



Fact Sheet

A Proposal to End Overfishing in the United States: National Marine Fisheries Service's Proposed Rule takes Strides in Fisheries Management, but Loopholes Remain

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. Strengthening the role of science in fisheries management, the new law requires managers to establish annual catch limits (ACLs), based on the best available science, in order to end overfishing in U.S. ocean waters by 2011. On June 9, 2008 the National Marine Fisheries Service (NMFS) proposed new rules to enhance the use of science-based management to end overfishing and restore depleted fish populations. This proposal represents an important step forward in fisheries management, but NMFS must close several loopholes in the proposal in order to end overfishing once and for all by 2011.

The proposed rule improves fishery management by:

Requiring Annual Catch Limits based on the Best Available Science

The agency's proposed regulation requires managers to establish annual catch limits that are based on the recommendations of their scientific advisors. To account for management and scientific uncertainty, the proposal **recommends** the use of buffers between management targets and the catch limit to ensure that the limit is not exceeded.

Holding Fishery Managers Accountable

The proposal contains strong accountability measures that require managers to take action if catch limits are chronically exceeded. Additionally, if a council exceeds a catch limit one year on a severely depleted stock, they are required to deduct the amount of that overage from the subsequent year's catch limit.

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% of the overfishing limit. This provision should facilitate rebuilding depleted stocks by both enforcing the deadlines and easing fishing pressure on these vulnerable populations.

Loopholes the National Marine Fisheries Service Must Close to Improve the Rule

Despite the positive steps forward this rule takes, NMFS must tighten several of the provisions to ensure that loopholes do not undermine the main goals of the proposal. Specific loopholes that the National Marine Fisheries Service must close to improve the rule include:

Require Science-based Catch Limits with Uncertainty Buffers

NMFS should clarify the rule to ensure that managers are required to follow the advice of their scientific advisors in all cases and the rule needs to **require** buffers to account for scientific and management uncertainty.

Ensure Protection for Weak Fish Stocks when they are Managed as a Unit

Where multiple fish stocks are managed as a single unit or “complex,” NMFS should revise its proposed rule to ensure that the catch limit for the complex is not based on the health of stronger stocks at the expense of weaker ones.

Protect Vulnerable Fish Stocks

NMFS must include specific guidance on how to group fish stocks into complexes so that all of the stocks in the complex have similar vulnerabilities to fishing. This is critical to ensure that poorly-studied vulnerable stocks will not be subject to overfishing when managed in complexes.

PLEASE NOTE: THE 90 DAY PUBLIC COMMENT PERIOD FOR THIS PROPOSED RULE ENDS SEPTEMBER 22, 2008.

For more information, please contact:

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