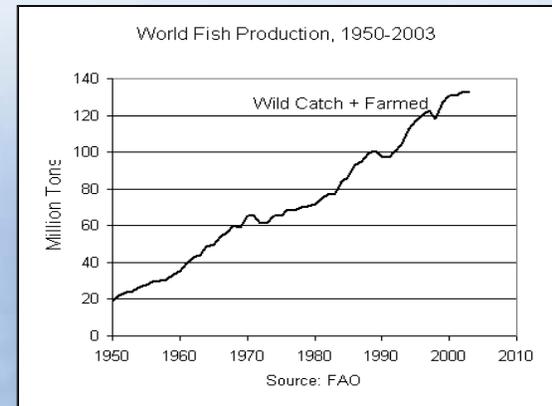
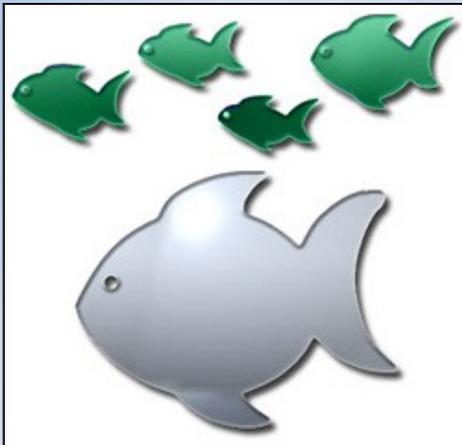


The National Standards: Ten Policy Objectives



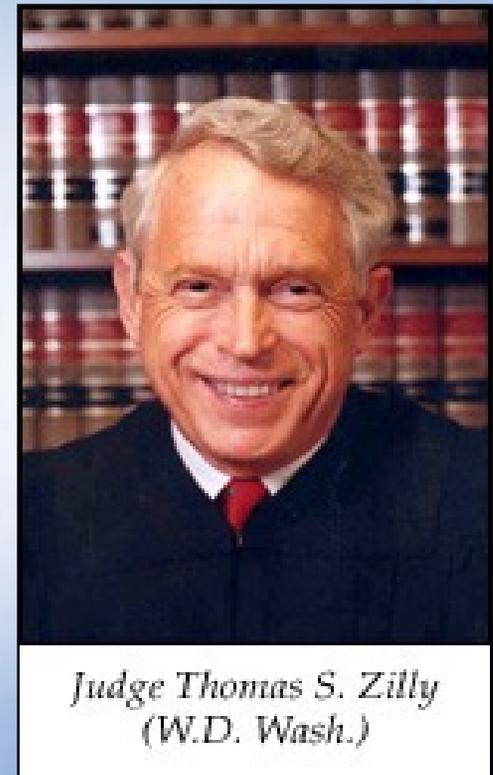
What do they Say?

- (1) Achieve OY and prevent overfishing**
- (2) Best available scientific information**
- (3) Manage stocks as a unit**
- (4) Allocations fair and equitable, promote conservation, and prevent excessive shares**
- (5) Consider efficiency in utilization; not have economic allocation as 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**
- (9) Minimize bycatch, and bycatch mortality**
- (10) Promote safety of human life at sea**

