



**NOAA  
FISHERIES**

# Advance Notice of Proposed Rulemaking to Potentially Update National Standard 4, 8 and 9 Guidelines

**Speaker**

***Meeting***

**Date, 2023**

**Location**

# Objective and Goal for this Advance Notice of Proposed Rulemaking (ANPR)



**Objective:** Determine if updates to the Guidelines for National Standards 4, 8, and 9 are needed to improve federal fisheries management.

**Goal:** Solicit public input on the current guidelines: areas/issues that may benefit from further consideration and/or revisions, as appropriate.

# Background

## MSA National Standards:

- NS 4 – allocations shall: be fair and equitable; promote conservation; not result in excessive shares.
- NS 8 – consider impacts to communities; provide for sustained participation; minimize adverse economic impacts to the extent practicable.
- NS 9 – minimize bycatch, and bycatch mortality, to the extent practicable.



# ANPR Focuses on 2 Current Challenges

- Climate-Related Impacts on Fisheries
- Promoting Equity and Environmental Justice in Fisheries



# NS4 (Allocation) Guidelines: Climate Issues

We request specific input on:

- Approaches for balancing access for:
  - historical users,
  - marginalized individuals who may have been inequitably excluded historically, and
  - new users
- If revisions are needed to reinforce the NMFS Allocation Policy
- Types of documentation, analyses, or alternative approaches that could be considered.



# NS8 (Communities) & NS9 (Bycatch) Guidelines: Climate Issues

We request specific input on:

- NS8 - updating the guidelines to improve the ability of communities to adapt to changing conditions.
- NS9 - updating the guidelines to better account for changing distributions of target stocks, bycatch, and protected resources.





# NS4 (Allocation) Guidelines: Equity and Environmental Justice

We request specific input on:

- Approaches to improve consideration of
  - underserved/underrepresented communities
  - previously excluded entrants
  - new entrants
- Types of documentation and analyses that could help ensure allocations are fair and equitable



# NS8 (Community) Guidelines: Equity and Environmental Justice

We request specific input on:

- If the definition of “fishing community” within the guidelines should be updated:
  - to allow communities that are not place based (i.e., fishery participants are not required to live in same geographic location)





# NS8 (Community) Guidelines: Equity and Environmental Justice Continued...

We request specific input on:

- If the definition of “fishing community” within the guidelines should be updated:
  - to shift balance between dependence and engagement



# NS8 (Community) Guidelines: Equity & Environmental Justice Continued...

We request specific input on:

- How to appropriately balance requirements for “sustained participation” of fishing communities with the need to improve consideration of:
  - underserved/underrepresented communities
  - previously excluded entrants
  - new entrants
  - communities with high levels of social or climate vulnerabilities



# NS9 (Bycatch) Guidelines: Equity and Environmental Justice

We request specific input on how/whether to:

- Modify guidelines to minimize bycatch in a manner that is equitable across different fisheries and gear types
- Better balance needs of bycatch and target fisheries in a manner that is equitable across different fisheries and gear types, especially when one or more fisheries are important for underserved populations.



# Other Challenges Mentioned in ANPR

NMFS is also requesting comments on:

- Options for minimizing bycatch under the NS9 practicability standard
- Revisions to the guidelines that would incentivize reducing waste



# Timeline:

## ANPR

- Published May 15, 2023
- Presentation to CCC May 23, 2023
- Presentations offered to each Council June-August 2023
- Two Tribal and One National Level Webinar June-July 2023
- Public comment period closes September 12, 2023



**If warranted, NMFS will begin drafting a proposed rule in Fall of 2023**

# QUESTIONS OR COMMENTS?

