

Best Scientific Information Available (BSIA)

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Sources of Authority and Guidance

- Magnuson-Stevens Act
- National Standard Guidelines
- NMFS Draft BSIA Framework



Magnuson-Stevens Act BSIA

Section 2, Policy:

“to assure that the national fishery conservation and management program utilizes, and is based upon, the best scientific information available . . .”

Section 301, National Standard 2:

“Conservation and management measures shall be based upon the best scientific information available.”



Magnuson-Stevens Act

SSC's Role

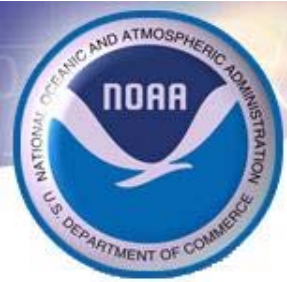
- Section 302(g)(1)(B)
 - Provide ongoing scientific advice for fishery management decisions, including **recommendations** for acceptable biological catch, preventing overfishing, maximum sustainable yield, achieving rebuilding targets, and reports on stock status and health, bycatch, habitat status, social and economic impacts of management measures, and sustainability of fishing practices.



National Standard 2 Guidelines

50 C.F.R. § 600.315

- Scientific Information Includes:
 - factual input, data, models, analyses, technical information, or scientific assessments.
 - data compiled directly from surveys or sampling programs, and models that are mathematical representations of reality constructed with primary data
 - established and emergent scientific information



National Standard 2 Guidelines

- Criteria to Consider when Evaluating BSIA:
 - Relevance
 - Objectivity
 - Transparency and openness
 - Timeliness
 - Verification and validation
 - Peer Review



National Standard 2 Guidelines SSC's Role

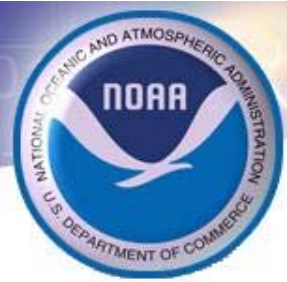
- Debate and evaluation of scientific information.
- Conduct peer reviews or evaluate peer reviews.
- Acceptable Biological Catch (ABC) recommendations



SSC's Role Cont...

Conducting vs Evaluating Peer Reviews

- Conducting Peer Reviews
 - Must meet the transparency guidelines, and strive for consensus. If consensus cannot be reached, record minority viewpoints
- Evaluate Peer Reviews
 - Consider the extent and quality of peer review that has already taken place.
 - Should not repeat the previously conducted and detailed technical peer review



SSC's Role Cont...

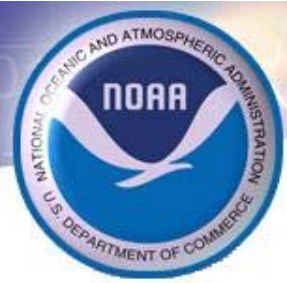
ABC Recommendations

- ACLs cannot exceed ABC recommendations
- Take scientific uncertainty into account when making ABC recommendation
- May be based upon input and recommendations from the peer review process
- SSC should resolve differences between its recommendations and any relevant peer review recommendations



National Standard Guidelines FMP Development

- Take into account the best scientific information available at the time of preparation.
 - New information available between initial drafting and submission should be incorporated where practicable.
 - Unnecessary to start the FMP process over again, unless the information indicates that drastic changes have occurred in the fishery that might require revision of the management objectives or measures



NMFS Draft BSIA Framework

- Intended to clarify the BSIA determination process.
 - stock assessment
 - SSC review
 - harvest specifications
- Presented to Council Coordination Committee, Councils, SSCs
- Councils provided comments.
- NMFS working on final draft.



Judicial Interpretation

- Not perfect, exact, complete, precise, or even accurate, just best available
- What constitutes BSIA is a highly technical inquiry
- Very deferential review by courts
 - But: Agency cannot ignore superior or contrary data