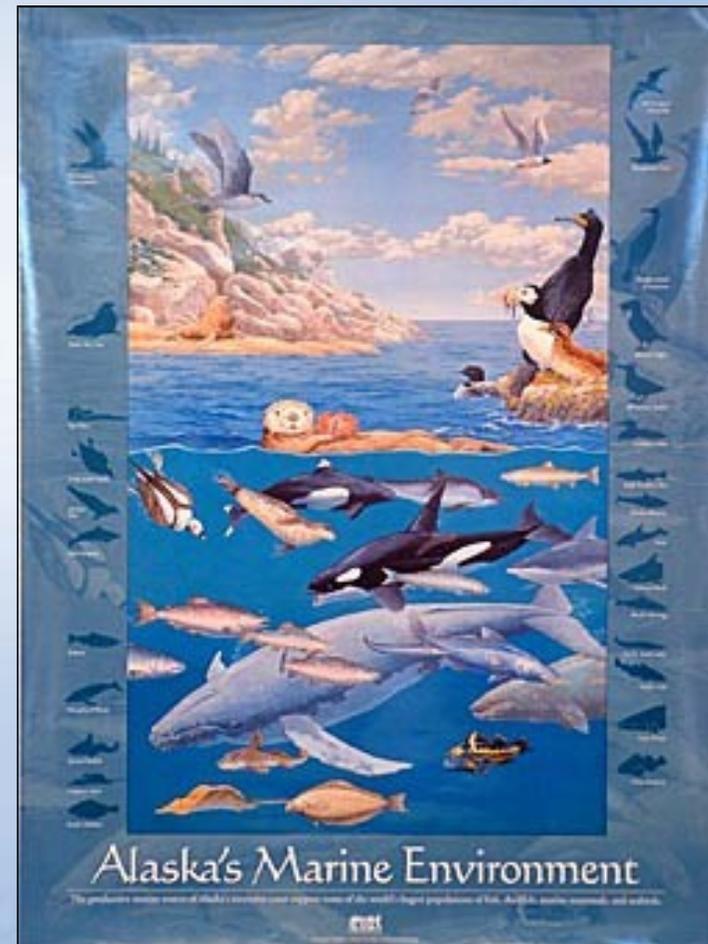
What do they mean?



- **National Standard Guidelines (50 CFR 600)**
- **Lessons from Case Law**



**OY means: Food,
Recreation, and
Ecosystems**



Achieve OY/Prevent Overfishing

- **OY = greatest overall benefit to the Nation**
 - With respect to: Food, recreation, marine ecosystems
 - Based on MSY, as reduced by:
 - Social, economic, or ecological factors
 - Consistent with Rebuilding
- **MSY**
 - Largest long-term average yield
 - Under prevailing ecological conditions
- **Overfishing**
 - Rate of fishing mortality
 - Jeopardizes long-term ability to produce MSY

2009 N.S. 1 Guidance

- Provide a Comprehensive Approach with implications for other parts of the MSA
- Rely on Control Rules, Targets, and limits
- Respond to Uncertainty conservatively
- Provide Guidance on Use of ACLs and AMs
- Provide Guidance and Interpretations on Ending Overfishing

2009 N.S. 1 Guidance: Defines Terms

ACLs



Ecosystem
Components



Target
Stocks

MFMT

N.S. Guidelines, section 600.310(d)

2009 N.S. 1 Guidelines: Terminology

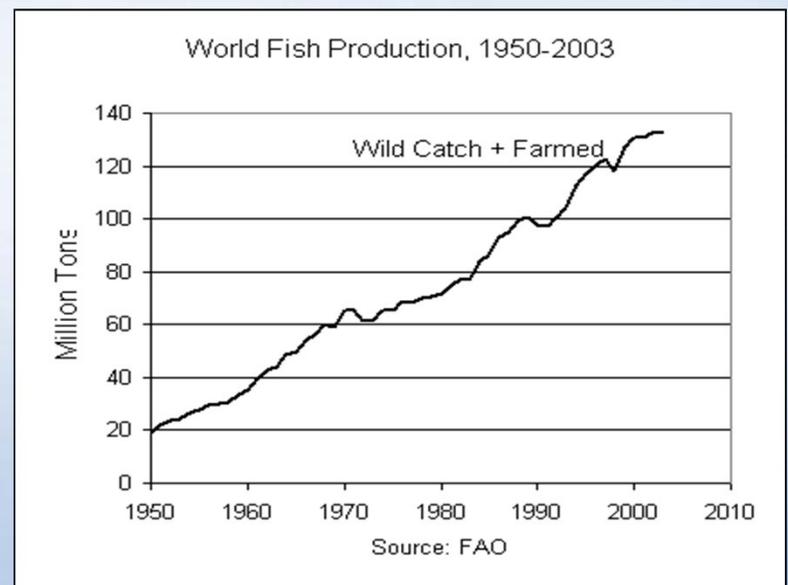
- Target and Non-target Stocks: 600.310(d)(3)
- Ecosystem Components (EC): 600.310(d)(5)
- Status Determination Criteria (SDC): 600.310(e)(2)(i)(A)
(MFMT, OFL, and MSST, or their proxies)
- Overfishing/Overfished: 600.310(e)(2)(i)(E)
- ABC/ABC Control Rule: Section 600.310(f)
- Sector-ACLs: (660.310(f)(2)(iv)
- Catch Target (ACT)/ACT Control Rule: 600.310(f)(2)(v)&(vi)

