



NOAA
FISHERIES

National Standards

New Council Member Training
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Learning Objectives

- Describe which stocks are in need of conservation and management.
- Summarize the 10 National Standards.
- Locate additional resources.



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Determining which stocks require federal management

- Is the stock overfished, subject to overfishing, or likely to become so?
- Is the stock predominately caught in Federal waters?
- **If “Yes” for both questions the stock requires conservation and management.**
- Otherwise, Councils should consider a list of 10 factors when deciding whether additional stocks require conservation and management.
- “General” section of NS guidelines: 50 CFR 600.305



Determining which stocks require federal management

10 Factors to Consider

1. Stock is an important component of the ecosystem.
2. Caught by the fishery.
3. FMP can improve or maintain condition.
4. Target of a fishery.
5. Important to commercial, recreational, or subsistence fishing.
6. Important to the Nation or regional economy.
7. FMP is needed to resolve competing interests/conflicts among user groups.
8. Economic condition and if FMP can improve efficient utilization.
9. Needs of a developing fishery, and if FMP can foster orderly growth.
10. Extent to which the fishery is already adequately managed by states, state/Fed programs, or incidentally to the management of other fisheries.



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Reclassifying stocks – recent examples

- North Pacific Council
 - Classified squid as an ecosystem component species in Bering Sea and Aleutian Islands and Gulf of Alaska Groundfish FMPs.
- Mid-Atlantic Council
 - Added several unmanaged forage fish as ecosystem component species.
 - Added chub mackerel as a stock in need of conservation and management to the Mackerel, Squid, Butterfish FMP.
- South Atlantic Council
 - Removed Atlantic Cobia from Coastal Migratory Pelagics FMP.



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As Council members, why is it important for you to understand the 10 national standards?



