



Annual Catch Limits:

Updating the National Standard 1 Guidelines

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MSA Requirements



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.”



Annual Catch Limits (ACLs)

- **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)**

Annual Catch Limits (cont.)

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- **May not exceed a Council's Scientific and Statistical Committee's (SSC) fishing level recommendation**
 - *For Secretarial FMPs, this could apply to recommendations of agency scientists or peer review process*
 - **Required for all managed fisheries except:**
 - **Species with annual life cycles, unless subject to overfishing**
 - **Stocks managed under an international agreement to which the U.S. is party**
 - **Implementation in fishing year:**
 - **2010 for stocks subject to overfishing**
 - **2011 for all other stocks**

For Overfished Stocks

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- A vertical collage of underwater scenes on the left side of the slide, showing various fish and marine life in different depths and lighting conditions.
- **Effective July 12, 2009, within 2 years of an “overfished” or “approaching overfished” stock status notification, management measures must be prepared and implemented to:**
 - **Immediately end overfishing**
 - **Rebuild affected stocks**
 - “as quickly as possible”
 - “not to exceed 10 years”
 - **Prevent overfishing**

International Overfishing

MSA Section 304(i)

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- If the Secretary determines that a stock is overfished or approaching overfished **“due to excessive international fishing pressure, and for which there are no management measures to end overfishing under an international agreement to which the U.S. is a party”**, the Secretary and/or appropriate Council shall take action under MSA Section 304(i).
 - The Secretary, with Secretary of State, should immediately take action at the international level to end overfishing
 - Within 1 year, the Secretary and/or appropriate Council shall:
 - Recommend domestic regulations to address “relative impact” of U.S. vessels
 - Recommend to Secretary of State and Congress, international actions to end overfishing and rebuild, taking into account “relative impact of vessels of other nations and vessels of the U.S.”



Updating the National Standard 1 (NS1) Guidelines



Why?

- **Add guidance on new (MSRA) requirements**
 - Annual catch limits (ACLs)
 - Measures for Accountability (Accountability Measures or AMs)
 - Acceptable biological catch (ABC)
- **Explain their relationship to existing requirements**
 - Maximum sustainable yield (MSY)
 - Optimum yield (OY)
 - Status determination criteria (SDC) for defining “overfishing” and “overfished”



Themes from Public Comment Period (Feb-Apr 2007)



- **Improve fisheries data**
- **Develop guidelines for Optimum Yield - incorporate ecosystem considerations**
- **Provide guidance on SSC role**
- **Allow Councils flexibility in developing ACLs and AMs**
- **AMs should provide short cycle-time; prefer inseason adjustments to corrective ones**
- **ACLs for rebuilding stocks must ensure rebuilding – not just prevent overfishing**
- **Protect sectors (e.g. commercial/recreational) from each other**
- **Ensure ongoing review of management effectiveness**
- **How ACLs will work for stocks shared with states**





Objectives



Ensure national consistency but allow for flexibility



- **A strong national framework to ensure U.S. fisheries meet MSA requirements and intent**
- **Flexibility to account for diversity in U.S. fisheries**
 - Biological and ecological
 - Management approaches
 - Scientific knowledge
 - Monitoring capacity
 - Overlap in management jurisdiction
 - Users harvesting
- ***Goal: Strong yet flexible guidelines***

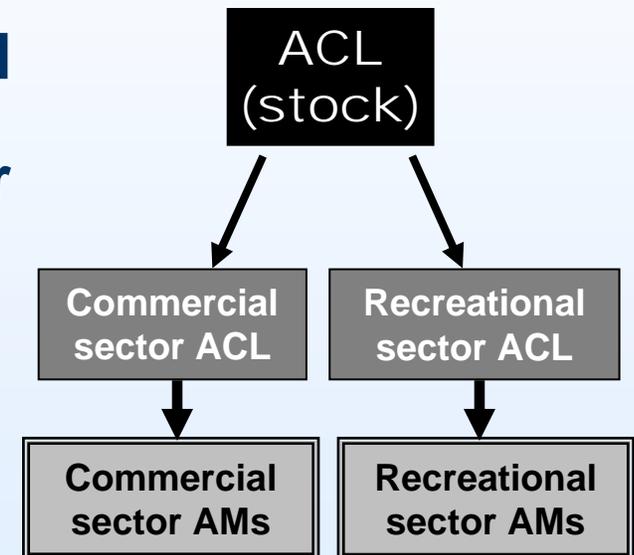


Define Annual Catch Limits (ACLs)

