Science, Service, Stewardship

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

May 8, 2017

NOAA FISHERIES SERVICE

Background

- The Magnuson-Stevens Fishery Conservation and Management Act (MSA) includes 10 National Standards which guide all fisheries management actions.
- 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:

- Extending rebuilding timelines
- Discontinuing rebuilding plans

Rebuilding: Extending Timelines

Proposed guidance on modifying rebuilding plans, including when it is necessary to extend rebuilding timeframes:

- Unless adequate progress is not being made, it is not necessary to routinely modify rebuilding plans.
- Not required to revise T_{target}, T_{max}, and $F_{rebuild}$ throughout the course of the plan.
- Primary objective is to maintain $F \leq F_{rebuild}$.
- The rebuilding time provides the basis for determining the appropriate Frebuild.
- These values are expected to fluctuate due to scientific uncertainty.

Rebuilding: Discontinuing plans

Can rebuilding plans be discontinued under some circumstances?

- **Currently, once a stock enters a rebuilding program, it remains in rebuilding until it is determined to be rebuilt.**
  - The 2012 National Research Council Rebuilding Report found:
    - Biomass estimates are uncertain
    - 36% of rebuilding stocks they reviewed were later discovered to have never been overfished.

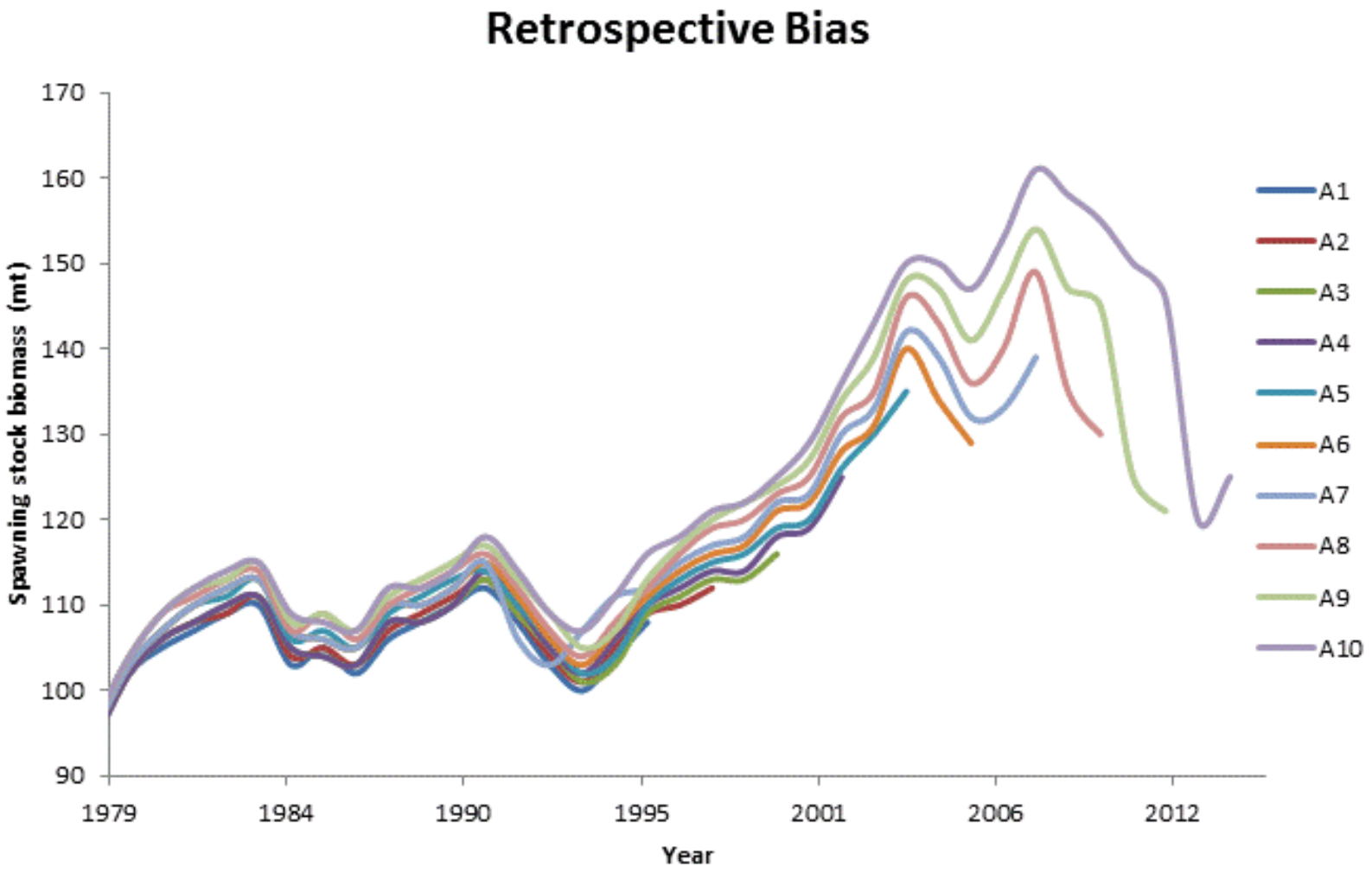
- **Propose: A rebuilding plan may be discontinued if both of the following criteria are met:**
  1. The Secretary determines the stock was never overfished, as originally thought.
  2. The biomass of the stock is above the MSST (it is not currently overfished).

