



Lowering the Bar

Proposed national fishery management rule threatens healthy oceans

Overview

A proposal released in January 2015 by the National Oceanic and Atmospheric Administration's Fisheries Service (NOAA Fisheries) would weaken implementation of key parts of the Magnuson-Stevens Fishery Conservation and Management Act, the primary law governing management of U.S. ocean fish. National guidelines for fishery managers to fulfill the law's requirements are enabling many fish populations around the country to recover from decades of overfishing. In addition, the use of science-based catch limits is improving the long-term sustainability of U.S. marine fish and the livelihoods of the fishermen and coastal communities that depend on them. However, there is more work to do. Atlantic cod, Gulf of Mexico greater amberjack, and many other populations remain subject to overfishing or still require rebuilding plans to restore them to healthy levels.

NOAA Fisheries' proposed rule would revise the act's National Standard 1 guidelines, which provide direction for regional fishery managers on preventing overfishing, rebuilding overfished stocks, and achieving catch levels that benefit the nation. The proposal promotes strategies that would increase the risk of overfishing and would allow managers to leave populations at low levels rather than rebuild them quickly and to forgo management of fish stocks in need of conservation.

NOAA Fisheries' proposal would allow fishery managers to:

- **Delay lowering catch limits in response to scientific information, increasing the risk of overfishing.** Putting off needed catch reductions jeopardizes the health of fish populations already in decline.¹
- **Obscure information about overfishing.** By averaging several years of fishery data to determine the health of a population, managers could ignore individual years in which unsustainable fishing occurs and fail to take immediate action to set sustainable levels. This increases the risk that overfishing will continue.
- **Raise fishing quotas by carrying over the uncaught fish from a previous year without determining whether the population is healthy.** Sometimes, fishermen do not catch the full quota simply because they did not fish enough. But unused quota could also be a sign that the health of the population is worse than estimated and there are not enough fish in the water to meet the authorized catch level. Allowing uncaught fishing quotas to roll over without determining the potential impact is risky and could easily damage the health of a fish population, particularly one that is already overfished.

- **Exclude important fish species from management under the law.** Deciding which populations should be managed under the Magnuson-Stevens Act is a fundamental step toward ensuring that science-based rules are put in place to prevent overfishing. Under the proposal's new criteria for determining when regional fishery council management is needed, short-term political or economic factors, the existence of weaker state management, or industry self-regulation could trump scientific considerations and block appropriate conservation measures.
- **Continue using deficient plans for rebuilding overfished stocks to healthy levels, instead of revising the plans to restore populations more quickly.** The proposal would allow managers to keep using rebuilding plans that did not meet their goals and to extend timelines for rebuilding overfished stocks for years or even decades beyond what would be allowed currently. Fish populations would remain at low levels longer than necessary, risking further collapse and providing little value to fishermen.
- **More easily group healthy and unhealthy stocks together for management purposes, increasing the risk of chronic overfishing of weaker stocks.** The proposal would let managers combine dissimilar fish populations and manage them jointly, without considering the health of individual populations. When managers know that a population is subject to or vulnerable to overfishing, they must prevent unsustainable catch of those species.

The oceans face new and growing pressures from habitat destruction, climate change, and expanded exploitation of marine resources. Unfortunately, NOAA Fisheries' proposal misses an opportunity to help fishery managers better tackle these and other challenges. Any revisions to the National Standard 1 guidelines should promote a more comprehensive approach that considers the effects of fishing on the wider ocean ecosystem and how changes in the environment affect fishing. Instead, the proposed rule increases management risks for U.S. fish populations and fails to take the steps that are necessary to meet 21st-century challenges.

NOAA Fisheries is accepting public comments on its proposal now through June 30, 2015, by mail and online. This is a critical opportunity to call on the agency to modify its proposed revisions to avoid any backsliding and ensure that management moves forward. Contact us today to learn more about what you can do, or submit comments to the website below to encourage sustainable fisheries management for the long-term benefit of the nation and the oceans.

<http://www.regulations.gov/#!submitComment;D=NOAA-NMFS-2012-0059-0085>

Endnote

- 1 Steven A. Murawski, "Rebuilding Depleted Fish Stocks: The Good, the Bad, and, Mostly, the Ugly," *ICES Journal of Marine Science* 67 (2010): 1830–40, doi:10.1093/icesjms/fsq125; and Peter A. Shelton et al., "Fishing Under Low Productivity Conditions Is Further Delaying Recovery of Northwest Atlantic Cod (*Gadus morhua*)," *Canadian Journal of Fisheries and Aquatic Sciences* 63, no. 2 (2006): 235–8,