



New England Fishery Management Council

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To: Paul J. Howard, Executive Director
From: Dr. Steve Cadrin, Scientific and Statistical Committee Chairman
Date: November 18, 2008

Subject: SSC Recommendations on NS2 Advanced Notice of Proposed Rulemaking

The SSC reviewed the ANPR and the proposed Council comment, for consideration by SSC:
“The proposed guidelines should address the standing of decisions by the Council’s SSC relative to the review of a management action by NMFS and its scientists. If an SSC (or other peer review) determines that a catch level, MSST, rebuilding targets, or other scientific elements of a management plan are the “best available science”, can the Secretary of Commerce reverse that evaluation during the review of the action prior to implementation? Carried to its extreme, if the Council sets catch levels consistent with the SSC’s ABC, can NMFS require lower catch levels?”

The SSC agrees that it would be unusual for the Secretary to overrule SSC recommendations after they are developed, but we accept that there may be reasons for the Secretary to do so (e.g., new information).

The SSC recommends that NS2 guidelines consider previous guidance from the National Research Council (2004) and the American Fisheries Society/Estuarine Research Federation (AFS/ERF 2006, Sullivan et al. 2006).

References

AFS/ERF (American Fisheries Society / Estuarine Research Federation). 2006. Defining and Implementing Best Available Science for Fisheries and Environmental Science, Policy, and Management. Available online at <http://www.dnr.cornell.edu/pjs31/AFS.ERF.BestScienceR3.pdf>

National Research Council. 2004. Improving the use of the “Best Scientific Information Available” Standard in Fisheries Management. National Academies Press, Washington DC.

Sullivan, P.J. and ten coauthors. 2006. Defining and implementing best available science for fisheries and environmental science, policy, and management. *Fisheries* 31: 460-465.