proposed to revise ACL, AM, and rebuilding provisions in MSA.

❖ Congressional Hearings.

❖ ANPR allows us to engage the public on various issues related to NS1.

# National Standard 1 ANPR

❖ Published an Advance Notice of Proposed Rulemaking (ANPR) on May 3, 2012.

❖ 90 day comment period ends August 1, 2012.

❖ Opportunity to engage the public.

❖ Long term process.

❖ Unlike the last NS1 guideline revisions.

❖ Technical guidance.
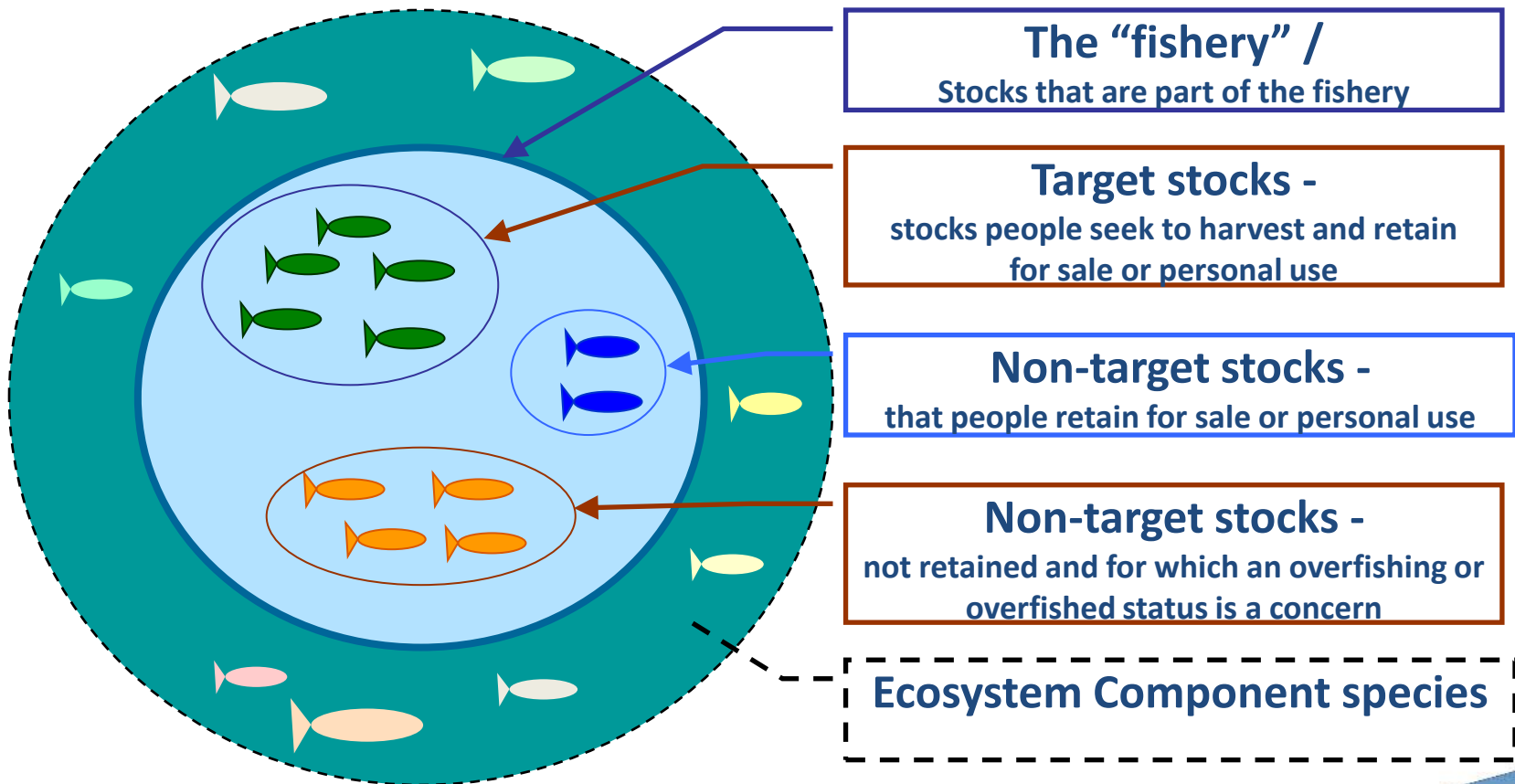
# National Standard 1 ANPR Issues

1. Stocks in a fishery
2. Overfishing and multi-year impacts
3. ACLs and optimum yield
4. Mixed-stock fisheries and optimum yield
5. Scientific and management uncertainty
6. Data poor stocks
7. Acceptable biological catch control rules
8. Catch accounting
9. Accountability measures
10. ACL exceptions
11. Rebuilding progress

# Stocks in a fishery

❖ FMPs for fisheries that require "conservation and management".