2009 N.S. 1 Guidelines: Links to Ending Overfishing and Rebuilding

- T_{min}: 600.310(j)(3)(i)(A)
- T_{max}: 600.310(j)(3)(i)
- International Overfishing: 600.310(k)
- Can overfishing ever be allowed? 600.310(m)
(provides limited exceptions)

N.S. 2: Best Available Scientific Information

- “Best Available” may be incomplete or allow conflicting interpretations
- Councils should justify choices
- What to do with new data
- SAFE Report



Case Law: National Standard 2



It is OK to rely on limited data.

X

Using data that we have stated is unreliable without explaining why we're using it is NOT OK.

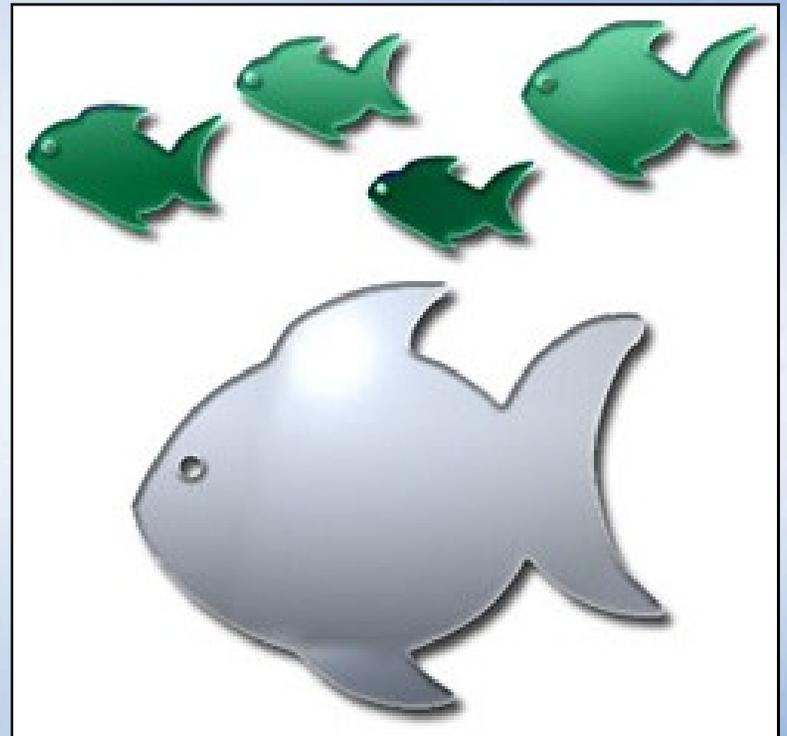
X

Decisions based on politics instead of science are NOT OK.