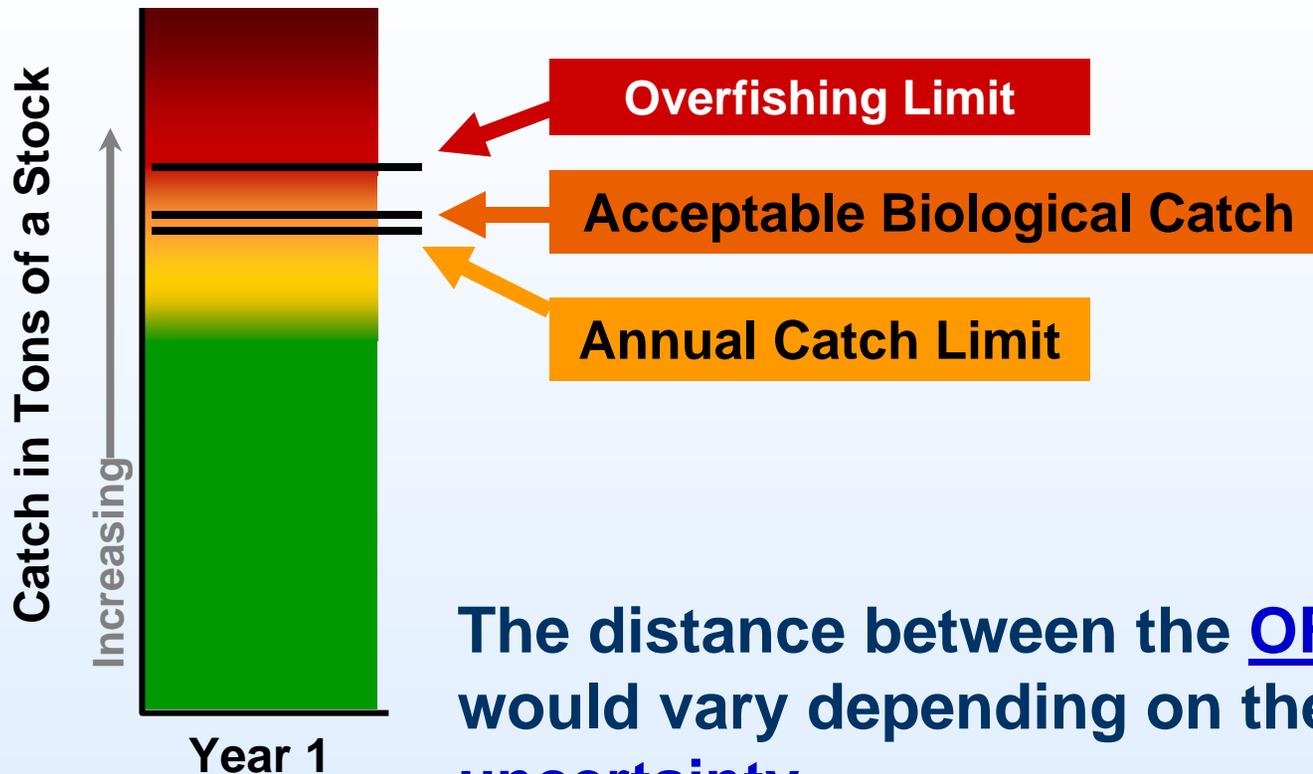
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- **Include all sources of fishing mortality, where possible**
 - (i.e., landings, bycatch/discards, all sectors and user groups)
 - **Could be set for multiple year periods**
 - **A numerical annual value set in weight or numbers of fish**
 - **Could be optional to sub-divide a stock ACL into sector-ACLs**
 - **Consider the ACL a limit only, or a limit *and* a target?**

