

End Overfishing in U.S. Fisheries

September 19, 2008

VIA COURIER AND FACSIMILE

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National Marine Fisheries Service
Office of Sustainable Fisheries
1315 East-West Highway, Room 13357
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RE: Comments on Annual Catch Limits proposed rule

We, the undersigned organizations, urge the National Marine Fisheries Service to provide strong and clear guidance on complying with the mandate of Congress to end overfishing in U.S. waters. Overfishing harms marine fish populations and marine ecosystems, and curtails commercial and recreational fishing opportunities. For too long, short-sighted thinking by fisheries managers and lax oversight by NMFS have allowed unsustainable fishing practices to continue to the detriment of fish populations and fishermen alike.

We were heartened by Congress' action to strengthen federal fisheries management in the MSRA of 2006, particularly with regard to preventing overfishing by requiring the use of science-based annual catch limits and accountability measures. The strengthened law is designed to close loopholes that some of the regional fishery management councils have used to permit overfishing on some of America's most valuable marine fish populations.

We are further encouraged by the fisheries service's initial draft of the National Standard 1 Guidelines for implementing the overfishing provisions in the new law. The draft lays out a framework for setting science-based annual catch limits (ACLs) and establishing accountability measures (AMs) as required by the MSRA, and strengthens the existing rebuilding requirements for overfished stocks. Now it is time to finish the job by promulgating a final rule that gives strong, clear guidance to fishery managers to end overfishing and eliminates provisions that would leave loopholes for un-sustainable fishery management. To that end, we call on the fisheries service to do the following when finalizing the rule:

- **Require fishery managers to set numeric, science-based catch limits in all U.S. fisheries to ensure sustainable fishing levels.** The final rule should retain the proposed framework for setting numeric catch limits using a science-based process similar to the approach in Alaska and the Pacific Coast, as intended by Congress. Importantly, catch limits apply to all stocks in a fishery, and must account for all sources of fishing mortality including bycatch and discarded fish at sea.
- **Require buffers, or margins of safety, between the overfishing level and annual catch limits to account for uncertainty.** To work properly, the draft rule's approach

to setting catch limits recommends buffers addressing scientific and management uncertainty. The buffers act as preventative accountability measures to provide a high probability that overfishing does not occur in a fishery. The final rule should *require* the use of such buffers to achieve a high probability that overfishing does not re-occur.

- **Keep rebuilding provisions strong.** The draft rule maintains and strengthens key provisions in the existing guidelines to rebuild overfished stocks as quickly as possible and within 10 years in most cases, as required by the MSRA. The final rule must instruct managers to end overfishing immediately, rebuild depleted populations within 10 years when biologically possible, and institute accountability measures if overfishing occurs or rebuilding timeframes are exceeded.
- **Hold fishery managers accountable** by requiring regular scientific review and revision of management accountability measures to correct problems that led to overages of annual catch limits.
- **Recognize the important ecological role of forage fish** by recommending that fishery managers should maintain higher levels of stock abundance than conventional fishing strategies in order to leave more food in the water for predators. The rule needs to go farther, however, by explicitly detailing how fishery managers should do this to ensure adequate prey availability for predators such as fish, marine mammals, and seabirds.
- **Include guidance for managing poorly-studied marine fish populations** to protect them from overfishing. The fisheries service should incorporate specific guidance on how fishery managers should assess the vulnerability of data-poor fish stocks and establish catch limits to prevent overfishing, particularly in situations when these stocks are combined into complexes and managed as a unit.
- **Eliminate the so-called “weak-stock exception,” a loophole that allows overfishing on vulnerable fish populations within a complex of other fish species.** This provision is clearly at odds with the intent of Congress and the law to prevent overfishing in a fishery and must be eliminated.

As written, the proposed rule is a good first step toward ending overfishing and rebuilding overfished fisheries. We also call on the Fisheries Service to increase funding for expanded stock assessment work and fishery data collection to support establishing science-based catch limits in all U.S. fisheries, by re-programming funds from inappropriate and wasteful projects such as the promotion of offshore aquaculture development and by seeking greater funding from Congress to assess the nation’s marine fish populations. It’s critical that the Fisheries Service establish guidance that lives up to the spirit and letter of the MSRA, so that effective regulations are implemented by fishery managers to end overfishing and ensure healthy oceans and productive fisheries from now on.

Sincerely,

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