



Fact Sheet

A Rule to End Overfishing in the United States

In January 2007, President Bush signed legislation reauthorizing and strengthening the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the law that governs fishing in federal ocean waters. This new law strengthens the role of science in fisheries management. On June 9, 2008, the National Marine Fisheries Service (NMFS) proposed a new rule to enhance the use of science-based management to end overfishing and restore depleted fish populations. On January 16, 2009, NMFS published the final rule creating a framework for fishery managers to establish annual catch limits, based on the best available science, in order to end overfishing in U.S. ocean waters by 2011. This new rule represents an important step forward in fisheries management.

The final rule improves fishery management by:

Requiring Annual Catch Limits Based on the Best Available Science

The agency's regulation requires managers to establish annual catch limits for all managed fish stocks and stock complexes that are based on the recommendations of their scientific advisors to ensure an end to overfishing. Fishery management plans must establish annual catch limits and accountability measures by 2010 for all stocks subject to overfishing and 2011 for all other stocks. The rule also requires regional fishery management councils to consider scientific and management uncertainty so that there is a low risk that catch limits are exceeded.

Holding Fishery Managers Accountable

The final rule contains strong accountability measures that require managers to take immediate action if catch limits are exceeded. If limits are exceeded, these measures are required to be triggered and implemented as soon as possible to correct the cause of the overage and any biological consequences that result.

Adding Teeth to Rebuilding Deadlines

If managers fail to meet a deadline for rebuilding a severely depleted fish stock, they are required to significantly reduce fishing by setting conservative catch limits that are 75 percent of the overfishing limit. This provision will facilitate rebuilding depleted stocks by both enforcing the deadlines and easing fishing pressure on these vulnerable populations.

Increasing Protection for Vulnerable Fish Stocks

The final rule gives explicit guidance on how to group fish stocks into complexes so that all of the stocks in the complex have similar vulnerabilities to fishing. It further calls for reorganizing existing complexes that don't have similar vulnerabilities. It also

states that more conservative management measures are necessary to ensure that more vulnerable species in a complex are not subject to overfishing.

Clarifying What Fish Stocks Must Have Catch Limits

The final rule specifies that, as a general rule, all stocks included in a fishery management plan must have annual catch limits, including all target stocks, non-target stocks retained for sale, and discards. NMFS exempts non-target stocks that are not generally retained, as long as the stocks are not subject to overfishing or likely to become so, and recommends that regional councils monitor these species, minimize bycatch, and reclassify them as “in the fishery” if their status changes.

Remaining Areas of Concern

Despite the positive aspects of this rule, it still contains loopholes that will require NMFS to closely monitor implementation by the regional councils to ensure that overfishing does not occur. Specifically, the final rule:

Allows the Catch Target to be Set Equal to the Overfishing Limit

NMFS does not mandate buffers to account for scientific and management uncertainty when setting catch limits. Rather it states that buffers will be the usual practice, but allows regional councils to not establish buffers if they provide sufficient analysis and justification.

Allows Overfishing of Weak Fish Stocks When They are Managed as a Unit

Where multiple fish stocks are managed as a mixed stock fishery or complex, NMFS allows overfishing on weak stocks as a result of exploitation of healthier stocks.

Despite these shortcomings, we are encouraged by the improvements in the final rule. NMFS responded to overwhelming public pressure to strengthen and clarify the final rule in a number of key areas. The burden is now on NMFS to hold the regional councils accountable and ensure that the requirements and recommendations of this rule are met. Strong implementation depends on accountability to ensure that science-based annual catch limits and accountability measures are established and implemented so that America can finally put an end to overfishing.

For more information, please contact:

Lee Crockett, Director of Federal Fisheries Policy, Pew Environment Group
(202) 552-2065 lcrockett@pewtrusts.org

Please also visit our new website for more resources at www.endoverfishing.org.