Considering sector-ACLs

- **Considering that a stock's ACL could be sub-divided into sector-ACLs**
- **Could be OPTIONAL, not required**
- **Would sector-AMs be required for each sector-ACL?**
- **Sectors would be defined by the Councils, or Secretary (for HMS)**
- **Sector-ACLs and -AMs could be developed to ensure fairness and equity among sectors in a fishery**

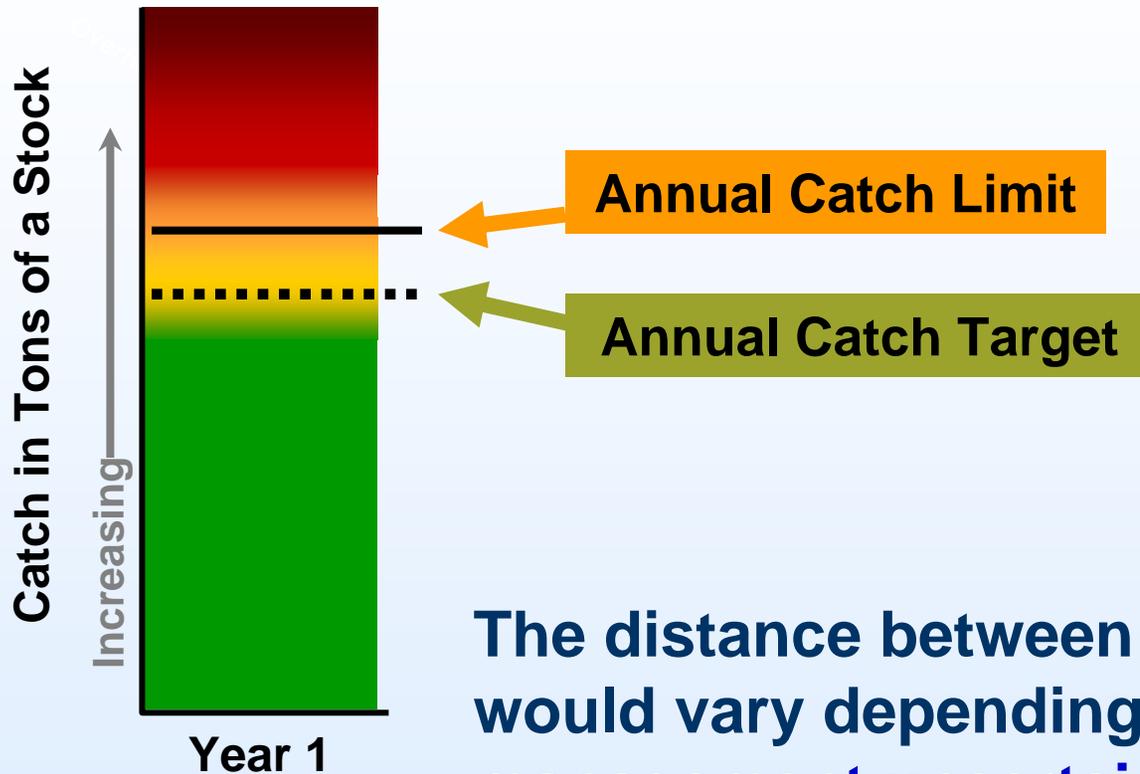


Account for Uncertainty: OFL, ABC, & ACL



The distance between the OFL and ABC would vary depending on the scientific uncertainty.