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10 National Standards

MSA
58



1. Prevent overfishing



2. Best Scientific Information Available



3. Manage as a unit



4. Fair and Equitable Allocations



5. Consider efficiency



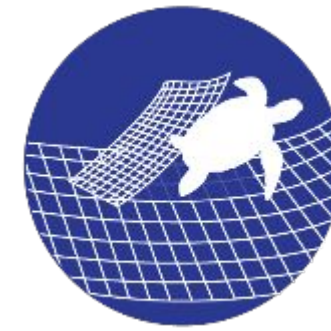
6. Variations and Contingencies



7. Minimize costs



8. Fishing communities



9. Minimize bycatch



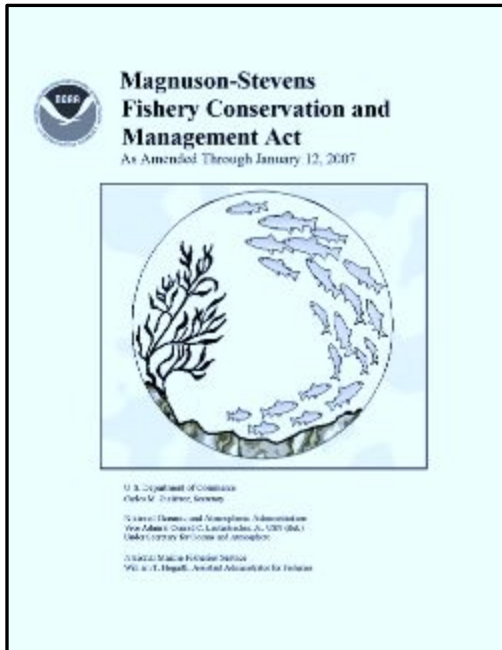
10. Safety at sea



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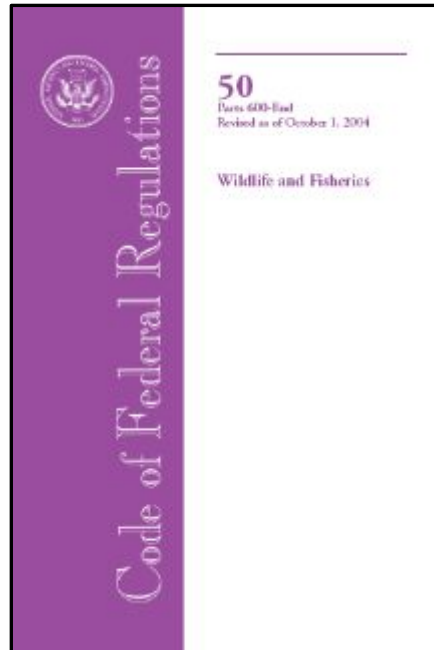
10 National Standards

MSA Section 301(a)



Page 58-59

National Standard Guidelines (50 CFR 600)



www.ecfr.gov

Case Law



National Standard 1 – Foundation of Management



“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.”



National Standard 1 Guidelines – Key Concepts



- Maximum Sustainable Yield and Optimum Yield
- Status Determination Criteria
- ACL Framework
- Rebuilding



Maximum Sustainable Yield (MSY) and Optimum Yield (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.





Status Determination Criteria (SDC)

- **MSA:** FMPs are required to specify “objective and measurable criteria for identifying when the fishery... is overfished”
- **NS1 Guidelines:**
 - Overfishing:
 - $F >$ maximum fishing mortality threshold (MFMT)
 - Catch $>$ overfishing limit (OFL)
 - Multi-year approach can be used
 - Overfished:
 - $B <$ minimum stock size threshold (MSST)



Preventing and Ending Overfishing



- Annual catch limits and accountability measures



Rebuilding stocks



What happens if a stock becomes overfished?

- Councils must prepare and implement a rebuilding plan within two years.
- Must specify a time period to rebuild that is as short as time as possible, not to exceed 10 years, with some exceptions.



Case Law: NRDC vs. Daley



- Court held: The quota must have, at the very least, a 50% chance of attaining the target F.

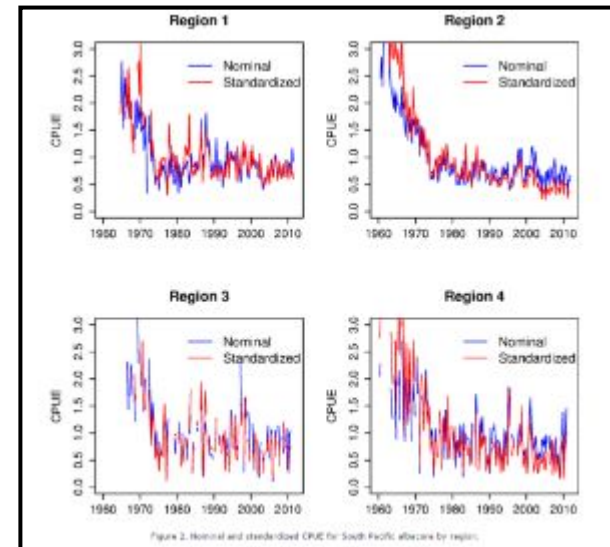
“Only in Superman Comics’ Bizarro World, where reality is turned upside down, could NMFS conclude that a measure that is at least four times as likely to fail as to succeed offers a ‘fairly high level of confidence.’”



National Standard 2

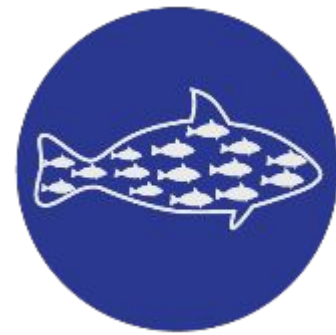


- Best scientific information available (BSIA)
- How is science information evaluated?
 - Relevance, Inclusiveness, Objectivity, Transparency and Openness, Timeliness, Verification and Validation, and Peer Review.
- Role of Scientific and Statistical Committees (SSC)



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National Standard 3



- To the extent practicable, manage a stock as a unit throughout its range.
- Coordinate across jurisdictions.
- Identify management unit.