N.S. 3: Manage Stocks as a Unit

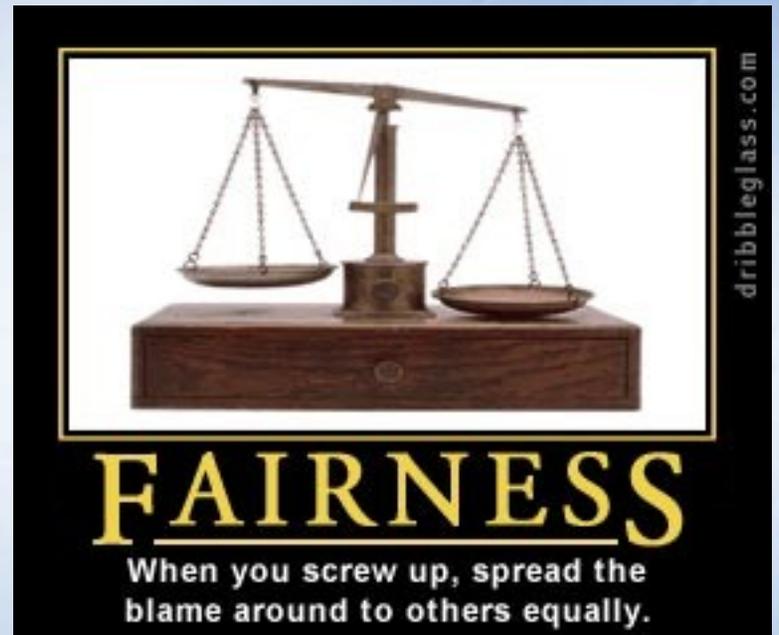
Discretion in defining
management unit

- Depends on objectives
- May be based on biological, geographic, economic, technical, social, or ecological issues



N.S. 4: No Discrimination; Rules for Allocations

- No discrimination between residents of different states.
- If necessary to allocate, allocation must be:
 - (1) Fair and equitable
 - (2) Reasonably calculated to promote conservation.
 - (3) No excessive shares of privileges.



N.S. 4: Allocations

“Allocation” means –

- Direct, deliberate distribution of opportunity to participate among identifiable, discrete user groups or individuals.
- Incidental allocative effects not included

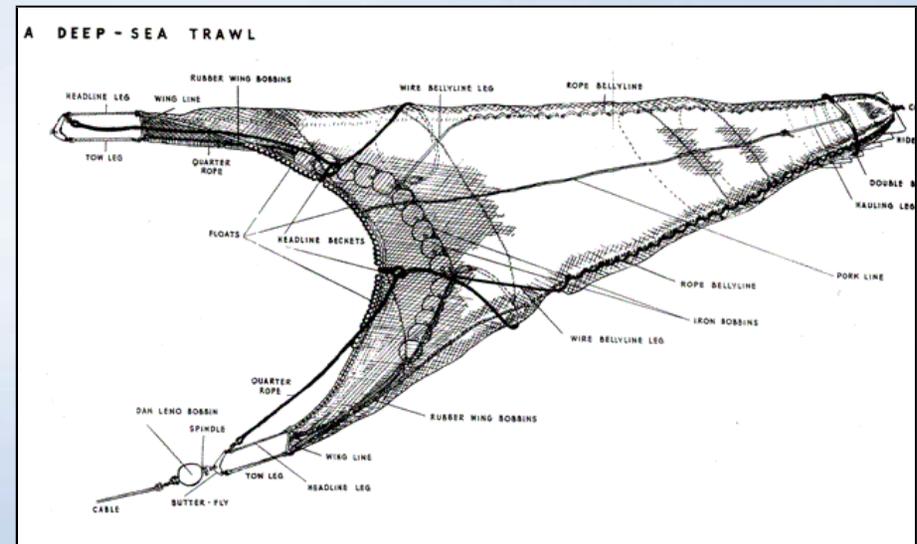


Case Law: National Standard 4

- **Incidental allocative effects are OK.**
- **Allocations are OK if necessary to achieve conservation benefits.**