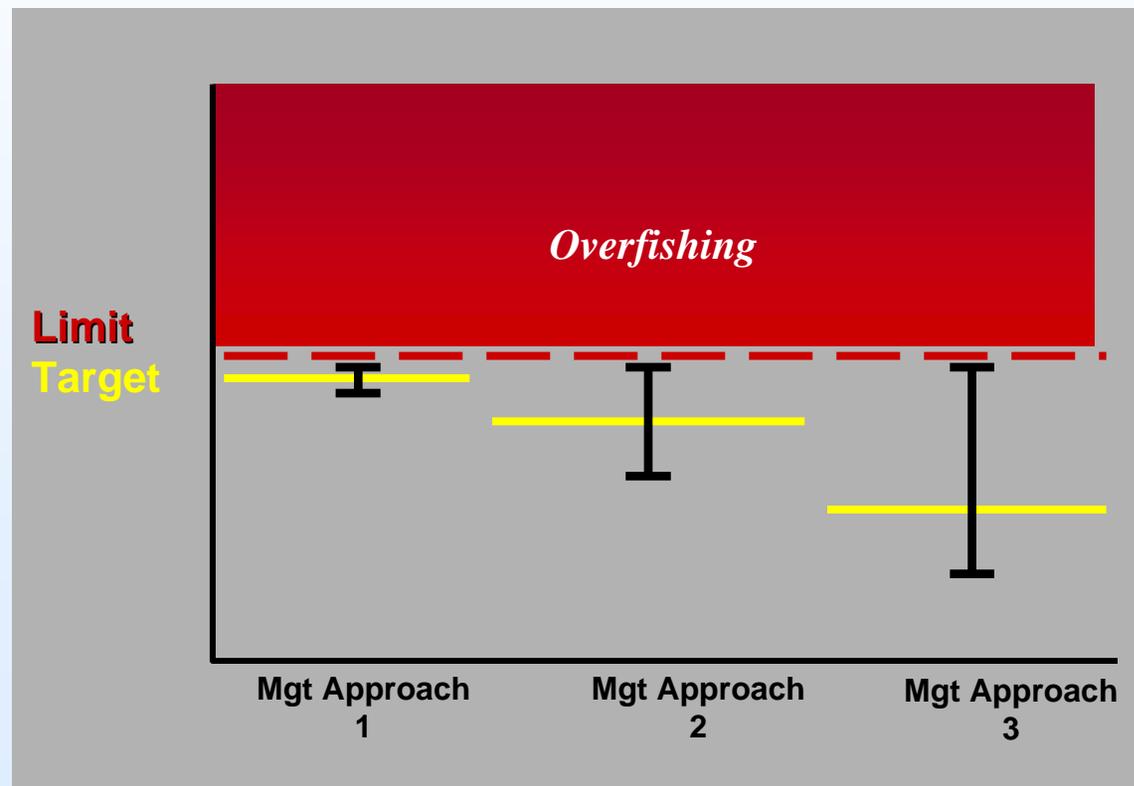
Account for Uncertainty: ACL & ACT



The distance between the ACL and ACT would vary depending on the management uncertainty.

