National Standards and NS1 Guidelines

New Council Member Training

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Learning objectives

• Describe guidance on which stocks are in need of conservation and management.
• Identify the 10 National Standards.
• Describe the National Standard 1 Guidelines.
• Locate additional resources.
Why is knowing the 10 National Standards important to you?
Learning objectives

• Describe guidance on which stocks are in need of conservation and management.
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Determining which stocks require Federal management

• Is the stock overfished, subject to overfishing, or likely to be?
• Is the stock predominately caught in Federal waters?
• If yes to both questions – the stock requires conservation and management.
• 10 factors to consider when deciding whether additional stocks require conservation and management.
• Ecosystem component species.
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• Describe the National Standard 1 Guidelines.

• Locate additional resources.
The National Standards: Ten Policy Objectives
10 National Standards – MSA 301(a)

1. Prevent overfishing and achieve optimum yield (OY).
2. Use best scientific information available (BSIA).
3. Manage stocks as a unit.
4. Ensure allocations are fair and equitable, promote conservation, and prevent excessive shares.
5. Consider efficiency in utilization, but economic allocation cannot be sole purpose.
6. Allow for variations and contingencies.
7. Minimize costs, avoid duplication.
8. Consider fishing communities to provide for their sustained participation and to minimize adverse economic impacts.
National Standard 1 – Foundation of Management

• Prevent overfishing
• Achieve optimum yield (OY)
National Standard 2

- Best scientific information available.
- 7 criteria to consider when evaluating BSIA.
- Peer review process.
- Role of the Scientific and Statistical Committee (SSC).
- Stock assessment & fishery evaluation (SAFE) report.
- “Best available” may be incomplete.
National Standard 3

- To the extent practicable, manage a stock as a unit throughout its range.
- Seek coordination across jurisdictions.
- FMP should include:
  - Description of range.
  - Rationale for selection.
  - Discussion of the management activities of other states or countries.
National Standard 4

• Do not discriminate between residents of different states.

• Allocations must:
  • Be fair and equitable.
  • Promote conservation.
  • Prevent excessive shares of privileges.

• Analysis of allocations – connected to FMP objectives.
National Standard 5

• Where practicable, consider efficiency in utilizing fishery resources.

• EXCEPT economic allocation may not be sole purpose.
National Standard 6

- Take into account variations and contingencies:
  - Buffers to account uncertainty
  - Flexible management regime
National Standard 7

- Where practicable, minimize costs & avoid duplication.
- Evaluate costs and benefits of fishery regulation.
National Standard 8

• Consider the importance of fishery resources to fishing communities to:
  • Provide for their sustained participation.
  • Minimize adverse economic impacts to the extent practicable.
National Standard 8 – case law

• The conservation requirements of NS1 take precedence over duty to minimize economic impacts.
National Standard 9

• To the extent practicable:
  • Minimize bycatch.
  • Minimize bycatch mortality.
National Standard 10

• To the extent practicable, promote safety at sea.
• Reduce risk.
• Consult with the USCG.
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• **Describe the National Standard 1 Guidelines.**
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National Standard 1 – Guidelines

Outline:
- Specifying MSY and OY.
- Status determination criteria (SDCs).
  - Overfishing criteria
  - Overfished criteria
- Acceptable biological catch (ABC).
- ABC control rules.
- Annual catch limits (ACLs).
- Accountability measures (AMs).
- Rebuilding plans and timelines.
- Case law.
Key Terms – MSY and OY

- **MSY** – defined in NS1 guidelines.
  - Largest long-term average yield.
  - Under prevailing ecological conditions.
- **OY** – defined in MSA.
  - Provides the greatest benefit to the nation.
  - Based on MSY as reduced by economic, social, or ecological factors.
  - Provides for rebuilding.
Key Terms – Status determination criteria

• Overfishing:
  • $F > \text{maximum fishing mortality threshold (MFMT)}$
  • Catch $\text{overfishing limit (OFL)}$
  • Multi-year approach can be used

• Overfished:
  • $B < \text{minimum stock size threshold (MSST)}$
ACL Framework

- **Overfishing Limit**: Maximum amount of catch without overfishing.
- **Acceptable Biological Catch**: Addresses scientific uncertainty and Council’s risk policy.
- **Annual Catch Limit**: Triggers AMs; often = ABC.
- **Annual Catch Target**: Optional, addresses management uncertainty.

