

Tab A, No. 9(a)



**NOAA
FISHERIES**

Advance Notice of Proposed Rulemaking to Potentially Update National Standards 4, 8, and 9 Guidelines

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National Marine Fisheries Service**

***Gulf of Mexico Fishery Management Council
Meeting***

June 7, 2023, Mobile, AL

Objective and Goal for this Advance Notice of Proposed Rulemaking (ANPR)



Objective: Determine if updates to the Guidelines for National Standards 4, 8, and 9 are needed to improve federal fisheries management.

Goal: Solicit public input on the current guidelines: areas/issues that may benefit from further consideration and/or revisions, as appropriate.

Background

MSA National Standards:

- NS 4 – allocations shall: be fair and equitable; promote conservation; not result in excessive shares.
- NS 8 – consider impacts to communities; provide for sustained participation; minimize adverse economic impacts to the extent practicable.
- NS 9 – minimize bycatch, and bycatch mortality, to the extent practicable.

NMFS NS Guidelines: Interpretations, Periodic updates



ANPR Focuses on 2 Current Challenges

- Climate-Related Impacts on Fisheries
- Promoting Equity and Environmental Justice in Fisheries



NS4 (Allocation) Guidelines: Climate Issues

Feedback welcome on:

- Approaches for balancing access for:
 - historical users,
 - marginalized individuals who may have been inequitably excluded historically, and
 - new users
- If revisions are needed to reinforce the NMFS Allocation Policy
- Types of documentation, analyses, or alternative approaches that could be considered.



NS8 (Communities) & NS9 (Bycatch) Guidelines: Climate Issues

Feedback welcome on:

- NS8 - updating the guidelines to improve the ability of communities to adapt to changing conditions.
- NS9 - updating the guidelines to better account for changing distributions of target stocks, bycatch, and protected resources.



NS4 (Allocation) Guidelines: Equity and Environmental Justice

Feedback welcome on:

- Approaches to improve consideration of
 - underserved/underrepresented communities
 - previously excluded entrants
 - new entrants
- Types of documentation and analyses that could help ensure allocations are fair and equitable



NS8 (Community) Guidelines: Equity and Environmental Justice

MSA defines “fishing community:”

- “substantially dependent on or substantially engaged in”
- “includes vessel owners, operators, crew and fish processors that are based in such community”

Current NS8 Guidelines further interpret:

- Reside in specific location
- Share a dependency on the resource

Feedback welcome on whether these 2 NS 8 interpretations should be updated.



NS8 (Community) Guidelines: Equity and Environmental Justice Continued...

Feedback welcome on: If the NS 8 definition of “fishing community” within the guidelines should be updated:

- to allow communities that are not place-based (i.e., fishery participants are not required to live in same geographic location)
- to shift balance between dependence and engagement



NS8 (Community) Guidelines: Equity & Environmental Justice Continued...

Feedback welcome on:

How to appropriately balance requirements for “sustained participation” of fishing communities with the need to improve consideration of:

- underserved/underrepresented communities
- previously excluded entrants
- new entrants
- communities with high levels of social or climate vulnerabilities

Removal of unnecessary text (allocations to fishing communities)



NS9 (Bycatch) Guidelines: Equity and Environmental Justice

Feedback welcome on how/whether to:

- Modify guidelines to minimize bycatch in a manner that is equitable across different fisheries and gear types.
- Better balance needs of bycatch and target fisheries in a manner that is equitable across different fisheries and gear types, especially when one or more fisheries are important for underserved populations.



Other Challenges Mentioned in ANPR

Feedback welcome on additional topics:

- Options for minimizing bycatch under the NS9 practicability standard
- Revisions to the guidelines that would incentivize reducing waste



Timeline:

ANPR

- Published May 15, 2023
- Presentation to CCC May 23, 2023
- Presentations offered to each Council June-August 2023
- Two Tribal and One National Level Webinar June-July 2023
- Public comment period closes September 12, 2023



If warranted, NMFS will begin drafting a proposed rule in Fall of 2023

QUESTIONS OR COMMENTS?

