

IMPLEMENTATION OF THE MAGNUSON-STEVEN REAUTHORIZATION ACT (MSRA)

The Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (MSRA) established several new fishery management provisions pertaining to National Standard 1 of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) which states, “Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry.” On June 9, 2008, the National Marine Fisheries Service (NMFS) published a proposed rule in the Federal Register to implement the new MSRA requirements and revise the guidelines for National Standard 1. (Agenda Item C.5.b, Attachment 1).

The MSRA and proposed NMFS guidelines introduce new fishery management concepts including overfishing levels (OFLs), annual catch limits (ACLs), annual catch targets (ACTs), and accountability measures (AMs) that are designed to better account for scientific and management uncertainty and to prevent and end overfishing. The proposed rule describes the relationship of these new management tools to existing fishery management concepts such as acceptable biological catch (ABC) and optimum yield (OY). These important aspects of the MSRA are required to be implemented by 2011 for most species and by 2010 for those species designated as overfished. It is anticipated the Council will need to amend some or all of its Fishery Management Plans shortly after final NMFS rulemaking to accommodate this MSRA mandated schedule.

The reauthorized MSA calls for the Scientific and Statistical Committee (SSC) of each Regional Fishery Management Council to provide scientific advice in support of fishery management decision making on topics including, ABC, preventing overfishing, maximum sustainable yield, achieving rebuilding targets, stock status and health, bycatch, habitat status, social and economic impacts of management measures, and fishery sustainability. Additionally, the MSRA requires the Council to “establish annual catch limits for each of its managed fisheries that may not exceed the fishing level recommendation of its SSC.” To address these new requirements, NMFS has proposed that the Council include a process under its Statement of Organization, Practices, and Procedures that establishes ABC control rules, specifies the advisory bodies responsible for applying the control rule and calculating ABC, and identifies a review process that confirms the SSC’s role in recommending the ABC.

The proposed rule also addresses the rebuilding of stocks designated as overfished. The proposed rule would implement the MSRA requirement for the Council, within 2 years of notification of an overfished stock status, to prepare an FMP amendment or fishery regulations to immediately end overfishing and rebuild the stock. In 2005, when it became evident that Congress would soon reauthorize the MSA, NMFS announced its intent to withdraw most of the then proposed revisions to National Standard 1. However, some of the topics from the 2005 proposal are considered in the current revisions, including guidance on establishing the length of time for a rebuilding plan and recommendations on Council actions should a rebuilding plan end while a stock is not rebuilt.

The public comment period on these revised guidelines was originally listed in the proposed rule as closing on September 8, 2008. The June 9th publication of the proposed rule in the Federal

Register fell the same day the Council discussed this issue during its June 2008 meeting, and the September 8th comment deadline would have precluded a detailed review of the materials by the Council or its advisory bodies at the September Council meeting. The Council Executive Director requested an extension of the comment period to allow the Council to fully deliberate the matter at the September Council meeting and respond in writing shortly thereafter. On August 13, 2008, NMFS published a Federal Register notification of an extension of the public comment period to September 22, 2008 (Agenda Item C.5.b, Attachment 2).

Council Action:

Refine Recommendations for Revised Procedures Regarding National Standard 1 Guidelines, including Annual Catch Limits.

Reference Materials:

1. Agenda Item C.5.b, Attachment 1, Proposed rule regarding to implement the new MSRA requirements and revise the guidelines for National Standard 1 (73 FR 32562).
2. Agenda Item C.5.b, Attachment 2, NMFS notice of extension of the public comment period for revisions to National Standard 1 guidelines to September 22, 2008 (73 FR 47125).
3. Agenda Item C.5.c, Salmon Technical Team Report.

Agenda Order:

- a. Agenda Item Overview
- b. NMFS Report
- c. Reports and Comments of Advisory Bodies
- d. Public Comment
- e. **Council Action:** Refine Recommendations for Revised Procedures Regarding National Standard 1 Guidelines, including Annual Catch Limits.

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