



# Fishery Science Improvement Act Fact Sheet

Senators Bill Nelson (D-Fla.), Marco Rubio (R-Fla.) and others introduced the Fishery Science Improvement Act, which enables the National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NOAA Fisheries) to manage marine fisheries based on sound and timely science. The legislation is similar to a House bill (H.R. 2304) offered by Rep. Rob Wittman (R-Va.) and 34 bi-partisan co-sponsors.

Sound science should drive management of our valuable fisheries. The reality is that sometimes fishery management decisions have been made using inadequate or outdated data and incomplete analysis. Guesswork has no place in the management of America's natural resources. Management tools such as annual catch limits (ACLs) should be based on actual scientific calculation on what is appropriate for a given stock.

As amended in 2006, the Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires Regional Fishery Management Councils to put in place ACLs for every fishery by Dec. 31, 2011. This provision has been interpreted to apply to every stock of fish under management, leaving Councils with the conundrum of either deleting stocks from federal management or applying highly restrictive ACLs based on very poor data – or in some cases, non-existent data. NOAA presently has 528 stocks of fish or complexes of stocks under management. And there is updated stock assessment data on only 121 of the 528. The Fishery Science Improvement Act (FSIA) lifts the requirement to implement ACLs on stocks for which there is inadequate data and no evidence of overfishing. The legislation allows NOAA Fisheries to better conform to the intent of the 2006 reauthorization of MSA: ending overfishing based on sound scientific management.

## Scientific Stock Assessments

The legislation directs NOAA Fisheries to set annual catch limits (ACLs) only on those stocks of fish for which they have up-to-date scientific information to inform that decision. The bill's two conditions exempting a fishery from the ACL requirements are 1) the lack of a stock assessment in the prior six years and 2) the absence of any indication that overfishing is occurring. Under the agency's interpretation of current law, it plans to establish ACLs by year-end on all stocks under management whether or not scientific information exists on the health of the stock. FSIA ensures the agency can manage to the science they have without removing protections for overfished stocks.

## Ecosystem Stocks

FSIA provides for a science-based fishery management framework. With so many stocks of fish lacking sound scientific data, the agency is currently forced to either remove individual stocks from management or move selected stocks to an administratively-created ecosystem management category. This bill authorizes the Administration's informal guidance and broadens the criteria for the designation of a stock's inclusion in the ecosystem category.

## Examples: South Atlantic Mahi & North Pacific Cod

Mahi Mahi is popularly sought after by commercial and recreational fishermen. Sustainably harvested, it is delicious table fare all across the country. Mahi shows no indication of overfishing, but NOAA Fisheries lacks a current scientific stock assessment on the fishery. Nonetheless, the agency instituted an ACL on the mahi fishery earlier this year based on a guess. Is it too high to ensure sustainability? Too low to allow responsible harvest? No one knows but the economic consequences could be devastating.

Pacific Cod – among the best-managed fisheries in the world – is scientifically assessed annually. It is known to be in good shape. Sometimes, when Alaska commercial fishermen target cod with pots, they accidentally catch octopus. NOAA did not have an assessment on octopus but knows the octopus stock shows no indication of overfishing. Nonetheless, due to the agency's interpretation of current law, NOAA took a guess and set an ACL on octopus. It has since been estimated that the ACL on octopus was exceeded. So fishery managers shut down the Alaska pot fishermen targeting cod based on a guess about octopus. Was the ACL set on octopus too high? Too low? Who knows? But one of the world's best-managed fisheries (cod) is shut down today in the Bering Sea because of a guess about the octopus fishery.

Guesswork has no place in scientific management of America's public fishery resources. NOAA Fisheries is readying firm ACLs for 528 stocks of fish to meet a Dec. 31, 2011 deadline, without recent and accurate scientific information on even 25 percent of those stocks. The Fishery Science Improvement Act will prevent restrictions on fisheries that are not science-based and allow the agency to identify priority fisheries on limited resources.

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