

SUMMARY OF JUNE, 2014 ADVISORY BODY COMMENTS ON  
MAGNUSON-STEVENS ACT (MSA) REAUTHORIZATION

**General:**

- Given the progress made on rebuilding stocks and the work currently underway in the Councils, the Coastal Pelagic Species Advisory Subpanel (CPSAS) believes significant changes to the MSA are not necessary at this time.

**Carryover:**

- The Groundfish Advisory Subpanel (GAP) calls for including a carryover exception to annual catch limits.

**Data:**

- Both versions of the Senate draft call for the Council Scientific and Statistical Committees to develop guidelines for the greater use of data from non-governmental sources, including fishermen, fishing communities, universities, and research institutions so that some of this data could be used as the best scientific information available. The Highly Migratory Species Advisory Subpanel (HMSAS) favors this provision.
- HR 4742 requires Federal-state partnerships to develop best practices for implementing recreational fishery data collection programs and create a grant program to improve these programs, as well as requiring the National Research Council to study recreational data survey methods. The HMSAS favors this.

**Data-poor species:**

- The HMSAS favors provisions calling for Councils to identify data-poor species and prioritize them for the U.S. Secretary of Commerce, who will then develop a plan to conduct stock assessments as soon as possible.
- The GAP calls for generally exploring more flexibility for data-poor stocks.

**Depleted/Depletion:**

- The CPSAS believes the use and definition of “depleted” and “depletion” in the reauthorization drafts will cause confusion and will require substantial clarification, and believes the term “depleted” in HR 4742, which replaces “overfished” throughout, would essentially change the definition of “overfished.”

**Electronic monitoring:**

- The HMSAS suggests only vessels greater than 24 meters in length should be required to carry vessel monitoring systems. In addition, the HMSAS agrees with the provisions in the Senate draft calling for Councils to review fishery management plans to determine where electronic monitoring can be used instead of human observers.

**Enforcement:**

- The HMSAS strongly favors HR 4742’s provision calling for a portion of penalty monies to be used for data-poor fisheries and cooperative research. The Senate version indicates such monies should be used to increase enforcement, and also would raise the maximum penalty from \$100,000 to \$180,000; the HMSAS strongly opposes such provisions.

**Mixed-Stock Exception:**

- The GAP notes that National Standard 1 guidelines are not explicit in allowing an exception. The GAP suggests that if it is referenced and available to use, a clear allowance should be included in the MSA.

**National Environmental Policy Act (NEPA):**

- The GAP calls for streamlining NEPA and MSA section 204(i) (addressed in HR 4742; partially addressed in Senate draft).

**Observers:**

- The GAP calls for more flexibility in requirements for observers.

**Rebuilding timelines:**

- The HMSAS favors the flexible approach to rebuilding timelines set out in the HR 4742.
- The GAP favors revising rebuilding time requirements and addressing social and economic issues by changing “possible” to “practicable.”
- The GAP believes stocks later determined to have never been overfished should not be held to rebuilding provisions (addressed in HR 4742).

**Recreational Fisheries:**

- Both Senate drafts provide authority for the Councils to use alternative fisheries management measures in recreational fisheries. The HMSAS favors this.

**Referendum Before Imposition of Catch Share Programs:**

- HR 4742 would provide for a referendum before the Secretary can approve or implement a catch share program coming from certain Councils. The HMSAS strongly recommends that such a provision include the Pacific Council (for fisheries other than the trawl rationalization program).

**Other:**

- The CPSAS disagreed with the definition of bycatch included in the first Senate draft. This definition was subsequently removed in the second draft.
- The CPSAS objected to language in the first Senate draft regarding forage species. All language regarding forage fish was removed in the second Senate draft.