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: Issues with Uncertainty



Stable Fisheries: Issues with Uncertainty

Species	Year	Fmsy	% Difference	Bmsy	% Difference	MSY	% Difference
Pacific Ocean Perch	1998	0.060	-	13974	-	1620	-
	2000	0.035	53%	20006	36%	1588	2%
	2003	0.035	0%	13516	39%	1172	30%
	2005	0.031	12%	15135	11%	1181	1%
	2007	0.038	21%	14793	2%	1411	18%
	2009	0.041	6%	15112	2%	1124	23%
	2011	0.032	23%	-	-	863	26%
Petrale Sole	2005	0.130	-	6779	-	3164	-
	2009	0.230	56%	4796	34%	2376	28%
	2011	0.220	4%	5805	19%	2588	9%
	2013	0.190	15%	7146	21%	2761	6%
Cowcod	2005	0.033	-	1240	-	82	-
	2007	0.027	20%	995	22%	54	41%
	2009	0.027	0%	873	13%	47	13%
	2014	0.050	60%	620	34%	62	27%
Maximum			60%		39%		41%
Average			22%		21%		19%
Median			17%		21%		20%
Minimum			0%		2%		1%

Stable Fisheries: Multi-year Overfishing

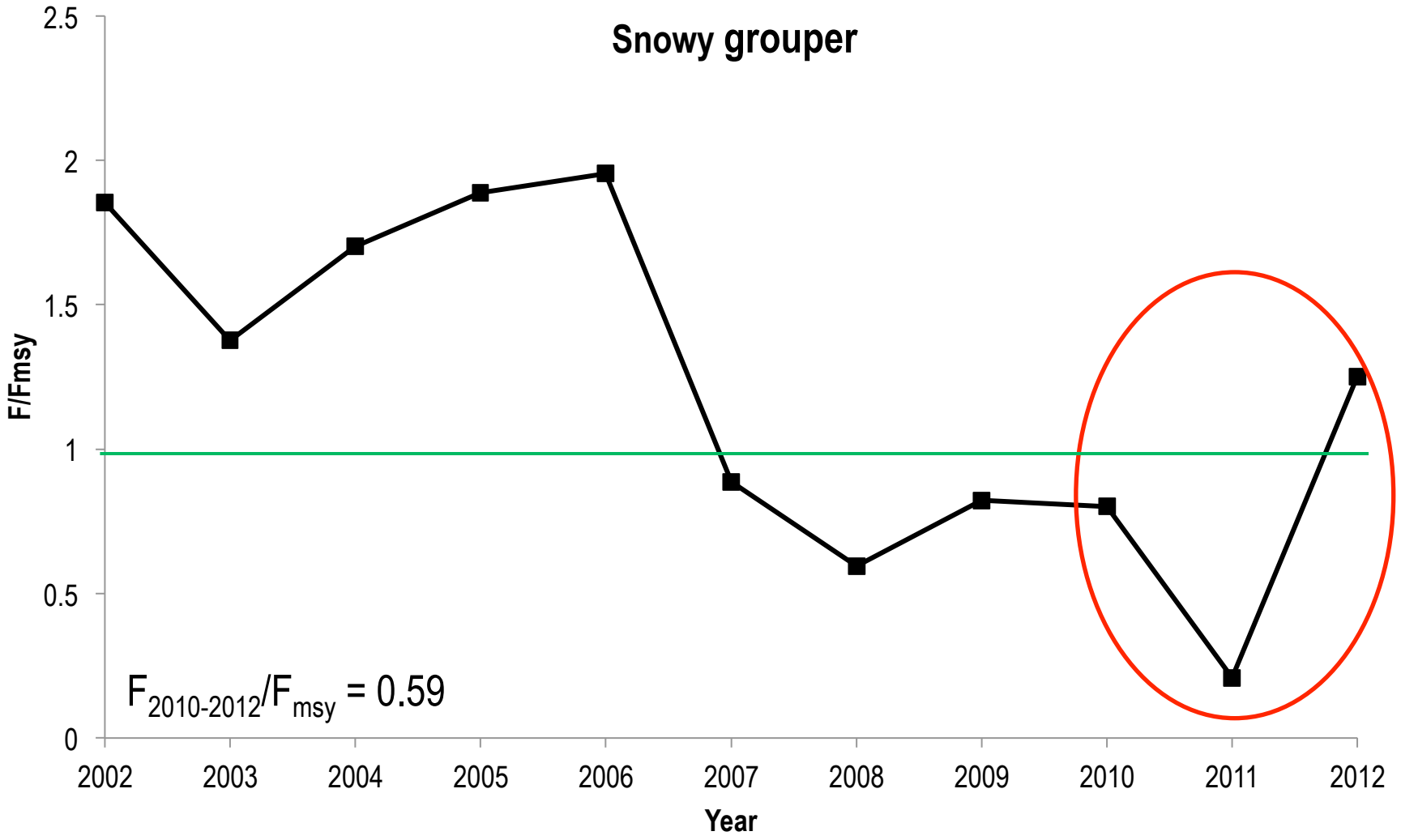
Current guidelines specify single year determinations – usually the last data year in an assessment.

Minimize false negative and false positive stock assessment findings.

Proposed guidance on the option to use of multi-year overfishing determinations.

- May not exceed 3-years
- Must document how the approach will not jeopardize the capacity of the stock to produce MSY.

