

SUMMARY OF SUBSTANTIVE DIFFERENCES BETWEEN PACIFIC COUNCIL AND
COUNCIL CHAIRS AND EXECUTIVE DIRECTORS POSITIONS FOR
REAUTHORIZATION OF THE MAGNUSON-STEVENSON FISHERY CONSERVATION AND
MANAGEMENT ACT

Issue 1: Dedicated Access Privileges (Individual Fishing Quotas, Community Quotas, Area-Based Quotas, and Fishing Cooperatives)

Preamble

A time limit of 18 months after reauthorization was placed on the Secretarial guideline development process.

Issue 2: Competing Statutes

MSA and National Environmental Policy Act

Specific language changes were suggested for amending Sections 302, 303, and 305 of the MSA, which meets the intent of the Pacific Council's position.

MSA and National Marine Sanctuary Act

1. Specific language changes were suggested for amending Sections 302 and 304 of the National Marine Sanctuaries (NMS) Act.
2. Language was added indicating: *Prior to reaching decisions on the management regulations affecting fishing in NMS waters, a RFMC shall give full consideration of the responsibilities, goals, and objectives of individual NMS and any specific recommendations of the NMS.*

MSA and Freedom of Information Act

Language was added to clarify specific protection for non-aggregated observer data and Vessel Monitoring System data.

Issue 3: Integration of Science in the Fishery Management Process

Best Scientific Information Available

The following sentence addressing the relationship of Scientific and Statistical Committees (SSCs) to the requirements in the Data Quality Act was added: *For purposes of compliance with the Data (Information) Quality Act and attendant Office of Management and Budget guidelines, the MSA shall constitute the SSCs as an appropriate alternative review mechanism for influential and highly influential information.*

Use of Default Mechanisms

The use of interim rules (as well as emergency rules) was added to extend as necessary to address delays in the use of best available science, miscellaneous violations of National Standard 1, or other such potential concerns.

Issue 4: Ecosystem Approaches to Management

Regional Ecosystem Planning and the Role of Regional Ocean or Ecosystem Councils

The RFMCs deleted the word *voluntary* from support of regional coordinating bodies to ensure agency and other professionals could be represented.

Science Limitations

A lack of data **should not** ~~could~~ limit our ability to adopt a realistic ecosystem management approach.

The first priority should be to focus on improvements that can realistically be accomplished in the short term, using and improving on our current management tools, existing data sets, and knowledge, **recognizing models and available data will differ by region.**

Incorporating Ecosystem Planning in FMPs

Ecosystem-based FMPs should be a fundamental, first order goal ~~relative to Fishery Ecosystem Plans~~ for each Council or region.

There was a fair amount of discussion regarding the concept of an Ecosystem Management Approach as opposed to Fishery Ecosystem Plans, with the general feeling the latter was more prescriptive and not necessarily desired as an overarching requirement, while the former was not only appropriate, but could probably be achieved without amending the MSA.

Process for Developing Ecosystem-Based Goals and Objectives

Broadly defined national level objectives should be developed, followed by regionally defined goals and objectives (~~using SSC guidance~~).

The RFMCs recommend a steering committee provide recommendations on, rather than guide, the process of developing goals and objectives.

Elements of an Ecosystem Approach to Fisheries that should be Codified in the MSA

Noting the current MSA allows for ecosystem-based management, **the RFMCs do not believe it is necessary to amend the MSA to address ecosystem management.** Instead, it is recommended that regional guidance be developed to help Councils move forward with an increased level of sophistication.