

Putting it All Together: Planning Activity

Background Facts: In your area, there is a fish known as the Noahfish that is known for floating near the surface of the water after a heavy rain. Historically, there has been no serious fishing effort directed at the Noahfish because they don't bite at bait, they travel alone rather than in schools, and it was considered inefficient to target them.

Recently however, an innovative fisherman has developed a gear that makes targeting the Noahfish more realistic. The new gear, known as an "ark," consists of a floating upside down wooden bowl with a mesh cage-like bottom that includes a trapdoor that allows the noahfish to enter but not exit. Ark gear can be deployed either individually, attached to a single anchored line, or a series of arks can be attached to a floating line then anchored at one end.

Your council is concerned that unregulated use of the new gear could quickly deplete the previously unexploited stock. You decide to begin FMP development under the MSA.

1. One of the things your Noahfish FMP will have to do is to specify Optimum Yield. There is some degree of scientific uncertainty over what MSY is. Three scientific studies recommend three different estimates of MSY: 8 million mts, 9 million mts and 10 million mts. For various reasons, you believe the most reliable specification of MSY is 8 million mts per year. This is also the most precautionary possibility. Noahfish are very nutritious and contaminant-free fish. After you decide to define MSY as 8 million mt/year, you then consider the benefits of providing a nutritious, clean source of protein to the American people. In light of the precautionary estimate of MSY, you decide to set OY at 9 million mt per year in light of its significant value as a source of food (net benefits assessment = food value more important than precautionary approach).

- a. Is this acceptable?
- b. Why or why not?
- c. What reference materials helped you answer this?

2. Assume the FMP gets approved with an MSY of 8mt and an OY of 8 million mt. A proponent of the 9 million mt/year OY sues alleging that MSY was improperly specified as overly conservative. He cites to the other two scientific studies recommending higher estimates of MSY.

Should you be worried?

3. National Standard 8 and the Record. There is an allegation that the preferred alternative has not provided for the sustained participation of fishing communities. You think don't think National Standard 8 should apply to this case since there has never been a fishery there in the first place, but you are not sure.

- a. Where can you go for guidance?
- b. What factors should your record include to address this issue.

4. What analyses should plan for to ensure compliance with the other applicable laws? are the key steps you should plan for?

5. What is a realistic timeframe to implementation?

6. What parties should be involved in early scoping and analytical activities (frontloading)?

7. What sorts of things did you consider in developing your schedule/timeframe?