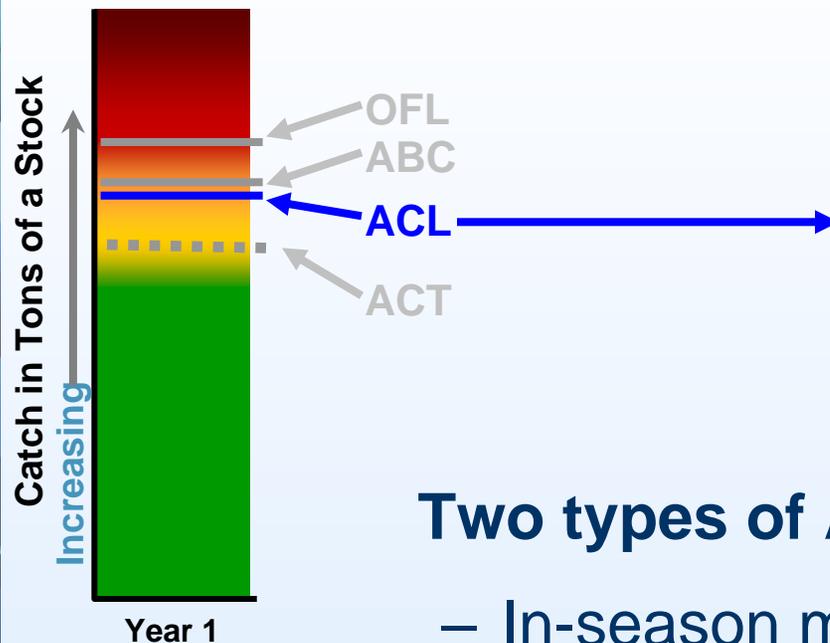
Management Uncertainty

E.g. could look at past performance of achieving the target.



Define Measures to Ensure Accountability

(Accountability Measures or AMs)



AMs are associated with the ACL

Two types of AMs have been suggested:

- In-season measures to prevent reaching the ACL
- AMs to address an overage of the ACL
 - Operational and biological issues



Issues



Issue – Applying ACLs to all stocks?

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- **2 statutory exemptions**
 - **Situations in which ACLs may not be operationally feasible or necessary?**
 - Data-poor stocks?
 - Some stocks in which most catch occurs in state waters?
 - Stocks minimally impacted by a fishery?
 - ESA stocks?
 - Aquaculture stocks?

Issue – Variation in # of Stocks in FMPs



Only stocks that are the direct object of the fishery

All species in the ecosystem

- **MSA Section 303(a)(2) requires FMPs to contain a description of the fishery, including “the species of fish involved”.**
 - What does it mean to be “involved” in the fishery? What is an appropriate minimum expectation?
 - The more stocks included, the more likely data-poor stocks are included in the FMPs – a challenge for creating ACLs.

Bottom Line

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- A vertical strip on the left side of the slide, composed of several rectangular panels showing different marine life: a shark, a school of fish, a squid, and a whale, all set against a blue, textured background.
- **Anticipate the draft rule will publish this summer.**
 - **Even without revised NS 1 Guidelines in place, the statutory requirements and deadlines must be met:**
 - **FMPs must establish mechanisms for ACLs and Measures to Ensure Accountability**
 - **2010 for stocks experiencing overfishing, 2011 for all others**
 - **Performance measure: “... such that overfishing does not occur”**
 - **There’s not a lot of wiggle room here -- no “to the extent practicable” language**

General principles to keep in mind

- Thresholds, limits, and targets should be based upon the best scientific information available.
- Managers should establish a risk policy for scientists to use when recommending thresholds, limits, and targets.
- Incorporate science uncertainty in specifying catch thresholds and limits (**OFL, MSST, MFMT, ABC, ACL**).
- Set catch targets (**ACTs**) below limits (**ACLs**) to incorporate management uncertainty.
- Prevent exceeding limits (**ACLs**) in-season, where possible (**AMs**).
- If limits are exceeded, take corrective action immediately / as soon as possible (**AMs**).
 - Correct the problem causing the overage
 - Mitigate any biological harm caused by the overage
- Shorten the management cycle-time; speed up the feedback loop and response time.



Other MSRA Updates





NEPA-MSA Streamlining

- **MSRA requires revised Agency procedures for compliance with the National Environmental Policy Act (NEPA) to:**
 - conform to the timelines for review and approval of fishery management actions
 - integrate environmental analytical procedures and time frames for public input
- **The Secretary must work with the Regional Councils and the Council on Environmental Quality (CEQ)**
- **Status Update:**
 - Public comments solicited Feb-April 2007
 - Anticipate draft rule will publish this summer





Limited Access Privilege Programs (LAPPs)

- **Additional management tool**
- **Transferable permit specifying the amount of catch a privilege holder may harvest**
- **Goals: rebuild overfished stocks, reduce overcapacity, promote safety**
- **Seek to provide social and economic benefits**
- **Allocations must be “fair and equitable” and prevent acquisition of excessive shares**
- **Status Update:**
 - Technical memo published November 2007
 - Public comments solicited September 2007
 - Anticipate draft rule will publish this fall



Questions



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