



**Advanced Notice of Public
Rulemaking (ANPR) – National
Standards 4, 8, and 9:
*Review of Comments***

August 2023 Council Meeting

Annapolis, MD

ANPR Background

- Seeking input to determine if guidelines for NS4 (allocation), NS8 (communities) and NS9 (bycatch) need to be revised to improve management
- It's been a while since last revisions to these guidelines (NS4 – 1998, NS8 and 9 – 2008)
- Conditions changing and new management challenges
- Broad areas of interest for comments:
 - Climate-related impacts, including stock distribution changes
 - Equity and environmental justice (EEJ) considerations

Comment Areas of Interest

- National Standard 4 (allocation)
 - Climate related comments:
 - Allocation approaches to consider distribution change and access to historical, marginalized, excluded, and new entrants
 - Reinforce the NMFS' Allocation Policy to conduct reviews
 - Analyses and approaches to support allocation decisions
 - EEJ related comments:
 - Approaches to improve considerations of underserved communities, previously excluded participants, and new entrants
 - Info and analyses to ensure allocation decisions are fair & equitable

Comment Areas of Interest (cont.)

- National Standard 8 (Communities)
 - Climate related comments:
 - Opportunities to better account for climate impacts, including stock distribution changes, and increased adaptability of fishing communities
 - EEJ comments:
 - Revisions to definition of fishing communities
 - Suggestions to balance “sustained participation” with the need to consider underserved and vulnerable communities

Comment Areas of Interest (cont.)

■ National Standard 9 (Bycatch)

– Climate related comments:

- Ways to account for changing bycatch of target, non-target, and protected species due to distribution changes

– EEJ comments:

- Ways to minimize bycatch that is equitable across fisheries and gear types
- How to balance the needs of target and non-target species equitably across fisheries and gear types

Draft Comments - Overall

- A more clearly specified definition of “underserved communities” as it relates to fisheries with some specific regional examples
 - Consider an evaluation of these NS in relation to impacts to the commercial fisheries
- If pursued, future rulemaking should address deficiencies in current management process and how updates to guidelines will address
 - Provide examples on how revised guidelines might affect current and future FMP considerations and development
- Some clarity/minor adjustments might be helpful, existing guidelines provide Council with sufficient direction to address priority areas
 - Guidelines should remain largely unchanged

Draft Comments – NS4

■ Overall

- Need careful consideration for any possible changes to allocation guidance that considers new entrants – particularly for limited access, IFQ/ITQ fisheries
- The need to modify guidance to reinforce the NMFS Allocation Policy seems unnecessary

■ Climate related

- Past allocation decisions deemed fair & equitable – considered unfair now?
- Existing guidance already allows for allocation/access decisions that analyze and account for shifting stocks. Shifting stocks should be considered, but not be the only factor considered
 - MAFMC has considered and recommended allocation decisions that consider climate induced changes
 - Guidance that is more prescriptive could make analyses and evaluations more difficult
- Applicability and relevance of historical info and current regulations
- Allocations with a spatial component – greater clarity on “location” elements such as historic/current locations of catch, effort, and harvest

Draft Comments – NS4 (cont.)

■ EEJ related

- Additional information/clarity is needed on the following:
 - How EEJ considerations promote conservation
 - How have underserved communities and marginalized individuals been excluded in the current allocation process – examples would be helpful
- Existing guidelines already aligned with EEJ goals
 - More prescriptive guidance could create challenges, particularly with available economic data
- Instead of addressing potential underserved communities through guidance, conduct greater outreach and engagement in the management process and representation

Draft Comments – NS8

■ Overall

- It's unclear what the implications are and rationale of removing language that states "does not constitute a basis for allocating resources to a specific fishing community nor for providing preferential treatment based on residence in a fishing community"

■ Climate related

- Current guidelines are sufficient to evaluate/consider climate effects on communities

■ EEJ related

- General support to improve definition of "fishing community" but caution against making nebulous or unclear – decreased flexibility and adaptability
 - Definition should include and balance both "dependence" and "engagement"
 - Clear definition of engagement and how evaluated

Draft Comments – NS9

■ Overall

- Unclear how revised guidelines will incentivize bycatch uses
 - Market conditions determine opportunities and business decisions
- Where bycatch cannot be reduced/eliminated, guidelines to include opportunities to reduce waste should be included

■ Climate related

- Guidelines should include additional flexibility and approaches to address choke species and ecosystem (EAFM/EBFM) approaches to reduce bycatch at a multispecies level
- Include elements that promote flexibility to switch/retain non-target species

■ EEJ related

- None

For Meeting Today

- Provide feedback on draft comments, identify any new/additional comments
- Based on feedback, staff will develop letter to submit to NMFS
- Comment deadline – September 12, 2023