Stable Fisheries: Multi-year Overfishing Example



Stable Fisheries: Phase-in ABC Control Rule

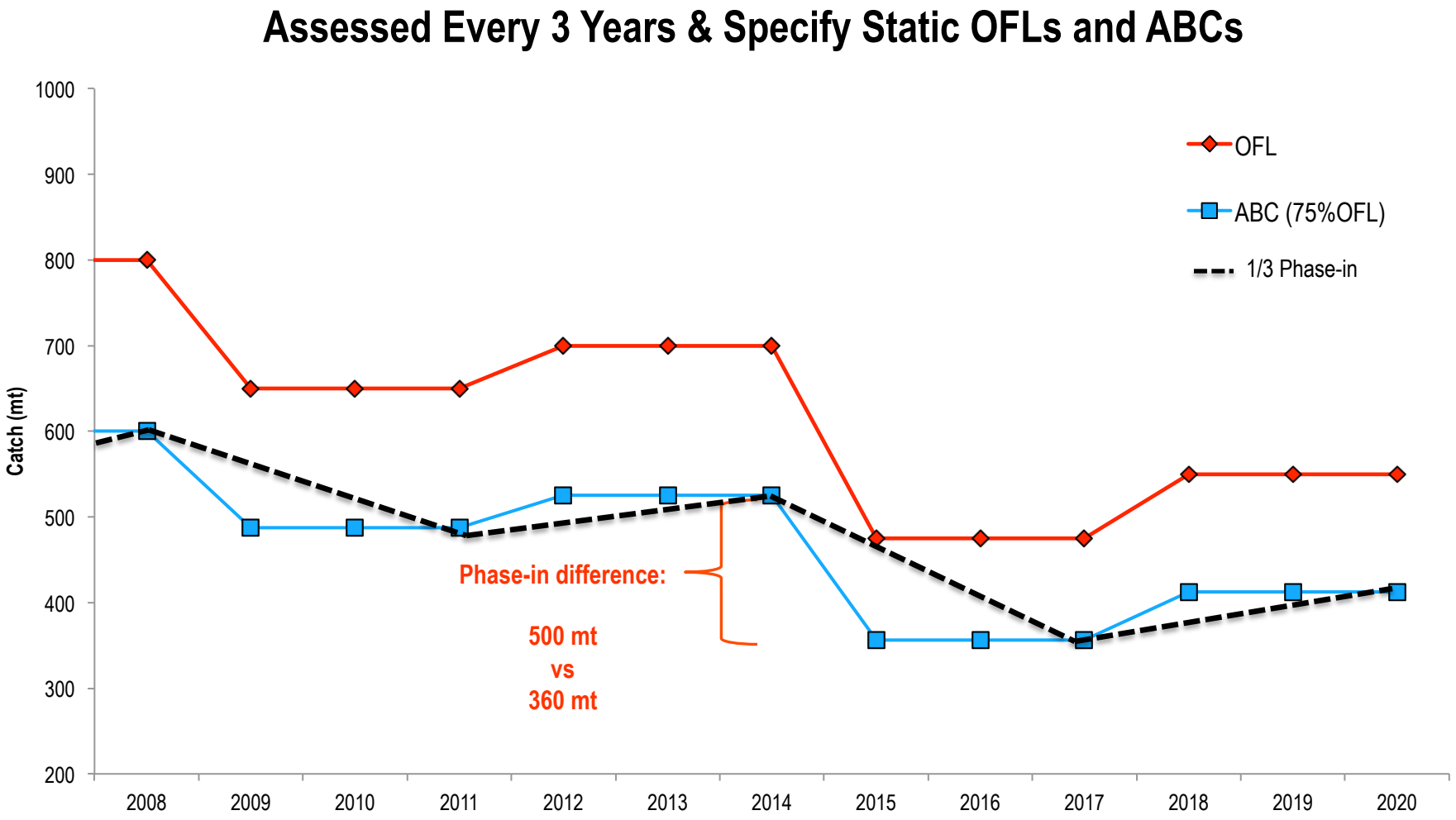
A tool for minimizing the dramatic shifts in catch that can occur with new stock assessments.

Used in the past by the International Pacific Halibut Commission and European Union.

Proposed guidance on phasing in results (catch increases or decreases) from new stock assessments.

- Phase-in may not exceed 3-years
- Must provide a comprehensive analysis of how the phase-in control rule prevents overfishing and when control rule can and cannot be used.

Stable Fisheries: Phase-in Example



Stable Fisheries: Carryover ABC Control Rule

- **Traditionally used in Catch Share fisheries to address safety at sea issues.**
- **Propose:**
  - Allow carry-over of all or some unused portion of the ACL to a subsequent year as long as overfishing is prevented.

Year	OFL	ACL = 85% of OFL	Actual Catch	Catch Difference (ACL – Actual Catch)	Natural mortality = Difference * 0.82
1	**200,000**	170,000	160,000	10,000	8,200
2	**208,200 (200,000 + 8,200)**	176,970 (170,000 + 6,970)	-	-	-

- OFL originally 200,000 for years 1 and 2.
- ABC = ACL = 85% OFL
- Annualized survival rate = 0.82, if *M* (instantaneous natural mortality) = 0.2

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