MSA contains exceptions for:
- Stocks managed under an international agreement.
- Stocks with annual life cycle, unless subject to overfishing.
Setting ABC

• Based on ABC Control Rule.
  • Accounts for scientific uncertainty in the OFL.
  • Council’s risk policy.
• Can include phase-in and carry-over provisions.
Annual Catch Limits

• Set by the Council.
• Cannot exceed ABC.
• If an ACT is not used, should account for management uncertainty in the ACL.
• Can be divided into sector-ACLs.
Accountability Measures

- Prevent ACLs from being exceeded, and correct or mitigate overages of the ACL if they occur.
- Two types:
  - Inseason AMs.
  - AMs for when the ACL is exceeded.
Ending Overfishing and Rebuilding Stocks

• NMFS notifies Council when a stock is subject to overfishing or is overfished.

• If subject to overfishing:
  • Ensure that ABC is set appropriately.
  • Reevaluate ACLs and AMs.

• If overfished:
  • Prepare and implement a rebuilding plan within 2 years.
Rebuilding Plans

• Must rebuild in as short as time as possible, not to exceed 10 years, with some exceptions.

• $T_{\text{min}}$

• $T_{\text{target}}$

• $T_{\text{max}}$
**NS1 - Case Law**

- NRDC vs. Daley (D.C. Circuit, 2000)
- Challenge to annual quota for summer flounder.
- Issue: quota had an 18% likelihood of meeting the target fishing mortality rate.
- Court held: The quota must have, at the very least, a 50% chance of attaining the target F.
- “Only in Superman Comics’ Bizarro World, where reality is turned upside down, could the Service conclude that a measure that is at least four times as likely to fail as to succeed offers a ‘fairly high level of confidence.’”
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Summary

• National Standards establish competing policy objectives that must be balanced and addressed in fishery management actions.

• NS guidelines provide further guidance on the 10 standards.

• Further questions – ask myself or your Regional Office staff.
Questions?
Additional background slides
P*: Chance of Overfishing

- SSC is expected to address scientific uncertainty when setting ABC.
- Curve shows scientific uncertainty in estimate of OFL.
- True, but unknown, OFL could be higher or lower.
- P* is chance that true OFL is less than ABC, the targeted catch.
- Setting ABC < OFL reduces chance that catching this ABC will lead to overfishing.
Determining adequate progress in rebuilding

Adequate progress is not being made if:

1. $F > F_{\text{rebuild}}$ or $\text{catch} > \text{ACL}$, and AMs are not effective, or
2. New and unexpected information significantly changes rebuilding expectations
Determining which stocks require federal management

1. Does the fish stock require conservation & management?
2. Is the stock overfished/subject to overfishing or likely to be?
3. Yes
   - Is the stock predominantly caught in federal waters?
     - Yes
       - The stock requires conservation & management
     - No
6. No
   - Based on the 10 guideline factors, and any other relevant factors, is conservation and management necessary?
     - Yes
       - The stock requires conservation & management
     - No
       - The stock does not require conservation & management
Determining which stocks require federal management

10 Factors To Consider:

1. The stock is an important component of the marine environment.
2. The stock is caught by the fishery.
3. Whether an FMP can improve or maintain the condition of the stock.
4. The stock is a target of a fishery.
5. The stock is important to commercial, recreational, or subsistence users.
6. The fishery is important to the Nation or to the regional economy.
7. The need to resolve competing interests and conflicts among user groups and whether an FMP can further that resolution.
8. The economic condition of a fishery and whether an FMP can produce more efficient utilization.
9. The needs of a developing fishery, and whether an FMP can foster orderly growth.
10. The extent to which the fishery is already adequately managed by states, by state/Federal programs, by Federal regulations pursuant to other FMPs or international commissions, or by industry self-regulation, consistent with the requirements of the Magnuson-Stevens Act and other applicable law.