National Standard 4

- Do not discriminate between residents of different states.
- Allocations shall:
 - Be fair and equitable.
 - Promote conservation.
 - Prevent excessive shares of privileges.



National Standard 4 – Case Law



- Cannot intentionally discriminate.
- It's ok if measures have different effects on persons in various locations.
- Record must demonstrate how the decision promotes conservation.



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National Standard 5



- Where practicable, consider efficiency in utilizing fishery resources.
- EXCEPT economic allocation may not be sole purpose.

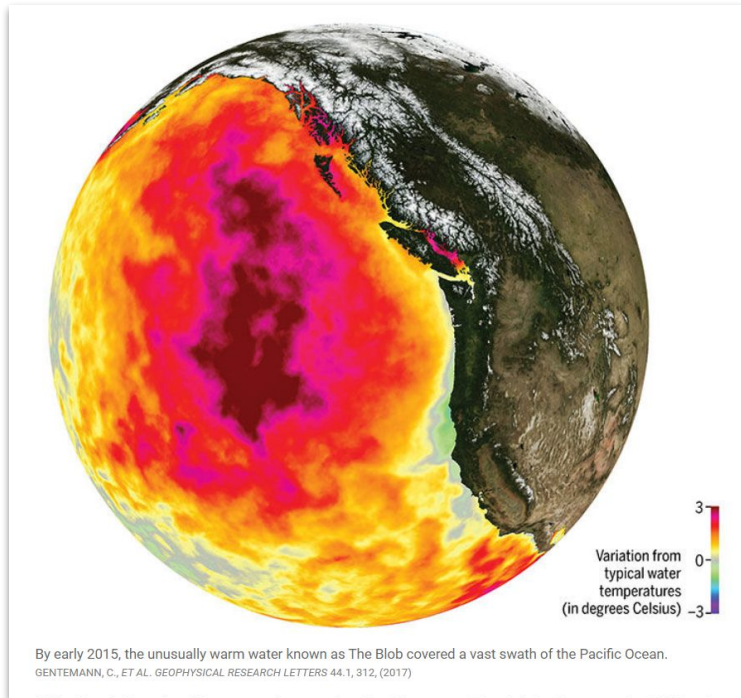


National Standard 6



- Take into account variations and contingencies.

Buffers to account for uncertainty



Flexible Management Regime



Fishing season
open



Fishing season
closed

National Standard 7



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



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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.



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National Standard 8 – Case Law



NS 1 versus NS 8?

“A collapsed fishery will not be economically viable for decades, and is a worse economic consequence than the temporary measures (several years of industry shut-down) contained in the FMP..”

“While economic effects must be taken into account, such effects were not meant to trump the real purpose of the MSA, which is to preserve and protect US fisheries.”

“Deliberations regarding the importance of fishery resources to affected fishing communities, therefore, must not compromise the achievement of conservation requirements and goals of the FMP.”

National Standard 9

- To the extent practicable:
 - Minimize bycatch.
 - Minimize bycatch mortality.



National Standard 10

- To the extent practicable, promote safety at sea.
- Avoid risk.
- Consult with the USCG.



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Keeping the National Standard Guidelines Current

- NOAA Fisheries periodically updates the National Standard Guidelines.
- This is completed through a public process.
- We are currently considering updates to the guidelines for National Standards 4, 8, and 9.



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Question:

- What is your favorite National Standard and why?



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Additional Resources

- National Standard Guidelines
- See Handout (2 pager)
- <https://www.fisheries.noaa.gov/national/laws-and-policies/national-standard-guidelines>



Summary

- Councils have a role in determining which stocks are in need of conservation and management.
- National Standards establish competing policy objectives that must be balanced and addressed in fishery management actions.
- The record for each action should document how the action complies with each National Standard.
- Further questions – ask your Regional Office or Council staff.



Questions?



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