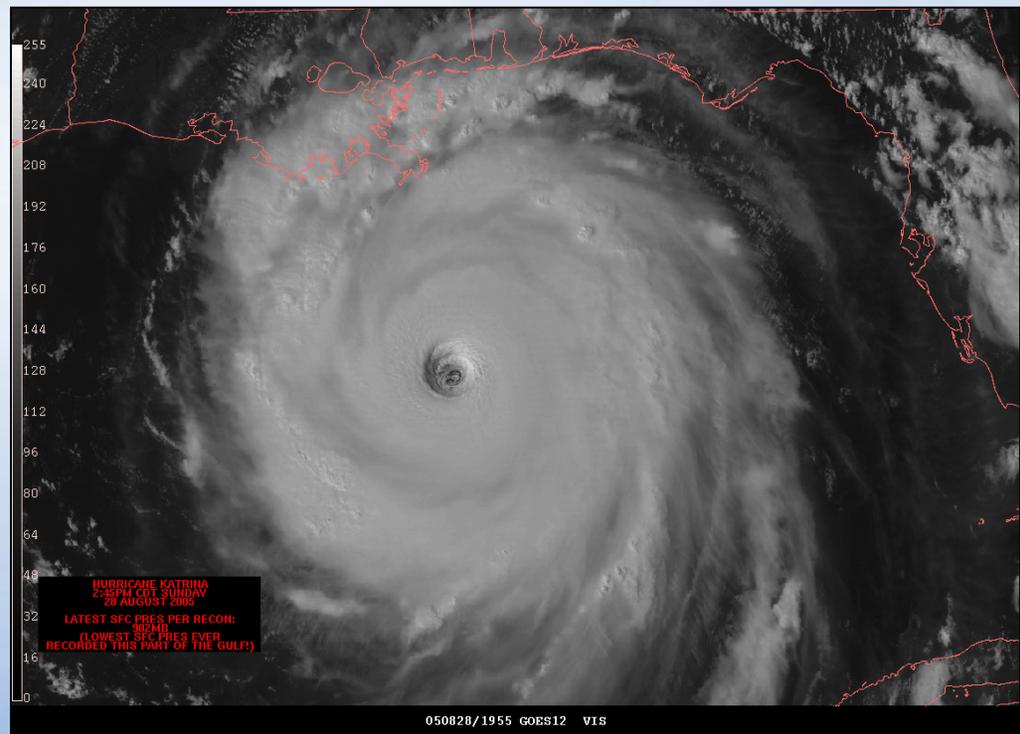
N.S. 5: Efficiency in Utilization

- Consider efficiency in the utilization of fishery resources;
- Except economic allocation may not be the sole purpose.



N.S. 6: Variations and Contingencies

- Buffers for variations and uncertainties
- Flexibility for unpredictable events



N.S. 7: Minimize Costs, Avoid Duplication

- Not every fishery needs an FMP
- Consider costs: fuel costs, enforcement costs, burdens of collecting data
- Analysis to show benefits justify costs



N.S. 8: Communities

Consistent with conservation requirements, take into account the importance of fishery resources to fishing communities in order to:

(1) Provide for their sustained participation; and

(2) To the extent practicable, minimize adverse economic impacts.



“Fishing Community” means:

- **Substantially dependent on the fishery, or**
- **Substantially engaged in harvesting or processing to meet social and economic needs**
- **Geographically based**

“Sustained Participation” means:

**....continued access to the
fishery within the constraints of
the condition of the resource.**

Case Law: National Standard 8

The conservation requirements of NS 1 trump duty to minimize economic impacts.



N.S. 9: Bycatch

To the extent practicable:



(1) Minimize bycatch; and

(2) To the extent bycatch cannot be avoided, minimize the mortality of such bycatch.

“Bycatch” means:

- “Fish” that are harvested but not sold or kept
- Does not include birds or mammals
- Includes economic and regulatory discards and unobserved mortalities
- Does not include legally retained non-target species



N.S. 10: Safety

- To the extent practicable, promote the safety of human life at sea.
- Avoid constraints that pressure fishermen to fish in unsafe conditions

