

MAGNUSON-STEVENS ACT REAUTHORIZATION IMPLEMENTATION

The Council has been working closely with the National Marine Fisheries Service (NMFS) and the other seven Regional Fishery Management Councils on implementing new provisions in the Magnuson-Stevens Act (MSA) as amended by the *Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006* (MSRA). NMFS maintains a web site focused on MSA reauthorization (www.nmfs.noaa.gov/msa2007/) and has posted a tracking sheet on the status of implementation of many new provisions (Agenda Item B.5.a, Attachment 1).

In April, the Council focused on three specific items for Council action: (1) the process for establishing annual catch limits (ACLs) and accountability measures (AM); (2) consideration of proposals for a new environmental review process for fishery management actions; and (3) implementation of Western Central Pacific Fisheries Commission provisions. In a letter dated April 17, 2007 (Agenda Item B.5.a, Attachment 2), the Council provided comments regarding ACLs and AMs including examples of how the current Council process is already meeting many of the envisioned requirements for preventing overfishing. Additionally, the letter conveyed Council support for integrating applicable environmental analytical procedures of the National Environmental Policy Act (NEPA) with the procedures for preparation or amendment of Fishery Management Plans under the MSA and endorsed the Council Coordination Committee's (CCC) proposed revised environmental review procedures for use as general initial guidance to NMFS on the matter. No additional review materials are anticipated on these two matters until July 2007.

The CCC met May 7-11, 2007 and devoted a significant portion of their agenda to implementation of the reauthorized MSA. The meeting was well attended by Council and Council staff representatives who conveyed Council recommendations and positions as appropriate. Chairman, Don Hansen and Mr. Frank Lockhart will brief the Council on the meeting under Agenda Item B.5.b.

Regarding highly migratory species (HMS) management and the implementation of the Western and Central Pacific Commission provisions, the Council has approved a revised Council Operating Procedure (COP) for providing HMS management recommendations to Regional Fishery Management Organizations for public review and reviewed a draft Memorandum of Understanding (MOU) on HMS affairs between the Council, the North Pacific Fishery Management Council and the Western Pacific Fishery Management Council as called for in the MSRA. Final adoption of the COP and further guidance on the MOU is scheduled for the June meeting under Agenda Item B.2. Additionally, NMFS completed the MSRA requirement for the defining "illegal, unreported, or unregulated fishing" (IUUF) and published the definition in the Federal Register on April 12, 2007 (Agenda Item, B.5.a, Attachment 3)

Title VI of the MSRA (Agenda Item B.5.a, Attachment 4), *The Pacific Whiting Act of 2006* (Whiting Act), is an important step in the implementation of the Pacific Whiting treaty between the U.S. and Canada. The Whiting Act requires the Secretary of Commerce to appoint, in consultation with the Secretary of State and the Council, U.S. representatives to the Joint Management Committee, the Joint Technical Committee, and the Advisory Committee for the co-management of Pacific whiting with Canada. One of the four U.S. representatives on the Joint Management Committee is to be a member of the Council. The Whiting Act also calls for 6-12 U.S. representatives on both the Joint Technical Committee and the Advisory Panel.

The reauthorized MSA requires that NMFS promulgate new Experimental Fishing Permit (EFP) regulations within 180 days that “create an expedited, uniform, and regionally-based process to promote issuance, where practicable, of experimental fishing permits.” Council staff has provided NMFS with the Council’s existing EFP policies as initial input. The proposed rule for this process is anticipated soon, but was not available for the June Briefing Book. Council staff will continue to work with NMFS on the new EFP regulations and should a proposed rule become available in the near future, it will be distributed as supplemental material at the June Council meeting.

The reauthorized MSA requires the Secretary of Commerce establish a registry of recreational fisherman who fish in the Exclusive Economic Zone or for anadromous species and vessels engaged in these fisheries. Fisherman or charter vessels that are registered under suitable State laws are exempt from this registry. In an April 27, 2007 letter to Council Chairman Hansen (Agenda Item B.5.a, Attachment 5; Dr. Bill Hogarth, National Oceanic and Atmospheric Administration Assistant Administrator for Fisheries informed the Council that NMFS will be working with State agencies over the coming months as the Federal registry program is developed.

Council Action:

Direct Planning and Action on New MSA Requirements and Recommend Appointments for U.S. Representation on Joint U.S./Canada Committees and the Advisory Panel.

Reference Materials:

1. Agenda Item B.5.a, Attachment 1: NMFS MSA Reauthorization Tracking Table.
2. Agenda Item B.5.a, Attachment 2: April 17, 2007 letter from Dr. McIsaac to NMFS regarding Council comments on ACLs and Revised Environmental Review Procedures.
3. Agenda Item B.5.a, Attachment 3: IUUF Definition Final Rule, *Federal Register* Notice (72FR18404).
4. Agenda Item B.5.a, Attachment 4: MSRA, Title VI. *The Pacific Whiting Act of 2006*.
5. Agenda Item B.5.a, Attachment 5: April 27, 2007 letter from Dr. Hogarth to Chairman Hansen regarding the Federal registry of recreational fisherman and vessels.

Agenda Order:

- a. Agenda Item Overview
 - b. Council Coordination Committee/NMFS Report
 - c. Reports and Comments of Advisory Bodies
 - d. Public Comment
 - e. **Council Action:** Direct Planning and Action on New Requirements as Needed for Timely Implementation
- Mike Burner
Don Hansen/Frank Lockhart

PFMC
05/25/07