

MAGNUSON-STEVENSONS ACT REAUTHORIZATION IMPLEMENTATION

The Council, National Marine Fisheries Service (NMFS) and the other seven Regional Fishery Management Councils (RFMCs) have made progress implementing various new provisions in the Magnuson-Stevens Act (MSA) as amended by the *Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006* (MSRA). The Council has revised its Council Operating Procedures regarding research and data needs and the function of its Scientific and Statistical Committee (SSC), revised and updated financial disclosures for Council and SSC members, and provided substantial comments on key MSRA provisions, most notably those focused on ending overfishing and improving the environmental review process. NMFS has completed a one-year status report on MSRA implementation which highlights achievements to date and tracks completed, pending, and delayed projects (Agenda Item B.2.a, Attachment 1).

The Council has been anticipating proposed guidelines and/or regulations on several important MSRA provisions such as (1) a proposed rule for expedited, uniform, and regionally-based exempted fishing permits (EFPs), (2) a draft Environmental Impact Statement (DEIS) from NMFS regarding the process for establishing annual catch limits and accountability measures designed to prevent overfishing, and (3) a proposed rule for a new environmental review process for fishery management actions,

Regarding the first matter, on December 21, 2007, NMFS published revised definitions and procedural changes for scientific research activities and EFPs (Agenda Item B.2.a, Attachment 2). The need to minimize bycatch has increased the use and variety of scientific research activities and EFPs in recent years. Under the Cooperative Research Program (new MSA Section 318), NMFS is working to standardize and streamline the issuance of permits or the acknowledgement of scientific activities. Comments on this proposed rule must be submitted to NMFS by March 20, 2007. On a related topic, NMFS has requested Council input on establishing a consistent application of agency policy regarding permit fees, including fees for the issuance of EFPs (Informational Report 1).

Regarding the other two matters, no review materials were available by the deadline for the advance March Briefing Book. The MSRA status report (Agenda Item B.2.a, Attachment 1) schedules these items for publication in the spring of 2008. Staff will continue to work with NMFS on implementation of MSRA provisions and review materials will be distributed at the first Council meeting following their publication by NMFS.

Regarding the third matter, in December 2007, select members of the Council Coordination Committee participated in an internal review of proposed environmental review requirements under the MSA and the National Environmental Policy Act (NEPA). Mr. Chris Oliver, Executive Director of the North Pacific Fishery Management Council attended the meeting. And in a letter to Mr. Steve Leathery, NMFS National NEPA Coordinator, dated January 30, 2008, Mr. Oliver expressed concern about the direction of the proposed policy revisions and the lack of significant NMFS coordination with the RFMCs (Agenda Item B.2.a, Attachment 3).

Council Action:

Review proposed changes to EFP regulations and address other new requirements, as available.

Reference Materials:

1. Agenda Item B.2.a, Attachment 1: *Implementation of the Magnuson-Stevens Reauthorization Act of 2006: 1-Year Status Report*, NMFS.
2. Agenda Item B.2.a, Attachment 2: Proposed rule regarding new and revised definitions for certain regulatory terms, and procedural and technical changes to the regulations addressing scientific research activities, exempted fishing, and exempted educational activities.
3. Agenda Item B.2.a, Attachment 3: January 30, 2007 letter from Mr. Chris Oliver to Mr. Steve Leathery regarding proposed environmental review requirements.

Agenda Order:

- a. Agenda Item Overview Mike Burner
- b. Reports and Comments of Advisory Bodies
- c. Public Comment
- d. **Council Action:** Review proposed changes to EFP regulations and address other new requirements, as available.

PFMC
02/19/08