❖ Some FMPs include a small number of species; others include numerous species.

❖ NS1 guidelines established distinction between stocks in the fishery and ecosystem component species.

# Stock Classification - Example



The "fishery" /
**Stocks that are part of the fishery**

Target stocks -
**stocks people seek to harvest and retain for sale or personal use**

Non-target stocks -
**that people retain for sale or personal use**

Non-target stocks -
**not retained and for which an overfishing or overfished status is a concern**

**Ecosystem Component species**

# Stocks in a fishery

❖ As of March 2012, 6 FMPs have used the EC species classification.

  - Snapper-Grouper Fishery of the South Atlantic Region (SAFMC)
  - Coastal Pelagic Species (PFMC)
  - Fish Resources of the Arctic Management Area (NPFMC)
  - West Coast Fisheries for Highly Migratory Species/ Pacific Pelagic Fisheries of the Western Pacific Region Ecosystem (PFMC/WPFMC)
  - Scallop Fishery off of Alaska (NPFMC)

❖ Could further describe criteria for classifying stocks in a fishery and EC species.

# ACLs, Optimum Yield, Mixed-Stock Fisheries

The term "optimum," with respect to yield from a fishery means the amount of fish which-

(A) **Will provide the greatest overall benefit to the Nation**, particularly with respect to food production and recreational opportunities, and taking into account the protection of marine ecosystems;

(B)  Is prescribed as such on the basis of the maximum sustainable yield from the fishery, **as reduced by any relevant economic, social, or ecological factor**; and

(C) In the case of an overfished fishery, **provides for rebuilding** to a level consistent with producing MSY in such fishery.
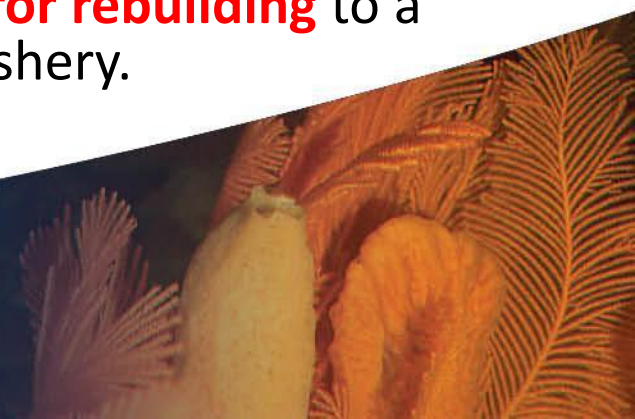
# ACLs, Optimum Yield, Mixed-Stock Fisheries

❖ Perception:
- Less abundant stocks prevent achieving OY.

❖ NS1: Achieving OY "on a continuing basis"

❖ OY: "Provides for rebuilding"

❖ Means that OY:
- Provides for stocks to rebuild to $B_{MSY}$.
- Preventing overfishing.
- OY is a long-term average.
- Average catch = OY.

❖ Perception:

 ▪ ACLs have resulted in reductions in catch.

 ▪ Relationship between ACL and OY?

❖ Definition of OY provides for economic, social, and ecological considerations to influence the choice of catch below the overfishing limit.

 ▪ Market considerations

 ▪ Increase stability and resiliency

# Data Poor Stocks and ABC Control Rules

❖ Requirement for ACLs has increased focus on assessing "data poor" stocks.

❖ Review experiences of the Councils and their Scientific and Statistical Committees in setting ABCs and ACLs.

❖ ABC control rules are a new concept in some fisheries. Others have used them for years.

❖ Review ABC control rules.

# Resources for data poor stocks & ABC control rules

❖ Report of a National SSC Workshop on ABC Control Rule Implementation and Peer Review Procedures – October 2010

❖ Assessment Methods for Data-Poor Stocks, Report of the Review Panel Meeting – April 2011

❖ Calculating ABC for stocks that have reliable catch data only, NOAA Tech Memo – May 2011

# Rebuilding progress and plans

❖ What should happen during the course of a rebuilding plan when rebuilding progress is determined to be inadequate?

❖ Reasons for inadequate progress:

- Management measures do not adequately control the fishery.

- Environmental factors that limit stock growth.

- Significant changes in the rebuilding target from a new stock assessment.

# Summary

❖ ACL implementation has been transformative.

❖ NS 1 ANPR – welcome comments.

❖ Encourage comments on the 11 issues and any other ideas and solutions.

❖ Welcome comments on the appropriateness and utility of technical guidance reports and policy directives.

# Questions 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 MAFAC 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?